

FINAL AGENDA

REGULAR COUNCIL MEETING
TUESDAY
FEBRUARY 2, 2016

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

4:00 P.M. MEETING

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

1. **CALL TO ORDER**

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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

2. **ROLL CALL**

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

MAYOR NABOURS
VICE MAYOR BAROTZ
COUNCILMEMBER BREWSTER
COUNCILMEMBER EVANS

COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER PUTZOVA

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

MISSION STATEMENT

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

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

- A. **Consideration and Approval of Minutes:** City Council Special Work Session of October 19, 2015; City Council Work Session of October 27, 2015; and City Council Regular Meeting of December 1, 2015.

5. **PUBLIC PARTICIPATION**

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

6. **PROCLAMATIONS AND RECOGNITIONS**

7. **APPOINTMENTS**

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

8. **LIQUOR LICENSE PUBLIC HEARINGS**

- A. **Consideration and Action on Liquor License Application:** Roger Burton, "Giant #084", 1010 N. Country Club Dr, Series 10 (beer and wine store), New License.

RECOMMENDED ACTION:

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

- B. **Consideration and Action on Liquor License Application:** Dara Wong Rodger, "Shift", 107 N. San Francisco St., Suite 2, Series 12 (restaurant), New License.

RECOMMENDED ACTION:

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

9. **CONSENT ITEMS**

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

ROUTINE ITEMS

- A. **Consideration and Adoption of Ordinance No. 2015-17:** An ordinance of the City Council of the City of Flagstaff, amending the Flagstaff City Code, by deleting Chapter 6-03, *Animals*, in its entirety and adopting revised Chapter 6-03, *Animal Keeping*; providing for severability, authority for clerical corrections, and establishing an effective date. ***(Animal Keeping Code)***

RECOMMENDED ACTION:

- 1) Read Ordinance No. 2015-17 by title only for the final time
- 2) City Clerk reads Ordinance No. 2015-17 by title only (if approved above)
- 3) Adopt Ordinance No. 2015-17

- B. **Consideration and Adoption of Ordinance No. 2016-05** - An ordinance of the City Council of the City of Flagstaff, Arizona, amending Flagstaff City Code Title 9, TRANSPORTATION, Chapter 9-01, TRAFFIC CODE; creating the Office of Parking Manager; modifying the duties of the Traffic Engineer accordingly; modifying and adding traffic violations necessary for permit parking and pay-to-park programs; authorizing the Parking manager to implement the Comprehensive Parking Management Program for the downtown, southside and surrounding areas with the installation of parking meters, signage, and other improvements for permit parking and pay-to-park programs; and establishing a special revenue fund for revenues generated by implementation of the Comprehensive Parking Management Program. ***(Downtown Comprehensive Parking Management Program)***

RECOMMENDED ACTION:

- 1) Read Ordinance No. 2016-05 by title only for the final time
- 2) City Clerk reads Ordinance No. 2016-05 by title only (if approved above)
- 3) Adopt Ordinance No. 2016-05

- C. **Marriott Project.**

- i. **Consideration and Adoption of Ordinance No. 2016-03:** An ordinance of the Flagstaff City Council authorizing the acquisition of certain real property as a public right-of-way for the possible widening of Humphreys Street between Route 66 and Cherry Avenue. ***(Acquisition of right-of-way - Marriott development)***

RECOMMENDED ACTION:

- 1) Read Ordinance No. 2016-03 by title only for the final time
- 2) City Clerk reads Ordinance No. 2016-03 by title only (if approved above)
- 3) Adopt Ordinance No. 2016-03

- ii. **Consideration and Adoption of Ordinance No. 2016-04:** An ordinance of the City Council of the City of Flagstaff, abandoning whatever right, title or interest it has in an approximately 82 square foot portion of public right-of-way generally located at the northwest corner of Aspen Avenue and Beaver Street to FMH Enterprises, LLC. ***(Abandonment of right-of-way - Marriott development)***

RECOMMENDED ACTION:

- 1) Read Ordinance No. 2016-04 by title only for the final time
- 2) City Clerk reads Ordinance No. 2016-04 by title only (if approved above)
- 3) Adopt Ordinance No. 2016-04 on February 2, 2016.

- iii. **Consideration of Development Agreement:** With FMH Enterprises, LLC, for the Marriott Project located at the corner of Humphreys and Aspen Avenue. ***(Development Agreement - Marriott development)***

RECOMMENDED ACTION:

Approve the Development Agreement with FMH Enterprises, LLC.

RECESS

6:00 P.M. MEETING

RECONVENE

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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

11. ROLL CALL

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

MAYOR NABOURS
VICE MAYOR BAROTZ
COUNCILMEMBER BREWSTER
COUNCILMEMBER EVANS

COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER PUTZOVA

12. PUBLIC PARTICIPATION

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

14. PUBLIC HEARING ITEMS

- A. **Public Hearing, Consideration and Adoption of Resolution No. 2016-02 and Ordinance No. 2016-07:** Public hearing to consider proposed amendments to Flagstaff Zoning Code the Preamble to the Zoning Code, Chapter 10-10 (Title, Purpose and Jurisdiction), Chapter 10-20 (Administration, Procedures and Enforcement), Chapter 10-30 (General to All), Chapter 10-40 (Specific to Zones), Chapter 10-50 (Supplemental to Zones) except for Division 10-50.100 (Sign Standards), Chapter 10-60 (Specific to Thoroughfares), Chapter 10-80 (Definitions) and Chapter 10-90 (Maps); consideration of Resolution No. 2016-02 declaring the proposed amendments as a public record; and adoption of Ordinance No. 2016-07, adopting amendments to Flagstaff Zoning Code Chapter 10-10 (Title, Purpose and Jurisdiction), Chapter 10-20 (Administration, Procedures and Enforcement), Chapter 10-30 (General to All), Chapter 10-40 (Specific to Zones), Chapter 10-50 (Supplemental to Zones) except for Division 10-50.100 (Sign Standards), Chapter 10-60 (Specific to Thoroughfares), Chapter 10-80 (Definitions) and Chapter 10-90 (Maps), by reference. ***(Zoning Code Amendments except Sign Code)***

RECOMMENDED ACTION:

At the Council Meeting of February 2, 2016

(The Council may review and discuss each chapter on its own, and as needed offer a motion(s) regarding any desired amendments within each chapter)

- 1) Hold public hearing
- 2) Read Resolution No. 2016-02 by title only
- 3) City Clerk reads Resolution No. 2016-02 by title only (if approved above)
- 4) Read Ordinance No. 2016-07 for the first time by title only
- 5) City Clerk reads Ordinance No. 2016-07 for the first time by title only (if approved above)

At the Council Meeting of February 16, 2016

- 6) Adopt Resolution No. 2016-02 (declaring a public record)
- 7) Read Ordinance No. 2016-07 for the final time by title only
- 8) City Clerk reads Ordinance No. 2016-07 by title only for the final time (if approved above)
- 9) Adopt Ordinance No. 2016-07

15. **REGULAR AGENDA**

- A. **Consideration and Adoption of Resolution No.2016-03:** A Resolution of the City of Flagstaff Urging the United States Congress to Pass Carbon Fee and Dividend Legislation.

RECOMMENDED ACTION:

- 1) Read Resolution No. 2016-03 by title only
- 2) City Clerk reads Resolution No. 2016-03 by title only (if approved above)
- 3) Adopt Resolution No. 2016-03.

- B. **Discussion and Possible Action re:** Current Issues Before the Arizona Legislature ***(THIS IS A STANDING ITEM - AS OF PUBLICATION OF THIS AGENDA NO ISSUES HAVE BEEN RAISED)***

- C. **Consideration of moving the March 15, 2016, Regular Council meeting to March 22, 2016, due to Spring Break.**

16. **DISCUSSION ITEMS**

17. **FUTURE AGENDA ITEM REQUESTS**

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

- A. **Future Agenda Item Request (F.A.I.R.):** A request by Vice Mayor Barotz and Councilmember Evans to place on a future agenda a discussion on winter snow play traffic congestion.
- B. **Future Agenda Item Request (F.A.I.R.):** A request by Mayor Nabours to place on a future agenda a comprehensive discussion on affordable housing.
- C. **Future Agenda Item Request (F.A.I.R.):** A request by Councilmember Evans to place on a future agenda a Resolution of Support for Legislation Proposed by Representative Gosar and Senator McCain Regarding Downwinders.

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

19. **ADJOURNMENT**

CERTIFICATE OF POSTING OF NOTICE

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

Dated this _____ day of _____, 2016.

Elizabeth A. Burke, MMC, City Clerk

CITY OF FLAGSTAFF
STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Elizabeth A. Burke, City Clerk
Date: 01/28/2016
Meeting Date: 02/02/2016



TITLE

Consideration and Approval of Minutes: City Council Special Work Session of October 19, 2015; City Council Work Session of October 27, 2015; and City Council Regular Meeting of December 1, 2015.

RECOMMENDED ACTION:

Amend/approve the minutes of the City Council Special Work Session of October 19, 2015; City Council Work Session of October 27, 2015; and City Council Regular Meeting of December 1, 2015.

EXECUTIVE SUMMARY:

Minutes of City Council meetings are a requirement of Arizona Revised Statutes and, additionally, provide a method of informing the public of discussions and actions being taken by the City Council.

INFORMATION:

COUNCIL GOAL

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

Attachments: [10.19.2015.CCSWS.Minutes](#)
[10.27.2015.CCWS.Minutes](#)
[12.01.2015.CCRM.Minutes](#)

MINUTES

1. Call to Order

Mayor Nabours called the Special Work Session of the Flagstaff City Council of October 19, 2015, to order at 4:05 p.m.

2. Pledge of Allegiance

The City Council and audience recited the Pledge of Allegiance.

3. ROLL CALL

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

PRESENT

MAYOR NABOURS
VICE MAYOR BAROTZ
COUNCILMEMBER BREWSTER
COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER PUTZOVA

ABSENT

COUNCILMEMBER EVANS

Others present: City Manager Josh Copley and Senior Assistant City Attorney Kevin Fincel.

Mayor Nabours stated that the discussion on disabled parking will be happening at a later meeting. The parking discussion at this meeting will include parking in front, side and back yards along with residential on-street parking, RV parking, and overnight parking in commercial lots. Vice Mayor Barotz stated that there were people at the meeting that would like to speak about disabled parking. Mayor Nabours stated that they can speak to those items but he wanted the public to know that staff would likely not be discussing disabled parking this evening but rather at a later meeting.

Mayor Nabours stated that the Council will hear and discuss Item 6 first. He also stated that the meeting will end at 6:30 p.m. with any remaining discussion being postponed to a later meeting.

4. Policy Discussion on Proposed Amendments to Zoning Code Chapter 10-30 (General to All).

Discussion postponed to a later date.

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

This item was taken after Item 6.

Mr. Eastman stated that there are a number of policy questions related to this chapter and asked if Council would like to address items of their interest first.

Councilmember Oravits stated that he would like to discuss the Community Commercial zoning in Sunnyside. Mr. Eastman stated that the lower part of the Sunnyside Neighborhood is zoned Community Commercial (CC) and yet the majority of the land use is single family homes and sometimes duplexes. The zoning code says that a residential use can exist in the CC zone provided that it is located either above the commercial use or behind it. Additionally they must go through the planning and zoning process to obtain a Conditional Use Permit (CUP). It is timely and expensive for a single family home to go through the planning and zoning process and it is really unnecessary. Staff has heard from developers of small projects in this area that they really want to be able to do duplexes and single family homes. Staff has examined the issue and has developed a recommendation that single family homes in the CC neighborhood will now be permitted with a building permit.

Councilmember Oravits stated that he likes the idea of having single family homes south of 6th Avenue but would also like to see a multi-family option as well. Mr. Eastman stated that allowing duplex developments are part of the amendments and two units or less developments are permitted in the CC zone by right. Councilmember Oravits stated that the challenge is north of 6th Avenue where the process is much easier and the setbacks are different. Mr. Eastman explained that south of 6th Avenue is zoned CC and north of 6th Avenue is zoned High Density Residential and that is why there is a difference in the standard. Mr. Eastman also noted that the intent of the proposed amendments is to allow up to two units in the CC areas thus allowing for a duplex situation. Current Planning Manager Mark Sawyers added that the intent is to allow single family and multi-family dwellings should they meet the standards. More dwelling units could be allowed with a CUP. There are areas where two single family units could be constructed on one lot and still meet the standards.

Jeff Knorr addressed Council in support of single family options in the CC zone north and south of 6th Avenue. Many lots are big enough to accommodate two dwellings and allow for off street parking.

Mayor Nabours stated that it appears that staff sees some merit in the argument. Mr. Eastman agreed stating that he feels staff and Mr. Knorr are on the same page and the proposal takes many of the same elements into consideration. He offered to put together a short memo that lays out the old code in comparison to what staff is proposing with the amendments.

Greg Pishkur addressed Council and echoed Mr. Knorr's comments stating that developers want to build without going through the CUP process in the CC area and asked that the process be eliminated north of 6th Avenue as well.

William Ahern addressed Council requesting a change to Specific Zones in chapter 10-40-30.040 regarding microbreweries and distilleries as a permitted use. Currently breweries and distilleries can be in highway commercial, commercial service, and commercial business zones and in those zones, breweries and distilleries can have a tasting room and sell off premise. The concern is for breweries and distilleries in the industrial zones; breweries and distilleries in these areas are only allowed to brew, no tap rooms or tasting is allowed. This is

detrimental to the two microbreweries currently in the industrial area as it is an integral part of the business. Tastings are done outside of the regular production days and are open for a couple of hours in the evenings a few nights a week. He asked that the Council consider allowing for tasting capabilities in the light industrial zones.

Councilmember Oravits asked Mr. Ahern to describe the tasting process. Mr. Ahern stated that the business can have the option of providing or selling a sample to the public as they come into the business. Additionally, they would be allowed to have off-premise sale where the product can be purchased for consumption off-site.

Marilynn Weisman addressed Council asking for clarification on dormitories and if they would still require a CUP. She also asked for clarification on the CUP process.

Mayor Nabours asked staff about multi-family structures that are rented by the room. Mr. Eastman stated that the current zoning code has a term called rooming and boarding facility which lumps together dormitories, fraternities and sororities and single-room occupancy. The recommendation is to separate the three uses because they are truly different uses. Dormitories in all commercial zones still require a CUP. The single-room occupancy, fraternities and sororities will also require a CUP. In the estate residential and manufactured home zones dormitories would not be a permitted use.

Councilmember Putzova asked if dormitory residents must be students in order for it to be considered a dormitory. She does not feel that it is the best way to define a dormitory if the definition is driven by who lives in that type of dwelling. Mr. Eastman stated that the definition is the traditional definition of student and faculty housing. He stated that a number of projects have come forward that are marketed to students that are not dormitories but apartments and that is where there has been some confusion. Councilmember Putzova stated that the public still thinks about these student housing projects as dormitories even though they are living in apartments. She wants to make sure that there is a clear understanding about what dormitories actually are. She would like a better understanding of what triggers a facility to be a dormitory. Mr. Eastman explained that the primary part of the dormitory definition is individual rooms with communal gathering areas; the second part is that it is associated with an educational facility or employment.

Councilmember Overton stated that it clarified well the dormitory being the communal living situation. If it is an apartment building that is leased as apartments with separate sleeping quarters for each tenant, it is still an apartment. The definition more clearly articulates the tie to an institution for dormitory housing. He stated that he wants to avoid getting into the lease arrangements when defining an apartment or dormitory; the City is controlling the dwelling type, not the lease arrangements.

Marilyn Weisman addressed Council and stated that the objection to this is that the leasing arrangement is relevant. The public does not know if they are getting an apartment with permanent residents or a fluctuating transient population of students. She feels that the public should have a right to comment on these types of developments during a CUP process.

Mayor Nabours asked Ms. Weisman if she feels there is a distinction between having a three bedroom apartment in an apartment building that is rented out as a whole versus renting out the rooms individually. Ms. Weisman stated that she does feel there is a distinction because they operate as they lease; there is a difference between sub-letting and a corporation that does student housing off campus. It is the public's right to know what is being established. It is also potential renters' right to know if they are renting in a transient building.

Vice Mayor Barotz asked Ms. Weisman how she feels the City should regulate this type of housing. Ms. Weisman stated that it should be done as single room occupancy, renting by the bedroom and allotting parking for each room. There also needs to be a CUP if the units are rented by the room versus rented by apartment. Vice Mayor Barotz asked Mr. Eastman to give an example of single room occupancy. Mr. Eastman stated that the definition has been updated to be consistent with what other cities and towns are using. Single room occupancy units are rented on a weekly or monthly basis versus a one or two year lease.

Planning Director Dan Folke stated that a lot of this discussion is relevant to the work being done by the Student Housing Work Group. The group is developing a new term of High Occupant Housing and how those projects should be handled. The Council will be seeing some suggestions from staff in the near future to this regard. Currently, the City has multi-family housing and room and boarding and the difference between the two is how the property is leased. Under room and boarding they are required to get a CUP. For example, there are currently two projects at various stages of design, one is leasing by the unit and is not required to obtain a CUP; the other is leased by the room and they are required to have a CUP. It is a question up front during development review on how the property will be leasing. Looking to the future, and what the Council will likely be hearing from the working group is the idea of creating a new type of project called High Occupancy Project. Different thresholds will need to be identified for density, or number of units or number of rooms and treat them with specific standards and requirements. Vice Mayor Barotz asked if the creation of this new type of category will undermine or be inconsistent with what the Council is trying to do now with the existing code. Mr. Folke stated that it is hard to say what the outcome of the working group will be in regards to the High Occupant Housing discussion. One of the recommendations could be that there should be a community plan for High Occupancy Housing and that would be another long community process but a plan could be developed and standards applied that can be worked into the existing code.

Vice Mayor Barotz stated that experience is showing that the way the rooms are leased results in a different impact. There are apartment complexes around Flagstaff where students live but it was not until developments like The Grove came in that the conversation about student housing began. Mr. Folke noted that he believes that it is more about the density and intensity of the projects and not so much about who is living there; rather how many are living there.

Councilmember Putzova indicated that she feels that the discussion is tied to how the housing and development is being marketed. It is a very different project than multi-family or single-family housing. She would like to see single room occupancy incorporated into the projects so there can be some control with the CUP. Mr. Folke stated that this is the direction the Student Housing Work Group is going in terms of defining what rules apply to what projects. However, the rules that are in place at the time of development submission are the rules that the developer must adhere to, the City cannot change in the middle of the process.

Mayor Nabours asked for more information on why a church would not be allowed in the LIO zone. Mr. Eastman explained that the Regional Plan has had goals and policies protecting the industrial zones from encroachment from other uses; the purpose being that those zones are high employment generated areas. The zoning code has limited the amount of retail, commercial and lodging type of uses. The same logic applies to meeting places and places of worship, they should be in places that are easily accessible and outside the industrial areas that tend to be less aesthetic and accessible.

Mayor Nabours indicated that it is just after 6:30 p.m. and another meeting will be scheduled to continue the discussion on the proposed amendments. He stated that the public comments were extremely helpful and he looks forward to more comments at the upcoming meetings.

6. Policy discussion on proposed amendments to Zoning Code Chapter 10-50 (Supplemental to Zones), particularly Division 10-50.080 (Parking Standards).

Comprehensive Planning and Code Administrator Roger Eastman stated that the parking issues that the Mayor introduced are found in chapter 10-50 of the Zoning Code. Parking is an issue that has been ongoing for some time; specifically parking in residential zones. With the cost of living in Flagstaff, more and more people are living in a single residence and often times there are four to six people living in a home together which leads to a need for more parking. Currently, vehicles can be parked in the garage, on the driveway and behind the house line on the interior side of the yard and in the back yard.

Staff have developed four options based on what occurs today. Option 1, Planning and Zoning Commission's recommended option, would allow parking into the side yard with a six foot screening fence installed on the rear or side property line. Option 2 would allow parking in the front yard. Option 3 would allow parking in the front and side yards. Option 4 would allow parking on side yards. All four options would include the screen fencing requirement.

Mr. Eastman further explained that the parking issues are compounded with short term parking and long term storage of RVs, boats and trailers. The policy question for the Council is whether to keep the current zoning, chose one of the presented options, or develop another option not already presented. Additionally, the Council will need to decide what changes, if any, need to be made to the code with regards to RV, boat, and trailer parking.

Councilmember Overton asked where RV parking can occur in the current zoning conditions. Mr. Eastman explained that the code says RV's may be stored in the rear interior side and it also says that parking and/or placement in any zone is prohibited.

Councilmember Oravits stated that freeing up some parking options is important and stated that Option 1 seems reasonable to him.

Vice Mayor Barotz stated that she feels Options 2 and 3 should be removed as they are not conducive to the beauty of Flagstaff; all of Council agreed with this suggestion.

Mayor Nabours asked for the current rule on parking a boat or RV on the street. Mr. Eastman explained that from April 1 through November 1 vehicles can park on street so long as they are licensed and operable. Mayor Nabours asked if there is any consideration to this rule and the size of the street. Mr. Eastman stated that there are some streets that are narrower than others; so long as there is access the City allows parking.

Councilmember Overton asked if there was any discussion with Option 1 about looking at the Engineering Standards for curb, gutter and sidewalk modifications or would the existing approach continue to be used. Mr. Eastman stated that there were no specific questions from the Planning and Zoning Commission about the Engineering Standards.

Vice Mayor Barotz asked how high the fencing is allowed to go in the residential areas. Mr. Eastman stated that in the rear yard the fencing can be up to six feet high, the exterior side yard is three feet high and the interior side yard is three feet to six feet high.

Councilmember Putzova asked about the short term parking of RVs and boats and how that time frame is enforced when the vehicle may leave the property for a day or two then returned. She also asked how the five day limit was determined. Mr. Eastman stated that the five days was determined by a compromise of staff and it being a standard work week. The issue would

rely on citizen complaints and the Code Enforcement team will begin documenting the violation and working with the property owner to find a solution.

Mr. Eastman explained that a big issue is overnight parking in commercial lots. The current code prohibits the overnight parking of RVs in commercial parking areas. Council discussed this issue not too long ago and the Police Department explained enforcement issues with the code. Since that time staff has discussed the issue with the Police Department and the Planning and Zoning Commission and the recommendation was to not allow overnight parking/camping in commercial areas or allow it but put restrictions in place that determine when they have to leave. This is what is being recommended by the Planning and Zoning Commission. Mr. Eastman clarified that overnight parking would only be allowed in these areas so long as the property owner permits it.

Vice Mayor Barotz asked for clarification on the kinds of standards or limitations being referred to. Mr. Eastman stated that if the property owner permits, the occupancy would need to be posted, no more than one night allowed, vehicles must be removed from the area before 10:00 a.m. and the area must be left clean and sanitary.

Councilmember Putzova referred back to the screening requirements and asked if the screening fences to screen vehicles can only be the length of the vehicle. Mr. Eastman stated that if the vehicle is going to be parked on the interior side yard there must be screen fencing along that side of the property. Councilmember Putzova asked for the required standards of the fencing. Mr. Eastman stated that it just indicates a six foot high screening fence. Councilmember Putzova stated that she feels that the fencing is important to maintain the appearance of the neighborhood and better guidelines and restrictions on the type of fencing should be in place.

The following individuals addressed Council in regards to disabled parking:

- Shari Peralta
- Kaitlyn Verfueth

The comments received were as follows:

- There are issues with disabled parking downtown.
- The discussion will be for a reduction of accessible spaces by quantity and size.
- Please continue the 2011 parking ordinance that raises the minimum standard to above the ADA policy.
- The community is thankful for the number and size of parking spots that are designated for accessible parking but more spaces are needed.
- It has become a real challenge to park and patron downtown due to the lack of accessible parking.

Patrick Hurley addressed Council with concerns about the proposed changes to the residential parking and suggested that there be some exceptions granted after review of individual circumstances.

Councilmember Overton stated that there may be some instances where a community's CCR's conflict with the City Code. Mayor Nabours suggested removing the fence requirement from the proposal; it may be a way to allow another driveway but avoid fencing issues that are found in many communities.

Councilmember Overton stated that he would like to distinguish between an active vehicle and long term vehicle storage. He feels that long term storage, even with fencing, should not be allowed in the R1 residential zone. Mayor Nabours agreed stating that if there is no clarification

on what can be put there it will likely become a storage area. Mr. Eastman stated that the current code does allow for any number of vehicles to be parked in the green area and there are very few complaints about these vehicles in the back. The issues are more with vehicles parked in the front areas of the property and he would caution against taking away something that is in place without issues. Mayor Nabours suggested going with Option 1 but allowing automobiles only with no screening requirements.

Councilmember Putzova asked how it will be defined that a vehicle is used versus being stored or permanently parked. If vehicles will be allowed in that area it is to be expected that an unused vehicle could be stored there. Mr. Eastman explained that there is existing code language that can address the issue.

Mr. Eastman asked if the recommendation of five days for occupancy of a visiting RV is acceptable by Council. Council agreed with this recommendation.

Mr. Eastman then asked about an RV that is parked in the driveway throughout the summer months being periodically used. There is currently no standard for this kind of parking. Councilmember Putzova stated that she feels it should be treated the same way as if it was a visitor and allow for five days of parking. Vice Mayor Barotz agreed with that recommendation and suggested adding that the RV could be moved to the back of the property for storage after the initial five days. The Council agreed to this recommendation.

A break was held from 5:25 p.m. through 5:32 p.m.

7. Adjournment

The Special Work Session of the Flagstaff City Council held October 19 2015, adjourned at 6:36 p.m.

MAYOR

ATTEST:

CITY CLERK

CITY COUNCIL WORK SESSION
MONDAY, OCTOBER 27, 2015
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
6:00 P.M.

MINUTES

1. Call to Order

Mayor Nabours called the Work Session of the Flagstaff City Council of October 27, 2015, to order at 6:08 p.m.

2. Pledge of Allegiance

The City Council and audience recited the Pledge of Allegiance.

3. ROLL CALL

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

PRESENT

ABSENT

MAYOR NABOURS

NONE

VICE MAYOR BAROTZ

COUNCILMEMBER BREWSTER

COUNCILMEMBER EVANS

COUNCILMEMBER ORAVITS

COUNCILMEMBER OVERTON

COUNCILMEMBER PUTZOVA

Others present: City Manager Josh Copley and City Attorney Michelle D'Andrea.

4. Preliminary Review of Draft Agenda for the November 3, 2015, City Council Meeting.*

** Public comment on draft agenda items 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.*

Deputy City Manager Barbara Goodrich stated that in regards to the public hearing scheduled for next week on the Utility Rate Study, it came to staff's attention that the consultants are not going to be available for the meeting and because of that staff is asking to pull the item from the agenda next week and reschedule to November 17, 2015. Mayor Nabours asked if there are things that can be done or discussed without the consultants presence. Ms. Goodrich explained that staff wanted to take step back and get a presentation from the consultant on rate setting

and some of the background and facts on how that is done in a more global setting. It is the responsibility of the consultant to provide that expertise and presentation so the hope is to have them start the meeting off with that presentation before getting into the options discussion.

Councilmember Putzova asked for additional information for items 10-A and 10-B; she would like a historical perspective on what the contracts were before and the expenses associated with them.

Vice Mayor Barotz stated that if the Utility Rate Study is not going to be discussed that maybe there can be something else in its place. In order to make the best use of everyone's time she asked to consider discussing the Zoning Code amendments.

5. Public Participation

Public Participation enables the public to address the council about items that are not on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone to have an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.

James Jay addressed Council in regards to the Tequila Sunrise event. He requested that the City look into putting a stop to the event.

James Holman addressed Council in regards to Tequila Sunrise and explained that he had to close his business doors that day due to inappropriate behavior of the patrons. He requested that Council look closer at the event and move it out of downtown.

Ian Anderson also addressed Council in regards to Tequila Sunrise indicating that something needs to be done to end the event or get better control of it.

6. The Northern Arizona Center for Entrepreneurship and Technology (NACET) and the Economic Collaborative of Northern Arizona (ECoNA) Annual Updates.

Community Investment Director David McIntire introduced Annette Zinky with NACET. Ms. Zinky provided a PowerPoint presentation that covered the following:

NACET FLAGSTAFF CITY COUNCIL UPDATE
WE GROW STRONGER BUSINESSES FASTER
THREE TRACKS FOR DIFFERENT STAGES OF DEVELOPMENT
PROGRAM TRACK
GETTING RESULTS
WAYS WE ENGAGE
FIRST ACCELERATOR TENANT
CLIENT SUCCESS SPANS THE NATION
CITY OF FLAGSTAFF PARTNERSHIP
THANK YOU FOR YOUR SUPPORT

Vice Mayor Barotz asked what NACET's biggest challenge has been moving forward.

Ms. Zinky stated that finding the would-be entrepreneurs to bring on board is the most difficult piece as they want to make the right connections to bring in and develop successful business.

Councilmember Overton asked for the current occupancy of the Incubator and Accelerator. Ms. Zinky stated that the first Accelerator tenant moved in the first of October and there are a few more that should be in before the end of the calendar year. The Incubator is full but people are expected to transition.

Councilmember Brewster asked how NACET markets themselves to potential clients. Ms. Zinky explained that most of the people that they meet are people that have been referred to NACET by someone else. Most people have come to events or met an existing client. NACET hosts a lot of public events, business events, and informational events and rely on faculty to get the info out to students who may have ideas and plans. They work with community partners to make sure they are well connected to those involved with business activities. The goal is to make NACET as accessible as possible to existing and potential clients.

Councilmember Putzova asked if there is any effort in Flagstaff to develop an idea incubator as a first initial step for the business incubator. Ms. Zinky stated that NACET is always talking about ideas and what to do with ideas for people who have them. Currently, there is work being done to develop a couple of seminars related to ideology and how to put ideas into action. There is a lot of conversations in the community about idea brainstorming and NACET is working to continue to be a part of these conversation to help foster those ideas into viable business.

Mayor Nabours asked if Ms. Zinky could tell the Council about two potential companies that are in the incubator, their product and what they are working on. Ms. Zinky stated that Simple Surgical is a client who is working on a surgical device to treat hypertension; they are pre-revenue and in the very early stages but it is promising technology that they are working very hard on. This is a company that originally started in Menlo Park but moved back to Flagstaff to be a part of the Incubator and Accelerator.

She also reported that there will be an accelerator company coming in February that will have another medical device connection. He used to be in Flagstaff and has been looking for a way to come back and has found that avenue through the Accelerator.

Mr. McIntire then introduced Rich Bowen with ECoNA who provided a PowerPoint presentation that covered the following:

ECONA – ELEVATING BUSINESS TO THE PEAK OF SUCCESS
ECONA'S PURPOSE/HISTORY
OBJECTIVES
ECONOMIC COLLABORATION MODEL
ECONA MEMBERSHIP
ECONOMIC TRENDS ARE UP
BIOSCIENCES
DIGITAL PRODUCTS
ASTRONOMY
ADVANCED MANUFACTURING
TOURISM
FOREST PRODUCTS
ECONOMIC DRIVERS

Mayor Nabours asked Mr. Bowen to give the top two reasons why a business may not come to

Flagstaff. Mr. Bowen explained that Flagstaff does not have a good mechanism to adequately welcome businesses and show them the value of investing in Flagstaff and why the processes that are in place are there. Occasionally there are companies that are looking for low cost and they are not going to find that in Flagstaff with the cost of land. Additionally, large town to small city is a difficulty because of trailing partner/spouses. There was a time that it felt like getting through the city processes was difficult. This has improved greatly over the last few years.

Councilmember Brewster stated that ECoNA has done a lot to turn around the opinion of Flagstaff not being business friendly. ECoNA has been a good thing for Flagstaff and she hopes that it continues to be so.

Mr. Bowen stated that one of the things they will be bumping up against is infrastructure; there will be the need, request and demand for more infrastructure to attract more business.

Councilmember Evans stated that many proposals have focused on bringing high-level corporations to Flagstaff but it is important to note that both NACET and ECoNA have been a great partner with the Sunnyside micro-entrepreneurship program Market of Dreams. ECoNA is the reason there is a computer lab there and NACET provides business mentoring to the businesses located in the incubator every Friday at noon. Since opening in March 2015 over \$26,000 has been returned back to the micro-entrepreneurs in that program.

Vice Mayor Barotz stated that she appreciates ECoNA acknowledging that there is a vision in Flagstaff and value in the Regional Plan and Zoning Code. Flagstaff should not relax its standards for the sake of business and growth and ECoNA tries to communicate that with potential businesses.

Mayor Nabours then moved to Item 8.

7. Report out on the work, observations and recommendations from the Working Groups listed in the Council-adopted Student Housing Work Plan (SHAP) and the status (i.e., Completed, In Motion and/or Moving Towards Implementation) of the Eight Elements in the Plan. Council to provide direction on student housing issues.

Deputy City Manager Jerene Watson asked the Mayor to join her in recognizing the following individuals for their participation and work with the Student Housing Work Plan group:

Dr. Rick Brandel
Jesse Dominguez
Joanne Keene
David McCain
Stuart McDaniel
Charlie Silver
Charlotte Welch
Amy Smith
Jeff Knorr
Tyler Mark
Vance Peterson
Moran Henn

Ms. Watson then provided a PowerPoint presentation that covered the following:

2015 STUDENT HOUSING WORK PLAN

BEGINNING OF THE COMMUNITY CONVERSATION
8 ELEMENTS OF STUDENT HOUSING ACTION PLAN

Mr. Charlie Silver continued the presentation.

ELEMENT 1(B): ESTABLISH COMMUNITY/EXTERNAL WORKING GROUPS TO REVIEW
REGIONAL PLAN

ELEMENT 1(B): STUDENT HOUSING GROUP PROCESS

ELEMENT 1(B): REGIONAL PLAN REVIEW OUTSIDE A PROPERTY
OWNER/DEVELOPER'S CONTROL

ELEMENT 1(B): REGIONAL PLAN REVIEW – OTHER

REGIONAL PLAN: STUDENT HOUSING CHARACTERISTICS

BUILDING DESIGN

NATURAL RESOURCES

SOCIAL IMPACTS

TRANSPORTATION

ELEMENT 1(B): REGIONAL PLAN AMENDMENTS RECOMMENDATIONS

ELEMENT 1(B): REGIONAL PLAN RECOMMENDATIONS – SITING

ELEMENT 1(B): REGIONAL PLAN RECOMMENDATIONS ON SPECIFIC PLAN/CITY POLICY

ELEMENT 1(B): RECOMMENDATIONS ON WHAT THE REGIONAL PLAN SHOULD
INCLUDE, INTER ALIA

ELEMENT 1(B): OTHER ISSUES AND RECOMMENDATIONS

Deputy Police Chief Walt Miller continued the presentation.

ELEMENT 2: PUBLIC SAFETY CONDITIONS AND COMPLIANCE - NUISANCE PARTY
ORDINANCE

TIMELINE

MAJOR CHANGES AND PROCEDURES

CIVIL PENALTIES

TRAINING AND PUBLIC OUTREACH

NUMBERS TO DATE

Planning Director Dan Folke continued the presentation.

ELEMENT 4: ZONING CODE AMENDMENTS

PUBLIC AND NEIGHBORHOOD NOTIFICATION

AMENDMENTS TO ZONING CODE – PARKING STANDARDS

ELEMENT 4: CONDITIONS AND COMPLIANCE

ELEMENT 2: CONDITIONS AND COMPLIANCE – CRIME FREE MULTI-FAMILY PROGRAM

Vice Mayor Barotz asked for information on the difference between direct ordinance and concept plan and what the difference is between the conditions in either case. Mr. Folke stated that the difference between the two is that with a direct ordinance there is a detailed site plan that can be negotiated; with a concept review there is a building envelope so there is not an actual location, the end use is unknown and the plan is more general. Vice Mayor Barotz asked if all the potential uses could be identified so the community knows how it might be impacted. She expressed concern about the Council not being able to go back if they do not get it right the first time. Mr. Folke explained that he does not share that concern; he feels that there is enough information gathered in a concept plan to understand what the impacts will be.

Councilmember Evans stated that she understands that there is dormitory style housing in La Plaza Vieja and Southside but no Conditional Use Permit (CUP) exists for them; she asked

how and who enforces this permitting. Mr. Folke stated that they have not had any CUPs pulled for rooming and boarding which was adopted in 2011. What is key in the definition of rooming and boarding is that it talks about three bedrooms or more, may or may not have cooking facilities and it talks about the leasing in that the unit is not leased but the rooms are. Those facilities in establishment prior to 2011 would be considered a lawful, non-conforming situation. There is a challenge in enforcing that condition because it is lease driven and how the City knows what the leasing arrangements are. Code Enforcement is responsible for enforcing the requirements but it is very difficult to get information on a lease when a property owner does not want to share that with the City. That is partly why the change in the definition is being suggested and the impacts of the use are not tied to the leasing situation but rather the density of the project.

Dr. Rick Brendel continued the presentation.

ELEMENT 1: NAU LIAISON, OFF-CAMPUS HOUSING GUIDE & OUTREACH
ELEMENT 1 & 3: NAU LIAISON, OFF-CAMPUS HOUSING GUIDE

Community Design and Redevelopment Manager Karl Eberhard continued the presentation.

ELEMENT 5: REEXAMINE PARKING PERMIT SYSTEM
PARKING SYSTEM CONCEPTS UPDATE: WHERE WE ARE TODAY
PARKING SYSTEM CONCEPTS UPDATE: GLIMPSE AHEAD

Flagstaff Metropolitan Planning Organization Manager David Wessel continued the presentation.

ELEMENT 8: TRAFFIC IMPACT ANALYSIS
TRIP GENERATION BY STUDENT HOUSING COMPLEXES
TRANSPORTATION IMPACT ANALYSIS PROCEDURES

Charlotte Welch addressed Council in regards to parking stating that students need onsite parking wherever they are housed. She added that the downtown should not be involved in the development of the residential parking program and downtown parking and residential parking should be separate issues.

A written comment card was submitted by Moran Henn in regards to the Student Housing Work Plan.

Mayor Nabours stated that there are some good recommendations in the presented plan; some of the plan has already been adopted and some portions are currently being worked on. He wants to be clear that by accepting the plan the Council is not agreeing to or adopting everything that is in it; it is a plan that will be taken into consideration as plans and projects come to Council for consideration.

Vice Mayor Barotz stated that she feels that the document offers clarity of location to help developers understand, identify, and confront issues of concern before the project comes to Council.

Councilmember Overton agreed stating that there is value in the working group's plan in that it highlights and communicates some of those values that are going to be difficult. They have done a good job of not making a clear directive or value statement but identifying the issues that will have cause for concern. No plan will come forward to make everyone happy, this will highlight the biggest challenges and he hopes that property owners and developers are willing

to enter into this partnership.

Councilmember Putzova stated that she would like to see the work continue on the topic. The Regional Plan has a big gap in regards to high occupancy housing; there was no discussion of this during the housing discussions during the Regional Plan process. It would be good for the group to have a discussion about where high occupant housing is desirable and how the group can negotiate this level.

Vice Mayor Barotz asked if the proposed changes to the Zoning Code that were included in the report are being brought forward to Council with the other Zoning Code amendments.

Ms. Watson stated that the proposed changes are included in the amendments currently being discussed by Council.

Mayor Nabours moved to acknowledge receiving the Student Housing Work Plan report; Councilmember Overton seconded; passed unanimously.

8. City of Flagstaff - Navajo Nation Human Rights Commission MOU: Report

Assistant to the City Manager Stephanie Smith provided a PowerPoint presentation that covered the following:

NAVAJO NATION HUMAN RIGHTS COMMISSION AND CITY OF FLAGSTAFF NAVAJO NATION HUMAN RIGHTS COMMISSION UPDATE INTRODUCTIONS

Navajo Nation Commissioner Frank Bradley thanked the Council for the opportunity to provide a report on the Memorandum of Understanding (MOU). He retired after 24 years in indigenous law enforcement and was appointed to the Human Rights Commission for the term of 2012-2016. Since the beginning of the MOU the City and the Commission have worked together to strengthen the communities and strengthen relationships.

After the signing of the MOU the Commission partnered in the creation of the Native American's for Community Action (NACA). NACA was developed to address and narrow in on the issues affecting Navajo and indigenous populations. The City agreed to partner with the Commission and NACA to address the following three items in the MOU:

1. Conduct Navajo cultural sensitivity training for all City law enforcement officers.
2. Assess and understand whether Navajos and indigenous populations are treated differently when engaging law enforcement.
3. Inform Navajo people in the general public of their civil and human rights.

The first training was successful; a total of 211 officers have been trained and thanks to the Flagstaff Police Department, the training extended to other Arizona agencies. As a result of the training, Chief Treadway started a Flagstaff citizen liaison committee. This 15 member committee meets on a monthly basis to address and improve communication between the Flagstaff Police Department and the community. The MOU has helped investigate complaints filed against officers by Navajos. In coordination with Chief Treadway, the Commission has the ability to assess and access the internal investigations related to these complaints. Since January 2013 Flagstaff Police have taken 194 citizen complaints, 23 were submitted or related to Navajos of which five were partially sustained, the rest were unfounded or exonerated. Chief Treadway has opened his doors to the Commission to review these complaints when the commission feels it necessary to do so.

Due to the success of the sensitivity training, it is now being sought after for application in the state of New Mexico. With the efforts of Commission Policy Analyst Rodney Tahe, Commissioner Bradley and one other are accredited to provide this training in New Mexico.

With regard to the second item in the MOU of assessing and understanding whether Navajos and indigenous populations are treated differently when engaging law enforcement, the Commission held several public hearings in Arizona, Colorado and New Mexico to assess the treatment of Navajo citizens by border town law enforcement. The results of those hearings is still being transcribed and commission staff is still gathering data to be included in the public report. The hope is that the report will be available by the end of fiscal year 2016.

The third item of informing Navajo people in the general public of their civil and human rights is an ongoing project for the Commission Public Information Officer. The Public Information Officer has published materials about knowing one's rights when purchasing a vehicle, knowing one's rights when engaging with law enforcement, knowing one's rights and outlets to address violence against Navajo women and gender discrimination, knowing one's rights as a Navajo consumer, and protecting the San Francisco Peaks as a sacred mountain for the Navajo people. These are only a few of the ongoing projects that are underway with the Commission Public Information Officer.

With gains there are also setbacks. In August 2014 the Commission thought they would have input as stakeholders with the new agreement between the City of Flagstaff and the Arizona Snowbowl Resort that extended the contract term from five years to twenty years while raising the cap on the amount of water delivered to the resort. This was not the case due to terrible communication received from the City of Flagstaff. The confusion was later clarified by City Manager Kevin Burke who explained that the new agreement was done administratively and would not need approval by the City Council.

The purpose of the MOU is to strengthen communication. When the communication is relayed incorrectly it does more damage than good. While a few in the community would say the MOU is ineffective; he urged them to attend a monthly meeting to better understand what the commission is doing and what they are addressing. For example, the Commission testified before the Organization of American States Inter-American Commission on Human Rights regarding the protection of sacred places from the extractive industries and businesses permitted by the United States government. It is work like this that makes him proud to be a part of the Commission.

He thanked the Mayor and the City Council and the City of Flagstaff for the opportunity to provide an update on the work the commission has done in outlining the MOU. He then introduced Executive Director Leonard Gorman.

Mr. Gorman offered condolences to the families of those involved in the unfortunate events that occurred on the NAU campus. This past Sunday there was a traditional ceremony conducted as a way to move forward from the unfortunate event. The reason the University accommodated the Navajo Nation was because there are a substantial amount of Navajo students that attend the university.

As reported by Commissioner Bradley there has been movement on substantial issues and the Navajo Nation has come to terms with the law enforcement community. They feel fortunate to have a good relationship with the Flagstaff Police Department and feel that they have been able to engage in a very good opportunity to learn about the respective communities and populations. Diversity is well respected and well protected in Flagstaff.

They are beginning to engage the business environment. There is concern about a number of complaints received related to the automobile industry. Some of the automotive dealers in the city have taken advantage of the Navajo people. This centers around the fact that language is a barrier and they feel that some dealerships prey on the elderly and those with fixed income. It is important to be mindful of those concerns.

Mr. Gorman explained that there are concerns with the border towns and their ability to facilitate in employment opportunities for Navajo people. There are questions of how much the Navajo people spend in border towns and they are working to assess and gather that data to better understand the impacts. They are careful in looking after the dollars generated on the Navajo Nation and how those dollars are advanced and help the Navajo people as consumers.

While there is work to try to ease the concerns about communications, there has been lost opportunity to dialogue in this fashion about the San Francisco Peaks. Communication needs to be improved and the MOU binds the two agencies together.

Councilmember Putzova stated that it is important for the Council to hear the perspectives of the Navajo Nation and understand what improvements need more focus. She asked Mr. Gorman what he thought the exchange of communication should look like and how to make that communication meaningful. Mr. Gorman stated there needs to be engagement in a manner that welcomes and encourages opportunities to have a dialogue. NACA is a great tool and provides opportunity for communication.

9. Review of Draft Agenda Items for the November 3, 2015, City Council Meeting.*

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

None

10. Public Participation.

None

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

Councilmember Putzova stated that there were a lot of comments concerning Tequila Sunrise and she requested a report that explains the resources the City provided to manage the event. Some of the speakers raised some legal questions and she feels that some education about the liquor laws would be helpful to the public.

Councilmember Evans stated that she would like to know the exact cost of Tequila Sunrise to the City of Flagstaff. She also requested information on which bars participate in the event and what portion of that cost they are sharing. Lastly, she would like to know what the businesses in the area think about the event.

Vice Mayor Barotz requested statistics and information on the offenses that occurred during the event period and if any of them had to do with citations against bar owners or bartenders.

Vice Mayor Barotz thanked the City Manager for inviting the Navajo Nation to come and report to the City Council and asked that they be invited to come more frequently than every few years.

Mayor Nabours requested a FAIR item on Tequila Sunrise. He would like a complete report on the event, the impact to the Police Department, who pays for what, the legalities of the bars participating, the involvement of the state liquor department, the downtown merchant perspective as well as a perspective from NAU. He would like to understand what the City can or cannot do with this event.

12. Adjournment

The Flagstaff City Council Work Session of October 27, 2015, adjourned at 8:50 p.m.

MAYOR

ATTEST:

CITY CLERK

MINUTES

1. CALL TO ORDER

Mayor Nabours called the meeting of December 1, 2015, to order at 4:00 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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

2. ROLL CALL

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

PRESENT

ABSENT

MAYOR NABOURS

NONE

VICE MAYOR BAROTZ

COUNCILMEMBER BREWSTER (telephonically)

COUNCILMEMBER EVANS

COUNCILMEMBER ORAVITS

COUNCILMEMBER OVERTON

COUNCILMEMBER PUTZOVA

Others present: City Manager Josh Copley and City Attorney Michelle D'Andrea.

3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

The audience and City Council recited the Pledge of Allegiance and Mayor Nabours read the Mission Statement of the City of Flagstaff.

MISSION STATEMENT

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

4. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

None

5. PUBLIC PARTICIPATION

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

David Wessel with the Flagstaff Metropolitan Planning Organization (FMPO) addressed the Council to report that the Regional Transportation Plan update was being launched and they would be reaching out to many of the City's boards and commissions. They will be using the Peak Democracy tool as well to survey the public. They hope to be done by June of next year.

Economic Vitality Director Heidi Hansen introduced the new Convention and Visitors Bureau Director, Trace Ward, who came from Florida with many years of experience.

Deputy City Manager Barbara Goodrich introduced Charity Lee, the City's new Real Estate Manager, noting that she had worked for the City once before and was a certified appraiser from Coconino County.

6. PROCLAMATIONS AND RECOGNITIONS

None

7. APPOINTMENTS

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

A. Consideration of Appointments: Planning and Zoning Commission.

Moved by Councilmember Coral Evans, **seconded by** Councilmember Eva Putzova to appoint Ed Dunn to the Planning and Zoning Commission with a term to expire December 2018.

Vote: 5 - 2

NAY: Mayor Jerry Nabours
Councilmember Karla Brewster

Moved by Councilmember Eva Putzova, **seconded by** Councilmember Coral Evans to appoint Margo Wheeler to the Planning and Zoning Commission, with a term to expire December 2018.

Vice Mayor Barotz said that she supported Ms. Wheeler the last time and with Tina leaving there would only be one woman on the commission. Ms. Wheeler has an excellent background

and is not involved in the development industry.

Vote: 3 - 4

AYE: Vice Mayor Celia Barotz
Councilmember Coral Evans
Councilmember Eva Putzova

Moved by Mayor Jerry Nabours and **seconded by** Councilmember Jeff Oravits to appoint Steve Jackson to the Planning and Zoning Commission, with a term to expire in December 2018.

Brief discussion was held on the appointment process. Ms. D'Andrea said that this was not something that they have discussed, but when they made the decision to randomly select councilmembers to make recommendations, this did not seem to be in the spirit of that action, and she believed it would be Councilmember Putzova's opportunity to select again.

Motion withdrawn.

Moved by Councilmember Eva Putzova, **seconded by** Vice Mayor Celia Barotz to appoint David Zimmerman to the Planning and Zoning Commission, with a term to expire December 2018.

Vote: 5 - 2

NAY: Mayor Jerry Nabours
Councilmember Jeff Oravits

Moved by Vice Mayor Celia Barotz, **seconded by** Councilmember Coral Evans to appoint David Carpenter to the Planning and Zoning Commission, with a term to expire in December 2018.

Vote: 5 - 2

NAY: Mayor Jerry Nabours
Councilmember Jeff Oravits

B. Consideration of Appointments: Water Commission

Moved by Councilmember Scott Overton, **seconded by** Councilmember Coral Evans to appoint Ward Davis to the Water Commission, with a term to expire December 2018.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Coral Evans, **seconded by** Vice Mayor Celia Barotz to reappoint Hanna Cortner to the Water Commission, with a term to expire December 2018.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Eva Putzova, **seconded by** Vice Mayor Celia Barotz to appoint Kira Russo to the Water Commission, with a term to expire December 2018.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Jeff Oravits, **seconded by** Councilmember Karla Brewster to reappoint John Malin to the Water Commission, with a term to expire December 2017.

Vote: 6 - 1

NAY: Councilmember Coral Evans

8. LIQUOR LICENSE PUBLIC HEARINGS

- A. Consideration and Action on Liquor License Application:** Brandon Kinchen, "Flagstaff Green Room", 15 N. Agassiz St., Series 06 (bar- all spirituous liquor), Person Transfer.

Mayor Nabours opened the Public Hearing. There being no public input, the Public Hearing was closed.

Moved by Councilmember Jeff Oravits, **seconded by** Mayor Jerry Nabours to forward a recommendation to the State for approval of the liquor license application from Flagstaff Green Room.

Vote: 7 - 0 - Unanimously

9. CONSENT ITEMS

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

- A. Consideration and Approval of Contract:** Financial Advisor Contract with Stifel, Nicolaus & Company, Incorporated.

Ms. Goodrich introduced Mark Reeder, principle with Stifel, Nicolaus & Company. He thanked the Council for approval of their contract and said they looked forward to working with the City.

Mayor Nabours clarified that this contract was different from the company that does the City's investments; this is more to do with bonding and economic issues.

Councilmember Brewster left the meeting (telephonically) at this time (4:17 p.m.)

Moved by Councilmember Scott Overton, **seconded by** Councilmember Jeff Oravits to approve the contract with Stifel, Nicolaus & Company, with compensation based on the pricing schedule outlined in Exhibit C of the contract.

Vote: 7 - 0 - Unanimously

10. ROUTINE ITEMS

- A. Consideration and Adoption of Ordinance No. 2015-19:** An ordinance of the City Council of the City of Flagstaff, amending the Flagstaff City Code, Section 3-10-001-0007 Cemetery to increase Cemetery fees by 10%. (**Cemetery fee increase**)

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Scott Overton to read Ordinance No. 2015-19 by title only for the final time.

Vote: 5 - 1

NAY: Councilmember Jeff Oravits

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 3, BUSINESS REGULATIONS, CHAPTER 10, USER FEES, SECTION 3-10-001-0007, CEMETERY FEES; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Scott Overton to adopt Ordinance No. 2015-19.

Vote: 5 - 1

NAY: Councilmember Jeff Oravits

- B. Consideration and Approval of Contract:** Amendment to Intergovernmental Agreement with the Coconino Community College District regarding the leasing of property to the City for the East Flagstaff Community Library **(Approve the amendment to the IGA with the Coconino Community College District in the amount of \$5,400.00 annually)**

Moved by Councilmember Scott Overton, **seconded by** Mayor Jerry Nabours to approve the Amendment to the IGA with the Coconino County Community College District to provide 500 square feet of additional leased space to the City on behalf of the East Flagstaff Community Library for an annual fee of \$5,400.00

Vote: 6 - 0 - Unanimously

- C. Consideration of Annexation Ordinance No. 2015-20:** An annexation ordinance extending and increasing the corporate limits of the City of Flagstaff by annexing certain land totaling approximately 44.01 acres located at 3200 W. Route 66, and establishing city zoning for said land as Rural Residential, RR. **(Annexation of property for the new McAllister Ranch public works yard located on West Route 66).**

Moved by Councilmember Scott Overton, **seconded by** Councilmember Jeff Oravits to read Ordinance No. 2015-20 by title only for the final time.

Vote: 6 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, STATE OF ARIZONA, BY ANNEXING CERTAIN LAND TOTALING APPROXIMATELY 44.01 ACRES LOCATED AT 3200 W. Route 66, AND ESTABLISHING CITY ZONING FOR SAID LAND AS RURAL RESIDENTIAL (RR); PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Jeff Oravits, **seconded by** Councilmember Coral Evans to adopt Ordinance No. 2015-20.

Vote: 6 - 0 - Unanimously

- D. **Consideration of Ordinance No. 2015-21:** A zoning map amendment/direct ordinance amending the Flagstaff Zoning Code to rezone approximately 48.81 acres of real property from Rural Residential (RR) to Public Facility (PF) located at 3200 West Route 66 on parcel numbers 112-01-001D and 112-01-002. ***(Rezoning of property for the new McAllister Ranch public works yard located on West Route 66).***

Moved by Councilmember Scott Overton, **seconded by** Councilmember Jeff Oravits to read Ordinance No. 2015-21 by title only for the final time.

Vote: 6 - 0 - Unanimously

AN ORDINANCE AMENDING THE FLAGSTAFF ZONING MAP DESIGNATION OF APPROXIMATELY 48.81 ACRES OF REAL PROPERTY LOCATED AT 3200 W. ROUTE 66 ON PARCEL NUMBERS 112-01-001D AND 112-01-002 FROM RURAL RESIDENTIAL (RR) TO PUBLIC FACILITY (PF); PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Jeff Oravits, **seconded by** Councilmember Scott Overton to adopt Ordinance No. 2015-21.

Vote: 6 - 0 - Unanimously

RECESS

The 4:00 p.m. portion of the December 1, 2015, Council Meeting adjourned at 4:26 p.m.

6:00 P.M. MEETING

RECONVENE

Mayor Nabours reconvened the Regular Meeting of December 1, 2015 at 6:01 p.m.

NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

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

11. ROLL CALL

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

PRESENT:

ABSENT:

MAYOR NABOURS
VICE MAYOR BAROTZ
COUNCILMEMBER BREWSTER
COUNCILMEMBER EVANS
COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER PUTZOVA

NONE

Others present: City Manager Josh Copley and City Attorney Michelle D'Andrea.

12. PUBLIC PARTICIPATION

The following individuals addressed the City Council regarding the issues noted:

- Jamey Hasapis, World AIDS Day, now being Global Health Day
- Paul Ferry supporting downtown disabled parking spaces
- Rose Wall supporting Global Health Day

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

14. PUBLIC HEARING ITEMS

- A. Public Hearing, Consideration and Adoption of Resolution No. 2015-38:** A resolution of the City Council of the City of Flagstaff, Arizona, amending the Flagstaff Regional Plan 2030 by amending Map 25 of the Plan and Establishing an effective date.

Comprehensive Planning Manager Sara Dechter provided a PowerPoint presentation which addressed:

Map 25: Major Plan Amendment

PURPOSE OF AMENDMENT

MAP 25 TIMELINE

Application for Major Plan Amendment

April 1, 2015

60 day public review

May-July 2015

Planning and Zoning Commission Public Hearings

September 23, 2015

October 14, 2015

City Council Public Hearing

December 1, 2015

NETWORK ILLUSTRATION

CHANGES TO MAP

LAND USE TEXT CHANGES

TRANSPORTATION TEXT CHANGES

PUBLIC COMMENTS

TRANSPORTATION COMMISSION RECOMMENDATION

P&Z COMMISSION

TONIGHT'S MEETING

Public Hearing

Adopt resolution by two-thirds majority

Councilmember Oravits said that it appeared to be a technical clean up and required the Major Amendment because of the map change. Ms. Dechter said that was correct. She said that if they add more than one-quarter of a mile it automatically falls in a Major Amendment category.

Mayor Nabours asked for more clarification on the Pulliam Drive and Shamrell area.

Ms. Dechter said that adding an access road means that an area could be considered for

commercial use if it is tied to an activity center. She said that most of that area is already zoned R&D, Commercial, or high density, but as a property owner they would not notice any difference. She said that there are some areas of the City where they thought there might be a slight difference, and those areas were notified by mail of the open houses and public hearings.

She added that even if they change a yellow line to blue (residential), if someone had a commercial zoned property it would be affected.

Councilmember Putzova said that during the Regional Plan drafting, they talked about maps as illustrations rather than technical. Now they look at them in a technical sense. Ms. Dechter said that the statutes consider them maps. There are things that have to be shown on a map. The roadway illustration is to be conceptual; the existing roads are the things that meet the state requirements, but future roads are illustrations.

Mayor Nabours said that they heard earlier at 4:00 p.m. from David Wessel about their formulating a transportation plan, which in Flagstaff is critical. He said that he was assuming that the plan and this are coordinated. Ms. Dechter said that there are a few roads that are contentious in terms of future routes.

Mayor Nabours opened the Public Hearing. There being no public comment, he then closed the Public hearing.

Moved by Councilmember Scott Overton, **seconded by** Mayor Jerry Nabours to read Resolution No. 2015-38 by title only.

Vote: 7 - 0 - Unanimously

*A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA,
AMENDING THE FLAGSTAFF REGIONAL PLAN 2030 BY AMENDING MAP 25 OF THE
PLAN AND ESTABLISHING AN EFFECTIVE DATE*

Moved by Councilmember Jeff Oravits, **seconded by** Councilmember Coral Evans to adopt Resolution No. 2015-38.

Vote: 7 - 0 - Unanimously

15. REGULAR AGENDA

A. Discussion and Consideration: Joining Plastic Bag Lawsuit.

Councilmember Evans said that it was her understanding that Bisbee has gone ahead and initiated a fee for plastic bags. Ms. D'Andrea said that she has not talked with them other than a few weeks ago, and she has not heard if the State has taken any action.

Councilmember Evans said that she understood that they could file an amicus for around \$450. Ms. D'Andrea said that she was aware that Tim Hogan was willing to advocate to his board that they take on the lawsuit for the City for free; they never charge for representation. He was not sure the board would accept; attorney's fees usually run around \$200 per hour.

The following individuals spoke in support of filing the lawsuit:

- Adam Shimoni
- Jane O'Donnell

- Tory Syracuse, Friends of Flagstaff's Future
- Kathy Flaccus

Comments received included:

- When bills like this come forward it is disrespecting all of them. He would like to see the City support this action and let the legislators know that they are not representing them when they adopt these types of bills.
- A statement written by Tempe Councilwoman Lauren Kuby was read.
- This was bigger than just the plastic bag issue. For other reasons they urge the Council to participate in the lawsuit, including local control. She said that they should join the lawsuit and educate.
- The state is making an arbitrary decision on what the City can do.
- Urged the Council to take a stand for Flagstaff to let the citizens make decisions on what affects them.
- Was on the Plastic Bag Committee, and its membership was made up of those with different beliefs.

The following individuals spoke in opposition to filing the lawsuit:

- Stuart McDaniel, Greater Flagstaff Chamber of Commerce
- John Kistler

Comments received included:

- They are a representative democracy; they elect representatives to the state legislature. He said that the Plastic Bag Committee had recommendations to Council to not ban, but further their recycling and education on the topic, which will be presented in a few weeks.
- It would be detrimental to the business community for Flagstaff to join a lawsuit as it sends a bad message to businesses interested in moving here and placed an undue expense on them.
- He likes living in Arizona and Flagstaff, and he appreciates that the state legislature has decided to protect them from runaway councils that want to legislate everything.
- If people want to join the lawsuit they should, but not the City. Tempe did not join, and he asked why Flagstaff needed to.
- They should be more concerned about the things that affect the City, like the water fees which keeps getting continued.

Councilmember Evans said that this is something she brought forward. While discussion has centered on the plastic bags, it is bigger issue than that. She believes that SB1241 violates the State Constitution as it takes away their City's ability to discuss and determine how to address this issue. Since she has been on Council there have been five different times that the state has taken away their rights as a City.

She said that plastic bags are not recycled in Flagstaff. The center does not take them as there is not a return on the investment. In order for them to get profit, they would need to upgrade the current facility at a price of \$1.5 million which they do not have. Since she has been on Council recycling programs have been cut or eliminated. This Council has not actively sought, other than a road tax, to fund such projects.

She said that in 2014 it cost the City \$130,000 to clean up trash; 80% of that was plastic bags just at the landfill. She said that they are talking about the ability to have a discussion.

The following individuals submitted written comment cards in support of filing the lawsuit:

- Marilyn Weissman
- Peggy Sheldon-Seurlock
- Lisa Aumack

Moved by Councilmember Coral Evans, **seconded by** Councilmember Eva Putzova to join the lawsuit against the State regarding plastic bags.

Councilmember Evans reminded everyone that the lawsuit would most likely not cost the City anything.

Councilmember Brewster said that she still did not understand why the City Council in Tempe did not get behind their member, who filed the suit individually.

Councilmember Putzova said that a comment was made that they are a representative democracy and whatever legislators do in Phoenix should be accepted. She said that they have three branches of government. When legislative branch oversteps, like they did here, they owe it to the taxpayers to defend the voters and the taxpayers. That is the reason why she thinks they should take an action and join someone that took it upon herself to fight for all of the cities. She said that the reason that the City of Tempe did not get behind her is the same reason why Flagstaff's Council did not get behind it—lack of political courage. She asked that they not make that mistake again and stand up to the legislators.

Vice Mayor Barotz called for a roll call vote.

Vote: 3 - 4

AYE: Vice Mayor Celia Barotz
Councilmember Coral Evans
Councilmember Eva Putzova

16. **DISCUSSION ITEMS**

A. **Review of Comprehensive Planning Work Program related to Specific Plans**

Ms. Dechter said that this item is for discussion and direction on January 12, 2016, but she wanted to introduce it tonight. She said that after they finished the La Plaza Vieja Neighborhood Plan, there has been a lot of interest from the community, but there are competing desires and limited resources. She then reviewed a PowerPoint presentation addressing:

COMPREHENSIVE PLANNING

Project management for Area Plans and Specific Plans 50-60%
Inter and Intragovernment Coordination and Regional Plan 20-30%
Regional Plan Amendments and Development Application Review – 20-30%

WHY CREATE OR UPDATE A SPECIFIC PLAN?

6 reasons

CONTENT

POTENTIAL SPECIFIC PLAN AREAS

Milton Road Corridor

Southside Neighborhood
High Occupancy Housing
McMillan Mesa (City properties)
West Route 66

Councilmember Oravits asked if they are considering limiting turn movements on Milton. Ms. Dechter said that was correct.

Councilmember Overton said that he was glad to see it (Milton) at the top of the list, but it is ironic that it is the worst road in the City, but it is an ADOT roadway. He asked what options would be available. Ms. Dechter said that they would need to consider whether the City would want to fund such a study. With 1.5 staff members, they could not do the type of outreach needed and would need consultant help. She said that they could use one-time or two years of funding and if they had budgeted money, there are matching grants available.

Councilmember Overton asked what kind of money they would need for such a study. Ms. Dechter said that she would figure around \$250,000. They have not penciled it out, but if they were interested they could bring a number back.

SOUTHSIDE NEIGHBORHOOD SPECIFIC PLAN HIGH OCCUPANCY HOUSING SPECIFIC PLAN

Councilmember Oravits asked how they addressed this issue in the Regional Plan. Ms. Dechter said that this proposal came from an external working group, asking to take a more detailed look at compatibility. The Regional Plan identified the area as an activity center, but it was quiet on this topic. She said that staff does feel there would be an advantage of having technical assistance from a consultant on this topic.

MCMILLAN MESA PLAN FOR CITY PROPERTY WEST ROUTE 66 CORRIDOR PLAN UPDATE

Mayor Nabours said, going back to Councilmember Overton's comment re Milton, if he had to prioritize those items he would put Milton at the top, but not if they are going to come back and say they need to study Milton for \$250,000. He is more interested in the remedies.

Ms. Dechter said that tonight they were showing Council their initial blush. Whichever one they prioritize will have some implications; some are more expensive than others. She said that tonight they are asking Council what further information they would need to have a good discussion on this issue. She said that the \$250,000 would not be just for a study. They have some good traffic simulations to show from the FMPO, but they are lacking the understanding of how those changes would impact land use decisions and alternative modes of transportation. There is a need to fill in the gap.

Council agreed that all five of the projects were important. Mr. Landsiedel said that they have been trying for two years to obtain a grant to take the whole corridor and figure out doable projects, so they can slice it up into CIP projects that can be funded. The difficulty is Milton is not a City roadway. He said that ADOT was in the mode of doing route transfers, but they do not have money for them anymore.

Councilmember Landsiedel said that he thought that was why it was important to get those figures. Mr. Landsiedel said that seven or eight years ago they did a route transfer study. They could easily visit with ADOT and update those costs to be brought back. Councilmember Oravits said that he thought it was important to get control of Milton at some point in the future.

Vice Mayor Barotz said that the High Occupancy Housing was related to the future agenda item request she had brought forward. She asked if there was anyone from the external working group to address why this was so important.

The following individuals spoke regarding this issue:

- Charlie Silver
- Marilyn Weissman

Comments received included:

- As a citizen member of that group (HOH) he urged them to continue the work and direction.
- There was a lot of effort over a five-month period looking at student housing, which they renamed High Occupancy Housing.
- They felt it was a large issue, especially in light of the projects coming through and the public discussions.
- She respected the work done by the Committee, but she believed that the HOH name is dishonest.
- By changing the name they are leaving out NAU.
- This week the Board of Regents voted to allow NAU to grow to 34,000. By distinguishing between High Occupancy Housing and High Occupancy Student Housing, they are being honest with the public about what they are facing.
- There are differences, one of which is parking. She said that there is no great demand for this type of housing outside of student housing. She feels it is related to student housing and it has to be clear to a developer.

Vice Mayor Barotz said that she would withdraw her FAIR item. If it falls to the bottom when these are all reviewed, then she will again ask for a FAIR item. She said that it is so important; they need to give more clarity.

Councilmember Putzova said that when they were discussing their Legislative Priorities for 2016, they did not bring up Milton as a potential project they could advocate for, and suggested that perhaps they amend those priorities.

A break was then held from 7:37 p.m. to 7:47 p.m.

B. Presentation and Discussion: Recommended Comprehensive Parking Management Program

Community Design and Redevelopment Manager Karl Eberhard reviewed a PowerPoint presentation which addressed:

SYMPTOMS

- Nominal Management
- Limited Supply

CUSTOMERS

VISION

- Comprehensive Parking Management
- Build Parking System Facilities

CORE TENETS

MISSION

Solution:

Regulations

Residential Permits

Employee Permits

Time Limited

Enforcement

More now

Modernized

Grow with System

Pay-to-Park

Dedicated Revenue Stream

Pays for Enforcement and Parking Facilities

MAP

Pay Parking

Time limited parking

Phoenix Avenue lot – employee parking

KEY FEATURES – RESIDENTIAL PERMIT PARKING

Applicable Citywide – Need Verified

Block by block basis – system grows

Requested by PO

Request Options

1. Time limited parking, permit exemption
2. ½ each side residents only, ½ each side unrestricted
3. ½ each side residents only ½ each side time limited parking

Free to Residents

Guest Permits

On Demand via the Pay to Park system

\$5 per day

Disabled Parking Provisions

Key Features – Employee Permit parking

Applicable Citywide

Initially

½ of Phoenix Avenue Lot

Remote metered on-street spaces

Pay to Park, permit exempt

\$3 per day

Key Features – Time-Limited Parking

Side Streets of Beaver and San Francisco Streets

Adjusted to Neighborhood Needs

Key Features – Enforcement

Add two FTE now

Add one FTE per 300 spaces added to program

Handheld Ticket Printing

Iphones with printers

Via the Pay to Park system

Automatic License Plate Readers

Key Features – Pay to park Kiosks

Pay by plate
One per block face
 Approximately 88
Networked
Payments
 Cashless
 Credit card, internet, and cell
 Merchant
 Citations
 Guest permits
Internet (Cloud) back of house

Dedicated Fund
 Portion of that further dedicated to build parking
Pays for Operations
 Pay to Park operations
 Residential Permit parking program
 Employee Permit parking program
 Enforcement
Builds Parking System Facilities
 Southside – missing curbs
 Additional parking lots / garages
 Wayfinding signage
 Bicycle, pedestrian, and transit options

Key Features – Funding
 Pay to Park Kiosks – Lease to Own

That's Phase I

There are more phases
 The rest of the story...

Phase 2 – Temporary Employee Parking

NEEDS
DESIRES
IDEAS

Not possible to get all included
 Is comprehensive
 Fair to all
 Incorporates as much as possible

The following individuals addressed the Council in support of the program:

- Jeff Meilbeck, Northern Arizona Intergovernmental Public Transportation Authority (NAIPTA)
- Terry Madeksza, Flagstaff Downtown Business Alliance (FDBA)
- David Stille, Flagstaff Downtown Business Improvement and Revitalization District (FDBIRD)
- John VanLandingham, FDBA and FDBIRD
- Maury Herman
- Joan Martini
- Rich Payne

- Paul Ferry
- Charlie Silver
- Rod Horn
- Deborah Harris
- Marilyn Weissman

Comments received included:

- Free parking is not free--parking has value and associated costs
- There are very good reasons to have 100% subsidized parking, but there comes a time when it no longer makes sense.
- Many cities have grown past this point; it is not easy anywhere it is done.
- Difficult when service is reduced; people do not like it.
- Would suggest that those fears do not justify a 100% subsidy
- Parking has been talked about for a very long time
- Something that needs more thought and work is finding a commitment for employee parking
- Businesses in downtown are the engine that drives tourism, business, and they need an adequate solution for employees
- First time he came before Council to ask for support in addressing this issue, some of the present Council members had not yet been born
- They have a plan; it is not perfect, but they have persisted in the pursuit of perfection
- They have a plan that is comprehensive, sustainable, flexible and solves the problem; he urged them to move forward
- The last plan lacked dealing with the residential concerns
- Thanked Council for allowing the residents to meet with Mr. Eberhard. Believes they have compromised to come up with an agreement with him.
- Residents do not want it outsourced; they want the City to be in the management of the parking program.
- They have lost parking meters twice; thought it was important to do it right the first time.
- Need for employee parking has been underestimated

Mayor Nabours asked Mr. VanLandingham if the position was that the surrounding streets would have permits and a homeowner that fronts on that street would buy a permit. Mr. VanLandingham said that was correct. They have not yet determined the price, but enforcement has to be paid from somewhere. Their vision is not that the cost of the permit pay for it entirely, but at some number greater than zero.

- If on a given block it is posted for four-hour parking, except for permits, and the employee parks and walks down the hill, they will be able to park there for four hours. In most of the blocks, he did not think it would produce congestion. If there is room, then sell employee permits.
- NAU appreciates being invited to the table on this issue, especially as it relates to the southside.
- Parking issues in communities with colleges are not unique.
- The NAU parking garage has two-hour permits, but they can get two two-hour permits for those with longer classes.
- NAU President has reviewed the proposals and supports the southside plan.
- Supports the management program.
- Agrees there should be no charge for residential now or in the future; residents already contribute just by putting up with amount of traffic and congestion.
- Test it, use it and adapt it.
- Need to keep in mind the need for accessible van parking for disabled users
- Residents in the north end would rather have employee parking there than two-hour visitors; much less likely to pollute their yards.

- Some of the revenues coming in need to be kept for a parking garage.
- Have been talking about this for years; just do it.
- Program is not perfect, but gives them a starting point.

Councilmember Evans said that it was refreshing to have someone from NAU participate in the discussions and be present at the meeting.

The following individual spoke in opposition to the plan:

- Steven Pierce

Comments received included:

- Nearly all of the downtown businesses have acquired building permits, but very few of the businesses have been required to meet code as it relates to parking.
- There is unequal enforcement. Stakeholders are lobbyists; they represent special interests and do not speak for the citizens.
- License plate reads violate their rights to liberty.
- Permits are permission to do a thing that would be otherwise illegal.
- Use of the City streets, paid for with road taxes, is not an illegal activity.

Written comments in support of the plan were submitted by the following individuals:

- Jill Farrell
- Shena Lyon
- Mark Lamberson
- Heather Malloy
- Amy Horn

Written comments against the plan were submitted by the following individuals:

- Esther Calvert

Vice Mayor Barotz asked for clarification as to parking permits. Mr. Eberhard said that if they were to support this plan as written they would be supporting free permits. The caveat is that in the future they should consider whether residential permits should be free.

Further discussion was held on the residential parking permits. Mr. Eberhard said that their expectation is that there is going to be an initial rush for residential parking permits. They were proposing that 50% of the residents, by count of water meters, would petition the City asking for parking patrol.

There are options to be considered: 1) everything is time limited, residential spaces excepted; 2) half residential, half open (as today); 3) half residential, half two-hour parking.

Councilmember Putzova said that she appreciated meeting with FDBA yesterday; the more they understand the implications of the plan the better they can explain. The one voice she has not heard represented was the employees. She asked that staff speak a little about the philosophy on how this would work. Mr. Eberhard said that today employees have two choices--two-hour limited parking and risk a ticket; or park in the outlying areas for free. This plan would not change their life much. They could pay in the permitted areas, or continue to park in outlying areas. It will not be as convenient now if half will be reserved for residents.

Mr. Eberhard said that they conducted two types of outreach downtown--one with the

property owners and one with the businesses. It was not well attended. They are aware of it; they are not here tonight.

Mayor Nabours asked Council to consider if they want to have meters and, if so, if they want the revenue to first cover the up-front expenses and put some away for a parking garage. Mr. Eberhard said that they currently estimate around \$350,000 for the start-up with meters, leasing, signage, street markings, staffing, etc. Once they are up and running they anticipate around \$1 million in revenue, with a net at \$460,000. He said that with the way the plan is written right now, the initial expenses would not be reimbursed.

Council agreed they wanted the revenues set aside for parking improvements. Discussion was held on the management of the program overall. Mr. Eberhard said that he would serve as the Parking Manager in the short-term and would be housed in the Economic Vitality offices.

Consensus of the Council was to proceed with meters and permits, moving forward with the plan, and bring back the necessary documents for formalize the program.

Councilmember Brewster hung up from her call at this time (9:34 p.m.)

Mr. Copley said that the next two items could be brought back to the next meeting or one or both could be considered this evening.

C. Policy discussion on proposed amendments to Zoning Code Chapter 10-30 (*General to All*).

Written comments were received from the following individuals:

- Virginia Ethington
- Duffie Westheimer
- Roobie Johnson

Moved by Vice Mayor Celia Barotz, **seconded by** Councilmember Coral Evans to postpone 16-C and 16-D to another date.

Vote: 11 - 2

NAY: Mayor Jerry Nabours
Councilmember Jeff Oravits

Mr. Copley said that since there were some members of the public in the audience interested in item 10-D (10-40) he would plan to bring that back to the meeting on December 8, 2015, along with the Sign Code.

D. Policy discussion on proposed amendments to Chapter 10-40 (*Specific to Zones*) of the Flagstaff Zoning Code.

17. FUTURE AGENDA ITEM REQUESTS

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

- A. **Future Agenda Item Request (F.A.I.R.):** A request by Vice Mayor Barotz to place on a future Work Session agenda a follow-up discussion of the the Student Housing Report.

Withdrawn earlier in the meeting by Vice Mayor Barotz.

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

Councilmember Putzova asked for a Future Agenda Item Request (F.A.I.R.) to talk about a comprehensive affordable housing plan.

19. **ADJOURNMENT**

The Regular Meeting of the Flagstaff City Council held December 1, 2015, adjourned at 9:46 p.m.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATION

STATE OF ARIZONA)
) ss.
Coconino County)

I, ELIZABETH A. BURKE, do hereby certify that I am the City Clerk of the City of Flagstaff, County of Coconino, State of Arizona, and that the above Minutes are a true and correct summary of the Meeting of the Council of the City of Flagstaff held on December 1, 2015. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 2nd day of February, 2016.

CITY CLERK

CITY OF FLAGSTAFF
STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Stacy Saltzburg, Deputy City Clerk
Date: 01/28/2016
Meeting Date: 02/02/2016



TITLE:

Consideration and Action on Liquor License Application: Roger Burton, "Giant #084", 1010 N. Country Club Dr, Series 10 (beer and wine store), New License.

RECOMMENDED ACTION:

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

Executive Summary:

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

Giant #084 is a new business that has not yet been constructed. The property has been posted as required, and the Police Department, Community Development, and Sales Tax divisions have reviewed the application with no concerns noted.

Financial Impact:

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

Connection to Council Goal and/or Regional Plan:

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

Not applicable.

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

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

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

The application was properly posted on January 13, 2016. No written protests have been received to date.

Attachments: Giant - Letter to Applicant
 Hearing Procedures
 Series 10 Description
 Giant - PD Memo
 Giant - Code Memo
 Giant - Tax Memo

OFFICE OF THE CITY CLERK

January 19, 2016

Giant #084
Attn: Roger Burton
1250 W. Washington St. #101
Tempe, AZ 85281

Dear Mr. Burton:

Your application for a New Series 10 liquor license for Giant #084 at 1010 N. Country Club Dr., was posted on January 13, 2016. The City Council will consider the application at a public hearing during their regularly scheduled City Council Meeting on **Tuesday, February 2, 2016 which begins at 4:00 p.m.**

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

The twenty-day posting period for your liquor license application is set to expire on February 2, 2016 and the application may be removed from the premises at that time.

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

Sincerely,

Stacy Saltzburg
Deputy City Clerk

Enclosure



City of Flagstaff

Liquor License Application Hearing Procedures

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

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

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

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

Non-transferable

Off-sale retail privileges

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

PURPOSE:

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

ADDITIONAL RIGHTS AND RESPONSIBILITIES:

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

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

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

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

MEMORANDUM

Memo #16-002-01

TO Chief Kevin Treadway
FROM Sgt. Matt Wright
DATE January 8, 2016
REF Series 10 liquor license application for Giant Gas Station #084

On January 8, 2016, I initiated an investigation into an application for a series 10 (beer and wine store) liquor license for the Giant store located at 1010 N. Country Club in Flagstaff. The license number is 10033214.

I spoke with Roger Burton, the listed agent on the license application. Roger stated this is an application for new store that will be built soon. Roger was not certain on the opening date but was hoping for June or July of 2016. Roger Burton stated a manager has not been hired yet. Roger confirmed the listed controlling persons in the application all have financial interest in Western Refining Southwest Inc., who own the Giant Stores. Roger confirmed they would not be selling hard alcohol as it was not authorized by the type of license. Roger stated they did plan on selling individual 40 oz. beer cans and bottles. Roger was educated on issues that the city faces due to the sale of this type of beer. Roger was willing and eager to work with The City of Flagstaff and Flagstaff Police Department on any issues that may arise.

I conducted a query through our local systems and public access on Roger Burton, Robert Sprouse, William Jewell, Mark Smith and Gary Dalke. No derogatory records were found on any of the applicants. This is a new license application for a series 10 which is a non-quota license.

Based on this investigation I can find no reason to oppose this application for the new series 10 license.



Planning and Development Services Memorandum

January 18, 2016

TO: Stacy Saltzburg, Deputy City Clerk

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

FROM: Tom Boughner, Code Compliance Mgr.

RE: Application for Liquor License #1033214
1010 North Country Club Drive, Flagstaff, Arizona 86004
Assessor's Parcel Number 113-29-012
Roger Burton on behalf of Giant Store #084

This application is a request for a new, Series 10, Beer and Wine Store liquor license, by Roger Kenneth Burton on behalf of Giant Store #084. This store is located within the Highway Commercial district. This district does allow for this use.

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

This liquor license is recommended for approval.

Liquor License Memo

To: Stacy Saltzberg, Deputy City Clerk
From: Sandy Corder, Interim Revenue Director
Date: January 4, 2016
Re: Series 12 Liquor License – Giant #084

I have reviewed our records for Western Refining Retail, LLC, dba: Giant #084 and I have no objection to approval of this liquor license.

CITY OF FLAGSTAFF
STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Stacy Saltzburg, Deputy City Clerk
Date: 01/28/2016
Meeting Date: 02/02/2016



TITLE:

Consideration and Action on Liquor License Application: Dara Wong Rodger, "Shift", 107 N. San Francisco St., Suite 2, Series 12 (restaurant), New License.

RECOMMENDED ACTION:

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

Executive Summary:

The liquor license process begins at the State level and applications are then forwarded to the respective municipality for posting of the property and holding a public hearing, after which the Council recommendation is forwarded back to the State. A Series 12 license allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food. The property has been posted as required, and the Police, Community Development, and Sales Tax divisions have reviewed the application with no concerns noted.

Financial Impact:

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

Connection to Council Goal and/or Regional Plan:

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

Has There Been Previous Council Decision on This:

Not applicable.

Options and Alternatives:

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

Key Considerations:

The deadline for issuing a recommendation on this application is March 8, 2016.

This business will contribute to the tax base of the community.

The application was properly posted on January 13, 2016. No written protests have been received to date.

Attachments: Shift - Letter to Applicant
 Hearing Procedures
 Series 12 Description
 Shift - PD Memo
 Shift - Code Memo
 Shift - Tax Memo

OFFICE OF THE CITY CLERK

January 19, 2016

Shift
Attn: Dara Wong Rodger
745 E. Ponderosa Pkwy
Flagstaff, AZ 86001

Dear Ms. Wong Rodger:

Your application for a New Series 12 liquor license for Shift at 107 N. San Francisco, was posted on January 13, 2016. The City Council will consider the application at a public hearing during their regularly scheduled City Council Meeting on **Tuesday, February 2, 2016 which begins at 4:00 p.m.**

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

The twenty-day posting period for your liquor license application is set to expire on February 2, 2016 and the application may be removed from the premises at that time.

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

Sincerely,

Stacy Saltzburg
Deputy City Clerk

Enclosure



City of Flagstaff

Liquor License Application Hearing Procedures

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

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

License Types: Series 12 Restaurant License

Non-transferable

On-sale retail privileges

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

PURPOSE:

Allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

ADDITIONAL RIGHTS AND RESPONSIBILITIES:

An applicant for a restaurant license must file a copy of its restaurant menu and Restaurant Operation Plan with the application. The Plan must include listings of all restaurant equipment and service items, the restaurant seating capacity, and other information requested by the department to substantiate that the restaurant will operate in compliance with Title 4.

The licensee must notify the Department, in advance, of any proposed changes in the seating capacity of the restaurant or dimensions of a restaurant facility.

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

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

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

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

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

Bar, beer and wine bar, and restaurant licensees must pay an annual surcharge of \$20.00. The money collected from these licensees will be used by the Department for an auditor to review compliance by restaurants with the restaurant licensing provisions of ARS 4-205.02.

MEMORANDUM

Memo #16-003-01

TO: Chief Kevin Treadway

FROM: Sgt. Matt Wright

DATE: January 8, 2016

RE: LIQUOR LICENSE APPLICATION – SERIES 12- FOR “Shift”

On January 8, 2016, I initiated an investigation into an application for a series 12 (restaurant) liquor license filed by Dara Wong and Joseph Rodger, the owners of a new restaurant called Shift. Dara Wong and Joseph Rodger are the only listed owners and will run the day to day operations. The restaurant will be located at 107 N. San Francisco Street #2 in downtown Flagstaff. This application is for a series 12 license #12033393. On February 1, 2016, Shift will be replacing a coffee shop currently at this location.

I conducted a query through local systems and public access on Dara Wong and Joseph Rodger. No derogatory records were found. Dara has attended the mandatory liquor law training course and provided proof. I spoke with Dara who stated she had never been arrested, and that this is her first liquor license. Dara stated she has never received any liquor law violations. Dara said the business will be a restaurant and have no plans to operate it as a bar or a club after hours. The restaurant will start renovations on February 1, 2016, when they take over the lease. Dara said they plan to open for business in April 2016.

As a result of this investigation the recommendation to Council is for approval of the series 12 license.



Planning and Development Services Memorandum

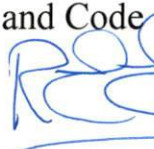
January 18, 2016

TO: Stacy Saltzburg, Deputy City Clerk

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

FROM: Tom Boughner, Code Compliance Mgr.

RE: Application for Liquor License #12033393
107 North San Francisco Street Suite 2, Flagstaff, Arizona
86001; Assessor's Parcel Number 101-38-001,
Dara Wong Rodger on behalf of Shift.



This application is a request for a new, Series 12 Restaurant liquor license, by Dara Wong on behalf of Shift. This restaurant is located within the Central Business district. This district does allow for this use.

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

This liquor license is recommended for approval.



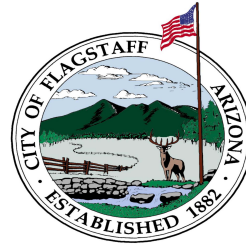
Liquor License Memo

To: Stacy Saltzberg, Deputy City Clerk
From: Sandy Corder, Interim Revenue Director
Date: January 4, 2016
Re: Series 12 Liquor License – SHIFT

I have reviewed our records for SHIFT Flagstaff, LLC and I have no objection to approval of this liquor license.

CITY OF FLAGSTAFF
STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: McKenzie Jones, Sustainability Specialist
Date: 01/28/2016
Meeting Date: 02/02/2016



TITLE:

Consideration and Adoption of Ordinance No. 2015-17: An ordinance of the City Council of the City of Flagstaff, amending the Flagstaff City Code, by deleting Chapter 6-03, *Animals*, in its entirety and adopting revised Chapter 6-03, *Animal Keeping*; providing for severability, authority for clerical corrections, and establishing an effective date. (***Animal Keeping Code***)

RECOMMENDED ACTION:

- 1) Read Ordinance No. 2015-17 by title only for the final time
- 2) City Clerk reads Ordinance No. 2015-17 by title only (if approved above)
- 3) Adopt Ordinance No. 2015-17

Executive Summary:

For many city residents, raising animals for food, fiber, and labor is the most affordable way to obtain nutritious, locally grown food. The recession has highlighted the need for policies that reduce pressures on residents, especially those who may supplement grocery bills by raising or growing their own food supply. Urban agriculture is an effective way to achieve this goal. The proposed changes to the City's livestock animal keeping regulations diminish obstacles to self-sufficiency while strengthening restrictions on noise, runoff, and smells associated with keeping livestock animals. The purpose of these changes is to clarify the existing code and modify it to meet the community's needs.

Financial Impact:

There are no financial implications to adopting ordinance 2015-17.

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:

10) Decrease the number of working poor.

REGIONAL PLAN:

Goal E&C.2. Reduce greenhouse gas emissions.

Goal E&C.3. Strengthen community and natural environment resiliency efforts through climate adaptation efforts.

Goal WR.6. Protect, preserve, and improve the quality of surface water, groundwater, and reclaimed water in the region.

Goal LU.3. Continue to enhance the region's unique sense of place within the urban, suburban, and rural context.

Policy LU.3.5. Allow and encourage urban agriculture.

Has There Been Previous Council Decision on This:

No.

Options and Alternatives:

Option A: Adopt Ordinance 2015-17 as submitted and authorize changes to the City of Flagstaff's livestock animal keeping regulations.

Option B: Recommend changes to Ordinance 2015-17.

Option C: Not adopt Ordinance 2015-17 and leave the existing code as is.

Background/History:

Throughout the Regional Plan and Zoning Code revision processes, City staff received feedback that residents feel the existing animal keeping regulations are unclear and too restrictive. The current code does not provide clear guidance about the number or type of animals allowed in the city. Additionally, it requires that individuals keeping livestock animals obtain approval from the Chief of Police. In response to these issues, staff drafted proposed edits to the animal keeping regulations.

Key Considerations:

The purpose of these changes is to clarify the existing code and modify it to meet the community's needs.

Expanded Financial Considerations:

There are no financial implications to adopting ordinance 2015-17.

Community Benefits and Considerations:

Many City residents, raising animals for food, fiber, and labor is the most affordable way to obtain nutritious, locally grown food. Keeping livestock animals and bees can provide a host of benefits to the individual and community. For example, five laying hens, each of which will lay 250 to 280 eggs per year, can provide enough eggs to satisfy a family of five's annual egg consumption. In addition, five chickens can eat the kitchen waste of a family of four, decreasing 1,900 pounds of waste sent to the landfill annually. Beekeeping has an even broader impact on our local environment. Over the past 50 years, domesticated bee populations have decreased by 50%, yet bees are invaluable in our food production due to the pollination activities they provide where one beehive can produce enough honey for 54 residents all year.

The recession has highlighted the need for policies that reduce economic pressures, especially for lower income families, and urban agriculture is an effective tool to support this goal. The proposed changes to the City's livestock animal keeping regulations diminish obstacles to self-sufficiency while strengthening restrictions on noise, runoff, and smells associated with keeping livestock animals. Additionally, the proposed changes affirm that residential bees benefit our community in a variety of ways while providing a healthy source of food.

Community Involvement:

Involve: Throughout this process, the community was consulted in shaping the changes proposed in this ordinance. Staff sought direction from neighborhood associations, realtors, HOAs, and various community groups, such as Flagstaff Foodlink, Flagstaff Liberty Alliance, Southside Neighborhood Association, and the City of Flagstaff Sustainability Commission. Additionally, expert guidance was provided by individuals from the Arizona Farm Bureau, Arizona State Department of Agriculture, Northern Arizona Organic Beekeepers Association, and Arizona State Beekeepers Association, as well as local backyard farmers. Public input was sought through an open house at the downtown library on July 20, 2015, which was publicized through social media, radio interviews, community calendars, and the Arizona Daily Sun, and was attended by 26 members of the public.

Expanded Options and Alternatives:

Option A: Adopt Ordinance 2015-17 as submitted and authorize changes to the City of Flagstaff's livestock animal keeping regulations.

Option B: Recommend changes to Ordinance 2015-17.

Option C: Not adopt Ordinance 2015-17 and leave the existing code as is.

Attachments: [Ord. 2015-17](#)
 [PowerPoint](#)
 [Ord. 2015-17.Redlined](#)

ORDINANCE NO. 2015-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, BY DELETING TITLE 6, *POLICE REGULATIONS*, CHAPTER 6-03, *ANIMALS*, IN ITS ENTIRETY AND ADOPTING REVISED CHAPTER 6-03, *ANIMAL KEEPING*; PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City Council of the City of Flagstaff believes it is in the best interest of the City to allow City residents to keep certain animals as a healthy and affordable source of food, fiber, and labor;

WHEREAS, the City Council has determined that Chapter 6-03 of the City Code regarding animal keeping should be amended to clarify the rules and regulations related to the keeping of animals within the City; and

WHEREAS, the City Council intends, by adopting the proposed amendments, to protect and promote the public health, safety, convenience, and general welfare of the citizens of the City of Flagstaff.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. In General.

The Flagstaff City Code, Title 6, *Police Regulations*, Chapter 3, *Animals*, is hereby deleted in its entirety and replaced with revised Chapter 6-03, *Animal Keeping*, as set forth below:

Chapter 6-03 ANIMAL KEEPING

SECTIONS:

6-03-001-0001	PURPOSE
6-03-001-0002	DEFINITIONS
6-03-001-0003	KEEPING OF LIVESTOCK
6-03-001-0004	BEE KEEPING
6-03-001-0005	VIOLATION

SECTION 6-03-001-0001 PURPOSE:

The purpose of this Chapter is to ensure that the keeping, raising, and maintenance of livestock animals within the City does not create an adverse impact on adjacent properties by reason of dust, fumes, noise, odor, insect or vermin infestations, or visual blight, and to maintain the

animal welfare and public health, safety, and well-being. This chapter does not pertain to common domestic household pets such as dogs, cats, and others.

SECTION 6-03-001-0002 DEFINITIONS:

For the purposes of this Chapter, the following terms, phrases and words and their derivations will have the meaning given as set forth below when not inconsistent with the context.

Beehive: A structure for housing honey bees.

Bee Colony: The hive and its equipment and appurtenances including honey bees, comb, honey, pollen and brood.

Equine: Horse or other member of the horse family including mules and donkeys.

Flyway Barrier: A solid wall, fence, dense vegetation, or combination of these materials at least six feet high that extends at least 10 feet beyond the hives on each end of a bee colony.

Poultry: A domesticated bird that is used to produce meat or eggs, including but not limited to, chickens, ducks, pigeons, and quail.

Livestock: Domesticated animals commonly raised to produce commodities such as food, fiber, and labor.

Large Livestock: Equine, cattle, swine, donkeys, mules, llamas, ostriches, goats, sheep, alpaca, and other similarly sized animals.

Small Livestock: Rabbits, chickens, miniature, dwarf or pygmy goats that are neutered, and other similarly sized animals.

Pasture: Open, uncultivated land used for the grazing of livestock.

Shelter: A structure or environment, adequate to the species of animal, which provides protection from adverse weather conditions and predators.

Nuisance: Anything offensive or obnoxious to the health and welfare of the inhabitants of the City; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of another person or to the community.

SECTION 6-03-001-0003 KEEPING OF LIVESTOCK

The following standards apply to the keeping of livestock animals within city limits.

A. GENERAL RULES AND RESTRICTIONS

1. The number of animals permitted in each Zone is established in Table 6-03-003.A (Number of Animals Permitted by Zoning Designation) below.
2. The principal use of the property on which livestock animals are kept must be residential or educational.

3. No livestock may be kept in the front yard setback area.
4. Offspring of animals maintained on the same property that are less than four months old or that have not been weaned, whichever is longer, will not be subject to the maximum number of animals permitted per lot size established by this Chapter.
5. All animals and the pens, stalls, stables, yards, shelters, cages, and premises where they are held or kept, shall be maintained in such a manner so as to not become a public health nuisance. Livestock shelters and runs must be clean and sanitary, generally free of fecal and other matter that may attract flies, rodents, or cause an offensive odor that may disturb the comfort of any person. Nothing in this Subsection shall be deemed to prohibit the use of animal manure or droppings to fertilize any farm, garden, lawn or ranch in such a manner and for such purposes as are compatible with customary methods of good horticulture.
6. Feed troughs shall be provided for the feeding of vegetables, meat scraps, or garbage, and such feeding shall be done exclusively from containers or on an impervious platform. Food for feeding livestock shall be stored in rodent and predator resistant containers.
7. Watering troughs or tanks shall be provided, which shall be equipped with adequate facilities for draining the overflow, so as to prevent the ponding of water, the breeding of flies, mosquitoes or other insects, or any additional health hazards.
8. Shelter and fencing (e.g. barn, coop, corral, pens, stables, etc.) shall be provided to sufficiently contain the animals and keep them from roaming at large.
9. Shelters must be covered, predator-resistant, properly ventilated, and designed to be easily accessed, cleaned and maintained.
10. Shelters must be maintained to reduce the risk of fire in accordance with the City of Flagstaff Fire Code.
11. No incineration of animal refuse shall be permitted on the premises.
12. Only chickens, domestic fowl, or rabbits can be slaughtered on site. Slaughter shall not occur in view from any public area or any adjacent property owned by another. Slaughter shall be done in a humane and sanitary manner. Slaughter must be for personal consumption and in compliance with all county, state, and federal laws.
13. All animal-keeping facilities must be designed in a manner such that water runoff does not become a health hazard or nuisance to uses on other properties, and is contained and disposed of and does not contribute to the pollution of local groundwater or the flooding of adjacent properties.
14. No person shall keep or harbor any animal which by frequent or habitual howling, yelping, barking, crowing or the making of any other noise, day or night, unreasonably disturbs the peace and quiet of any person or persons.

B. RULES AND RESTRICTIONS – LARGE LIVESTOCK

1. Shelters for large livestock must be located:
 - a. No less than 75 feet from any dwelling unit.
 - b. No less than ten feet from any property line.
2. At least 10,000 square feet of pasture must be made available for each large livestock animal.
3. No pigsty shall be built or maintained on marshy ground or land subject to overflow, or within 150 feet of any watercourse or other source of water supply, or within 300 feet of a dwelling unit on an adjoining property.

C. RULES AND RESTRICTIONS – SMALL LIVESTOCK

1. Male miniature goats must be neutered by four months of age.
2. Shelters and fenced enclosures for housing, keeping or caring for small livestock must:
 - a. Be located no less than ten feet from any property line.
 - b. Have a minimum of four square feet of indoor space per poultry or rabbit.
 - c. Have a minimum of ten square feet of permeable outdoor space per poultry or rabbit.
 - d. Have a minimum of 130 square feet of permeable space per miniature goat.
3. Turkeys, peafowl, geese, and all other similarly noisy birds are prohibited in all zones within the City.
4. Male poultry over the age of four months shall not be permitted within the City.

SECTION 6-03-001-0004 BEE KEEPING

The following standards apply to provide for the safe and orderly keeping of bees.

- A. Bee keeping is allowed in all zones. The principal use of the property on which beehives are kept must be residential or educational.
- B. Beehives shall only be located in rear yards and shall be placed a minimum of 10 feet from any property line, except that in the Rural Residential (RR) Zone beehives also may be placed in the interior side yards. In all zones the entrance to the beehive shall face away from the property line closest to the hive.

- C. A flyway barrier shall be established and maintained so that all bees are forced to fly at an elevation of at least six feet above ground level in the vicinity of the beehive. Any fence, wall, or natural barrier proposed as a flyway barrier shall comply with the provisions of City Code Title 10, Zoning Code, Division 10-50.50 (Fences and Screening), as well as the following:
1. Be a minimum of six feet tall;
 2. Be solid such that bees cannot fly through it;
 3. Be placed parallel to the property line; and
 4. Extend a minimum of five feet beyond the beehive(s) in each direction.
- D. A convenient source of water shall be made available for the bees at all times of the year so that bees are less likely to congregate at swimming pools, pet watering bowls, bird baths, or other water sources.
- E. In any instance in which a colony exhibits unusually defensive characteristics by stinging or attempting to sting without provocation or exhibits an unusual disposition toward swarming, beekeepers shall promptly re-queen the colony with another queen. Queens shall be selected with a gentle disposition from stock bred for gentleness. Beekeepers must be able to produce proof of a receipt from a queen breeder.

Table 6-03-001-0003.A Number of Animals Permitted by Zoning Designation

Type of Animal	Zones in which Specific Animals are Permitted	Maximum Number of Animals Permitted per Lot Size						
		≤19,999 sq ft	20,000 – 29,999 sq ft	30,000 – 39,999 sq ft	40,000 – 79,999 sq ft	80,000 – 119,999 sq ft	120,000 – 159,999 sq ft	≥160,000 sq ft
Large Livestock								
Equine, Cattle, Swine, Llamas, Alpacas, Goats, Sheep, Other Large Livestock Not Prohibited By This Chapter	ER and RR	0	0	0	4	5	6	7
Small Livestock								
Goats (miniature, pygmy, dwarf)	All zones*	2	2	2	4	4	4	4
Ducks, Rabbits, Chickens	All zones*	5	10	15	20	25	25	25
Bees								
Bee Colonies	All zones*	2	4	6	8	8	8	8

* The principal use of the property must be residential or educational.

SECTION 6-03-001-0005 VIOLATION

- A. It shall be unlawful for any person to cause, facilitate, or aid or abet a violation of any provision of this Chapter or to fail to perform any act or duty required by this Chapter in connection with the keeping of animals.
- B. Any person found responsible for violating any provision of this Chapter will be subject to a fine of no less than \$100 for every offense. Recurring violations will be subject to larger fines. Any violation that is continuing in nature shall constitute a separate offense on each successive date the violation continues.
- C. Civil actions or proceedings to enforce the requirements of this Chapter will be commenced and prosecuted in compliance with City Code Title 1, Administration, Chapter 1-15, Municipal Court, Section 1-15-001-0011, Civil Enforcement Procedures.

SECTION 2. Severability.

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

SECTION 3. Clerical Corrections

The City Clerk is hereby authorized to correct typographical and grammatical errors, as well as errors of wording and punctuation, as necessary related to this ordinance as amended herein, and to make formatting changes needed for purposes of clarity and form, or consistency, within thirty (30) days following adoption by the City Council.

SECTION 4. Effective Date.

This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 2nd day of February, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Proposed Changes to the Livestock Animal Keeping Code

City Council
January 19th, 2016

Presentation Outline

Livestock Animals: Domesticated animals raised for food, fiber, and labor.

- ❖ Community Feedback on Existing Code
- ❖ Options Requested by Council
 - ❖ Miniature Pigs
 - ❖ Small Animal Slaughter
 - ❖ Bee Keeping Certification

Community Feedback on Existing Code

Why should we change the code?

- ❖ Existing code is unclear.
- ❖ All animals must be authorized by the Chief of Police.
- ❖ Existing distance requirements for chickens are too restrictive.
- ❖ Desire to raise bees for honey.
- ❖ Desire to raise miniature goats for milk.
- ❖ Need more restrictions on large livestock.
- ❖ Need guidelines for animal welfare.
- ❖ Need guidelines for nuisances.

Miniature Pigs

- ❖ Option 1: Include miniature pigs as ‘swine’ and restrict to Rural Residential and Estate Residential zones.
- or
- ❖ Option 2: Designate miniature pigs as ‘common household pets’ and do not address in this code.
- ❖ Minor revision to Purpose: “This chapter does not pertain to common domestic household pets...”

Small Animal Slaughter

- ❖ Option 1: Slaughter of animals is prohibited in all residential zones and in zones where residential uses are allowed.

or

- ❖ Option 2: Only chickens, domestic fowl, or rabbits can be slaughtered in residential zones. Slaughter shall not occur in view from any public area or any adjacent property owned by another. Slaughter shall be done in a humane and sanitary manner.

Bee Keeping – Optional Requirement

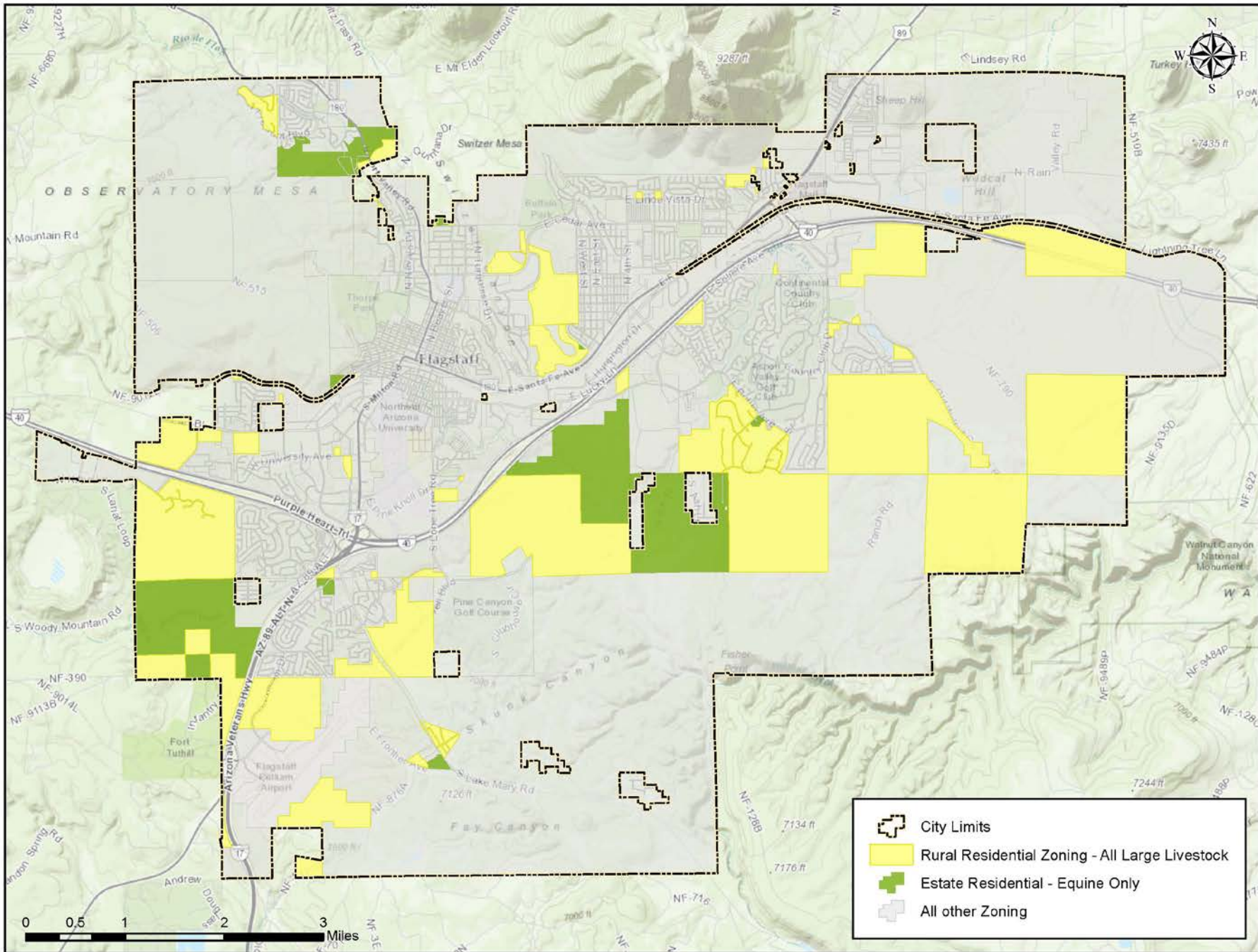
❖ Notification Process: Prior to keeping bees, a person must:

1. Prepare a notice stating intent to keep bees and the type of bees kept utilizing City approved template;
2. Mail notice to property owners within 300 feet of the site at least two weeks prior to commencing bee keeping; and
3. Submit a written declaration to the City of compliance with the notification requirements.

Questions?

Thank you.

Large Livestock Animal Zoning Map



	Zones	Total Number of Animals Permitted per Lot Size						
		≤19,999 sq ft	20,000 – 29,999 sq ft	30,000 – 39,999 sq ft	40,000 – 79,999 sq ft	80,000 – 119,999 sq ft	120,000 – 159,999 sq ft	≥160,000 sq ft
LARGE LIVESTOCK								
Equine, Cattle, Swine, Llamas, Alpacas, Goats (Full size), Sheep	ER and RR	0	0	0	4	5	6	7
SMALL LIVESTOCK								
Goats (miniature, pygmy, dwarf)	All zones	2	2	2	4	4	4	4
Rabbits, Chickens, Ducks	All zones	5	10	15	20	25	25	25
BEEES								
Bee Colonies	All zones	2	4	6	8	8	8	8

ORDINANCE NO. 2015-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, BY DELETING TITLE 6, *POLICE REGULATIONS*, CHAPTER 6-03, *ANIMALS*, IN ITS ENTIRETY AND ADOPTING REVISED CHAPTER 6-03, *ANIMAL KEEPING*; PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City Council of the City of Flagstaff believes it is in the best interest of the City to allow City residents to keep certain animals as a healthy and affordable source of food, fiber, and labor;

WHEREAS, the City Council has determined that Chapter 6-03 of the City Code regarding animal keeping should be amended to clarify the rules and regulations related to the keeping of animals within the City; and

WHEREAS, the City Council intends, by adopting the proposed amendments, to protect and promote the public health, safety, convenience, and general welfare of the citizens of the City of Flagstaff.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. In General.

The Flagstaff City Code, Title 6, *Police Regulations*, Chapter 3, *Animals*, is hereby deleted in its entirety and replaced with revised Chapter 6-03, *Animal Keeping*, as set forth below:

Chapter 6-03 ANIMAL KEEPING

SECTIONS:

6-03-001-0001	PURPOSE
6-03-001-0002	DEFINITIONS
6-03-001-0003	KEEPING OF LIVESTOCK
6-03-001-0004	BEE KEEPING
6-03-001-0005	VIOLATION

SECTION 6-03-001-0001 PURPOSE:

The purpose of this Chapter is to ensure that the keeping, raising, and maintenance of livestock animals within the City does not create an adverse impact on adjacent properties by reason of dust, fumes, noise, odor, insect or vermin infestations, or visual blight, and to maintain the

animal welfare and public health, safety, and well-being. This chapter does not pertain to common domestic household pets such as dogs, cats, and others.

SECTION 6-03-001-0002 DEFINITIONS:

For the purposes of this Chapter, the following terms, phrases and words and their derivations will have the meaning given as set forth below when not inconsistent with the context.

Beehive: A structure for housing honey bees.

Bee Colony: The hive and its equipment and appurtenances including honey bees, comb, honey, pollen and brood.

Equine: Horse or other member of the horse family including mules and donkeys.

Flyway Barrier: A solid wall, fence, dense vegetation, or combination of these materials at least six feet high that extends at least 10 feet beyond the hives on each end of a bee colony.

Poultry: A domesticated bird that is used to produce meat or eggs, including but not limited to, chickens, ducks, pigeons, and quail.

Livestock: Domesticated animals commonly raised to produce commodities such as food, fiber, and labor.

Large Livestock: Equine, cattle, swine, donkeys, mules, llamas, ostriches, goats, sheep, alpaca, and other similarly sized animals.

Small Livestock: Rabbits, chickens, miniature, dwarf or pygmy goats that are ~~dehorned and~~ neutered, and other similarly sized animals.

Pasture: Open, uncultivated land used for the grazing of livestock.

Shelter: A structure or environment, adequate to the species of animal, which provides protection from adverse weather conditions and predators.

Nuisance: Anything offensive or obnoxious to the health and welfare of the inhabitants of the City; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of another person or to the community.

SECTION 6-03-001-0003 KEEPING OF LIVESTOCK

The following standards apply to the keeping of livestock animals within city limits.

A. GENERAL RULES AND RESTRICTIONS

1. The number of animals permitted in each Zone is established in Table 6-03-003.A (Number of Animals Permitted by Zoning Designation) below.
2. The principal use of the property on which livestock animals are kept must be residential or educational.

3. No livestock may be kept in the front yard setback area.
4. Offspring of animals maintained on the same property that are less than four months old or that have not been weaned, whichever is longer, will not be subject to the maximum number of animals permitted per lot size established by this Chapter.
5. All animals and the pens, stalls, stables, yards, shelters, cages, and premises where they are held or kept, shall be maintained in such a manner so as to not become a public health nuisance. Livestock shelters and runs must be clean and sanitary, generally free of fecal and other matter that may attract flies, rodents, or cause an offensive odor that may disturb the comfort of any person. Nothing in this Subsection shall be deemed to prohibit the use of animal manure or droppings to fertilize any farm, garden, lawn or ranch in such a manner and for such purposes as are compatible with customary methods of good horticulture.
6. Feed troughs shall be provided for the feeding of vegetables, meat scraps, or garbage, and such feeding shall be done exclusively from containers or on an impervious platform. Food for feeding livestock shall be stored in rodent and predator resistant containers.
7. Watering troughs or tanks shall be provided, which shall be equipped with adequate facilities for draining the overflow, so as to prevent the ponding of water, the breeding of flies, mosquitoes or other insects, or any additional health hazards.
8. Shelter and fencing (e.g. barn, coop, corral, pens, stables, etc.) shall be provided to sufficiently contain the animals and keep them from roaming at large.
9. Shelters must be covered, predator-resistant, properly ventilated, and designed to be easily accessed, cleaned and maintained.
10. Shelters must be maintained to reduce the risk of fire in accordance with the City of Flagstaff Fire Code.
11. No incineration of animal refuse shall be permitted on the premises.
12. Only chickens, domestic fowl, or rabbits can be slaughtered on site. Slaughter shall not occur in view from any public area or any adjacent property owned by another. Slaughter shall be done in a humane and sanitary manner. Slaughter must be for personal consumption and in compliance with all county, state, and federal laws.
13. All animal-keeping facilities must be designed in a manner such that water runoff does not become a health hazard or nuisance to uses on other properties, and is contained and disposed of and does not contribute to the pollution of local groundwater or the flooding of adjacent properties.
14. No person shall keep or harbor any animal which by frequent or habitual howling, yelping, barking, crowing or the making of any other noise, day or night, unreasonably disturbs the peace and quiet of any person or persons.

B. RULES AND RESTRICTIONS – LARGE LIVESTOCK

1. Shelters for large livestock must be located:
 - a. No less than 75 feet from any dwelling unit.
 - b. No less than ten feet from any property line.
2. At least 10,000 square feet of pasture must be made available for each large livestock animal.
3. No pigsty shall be built or maintained on marshy ground or land subject to overflow, or within 150 feet of any watercourse or other source of water supply, or within 300 feet of a dwelling unit on an adjoining property.

C. RULES AND RESTRICTIONS – SMALL LIVESTOCK

1. Male miniature goats must be neutered by four months of age.
2. Shelters and fenced enclosures for housing, keeping or caring for small livestock must:
 - a. Be located no less than ten feet from any property line.
 - b. Have a minimum of four square feet of indoor space per poultry or rabbit.
 - c. Have a minimum of ten square feet of permeable outdoor space per poultry or rabbit.
 - d. Have a minimum of 130 square feet of permeable space per miniature goat.
3. Turkeys, peafowl, geese, and all other similarly noisy birds are prohibited in all zones within the City.
4. Male poultry over the age of four months shall not be permitted within the City.

SECTION 6-03-001-0004 BEE KEEPING

The following standards apply to provide for the safe and orderly keeping of bees.

- A. Bee keeping is allowed in all zones. The principal use of the property on which beehives are kept must be residential or educational.
- B. Beehives shall only be located in rear yards and shall be placed a minimum of 10 feet from any property line, except that in the Rural Residential (RR) Zone beehives also may be placed in the interior side yards. In all zones the entrance to the beehive shall face away from the property line closest to the hive.

- C. A flyway barrier shall be established and maintained so that all bees are forced to fly at an elevation of at least six feet above ground level in the vicinity of the beehive. Any fence, wall, or natural barrier proposed as a flyway barrier shall comply with the provisions of City Code Title 10, Zoning Code, Division 10-50.50 (Fences and Screening), as well as the following:
1. Be a minimum of six feet tall;
 2. Be solid such that bees cannot fly through it;
 3. Be placed parallel to the property line; and
 4. Extend a minimum of five feet beyond the beehive(s) in each direction.
- D. A convenient source of water shall be made available for the bees at all times of the year so that bees are less likely to congregate at swimming pools, pet watering bowls, bird baths, or other water sources.
- E. In any instance in which a colony exhibits unusually defensive characteristics by stinging or attempting to sting without provocation or exhibits an unusual disposition toward swarming, beekeepers shall promptly re-queen the colony with another ~~marked~~-queen. Queens shall be selected with a gentle disposition from stock bred for gentleness ~~and non-swarming characteristics~~. Beekeepers must be able to produce proof of a receipt from a queen breeder.
- ~~F. **ADDITIONAL OPTIONAL REQUIREMENT:** Bee colonies may not be kept when a person who has a medically certified allergy to the sting of bees resides within 300 feet of the hives and has submitted to the City medical documentation and a written request that the hives be removed.~~
- ~~Notification Process: Prior to keeping bees, a person must:~~
- ~~1. Prepare a notice stating intent to keep bees and the type of bee kept and mailing list, utilizing city approved templated;~~
 - ~~2. Mail notice to adjacent property owners within 300 feet of the site two weeks prior to commencing bee keeping; and~~
 - ~~3. Submit a written declaration to the City of compliance with the notification requirements.~~

Table 6-03-001-0003.A Number of Animals Permitted by Zoning Designation

Type of Animal	Zones in which Specific Animals are Permitted	Maximum Number of Animals Permitted per Lot Size						
		≤19,999 sq ft	20,000 – 29,999 sq ft	30,000 – 39,999 sq ft	40,000 – 79,999 sq ft	80,000 – 119,999 sq ft	120,000 – 159,999 sq ft	≥160,000 sq ft
Large Livestock								

Equine, Cattle, Swine, Llamas, Alpacas, Goats, Sheep, Other Large Livestock Not Prohibited By This Chapter	ER and RR	0	0	0	4	5	6	7
Small Livestock								
Goats (miniature, pygmy, dwarf)	All zones*	2	2	2	4	4	4	4
Ducks, Rabbits, Chickens	All zones*	5	10	15	20	25	25	25
Bees								
Bee Colonies	All zones*	2	4	6	8	8	8	8

* The principal use of the property must be residential or educational.

SECTION 6-03-001-0005 VIOLATION

- A. It shall be unlawful for any person to cause, facilitate, or aid or abet a violation of any provision of this Chapter or to fail to perform any act or duty required by this Chapter in connection with the keeping of animals.
- B. Any person found responsible for violating any provision of this Chapter will ~~be deemed guilty of a misdemeanor and shall be~~ subject to a fine of no less than \$100 for every offense. Recurring violations will be subject to larger fines. Any violation that is continuing in nature shall constitute a separate offense on each successive date the violation continues.
- C. Civil actions or proceedings to enforce the requirements of this Chapter will be commenced and prosecuted in compliance with City Code Title 1, Administration, Chapter [1-15](#), Municipal Court, Section [1-15-001-0011](#), Civil Enforcement Procedures.

SECTION 2. Severability.

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

SECTION 3. Clerical Corrections

The City Clerk is hereby authorized to correct typographical and grammatical errors, as well as errors of wording and punctuation, as necessary related to this ordinance as amended herein, and to make formatting changes needed for purposes of clarity and form, or consistency, within thirty (30) days following adoption by the City Council.

SECTION 4. Effective Date.

This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this ____ day of _____, ~~2015~~2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Karl Eberhard, Comm Design & Redevelopment Mgr

Date: 01/28/2016

Meeting Date: 02/02/2016



TITLE:

Consideration and Adoption of Ordinance No. 2016-05 - An ordinance of the City Council of the City of Flagstaff, Arizona, amending Flagstaff City Code Title 9, TRANSPORTATION, Chapter 9-01, TRAFFIC CODE; creating the Office of Parking Manager; modifying the duties of the Traffic Engineer accordingly; modifying and adding traffic violations necessary for permit parking and pay-to-park programs; authorizing the Parking manager to implement the Comprehensive Parking Management Program for the downtown, southside and surrounding areas with the installation of parking meters, signage, and other improvements for permit parking and pay-to-park programs; and establishing a special revenue fund for revenues generated by implementation of the Comprehensive Parking Management Program.

(Downtown Comprehensive Parking Management Program)

RECOMMENDED ACTION:

- 1) Read Ordinance No. 2016-05 by title only for the final time
- 2) City Clerk reads Ordinance No. 2016-05 by title only (if approved above)
- 3) Adopt Ordinance No. 2016-05

Executive Summary:

Adoption of this ordinance would modify City Code as needed and desired to implement the Comprehensive Parking Management Program and would establish a special revenue fund for the Comprehensive Parking Management Program. Changes to the City Code include creating the office of Parking Manager and modifying the duties of the Traffic Engineer accordingly, modifying and adding traffic violations necessary for permit parking and pay-to-park programs, and authorizing the Parking Manager to install parking meters, signage, and other improvements for permit parking and pay-to-park programs. The special revenue fund would be for revenues and expenses within the downtown, southside, and surrounding impacted areas, and, expenditures would be further restricted to certain physical and operational parking related costs. If the City Council also adopts the Comprehensive Parking Management Program (Resolution 2016-1), then City staff, working with the stakeholders, would begin implementation of the program including the development of Administrative Guidelines and initiating an educational outreach program designed to inform the general users of the new programs and requirements. Subject to budget approval, City staff would procure and install the program components, most immediately including pay-to-park kiosks, permits, signage, minor improvements to parking facilities, and acquiring additional employee parking. Again subject to budget approval, additional enforcement staff would be hired and in the near future, a parking Manager would be hired.

Financial Impact:

Adoption of this ordinance is not expected to have financial implications in and of itself. However, if the City Council also adopts the Comprehensive Parking Management Program (Resolution 2016-1), and once all the program components are in place, the parking program is self-funding with an anticipated annual income of \$1,000,000 and anticipated annual expenses of \$600,000, leaving an annual balance of \$400,000 to be held in reserve for the construction of new parking facilities (all figures being approximate projections). The start-up costs are approximately \$350,000 which is proposed to be put forth by the City and re-paid from the parking income over the first two years of operations. None of these expenses are currently budgeted. However, if the Council adopts this ordinance and the Comprehensive Parking Management Program (Resolution 2016-1), the revenues and expenses will be expressed in the next City Budget (the process for which is just now getting started).

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:

3) Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics.

Has There Been Previous Council Decision on This:

There have been several actions by the City Council related to parking and parking management over the last twenty-five years. These have included various code provisions for parking and parking meters, conditional adoption of a parking management plans, installation and removal of parking meters, and many more actions too numerous to list and not necessarily foundational to the decision currently before the City Council.

Most recently, in December of 2015, the City Council considered the draft Comprehensive Parking Management Program and considered concepts for this ordinance at a work session and provided no direction for changes.

Options and Alternatives:

1. Adopt ordinance as proposed.
2. Adopt an amended version of the ordinance keeping in mind that amendments must be carefully drafted to maintain compatibility with the proposed Comprehensive Parking Management Program.
3. Do not adopt ordinance as proposed in which event the Comprehensive Parking Management Program cannot be implemented.

Background/History:

Historically, three general areas in Flagstaff have experienced notable parking issues. The north Downtown area has experienced issues with parking shortages and parking turn-over. The North End neighborhood has experienced issues with spill-over parking from north Downtown. And, in recent years, the Southside has also experienced issues resulting from spill-over parking and due to the successful ongoing Southside redevelopment, new parking issues are emerging.

Discussions of addressing parking issues in north Downtown date back to the 1950s and five parking studies have been commissioned since the 1980s. In 2008 there was a partially successful effort to formulate a solution to the parking and other issues of downtown. However, that limited success was conditioned on resolving the remaining parts - notably including the development of more comprehensive solutions and achieving accord between, and buy-in from, all of the stakeholders. In addressing the unresolved parts, the follow-up work resulted in the formation of the Flagstaff Downtown Business Improvement and Revitalization District, however without addressing the parking issues. In 2011 there was an effort to solve some of the early renditions of parking issues in the Southside.

Certainly since 2008 the parking problems are well understood and agreed upon. Looking from the

highest elevation, we need to manage our existing parking and we need to construct new parking facilities.

The impetus of the current consideration of our parking system is spill-over parking in the Southside, notably in the residential areas. Upon tackling this issue it quickly becomes clear that the issues and solutions are interconnected with the north Downtown and thus with the North End Neighborhood. And, we can reasonably anticipate that solutions for these areas will impact other adjacent neighborhoods such as La Plaza Vieja and Townsite. Thus the current Comprehensive Parking Management Program is a holistic solution to the known and anticipated parking problems.

A distinguishing feature of the current effort relates back to the 2008 City Council direction - Not only are the parking issues addressed comprehensively, there is accord and buy-in from the stakeholders. While there may still be individuals that have concerns, the eleven stakeholder groups have all indicated support for the current approach. Each recognizes the need to address the parking issues now, the need to do so in a balanced way (compromise), and the need to start accumulating funds for constructing new parking facilities.

Detailed background information relative to the current effort is included in the Comprehensive Parking Management Program (Resolution 2016-1) and is not duplicated here for brevity.

Key Considerations:

If adopted, this ordinance would create the office of Parking Manager and modify the duties of the Traffic Engineer accordingly. Currently all parking is under the authority of the Traffic Engineer (within the Engineering Section). This ordinance would place authority for public parking in the general areas with pay-to-park requirements and permit parking under the Parking Manager (within the Economic Vitality Division). The authorities relative to public parking include the establishing, changing, suspending, or removing Administrative Guidelines (procedures, protocols, and requirements not established by the adopted Comprehensive Parking Management Program), parking rates, and physical parking facilities including associated signs, markings, equipment, and other improvements. Private parking and parking associated with municipal facilities are not included in the authority of the Parking Manager. Notably, it will be necessary for the Parking Manager and the Traffic Engineer to coordinate their efforts as the operations of these systems are inter-related.

The adoption of this ordinance establishes separate accounting for the income and expenses of the Comprehensive Parking Management Program and establishes expenditure limits so that the funds are used solely for parking purposes. This is how the BBB Funds are managed and limited.

Expanded Financial Considerations:

Details of the financial implications are included in the pro forma from the Comprehensive Parking Management Program (attached) and thus are not duplicated here for brevity. Notably the pro forma information in the document is illustrative and it is anticipated that final numbers will differ from the illustrations. It is anticipated that the annual revenues will exceed the expenses and that these revenues would remain in the fund balance of the parking fund until sufficient for parking construction.

If the City Council also adopts the Comprehensive Parking Management Program (Resolution 2016-1), the expenses will be included in the next City Budget through the budget process that is currently just getting started.

Community Benefits and Considerations:

Addressing the parking issues enhances the economic vitality of the north Downtown and for the commercial portions of Southside. It will also enhance the property values in the surrounding residential districts. Currently, unmanaged parking is negatively impacting these properties and having an active plan and effort that leads to constructing parking will further alleviate the negative impacts.

Managing our existing parking supply will allow us to use our resources more efficiently, ultimately reducing expenditures for constructing parking. Notably, an over-supply of parking is also harmful to the economic vitality of a community. The highest benefit is achieved through parking management.

Traditionally, the cost of public parking has been borne by the general tax payers of the City. If adopted, this program would establish that users will pay for the use of public parking spaces in high parking demand areas.

Community Involvement:

Consult
Involve
Collaborate
Empower

The Comprehensive Parking Management Program has been significantly vetted with the community in general but specifically balancing the desires and needs of eleven identified key stakeholder groups. The stakeholders, users, and editor have variously worked on the development of this plan over the last eight years. The code changes proposed in this ordinance reflect specific desires and needs that staff heard during the vetting process.

Attachments: Ord. 2016-05
 Pro Forma
 PowerPoint

ORDINANCE NO. 2016-05

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, AMENDING CERTAIN TRAFFIC AND PARKING REGULATIONS BY AMENDING THE FLAGSTAFF CITY CODE TITLE 9, *TRANSPORTATION*, BY AMENDING CHAPTER 9-01, *TRAFFIC CODE*; SECTION 9-01-001-0001, *TRAFFIC LAWS ADOPTED*; SECTION 9-01-001-0003, *STOPPING, STANDING AND PARKING RESTRICTIONS*; SECTION 9-01-001-0007, *OFFICE OF TRAFFIC ENGINEER CREATED*; 9-01-001-0008, *MUNICIPAL PARKING LOTS*; BY ADDING SECTION 9-01-001-0014, *OFFICE OF THE PARKING MANAGER CREATED*; AND BY ADDING SECTION 9-01-001-0015, *COMPREHENSIVE PARKING MANAGEMENT PROGRAM SPECIAL REVENUE FUND*, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AND EFFECTIVE DATES

RECITALS:

WHEREAS, the City Council is authorized pursuant to the general powers enumerated in A.R.S. § 9-240 to control and regulate right-of-way including roads and streets within the City; and

WHEREAS, the City Council is more specifically authorized by the City Charter Article I, Section 3; and Article VIII, Section 10(4) to regulate streets used by the public within the City; and

WHEREAS, the City has identified issues related to parking in the downtown area, the southside area, and areas surrounding downtown and southside; and

WHEREAS, the City of Flagstaff has an interest in regulating parking within the downtown area, southside area and those areas surrounding downtown and southside in order to meet the needs of the community; and

WHEREAS, the City has created a Comprehensive Parking Management Program to manage and regulate parking within the downtown area, southside area and those areas surrounding downtown and southside, which will require amendments and additions to Title 9 of the Flagstaff City Code; and

WHEREAS, the City of Flagstaff has an interest in establishing a special revenue fund for revenues generated by the implementation of the Comprehensive Parking Management Program; and

WHEREAS, the City now desires to implement the Comprehensive Parking Management Program and create the Office of the Parking Manager and authorize the Parking Manager to manage and regulate parking within the downtown area, southside area and those areas surrounding downtown and southside; and

WHEREAS, the City now desires to establish a special revenue fund for revenues generated by implementation of the Comprehensive Parking Management Program.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. That City Code, Title 9, Transportation, heading index under Chapter 9-01, "Traffic Code", is hereby amended by adding the following:

9-01-001-0014 OFFICE OF PARKING MANAGER CREATED

9-01-001-0015 COMPREHENSIVE PARKING MANAGEMENT PROGRAM SPECIAL REVENUE FUND CREATED

SECTION 2. That certain Sections of the City Code, Title 9, Transportation, Chapter 9-01, "Traffic Code", is further amended as follows:

9-01-001-0001 TRAFFIC LAWS ADOPTED

- B. Definitions: Whenever any words and phrases used in this chapter are not defined herein but are defined in the state laws regulating the operation of vehicles, the definitions therein shall be deemed to apply to such words and phrases used herein.

In this chapter, unless the context otherwise requires:

- (1) "Alley" and "alleyways" mean lanes or passageways for use as a means of access to the rear of lots or buildings. Alleys and alleyways are not in any way to be considered thoroughfares.
- (2) "COMPREHENSIVE PARKING MANAGEMENT PROGRAM" MEANS THE PLAN ADOPTED BY RESOLUTION 2016-01, AND ALL ATTACHMENTS THERETO, BY THE CITY COUNCIL TO MANAGE THE HIGH PARKING DEMAND AREAS ONLY OF THE DOWNTOWN AREA, SOUTHSIDE AREA, AND THOSE SURROUNDING AREAS IMPACTED BY THE DEMAND IN DOWNTOWN AND SOUTHSIDE AREAS.
- ~~(2)~~(3) "Loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.
- (4) "PUBLIC PARKING" MEANS PARKING SPACES WITHIN THE RIGHT-OF-WAY AND PARKING SPACES WITHIN PARKING LOTS OWNED, LEASED, OR OTHERWISE UNDER THE CONTROL OF THE CITY OUTSIDE OF THE RIGHT-OF-WAY BUT NOT ASSOCIATED WITH A PARTICULAR FACILITY SUCH AS A BUILDING, PARK, OR TRAIL HEAD.
- (5) "PARKING METERS" MEANS ANY PAY-TO-PARK EQUIPMENT LEASED OR OWNED BY THE CITY, INCLUDING BUT NOT LIMITED TO MECHANICAL DEVICES, KIOSKS, OR OTHER MULTI-SPACE METERING EQUIPMENT, WHICH MAY OR MAY NOT BE ADJACENT TO THE PARKING SPACE, THAT ACCEPTS PAYMENT FOR THE USE OF PARKING SPACES.

- (6) "PARKING PERMIT" MEANS ANY VALID PERMIT ISSUED TO AN EMPLOYEE, RESIDENT, GUEST, OR OTHERWISE AS AUTHORIZED BY THE CITY OF FLAGSTAFF. IN THE EVENT THAT SAID PERMIT IS A DIGITAL REGISTRY OF THE LICENSE PLATES OF VEHICLES PERMITTED TO PARK IN PARKING-PERMIT-REQUIRED AREAS THE LICENSE PLATE ITSELF IS THE PARKING PERMIT FOR THE PURPOSES OF THIS CHAPTER.
- (7) "PARKING-PERMIT-REQUIRED AREAS" MEANS ANY AREAS THAT ARE DESIGNATED OR MARKED BY SIGNS INDICATING THE AREAS ARE SUBJECT TO PARKING RESTRICTIONS.
- (8) "PAY-TO-PARK AREAS" MEANS ANY AREAS WHERE A TIME PERIOD MUST BE PURCHASED AT A PARKING METER BY A PERSON FOR A VEHICLE TO REMAIN WITHIN A PARKING SPACE.

9-01-001-0003 STOPPING, STANDING AND PARKING RESTRICTIONS

- A. Applicability: The provisions of this chapter prohibiting the standing, stopping or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs or parking meters, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with directions of a police officer or official traffic-control devices.

ANY STOPPING, STANDING, OR PARKING RESTRICTIONS PROVIDED IN THIS CHAPTER SHALL NOT APPLY TO ANY POLICE OFFICER, PEACE OFFICER, OR PARKING ENFORCEMENT AGENT WHEN SUCH STOPPING, STANDING, OR PARKING IS FOR THE PURPOSE OF ACTUAL PERFORMANCE OF LAW ENFORCEMENT DUTY.

The provisions of this chapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the standing, stopping or parking of vehicles in specified places or at specified times.

E ~~Parking Meters:~~

- ~~1. Establishment: The Council may, by official action, establish portions of streets as parking meter zones, which zones shall become effective on the installation of metering devices.~~
- ~~2. Authority to Install Meters: The superintendent of streets is hereby authorized and directed to install meters in all parking meter zones hereby established or hereinafter established by the Council for the purpose of and in such numbers and at such places as may be necessary to the regulation, control and inspection of the parking of vehicles therein.~~
- ~~3. Location: Parking meters installed in parking meter zones shall be installed upon the curb immediately adjacent to individual parking spaces or at every other space or centrally located on the curb. Each parking meter shall be so constructed and adjusted as to show when properly operated a signal indicating that the space which that meter controls is or is not legally in use.~~

- ~~4. Legal Parking Fees: Parking meters, when installed and properly operated, shall be so adjusted as to show a legal parking period. Only the amount and form of legal tender as indicated on the meters may be inserted in the meters.~~
- ~~5. Collections: It shall be the duty of the Chief of Police to designate some person or persons to make regular collections of the legal tender deposited in the parking meters and deliver it to the City Treasurer for accounting and depositing.~~

~~(Amended, Ord. No. 2007-42, 11/20/2007)~~

FE. Violations:

1. VIOLATION OF ANY PROVISION OF THIS CHAPTER WHICH REGULATES THE TIME, PLACE, OR METHOD OF PARKING SHALL BE A VIOLATION SUBJECT TO CIVIL PENALTY NOT TO EXCEED THE AMOUNTS PRESCRIBED UNDER PARAGRAPH (H) OF THIS SECTION. A SEPARATE FEE SCHEDULE FOR FINES IN LESSER AMOUNTS MAY ALSO BE ADOPTED BY THE CITY COUNCIL BY RESOLUTION.
- 4.2. Separate and Distinct Violations: Violations of this chapter regulating the time, place or method of parking which are continuous in nature shall constitute a separate and distinct violation for each full hour thereof.
- 2.3. Parking Prohibited:
 - a. A person shall not stop, stand or park a vehicle in any of the following places:
 - (1) On a sidewalk.
 - (2) In front of a public or private driveway, except that this subsection does not apply to a vehicle or the driver of a vehicle engaged in the official delivery of the United States mail if the driver does not leave the vehicle and the vehicle is stopped only momentarily.
 - (3) Within an intersection.
 - (4) Within fifteen feet of a fire hydrant.
 - (5) On a crosswalk.
 - (6) Within twenty feet of a crosswalk at an intersection.
 - (7) Within thirty feet of the approach to any flashing beacon, stop sign, yield sign or traffic control signal located at the side of a roadway.
 - (8) At any place where official signs prohibit standing or stopping.

- b. A person who stops or parks a vehicle on a roadway where there are adjacent curbs shall stop or park the vehicle with its right-hand CURB SIDE wheels parallel to and within eighteen inches of the right-hand curb, OR WITHIN EIGHTEEN INCHES OF THE LEFT-HAND, OR RIGHT- HAND CURB IF THE ROADWAY IS A ONE-WAY ROADWAY.

(Ord. 2012-02, Amended, 03/06/2012)

- 34. Limited Time Parking Areas: It is unlawful to park any vehicle in violation of any restriction so signed or marked.

5. PAY-TO-PARK AREAS:

- A. OPERATIONAL PROCEDURE TO BE FOLLOWED: IMMEDIATELY AFTER PARKING A VEHICLE WITHIN A PAY-TO-PARK PARKING SPACE, THE PERSON IN THE VEHICLE SHALL PURCHASE A TIME PERIOD FOR THE VEHICLE TO REMAIN WITHIN SAID PARKING SPACE. TO PURCHASE A TIME PERIOD A PERSON MUST DEPOSIT AN ACCEPTABLE FORM OF PAYMENT IN THE NEAREST PARKING METER AS INDICATED ON THE PARKING METER AND FOLLOW OPERATIONAL PROCEDURES IN ACCORDANCE WITH THE INSTRUCTIONS POSTED ON THE PARKING METER. THE VEHICLE MAY REMAIN WITHIN SAID PARKING SPACE ONLY FOR THE TIME PERIOD(S) PURCHASED. FAILURE TO DEPOSIT PAYMENT OR FOLLOW THE OPERATIONAL PROCEDURES SHALL CONSTITUTE A VIOLATION OF THIS CHAPTER.
- B. OVERTIME PARKING VIOLATIONS: IT IS UNLAWFUL FOR ANY PERSON TO CAUSE, ALLOW, PERMIT OR SUFFER ANY VEHICLE REGISTERED IN THE NAME OF, OR OPERATED BY SUCH PERSON TO REMAIN PARKED WITHIN IN ANY PAY-TO-PARK PARKING SPACE BEYOND THE TIME FOR WHICH PAYMENT HAS BEEN MADE. ANY PERSON WHO CAUSES A VEHICLE TO REMAIN WITH THE A PAY-TO-PARK PARKING SPACE OVERTIME, OR FOR MORE TIME THAN PURCHASED SHALL BE IN VIOLATION OF THIS CHAPTER AND SUBJECT TO THE PENALTIES PRESCRIBED IN PARAGRAPH (H) BELOW.
- C. OTHER PARKING METER VIOLATIONS: THE FOLLOWING SHALL CONSTITUTE VIOLATIONS RELATING TO PARKING METERS:
 - (1) TO DEFACE, DAMAGE, TAMPER WITH, OPEN OR WILLFULLY BREAK, DESTROY OR ATTEMPT IN ANY MANNER TO IMPAIR THE FUNCTION OF ANY PARKING METER.
 - (2) TO DEPOSIT OR CAUSE TO BE DEPOSITED IN ANY PARKING METER ANY SLUGS, DEVICES, OR OTHER SUBSTITUTES FOR LAWFUL PAYMENT AS INDICATED ON THE PARKING METER.

- (3) TO MAKE USE OF OR OPERATE ANY PARKING METER FOR THE PURPOSE OF ADVERTISING OR SOLICITATION OF BUSINESS, EITHER DIRECTLY OR INDIRECTLY.
- (4) TO PERMIT, CAUSE, OR ALLOW A BICYCLE, NEWS RACK, ANIMAL, OR ANY OTHER THING TO BE ATTACHED TO OR TO BE LEANED AGAINST A PARKING METER.
- (5) TO PERMIT, CAUSE OR ALLOW ANY SIGN, SYMBOL, STICKER, GRAFFITI OR SIMILAR WRITINGS, PHOTOS OR ARTWORK TO BE WRITTEN, ETCHED, ATTACHED, HUNG OR POSTED IN ANY MANNER ON A PARKING METER WITHOUT THE EXPRESS WRITTEN CONSENT OF THE CITY.

6. PARKING-PERMIT-REQUIRED AREAS:

- A. IT IS UNLAWFUL TO PARK ANY VEHICLE IN VIOLATION OF ANY PARKING RESTRICTION AS INDICATED AND MARKED WITH SIGNAGE.
- B. OTHER PARKING PERMIT VIOLATIONS: THE FOLLOWING SHALL CONSTITUTE VIOLATIONS RELATING TO PERMIT PARKING:
 - (1) TO FALSELY REPRESENT ONESELF AS ELIGIBLE FOR A PARKING PERMIT OR TO FURNISH FALSE INFORMATION IN AN APPLICATION FOR A PARKING PERMIT.
 - (2) TO ASSIGN OR TRANSFER A PARKING PERMIT, WITH OR WITHOUT CONSIDERATION, MONETARY OR OTHERWISE.
 - (3) TO COPY, PRODUCE, OR CREATE A FACSIMILE OF OR COUNTERFEIT OF A PARKING PERMIT, OR TO DISPLAY A FACSIMILE OR COUNTERFEIT PARKING PERMIT FOR PURPOSES OF PARKING IN PARKING-PERMIT-REQUIRED AREAS.
 - (4) TO USE, OR TO ALLOW THE USE OF A PARKING PERMIT FOR A VEHICLE OTHER THAN THE SPECIFIC VEHICLE FOR WHICH THE PERMIT WAS ISSUED.

~~4.7.~~ Seasonal Parking Restriction:

~~5.8.~~ Reparking Prohibited:

~~6.9.~~ Parking Within Lines or Markings:

~~7.10.~~ Large Vehicle Parking Prohibited:

~~8. Expired Meter Parking Prohibited: It is unlawful for any person to cause, allow, permit or suffer any vehicle registered in his/her name, or operated or controlled by him/her to be upon any street in a parking space controlled by a parking meter~~

~~at any time during which the meter is showing a signal indicating that the time has expired and that such space is illegally in use at such times as restricted parking is in effect.~~

- ~~9. Slugs Prohibited: It is unlawful to deposit or cause to be deposited in any parking meter any slug, device or substitute for the legal tender required by said meter.~~
- ~~10. Damaging Meters Prohibited: It is unlawful for any unauthorized person to open, or for any person to deface, injure, tamper with or willfully break, destroy or impair the usefulness of any parking meter installed pursuant to this section, or to hitch any animal thereto.~~

(Amended, Ord. No. 2007-42, 11/20/2007)

- ~~GF.~~ Notice of Violation:
~~HG.~~ Response to Notice of Violation, Review and Hearing:
~~IH.~~ Penalties and Enforcement:
~~JL.~~ Immobilizing and Impounding of Vehicles:
~~KJ.~~ Immobilized and Impounded Vehicles--Release:
~~LK.~~ Impounded Vehicles--Record:

9-01-001-0007 OFFICE OF TRAFFIC ENGINEER CREATED

A. GENEREAL POWERS:

1. ~~General Powers,~~ Duties: The office of Traffic Engineer is hereby established with the Engineering Division. The duties of the Traffic Engineer shall be to regulate traffic under the provisions of this chapter and the traffic ordinances of the City. It shall be the duty of the Traffic Engineer to establish, change, remove, or prohibit as conditions may require, boulevard stops, rights of way at intersections, speed limits, school crossings, pedestrian and bicycle lanes and routes, parking, and parking time limits, safety and loading zone, U-turns, left and right hand turns, traffic lanes, public carrier stands, construction traffic control and other necessities of traffic subject to the approval of the City Engineer and City Manager; and to order installation of traffic-control devices to implement such regulations.
2. LIMITED SCOPE OF AUTHORITY: THE REGULATION OF PARKING AND PARKING TIME LIMITS, SAFETY AND LOADING ZONES, AND PUBLIC CARRIER STANDS SHALL BE THE DUTY OF THE TRAFFIC ENGINEER ONLY IN THOSE AREAS OF THE CITY THAT ARE NOT UNDER THE AUTHORITY OF THE PARKING MANAGER AS DETERMINED BY THE CITY COUNCIL AND UNDER THE PROVISIONS OF THIS CHAPTER AND THE ORDINANCES OF THE CITY.

9-01-001-0008 MUNICIPAL PARKING LOTS

- A. EXCEPT FOR PUBLIC PARKING UNDER THE AUTHORITY OF THE PARKING MANAGER AS DETERMINED BY THE CITY COUNCIL AND UNDER THE PROVISIONS OF THIS CHAPTER AND THE ORDINANCES OF THE CITY, municipal parking lots now or hereafter acquired or established by the City shall be under the

supervision and regulation of the Traffic Engineer, pursuant to Section 9-01-001-0007 of the Flagstaff City Code. Regulation by the Traffic Engineer of traffic and public parking at Flagstaff Pulliam Airport shall be subject to the approval of the Airport Manager and Public Works Director.

9-01-001-0014 OFFICE OF PARKING MANAGER CREATED

- A. THE OFFICE OF PARKING MANAGER IS HEREBY ESTABLISHED WITHIN THE ECONOMIC VITALITY DIVISION.
- B. GENERAL POWERS:
 - 1. DUTIES: THE PARKING MANAGER, OR HIS OR HER DESIGNEE, SHALL REGULATE AND MANAGE ALL PUBLIC PARKING AS AUTHORIZED BY THE CITY COUNCIL THROUGH THE COMPREHENSIVE PARKING MANAGEMENT PROGRAM ADOPTED BY RESOLUTION 2016-01 AND ALL ATTACHEMENTS THERETO, BY THE CITY COUNCIL AND OTHER PROVISIONS OF THIS CODE, INCLUDING BUT NOT LIMITED TO ESTABLISHING, CHANGING, SUSPENDING OR REMOVING:
 - A. ADMINISTRATIVE GUIDELINES, INCLUDING PERMIT PARKING, TIME-LIMITED PARKING, OR PAY-TO-PARK REQUIREMENTS AND PROGRAMS, AND OTHER PROCEDURES, PROTOCOLS, OR REQUIREMENTS AS MAY BE DEEMED NECESSARY AND DESIRABLE TO IMPLEMENT THE COMPREHENSIVE PARKING MANAGEMENT PROGRAM. CURRENT ADMINISTRATIVE GUIDELINES SHALL BE FILED WITH THE CITY CLERK.
 - B. PAY-TO-PARK RATES, INCLUDING PARKING PERMIT FEES. CURRENT PARKING RATE SCHEDULES SHALL BE FILED WITH THE CITY CLERK.
 - C. PARKING LOTS OR SPACES, SAFETY AND LOADING ZONES, AND OTHER PARKING AREAS, FACILITIES, MARKINGS AND SIGNS, OR EQUIPMENT, INCLUDING PARKING METERS OR OTHER PAY-TO-PARK EQUIPMENT.
 - 2. LIMITED SCOPE OF AUTHORITY:
 - A. THE DUTIES OF THE PARKING MANAGER SHALL INCLUDE ONLY THOSE AREAS OF THE CITY WITH PAY-TO-PARK REQUIREMENTS OR PERMIT-PARKING PROGRAMS. UNLESS MUTUALLY DEFINED OTHERWISE BY THE TRAFFIC ENGINEER AND THE PARKING MANAGER, SAID AREA IS FORMALLY DEFINED BY A RECTANGULAR BOUNDARY THAT ENCOMPASSES ALL AREAS WITH PAY-TO-PARK REQUIREMENTS OR PERMIT-PARKING PROGRAMS. UPON RECOMMENDATION OF THE PARKING MANAGER, IMPLEMENTATION OF NEW OR ADDITIONAL PAY-TO-PARK REQUIREMENTS OR PERMIT-PARKING PROGRAMS OUTSIDE OF SAID AREA SHALL BE DETERMINED BY THE CITY COUNCIL IN ITS SOLE DISCRETION.

- B. THE COMPREHENSIVE PARKING MANAGEMENT PROGRAM ADOPTED BY RESOLUTION 2016-01, AND ALL ATTACHMENTS THERETO, BY THE CITY COUNCIL WHICH ADDRESSES THE HIGH PARKING DEMAND AREAS ONLY OF THE DOWNTOWN AREAS, SOUTHSIDE AREA, AND THOSE SURROUNDING AREAS IMPACTED BY THE DEMAND IN DOWNTOWN AND SOUTHSIDE AREAS.
- C. PARKING MANAGEMENT IN AND AROUND OTHER HIGH PARKING DEMAND AREAS IN FLAGSTAFF MAY BE ADDED TO THE DUTIES OF THE PARKING MANAGER BY CITY COUNCIL ADOPTION OF A REVISED COMPREHENSIVE PARKING MANAGEMENT PROGRAM.
- C. APPEAL PROCEDURE: DECISIONS OF THE PARKING MANAGER MAY BE APPEALED BY ANY AGGRIEVED PARTY THROUGH EITHER OR BOTH OF THE FOLLOWING STEPS:
 - 1. ADMINISTRATIVE REVIEW: THE AGGRIEVED PARTY MAY APPEAL A DECISION OF THE PARKING MANAGER TO THE CITY MANAGER BY WRITTEN REQUEST WITHIN TEN (10) DAYS FOLLOWING THE ACTUAL DATE THE DECISION WAS RENDERED. THE CITY MANAGER SHALL REVIEW THE PARKING MANAGER'S DECISION AND MAKE A DETERMINATION SUPPORTING, OVERRIDING, OR MODIFYING THAT DECISION WITHIN TEN (10) WORKING DAYS OF RECEIPT OF THE REQUEST.
 - 2. APPEAL TO THE CITY COUNCIL: DECISIONS OF EITHER THE PARKING MANAGER OR CITY MANAGER IN THE ADMINISTRATIVE REVIEW MAY BE APPEALED TO THE CITY COUNCIL BY PRESENTATION OF A WRITTEN REQUEST FOR SUCH AN APPEAL TO THE OFFICE OF THE CITY CLERK, WITHIN TEN (10) DAYS FOLLOWING THE ACTUAL DATE THE DECISION WAS RENDERED.
 - 3. APPEAL OF A REGULATION SHALL NOT STAY THE ENFORCEMENT OF VIOLATION NOTICES ISSUED PRIOR TO THE DATE OF ANY CHANGE IN THE REGULATION.
- D. THE PARKING MANAGER SHALL REPORT PERIODICALLY TO THE CITY COUNCIL ON THE PARKING MANAGEMENT ACTIVITIES OF THE OFFICE AND MAKE RECOMMENDATIONS REGARDING ADDITIONAL AREAS THAT MAY, IN THE CITY COUNCIL'S DISCRETION, BECOME SUBJECT TO PAY-TO-PARK REQUIREMENTS OR PERMIT-PARKING PROGRAMS.
- E. THE COMPREHENSIVE PARKING MANAGEMENT PROGRAM ADOPTED BY RESOLUTION 2016-01 ADDRESSES THE HIGH PARKING DEMAND AREAS OF DOWNTOWN AND SOUTHSIDE AND THE SURROUNDING AREAS IMPACTED BY THE DEMAND IN DOWNTOWN AND SOUTHSIDE. MANAGING PARKING IN AND AROUND OTHER HIGH PARKING DEMAND AREAS MAY BE ADDED TO THE COMPREHENSIVE PARKING MANAGEMENT PROGRAM BY CITY COUNCIL ADOPTION OF A REVISED COMPREHENSIVE PARKING MANAGEMENT PROGRAM

AND THERE SHALL BE SEPARATE ACCOUNTING FOR EACH SUCH AREA THAT MAY BE ADDED.

9-01-001-0015 COMPREHENSIVE PARKING MANAGEMENT PROGRAM SPECIAL REVENUE FUND CREATED

- A. THERE SHALL BE A SEPARATE ACCOUNTING FOR ALL FUNDS COLLECTED PURSUANT TO THE COMPREHENSIVE PARKING MANAGEMENT PROGRAM. THE USE OF SAID FUNDS SHALL BE RESTRICTED TO:
1. AREAS OF THE CITY UNDER THE AUTHORITY OF THE PARKING MANAGER (AREAS OF THE CITY WITH PAY-TO-PARK REQUIREMENTS OR PERMIT-PARKING PROGRAMS), AND
 2. PROGRAMS IDENTIFIED IN THE COMPREHENSIVE PARKING MANAGEMENT PROGRAM, INCLUDING CAPITAL DEVELOPMENT OR IMPROVEMENT OF PARKING FACILITIES, LAND ACQUISITION FOR PARKING, PARKING SYSTEM MANAGEMENT AND OPERATIONAL EXPENSES, AND DEBT.
 3. UNTIL 450 NEW PUBLIC PARKING SPACES HAVE BEEN ADDED TO SERVE THE DOWNTOWN AREA, TWENTY PERCENT (20%) OF THE ANNUAL REVENUES IN THE SPECIAL REVENUE FUND SHALL BE USED ONLY FOR THE ACQUISITION AND/OR DEVELOPMENT OF NEW PUBLIC PARKING SPACES SERVING THE DOWNTOWN AREA, SPECIFICALLY ANY EXPENSES DIRECTLY RELATED TO THE ACQUISITION AND DEVELOPMENT OF PUBLIC PARKING FACILITIES TO SERVE THE DOWNTOWN AREA AND SHALL NOT BE DIVERTED OR APPROPRIATED TO ANY OTHER FUND INCLUDING BUT NOT LIMITED TO THE GENERAL FUND.
 4. PROMOTING THE USE OF ALTERNATIVE MODES OF TRANSPORTATION AND OTHER PARKING DEMAND REDUCTION EXPENSES.
- B. AT LEAST 60 DAYS PRIOR TO CONSIDERATION OF ANY CHANGE TO ANY PROVISION OF THIS SECTION (9-01-001-0015), NOTICE OF A PUBLIC MEETING TO CONSIDER A PROPOSED CHANGE SHALL BE CONSPICUOUSLY POSTED ON THE CITY WEBSITE, PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY, AND MAILED BY FIRST CLASS MAIL TO ANY PERSON WHO HAS REGISTERED WITH THE CITY CLERK'S OFFICE TO RECEIVE SUCH NOTICE, AT THE LAST KNOWN ADDRESS ON FILE WITH THE CITY CLERK'S OFFICE.

SECTION 3. Repeal of Conflicting Ordinances.

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

SECTION 4. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by

the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 5. Clerical Corrections.

The City Clerk is hereby authorized to correct typographical and grammatical errors, as well as errors of wording and punctuation, as necessary related to this ordinance as amended herein, and to make formatting changes needed for purposes of clarity and form, or consistency, within thirty (30) days following adoption by the City Council.

SECTION 6. Effective Date.

This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the Council of the City of Flagstaff, this 2nd day of February, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Basis Data:**Notes:**

	Total (Est.)	Emp. Permits	Metered Spaces	
Inventory of Pay-to-park Spaces:				
On-street				
North Downtown	392	40	352	2009 Parking Study Data
Southside	223	0	223	2009 Parking Study Data
Off-street				
Leroux Parking Lot	8	0	8	2009 Parking Study Data
Beaver Street Parking Lot	22	10	12	2009 Parking Study Data
Phoenix Avenue Lot	148	70	78	2009 Parking Study Data
Total:	793	120	673	
Inventory of Time-limited Spaces:				
Southside	154			
Inventory of Resident Parking Spaces:				
	Total (Est.)	Control Sought Percent	Count	
Zone 1 - Southside	234	90%	211	Guess (Control Sought - Based on Expected Impacts) 2009 Parking Study Data - Less Above (Rough - 7.25 Spaces per Block Face) (Rough - 7.25 Spaces per Block Face) (Rough - 7.25 Spaces per Block Face) (Not a part, but Reserved) (Not a part, but Reserved)
Zone 2 - La Plaza Vieja	290	50%	145	
Zone 3 - Townsite	928	25%	232	
Zone 4 - North End	667	25%	167	
Zone 5 - Cherry Hill			0	
Zone 6 - Sawmill			0	
Total:	2119		754	
Total Spaces in Area:	3066			
Total Spaces under Management:			1701	

Income Projections:		Notes:
Guest Permit Income:		
Occupancy Rate:	5%	
Daily Cost:	\$5.00	Proposed
Annual Program Income:	\$68,834	
Employee Permit Income:		
Occupancy Rate:	90%	Guess (Based on Bldg Pro Forma)
Permit Cost:		
Daily	\$3.00	Proposed
Monthly	\$65	
Annually	\$780	
Annual Program Income:	\$84,240	
Meter Income:		
Occupancy Rate:	15%	2009 Parking Study Recommendation
Average Hourly Cost:	\$1.00	2009 Parking Study Recommendation
Annual Program Income:	\$884,322	
Total Annual Income:	\$1,037,396	

Start-up Expense Projections:**Notes:**

	QTY	Unit Cost	
Capital Expenses:			
Residential Permit Parking Program:			
Signage:	104	\$1,250	\$130,060
Permits:	754	\$5	\$3,772
Temprary Curbs:			\$20,000
Total:			\$153,832
Employee Permit Parking Program:			
Signage:	18	\$1,250	\$22,500
Permits:	120	\$5	\$600
Total:			\$23,100
Time-limited Parking			
Signage:	21	\$1,250	\$26,552
Total:			\$26,552
Pay-to-park Kiosks			
Kiosks	88	\$500	\$43,914
Total:			\$43,914
Compliance Equipment:			
Cell Phones, Printers, Unifc	6	\$1,500	\$9,000
Total:			\$9,000
Sub-total Capital Expenses:			\$256,398
First Year Operating Expenses:			
Compliance Staff:			
On-street Staff:	1.0	\$45,000	\$45,000
Kiosk Lease Payment:	6	\$10,000	\$60,000
Kiosk Internet Back-of-house	6	\$4,000	\$24,000
Total:			\$129,000
Sub-total First Year Operating Expenses:			\$129,000
Total Start-up Expenses:			\$385,398

Ongoing Expense Projections:**Notes:****Annual Expenses:**

Compliance Staff:

On-street Staff: 6 \$45,000 \$270,000

Management Staff: 1 \$65,000 \$65,000

Kiosk Lease Payment: 12 \$10,000 \$120,000

Kiosk Internet Back-of-house 12 \$4,000 \$48,000

Maintenance: 2.50% \$19,761

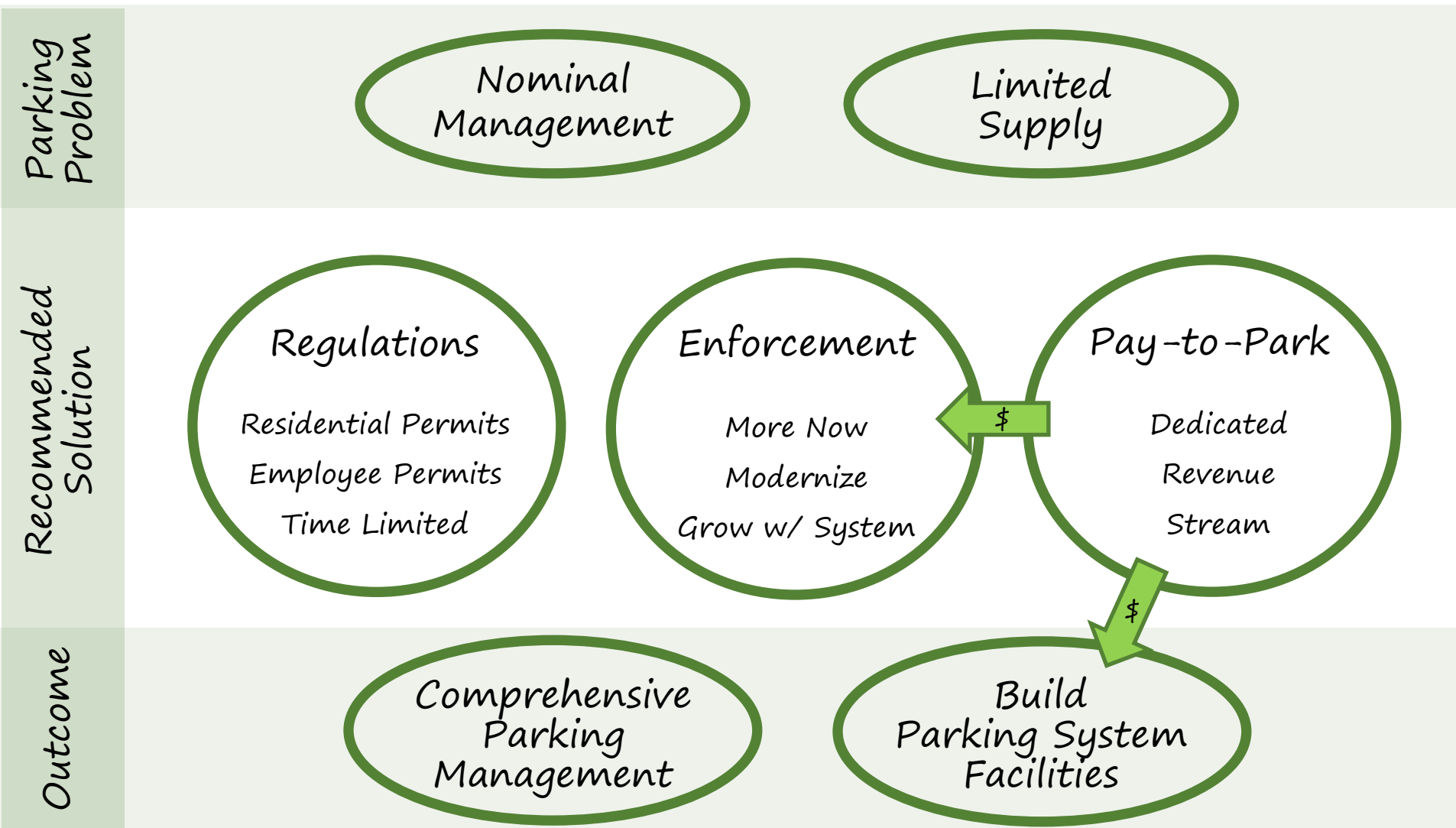
Program Capital Reserve: 10.00% \$79,044.83

Total: \$601,806**Available to Construct Parking:**

\$435,590

(1) per 300 Spaces

Currently (1) Existing FTE



CITY OF FLAGSTAFF STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Dan Folke, Planning Director
Co-Submitter: Mark Landsiedel
Date: 01/28/2016
Meeting Date: 02/02/2016



TITLE:

Consideration and Adoption of Ordinance No. 2016-03: An ordinance of the Flagstaff City Council authorizing the acquisition of certain real property as a public right-of-way for the possible widening of Humphreys Street between Route 66 and Cherry Avenue. (*Acquisition of right-of-way - Marriott development*)

RECOMMENDED ACTION:

- 1) Read Ordinance No. 2016-03 by title only for the final time
- 2) City Clerk reads Ordinance No. 2016-03 by title only (if approved above)
- 3) Adopt Ordinance No. 2016-03

Executive Summary:

Ordinance 2016-03 authorizes the City to purchase 2,209 square feet of land adjacent to Humphreys Street right-of-way for possible future expansion of the roadway for a net purchase price of \$150,000. The purchase will include two 8 foot wide strips along the frontage of 100 Humphreys Street (existing Budget Rental) and 175 W. Aspen Avenue (former Wespac office building). Widening Humphreys Street to allow for a dual left turn lane from Route 66 onto Humphreys was identified as an important transportation improvement in the Flagstaff Metropolitan Planning Organization Urban Mobility Study.

The hotel project has a City staff approved site plan which includes the necessary setbacks for the future roadway project. The property has existing entitlement rights to allow construction of the project with only a staff approval. In addition, the properties are in building and civil plan review for the construction of a Marriott Residence Inn. The north parcel will be the site of the hotel, while the south parcel will be developed as surface parking. In addition to the proposed purchase, Ordinance 2016-04 to abandon 82 square feet of public right-of-way at the southeast corner of the project to accommodate moving the hotel to the east, out of the proposed purchase area, and a Development Agreement with additional terms are proposed.

Financial Impact:

The Development Agreement anticipates two property transactions. The first is the purchase of 2,209 square feet of real property from the developer for \$155,600. The second transaction is the developer's purchase of 82 square feet of public right-of-way for \$5,600. Thus, the net purchase price from the City is \$150,000. Funds for this acquisition are not in the adopted FY 15/16 budget, but may be allocated from the general fund reserve. As with all new construction, the project will generate construction sales tax revenues. The estimated value of construction of the hotel is \$8,500,000. Required fees for plan review and building permits will be collected per the adopted fee schedule.

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

- 3) Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics
- 6) Provide a well-managed transportation system.

REGIONAL PLAN:

Goal LU.1. Invest in existing neighborhoods and activity centers for the purpose of developing complete, and connected places.

Goal LU.7. Provide for public services and infrastructure.

Goal LU.9. Focus reinvestment, partnerships, regulations, and incentives on developing or redeveloping urban areas.

Goal LU.11. Prioritize the continual reinvigoration of downtown Flagstaff, whose strategic location, walkable blocks, and historic buildings will continue to be a vibrant destination for all.

Goal LU.12. Accommodate pedestrians, bicyclists, transit riders, and private cars to supplement downtown's status as the best-served and most accessible location in the region.

Goal T.4. Promote transportation infrastructure and services that enhance the quality of life of the communities within the region.

Goal T.1. Improve mobility and access throughout the region.

Has There Been Previous Council Decision on This:

This item was discussed at the January 12, 2016, Work Session and discussion and first reading of the Ordinance took place at the January 19, 2016, Council Meeting.

Options and Alternatives:

If City Council decides not to acquire the right-of-way at this time, it can be considered for acquisition by the project sponsor at a future date. Staff believes the acquisition will cost more in the future and the DA limits additional payment to the hotel to costs associated with additional acquisition of right-of-way. However, waiting to purchase the right-of-way may provide more assurances as to the project sponsor and a funding source to design and construct the roadway.

Should the proposed purchase and abandonment not be approved, the Developer has proposed an alternate site plan which would move the building to the west, closer to Humphreys Street and out of the Beaver/Aspen right-of-way. While the proposed project can be constructed without the acquisition of the right-of-way, it cannot proceed as designed without the approval of Ordinance 2016-04 to abandon 82 square feet of right-of-way. If the right-of-way is not abandoned, the building must be relocated to the west, into the area identified as needed for the Humphreys expansion. Should Council decide not to purchase the right-of-way, staff strongly supports proceeding with the abandonment to ensure future acquisition is still feasible. Staff believes it also makes sense to allow the ADA ramp to be constructed within the Aspen Avenue right-of-way so that it will not need to be relocated in the future. This can be accomplished with an administrative encroachment permit.

Background/History:

In conjunction with the Ordinance to purchase, a Development Agreement (DA) has been prepared with additional terms of the purchase. The DA waives the requirement of a surface parking lot screen wall along Humphreys due to the anticipated road widening, allows surface parking to encroach into the future right-of-way until the time of the roadway project, vests the approved site plan for two years, establishes a net purchase price of \$150,000 and provides financial assistance to relocate an ADA accessible ramp from the Humphreys Street future right-of-way to Aspen Avenue. Also, the DA limits additional compensation to the developer from revenue based compensation or for impacts created by the roadway widening to compensation for additional right-of-way only, and acknowledges potential developer participation in a future parking structure on the south parcel which may be achieved through a public/private partnership. In addition to the request to purchase property from the developer, a second Ordinance to abandon right-of-way at the corner of Aspen Avenue and Beaver Street is proposed. (Ordinance 2016-04)

Humphreys Street is currently Arizona Department of Transportation jurisdiction. However, staff believes partnerships will be required to complete important improvements to the Regional Transportation system. At the recent Flagstaff Metropolitan Planning Organization (FMPO) and Northern Arizona Intergovernmental Public Transportation Authority (NAIPTA) advance, there were many partners at the table with a discussion on how to complete necessary projects. Staff believes this is the type of transportation improvement that requires a partnership between the City, ADOT and the FMPO. In addition, staff believes it is good planning to purchase the property now, as a future acquisition will most certainly have an increased purchase price as the value of land in the downtown continues to increase.

Community Involvement:

Adoption of an Ordinance requires a public hearing that provides an opportunity to inform the public and receive public comment.

Attachments: Draft Marriott DA V1
 Ord. 2016-03
 Valuation
 PowerPoint

When recorded, mail to:

City Clerk
City of Flagstaff
211 West Aspen Avenue
Flagstaff, Arizona 86001

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT is made as of this [REDACTED] day of [REDACTED], 2016, between the City of Flagstaff (the "City"), a municipal corporation organized and existing under the laws of the State of Arizona, and FMH Enterprises, LLC (the "Developer"), an Arizona limited liability company.

RECITALS

- A. Developer is the escrow owner of approximately 1.4 acres of real property located at 100 N. Humphreys St. and 175 W. Aspen Ave., parcel numbers 100-21-007A, 100-19-011A, 100-19-012, 100-19-013A, and 100-19-019, within the City's corporate limits, more specifically described in **Exhibit A** (the "Property").
- B. Developer proposes to develop an extended-stay hotel on the Property as more specifically described in the approved site plan containing City Staff conditions dated December 8, 2015 (the "Project" or the "Site Plan").
- C. The City is interested in obtaining a portion of the Property for possible future right-of-way purposes because the Arizona Department of Transportation indicates a possible widening of Humphreys Street to relieve traffic congestion in this area in its Urban Mobility Study.
- D. The Property is currently zoned Central Business (CB) and Downtown Overlay (DO) Zone and no zone change is needed for development of the property.
- E. The City believes that development of the Property pursuant to this Agreement will result in planning and economic benefits to the City and its residents, and will not be detrimental to the public health, safety or welfare, or materially injurious to the properties in the vicinity.
- F. The City has an interest in ensuring that the development of the Property complies with the City's standards for development and engineering improvements and all other City standards, and Developer desires assurances from the City that this long-term Project will be developed within a stable regulatory environment.

- G. Developer acknowledges that this development will be beneficial and advantageous to Developer. Developer agrees it will not be compensated for any lost revenue caused by the sale of a portion of the Property to the City (see paragraph 4.1.1) and that the compensation provided herein by the City for said portion is sufficient and appropriate.
- H. The City and Developer are entering into this Agreement pursuant to Arizona Revised Statutes § 9-500.05.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual promises and agreements set forth herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, and in order to fulfill the foregoing objectives, the Parties agree as follows:

1. **Definitions.** The following terms, whenever capitalized in this Agreement, shall have the meanings set forth below, except where the context clearly indicates otherwise:
 - 1.1. “**Agreement**” shall mean this Development Agreement between the City and Developer.
 - 1.2. “**A.R.S.**” shall mean Arizona Revised Statutes.
 - 1.3. “**City**” shall mean and refer to the City of Flagstaff, an Arizona municipal corporation.
 - 1.4. “**Construction Permits**” shall mean any permit issued by the City or other jurisdiction that is required in order to begin construction on the Project, including but not limited to public improvements, grading, electrical, gas, plumbing, or mechanical.
 - 1.5. “**Developer**” shall mean and refer to FMH Enterprises, LLC, an Arizona limited liability company, and any successor and/or assignee of FMH Enterprises, LLC pursuant to Section 6.21 of this Agreement.
 - 1.6. “**Effective Date**” shall mean the date this Agreement becomes effective as set forth in Section 6.9 of this Agreement.
 - 1.7. “**Parties**” shall mean a collective reference to the City and Developer, and its successors and/or assigns.

- 1.8. **“Roadway Improvements”** shall mean improvements to public roadway segments and intersections.
- 1.9. **“Site”** shall have the same meaning as the term Property.
- 1.10.
- 1.11. **“Zoning Code”** shall mean the City’s Zoning Code.

2. Applicable Regulations & Development Standards.

- 2.1. Screen Walls. The City will not require a screen wall along the Humphreys Street surface parking. Developer must construct a screen wall along the south side of Aspen Avenue along the surface parking. The screen wall may be constructed immediately adjacent to the public right-of-way. If it is necessary to meet parking requirements, the screen wall may encroach partially into the City’s right-of-way. City staff will determine the appropriate amount of encroachment that may be permitted. So long as the City owns the right-of-way, the City shall provide an encroachment permit in its standard form for the screen wall. The City shall not revoke the permit without six-month’s notice and adequate consideration, which may include the cost to remove or relocate the screen wall.
- 2.2. Regulation Timeframe. All aspects of the Project, including public improvements, shall be governed by the City’s codes in existence as of the Agreement’s Effective Date, including the Zoning Code, ordinances, regulations, rules, guidelines and policies; provided, however, that Developer obtains grading permits for one or more components of the Project within two (2) years following City’s approval of this Agreement. If Developer fails to obtain any grading or Construction Permits at the expiration of this two (2) year period, the Project shall be subject to the City’s codes, ordinances, regulations, rules, guidelines, and policies in effect at the time Developer applies for such Construction Permits.
- 2.3. Permits & Building Fees. Developer agrees and understands that all building permits, development fees, and other fees normally applicable to construction within the City at the time of application shall apply to the Project. Denial of a Developer’s permit application for failure to meet the City’s criteria for such permit shall not be deemed a breach by the City of this Agreement.
 - 2.3.1. Out-Sourcing. City agrees to out-source review of permits if it cannot meet the City’s established timeframes.
 - 2.3.2. No Breach. Failure to meet established timeframes is not a material breach of this agreement, but may be cured pursuant to Section 6.8.

3. Water Requirements. The water meter for the Project must be sized according to AWWA Manual M22 and in accordance with City Code.

4. **Road Improvement Requirements.** The City and Developer understand that the Arizona Department of Transportation may eventually widen Humphreys Street to relieve traffic congestion. The Developer agrees, as described below, to sell a portion of its Property to the City in anticipation of that project.
- 4.1. **General Roadway Improvements.** The Developer is not required to provide a Traffic Impact Analysis (“TIA”) to determine the necessary traffic mitigation for the Project. Instead, the Parties agree that Developer’s traffic mitigation will be accomplished as described in this Section.
- 4.1.1. **Sale of a Portion of the Property.** Developer agrees to sell to the City and the City agrees to purchase the portion of the Property described in **Exhibits B1 and B2** (the “Humphreys Right-of-Way”) for a full purchase price of one hundred and fifty-five thousand six-hundred dollars (\$155,600.00). The City may deduct from the full-purchase price the value of the property that the City may abandon as discussed in Section 5.2 below. The value of the abandoned property is five thousand six hundred dollars (\$5,600.00). Sale of the Humphreys Right-of-Way must be completed before Developer will be granted its certificate of occupancy for the Project. Developer agrees this is adequate consideration for the Humphrey’s Right-of-Way and will not require additional funds from the City or any other government entity that undertakes the widening of Humphreys Street for any reason, so long as no additional real property is needed from Developer on the site covered by this Agreement for the widening project. If, however, the widening project commences, the City will ensure that an appropriate screen wall along Humphreys is installed and that paving needed for the south parking lot is matched-up with the current paving. Such installation and match-up of paving shall permit Developer to maintain the parking layout attached hereto as Exhibit C.
- 4.1.2. **Use of the Property Prior to Widening of Humphrey Street.** The City shall provide an encroachment permit in its standard form to Developer to use the portion of the Humphreys Right-of-Way that is located south of Aspen Avenue for parking until the Humphreys widening project commences. The City shall not revoke the permit without six-month’s notice and adequate consideration, which may include the City’s acknowledgement that the remaining amount of parking, after any revocation, is allowed as a legal nonconforming use and no further parking is required.
- 4.1.3. **Conformance with City Parking Requirements.** In the event that Humphreys Street is widened, the City will not require Developer to construct additional parking spaces to conform to regular City parking requirements due to spaces lost as a result of the Humphreys widening project.

- 4.1.4. Location of ADA Ramp. The ADA ramp which is located on the site plan alongside Humphreys Street will be relocated to City right-of-way on Aspen Avenue promptly after the Developer obtains a building permit. The City shall provide an encroachment permit for City right-of-way in its standard form to Developer for placement of the ADA ramp in City right-of-way and agrees to not revoke the permit without six-month's notice and adequate consideration, which may include the cost of removing and relocating the ADA ramp to a different location that is mutually agreeable to the Parties. The Developer will be responsible for maintenance of the ADA ramp.
- 4.1.5. Payment for Relocation of ADA Ramp and Relocation of Facilities. The City shall provide the necessary funds, including those for design, construction, and permitting, to relocate any impediments to placing the ADA ramp on Aspen Avenue, including the signal-light electrical box and fire hydrant located on the northeast corner of Humphreys Street and Aspen Avenue. The City will convert one on-street parking space to sidewalk and the space will match the brick-paved sidewalk area. The City will be responsible for paying Developer for the cost of relocating all impediments as a result of relocating the ADA ramp and converting one on-street parking space to sidewalk. All work will be performed by the Developer or its designee. All bids for design, construction or any other work covered by this Section shall be approved by the City Engineer. The City will pay within thirty (30) days of invoice. The Developer is responsible for the costs to construct the ADA ramp.
- 4.1.6. Limitation on Transfer of Humphreys Right-of-Way. The City agrees that, after purchase from Developer, it will not transfer ownership of any portion of the Humphreys Right-of-Way until the Humphreys widening project becomes imminent.

5. Future Considerations.

- 5.1. Garage. The City and Developer presently believe that a parking structure on the portion of the Property located south of Aspen Avenue could be a benefit to the City and to Developer. Therefore, when said parking structure is being earnestly considered then Developer agrees to explore use of the parcel as a parking structure with terms and conditions acceptable to the Parties.
- 5.2. Abandonment. Staff will propose to the City Council that the City abandon right-of-way to the Developer for the southeast corner of the building to match the southwest corner of the building, as depicted on the Site Plan. The abandonment will be considered by Council at the same time as consideration of this Agreement.

6. General Provisions.

- 6.1. **Agreement Recordation.** In accordance with A.R.S. § 9-500.05(D), this Agreement shall be recorded in its entirety in the official records of the Coconino County Recorder, State of Arizona, no later than ten (10) days from the date of its execution by the City.
- 6.2. **Amendment.** This Agreement may be amended at any time by written amendment executed by both Parties; all amendments shall be recorded in the official records of Coconino County, Arizona, within ten (10) days following the execution thereof.
- 6.3. **Authorization.** The Parties to this Agreement represent and warrant that the persons executing this Agreement on their behalves have full authority to bind the respective Parties.
- 6.4. **Cancellation.** This Agreement is subject to the cancelation provisions of A.R.S. § 38-511.
- 6.5. **Captions.** The captions used herein are for convenience only, are not part of this Agreement, and do not in any way limit or amplify the terms and provisions hereof.
- 6.6. **Construction of Agreement.** This Agreement has been arrived at by negotiation and shall not be construed against either Party.
- 6.7. **Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall constitute an original, but all of which together shall constitute but one and the same instrument. The signature pages from one or more counterparts may be removed from such counterparts and such signature pages all attached to a single instrument so that the signatures of all Parties may be physically attached to a single document.
- 6.8. **Default & Remedies.** A party hereunder shall be deemed to be in default under this Agreement if such party breaches any obligation required to be performed by the respective party hereunder within any time period required for such performance and such breach or default continues for a period of forty-five (45) days after written notice thereof from the party not in default hereunder. For purposes of determining default and termination, the Developer's obligations set forth in the Agreement are severable, and each individual obligation shall terminate upon its completion.
- 6.8.1. **Developer's Remedies.** In the event that the City is in default under this Agreement and fails to cure any such default within the time period required therefore as set forth in Section 6.8 above, then, in that event, in addition to all other legal and equitable remedies which Developer may have, Developer may: a) terminate this Agreement by written notice

delivered to the City; b) seek specific performance by the City; or c) seek recovery of money damages from the City.

- 6.8.2. **City's Remedies.** In the event that Developer is in default under this Agreement, and Developer thereafter fails to cure any such default within the time period described in Section 6.8 above, then, in that event, in addition to all other legal and equitable remedies which the City may have, the City may: a) terminate this Agreement by written notice delivered to Developer; b) seek specific performance by the Developer; or c) seek recovery of money damages from the Developer.
- 6.8.3. **Development Rights in the Event of Termination.** With the exception of a termination that occurs under Section 6.8.1 above, upon the termination of this Agreement as provided herein, Developer shall have no further rights to develop the Property pursuant to this Agreement.
- 6.8.4. **Litigation and Attorneys' Fees.** Except as otherwise agreed by the Parties, any litigation brought by either party against the other to enforce the provisions of this Agreement must be filed in the Coconino County Superior Court. In the event any action at law or in equity is instituted between the Parties in connection with this Agreement, the prevailing party in the action shall be entitled to its costs including reasonable attorneys' fees and court costs from the non-prevailing party.
- 6.9. **Effective Date of the Agreement.** This Agreement shall be effective upon the latter of the execution of the Parties hereto, recordation in accordance with Section 6.1, and upon expiration of thirty (30) days following the approval hereof by the City. However, in the event that the approval is delayed in its effect by judicial challenge, or by referendum or injunction, the effective date of this Agreement shall be delayed until resolution or termination of such judicial challenge, referendum or injunction. In the event of judicial challenge, referendum or injunction by any person or entity resulting in a delay in the effect of this Agreement that extends for a period of more than one hundred eighty (180) days following its approval by the City Council, this Agreement shall be terminable by Developer upon written notice to the City in accordance with this Agreement at any time within an additional sixty (60) days. Upon termination, this Agreement shall be of no further force or effect, and neither party shall have any further obligation hereunder. Any delay relative to the effective date of this Agreement by judicial challenge, referendum or injunction filed by parties acting independently of and not under the control of the City shall not be deemed a default hereunder by the City.
- 6.10. **Entire Agreement.** This Agreement, along with the site plan approval, right-of-way abandonment ordinance, and Humphreys Right-of-Way acquisition ordinance, constitutes the entire agreement between the Parties hereto pertaining to the subject matter hereof, and all prior and contemporaneous agreements,

representations, negotiations, and understandings of the Parties hereto, oral or written, are hereby superseded and merged herein. The foregoing sentence shall in no way affect the validity of any instruments executed by the Parties in the form of the exhibits attached to this Agreement.

- 6.11. **Further Acts.** Each of the Parties hereto shall execute and deliver such documents and perform such acts as are reasonably necessary, from time to time, to carry out the matters contemplated by this Agreement. The City Manager or his designee is authorized to perform such acts on behalf of the City.
- 6.12. **Governing Law.** This Agreement shall be governed by and construed under the laws of the State of Arizona and shall be deemed made and entered into in Coconino County.
- 6.13. **Incorporation of Recitals and Exhibits.** The Recitals set forth above, and the Exhibits referenced within the Agreement and attached below, are incorporated into this Agreement.
- 6.14. **Modification.** No modification of this Agreement shall be deemed effective unless in writing, signed by the Parties hereto, and recorded as required by Section 6.1.
- 6.15. **Negotiation of Partnership.** The Parties specifically acknowledge that the Project will be developed as private property, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants, and conditions contained in this Agreement. None of the terms or provisions of this Agreement shall be deemed to create a partnership between or among the Parties, nor shall it cause them to be considered a joint venture or members of any joint enterprise.
- 6.16. **No Personal Liability.** No current or former member, official, or employee of the City or Developer, when acting within the scope of their official capacity, shall be personally liable: (a) in the event of any default or breach by the City or Developer, as applicable; (b) for any amount which may become due to the non-breaching party or its successor and/or assign; or (c) pursuant to any obligation of the City or Developer, as applicable, under the terms of this Agreement.
- 6.17. **No Third Party Beneficiaries.** The City and Developer acknowledge and agree that the terms, provisions, and conditions hereof are for the sole benefit of, and may be enforceable solely by, the City and Developer; and none of these terms, provisions, conditions, and obligations are for the benefit of or may be enforced by any third party.
- 6.18. **Notices.** Unless otherwise specifically provided herein, all notices, demands, or other communications given hereunder shall be in writing and shall be deemed to have been duly delivered upon personal delivery or as of the third business day

after mailing by the United States mail, postage prepaid, by registered or certified mail, return receipt requested, addressed as follows:

To City: City of Flagstaff
Attn: City Manager
211 West Aspen Avenue
Flagstaff, AZ 86001

Copy To: City of Flagstaff
Attn: City Attorney
211 West Aspen Avenue
Flagstaff, AZ 86001

To Developer: FMH Enterprises, LLC
Attn: Steven D. Shumway, President/CEO
P.O. Box 250
Show Low, AZ 85902

Copy To: FMH Enterprises, LLC
Attn: Shane J. Shumway, Executive V.P.
P.O. Box 250
Show Low, AZ 85902

Notice of address may be changed by either party by giving notice to the other party in writing of change of address.

6.19. **Severability.** In the event that any phrase, clause, sentence, paragraph, section, article, or other portion of this Agreement shall become illegal, null or void or against public policy, for any reason, or shall be held by any court of competent jurisdiction to be illegal, null or void or against public policy, the remaining portions of this Agreement shall not be affected thereby and shall remain in force and effect, to the extent that the intent of the Parties to develop the Project is still viable.

6.20. **Successors and Assigns.** All of the covenants and conditions set forth herein shall be binding upon the successors in interest of Developer. Obligations accruing after a transfer of ownership will not be deemed to be an obligation of the transferor, though no transfer will relieve a transferor of any obligation that accrued prior to the transfer.

6.20.1. **Assignment.** Developer's rights and obligations hereunder may only be assigned to a person or entity that has acquired the Property or a portion thereof and only by a written instrument, recorded in the Official Records of Coconino County, Arizona, expressly assigning such rights and

obligations. Such assignment must be approved by the City before the assignment is valid, which approval shall not be unreasonably withheld.

6.20.2. **Lender Provisions.** Further, Developer or any persons or entities benefited by this Agreement may collectively assign all or a part of its rights and obligations under this Agreement to any lender from which such Developer or other benefited person or entity has borrowed funds for developing, constructing improvements, and/or operation of the improvements on the Property (the “Lender”). If the Lender requests a collateral assignment of this Agreement as part of its collateral for its loan to Developer, the City agrees that such collateral assignments are permissible without consent of the City. In the event of default by Developer, the City shall provide notice of such default at the same time notice is provided to Developer to any Lender previously identified in writing to the City. If a Lender is permitted under the terms of its agreement with Developer to cure the default or to assume Developer’s position with respect to this Agreement, the City agrees to recognize the rights of Lender and to otherwise permit Lender to assume such rights and obligations of Developer under this Agreement. Nothing contained in this Agreement shall be deemed to prohibit, restrict or limit in any way the right of a Lender to take title to all or a portion of the Property, pursuant to a foreclosure proceeding, trustee’s sale, or deed in lieu of foreclosure. The City shall, at any time upon request by Developer or Lender, provide to any Lender an estoppel certificate, acknowledgement of collateral assignment, or other document evidencing that this Agreement is in full force and effect, that it has not been amended or modified (or, if appropriate, specifying such amendment or modification) and that no default by Developer exists hereunder (or, if appropriate, specifying the nature and duration of any existing default) and certifying to such other matters reasonably requested by Developer or Lender. Upon request by a Lender, the City will enter into separate assumption or similar agreement with such Lender consistent with the provisions of this Section.

6.21. **Term.** The term of this Agreement shall commence on the effective date of this Agreement as defined in Section 6.9 and shall automatically terminate at complete build out of the Project unless previously terminated pursuant to the terms of this Agreement.

6.22. **Waiver.** No waiver by either party of a breach of any of the terms, covenants, and conditions of this Agreement shall be construed or held to be a waiver of any succeeding or preceding breach of the same or any other term, covenant, or condition herein contained.

IN WITNESS WHEREOF, the City has caused this Agreement to be duly executed in its name and on its behalf by its Mayor and its seal to be hereunder duly affixed and attested by its City Clerk, and Developer has signed the same on or as of the day and year first above written.

City of Flagstaff, a municipal corporation

FMH Enterprises, LLC, an Arizona limited liability company

Gerald W. Nabours, Mayor

Attest:

City Clerk

Approved as to form and authority:

City Attorney

List of Exhibits

Exhibit A: Legal Description of the Property

Exhibit B1: Legal Description of the Humphreys Right-of-Way

Exhibit B2: Map Depicting Humphreys Right-of-Way

Exhibit C: Revised parking layout after potential widening of Humphreys.

EXHIBIT A

Legal Description of the following properties:

100-21-007A, 100-19-011A, 100-19-012, 100-19-013A, 100-19-019

FLAGSTAFF TOWNSITE Block: 1-A Lot: 13, Subdivision: FLAGSTAFF TOWNSITE Block: 1A Lot: 14 THRU:- Lot: 18 , , , , Sixteenth: SE Quarter: SE Section: 16 Township: 21N Range: 07E, and

FLAGSTAFF TOWNSITE Block: 2-A Lot: 2 THRU:- Lot: 4
LOT 1 LESS:112 SF PER 1644/334., , Sixteenth: SE Quarter: SE Section: 16 Township: 21N Range: 07E, and

FLAGSTAFF TOWNSITE Block: 2-A Lot: 5 THRU:- Lot: 9 , , , , Sixteenth: SE Quarter: SE Section: 16
Township: 21N Range: 07E, and

FLAGSTAFF TOWNSITE Block: 2-A Lot: 10 AND:- Lot: 11 LOT 12 BLK LESS:31 SF PER 1632/887, Sixteenth:
SE Quarter: SE Section: 16 Township: 21N Range: 07E, and

FLAGSTAFF TOWNSITE Block: 2-A Lot: 26 AND:- Lot: 27 , Sixteenth: SE Quarter: SE Section: 16 Township:
21N Range: 07E

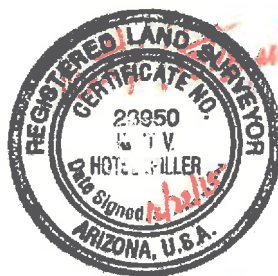
EXHIBIT B1

The following is a description of a parcel of land, being a portion of Lot 12 of Block 2A of The Townsite of Flagstaff, File 1 Map 1 and Book 1 Page 16, Coconino County Records, situate in the SE¼ section 16, Township 21 North, Range 7 East, G.& S.R.M., Flagstaff, Coconino County, Arizona being more particularly described as follows:

The westerly 8 feet of said Lot 12

Said parcel of land contain 1,105 sq. ft. of land more or less as shown on Exhibit B which by this reference is made a part hereof

Right-of-Way Dedication



Expires: 9/31/16

Mogollon Engineering and Surveying, Inc.

411 W. Santa Fe Ave. Flagstaff, AZ 86001- P.O.-Box 1952 Flagstaff, AZ 86002-mogollon99@aol.com- 928-214-0214

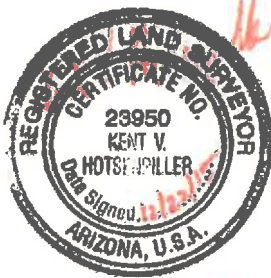
EXHIBIT B1

The following is a description of a parcel of land, being a portion of Lot 13 of Block 1A of The Townsite of Flagstaff, File 1 Map 1 and Book 1 Page 16, Coconino County Records, situate in the SE¼ section 16, Township 21 North, Range 7 East, G.& S.R.M., Flagstaff, Coconino County, Arizona being more particularly described as follows:

The westerly 8 feet of said Lot 13

Said parcel of land contain 1,104 sq. ft. of land more or less as shown on Exhibit B which by this reference is made a part hereof

Right-of-Way Dedication



Expires: 3/31/10

Mogollon Engineering and Surveying, Inc.

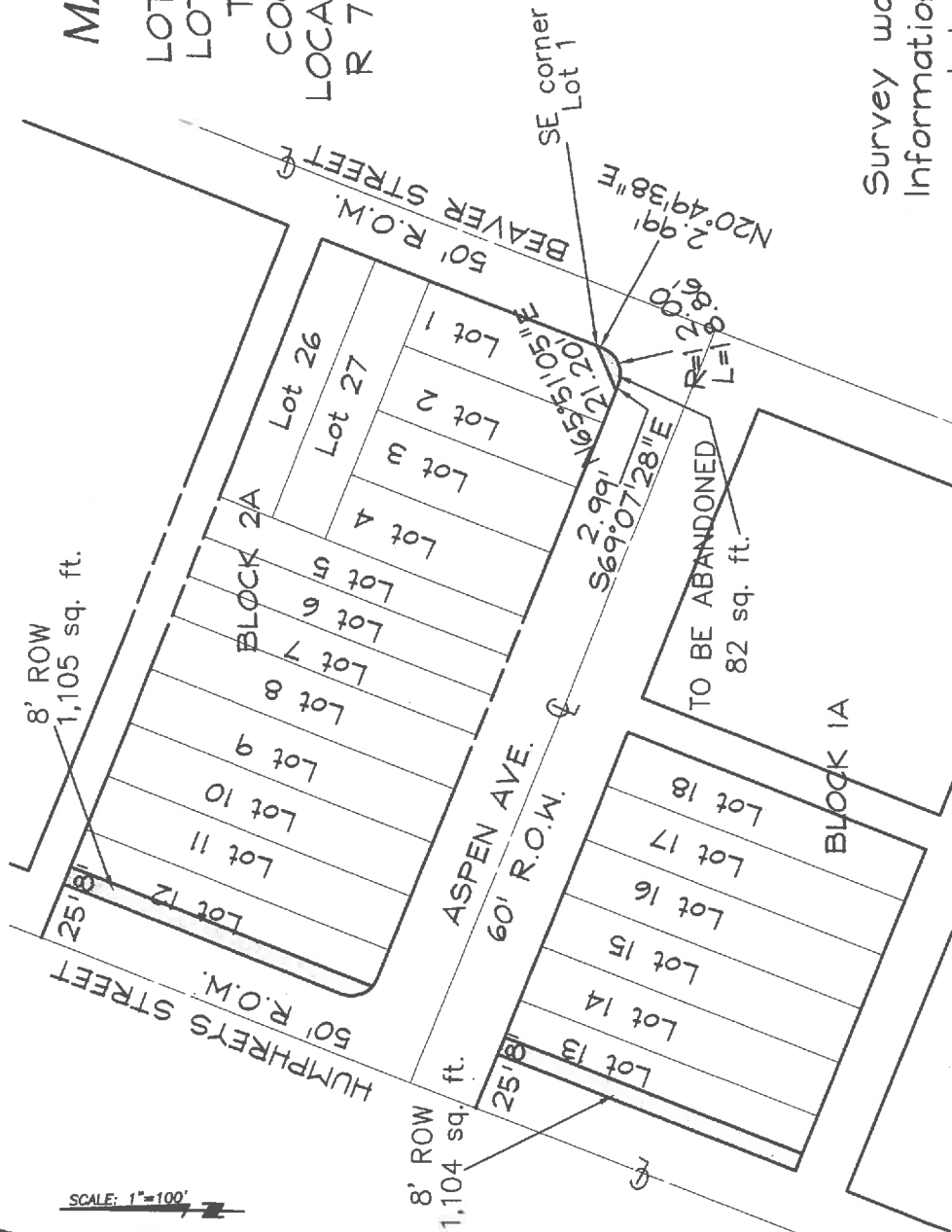
411 W. Santa Fe Ave. Flagstaff, AZ 86001- P.O.-Box 1952 Flagstaff, AZ 86002-mogollon99@aol.com- 928-214-0214

RIGHT-OF-WAY MAP

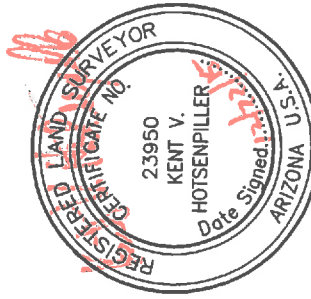
FOR

MARRIOTT RESIDENCE INN

LOT 1 AND 12 BLOCK 2A AND
LOT 13 BLOCK 1A, FLAGSTAFF
TOWNSITE, FILE 1 MAP 1,
COCONINO COUNTY RECORDS
LOCATED IN SECTION 16, T 21 N,
R 7 E, FLAGSTAFF, COCONINO
COUNTY, ARIZONA



SCALE: 1"=100'



Expires on 3/31/18

Survey was performed in June of 2015.
Information shown hereon is true and
correct to the best of my knowledge.

Mogollon
ENGINEERING
& SURVEYING

411 W. Santa Fe Avenue
Flagstaff, Az. 86001
Phone: 928-214-0214 • mogollon@aol.com

EXHIBIT B

MARRIOTT RESIDENCE INN
DEDICATION AND ABANDONMENT

HORIZONTAL SCALE: 1"=80'

VERTICAL SCALE:

DESIGNED/DRAWN BY:

PROJECT NO. 14138

DATE: 12/21/15

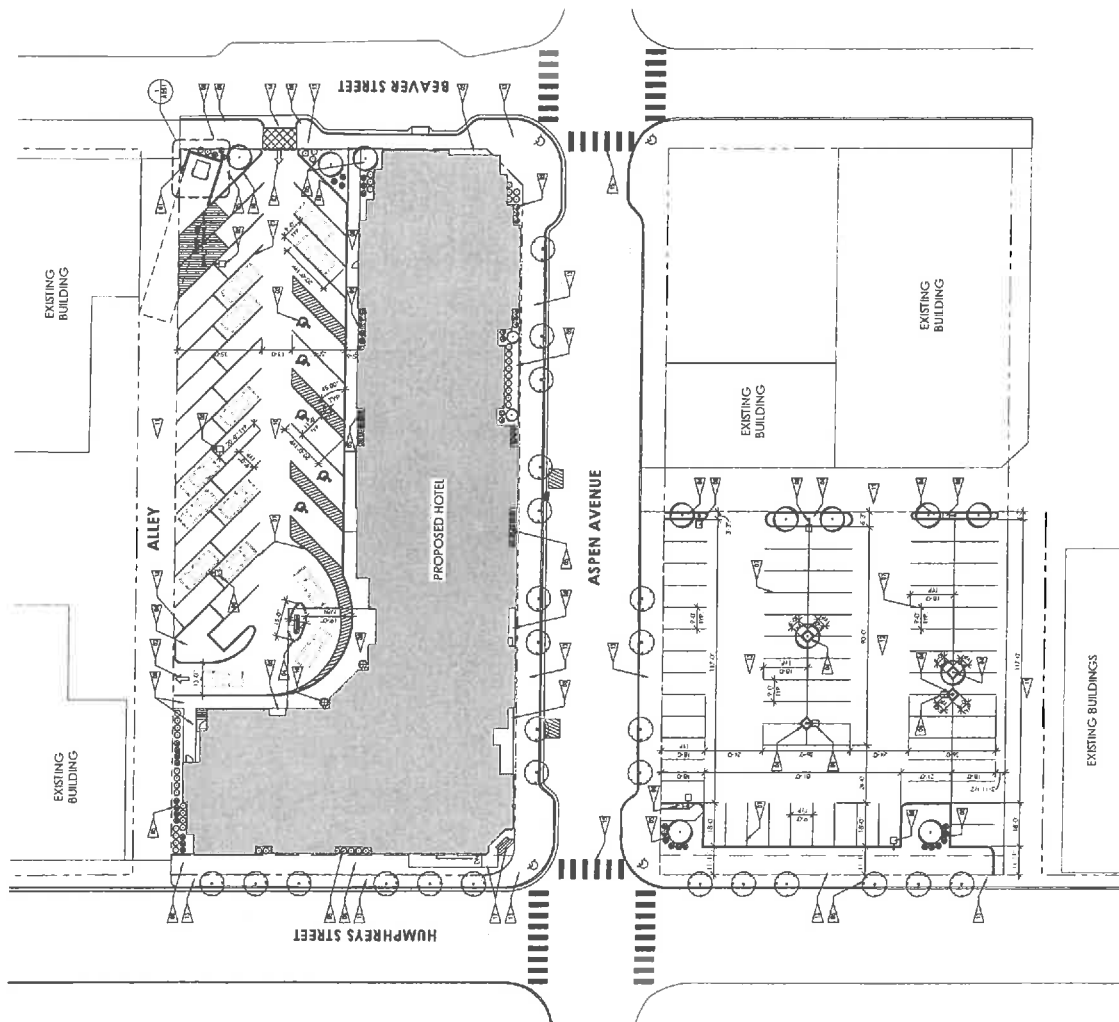
SITE GENERAL NOTES

[illegible]

PROJECT DATA

[illegible]

SHEET NOTES

[illegible]

1 ARCHITECTURAL SITE PLAN (alternate)



ORDINANCE NO. 2016-03

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY AS A PUBLIC RIGHT- OF-WAY FOR THE POSSIBLE WIDENING OF HUMPHREYS STREET BETWEEN ROUTE 66 AND CHERRY AVENUE

RECITALS:

WHEREAS, FMH Enterprises, LLC, an Arizona limited liability corporation, is developing approximately 1.5 acres of real property located at 175 W. Aspen Avenue and 100 N. Humphreys Street; and

WHEREAS, the parcels abut Humphreys Street; and

WHEREAS, the Arizona Department of Transportation in its Urban Mobility Study indicates that Humphreys Street may be widened in the future; and

WHEREAS, the City of Flagstaff ("City") has an interest in obtaining the property necessary for the widening of Humphreys at this time before the property is developed, rather than allowing the value to escalate in the post-development condition; and

WHEREAS, the property that may be needed for an expansion of Humphreys Street (the "Future Humphreys Street Right-of-Way") is described in Exhibit "A"; and

WHEREAS, the Developer and the City have reached agreement as to the price of the Future Humphreys Street Right-of-Way; and

WHEREAS, the City has an interest in planning, developing, and maintaining an adequate infrastructure system, including a surface transportation system to meet the needs of the community; and

WHEREAS, Article VII, Section 5, of the Flagstaff City Charter requires the City to acquire real property by ordinance.

ENACTMENTS:

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1: That the City wishes to acquire the property specifically described in Exhibit "A";

SECTION 2: That City staff is hereby authorized to acquire the property described in Exhibit "A," which may potentially be used as right-of-way.

SECTION 3: That the City Council will review and may adopt a development agreement that will set forth additional terms and conditions of the property acquisition.

SECTION 4: That the City Manager, the City Attorney, the City Clerk, the Management Services Director, the Assistant to the City Manager for Real Estate, or their designees or agents, are hereby authorized and directed to take all steps and execute all documents necessary to carry out the purpose and intent of this Ordinance.

SECTION 5: That if any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the City Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 6: That this Ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 2nd day of February, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

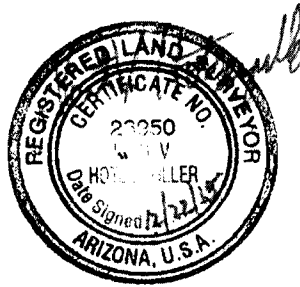
EXHIBIT A

The following is a description of a parcel of land, being a portion of Lot 12 of Block 2A of The Townsite of Flagstaff, File 1 Map 1 and Book 1 Page 16, Coconino County Records, situate in the SE¼ section 16, Township 21 North, Range 7 East, G.& S.R.M., Flagstaff, Coconino County, Arizona being more particularly described as follows:

The westerly 8 feet of said Lot 12

Said parcel of land contain 1,105 sq. ft. of land more or less as shown on Exhibit B which by this reference is made a part hereof

Right-of-Way Dedication



Expires: 3/31/18

Mogollon Engineering and Surveying, Inc.

411 W. Santa Fe Ave. Flagstaff, AZ 86001- P.O.-Box 1952 Flagstaff, AZ 86002-mogollon99@aol.com- 928-214-0214

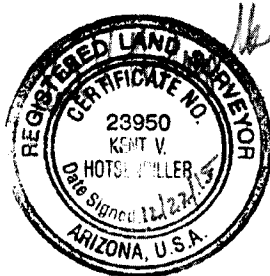
EXHIBIT A

The following is a description of a parcel of land, being a portion of Lot 13 of Block 1A of The Townsite of Flagstaff, File 1 Map 1 and Book 1 Page 16, Coconino County Records, situate in the SE¼ section 16, Township 21 North, Range 7 East, G.& S.R.M., Flagstaff, Coconino County, Arizona being more particularly described as follows:

The westerly 8 feet of said Lot 13

Said parcel of land contain 1,104 sq. ft. of land more or less as shown on Exhibit B which by this reference is made a part hereof

Right-of-Way Dedication



Expires: 3/31/16

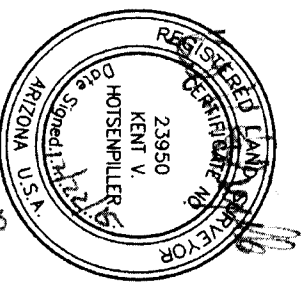
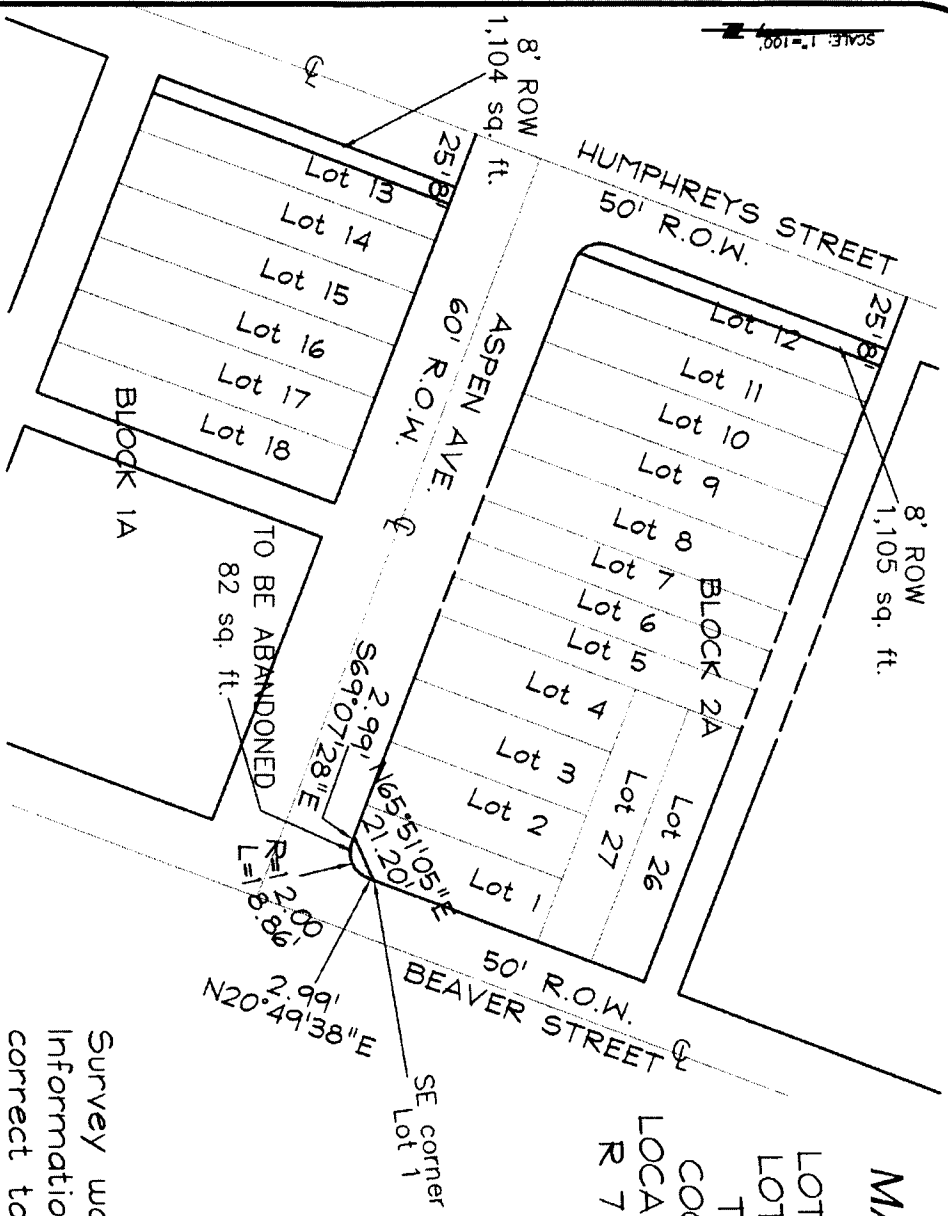
Mogollon Engineering and Surveying, Inc.

411 W. Santa Fe Ave. Flagstaff, AZ 86001- P.O.-Box 1952 Flagstaff, AZ 86002-mogollon99@aol.com- 928-214-0214

RIGHT-OF-WAY MAP

FOR MARRIOTT RESIDENCE INN

LOT 1 AND 12 BLOCK 2A AND
LOT 13 BLOCK 1A, FLAGSTAFF
TOWNSITE, FILE 1 MAP 1,
COCONINO COUNTY RECORDS
LOCATED IN SECTION 16, T 21 N,
R 7 E, FLAGSTAFF, COCONINO
COUNTY, ARIZONA



Survey was performed in June of 2015.
Information shown hereon is true and
correct to the best of my knowledge.

HORIZONTAL SCALE: 1"=80'
VERTICAL SCALE:
DESIGNED/DRAWN BY:
PROJECT NO. 14138
DATE: 12/21/15



411 N. Santa Fe Avenue
Flagstaff, Az. 86001
Phone: 908-214-0214 • Topgolf@mogollon.com

EXHIBIT B
MARRIOTT RESIDENCE INN
DEDICATION AND ABANDONMENT

Marriot Development, Right of Way- Value Estimation

Subject Properties		Lot Size	Improvement Value Per Assessor as of		% of ROW to			
APN	Address	SF	TY 2016 NOV	SF of easement	land sf	Location	Flood pla	Property Use
10021007A	175 W Aspen Ave.	21344	\$ 163,171.00	1105	5%	Corner	yes	Commercial
10019013A	100 N Humphreys St.	10454	\$ 92,947.00	1104	11%	Corner	Yes	Commercial
Total				2209				

Comps		Lot Size	Improvement Value Per Assessor as of			Estimated Land Value: Abstracting	price/sf for				
APN	Address	SF	TY 2016 NOV	Sales Price	Date Sold	Improvement from	land	location	Shape	Flood plane	Property Use
10021007A	175 W Aspen Ave	21344	\$ 163,171.00	\$ 1,700,000.00	under contract	\$ 1,536,829.00	\$ 72.00	corner lot	rectangle	yes	Commercial
10019008A	111 N. Leroux St.	14375	\$ 269,994.00	\$ 860,000.00	4/1/2014	\$ 590,006.00	\$ 41.04	interior lot	rectangle	yes	Commercial
10041002	43 S. San Francisco St.	6970	\$ 302,858.00	\$ 802,500.00	8/1/2015	\$ 499,642.00	\$ 71.69	corner lot	rectangle	yes/partial	Commercial
Median							\$ 71.69				

There were two sales of improved commercial properties which occurred in downtown Flagstaff from 2014-2015 these properties were similar in use, location and size to the subject properties. The developer also provided the purchase contract for parcel 10021007 which I also used in determining the price per square footage.

To determine the price per square foot of the land only, I abstracted the improvement values from the sales price of the comparable properties. Lot 10019008A is an interior lot compared to the subject properties which are located on the corner, in the heart of the City of Flagstaff. Parcel number 10041002 is also a corner lot sale which I felt was a better comparable than the interior lot. The median price per square foot was \$71.69. The value of \$70/sq. ft. was used in determining the value of the Right-of- Way of 2209 sq. ft. to give us a price of \$155,600. And \$68/sq. ft. was used for the 83 sq. ft. of Right- of-Way abandonment. These values are within the range of the estimated price per square foot that was determined by the Abstraction Method.

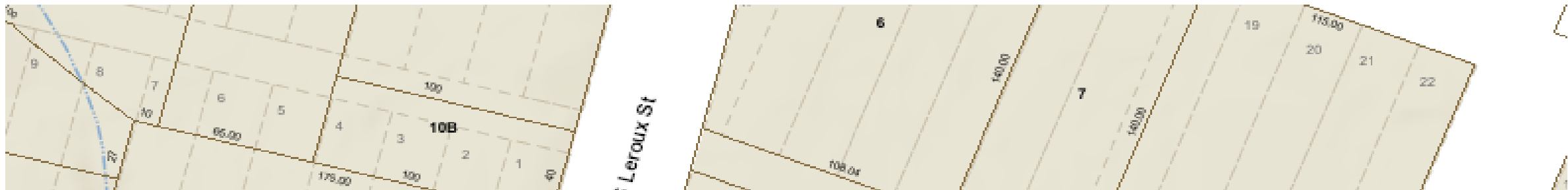
Map of Comparable Properties

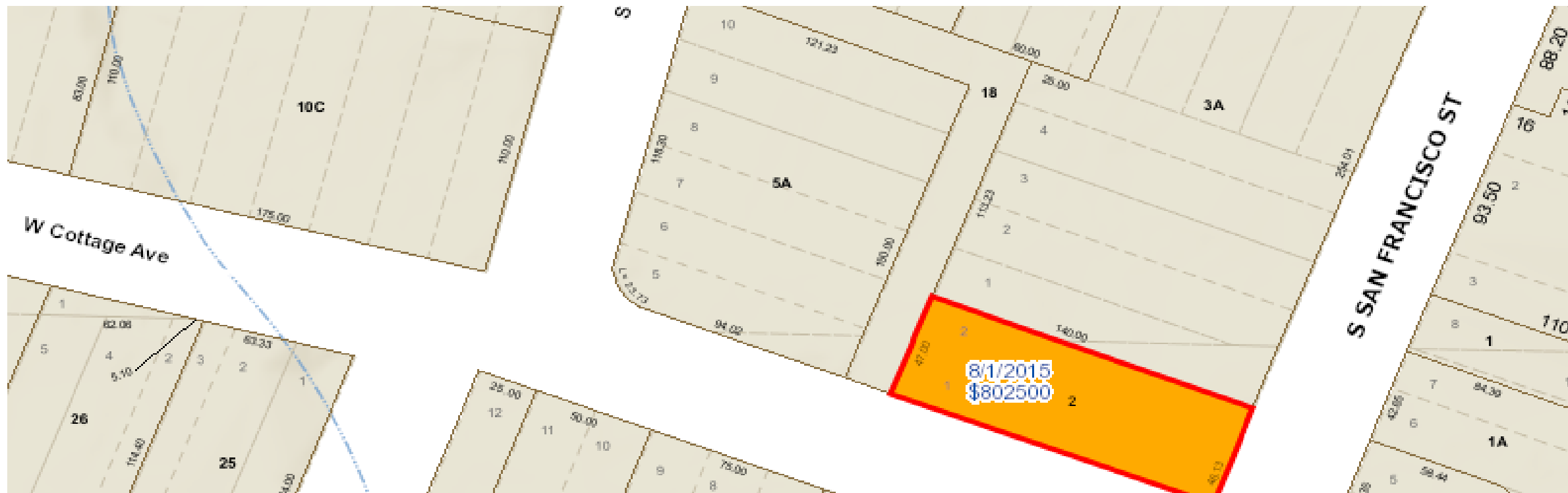
10021007A outlined in red, under contract for \$1,700,000

10019008A highlighted in yellow sold for \$860,000



10041002 highlighted in yellow sold for \$802,500







January 19, 2016

City Council Regular Meeting

Marriott Residence Inn

Ordinances & Development Agreement

Site plan for the proposed development at the intersection of Humpreys St and Aspen Ave. The plan shows two main parcels: a larger one to the north and a smaller one to the south. The northern parcel includes a parking lot with 18 spaces, a building footprint, and various utility features like a meter vault and gas lines. The southern parcel is primarily a parking lot with 18 spaces and a building footprint. The plan is surrounded by existing buildings and lots, with street names Humpreys St and Aspen Ave clearly marked. A scale bar indicates 1 inch equals 30 feet. A north arrow is also present. The plan includes numerous annotations for existing and proposed features, including elevations, dimensions, and zone designations.

Items For Consideration

- Ordinance 2016-03: authorizes purchase of 2,209 SF for future right-of-way
- Ordinance 2016-04: abandons 82 SF of public right-of-way at the NW corner of Aspen Avenue and Beaver Street
- Development Agreement: with FMH Enterprises, LLC; establishes purchase price of ROW transactions, allows for encroachments into public ROW & potential future partnership to construct parking structure

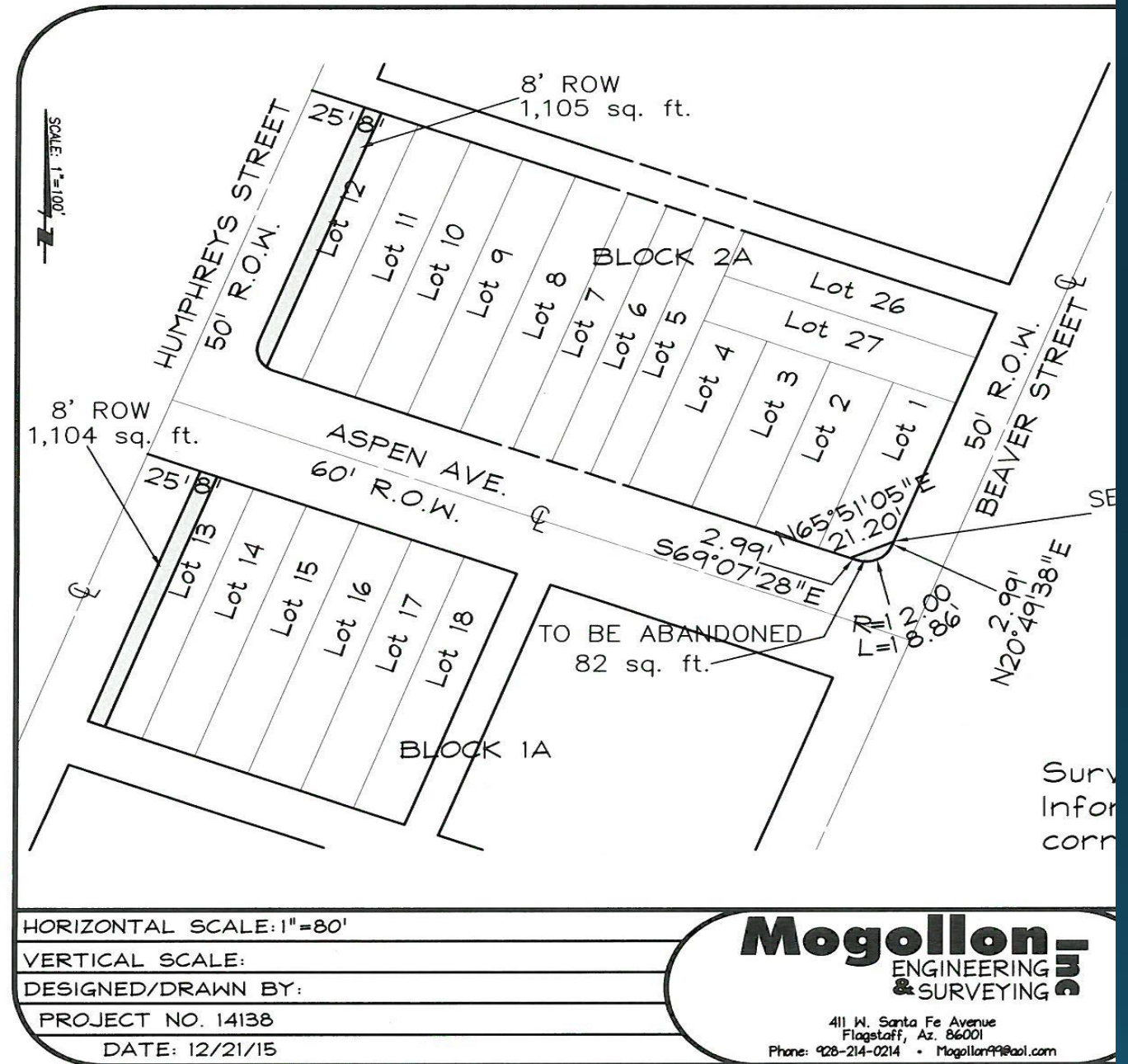
Approved Site Plan

- Hotel is a permitted use in Central Business zoning district
 - No entitlement decision
- Site Plan approved December 8, 2015
 - Includes an 8 foot setback along Humphreys Street
 - Requires encroachment/abandonment of public ROW at Aspen/Beaver
 - Does not require purchase of Humphreys ROW

Exaction vs. Acquisition

- Traffic Statement: < 100 peak hour trips - TIA not required
- Exactions must have nexus to a project impact and be proportionate to the impact
- No exaction or dedication without an identified impact
- City Code Section 10-30.50.070(A): City Engineer may impose special requirements to assure future right-of-way needs
- Imposed 8 foot setback along Humphreys Street
- Willing seller per the DA terms

Proposed ROW Transactions



Development Agreement Terms

City purchase of 2,209 SF	\$155,600
---------------------------	-----------

FMH Enterprises, LLC purchase of 82 SF	\$5,600
--	---------

City net purchase price:	\$150,000
--------------------------	-----------

- Market value determined by comparable sales
- Prepared by City Real Estate Manager
- Offer below determined market value

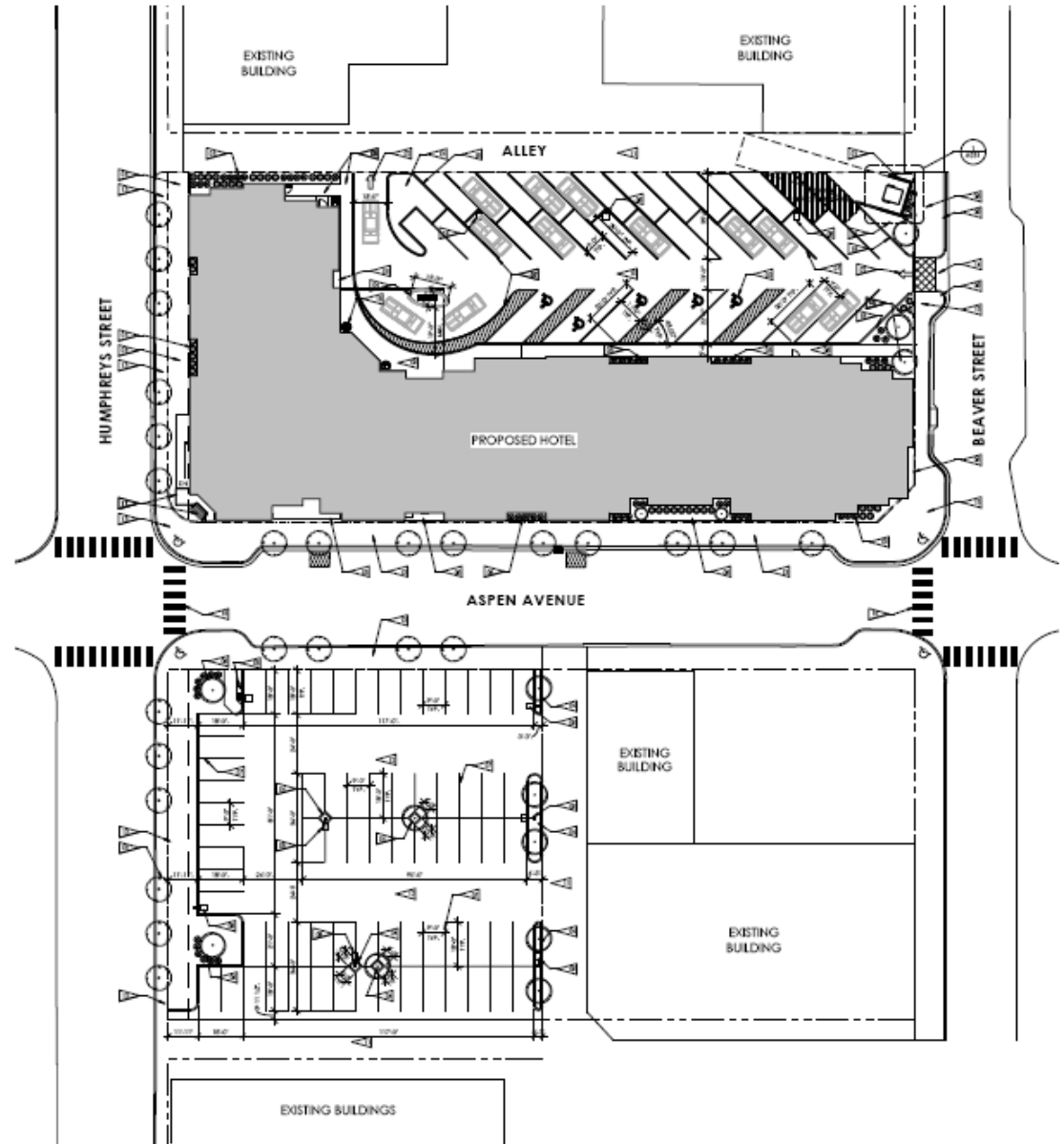
Development Agreement Terms

- No screen wall along Humphreys Street
- Parking allowed within purchased area until roadway widening
- Screen wall constructed at time of parking reconfiguration
- Vests site plan approval for two years
- Allows ADA ramp to encroach into Aspen Avenue ROW
- City participates in ADA relocation costs
- Developer agrees to explore use of parcel for parking structure
- City abandons 82 SF at NW corner of Aspen & Beaver

ADA Ramp Relocation to Aspen

- Due to desired acquisition for Humphreys ROW
- Allow ADA ramp to encroach into Aspen Avenue
- City pay for costs associated with relocation
- Move traffic control box, fire hydrant and parking space
- Estimated City share: \$60,000 - \$80,000

Approved Site Plan Plan Reconfigured



Why widen Humphreys Street?

- Urban Mobility Study recommended dual left/right turns from Route 66/Humphreys
- FRP 2030: Humphreys is identified as a Regional Travel Corridor (freeway or major arterial)
- Humphreys Street is a major arterial in Engineering Standards
- Concept widens Humphreys to 4 lanes from W 66 to Birch/Cherry Avenue

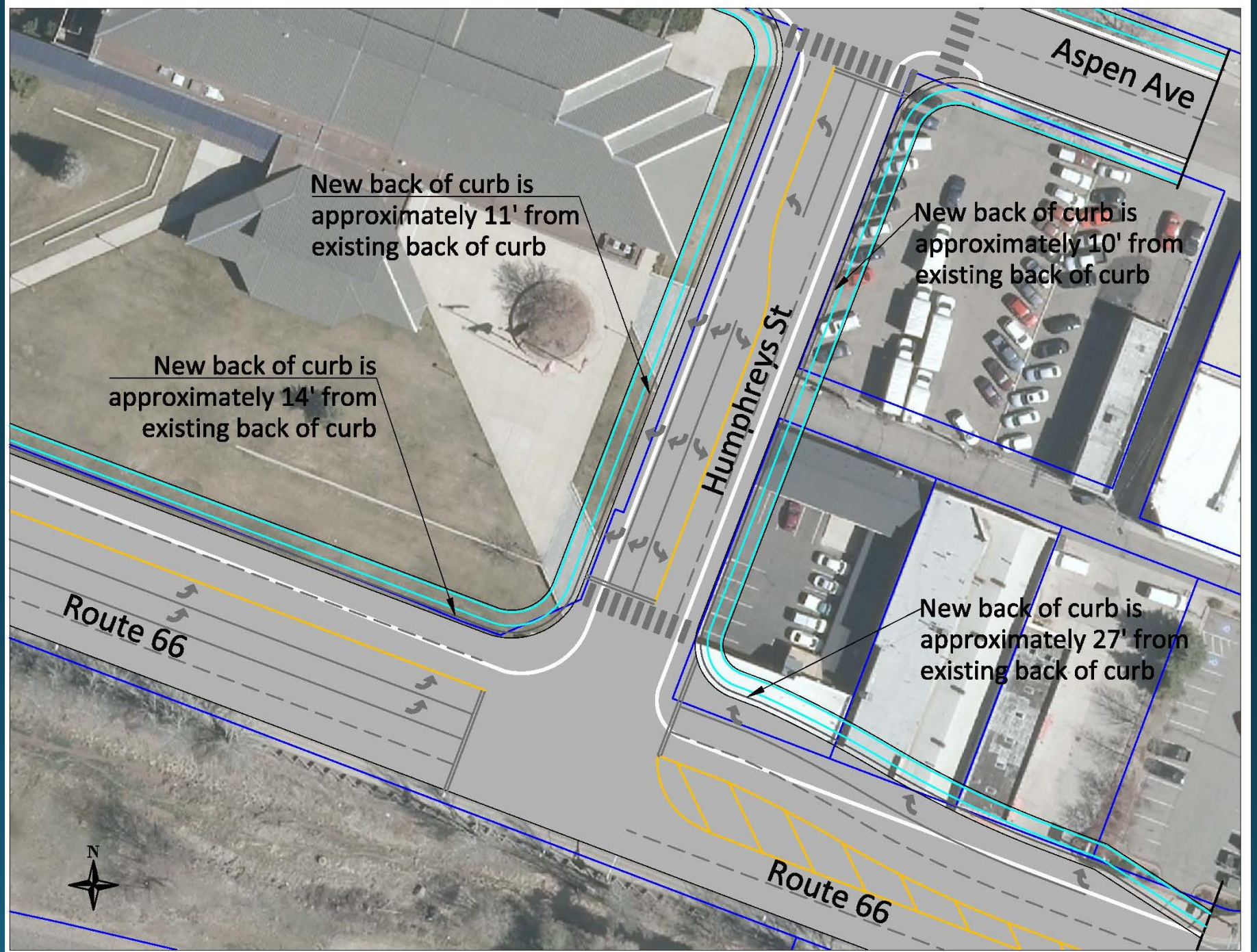
Why purchase right-of-way now?

- Successful roadway widening will require partnership with ADOT
- Dedication of acquired right-of-way could be local contribution
- Land costs will continue to rise
- Willing seller
- Acquisition post hotel construction may include severance damages
- Lessen impact to Wheeler Park
- May not be feasible without 8 feet on east side of Humphreys

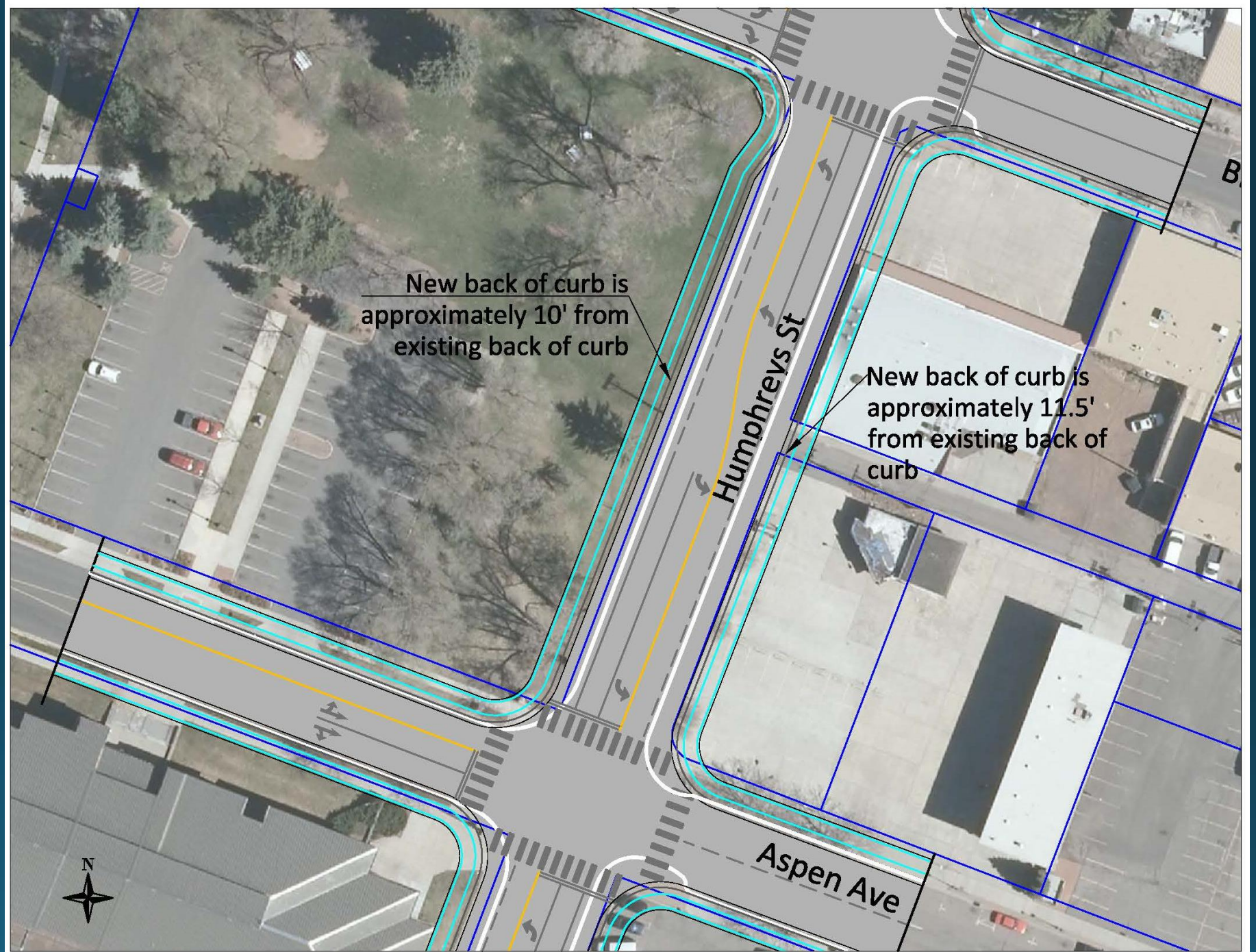
Building Department Fees Marriott Residence Inn

- Plan Review \$38,000
- Building Permit \$59,000
- Include purchase and capital expenditures in 2017 Budget

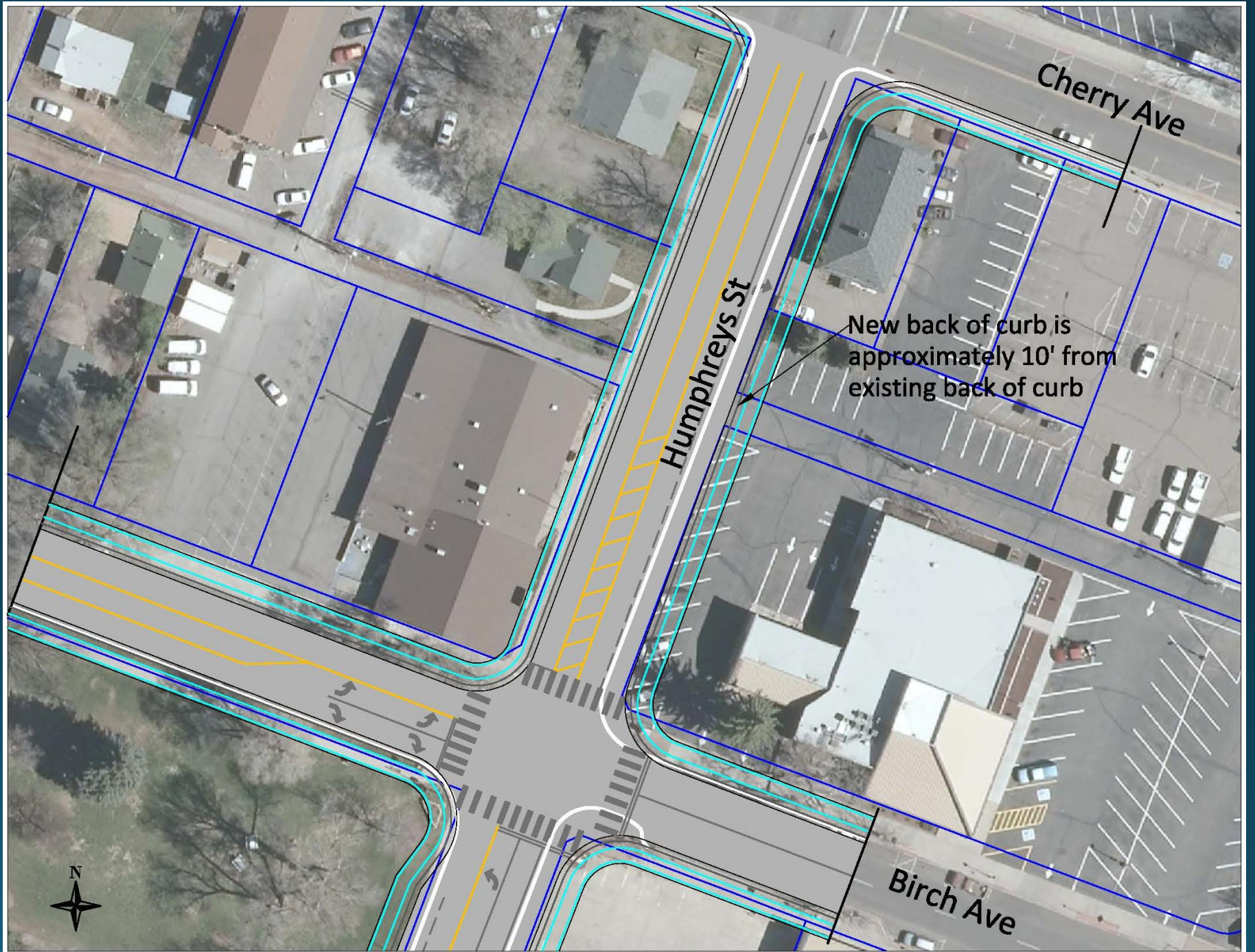
Humphreys & Route 66



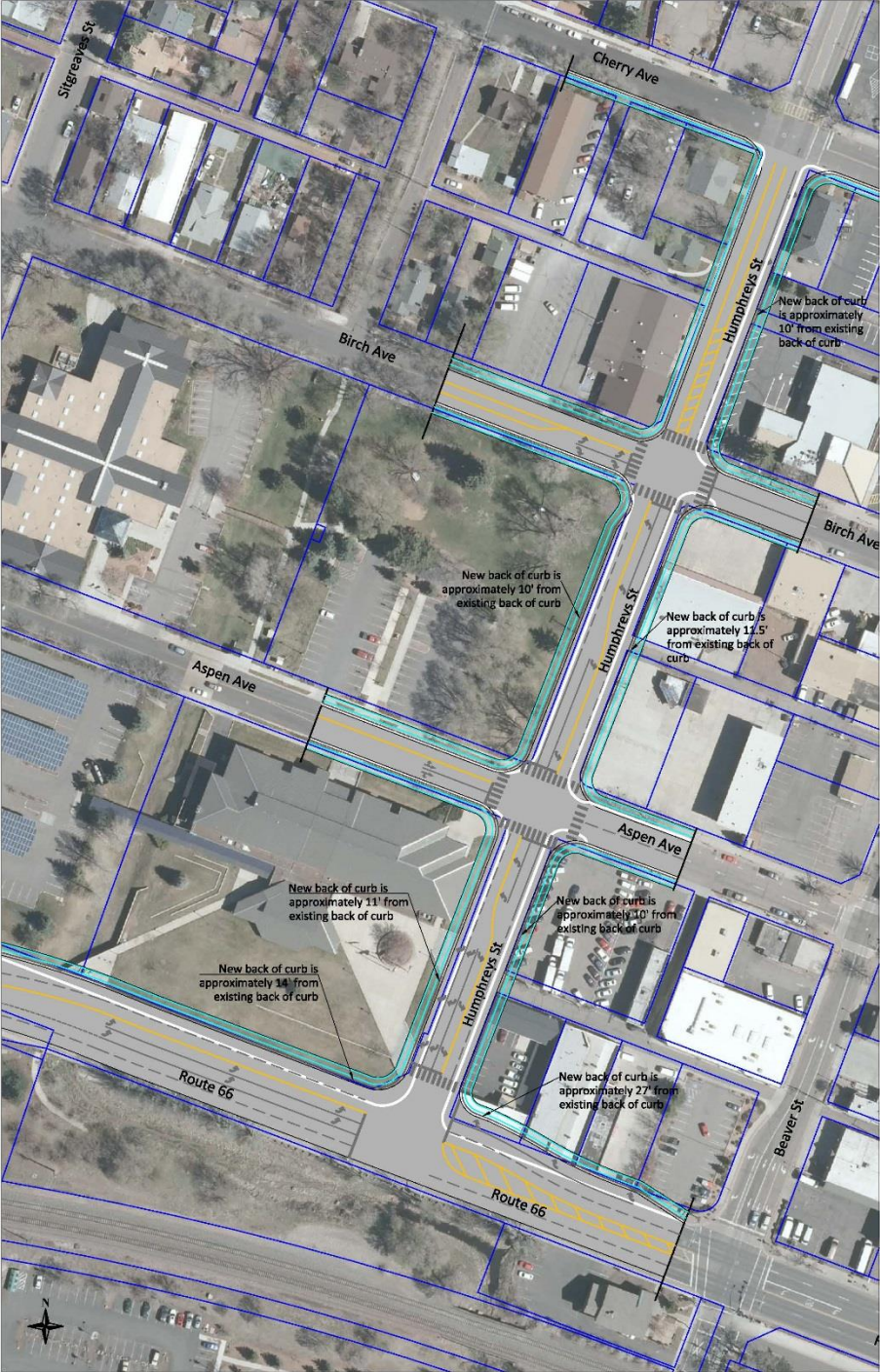
Humphreys & Aspen



Humphreys & Birch







Options

1. Decide to purchase Humphreys ROW and abandon public ROW to accommodate future roadway expansion; proceed with first and second reading of Ordinances and approval of Development Agreement, Jan. 19 & Feb. 2
2. Decide not to purchase Humphreys ROW; approve ROW abandonment to allow for future consideration of ROW acquisition; consider amended Development Agreement

....Additional questions ??

Good Evening...



CITY OF FLAGSTAFF STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Dan Folke, Planning Director
Co-Submitter: Mark Landsiedel
Date: 01/28/2016
Meeting Date: 02/02/2016



TITLE:

Consideration and Adoption of Ordinance No. 2016-04: An ordinance of the City Council of the City of Flagstaff, abandoning whatever right, title or interest it has in an approximately 82 square foot portion of public right-of-way generally located at the northwest corner of Aspen Avenue and Beaver Street to FMH Enterprises, LLC. (***Abandonment of right-of-way - Marriott development***)

RECOMMENDED ACTION:

- 1) Read Ordinance No. 2016-04 by title only for the final time
- 2) City Clerk reads Ordinance No. 2016-04 by title only (if approved above)
- 3) Adopt Ordinance No. 2016-04 on February 2, 2016.

Executive Summary:

During site plan review of the proposed Marriott Residence Inn, City staff recognized the need for proper placement of the hotel and other improvements to allow for a future roadway expansion along Humphreys Street. Staff determined acquisition of 8 feet for future right-of-way was desirable. This in turn moved the building to the east which results in an encroachment into public right-of-way at the southeast corner of the project, as shown on the attached site plan. Staff recommends 82 feet of right-of-way be abandoned as shown on Ordinance Exhibit B. Staff finds the abandonment of 82 square feet of right-of-way will not have an adverse impact on the City or its operations and protects the City's interests. The property must be purchased at fair market value, which has been determined by the City's Real Estate Manager at \$5,600.

Financial Impact:

The applicant has prepared the required sketch and legal description of the right-of-way to be abandoned. No expenditure is required for the abandonment. Under the terms of the associated Development Agreement the abandoned right-of-way will be purchased for \$5,600.

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:

- 3) Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics
- 6) Relieve traffic congestion throughout Flagstaff

REGIONAL PLAN:

Goal LU.1. Invest in existing neighborhoods and activity centers for the purpose of developing complete,

and connected places.

Goal LU.7. Provide for public services and infrastructure.

Goal LU.9. Focus reinvestment, partnerships, regulations, and incentives on developing or redeveloping urban areas.

Goal LU.11. Prioritize the continual reinvigoration of downtown Flagstaff, whose strategic location, walkable blocks, and historic buildings will continue to be a vibrant destination for all.

Goal LU.12. Accommodate pedestrians, bicyclists, transit riders, and private cars to supplement downtown's status as the best-served and most accessible location in the region.

Goal T.4. Promote transportation infrastructure and services that enhance the quality of life of the communities within the region.

Goal T.1. Improve mobility and access throughout the region.

Has There Been Previous Council Decision on This:

This item was discussed at the January 12, 2016, Work Session and discussion and first reading of the ordinance took place at the January 16, 2016, Council Meeting.

Options and Alternatives:

If the City Council decides not to abandon the right-of-way the hotel will need to be relocated to the west which places it into the property identified as desired future right-of-way. The benefit of approving the abandonment is it allows for acquisition of the desired right-of-way along Humphreys Street at current market value and without permanent constructed improvements. If the abandonment is not approved and the hotel is moved to the west, future acquisition will be more costly and may not be feasible.

Community Involvement:

Adoption of an Ordinance requires a public hearing which provides an opportunity for the community to become informed and they may provide public comment on the proposed abandonment.

Attachments: Ord. 2016-04

ORDINANCE NO. 2016-04

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF,
ABANDONING WHATEVER RIGHT, TITLE OR INTEREST IT HAS IN AN
APPROXIMATELY 82 SQUARE FOOT PORTION OF PUBLIC RIGHT-OF-WAY
GENERALLY LOCATED AT THE NORTHWEST CORNER OF ASPEN
AVENUE AND BEAVER STREET TO FMH ENTERPRISES, LLC**

RECITALS:

WHEREAS, A.R.S. Sec. 28-7201 *et seq.* provides that a city may dispose of a roadway or a portion thereof when said property or portion thereof is no longer necessary for public use; and

WHEREAS, the City Council has considered the proposed abandonment of the portion of roadway legally described and depicted in Exhibit "A" attached hereto (the "Abandoned Parcel"); and

WHEREAS, the City Council finds that the Abandoned Parcel is no longer necessary for public use as a roadway; and

WHEREAS, pursuant to A.R.S. Sec. 28-7205, title to the Abandoned Parcel will vest in the owner of the land abutting the Abandoned Parcel, FMH Enterprises, LLC;

WHEREAS, as compensation for the Abandoned Parcel, FMH Enterprises, LLC has agreed to either deduct the assessed value of the Abandoned Parcel from the purchase price of property along Humphreys Street that is being sold to the City or, if the City does not purchase the property along Humphreys Street, make payment to the City in the amount of the assessed value;

WHEREAS, the City Council finds that consideration and other public benefit commensurate with the value of the Abandoned Parcel, giving due consideration to its degree of fragmentation and marketability, has been provided to the City by the owner of the abutting property, FMH Enterprises, LLC.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF
AS FOLLOWS:**

SECTION 1. That subject to the reservations below, the Abandoned Parcel is abandoned as a public right-of-way and whatever title the City of Flagstaff has in the Abandoned Parcel vests in the abutting property owner, FMH Enterprises, LLC.

SECTION 2. That all of the following interests are reserved to the City of Flagstaff and excluded from this abandonment:

- 2.1 Those easements, if any, running over, on or through the Abandoned Parcel as of the effective date of this abandonment.
- 2.2 Such rights and interests, if any, as are required to be reserved by A.R.S. Sec. 28-7210 and A.R.S. Sec. 28-7215.

SECTION 3. The City Clerk is hereby directed to cause this Ordinance to be recorded in the Office of the Coconino County Recorder, but in no event earlier than thirty (30) days following the date that this Ordinance is passed and adopted. The abandonment described in this Ordinance will become effective when the Ordinance is recorded.

SECTION 4: That the City Manager, the City Attorney, the City Clerk, the Finance Director, the Assistant to the City Manager for Real Estate, or their designees or agents, are hereby authorized and directed to take all steps and execute all documents necessary to carry out the purpose and intent of this Ordinance.

SECTION 5: That if any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the City Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 2nd day of February, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT A

The following is a description of a parcel of land, being a portion of Lot 1 of Block 2A of The Townsite of Flagstaff, File 1 Map 1 and Book 1 Page 16, Coconino County Records, situate in the SE¼ section 16, Township 21 North, Range 7 East, G.& S.R.M., Flagstaff, Coconino County, Arizona being more particularly described as follows:

Beginning at the southeast corner of said Lot 1, Block 2A, which is a beginning of a non-tangent curve, concave to the northwest, having a radius of 15.00 feet, and to which a radial line bears South 20°52'32" West;

Thence southerly and westerly along said curve a distance of 23.57 feet through a central angle of 90°02'54" to a south corner of said Lot 1;

Thence North 65°51'05" East along the existing Right-of-Way a distance of 21.22 feet to the Point of Beginning.

Said parcel of land contain 64 sq. ft. of land more or less as shown on Exhibit B which by this reference is made a part hereof

Right-of-Way Abandonment



Mogollon Engineering and Surveying, Inc.

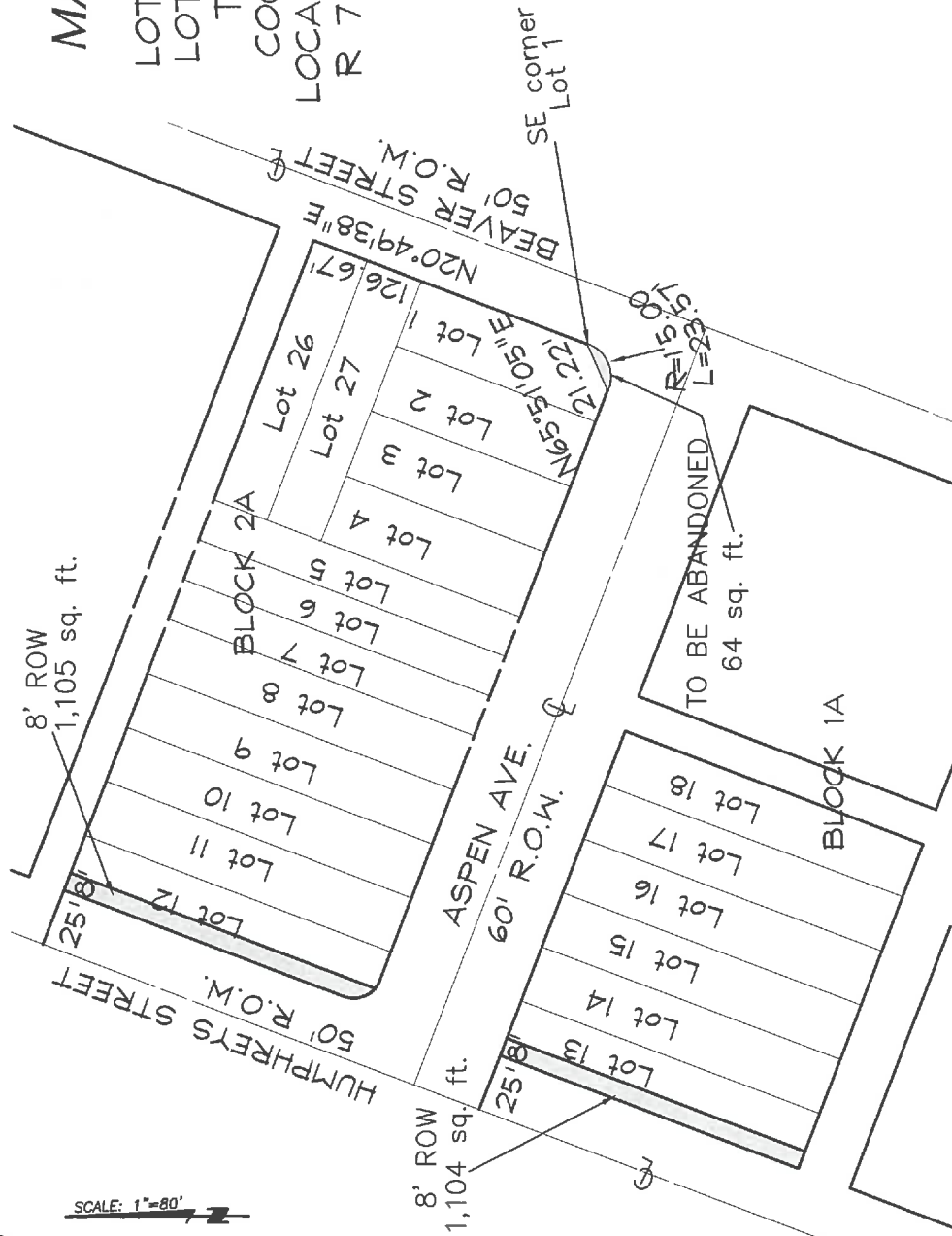
411 W. Santa Fe Ave. Flagstaff, AZ 86001 - P.O.-Box 1952 Flagstaff, AZ 86002-mogollon99@aol.com- 928-214-0214

RIGHT-OF-WAY MAP

FOR

MARRIOTT RESIDENCE INN

LOT 1 AND 12 BLOCK 2A AND
LOT 13 BLOCK 1A, FLAGSTAFF
TOWNSITE, FILE 1 MAP 1,
COCONINO COUNTY RECORDS
LOCATED IN SECTION 16, T 21 N,
R 7 E, FLAGSTAFF, COCONINO
COUNTY, ARIZONA



Expires on 3/31/18

Survey was performed in June of 2015. Information shown hereon is true and correct to the best of my knowledge.

Mogollon
ENGINEERING
& SURVEYING

411 W. Santa Fe Avenue
Flagstaff, Az. 86001
Phone: 928-214-0214 • mogollonfficial.com

EXHIBIT B

MARRIOTT RESIDENCE INN
DEDICATION AND ABANDONMENT

HORIZONTAL SCALE: 1"=80'

VERTICAL SCALE:

DESIGNED/DRAWN BY:

PROJECT NO. 14138

DATE: 1/08/16

CITY OF FLAGSTAFF
STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Elizabeth A. Burke, City Clerk
Date: 01/28/2016
Meeting Date: 02/02/2016



TITLE:

Consideration of Development Agreement: With FMH Enterprises, LLC, for the Marriott Project located at the corner of Humphreys and Aspen Avenue. ***(Development Agreement - Marriott development)***

RECOMMENDED ACTION:

Approve the Development Agreement with FMH Enterprises, LLC.

Executive Summary:

This is the Development Agreement associated with the Marriott Project located at the corner of Humphreys and Aspen Avenue, as further discussed in Items 10-C and 10-D above.

Financial Impact:

See further discussion in 10-C and 10-D above.

Connection to Council Goal and/or Regional Plan:

See further discussion in 10-C and 10-D above.

Previous Council Decision on This:

See further discussion in 10-C and 10-D above.

Options and Alternatives:

See further discussion in 10-C and 10-D above.

Attachments: DA
DA Exhibits

When recorded, mail to:

City Clerk
City of Flagstaff
211 West Aspen Avenue
Flagstaff, Arizona 86001

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT is made as of this [REDACTED] day of [REDACTED], 2016, between the City of Flagstaff (the "City"), a municipal corporation organized and existing under the laws of the State of Arizona, and FMH Enterprises, LLC (the "Developer"), an Arizona limited liability company.

RECITALS

- A. Developer is the escrow owner of approximately 1.4 acres of real property located at 100 N. Humphreys St. and 175 W. Aspen Ave., parcel numbers 100-21-007A, 100-19-011A, 100-19-012, 100-19-013A, and 100-19-019, within the City's corporate limits, more specifically described in **Exhibit A** (the "Property").
- B. Developer proposes to develop an extended-stay hotel on the Property as more specifically described in the approved site plan containing City Staff conditions dated December 8, 2015 (the "Project" or the "Site Plan").
- C. The City is interested in obtaining a portion of the Property for possible future right-of-way purposes because the Arizona Department of Transportation indicates a possible widening of Humphreys Street to relieve traffic congestion in this area in its Urban Mobility Study.
- D. The Property is currently zoned Central Business (CB) and Downtown Overlay (DO) Zone and no zone change is needed for development of the property.
- E. The City believes that development of the Property pursuant to this Agreement will result in planning and economic benefits to the City and its residents, and will not be detrimental to the public health, safety or welfare, or materially injurious to the properties in the vicinity.
- F. The City has an interest in ensuring that the development of the Property complies with the City's standards for development and engineering improvements and all other City standards, and Developer desires assurances from the City that this long-term Project will be developed within a stable regulatory environment.

- G. Developer acknowledges that this development will be beneficial and advantageous to Developer. Developer agrees it will not be compensated for any lost revenue caused by the sale of a portion of the Property to the City (see paragraph 4.1.1) and that the compensation provided herein by the City for said portion is sufficient and appropriate.
- H. The City and Developer are entering into this Agreement pursuant to Arizona Revised Statutes § 9-500.05.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual promises and agreements set forth herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, and in order to fulfill the foregoing objectives, the Parties agree as follows:

- 1. **Definitions.** The following terms, whenever capitalized in this Agreement, shall have the meanings set forth below, except where the context clearly indicates otherwise:
 - 1.1. **“Agreement”** shall mean this Development Agreement between the City and Developer.
 - 1.2. **“A.R.S.”** shall mean Arizona Revised Statutes.
 - 1.3. **“City”** shall mean and refer to the City of Flagstaff, an Arizona municipal corporation, and any successor public body or entity.
 - 1.4. **“Construction Permits”** shall mean any permit issued by the City or other jurisdiction that is required in order to begin construction on any On-Site or Off-Site phase or stage of the Project, including but not limited to public improvements, grading, electrical, gas, plumbing, or mechanical.
 - 1.5. **“Developer”** shall mean and refer to FMH Enterprises, LLC, an Arizona limited liability company, and any successor and/or assignee of FMH Enterprises, LLC pursuant to Section 6.21 of this Agreement.
 - 1.6. **“Effective Date”** shall mean the date this Agreement becomes effective as set forth in Section 6.9 of this Agreement.
 - 1.7. **“Parties”** shall mean a collective reference to the City and Developer, and its successors and/or assigns.
 - 1.8. **“Roadway Improvements”** shall mean improvements to public roadway segments and intersections.
 - 1.9. **“Site”** shall have the same meaning as the term Property.

1.10. “**Zoning Code**” shall mean the City’s Zoning Code.

2. Applicable Regulations & Development Standards.

2.1. Screen Walls. The City will not require a screen wall along the Humphreys Street surface parking. Developer must construct a screen wall along the south side of Aspen Avenue along the surface parking. The screen wall may be constructed immediately adjacent to the public right-of-way. If it is necessary to meet parking requirements, the screen wall may encroach partially into the City’s right-of-way. City staff will determine the appropriate amount of encroachment that may be permitted. So long as the City owns the right-of-way, the City shall provide an encroachment permit in its standard form for the screen wall. The City shall not revoke the permit without six-month’s notice and adequate consideration, which will include the cost to remove and relocate the screen wall if removal and relocation is necessary as a result of the revocation.

2.2. Regulation Timeframe. All aspects of the Project, including public improvements, shall be governed by the City’s codes in existence as of the Agreement’s Effective Date, including the Zoning Code, ordinances, regulations, rules, guidelines and policies; provided, however, that Developer obtains grading permits for one or more components of the Project within two (2) years following City’s approval of this Agreement. If Developer fails to obtain any grading or Construction Permits at the expiration of this two (2) year period, the Project shall be subject to the City’s codes, ordinances, regulations, rules, guidelines, and policies in effect at the time Developer applies for such Construction Permits.

2.3. Permits & Building Fees. Developer agrees and understands that all building permits, development fees, and other fees normally applicable to construction within the City at the time of application shall apply to the Project. Denial of a Developer’s permit application for failure to meet the City’s criteria for such permit shall not be deemed a breach by the City of this Agreement.

2.3.1. Out-Sourcing. City agrees to out-source review of permits if it cannot meet the City’s established timeframes.

2.3.2. No Breach. Failure to meet established timeframes is not a material breach of this agreement, but may be cured pursuant to Section 6.8.

3. Utility Requirements. The City agrees to permit Developer to relocate the overhead utilities in the adjacent alleys to the Property so that such utilities do not interfere with the site plan so long as the relocation of the overhead utilities continues to conform with governmental requirements and code and does not negatively impact existing businesses in the area. The water meter for the Project must be sized according to AWWA Manual M22 and in accordance with City Code.

4. **Road Improvement Requirements.** The City and Developer understand that the Arizona Department of Transportation may eventually widen Humphreys Street to relieve traffic congestion. So long as Developer closes escrow on the Property and becomes the owner of the Property, the Developer agrees, as described below, to sell a portion of its Property to the City in anticipation of that project.
- 4.1. **General Roadway Improvements.** The Developer is not required to provide a Traffic Impact Analysis (“TIA”) to determine the necessary traffic mitigation for the Project. Instead, the Parties agree that Developer’s traffic mitigation will be accomplished as described in this Section.
- 4.1.1. **Sale of a Portion of the Property.** Developer agrees to sell to the City and the City agrees to purchase the portion of the Property described in **Exhibits B1 and B2** (the “Humphreys Right-of-Way”) for a full purchase price of one hundred and fifty-five thousand six-hundred dollars (\$155,600.00). The City may deduct from the full-purchase price the value of the property that the City may abandon as discussed in Section 5.2 below. The value of the abandoned property is five thousand six hundred dollars (\$5,600.00). Sale of the Humphreys Right-of-Way will occur when Developer makes written demand upon the City after all permits have been received by Developer to begin construction and construction begins. Developer agrees this is adequate consideration for the Humphrey’s Right-of-Way and will not require additional funds from the City or any other government entity that undertakes the widening of Humphreys Street for any reason, so long as no additional real property is needed from Developer on the site covered by this Agreement for the widening project. If, however, the widening project commences, the City will pay for the installation of an appropriate screen wall along Humphreys and the paving needed for the south parking lot to match-up with the current paving. Such installation and match-up of paving shall permit Developer to maintain the parking layout attached hereto as Exhibit C.
- 4.1.2. **Use of the Property Prior to Widening of Humphrey Street.** The City shall provide an encroachment permit in its standard form to Developer to use the portion of the Humphreys Right-of-Way that is located south of Aspen Avenue for parking until the Humphreys widening project commences. The City shall not revoke the permit without six-month’s notice and adequate consideration, which will include the City’s acknowledgement that the remaining amount of parking, after any revocation is allowed as a legal nonconforming use and no further parking is required.
- 4.1.3. **Conformance with City Parking Requirements.** In the event that Humphreys Street is widened, the City will not require Developer to construct additional parking spaces to conform to regular City parking

requirements due to spaces lost as a result of the Humphreys widening project.

- 4.1.4. Location of ADA Ramp. The ADA ramp which is located on the site plan alongside Humphreys Street will be relocated to City right-of-way on Aspen Avenue promptly after the Developer obtains a building permit. The City shall provide an encroachment permit for City right-of-way in its standard form to Developer for placement of the ADA ramp in City right-of-way and agrees to not revoke the permit without six-month's notice and adequate consideration, which will include all costs associated with removing and relocating the ADA ramp to a different location that is mutually agreeable to the Parties. The Developer will be responsible for maintenance of the ADA ramp.
- 4.1.5. Payment for Relocation of City Infrastructure and Facilities. The City shall pay for the design, construction, and permitting, to relocate the City infrastructure and facilities that impede the placement of the ADA ramp on Aspen Avenue, including the signal-light electrical box and fire hydrant located on the northeast corner of Humphreys Street and Aspen Avenue. The City will also pay for the conversion of one on-street parking space to sidewalk and match it to the brick-paved sidewalk area. All work will be performed by the Developer or its designee. All bids for design, construction or any other work covered by this Section shall be approved by the City Engineer. The City will pay within thirty (30) days of invoice. The Developer is responsible for the costs to construct the ADA ramp.
- 4.1.6. Limitation on Transfer of Humphreys Right-of-Way. The City agrees that, after purchase from Developer, it will not transfer ownership of any portion of the Humphreys Right-of-Way until the Humphreys widening project becomes imminent.

5. Future Considerations.

- 5.1. Garage. The City and Developer presently believe that a parking structure on the portion of the Property located south of Aspen Avenue could be a benefit to the City and to Developer. Therefore, when said parking structure is being earnestly considered then Developer agrees to explore use of the parcel as a parking structure with terms and conditions acceptable to the Parties.
- 5.2. Abandonment. Staff will propose to the City Council that the City abandon right-of-way to the Developer for the southeast corner of the building to match the southwest corner of the building, as depicted on the Site Plan. The abandonment will be considered by Council at the same time as consideration of this Agreement. This Agreement is conditional on City Council approval and the

continuing validity of the ordinance to abandon right-of-way to the Developer for the southeast corner of the building to match the southwest corner of the building.

6. General Provisions.

- 6.1. **Agreement Recordation.** In accordance with A.R.S. § 9-500.05(D), this Agreement shall be recorded in its entirety in the official records of the Coconino County Recorder, State of Arizona, no later than ten (10) days from the date of its execution by the City.
- 6.2. **Amendment.** This Agreement may be amended at any time by written amendment executed by both Parties; all amendments shall be recorded in the official records of Coconino County, Arizona, within ten (10) days following the execution thereof.
- 6.3. **Authorization.** The Parties to this Agreement represent and warrant that the persons executing this Agreement on their behalves have full authority to bind the respective Parties.
- 6.4. **Cancellation.** This Agreement is subject to the cancelation provisions of A.R.S. § 38-511.
- 6.5. **Captions.** The captions used herein are for convenience only, are not part of this Agreement, and do not in any way limit or amplify the terms and provisions hereof.
- 6.6. **Construction of Agreement.** This Agreement has been arrived at by negotiation and shall not be construed against either Party.
- 6.7. **Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall constitute an original, but all of which together shall constitute but one and the same instrument. The signature pages from one or more counterparts may be removed from such counterparts and such signature pages all attached to a single instrument so that the signatures of all Parties may be physically attached to a single document.
- 6.8. **Default & Remedies.** A party hereunder shall be deemed to be in default under this Agreement if such party breaches any obligation required to be performed by the respective party hereunder within any time period required for such performance and such breach or default continues for a period of forty-five (45) days after written notice thereof from the party not in default hereunder. For purposes of determining default and termination, the Developer's obligations set forth in the Agreement are severable, and each individual obligation shall terminate upon its completion.

- 6.8.1. **Developer's Remedies.** In the event that the City is in default under this Agreement and fails to cure any such default within the time period required therefore as set forth in Section 6.8 above, then, in that event, in addition to all other legal and equitable remedies which Developer may have, Developer may: a) terminate this Agreement by written notice delivered to the City; b) seek specific performance by the City; or c) seek recovery of money damages from the City.
- 6.8.2. **City's Remedies.** In the event that Developer is in default under this Agreement, and Developer thereafter fails to cure any such default within the time period described in Section 6.8 above, then, in that event, in addition to all other legal and equitable remedies which the City may have, the City may: a) terminate this Agreement by written notice delivered to Developer; b) seek specific performance by the Developer; or c) seek recovery of money damages from the Developer.
- 6.8.3. **Development Rights in the Event of Termination.** With the exception of a termination that occurs under Section 6.8.1 above, upon the termination of this Agreement as provided herein, Developer shall have no further rights to develop the Property pursuant to this Agreement.
- 6.8.4. **Litigation and Attorneys' Fees.** Except as otherwise agreed by the Parties, any litigation brought by either party against the other to enforce the provisions of this Agreement must be filed in the Coconino County Superior Court. In the event any action at law or in equity is instituted between the Parties in connection with this Agreement, the prevailing party in the action shall be entitled to its costs including reasonable attorneys' fees and court costs from the non-prevailing party.
- 6.9. **Effective Date of the Agreement.** This Agreement shall be effective upon the latter of the execution of the Parties hereto, recordation in accordance with Section 6.1, and upon expiration of thirty (30) days following the approval hereof by the City. However, in the event that the approval is delayed in its effect by judicial challenge, or by referendum or injunction, the effective date of this Agreement shall be delayed until resolution or termination of such judicial challenge, referendum or injunction. In the event of judicial challenge, referendum or injunction by any person or entity resulting in a delay in the effect of this Agreement that extends for a period of more than one hundred eighty (180) days following its approval by the City Council, this Agreement shall be terminable by Developer upon written notice to the City in accordance with this Agreement at any time within an additional sixty (60) days. Upon termination, this Agreement shall be of no further force or effect, and neither party shall have any further obligation hereunder. Any delay relative to the effective date of this Agreement by judicial challenge, referendum or injunction filed by parties acting independently of and not under the control of the City shall not be deemed a default hereunder by the City.

- 6.10. **Entire Agreement.** This Agreement, along with the site plan approval, right-of-way abandonment ordinance, and Humphreys Right-of-Way acquisition ordinance, constitutes the entire agreement between the Parties hereto pertaining to the subject matter hereof, and all prior and contemporaneous agreements, representations, negotiations, and understandings of the Parties hereto, oral or written, are hereby superseded and merged herein. The foregoing sentence shall in no way affect the validity of any instruments executed by the Parties in the form of the exhibits attached to this Agreement.
- 6.11. **Further Acts.** Each of the Parties hereto shall execute and deliver such documents and perform such acts as are reasonably necessary, from time to time, to carry out the matters contemplated by this Agreement. The City Manager or his designee is authorized to perform such acts on behalf of the City.
- 6.12. **Governing Law.** This Agreement shall be governed by and construed under the laws of the State of Arizona and shall be deemed made and entered into in Coconino County.
- 6.13. **Incorporation of Recitals and Exhibits.** The Recitals set forth above, and the Exhibits referenced within the Agreement and attached below, are incorporated into this Agreement.
- 6.14. **Modification.** No modification of this Agreement shall be deemed effective unless in writing, signed by the Parties hereto, and recorded as required by Section 6.1.
- 6.15. **Negotiation of Partnership.** The Parties specifically acknowledge that the Project will be developed as private property, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants, and conditions contained in this Agreement. None of the terms or provisions of this Agreement shall be deemed to create a partnership between or among the Parties, nor shall it cause them to be considered a joint venture or members of any joint enterprise.
- 6.16. **No Personal Liability.** No current or former member, official, or employee of the City or Developer, when acting within the scope of their official capacity, shall be personally liable: (a) in the event of any default or breach by the City or Developer, as applicable; (b) for any amount which may become due to the non-breaching party or its successor and/or assign; or (c) pursuant to any obligation of the City or Developer, as applicable, under the terms of this Agreement.
- 6.17. **No Third Party Beneficiaries.** The City and Developer acknowledge and agree that the terms, provisions, and conditions hereof are for the sole benefit of, and may be enforceable solely by, the City and Developer; and none of these terms,

provisions, conditions, and obligations are for the benefit of or may be enforced by any third party.

- 6.18. **Notices.** Unless otherwise specifically provided herein, all notices, demands, or other communications given hereunder shall be in writing and shall be deemed to have been duly delivered upon personal delivery or as of the third business day after mailing by the United States mail, postage prepaid, by registered or certified mail, return receipt requested, addressed as follows:

To City: City of Flagstaff
Attn: City Manager
211 West Aspen Avenue
Flagstaff, AZ 86001

Copy To: City of Flagstaff
Attn: City Attorney
211 West Aspen Avenue
Flagstaff, AZ 86001

To Developer: FMH Enterprises, LLC
Attn: Steven D. Shumway, President/CEO
P.O. Box 250
Show Low, AZ 85902

Copy To: FMH Enterprises, LLC
Attn: Shane J. Shumway, Executive V.P.
P.O. Box 250
Show Low, AZ 85902

Notice of address may be changed by either party by giving notice to the other party in writing of change of address.

- 6.19. **Severability.** In the event that any phrase, clause, sentence, paragraph, section, article, or other portion of this Agreement shall become illegal, null or void or against public policy, for any reason, or shall be held by any court of competent jurisdiction to be illegal, null or void or against public policy, the remaining portions of this Agreement shall not be affected thereby and shall remain in force and effect, to the extent that the intent of the Parties to develop the Project is still viable.
- 6.20. **Successors and Assigns.** All of the covenants and conditions set forth herein shall be binding upon the successors in interest of each of the Parties hereto, except that transfer of any portions of right-of-way from the City to the State of Arizona will not result in a transfer of obligations in this Agreement to the State . Obligations accruing after a transfer of ownership will not be deemed to be an

obligation of the transferor, though no transfer will relieve a transferor of any obligation that accrued prior to the transfer.

6.20.1. **Assignment.** Developer's rights and obligations hereunder may only be assigned to a person or entity that has acquired the Property or a portion thereof and only by a written instrument, recorded in the Official Records of Coconino County, Arizona, expressly assigning such rights and obligations. Such assignment must be approved by the City before the assignment is valid, which approval shall not be unreasonably withheld.

6.20.2. **Lender Provisions.** Further, Developer or any persons or entities benefited by this Agreement may collectively assign all or a part of its rights and obligations under this Agreement to any lender from which such Developer or other benefited person or entity has borrowed funds for developing, constructing improvements, and/or operation of the improvements on the Property (the "Lender"). If the Lender requests a collateral assignment of this Agreement as part of its collateral for its loan to Developer, the City agrees that such collateral assignments are permissible without consent of the City. In the event of default by Developer, the City shall provide notice of such default at the same time notice is provided to Developer to any Lender previously identified in writing to the City. If a Lender is permitted under the terms of its agreement with Developer to cure the default or to assume Developer's position with respect to this Agreement, the City agrees to recognize the rights of Lender and to otherwise permit Lender to assume such rights and obligations of Developer under this Agreement. Nothing contained in this Agreement shall be deemed to prohibit, restrict or limit in any way the right of a Lender to take title to all or a portion of the Property, pursuant to a foreclosure proceeding, trustee's sale, or deed in lieu of foreclosure. The City shall, at any time upon request by Developer or Lender, provide to any Lender an estoppel certificate, acknowledgement of collateral assignment, or other document evidencing that this Agreement is in full force and effect, that it has not been amended or modified (or, if appropriate, specifying such amendment or modification) and that no default by Developer exists hereunder (or, if appropriate, specifying the nature and duration of any existing default) and certifying to such other matters reasonably requested by Developer or Lender. Upon request by a Lender, the City will enter into separate assumption or similar agreement with such Lender consistent with the provisions of this Section.

6.21. **Term.** The term of this Agreement shall commence on the effective date of this Agreement as defined in Section 6.9 and shall automatically terminate at complete build out of the Project unless previously terminated pursuant to the terms of this Agreement.

- 6.22. **Waiver.** No waiver by either party of a breach of any of the terms, covenants, and conditions of this Agreement shall be construed or held to be a waiver of any succeeding or preceding breach of the same or any other term, covenant, or condition herein contained.

IN WITNESS WHEREOF, the City has caused this Agreement to be duly executed in its name and on its behalf by its Mayor and its seal to be hereunder duly affixed and attested by its City Clerk, and Developer has signed the same on or as of the day and year first above written.

City of Flagstaff, a municipal corporation

FMH Enterprises, LLC, an Arizona limited liability company

Gerald W. Nabours, Mayor

Attest:

City Clerk

Approved as to form and authority:

City Attorney

List of Exhibits

Exhibit A: Legal Description of the Property

Exhibit B1: Legal Description of the Humphreys Right-of-Way

Exhibit B2: Map Depicting Humphreys Right-of-Way

Exhibit C: Revised parking layout after potential widening of Humphreys.

EXHIBIT A

Legal Description of the following properties:

100-21-007A, 100-19-011A, 100-19-012, 100-19-013A, 100-19-019

FLAGSTAFF TOWNSITE Block: 1-A Lot: 13, Subdivision: FLAGSTAFF TOWNSITE Block: 1A Lot: 14 THRU:- Lot: 18 , , , , Sixteenth: SE Quarter: SE Section: 16 Township: 21N Range: 07E, and

FLAGSTAFF TOWNSITE Block: 2-A Lot: 2 THRU:- Lot: 4
LOT 1 LESS:112 SF PER 1644/334., , Sixteenth: SE Quarter: SE Section: 16 Township: 21N Range: 07E, and

FLAGSTAFF TOWNSITE Block: 2-A Lot: 5 THRU:- Lot: 9 , , , , Sixteenth: SE Quarter: SE Section: 16
Township: 21N Range: 07E, and

FLAGSTAFF TOWNSITE Block: 2-A Lot: 10 AND:- Lot: 11 LOT 12 BLK LESS:31 SF PER 1632/887, Sixteenth:
SE Quarter: SE Section: 16 Township: 21N Range: 07E, and

FLAGSTAFF TOWNSITE Block: 2-A Lot: 26 AND:- Lot: 27 , Sixteenth: SE Quarter: SE Section: 16 Township:
21N Range: 07E

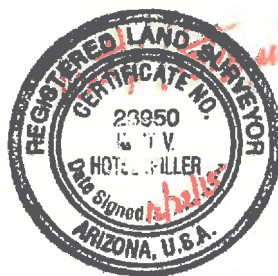
EXHIBIT B1

The following is a description of a parcel of land, being a portion of Lot 12 of Block 2A of The Townsite of Flagstaff, File 1 Map 1 and Book 1 Page 16, Coconino County Records, situate in the SE¼ section 16, Township 21 North, Range 7 East, G.& S.R.M., Flagstaff, Coconino County, Arizona being more particularly described as follows:

The westerly 8 feet of said Lot 12

Said parcel of land contain 1,105 sq. ft. of land more or less as shown on Exhibit B which by this reference is made a part hereof

Right-of-Way Dedication



Expires: 9/31/16

Mogollon Engineering and Surveying, Inc.

411 W. Santa Fe Ave. Flagstaff, AZ 86001- P.O.-Box 1952 Flagstaff, AZ 86002-mogollon99@aol.com- 928-214-0214

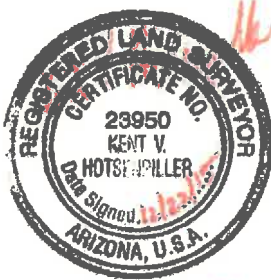
EXHIBIT B1

The following is a description of a parcel of land, being a portion of Lot 13 of Block 1A of The Townsite of Flagstaff, File 1 Map 1 and Book 1 Page 16, Coconino County Records, situate in the SE¼ section 16, Township 21 North, Range 7 East, G.& S.R.M., Flagstaff, Coconino County, Arizona being more particularly described as follows:

The westerly 8 feet of said Lot 13

Said parcel of land contain 1,104 sq. ft. of land more or less as shown on Exhibit B which by this reference is made a part hereof

Right-of-Way Dedication



Expires: 3/31/10

Mogollon Engineering and Surveying, Inc.

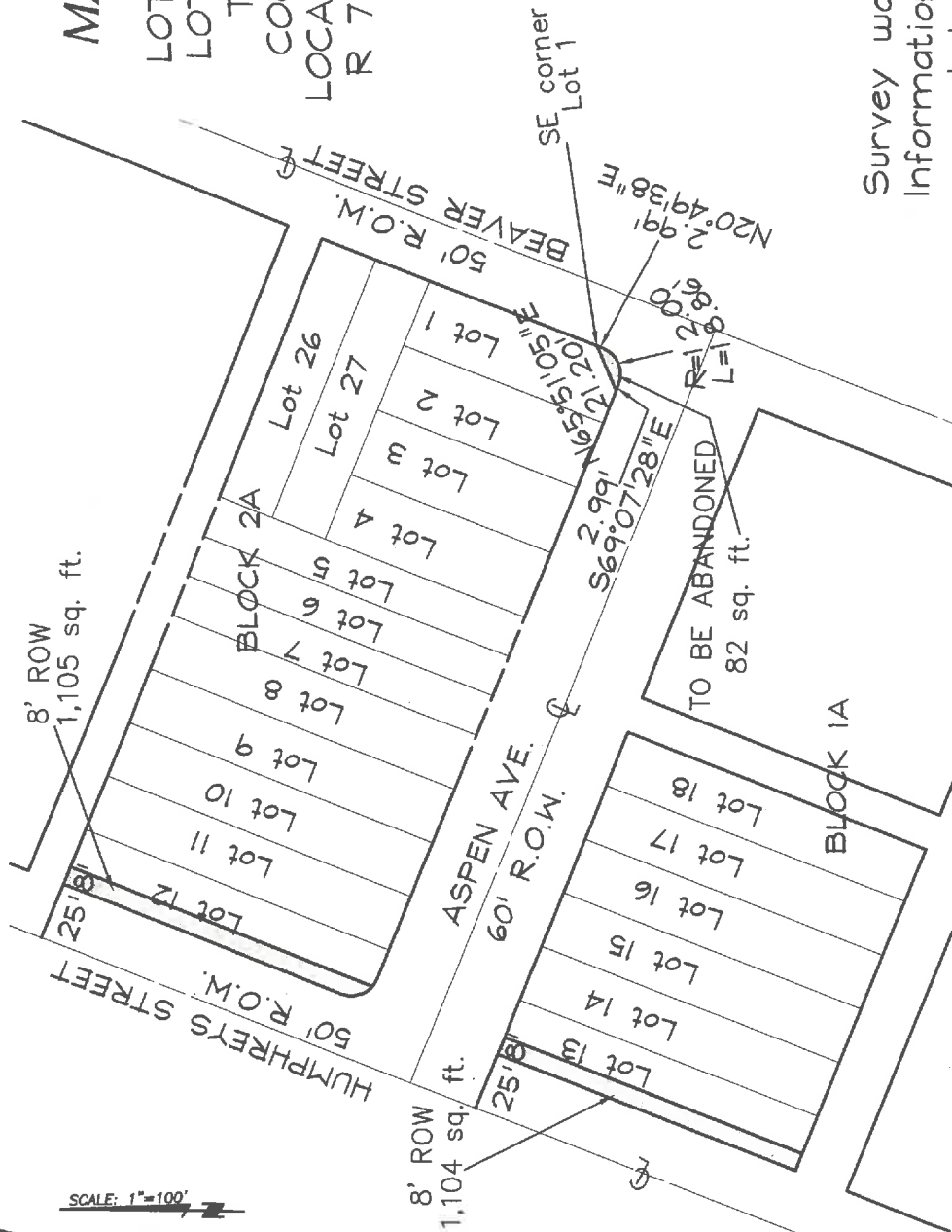
411 W. Santa Fe Ave. Flagstaff, AZ 86001- P.O.-Box 1952 Flagstaff, AZ 86002-mogollon99@aol.com- 928-214-0214

RIGHT-OF-WAY MAP

FOR

MARRIOTT RESIDENCE INN

LOT 1 AND 12 BLOCK 2A AND
LOT 13 BLOCK 1A, FLAGSTAFF
TOWNSITE, FILE 1 MAP 1,
COCONINO COUNTY RECORDS
LOCATED IN SECTION 16, T 21 N,
R 7 E, FLAGSTAFF, COCONINO
COUNTY, ARIZONA



Expires on 3/31/18

Survey was performed in June of 2015.
Information shown hereon is true and
correct to the best of my knowledge.

Mogollon
ENGINEERING
& SURVEYING

411 W. Santa Fe Avenue
Flagstaff, Az. 86001
Phone: 928-214-0214 • mogollonfirm.com

EXHIBIT B

MARRIOTT RESIDENCE INN
DEDICATION AND ABANDONMENT

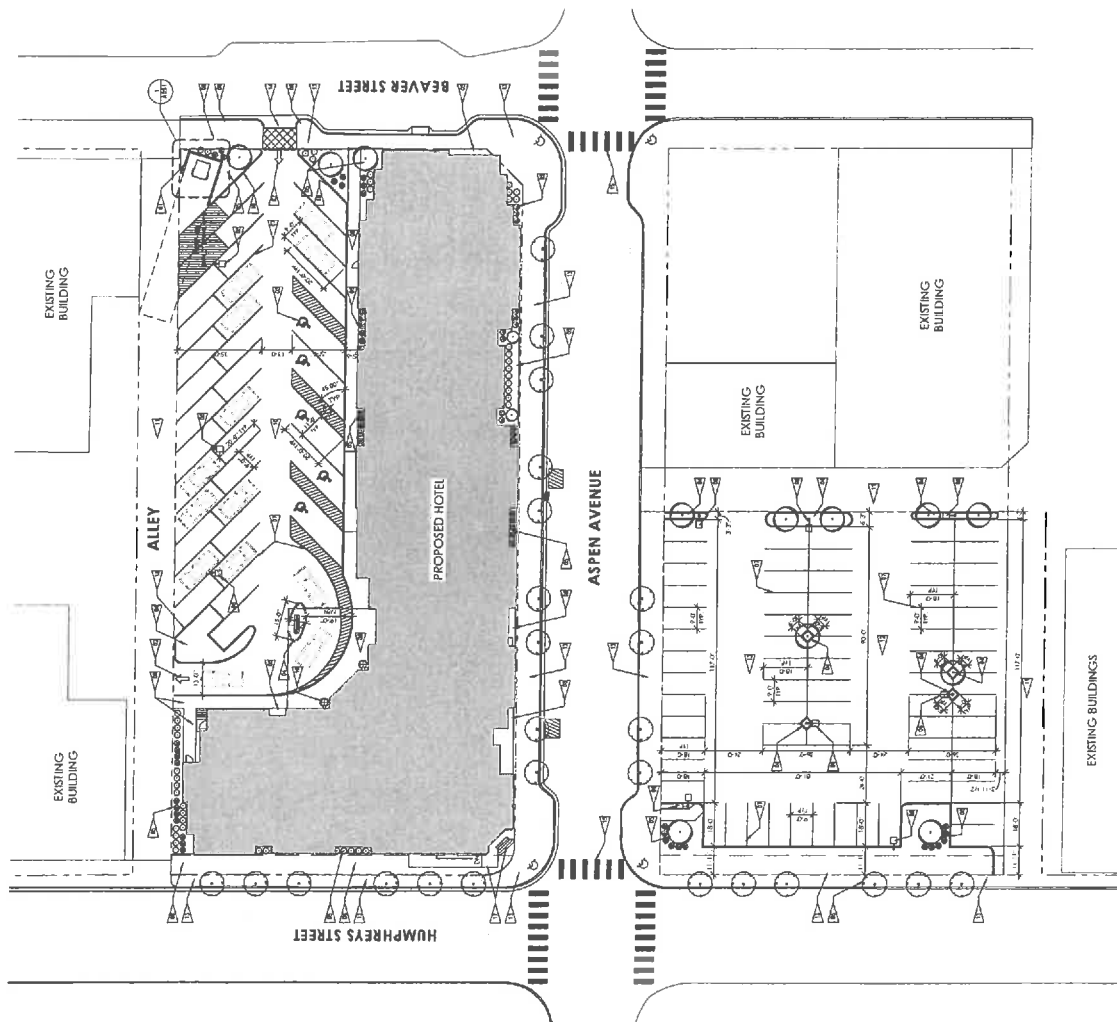
HORIZONTAL SCALE: 1"=80'

VERTICAL SCALE:

DESIGNED/DRAWN BY:

PROJECT NO. 14138

DATE: 12/21/15



1 ARCHITECTURAL SITE PLAN (alternate)



CITY OF FLAGSTAFF STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Roger Eastman, Zoning Code Administrator
Date: 01/28/2016
Meeting Date: 02/02/2016



TITLE:

Public Hearing, Consideration and Adoption of Resolution No. 2016-02 and Ordinance No.

2016-07: Public hearing to consider proposed amendments to Flagstaff Zoning Code the Preamble to the Zoning Code, Chapter 10-10 (Title, Purpose and Jurisdiction), Chapter 10-20 (Administration, Procedures and Enforcement), Chapter 10-30 (General to All), Chapter 10-40 (Specific to Zones), Chapter 10-50 (Supplemental to Zones) except for Division 10-50.100 (Sign Standards), Chapter 10-60 (Specific to Thoroughfares), Chapter 10-80 (Definitions) and Chapter 10-90 (Maps); consideration of Resolution No. 2016-02 declaring the proposed amendments as a public record; and adoption of Ordinance No. 2016-07, adopting amendments to Flagstaff Zoning Code Chapter 10-10 (Title, Purpose and Jurisdiction), Chapter 10-20 (Administration, Procedures and Enforcement), Chapter 10-30 (General to All), Chapter 10-40 (Specific to Zones), Chapter 10-50 (Supplemental to Zones) except for Division 10-50.100 (Sign Standards), Chapter 10-60 (Specific to Thoroughfares), Chapter 10-80 (Definitions) and Chapter 10-90 (Maps), by reference. ***(Zoning Code Amendments except Sign Code)***

RECOMMENDED ACTION:

At the Council Meeting of February 2, 2016

(The Council may review and discuss each chapter on its own, and as needed offer a motion(s) regarding any desired amendments within each chapter)

- 1) Hold public hearing
- 2) Read Resolution No. 2016-02 by title only
- 3) City Clerk reads Resolution No. 2016-02 by title only (if approved above)
- 4) Read Ordinance No. 2016-07 for the first time by title only
- 5) City Clerk reads Ordinance No. 2016-07 for the first time by title only (if approved above)

At the Council Meeting of February 16, 2016

- 6) Adopt Resolution No. 2016-02 (declaring a public record)
- 7) Read Ordinance No. 2016-07 for the final time by title only
- 8) City Clerk reads Ordinance No. 2016-07 by title only for the final time (if approved above)
- 9) Adopt Ordinance No. 2016-07

Executive Summary:

Since the City Council adopted the Flagstaff Zoning Code on November 1, 2011 to replace the former Land Development Code (LDC), staff has compiled suggested amendments from City staff and interested Flagstaff residents and design professionals. The Planning and Zoning Commission at their meeting on June 24, 2015 unanimously recommended that the Council approve the proposed amendments.

The Council held four work sessions in 2015 to discuss the need for, and provide direction on, possible amendments to the Flagstaff Zoning Code. These amendments are now presented to the Council for

review and adoption, except for Division 10-50.100 (Sign Standards) which will be presented to the Council at a later date following review by the Planning and Zoning Commission.

Financial Impact:

Council's possible adoption of the proposed amendments to the Zoning Code will not have a financial or budgetary impact on the Comprehensive Planning and Code Administration Program's budget. Later this year a proposal to amend the City's fee schedule will be presented to the Council for review and possible adoption. Proposed amendments to the fee schedule will update the fees for established permits and processes defined within the Zoning Code.

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:

- 7) Continue to implement the Flagstaff Regional Plan and focus efforts on specific plans
- 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 supports the update and amendment of the Zoning Code with many applicable goals and policies. Only a few are listed here.

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.7. Give special consideration to environmentally sensitive lands in the development design and review process.

Goal E.1. Increase energy efficiency.

Goal CC.2. Preserve, restore, and re-habilitate heritage resources to better appreciate our culture.

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

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

Goal LU.3. Continue to enhance the region's unique sense of place within the urban, suburban, and rural context.

Goal LU.4. Balance housing and employ-ment land uses with the preservation and protection of our unique natural and cultural setting.

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

Has There Been Previous Council Decision on This:

The Council held a work session on June 30, 2015 to define a process for consideration and adoption of the proposed amendments to the Zoning Code. Thereafter, the Council also held four work sessions to provide direction to staff on proposed amendments to the Zoning Code – September 15, October 19, November 10, and December 8, 2015.

Options and Alternatives:

Please refer to the Expanded Options and Alternatives below.

Background/History:

Since the Zoning Code's adoption in November 2011 the following amendments have been adopted by the Council:

1. Division 10-20.50 (Amendments to the Zoning Code Text and the Zoning Map): adopted on November 5, 2013, Ord. No. 2013-21. These amendments established a new process and procedure for zone changes.
2. Section 10-50.100.080.E (Flagstaff Mall and Marketplace District): adopted on November 5, 2013, Ord. No. 2013-22. These amendments allowed for the installation of a new monument sign for the Flagstaff Mall and Marketplace District.
3. Division 10-50.100 (Sign Standards): adopted on November 18, 2014, Ord. No. 2014-27. These amendments to the City's sign standards addressed concerns from the City Council and local residents with the complexity of the former sign standards, especially for building mounted signs, and for the proliferation of temporary signs within the City.
4. Division 10-20.100 (Assurance of Performance for Construction): adopted on March 4, 2015, Ord. No. 2015-01. These amendments updated the standards and procedures regarding assurances for construction.
5. Section 10-40.30.050 (Industrial Uses) and Sections 10-80.20.060 (Definitions, "F.") and 10-80.20.200 (Definitions, "T."): expected to be adopted on May 5, 2015, Ord. No. 2015-03. These amendments to the industrial zones, Table B, Allowed Uses and in the definitions clarify that freight and trucking facilities are a permitted use in the RD (Research and Development Zone).

Over the past four years, planning staff, as well as staff that work with the Zoning Code on a regular basis (i.e. from the engineering, traffic, stormwater, housing, or legal sections/divisions), have documented sections of the Code where possible amendments would be required. Ideas for amendments submitted by Flagstaff residents and design professionals have also been received and were compiled with staff's suggested revisions into a comprehensive document of suggested revisions to the Code.

The Planning and Zoning Commission held three work sessions on the proposed amendments – April 29, 2015 (the required citizen review session), May 13, 2015 and May 27, 2015 – to review, discuss and provide comment and feedback to staff on the proposed amendments. On June 10, 2015 the Commission held a public hearing in which they heard from some residents and continued their review and discussion. Finally, on June 24, 2015 the Commission unanimously moved to recommend that the Council approve the proposed amendments as presented by staff together with additional changes recommended by the Commission.

Generally, the amendments proposed to the Zoning Code fall into three distinct categories:

1. Minor Amendments

As the majority of the proposed amendments, these include clarification of language, insertion of appropriate cross-references, rearranging of text so that it is more logically organized in the Code (without substantive amendment to intent), or correction of a standard that was incorrectly stated.

2. Major or Substantive Amendments

These include a revision to a development standard, addition of a new land use in the land use tables of Chapter 10-40 (Specific to Zones), addition of a new standard (typically more restrictive than the current Code), addition of a new or changed process/procedure, or addition of a development standard from the former Land Development Code that was not brought forward into the current Zoning Code. Some of these amendments may involve a policy decision by the Council after consideration of the staff's, Commission's, and public's recommendations and ideas on the subject.

3. Non-substantive clerical and grammatical amendments

Staff has developed an ongoing list of non-substantive clerical and grammatical edits that do not change the intent of a Code provision, but which do correct cross-references, incorrect word use, and grammatical errors.

The Planning and Zoning Commission's final recommendation on the proposed chapter was presented to the Council in a series of work sessions held throughout the late summer and fall. The amendments were organized in the following manner to make it easier for the Council's review and discussion of key policy issues:

- The amendments were organized and arranged by chapter;
- The first page or two of each amendment document included a table that summarized the substantive amendments proposed within each chapter and on what page it may be found.
- A separate document provided a summary of policy issues within each chapter organized by division and section. Within each section the policy issue was framed as a question, and a summary of the text in the existing Zoning Code was compared to the new language proposed in the amendments;
- The amendments themselves were detailed in a document that showed the amendments within the context of the division, section or subsection in which they were located. All amendments were shown in Track Changes format, i.e. new inserted text is shown as underline and text proposed to be deleted is shown in ~~strikeout~~. An explanation of the why the amendment is proposed is included beneath the amendment written in *italic* font so that it may be easily identified. As the formatting and reorganization changes in Division 10-30.30 (Heritage Preservation) were extensive, this division is also inserted with all the proposed amendments within it accepted; and
- Finally, a narrative explaining any discussion and/or recommendation by the Planning and Zoning Commission is also included.

Key Considerations:

Finalizing the amendments to the Zoning Code following its adoption in November 2011 have been a staff priority for some years in order to make some important corrections to standards and to refine and improve various processes. The amendments included in the attached documents reflect deficiencies identified by staff, professional users of the Zoning Code (engineers, architects, etc.), as well as interested Flagstaff residents.

The amendments proposed to the Zoning Code attached to Resolution 2016-02 are based on the recommendations of the Planning and Zoning Commission and the direction provided by the Council at the policy review work sessions held in the last quarter of 2015 which resulted in additional amendments to the text being made. These may be easily identified because the text of the amendments and the narrative explaining the reason for the amendment based on the Council's policy review, are highlighted in yellow, and the word "**COUNCIL**" is included to highlight where the amendment has been made. Similarly, staff has highlighted some additional minor amendments, and these are also highlighted in yellow but with the word "**STAFF**" inserted. All of these additional amendments are also provided in a table on the first page of each amendment document.

The amendments included in the "2015/2016 Amendments to City Code Title 10, Zoning Code, Except for Division 10-50.100 (Sign Standards)" attached to Resolution 2016-02 have been organized as listed below based on the number and complexity of the proposed changes to each chapter. This will make it easier to track any changes offered by motion and approved by the Council.

- DOCUMENT A: Preamble to the Zoning Code, Chapter 10-10 (Title, Purpose and Jurisdiction), Chapter 10-20 (Administration, Procedures and Enforcement), and Chapter 10-30 (General to All);
- DOCUMENT B: Chapter 10-40 (Specific to Zones);
- DOCUMENT C: Chapter 10-50 (Supplemental to Zones) except for Division 10-50.100 (Sign Standards); and
- DOCUMENT D: Chapter 10-60 (Specific to Thoroughfares), Chapter 10-80 (Definitions) and Chapter 10-90 (Maps)

Expanded Financial Considerations:

None.

Community Benefits and Considerations:

With a document as complex as the Zoning Code, and despite staff's best efforts and attention to detail, it was realized that some standards or issues would be incomplete or incorrect. Over the past few years, City planning staff, as well as staff that work with the Zoning Code on a regular basis (i.e. from the engineering, traffic, stormwater, housing or legal sections/divisions), have documented sections of the Code where possible amendments would be required. Also, ideas for amendments have been submitted by interested Flagstaff residents and design professionals, and these have been compiled with staff's revisions into a comprehensive document of suggested revisions to the Code.

Flagstaff residents, professional users of the Zoning Code, and City staff will benefit from the adoption of these proposed amendments as they will fix known deficiencies in the Code, improve processes, provide improved opportunities for participation by Flagstaff residents in meetings on new projects, clarify and simplify standards and procedures, and in some instances, will make the Code easier to read, understand and apply.

Community Involvement:**INFORM, CONSULT, and INVOLVE**

Following the Council's adoption of proposed amendments to the Sign Standards in October 2014, it was agreed that staff would commence work on a comprehensive package of amendments to the Zoning Code early in 2015.

Over the course of the year, staff has engaged with members of such local organizations as Friends of Flagstaff's Future, Northern Arizona Builders Association, Northern Arizona Association of Realtors, and the Flagstaff Chamber of Commerce Economic Development Committee to solicit their ideas for potential amendments to the Code. This was also accomplished by a number of articles published in the Flagstaff Business News and Cityscape, as well as frequent interviews on KAFF Radio.

The Planning and Zoning Commission held three work sessions on the proposed amendments – April 29, 2015 (the required citizen review session), May 13, 2015 and May 27, 2015 – to review, discuss and provide comment and feedback to staff on the proposed amendments. Some residents attended these meetings and provided comments to the Commission. On June 10, 2015 the Commission held a public hearing in which they heard from some residents and continued their review and discussion. Finally, on June 24, 2015 the Commission unanimously moved to recommend that the Council approve the proposed amendments as presented by staff together with additional changes recommended by the Commission.

The Council held a work session on June 30, 2015 to define a process for consideration and adoption of the proposed amendments to the Zoning Code. Thereafter, the Council also held four work sessions to provide direction to staff on proposed amendments to the Zoning Code – September 15, October 19, November 10, and December 8, 2015 – which were attended by residents, some of whom provided the Council with their ideas and comments on the amendments.

In advance of all Council work sessions, staff has sent out an email to local stakeholder organizations such as Friends of Flagstaff's Future, Northern Arizona Builders Association, Northern Arizona Association of Realtors, and the Flagstaff Chamber of Commerce Economic Development Committee. These groups were requested to forward the email to their members. Interviews with KAFF radio have also been scheduled regularly, and posts to the City's Facebook accounts have been posted.

Consistent with state law and the Zoning Code's noticing requirements, a ¼ page display advertisement was printed in the Arizona Daily Sun in advance of all public hearings of the Planning and Zoning

Commission and the City Council.

Finally, copies of the proposed amendments, and information on meeting dates and times, has been posted to the Zoning Code webpage - www.flagstaff.az.gov/zoningcode. This link was also included in all email correspondence and outreach.

Expanded Options and Alternatives:

1. Adopt Resolution No. 2017-02 declaring that the document entitled “2015/2016 Amendments to City Code Title 10, Zoning Code, Except for Division 10-50.100 (Sign Standards),” to be a public record.
2. Do not adopt Resolution No. 2017-02 and, therefore, do not declare the proposed amendments to be a public record.
3. Adopt Ordinance No. 2016-07 to amend the Zoning Code, Title 11 of the Flagstaff City Code (except for Division 10-50.100 (Sign Standards)).
4. Modify and adopt Ordinance No. 2016-07 to amend the Zoning Code, Title 11 of the Flagstaff City Code (except for Division 10-50.100 (Sign Standards)).
5. Do not adopt Ordinance No. 2016-07 and, therefore, make no changes to the existing text in the Zoning Code.

Attachments: Res. 2016-02
 2015/2016 Zoning Code Amendments
 Ord. 2016-07

RESOLUTION NO. 2016-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED “2015/2016 AMENDMENTS TO CITY CODE TITLE 10, ZONING CODE, EXCEPT FOR DIVISION 10-50.100 (SIGN STANDARDS).”

RECITALS:

WHEREAS, the City Council wishes to incorporate by reference amendments to Flagstaff City Code, Title 10, The City of Flagstaff Zoning Code except for Division 10-50.100 (Sign Standards), by first declaring said amendments to be a public record; and

WHEREAS, three copies of *“2015/2016 Amendments to City Code Title 10, Zoning Code, Except for Division 10-50.100 (Sign Standards),”* have been deposited in the office of the City Clerk and are available for public use and inspection.

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

The *“2015/2016 Amendments to City Code Title 10, Zoning Code, Except for Division 10-50.100 (Sign Standards),”* attached hereto, three complete copies of which are on file in the office of the City Clerk, is hereby declared to be a public record.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 16th day of February, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

***2015/2016 Amendments to City Code Title 10, Zoning Code,
Except for Division 10-50.100 (Sign Standards)***

The amendments included in the "2015/2016 Amendments to City Code Title 10, Zoning Code, Except for Division 10-50.100 (Sign Standards)" attached to Resolution 2016-02 have been organized as listed below based on the number and complexity of the proposed changes to each chapter.

- DOCUMENT A: Preamble to the Zoning Code, Chapter 10-10 (Title, Purpose and Jurisdiction), Chapter 10-20 (Administration, Procedures and Enforcement), and Chapter 10-30 (General to All);
- DOCUMENT B: Chapter 10-40 (Specific to Zones);
- DOCUMENT C: Chapter 10-50 (Supplemental to Zones) except for Division 10-50.100 (Sign Standards); and
- DOCUMENT D: Chapter 10-60 (Specific to Thoroughfares), Chapter 10-80 (Definitions) and Chapter 10-90 (Maps)

Preamble

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Preamble: A Place-Based Approach to Zoning

Sections:

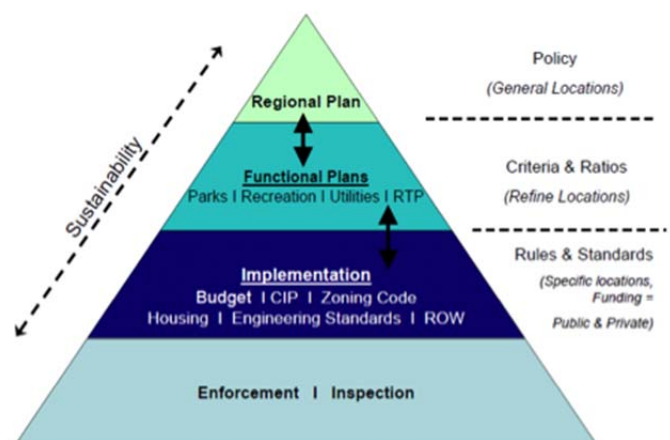
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P.010

Introduction

This Zoning Code, adopted in October 2011 (See Section 10-10.50.010 (Effective Date)), replaces the former Land Development Code. One of the primary goals of this Zoning Code is to create a code that reinforces the unique character of Flagstaff, instead of taking a “one size fits all” approach used by most conventional zoning codes. The Zoning Code will also ensure the effective implementation of the City’s adopted general plan ~~for the City~~, known as ~~the~~ Flagstaff Area Regional Land Use and Transportation Plan 2030; Place Matters (General Plan), thereby establishing a foundation for long-term sustainable development within the City.

The relationship between the General Plan and the Zoning Code is clearly defined in the illustration. ~~†~~ The General Plan establishes the vision for the future growth and development of Flagstaff and its surrounding area through clearly articulated goals, policies and objectives. while ~~†~~ The Zoning Code ~~on the other hand~~, implements the goals, policies and objectives of the General Plan by providing standards, regulations and tools for land development.



To reinforce this "place-based" approach, i.e., reinforcing Flagstaff's unique character, the first phase of rewriting the code analyzed, documented, and assessed (at a macro and micro scale, i.e. citywide and locally, respectively) the existing physical form of Flagstaff. Using the results of this analysis, and realizing that different types of places should be regulated in different ways, land within Flagstaff was classified into one of three types of places: ~~N~~natural ~~P~~places, ~~W~~walkable ~~U~~urban ~~P~~places, and ~~D~~drivable ~~S~~suburban ~~P~~places, based on ~~their~~its form and character.

The resource preservation standards applied through the former Land Development Code allowed for the creation of new drivable suburban environments and for the protection of additional natural resources. It did not, however, promote the creation of new walkable urban places or ~~remove-obstacles that would~~ encourage the revitalization and preservation of the downtown area and adjacent neighborhoods. See Section P.040 (Classification of Different Types of Places in Flagstaff) for a full description of walkable urban and driveable suburban places. Therefore, one of the intentions of this Zoning Code is to maintain and revitalize existing walkable urban areas and create new ones.

To reinforce this intent and build upon the previously adopted Traditional Neighborhood District, a Form-Based Code framework has been utilized for a portion of this Zoning Code.

~~Throughout this Code~~sustainable development principles and practices have been incorporated throughout this Code to direct new development in a manner that is sustainable in the City. These principles are meant to inform developers, planners, architects, landscape architects, engineers and construction managers about sustainable site planning, design and construction practices that encompass long-term economic, social and environmental considerations for Flagstaff. In addition to pursuing the general culture of sustainability, compliance with the principles and referenced standards link natural and man-made systems with community needs. By implementing ~~accomplishing~~ these principles~~goals~~, the community can establish itself as a leader in sustainable development.

Throughout the process of rewriting and updating the City's Zoning Code, residents, City staff and elected officials~~decision makers~~, and many other stakeholders and interested persons were engaged to help guide and develop the new Zoning Code. The Zoning Code was created for, and by the residents of Flagstaff, and it reflects the desired future for those who live in, work in, play in, and love the City of Flagstaff.

How to Use the Zoning Code

A. Organization

The following text is advisory only and is intended to give a brief overview of the overall Zoning Code.

1. Preamble

The preamble introduces an overview of Flagstaff's urban form and character. It also provides an overview of the various parts of the Code and illustrates how to use it.

2. **Chapter 10-10 - Intent and Applicability**

Establishes the legal foundation for the Code ~~document~~ and includes [an overview of its](#)~~the~~ purpose, authority, jurisdiction, rules of interpretation, and severability.

3. **Chapter 10-20 - Administration, Procedures, and Enforcements**

Provides the detailed process by which development will be permitted by the City and the requirements related to specific types of submittals. It also provides the enforcement procedures.

4. **Chapter 10-30 - General to All**

Provides the general requirements for affordable housing, heritage preservation, improvements, design standard, and sustainability for all property in the City of Flagstaff.

5. **Chapter 10-40 - Specific to Zones**

Contains regulations for non-transect zones, transect zones, and overlay zones. The application of the transect zones are intended to reinforce a walkable, transit-supportive urban environment, ~~and~~[while](#) the non-transect zones are more drivable, suburban environments. This Chapter also contains regulations that apply to specific uses permitted within the zones.

6. **Chapter 10-50 - Supplemental to Zones**

Establishes development standards for topics such as parking, landscape, and signage. These standards supplement the regulations in Chapter 10-40 (Specific to Zones).

7. **Chapter 10-60 - Specific to Thoroughfares**

Establishes a collection of pre-approved street designs [for](#) ~~intended to be used in~~ the creation of new streets and the transformation of existing streets, [which are intended](#) to reinforce a pedestrian-oriented environment in transect zones. These thoroughfare standards supplement other City approved street standards.

8. **Chapter 10-70 - Specific to Civic Spaces**

Establishes a collection of pre-approved civic space types intended to be integrated into medium and large projects in the transect zones. These civic space standards, which supplement other City civic space or park standards, are only applicable to the transect zones.

9. **Chapter 10-80 - Definitions**

Provides the definitions used throughout the Code.





10. **Chapter 10-90 - Maps**

Provides the Zoning Map and Regulating Plan, in addition to a selection of other maps illustrating the standards of this Zoning Code.

P.030 Steps for Using this Zoning Code

In graphic form, this section illustrates the basic steps a user would follow in using this Zoning Code.

Simple Process Diagram

Step	Instructions	Code	Title
	Find the zone for your parcel	10-90	Maps
	Comply with all applicable standards in General to All	10-30	General to All
	Comply with the standards specific to your zone	10-40	Specific to Zones
	Comply with the <u>supplemental</u> standards <u>that</u> <u>apply</u> general to all zones	10-50	Supplemental to Zones
	Follow the procedures and comply with the requirements for permit application	10-20	Administration, Procedures, and Enforcement

Expanded Process Diagram

Step	Instructions	Code	Title
1	Find the zone for your parcel	10-90	Maps
2	Follow the procedures and comply with the requirements for a permit application	10-20	Administration, Procedures, and Enforcement
3	Comply with all applicable standards in General to All	10-30	General to All
3	Comply with the standards specific to your zone	10-40	Specific to Zones
		10-60	Specific to Thoroughfares ¹
	If applying a transect zone, comply with the standards in Specific to Thoroughfares, Specific to Civic Spaces, and Specific to Private Frontage Types	10-70	Specific to Civic Spaces ¹
		10-50.120	Private Frontage Types ¹
	If applying a transect zone, select Building Type(s) from the allowable list in the zone, and comply with the standards for that Building Type(s)	10-50.110	Specific to Building Types ¹
	If the selected use has additional regulations (noted in Allowable Uses table), comply with the standards for that Use	10-40	Specific to Zones
4	Comply with the supplemental standards that apply to all zones	10-50	Supplemental to Zones
5	If you want to subdivide your property, follow the procedures and comply with the requirements in the Subdivision Regulations	City Code Title 11 Chapter 11-20	Subdivision and Land Split Regulations

¹The standards set forth in the Division may also be used in the non-transect zones with Director approval.

P.040 Classifications of Different Types of Places in Flagstaff

The Traditional Neighborhood District from the former Land Development Code established the Rural-to-Urban Transect as its organizing principle. This Zoning Code expands upon that existing framework, by dividing the diverse natural and man-made environment of Flagstaff into three distinct types of places: natural places, walkable urban places and drivable suburban places.

Natural and walkable urban **places** **areas** are regulated with transect zones, ranging from the most natural and rural to the most urban (within downtown). On the other hand, Drivable suburban areas are regulated in a more conventional way, through use-based non-transect zones. These three classifications provide the framework for the preservation, enhancement, and development of areas found within Flagstaff.



© Keiji Iwai Photography



The natural environment is ever present in Flagstaff. The natural environment creeps into the City and the San Francisco peaks are visible from around town.

A. Natural

Natural areas consist of undeveloped land that is interspersed throughout the City and along its periphery. In these areas a person's experience is dominated by nature, but may include an occasional building or other man-made feature, especially in rural areas. The use of cars is integrated, but does not dominate the character of the natural areas.

The proximity of natural areas to the developed portions of Flagstaff is an important component in defining the City's unique character. The Flagstaff Urban Trails System (FUTS) provides an important link between these natural environments and the developed areas of the City. Examples of natural areas in Flagstaff include forest lands and parks, agricultural areas, and rural ranch-like housing areas.



© Keiji Iwai Photography



© Keiji Iwai Photography

The downtown and older neighborhoods of the City are prime examples of environments that are conducive to walking and cycling.

B. Walkable Urban

Walkable urban areas are those in which a person can walk, bike or ride transit to work, and to fulfill most shopping and recreation needs. These environments allow for the use of automobiles but do not require the use of a vehicle to accommodate most daily needs.

Walkable urban areas were primarily developed prior to the 1940's in the heart of Flagstaff. Such places developed in a pattern where a person could live with limited reliance on the automobile and were conducive to destination walking and cycling, characteristics which are still prevalent today. Walkable urban areas are largely supported through a network of interconnected, tree-lined streets, a diversity of housing choices and a mix of appropriate commercial and residential uses in a compact form.

These areas also support public transit due to their compact nature. Walkable urban areas generally include the downtown, south of downtown, La Plaza Vieja, Flagstaff Townsite and adjacent historic neighborhoods.

Manyest of Flagstaff's residents and visitors have agreed that these areas help to define the unique character and identity of Flagstaff.

This compact, walkable form and the use of alternative transportation modes encourage an urban pattern that supports the sustainability goals of the City. Walkable urban development should also be integrated into the evolution of older, less walkable neighborhoods and in the creation of new walkable neighborhoods.



Emphasizing the automobile, the historic Route 66 exemplifies the drivable suburban environment.

C. Drivable Suburban

Drivable suburban areas are those in which a person is mostly dependent on the automobile to travel to work or other destinations; and to accomplish most shopping and recreation needs. These environments may have areas where it is possible to walk or ride a bike for recreational purposes, but due to the lack of connectivity or nearby amenities, they are not favorable for walking or biking as a primary mode of transportation on a day-to-day basis.

Drivable suburban areas were developed primarily after the 1950's on the periphery of Flagstaff. The design and layout of development in these areas is driven by the need to accommodate the automobile. In addition, and characteristic of most suburban areas, land uses are segregated and often buffered, which leavesing large distances between them and ~~further~~ requiresing an~~the~~ automobile for day-to-day functions.

Walking and bicycling do occur in these areas, but these activities ~~it~~ are generally for recreational purposes rather than commuting ~~destination~~ purposes.

Examples of these areas are the commercial big box and strip centers such as those located near Milton Road and Route 66, single-family residential subdivisions on the periphery of the City, and outlaying industrial areas located near the airport. Drivable suburban areas typically have a higher environmental impact per capita than walkable urban areas.

P.050

Form-Based Codes

A. What is a Form-Based Code (FBC)?

Form-Based Codes (FBC) are an alternative approach to zoning that reinforce walkable, sustainable mixed-use environments and development ~~that~~ builds upon community character. The City of Flagstaff Zoning Code uses ~~a portion of~~ the City's Form-Based Coding approach in order to achieve the community's goals of sustainability and sensitive high-quality infill.

“Form-Based Codes foster predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. These codes are adopted into city or county law as regulations, not mere guidelines. Form-Based Codes are an alternative to conventional zoning.”

~ Form-Based Codes Institute

An important aspect of this definition ~~in terms of that~~ differentiates FBCs from conventional or Euclidean zoning is the phrase “by using physical form.” This does not mean that use is not important, and instead of land use always being the organizing principle for the overall code, within the FBC elements of this Zoning Code the intended physical form or characteristics of desired place becomes the primary organizing principle. The naming conventions in FBCs reflect the intended physical form of different zones, so instead of a zone being labeled “single-family residential,” it might be called “traditional neighborhood,” and instead of a zone being called “commercial” or “mixed use,” it might be called “neighborhood main street.” The terms “neighborhood” and “main street” tie back to the intended physical form or place, both of which may include a mix of uses and different building types that create vibrant walkable urbanism.

Another important aspect of Form-Based Codes is that where FBCs are implemented they are not just design guidelines. Instead they replace the existing zoning and are standards to be followed.

It is also important to note that while FBCs focus on ~~are allow~~ an intended physical form, they also regulate use. FBCs often allow a range of uses that are carefully chosen to maximize compatibility between uses and the intended physical form of the zone.

B. How the Form-Based Code is Integrated into this Zoning Code

1. FBC components are integrated throughout this Zoning Code. The following is an explanation of these components and where they are located in this Zoning Code.
 - a. Transect zones provide the basic building form standards and list the allowed building types, sustainable features and permitted uses within a zone. See Division 10-40.40 (Transect Zones).
 - b. Building types provide a fine level of detail about the appropriate massing and form of buildings with a zone. See Division 10-50.100 (Specific to Building Types).
 - c. Private frontage types provide details on how a building relates to the street or public realm. See Division 10-50.110 (Specific to Private Frontage Types).
 - d. Thoroughfare types provide the components of a thoroughfare that can be used to create walkable streets that balance the needs of vehicles, pedestrians and bicyclists. See Chapter 10-60 (Specific to Thoroughfares).
 - e. Civic spaces provide ~~a~~ standards ~~for~~ and a broad range of civic spaces and ~~open~~s space. See Chapter 10-70 (Specific to Civic Spaces).
2. Throughout the Zoning Code ~~many divisions~~sections are broken down into standards that are applicable to all zones, ~~applicable to~~ non-transect zones and ~~applicable to~~ transect zones. This framework means that ~~allows~~ standards ~~to be~~ calibrated for ~~to~~ walkable urban areas and drivable suburban areas may be implemented. Examples of divisions that contain standards specific to drivable suburban and walkable urban areas include but are not limited to Division 10-50.80 (Parking Standards), Division 10-50.100 (Sign Regulations) and Division 10-50.60 (Landscaping Standards).
3. Parcels that have both a non-transect zone and a transect zone applied to them may be developed using the regulations of either ~~the non-transect zone or the transect~~ zone, but not a mixture of the two. Examples of areas where the Form-Based Code is an option include downtown and surrounding neighborhoods. See Chapter 10-90 (Maps).
4. The Zoning Code also lays out a process for ~~of~~ applying the Form-Based Code and transect regulations to other parcels within the City. The Traditional Neighborhood Community Plans Division provides the standards and process by which Transect Zones can be applied to other parts of the City. See Division 10-30.80 (Traditional Neighborhood Community Plans).

P.060

The Rural-to-Urban Transect

The Rural-to-Urban Transect is an organizing principle often used in Form-Based Coding that focuses first on the intended character and type of place and second on the mix of uses within. Transect zones are used to reinforce existing or to create new walkable mixed-use urban environments.

“The Rural-to-Urban Transect is a means for considering and organizing the human habitat in a continuum of intensity that ranges from the most rural condition to the most urban. It provides a standardized method for differentiating between the intentions for urban form in various areas using gradual transitions rather than harsh distinctions. The zones are primarily classified by the physical intensity of the built form, the relationship between nature and the built environment, and the complexity of uses within the zone.”

~ Form-Based Codes Institute

The model transect for American towns is divided into six transect zones or T-zones: Natural (T1), Rural (T2), Sub-Urban (T3), General Urban (T4), Urban Center (T5), and Urban Core (T6), together with a Special District (SD) designation for areas with specialized purposes (e.g., heavy industrial, transportation, entertainment, or university districts, ~~among other~~ **possibilities**). Each T-zone is given a number: higher numbers designate progressively more urban zones, and lower numbers designate more rural zones.



The participants document typical buildings, lots and blocks within Flagstaff.

P.070

The Flagstaff Transect

~~The consultant team that assisted with~~ As part of the creation of this Zoning Code, ~~the consultant team~~ built upon the work of the City in defining and refining the Flagstaff Transect. Extensive documentation was completed to document different elements of the urban form in ~~the different~~ transect zones. ~~Each transect zone has been designated by a number. The higher numbers designate progressively more urban zones; the lower, more rural.~~

The Flagstaff Transect covers the full range of the Rural-to-Urban Transect. ~~with p~~ Preserved lands within the City ~~are~~ designated as T1, the more rural lands ~~are being~~ designated as T2 and T3, ~~much of the~~ and T4 applying to the Flagstaff Townsite neighborhood ~~is designated as T4~~, T5 is provided for existing and new neighborhood main streets ~~are designated as T5~~, and T6 applied to downtown Flagstaff ~~is designated as T6~~.

The transect zones within the Zoning Code ~~are~~ often ~~apply~~ assigned to parcels that also ~~fall within~~ have been assigned to a non-transect zone. When ~~parcels have~~ both non-transect and transect zones applied to a parcel ~~them~~, either the transect zone or non-transect zone regulations may be used, but not both.

~~In t~~ This Zoning Code ~~also designates~~, ~~the~~ special districts ~~which~~ are categorized as non-transect zones. These zones are typically more reliant on automobile and other vehicle use and must be regulated ~~accordingly~~ with consideration for this context. ~~These~~ non-transect zones have, ~~therefore~~, been updated to provide clearer standards.

~~All of t~~ The development regulations within this Zoning Code have been carefully ~~tailored~~ considered for each transect zone ~~in relation to their context or setting along the Transect~~, including, ~~for example~~, parking and building form.

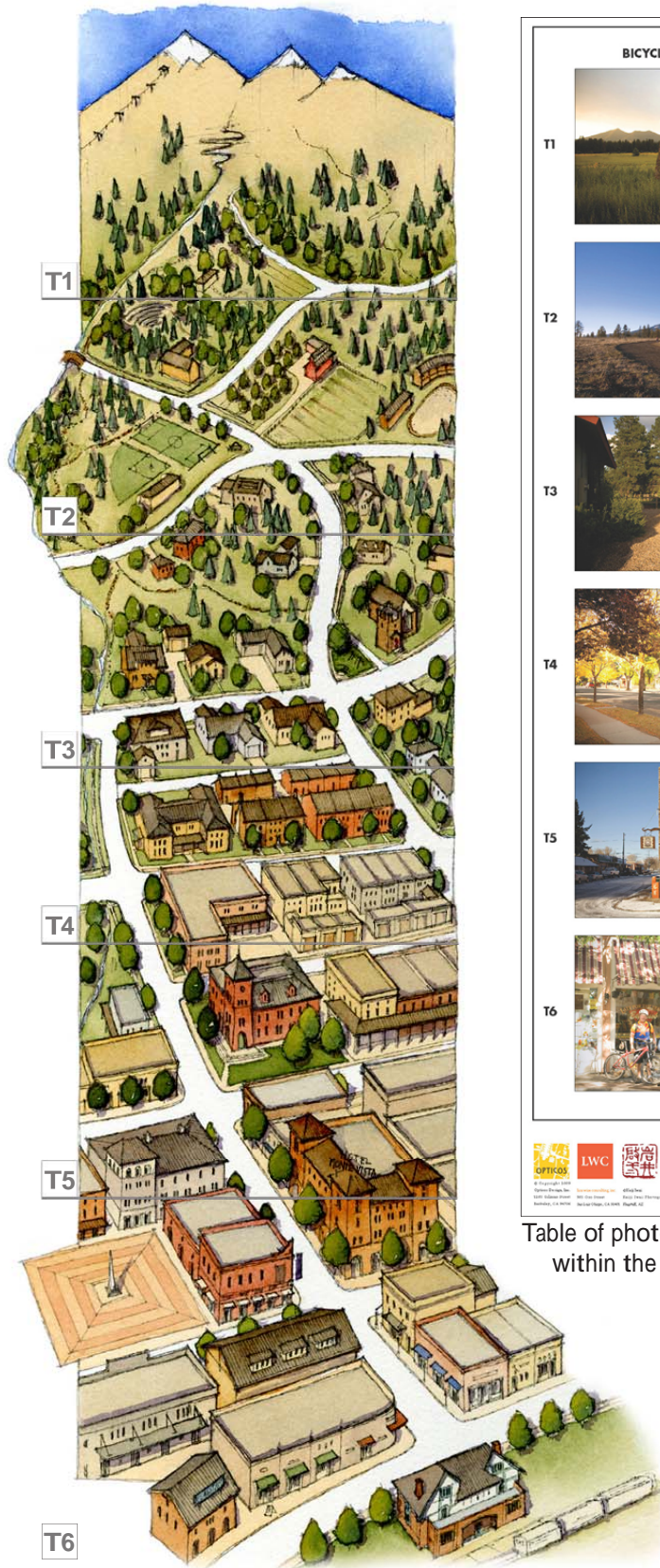


Illustration of the Flagstaff Transect

	BICYCLE AND FUTS TRAILS	PUBLIC SPACES	BUILT ENVIRONMENT
T1			
T2			
T3			
T4			
T5			
T6			

Table of photographs describing the character of each transect zone within the Flagstaff context.

P.080 The Flagstaff Transect Zones and Intents

T1



Zones

T1 Natural Zone (T1)

Desired Form

Natural


General Use

None

Intent

To preserve lands unsuitable for settlement due to topography, hydrology or vegetation and to promote the management and preservation of habitat types within Flagstaff's unique natural environment.

T2



Zones

T2 Rural Zone (T2)

Desired Form

Rural

General Use

Residential, Civic, or Recreation

Intent

To provide sparsely settled lands in open or cultivated state. It may include large lot residential where animals are raised, parks, squares, woodland, grasslands, trails, stormwater management features, and open space areas.

T3



Zones

T3 Neighborhood I (T3N.1)
T3 Neighborhood 2 (T3N.2)

Desired Form

Residential

General Use

Residential

Intent

To protect the integrity and quality of the neighborhoods adjacent to downtown by reinforcing compact, walkable neighborhoods that are in character with Flagstaff's older neighborhoods while maintaining the stability of existing walkable urban areas.

T4**Zones**

T4 Neighborhood 1 (T4N.1)
T4 Neighborhood 2 (T4N.2)

Desired Form

Residential

General Use

Residential

Intent

To provide a variety of housing choices; in small footprint, medium-density building types, which reinforce the walkable nature of the neighborhood, support neighborhood-serving commercial adjacent to this zone, and support public transportation alternatives.

T5**Zones**

T5 Main Street (T5)

Desired Form

Commercial/Shopfronts

General Use

Vertical Mixed Use: Retail, general commercial, and services on the ground floors with residential or commercial uses on upper floors.

Intent

To reinforce the vitality of the downtown area adjacent to the core, to allow it to expand and evolve, and to appropriately transition into existing neighborhoods while providing neighborhood-serving commercial and retail uses in a main street form.

T6**Zones**

T6 Downtown (T6)

Desired Form

Commercial/Shopfront

General Use

Vertical Mixed Use: Retail, general commercial, and services on the ground floors with residential or commercial uses on upper floors.

Intent

To reinforce and enhance the vibrant, walkable urban, downtown core and to enable it to evolve into a complete neighborhood that provides locally and regionally-serving commercial, retail, entertainment, civic, and public uses, as well as a variety of urban housing choices.

P.090 Using the Flagstaff Transect

The Flagstaff Transect is applied at various scales across the City to meet the following principles:

A. The City-Guiding Principles

1. Preserve and enhance community character;
2. Encourage appropriately scaled infill and development;
3. Reinforce, through protection and expansion, the existing extensive trails and bicycle routes, and support patterns of development that encourage more frequent transit service;
4. Preserve agriculture and open space ~~at edges~~ by clearly defining the boundary between rural and urban areas;
5. Reinforce a pattern of walkable neighborhoods by supporting existing walkable neighborhoods and retrofit those that are not walkable; and;
6. Support a range of vibrant human habitats along the Transect.

B. The Neighborhood-Guiding Principles

1. Support a diversity of housing choices appropriate to location along the Transect;
2. Encourage and incubate small local businesses;
3. Place services within a safe, comfortable walking distance of homes; and
4. Create a framework of well-designed streets that are safe and secure for pedestrians and bicycles.

C. The Block and Building-Guiding Principles

1. Build upon and reinforce the unique character of Flagstaff;
2. Ensure that each building plays a role in creating a better whole, not just a good building;
3. Meet the changing needs of residents;
4. Ensure that architecture and landscape grow from local climate, history, and building practice; and
5. Put civic buildings in important locations and make sure their form is appropriate to their civic stature.



Early Flagstaff, 1888. Cline Library Archives, NAU



Flagstaff as a regional center at the intersection of two major interstate highways

P.100

History of Zoning Regulations in Flagstaff

A. History Overview

The City of Flagstaff's zoning regulations have an interesting history that in many ways parallel the growth and development of the City from its early years as a wild frontier town located on the continental railroad with its economy based on timber, sheep, and cattle ~~and located on the continental railroad~~, to a fast growing commerciale, trade, and regional center for finance, industry, and government at the intersection of two major interstate highways.

As of early 2010, the zoning ordinance in effect, Title 10 (Land Development Code) of the Flagstaff City Code, included the following:

1. Conventional or Euclidian zoning provisions dating back to 1949 based on the separation of land uses ~~dating back to 1949~~;
2. Certain performance-based zoning provisions added in 1991;
3. Design review guidelines adopted in 2002 for application to multi-family residential, commercial, institutional and business park developments; and,
4. Traditional Neighborhood Development Standards based on the SmartCode requiring adoption of a Form-Based Code were adopted in 2007.

B. Early Ordinances and Codes

According to the records ~~maintained by~~ⁱⁿ the Flagstaff City Clerk's ~~office~~, ~~the Mayor and Councilmen of the Town of Flagstaff adopted~~ the ~~City's~~ first ordinance adopted by ~~the Mayor and Councilmen of the Town of Flagstaff was adopted~~ sometime before 1894, and it required all premises within the town limits to be kept free of "all filth, garbage, refuse, etc." In succeeding months and years, numerous ordinances were passed that sought to bring greater law and order to the community, and while not necessarily zoning regulations, addressed basic needs for "public health, safety, morals and welfare," including for example:

1. June 4, 1894 – Ordinance No. 3 regulated "riots, routs, affrays, disorderly noises, or disturbances, street fights, or broils, appearing in public places in an intoxicated condition...."
2. July 23, 1894 – Ordinance No 7. prohibited stove pipes from being installed through the roof or walls of a building. This was in response to numerous fires in the early town.
3. February 6, 1895 – Ordinance No. 12. established a five-member Common Council for Flagstaff.
4. May 5, 1896 – Ordinance No 19. prevented "the erection of wooden buildings...."

Additional ordinances provided for sidewalks, sought to prevent the fires that were a hallmark of the early years in Flagstaff and ~~that~~ destroyed many buildings, established an early electrical supply and provided regulations for the height of electric supply cables above the ground, established taxes on the sale of liquor, prohibited obstructions of streets by railroad trains, established a permanent water supply, regulated the sale of alcoholic beverages, and as an exercise in early zoning regulation, limited the locations of "bawdy houses within certain limits..." within the town.

C. 1949 Consolidated Zoning Ordinance

Adopted under Ordinance No. 365 on April 12, 1949, the Consolidated Zoning Ordinance was the first true zoning ordinance for the City of Flagstaff. This Ordinance (officially the "Building Zone Ordinance of the City of Flagstaff, Arizona"), promoted the "public health, safety, convenience and general welfare" by, for example, regulating the location and use of structures and land for various land use designations. This ordinance established the first zoning districts; and established use, height, setback, lot coverage, and density standards for each district.

Many of the development standards ~~adopted~~^{found} in this first zoning ordinance ~~are~~^{were} found in the "E" or Established districts of the 1991 City of Flagstaff Land Development Code.

D. Revised Flagstaff Zoning Code of 1970

On August 24, 1971, the Flagstaff City Council adopted Ordinance No. 811, the Revised Flagstaff Zoning Code of 1970. This new zoning code was a comprehensive update of the original 1949 zoning ordinance, and it provided additional zoning districts, new development standards for such elements as parking, signs, and outdoor lighting, and~~as well as~~ an updated zoning map.

E. 1991 Land Development Code

Realizing that the 1970 code was outdated, in early 1990 the City embarked on a comprehensive effort to update the zoning code assisted by the firm of Lane Kendig and Associates. The Flagstaff City Council adopted the Land Development Code (Title 10 of the Flagstaff City Code) under Ordinance No. 1690 on April 8, 1991. This new Code established a different approach to zoning regulation in Flagstaff. A summary of key features of the Land Development Code are provided below:

1. The former zoning ordinance and subdivision ordinance from the City Code were combined into a consolidated Land Development Code (LDC).
2. The Code was significantly restructured and reformatted.
3. The original 17 conventional zoning districts were retained and were identified as “Established” or “E” districts, such as the C-3-E (Highway Commercial District Established) zoning district. In addition, 18 new zoning districts were added. These districts do not have the “E” designation (e.g., UC (Urban Commercial District)).
4. Certain performance-based zoning techniques were introduced into the LDC for the new zoning districts, which~~that~~ required more refined evaluation and analysis of floodplains, steep slopes, and forest resources. In addition, performance-based landscaping standards were introduced applicable to certain of the Established and new zones ~~were introduced~~.

Since the adoption of the LDC in April 1991, it was~~has been~~ amended numerous times to resolve conflicts, add new provisions, and ensure consistency with Arizona statutes. In addition, three overlay historic zoning districts were~~have been~~ adopted as well as the Traditional Neighborhood District. A list of amendments to the LDC from April 1991 to early 2010 is provided in ~~the~~ Table P.100.A (Amendments to the Land Development Code, April 1991 – February 2011).

Table P.100.A: [List of Amendments to the Land Development Code](#) [and Zoning Code](#), April 1991—

Number Ordinance	Date Adoption	Chapter(s) Amended	Description
1690	04/08/1991	-	Adoption
1739	02/18/1992	Chapter 8	Historic Signs
1741	03/17/1992	Various	Miscellaneous Amendments/CHO
1857	02/07/1995	Add Chapter 15	Historic Preservation
1867	09/19/1995	Chapter 3	Avigation Area Zone
1903	12/19/1995	Chapter 3	Non-permitted uses
1946	06/17/1997	Chapters 8 & 14	Sign Regulations
1956	10/07/1997	Chapter 2, App. "A"	Historic Design Review Overlay
1974	05/05/1998	Chapters 2 & 3	Cell Tower Ordinance
1997	06/15/1998	Various	Phase II Amendments
2000-02	02/15/2000	Chapter 8	Sign Code changes
2000-08	06/06/2000	Various	5% amendments
2001-13	07/17/2001	Various	Growing Smarter
2001-14	09/04/2001	Various	Affordable Housing
2001-15	09/04/2001	Add Chapter 16	Design Review
2002-15	11/05/2002	Various	Miscellaneous, BPI zone
2004-03	03/16/2004	Chapter 4	Traditional Neighborhood Design
2007-05	02/06/2007	Chapter 9	Board of Adjustment composition
2007-10	02/06/2007	Chapter 9	Planning and Zoning Commission composition
2007-20 (Supplement 6)	03/20/2007	2, 3, 4, 5, 6, 7, 10 & 14	Revisions promoting housing affordability based on the Housing Policy Task Force proposals
2007-34	06/19/2007	Chapter 15	Townsite Historic Design Review Overlay Zone ("THDRO")
2007-42	11/20/2007	New Chapter 17 and Appendix C; Revisions to Chapters 2, 4, 10, 14 & City Code Title 9	New Traditional Neighborhood District ordinance
2007-44	12/04/2007	Chapter 11, with minor revisions in Chapters 1,3, 7, 9, & 10; and Appendix B	Subdivision amendments – consistency with ARS
2008-03	02/05/2008	Minor revisions in Chapters 2, 3, 4, 8, 9, 10, 14 and 15	Amendments for consistency with ARS – AOBs, CUPs, Historic Districts, Planned projects, and non-conforming signs
2008-10	03/18/2008	Revisions in Chapter 10-02 and 10-15	Amendments to add the LDRO and THDRO districts
2008-25	09/02/2008	Revisions in Chapters 2, 3 and 14	Amendments to building height in the M-H-E zone and related amendments
2008-25	11/18/2008	Insert new Chapter 10-18	New Development Fee ordinance
2009-03	01/20/2009	Revisions in Chapters 10-03 and 10-14	Amendments to allow for accessory wind energy systems (wind turbines)

Table A: Amendments to the Land Development Code, April 1991 – June 2009 (continued)

ORDINANCE NO.	ADOPTION DATE	CHAPTER(S) AMENDED	DESCRIPTION
2009-17	06/16/2009	Revisions in Chapter 10-08	Amendments for the Flagstaff Auto Park Area of Special Designation
2011-02	02/15/2011	Revisions in Chapter 10-08	Amendments for the Flagstaff Auto Park Area of Special Designation
2011-03	02/15/2011	Revisions in Chapters 10-02, 10-03 and 10-14	Amendments relating to medical marijuana
2011-23	09/06/2011	Revision in Chapter 10-09	An amendment allowing the Council to serve as the Board of Adjustment
2013-21	11/05/2013	Division 10-20.50 of Chapter 10.50 (Supplemental to Zones)	Amendments to the zone change process (Amendments to the Zoning Code text and the Zoning Map)
2013-22	11/05/2013	Revisions in Division 10-50.100 (Sign Standards)	Amendments to the Flagstaff Mall and Marketplace District
2014-27	11/18/2014	Revisions in Division 10-50.100 with related amendments to Chapters 10-20 and 10-80.	Comprehensive amendments to the Sign Standards, with related amendments to sign permitting procedures and definitions.
2015-01	03/04/2015	Revisions in Division 10-20.100 (Assurance of Performance for Construction)	Amendments to update the assurances required for performance for construction.
2015-03	05/05/2015	Revisions in Table 10-40.30.050.B with related amendments to Chapter Zone 10-80.	Amendments for trucking facilities in the RD

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Proposed Amendments to the Zoning Code

City Council Public Hearing Draft

Final Planning and Zoning Commission Recommendation

Updated: 9/15/2015 – minor KF edits; 12/16/2015;

The City Council identified no policy issues in this chapter and no additional staff amendments are proposed.

Chapter 10-10: Title, Purpose, and Jurisdiction

Division 10-10-10: Title

10-10.10.020 Zoning Map

- Page 10.30-1

A. Adoption

The Zoning Map, which divides the City of Flagstaff (City) ~~is hereby divided~~ into zones, ~~as shown on the Zoning Map which,~~ together with all explanatory notes provided on the Zoning Map, is adopted by reference and declared to be a part of this Zoning Code. ~~The Zoning Map shall be kept on file in the office of the Planning Director (Director).~~

B. Zone Boundary or Classification Changes

If, in compliance with the provisions of the Zoning Code, changes are made ~~to~~in zone boundaries, zone classifications, or other matters set forth on the Zoning Map, such changes shall be entered on the Zoning Map within 30 days following the effective date of the ordinance adopting the change.

C. Maintenance of Zoning Map

The Zoning Map shall be kept on file in the office of the Planning Director (Director), and ~~The Zoning Map~~ shall be maintained in electronic format by the Information Technology Division, as authorized by the Director.

These essentially clerical amendments improve the readability of this Section.

Division 10-10-20: Legislative Intent and Purpose

10-10.20.020 Purpose of Zoning Code

- Page 10.30-4

~~C. This Zoning Code is adopted in compliance with the requirements and authority granted to the City by the Arizona Constitution, Article XIII, Arizona Revised Statutes, Title 9, Chapter 4, and the City Charter in order to carry out the purposes stated in those laws.~~

This text is also included on Page 10.30-1 and, therefore, may be deleted.

Division 10-10.30: Authority

10-10.30.030 Applicability

- Page 10.30-2

C. Property Owned by Federal or State Agencies

The provisions of this Zoning Code shall not apply to property owned by the United States of America or any of its agencies, ~~nor to~~ the State of Arizona, ~~or to~~ any local agency not required to comply with this Zoning Code by State law ~~when the proposed~~

~~use or structure is for a governmental purpose.~~ All exempt agencies are encouraged to design any new developments in compliance with the standards set forth in this Zoning Code and to cooperate in meeting the goals and objectives of this Zoning Code and the General Plan.

The text shown to be deleted above is redundant and may be deleted.

10-10.30.040 Rules of Interpretation

- Page 10.30-3

C. Whenever any provisions within this Zoning Code impose overlapping or contradictory regulations, or whenever any provisions of this Zoning Code and any other code, rule, or regulation impose overlapping or contradictory regulations, the provision which is more restrictive or imposes higher standards or requirements shall govern, so that in all cases the most restrictive provision shall apply.

This amendment ensures that if there are internal conflicts within the Zoning Code itself, the more restrictive standard or requirement would apply.

D. It is not intended that any provision of this Zoning Code nor any act by an administrative official or Review Authority shall restrict or impair the right of any ~~private or public~~ person to bring ~~any~~ legal or equitable action for redress against nuisances, hazards, or injuries to persons or property.

This essentially clerical amendment removes confusing language from this sentence.

10-10.30.070 Calculation of Fractions

- Page 10.30-4

(P&Z): Following Commission discussion on this Section, no revisions are proposed and staff recommends that the original text should remain unchanged.

10-10.30.090 Rules of Transition

- Page 10.30-5

The following rules shall apply to all properties in the City on the effective date of this Zoning Code:

B. Developments with Approvals or Permits

1. Building Permit Issued Prior to Effective Date

Any building, structure, or sign for which a lawful Building Permit ~~has been~~is issued or for which a complete Building Permit or Sign Permit application ~~as determined by the Building Official or Director~~ has been filed at least one day prior to the effective date of this Zoning Code or any subsequent amendment to the Code, may be constructed and completed in conformance with the permit and other applicable approvals, permits and conditions, even if such building, structure or sign does not fully comply with this Zoning Code or any subsequent amendment to the Code. If construction is not commenced in compliance with the applicable permit terms, the Building Official may grant an extension in compliance with the provisions of the Building Code. If the extension does not state a specific time, it shall be an extension for six months. If the building, structure, or sign is not completed in conformance with the Building Permit and any granted extension, then the building, structure, or

sign shall be constructed, completed or occupied only in compliance with this Zoning Code [or any subsequent amendment to the Code](#).

The amendments in this Subsection clarify that any project for which a building permit or sign permit has been filed may be constructed even if the development or sign for which the permit may be issued does not comply with the Zoning Code or any subsequent amendment to the Code.

2. Final Site Plan Review and Approval Prior to Effective Date

An applicant whose development has received Site Plan Review and Approval prior to the effective date of this Zoning Code [or any subsequent amendment to the Code](#) may file an application for a Building Permit in compliance with the approved site plan and any conditions of approval, even if the development does not comply with the provisions of this Zoning Code [or any subsequent amendment to the Code](#).

Upon approval of construction plans for the development, a Building Permit may be issued. ~~Site Plan Review and Approval~~ [granted for developments approved](#) prior to the effective date of this Zoning Code [or any subsequent amendment to the Code](#) shall be valid for one year from the date of approval. No time extensions shall be permitted.

These minor amendments eliminate redundant language in this Subsection and update the provisions regarding the effective date of the Zoning Code or any subsequent amendment to the Code.

- Page 10.30-6

C. Applications Filed Prior to the Effective Date

1. Complete applications for new developments including, but not limited to Site Plan Review and Approval, Conditional Use Permits, and preliminary plats, [that are](#) filed prior to the effective date of this Zoning Code [or any subsequent amendment to the Code](#) may be approved under the provisions of the zoning code previously in effect ~~(1991 Land Development Code)~~. Applicants may also elect to develop in compliance with the provisions of this Zoning Code, ~~and in that case shall comply with all provisions of this Zoning Code~~. If a Building Permit application is not filed within one year of the date of approval of the application for new development, the approval shall expire. No time extensions shall be permitted.
2. Applications for amendments to the Zoning Map filed prior to the effective date of this Zoning Code [or any subsequent amendment to the Code](#) shall be governed by the provisions of the ~~1991 Land Development~~ Code [previously in effect](#) unless the applicant elects to comply with this Zoning Code.

These minor amendments eliminate redundant language in this Subsection and update the provisions regarding the effective date of the Zoning Code or any subsequent amendment to the Code.

Division 10-10-40: Severability

10-10.40.010 Severability

- Page 10.40-1

- B. ~~The invalidation of the application of~~ [A determination by order of any court of competent jurisdiction that](#) any section, sentence, clause, phrase, word, portion, or

provision of this Zoning Code does not apply to any particular property or structure, or to any particular properties or structures, ~~by order of any court of competent jurisdiction~~ shall not affect the application of such section, sentence, clause, phrase, word, portion, or provision to any other property or structure not specifically included in the court's order.

This minor amendment improves the readability of this sentence.

Division 10-10-50: Effective Date

10-10.50.010 Effective Date

- Page 10.50-1

- ~~A. As of the effective date of this Zoning Code, all codes, or portions of such codes, applicable to zoning, and land use within the incorporated areas of the City which are inconsistent with the provisions of this Zoning Code are hereby repealed to the extent of such inconsistency.~~
- B. This Zoning Code is hereby enacted as~~and shall be~~ the zoning ordinance for the City, and shall be ~~in full force and effect from and after its passage, the effective date being as~~ of 12:01 A.M., December 5, 2011, unless this Zoning Code is referred to a vote of the people, in which case it will take effect, if at all, 10 days after the election approving its adoption~~this Zoning Code~~.

This Section was written to clearly define when the new Zoning Code would become effective following the Code's adoption by the City Council on November 1, 2011. These minor amendments eliminate redundant language, change the tense to the past to reflect that the Code has been adopted and is now in effect, and to improve the readability of this Section. Paragraph A may be deleted as it is now redundant.

Proposed Amendments to the Zoning Code

City Council Public Hearing Draft

Final Planning and Zoning Commission Recommendation

Updated 9/15/2015 – post CC work session; 12/16/2015;

Chapter 10-20: Administration, Procedures and Enforcement

During the City Council's September 15, 2015 public meeting the Council discussed this chapter but did not identify the need for any required amendments. However, Council provided comments on a number of issues, and these have been added as **highlighted** notes into this document. A short summary of these notes is included in the table below.

Section No.:	Zoning Code Page No.:	Brief Description	Page No. (this document):
10-20.30.060 Neighborhood Meeting	20.30-5	F. Record of Proceedings: Include on the Application/Submittal Requirements Form that notice of the neighborhood meeting must be sent via mail and e-mail.	6
10-20.30.060 Neighborhood Meeting	20.30-5	G. Request to Waive the Second or Additional Neighborhood Meetings: Include on the Application/Submittal Requirements Form that weather and other community events may cause people not to attend.	6
10-20.30.080 Notice of Public Hearings	20.30-11	A. Notice Requirements: Include on the Application/Submittal Requirements Form that the envelope is clearly identified as important to minimize the possibility of it being considered junk mail.	8

Division 10-20.30: Common Procedures

Section 10-20.30.020 Application Process

- Page 20.30-2

B. Application Content

3. The Director shall specify the form and content of applications required by this Zoning Code. The Director may require supporting materials as part of the application, including, but not limited to, legal descriptions, statements, photographs, plans, drawings, renderings, models, material samples, and other items necessary to describe the existing situation and the proposed development. The applicant ~~is~~shall be responsible for the accuracy and completeness of all information submitted to the City. The Director may waive the submission of specific material or information ~~if~~ upon a finding that he finds it is not needed to reach a decision on the application.
4. Prior to and as a condition of final approval of a change to any land use regulation or standard, Zoning Map amendment, or Conditional Use Permit, the Director may require the owner to execute a Waiver of Claims for Diminution in Value (City Code Title 1 (Administration), Chapter 1-17 (City Finances)) in compliance with the A.R.S. § 12-1131 through 12-1138.

(P&Z) The amendment in paragraph 4 suggested by the P&Z Commission clarifies that the Prop 207 waiver is also required for zone changes and Conditional Use Permits. Upon further consultation with the City Attorney's office, staff recommends that the sample language used by some Valley cities (e.g. City of Buckeye) should not be inserted on the application form, and rather that a cross reference to the Zoning Code Section above should be included on this form. June 24th – Commissioner Turner stated for the record that he felt no applicant should give up their rights by signing a Proposition 207 Waiver.

- Page 20.30-2

C. Determination of Administrative Completeness and Substantive Review

1. After receiving an application accompanied by the required fee (See Appendix 2 (Planning Fee Schedule)), all applications shall be reviewed in compliance with the time frames for administrative and substantive review on file with the Planning Section, as required by A.R.S. § 9-832 et.seq.
2. In order to ~~the Director shall~~ determine if the application is complete within the established administrative review period ~~in compliance with the review schedule on file with the Planning Section. In order to make the completeness determination,~~ the Director may submit the application to other City ~~departments or~~ divisions, as appropriate. The Director shall notify the applicant if the application is complete and has been accepted for processing. If the application is incomplete, the Director shall identify the items that must be filed to complete the application and return it to the applicant. No application ~~will~~shall be reviewed and no public hearings ~~will~~shall be scheduled until an application is determined to be complete. An applicant may appeal the Director's determination of completeness to the Community Development Director (See Section 10-20.80 (Procedures for Appeals)).

- ~~1~~3. When an application has been determined to be complete, it will be considered for substantive review within the established substantive review period for the application. The Director may submit the application to other affected City divisions which shall determine whether the application complies with pertinent standards and regulations. An applicant may appeal a determination of the Director to the Board of Adjustment as set forth in Section 10-20.80.020 (Appeals of Interpretations by the Zoning Code Administrator and Director).

The amendments proposed in this Subsection are necessary in order to ensure that the requirements of A.R.S. § 9.852 et. seq. as approved by the state legislature in SB1598 (The Regulatory Bill of Rights), and as updated by HB2443 in the 2013 legislative session, are included in the Zoning Code.

- Page 20.30-3

E. Availability of Materials

Applications and supporting materials are public records pursuant to A.R.S. § 39-121 through 39-128. Public records may be reviewed and copied upon request during normal business hours, unless protected from disclosure. The applicant shall clearly label each page of copyrighted or trademarked materials (e.g., ©, ®, TM) and such materials will be available for public inspection, but copyrighted materials will not be copied.

(P&Z): As a result of the Commission's discussion on this topic, the previous language offered by staff has been replaced by the new text suggested above that more clearly addresses under what conditions materials submitted in support of a development application may be made available for public inspection. The amendment is consistent with similar provisions in most Arizona city's zoning codes.

10-20.30.050 Concept Plan Review

- Page 20.30-4

A. Purpose

~~Concept Plan Review is required for all developments requiring Site Plan Review and Approval (Section 10-20.40.140).~~ Concept Plan Review is an informal review to ensure that the applicant is aware of the procedures and substantive requirements of the City, and to identify any potential problems or concerns prior to submitting for Site Plan Review and Approval (Section 10-20.40.140).

B. Applicability

Concept Plan Review is required for the following:

1. All developments requiring Site Plan Review and Approval (Section 10-20.40.140);
2. Any change of use that triggers an increase in required parking;
3. A proposed duplex;
4. Non-structural remodeling of an exterior façade; and

1.5. A proposed single-family residence located on a parcel that is not part of a platted subdivision.

This amendment which adds an Applicability section is necessary in order to expand the list of new developments that are subject to Concept Plan Review consistent with staff's current practices. In an attempt to simplify the development review process, provide a higher level of customer service, and reduce costs to new development, when it is appropriate to do so staff guides new development through the Concept Plan Review process rather than more time consuming Site Plan Review process. Subparagraph #5 is included as new homes in unplatted areas of the City (e.g. Rain Valley) may require the coordination of infrastructure and other conditions, such as the need for a cistern, non-combustible construction, or the construction of a fire access road. The concept plan review provides the home owner with early notice of issues that need to be addressed, of which they may not have been aware. Renumber all following Subsections.

CB. **Application for Concept Plan Review**

2. Application Review

Upon receipt of an application, the Director shall refer the Concept Plan application to any applicable departments or agencies, which shall review the application for compliance with City standards and regulations. The Director, in compliance with the Review Schedule on file with the Planning Section, shall provide conditions and comments to the applicant, ~~in compliance with the Review Schedule on file with the Planning Section~~. Major developments (i.e. those over 20,000 square feet in gross floor area or over 50 dwelling units) may be scheduled for a longer review period.

10-20.30.060 Neighborhood Meeting

• Page 20.30-5

A. Neighborhood Meetings Required

1. Applicants for a General Plan amendment, Specific Plan amendment, Zoning Map amendments, Conditional Use Permit, annexation or change of use within the PF (Public Facility) Zone shall schedule and conduct at least two neighborhood meetings in compliance with this Section. The applicant is responsible for all costs associated with the neighborhood meetings.
2. The Director may waive the requirement for ~~a~~ neighborhood meetings if it can be demonstrated that there are a limited number of property owners adjacent to the subject property and that other techniques for informing them of the application would be more effective, such as direct mailing with information on the application or one-on-one meetings with affected property owners.

This amendment adds an additional level for citizen engagement and public outreach by requiring applicants for the processes listed to hold at least two neighborhood meetings. Currently only one is required, but the Director may require an additional meeting if substantial changes are proposed after the first meeting was held. As described in Subsection G. below, the requirement for the second neighborhood meeting may be waived if there were no substantive issues raised by the meeting participants or there was minimal public participation in the initial meeting.

C. Neighborhood Meeting Planning

1. The applicant's neighborhood meetings shall be scheduled ...
2. A plan for how the applicant intends to conduct the neighborhood meetings shall be submitted ...
 - a. Property owners, citizens, jurisdictions and public agencies within 300 feet of the development or that may be affected by the application. The Director may expand the required notification area as stipulated in Paragraph D.3 below;

Consistent with commonly applied practice, the amendment in paragraph 3 codifies that the Director may expand the notification area beyond 300 feet based on the context of the subject property to ensure that as many nearby property owners as possible are informed of the proposed development. For example, this is important in areas of the City where parcels are large.

D. Neighborhood Meeting Notification

3. Notify by first-class mail all property owners of record within 300 feet of the subject property. Notification within a larger area may be required when, ~~unless~~ the General Plan or other applicable adopted City policy (See Section 10-20.30.070 (Additional Requirements for Citizen Outreach) for example) stipulates ~~requires~~ notification within a larger area. The Director may also expand the notification area based on the location and context of the subject property if it is determined that the potential impact of the development extends beyond the required notification boundary;

4. Notify by first-class mail to the situs or actual address of all tenants and residents living on the subject property;

54. Notify by first-class mail all Homeowners Associations (HOAs) that govern land within 1,000 feet of the subject property as well as all persons or groups whose names are on the Registry of Persons and Groups described in Section 10-20.30.080.B who are interested in receiving such notice. If it is determined that the potential impact of the development extends beyond the required notification boundary, the Director may expand the notification area; and

Consistent with commonly applied practice, the amendment in paragraph 3 codifies that the Director may expand the notification area beyond 300 feet based on the context of the subject property to ensure that as many nearby property owners as possible are informed of the proposed development. For example, this is important in areas of the City where parcels are large.

(P&Z): The amendment in paragraph 4 is in response to public comment provided at the June 10th public hearing. It ensures that any person living on the subject property as a tenant is also informed of the neighborhood meeting and any development plans that may affect them.

E. City Staff Involvement

- City staff may attend the neighborhood meetings. The role of City staff ...

F. **Record of Proceedings**

The applicant shall create a written summary of the meetings, which shall be submitted filed with the Director with the next formal submission to the Director. This written summary will be attached to the director's report to the Planning and Zoning Commission and City Council. At a minimum, the report shall include the following information:

4. The applicant shall also send a copy of the written summary to all the people who recorded their names on the sign-in sheet for the meeting.

*This amendment requires the applicant to also send a copy of the written summary to all meeting attendees who signed-in so that they can be informed of how the applicant recorded their comments and concerns. **Note to staff – Council Comment:** Ensure that the written summary (and indeed the notice announcing the neighborhood meeting) is sent via mail and email as not all residents may have access to email. Add to submittal requirements/application form. Also, include on the submittal requirements/application form a description of what should be included in the written summary of the meeting and what is expected to ensure it is comprehensive.*

G. **Request to Waive the Second or Additional Neighborhood Meetings**

An applicant may submit a written request to the~~The~~ Director to waive the requirement for the second or ~~may require that any one or more~~ additional neighborhood meetings if either no substantive issues were identified by the meeting participants, including but not limited to, density, compatibility, traffic or stormwater issues, or there was minimal participation at the initial neighborhood meeting as documented in the record of proceedings described in Subsection F.~~be held~~. If the application is substantially modified from what was presented at the initial neighborhood meeting, the Director shall~~may~~ require ~~that~~ a second or additional neighborhood meetings in compliance with this Section be held to present the modified application.

*This amendment allows the applicant to waive the requirement for the second neighborhood meeting provided there were no substantive issues raised by the meeting participants or there was minimal public participation (recommendation from the P&Z Commission) in the initial meeting. **Note to staff – Council Comment:** Be thoughtful about when there is minimal public participation and consider influences that may cause people not to attend – weather, other events, etc. Add to submittal requirements/application form.*

10-20.30.070 Additional Requirements for Citizen Outreach

- Page 20.30-8

A. **Applicability**

This Section shall apply, in addition to those requirements established in Section 10-20.30.060 (Neighborhood Meeting), to the following developments for which a Zoning Map or General Plan amendment is required:

1. New single-family or multi-family residential developments that exceed 300 units; or
2. New commercial, industrial, and public facility developments that exceed 20 acres or 100,000 square feet of gross floor area.

This amendment is necessary to ensure that industrial and public facility developments are also included in the additional requirements for citizen outreach.

10-20.30.080 Notice of Public Hearings

- Page 20.30-11

A. **Notice Requirements**

3. **Manner of Notification**

Notices of required public hearing shall be sent by first-class mail to the following persons:

- b. Each real property owner (if different from the applicant) as shown on the last assessment of the property of any land which is located within 300 feet of the property subject to the application for which the public hearing is required. The Director may expand the notification area based on the location and context of the subject property if it is determined that the potential impact of the development extends beyond the required notification boundary.
- c. The situs or actual address of all tenants and residents living on the subject property.
- d. All local government agencies which have reviewed and commented on the proposed development or Zoning Map amendment or which abut the subject property.

Consistent with commonly applied practice, the amendment in Paragraph 3.b. codifies that the Director may expand the notification area beyond 300 feet based on the context of the subject property to ensure that as many nearby property owners as possible are informed of the proposed development. For example, this is important in areas of the City where parcels are large. The amendment in Paragraph 3.c. ensures that tenants and residents on the subject property are informed of the public hearing through their situs address (i.e. the actual address of the property established by the County Assessor's Office).

5. **Responsibility for Providing Notice**

- a. The Director ~~City~~ shall be responsible for placing the public hearing notices required by this Section in a newspaper of general circulation within the City.
- b. The applicant ~~City~~ shall post the notice(s), as required by this Section on the subject property. ~~and the applicant is~~ ~~hall be~~ required to maintain the posting and remove the sign within seven days after the public hearing and final action. Failure to remove the sign may ~~shall~~ result in the City removing the sign and ~~a charging to~~ the applicant for costs incurred. The applicant shall submit a notarized Affidavit of Posting and photographs of the signs posted on the subject property to the Director no less than 15 days prior to the public hearing date.
- c. If notice is required to be provided by mail, the applicant is ~~hall be~~ responsible for ~~providing the City with~~ ~~establishing~~ a list of names and addresses of property owners in compliance with the requirements of Section 10-20.30.060.D.3 and 4 ~~within 300 feet of the subject property, as well as the names and situs addresses of all tenants and residents living~~

on the subject property, in compliance with this Section. The applicant
~~In addition, the applicant shall~~ mail a public hearing notice to each of
~~the provide a stamped, pre-addressed No. 10 envelope (approximately~~
~~4 1/4" x 9 1/2") for each~~ property owners on the list referenced above
no later than 15 days prior to the public hearing date. ~~A notarized copy~~
of the mailing list shall be submitted to the Director prior to or on the
fifteenth day prior to the public hearing date.

~~e.d.~~ Failure to provide the documentation described in Subparagraphs b.
and c. above will result in continuance of the case to the next available
public hearing date. ~~a complete list or the associated envelopes shall~~
~~constitute an incomplete application and will delay the public hearing.~~
~~The City shall be responsible for mailing the required notices.~~

These suggested amendments place the responsibility on the applicant for posting a subject property and sending notices to surrounding property owners. This approach has been implemented by the City of Buckeye for some years now and other Valley cities. By so doing there is less exposure and risk to staff, and will save staff time when processing the application. Note that staff will continue to be responsible for writing the legal notice to be published in the newspaper. Staff will provide a copy of this legal notice to the applicant to be mailed to surrounding property owners as required in Paragraph c. If this amendment is adopted, the City's application forms will be updated to provide useful information to an applicant, including for example, how to develop the list of property owners and how best to install the signs on the property. The amendment also ensures that any persons residing on the subject property are also informed of the upcoming public hearing.

(P&Z) At the June 10th public hearing it was suggested that consideration should be given to also providing notice via prevailing technological means, such as the use of QR Codes, Facebook, the city's webpage, etc. Staff agrees, and suggests that instead of incorporating this idea into the Zoning Code, staff's processes and procedures will be updated to include this information. One consideration with the amendment proposed above that requires an applicant to mail the legal notices and post the property is that the fee schedule should be revised as these costs are already assumed in the current fee schedule. When the Council reviews proposed changes to the fee schedule in the coming months, this issue will be discussed at that time.

Note to staff – Council Comment: *Ensure that the envelopes used to mail legal notices to property owners include some statement to help identify it as an important notice so it is not discarded as junk mail. Add to submittal requirements/application form.*

10-20.30.100 Final Decisions

- Page 20.30-13

B. Notice of Decision

When a final decision is made by Notice of Decision, the decision made and the findings that were the basis for the decision shall be ~~described~~ documented in writing and sent via first class mail. ~~The Director shall mail the Notice of Decision~~ to the applicant at the mailing address stated in the application, and to any other person or entity requesting such notification in writing.

Paragraph B (Notice of Decision) requires that when a final decision is made by Notice of Decision, the Director must mail the Notice of Decision to the applicant. This amendment clarifies that the Notice of Decision must be sent via first class mail to the applicant and is in response to public comments at the June 10th public hearing (P&Z). In addition, to sending the Notice of Decision via first class mail, the notice may also be provided to the applicant via e-mail or other means.

10-20.30.110 Effect of Denials

- Page 20.30-13

A new application concerning property for which a previous application has been denied (i.e. it may be the same as the previous application or it may be a different proposal) may only be considered when:

- A. The application does not involve the same request for Conditional Use Permit, Variance, [Zone Change, Annexation](#), or General Plan amendment, or allege the same misinterpretation or hardships as the previous application;
- B. The subsequent application involves a development proposal which is, [in the opinion of the Director](#), materially different from prior proposals, ~~in the opinion of the Director~~; or is responsive, ~~in the opinion of the Director~~, to negative findings set forth in the denial of the prior application;
- C. A substantial change in the use of adjacent property has occurred since the previous application was denied; or
- D. A period of not less than one year has passed since the previous application was denied and all appeals provided by the City have been exhausted.

This amendment is necessary because the list of applicable development applications in Paragraph A is incomplete.

Division 10-20.40: Permits and Approvals

10-20.40.010 Purpose

- Page 20.40-1

B. Review and Approval

The Director, [in compliance with the Review Schedule on file with the Planning Section](#), shall review the permit application and supporting documentation for compliance with the standards provided in this Zoning Code, and shall determine whether the permit may be issued or if the applicant must supply additional information to complete the permit application ~~in compliance with the Review Schedule on file with the Planning Section~~. If the permit application is denied, the reason shall be stated in writing.

10-20.40.030 Building Permits and Certificates of Occupancy

- Page 20.40-3

D. Conditional Certificate of Occupancy

1. A Conditional Certificate of Occupancy may be issued by the Director provided that:

a1. The applicant demonstrates that the incomplete components of the building and site (such as landscaping or private or public infrastructure) will not affect the public health, safety and general welfare;

b2. The applicant demonstrates that completion is impractical at the time the Certificate of Occupancy is sought due to weather or other conditions as

requested~~determined~~ by the applicant and as approved by the Director;
and~~or~~

- c3. The applicant secures the completion of the construction with appropriate assurances in a form acceptable to the Director and the City Attorney, and in an amount sufficient to complete the construction, as determined by the applicant and as approved by the Director.

42. Requests for Conditional Certificates of Occupancy shall contain:

(P&Z) This essentially clerical amendment corrects the numbering convention for this Subsection, and as all three of the requirements for a Conditional Certificate of Occupancy must be satisfied before it is issued, the incorrect "or" is replaced with "and". The P&Z Commission recommended the clarifying amendment in paragraph b.

10-20.40.050 Conditional Use Permits

- Page 20.40-7

C. Application Requirements

1. Pre-application Review

2. Application Requirements

An application for a Conditional Use Permit shall be submitted on a form prescribed by the City in compliance with Section 10-20.30.020 (Application Process), together with the information and materials requested in the application checklist and the required fee established in Appendix 2 (Planning Fee Schedule).

32. Responsibility

This amendment provides a cross-reference to the Application Process Section of the Zoning Code. All following paragraphs will be renumbered without any other text changes.

D. Public Hearings and Procedures

The Planning Commission shall hold a public hearing on the application for a Conditional Use Permit and shall, at the conclusion of the public hearing, approve, with or without conditions, or deny the application in compliance with the requirements for conditional uses and other applicable requirements of this Zoning Code. The public hearing shall be noticed in compliance with Section 10-20.30.080 (Notice of Public Hearings).

This minor amendment provides a cross-reference to the notice of public hearings Section of the Zoning Code.

- Page 20.40-9

H. Time Limits and Permit Implementation

1. A Conditional Use Permit will~~shall~~ become null and void one year after the effective date unless one of the following has occurred:

- a. A grading permit or building permit has been issued and construction commenced~~begun~~ and diligently pursued;

- b. The approved use has been established; or
- c. An extension has been granted by the Planning Commission. Such extension shall ...

A grading permit has been included in subparagraph a. because some conditional uses may require approval of a grading permit before the building permit is issued. Also, this subparagraph has been amended to reflect current practice.

10-20.40.060 Development Agreements

- Page 20.40-12

C. Consideration and Decision

1. Staff Responsibilities

- a. The Director in consultation with the City Attorney shall direct the negotiations with the applicant regarding terms of the development agreement.
- ~~a.~~ b. At such time as impact analyses are accepted by the City Engineer or Utilities Director, negotiations with the applicant regarding the terms of the development agreement may commence. An applicant shall provide a list of conditions, requirements, and stipulations to be included in a development agreement.
- ~~b.~~ c. Once negotiations are completed, the Director shall schedule the proposed development agreement for approval by the Council in compliance with this Division.

This amendment resolves a gap in the current Zoning Code by clearly stating at what stage of the project's review the terms of the development agreement may be negotiated.

10-20.40.070 Home Occupation Permits

- Page 20.40-14

B. Review and Final Decision

- 1. The Director shall review the Home Occupation Permit application and supporting documentation required by Section 10-20.30.020 (Application Process) for compliance with the requirements of the Zoning Code.

This amendment provides a cross-reference to the Application Process Section of the Zoning Code.

- 2. The Director, in compliance with the Review Schedule on file with the Planning Section, shall determine whether the Home Occupation Permit can be issued or if additional information is required from the applicant to complete the application ~~in compliance with the Review Schedule on file with the Planning Section~~. If the Home Occupation Permit application is denied, the reason shall be stated in writing.

10-20.40.080 Minor Improvement Permits

- Page 20.40-15

B. Review and Final Decision

1. The Director shall review the Minor Improvement Permit application and supporting documentation [required by Section 10-20.30.020 \(Application Process\)](#) for compliance with the requirements of the Zoning Code.

This amendment provides a cross-reference to Application Process Section of the Zoning Code.

2. The Director, [in compliance with the Review Schedule on file with the Planning Section](#), shall determine whether the Minor Improvement Permit can be issued or if additional information is required from the applicant to complete the application ~~in compliance with the Review Schedule on file with the Planning Section~~. If the application is denied, the reason shall be stated in writing.

10-20.40.090 Minor Modifications to Development Standards

- Page 20.40-15

B. Applicability

~~1. —The Director or Zoning Code Administrator may approve a Minor Modification for only those items specified in Table A (Types of Minor Modifications Allowed), and only after first making the findings specified in Subsection D.3, below.~~

~~2. —In addition, the Director may approve Minor Modifications to site plans associated with Zoning Map amendments provided that the modifications will not cause any of the following circumstances to occur:~~

- ~~a. —A change in the character of the development;~~
- ~~b. —A significant increase in impacts on utility infrastructure, as well as traffic on roadways adjacent or external to the development;~~
- ~~c. —A change in the external impacts on adjacent property; and~~
- ~~d. —A reduction in the originally approved setbacks from property lines, or modification of structure height.~~

In order to ensure consistency of interpretation and ease of record keeping the Zoning Code Administrator should be the only staff person approving Minor Modifications. As described below, the Planning Director will retain the authority to approve minor modifications to site plans.

This Subsection regarding modifications to site plans was incorrectly placed in Section 10-20.40.090 (Minor Modifications to Development Standards) and instead should be inserted into Section 10-20.40.140 (Site Plan Review and Approval).

Table 10-20.40.090.A: Types of Minor Modifications Allowed

- Page 20.40-16

Types of Minor Modifications Allowed	Maximum Modification
16. To encourage the development of housing units for disabled persons with limited mobility, the Director may allow a reasonable deviation from the prescribed standards of Chapter 10-40 (Specific to Zones) where necessary to install features that facilitate access and mobility of disabled persons <u>may be allowed.</u>	Determined on a case-by-case basis

This minor amendment is suggested to ensure consistency with the preceding amendment in which the Zoning Code Administrator will be responsible for the review of all minor modifications to development standards.

- Page 20.40-17

Insert as new rows in this table:

Types of Minor Modifications Allowed	Maximum Modification
<u>22. To encourage the preservation of existing healthy trees located more than 25 feet from a building foundation (Section 10-50.60.050.A.1)</u>	<u>100%</u>
<u>23. To encourage the use of passive solar designs and other sustainable practices, a reasonable deviation from the prescribed standards of Chapter 10-40 (Specific to Zones) where necessary to promote energy conservation may be allowed.</u>	<u>Determined on a case-by-case basis</u>
<u>24. A modification of Section 10-40.60.160 (Drive-through Retail), Subsections C.1 through C.5 only, to provide flexibility in the application of these standards when unique site circumstances exist.</u>	<u>Determined on a case-by-case basis</u>
<u>25. A modification of Subsection 10-50.20.030.B.7 (Windows) to allow the use of alternative window design and placement when warranted by unusual site circumstances and the development's context.</u>	<u>Determined on a case-by-case basis</u>
<u>26. A modification of Table 10-40.60.250.A (Site Layout and Development Design Standards). Factors to be considered include: the width and character of the street; if the site is located within a floodplain; if site conditions such as changes in topography make providing pedestrian accessibility difficult; if there is vacant property or existing non-commercial uses on the opposite side of the street; or if the mixed-use development is proposed on a through lot between two primary streets and commercial uses are only appropriate on one such primary street.</u>	<u>Determined on a case-by-case basis</u>

These amendments provide flexibility to a developer to address circumstances where it may not be possible to meet the standard to allow credits for existing healthy trees, promote energy conservation, provide flexibility for drive-through retail facilities, and allow for alternative window placement and design solutions (P&Z).

(P&Z) – June 10th public hearing: The standard for required commercial space on the ground floor of a mixed use building (#26 in the table above) has been added to this Section so that it may be modified subject to specified criteria. Also, modifications to the site layout and development design standards have been added to the table (#26 above).

NOTE – rearrange this table so that the standards listed within it are listed in the order they are found in the Zoning Code.

- Page 20.40-17

C. **Decision by the ~~Director or~~ Zoning Code Administrator**

The ~~Director or~~ Zoning Code Administrator may approve Minor Modifications

in compliance with Subsection B above, or may ~~defer making a decision and instead~~ refer the application to the Board of Adjustment for review and final decision, in compliance with this Section.

Consistent with the amendment proposed in Subsection B. (Applicability) above, in order to ensure consistency of interpretation and ease of record keeping the Zoning Code Administrator should be the only staff person approving minor modifications to development standards.

Ensure that this same change is also completed in Subsection D. (Review and Final Decision) in paragraphs 1, 2, 3, and 5.

D. Review and Final Decision

1. The ~~Director or~~ Zoning Code Administrator in compliance with Subsection B above shall review the application for a Minor Modification and supporting documentation required by Section 10-20.30.020 (Application Process) for compliance with the requirements of this Zoning Code. A public hearing shall not be required for the decision on a Minor Modification.

This amendment provides a cross-reference to the Application Process Section of the Zoning Code.

10-20.40.100 Outdoor Lighting Permits

- Page 20.40-19

B. Review and Final Decisions

The Director shall review the application ~~determine whether the~~ for an Outdoor Lighting Permit and supporting documentation required by Section 10-20.30.020 (Application Process) for compliance with the requirements of this Zoning Code. The Director, in compliance with the Review Schedule on file with the Planning Section, shall determine whether the Outdoor Lighting Permit may be issued or if additional information is required from the applicant ~~to complete the permit application in compliance with the Review Schedule on file with the Planning Section.~~ If the Outdoor Lighting Permit application is denied, the reason shall be stated in writing.

This amendment provides a cross-reference to the Application Process Section of the Zoning Code and ensures consistency with similar text throughout this Chapter.

10-20.40.110 Parking Lot Maintenance Permits

- Page 20.40-20

C. Review and Final Decision

1. The Director, in compliance with the Review Schedule on file with the Planning Section, shall review the Parking Lot Maintenance Permit application and supporting documentation required by Section 10-20.30.020 (Application Process) for compliance with the requirements of this Zoning Code. To the maximum extent feasible, existing nonconforming parking areas constructed prior to the effective date of this Zoning Code should be restriped consistent with the applicable provisions of Division 10-50.80 (Parking Standards).

This amendment provides a cross-reference to the Application Process Section of the Zoning Code and ensures consistency with similar text throughout this Chapter.

10-20.40.120 Sign Permits – Permanent Signs

- Page 20.40-21

D. Review and Approval

1. Review

The Director shall review the Sign Permit application and supporting documentation [required by Section 10-20.30.020 \(Application Process\)](#) for compliance with the standards of Division 10-50.100 (Sign Standards).

This amendment provides a cross-reference to the Application Process Section of the Zoning Code and ensures consistency with similar text throughout this Chapter.

2. Determination

The Director, [in compliance with the Review Schedule on file with the Planning Section](#), shall determine whether the Sign Permit may be issued or if additional information is required from the applicant to complete the permit application ~~in compliance with the Review Schedule on file with the Planning Section~~. If the Sign Permit application is denied, the reason shall be stated in writing.

10-20.40.130 Sign Permits – Temporary Signs

- Page 20.40-24

D. Review and Approval

2. Review

The Director shall review the Temporary Sign Permit application and supporting documentation [required by Section 10-20.30.020 \(Application Process\)](#) for compliance with the standards of Section 10-50.100.070 (Temporary Signs).

This amendment provides a cross-reference to the Application Process Section of the Zoning Code and ensures consistency with similar text throughout this Chapter.

3. Determination

The Director, [in compliance with the Review Schedule on file with the Planning Section](#), shall determine whether the Temporary Sign Permit may be issued or if additional information is required from the applicant to complete the permit application ~~in compliance with the Review Schedule on file with the Planning Section~~. If the Temporary Sign Permit application is denied, the reason shall be stated in writing.

10-20.40.140 Site Plan Review and Approval

- Page 20.40-25

B. Applicability

1. Site Plan Review

Site Plan Review and Approval shall be required for all authorized uses, changes of use and approved conditional uses ~~as determined by the Director~~ in any Zone, except for the following;

- a. Detached single-family dwellings (up to two on one lot or parcel, where permitted by the Zone, including a proposed single-family residence located on a parcel that is not part of a platted subdivision), duplexes, and related accessory uses and buildings in approved subdivisions;
- b. Interior tenant alterations or improvements which do not affect parking requirements or exterior building appearance;
- c. Nonstructural remodeling of a building facade treatment; and
- d. Sign permits for properties not otherwise subject to site plan review.

(P&Z) This amendment clarifies that site plan review and approval is not needed for either a single-family home located on a parcel that is not part of a platted subdivision or a duplex (added by the P&Z Commission).

- Page 20.40-25

C. **Application for Site Plan Review**

1. Application Requirements

An application for a Site Plan Review shall be submitted on a form prescribed by the City in compliance with Section 10-20.30.020 (Application Process), together with the information and materials requested in the Site Plan Review application checklist and the required fee established in Appendix 2 (Planning Fee Schedule).

Paragraph 1., Application Requirements, is commonly included in the Zoning Code but was inadvertently omitted from the first version of the Code. All following paragraphs will be renumbered without any other text changes.

12. Standards of Review

- Page 20.40-26

23. Application Review

a. Receipt of Application

- (1) Upon receipt of an application for Site Plan Review, the Director in compliance with the Review Schedule on file with the Planning Section shall refer it ~~the Site Plan Review application~~ to any affected departments or agencies, which shall determine whether the application complies with pertinent City standards and regulations.
- (2) The review and administrative approval of charter schools shall be conducted on an expedited basis in compliance with A.R.S. § 15-189.01 to allow for a public hearing or appeal to the Board of Adjustment (See Division 10-20.80 (Procedures for Appeals)).

This amendment is required to ensure that the requirements of A.R.S. § 15-189.01 are included in the Zoning Code to allow for expedited review for charter schools.

b. Minor Modifications to Site Plans Associated with Zoning Map Amendments

The Director may approve Minor Modifications to site plans associated with Zoning Map amendments provided that the modifications will not cause any of the following to occur:

- (1) A change in the character of the development;
- (2) A significant increase in impacts on utility infrastructure or traffic on roadways adjacent or external to the development;
- (3) A change in the external impacts on adjacent property; or
- (4) A reduction in the originally approved setbacks from property lines or modification of structure height.

This Subsection regarding modifications to site plans was incorrectly placed in Section 10-20.40.090 (Minor Modifications to Development Standards) and has been moved into Section 10-20.40.140 (Site Plan Review and Approval) where it is more logically placed. All following paragraphs will be renumbered without any other text changes.

10-20.40.150 Temporary Use Permits

- Page 20.40-29

B. Review and Final Decision

1. The Director shall review the Temporary Use Permit application and supporting documentation required by Section 10-20.30.020 (Application Process) for compliance with the requirements of Section 10-20.40.150 (Temporary Use Permits).
2. The Director, in compliance with the Review Schedule on file with the Planning Section, shall determine whether the Temporary Use Permit can be issued or if additional information is required from the applicant to complete the application. If the application is denied, the reason shall be stated in writing.

This amendment provides a cross-reference to the Application Process Section of the Zoning Code and ensures consistency with similar text throughout this Chapter. Renumber all following Subsections.

- Page 20.40-29

BC. Time Limits

1. Unless otherwise provided for in Subsection ~~CD~~ below, a Temporary Use Permit shall be valid for up to 180 days in any given calendar year.
2. The same temporary use may only be established at a maximum of three different locations, each for a maximum of 180 days in any given calendar year (~~i.e. a total of 18 months maximum~~).

This amendment clarifies that the 180 day time frame is counted within a calendar year.

- Page 20.40.30

CD.3 Food Vendors

- a. The food vendor shall provide written authorization from the private property owner(s) or property management company(s) representing the

property owner(s) to utilize the property on which they intend to locate. No food vendor shall be permitted to operate on more than ~~five~~^{three} properties within a calendar year.

Staff recommends that the number of locations where mobile food vendors may be located should be increased to five consistent with the way a number of these vendors operate. This will allow them to cover more of the City in approved locations, provide additional options for food service, and hopefully increase their sales.

- c. The location of the vendor's equipment, structures and display(s) shall be a minimum of 10 feet inside the ~~private~~ property line and shall conform to an approved site drawing.

The word "private" may be removed from this sentence as it is unnecessary.

- h. Temporary food vendors that operate within the City for a total of 60 days or less per calendar year at a single or multiple locations may continue to use the same location(s) for subsequent calendar years.
- i. Temporary food vendors whose business is ~~seasonal (i.e. limited to a maximum of nine months per calendar year)~~ that operate within the City for more than 61 days per calendar year at a single or multiple locations shall be limited to two consecutive years at the same location(s). A one-time extension of the Temporary Use Permit may be granted for a maximum of one additional year. When issuing a renewal of a Temporary Use Permit, the Director shall ensure that the following conditions are satisfied:

The word "seasonal" can be removed from this sentence as it is unneeded and has caused confusion.

- Page 20.40-32

- ~~D~~^E.4 **Merchandise and Service Vendors**

- c. The location of the vendor's equipment, structures and display(s) shall be a minimum of 10 feet inside the ~~private~~ property line and shall conform to an approved site drawing.

The word "private" may be removed from this sentence as it is unnecessary.

- Page 20.40-35

- ~~D~~^E. **Allowed Temporary Uses**

- 13. Temporary Occupancy of a Recreational Vehicle**

- In any residential zone with a lot or parcel area of at least 0.5 acre, a recreational vehicle may be used as a temporary residence while a new single-family home is under construction subject to the following conditions:

- a. Only the property owner may live in a recreational vehicle while the new residence is under construction. As soon as construction has been concluded (i.e. a Certificate of Occupancy has been issued), the

recreational vehicle must be vacated and the owners must move into the completed residence;

b. The construction of the residence must be diligently pursued to completion, i.e. the residence must be constructed within the typical time frame for constructing such a building. If the residence is not completed within a reasonable period of time the Temporary Use Permit allowing temporary residence may be terminated by the Zoning Code Administrator.

143. Similar Temporary Activities

The Director may authorize other temporary activities that are similar to ~~the other~~ activities listed in this Subsection and that are compatible with the applicable zone and surrounding land uses.

City staff has frequently been asked whether an RV may be occupied while a residence is under construction. Two sections of the Zoning Code support a decision to allow this temporary use subject to approval of a Temporary Use Permit – 10-20.40.150.A (Purpose) and 10-20.40.150.C.13 (Similar Temporary Activities). This amendment further addresses and clarifies this issue.

10-20.40.160 Zoning Verification

- Page 20.40-36

A. Purpose

Zoning Verification Letters may be requested from the Director by a property owner or a representative for a property owner who is seeking verification of the zoning status for a property. Other associated information may also be requested and provided, if available, such as any development approvals granted by the City, existing nonconformities or violations.

B. Process for Review

Upon receipt of a complete zoning verification request, the Director in compliance with the Review Schedule on file with the Planning Section, shall:

Division 10-20.50: Amendments to the Zoning Code Text and the Zoning Map

10-20.50.040 Procedures

- Page 20.50-2

B. Citizen Review

All applications to amend the text of this Zoning Code or the Zoning Map shall include a process for ~~be subject to a citizen participation review process. The Director may establish additional procedures for the citizen review process. The e~~Citizen ~~participation review process~~ shall, at a minimum, consist of a Neighborhood Meeting or a work session of the Planning Commission, as set forth below. The Director may implement additional procedures for citizen participation.

1. Zoning Map Amendments

The applicant shall schedule and conduct a Neighborhood Meeting in compliance with the procedures set forth in Section 10-20.30.060

(Neighborhood Meeting). For requests to designate property as a Landmark, Historic Property or Historic District a public meeting of the Heritage Preservation Commission held prior to any public hearing on the request shall satisfy the requirement for a Neighborhood Meeting.

2. **Text Amendments to this Zoning Code**

- a. A citizen review session shall be held at ~~the~~ Planning Commission work session that is scheduled for the consideration of any proposed text amendment. ~~in compliance with the Review Schedule on file with the Planning Section. A work session of the Heritage Preservation Commission on a request to designate property as a Landmark, Historic Property or Historic District held prior to any public hearing on the request shall satisfy the requirement for a citizen review session.~~ Landowners and other citizens potentially affected by the proposed text amendment ~~will~~shall have an opportunity to comment on the proposed text amendment~~al~~.

This amendment eliminates the term "citizen review process" which has caused some confusion, and instead refers to what is really intended by this phrase, "citizen participation". The confusion between a work session and a public meeting of the Heritage Preservation Commission is also corrected to correctly refer to the requirement for a neighborhood meeting, rather than a citizen review session.

• Page 20.50-4

C.2.c. **Large Scale Zoning Map Amendments**

These are applications for Zoning Map amendments that meet the following thresholds:

- (1) Include residential developments over 100 units, or all commercial developments over 50,000 sq. ft. or 15 acres, or all industrial and research and development uses over 150,000 sq. ft. or 20 acres; or
- (2) Require a major amendment to the General Plan as defined in Section 11-10.20.020 (Major Plan Amendments and New Elements).

For such applications, the minimum submittal requirements for a concept zoning plan are required, as well as infrastructure analyses as required by the *Engineering Standards*. Compliance with the requirements of Section 10-20.30.070 (Additional Requirements for Citizen Outreach) may also be required depending on the size of the proposed development. In addition a development agreement ~~(See Section 10-20.40.060 (Development Agreements)) is required~~ that defines applicant/City obligations such as offsite infrastructure improvements, affordable housing, or open space is required to be submitted at such time as impact analyses have been accepted by the City Engineer or Utilities Director (See Section 10-20.40.060 (Development Agreements)).

These amendments provide a cross reference to the Additional Requirements for Citizen Outreach and Development Agreement Sections of the Code.

10-20.50.040 Procedures

- Page 20.50-9

M. Protest Procedures

A protest against a proposed amendment may be filed in writing by~~H~~ the owners of 20 percent or more of~~z~~ either;

1. ~~of t~~The area of the parcel(s) of land included in the proposed zoning map amendment~~z~~; or
2. The area of those parcel(s) of land immediately adjacent in the rear or any side of the subject property(ies) extending 150 feet from the subject property(ies)~~z~~; or
3. The area of those parcel(s) of land directly opposite the subject property(ies) extending 150 feet from the street frontage of the opposite parcels of land,~~z~~ ~~file a protest in writing against a proposed amendment~~

Such protest shall be hand-delivered to the City Clerk by no later than 12:00 noon five business days after the City Council first considers the application at a public hearing. ~~If a timely protest is filed,~~ the amendment shall not become effective except by a favorable vote of three-fourths of all members of the Council. If any member of the Council is unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths of the remaining membership of the Council, provided that such required number of votes shall in no event be less than a majority of the full membership of the Council.

Most Arizona cities include language in their Codes that prescribe the time frame within which a protest of a proposed zone change application should be filed with the City. This amendment is, therefore, proposed as the City Clerk agrees that the Flagstaff Zoning Code should have a similar provision.

- Page 20.50-10

N. Conditions of Approval

2. Such conditions of approval may include, but are not limited to:

- c. Limitations on the height, setbacks, FAR, or other standards specific to the approved Zone which are more restrictive than the applicable requirements of Division 10-40.30 (Non-Transect Zones) or 10-40.40 (Transect Zones);
- h. A stipulation that if the subject property is not located within the Resource Protection Overlay Zone (see Section 10-40.50.030 (Overlay Zones)), then compliance with the resource protection standards established in Division 10-50.90 (Resource Protection Standards) is required.

The amendment in paragraph c. is suggested to also include transect zones. The amendment in subparagraph h. was suggested by the former Planning Director and staff. It allows a condition of

approval to be added that would require compliance with Division 10-50.90 (Resource Protection Standards) when a zone change is requested in areas of the City that are not subject to the Resource Protection Overlay Zone.

Division 10-20.60: Nonconforming Provisions

10-20.60.010 Purpose

- Page 20.60-1

A. Purpose

This Division provides regulations for nonconforming land uses, structures, parcels, [landscaping, manufactured home parks, parking](#), signs, and outdoor lights that were lawful before the adoption or amendment of this Zoning Code, but which would be prohibited, regulated or restricted differently in compliance with the current regulations.

This minor amendment completes the list of nonconforming issues included within in this Division.

10-20.60.070 Nonconforming Manufactured Home Parks

- Page 20.60-5

- A. Existing manufactured home parks located outside of the MH Zone prior to the effective date of this Zoning Code are considered legal nonconforming uses. All new or replaced manufactured home units placed within legal nonconforming manufactured home parks shall meet the standards ~~of Section 10-40.60.210 (Manufactured Home) and the standards~~ provided in Subsection C below.

The reference to the standards in Section 10-40.60.210 is incorrect as the standards regarding separation between manufactured homes are already established in Subsection C.

- B. A nonconforming manufactured home may be replaced by ~~a travel trailer or a recreational vehicle that has dimensions of eight feet by 32 feet or greater, or~~ a park home permitted in accordance with Building Code requirements.

Staff suggests that it is not appropriate to allow travel trailers or RVs to replace nonconforming manufactured homes.

10-20.60.090 Nonconforming Parcels or Lots

- Page 20.60-7

B. Subdivision of a Nonconforming Parcel or Lot

3. Owners of single, nonconforming lots or parcels, or lots or parcels combined in compliance with Subsection 2 above that are nonconforming, may be granted a Building Permit upon approval by the Director. In granting the approval, the Director may authorize only development that complies with all relevant zoning requirements, except for minimum area requirements for the parcel and its dimensions. ~~The lots or parcels described in Subsection 4 below shall not be eligible for a Building Permit.~~

The last sentence of this paragraph should be deleted as it is unnecessary because Subsection 4 was deleted at the time of the Code's adoption.

Proposed Amendments to the Zoning Code

City Council Public Hearing Draft

Final Planning and Zoning Commission Recommendation

Updated: 9/16/2015; 12/16/2015;

Chapter 10-30: General to All

During the City Council's December 15, 2015 public meeting the Council discussed this chapter and provided policy direction on a number of specific sections as summarized in the table below. This table also summarizes other minor technical amendments identified by staff. All new proposed amendments are **highlighted** throughout this document.

Note that Division 10-30.30 (Heritage Preservation) is included in a separate document. The Council did not provide any policy direction on amendments in this Division.

Section No.:	Zoning Code Page No.:	Brief Description	Page No. (this document):
10-30.50.010 Purpose	30.50-1	Council – Provides an important cross reference when public improvements are required to mitigate the impacts of new development.	2
10-30.50.020 Responsibilities	30.50-1	Council – Provides an important cross reference when public improvements are required to mitigate the impacts of new development.	3
10-30.50.030 Public Improvements Defined	30.50-1	Council – Provides an important cross reference when public improvements are required to mitigate the impacts of new development.	3
10-30.50.060 Minimum Requirements	30.50-3	Council – Provides an important cross reference when public improvements are required to mitigate the impacts of new development.	3
10-30.60.060 Building Placement	--	Council – New section based on former standards in the LDC establishing standards for building placement. Updated to reflect Council and citizen comments.	14
10-30.70.040 Minimum Standards	30.70-3	Staff – Clarifies how the HERS reference home rating is applied.	18

Division 10-30.20: Affordable Housing Incentives

10-30.20.040 Affordable Housing Incentives

- Page 30.20-7

3. Parking Incentives

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

4. Adjustment of Building Form Standards

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

5. Landscaping Standards Reductions

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

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

10-30.20.050 Density Bonus

- Page 30.20-7

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

For a site that has a maximum density of 100 units and provides 12 units (12 percent) affordable to category 2 households, the density bonus would be ~~22~~¹¹ percent. The density bonus would be calculated as: $100 \times .\del{22}{11} = \del{22}{11}$ units. The total units constructed would be ~~122~~¹¹¹ units (100 units + ~~22~~¹¹ density bonus units).

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

Division 10-30.30: Heritage Preservation

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

Division 10-30.50: Public Improvements

10-30.50.010 Purpose

- Page 30.50-1

It is the intent and purpose of this Section to set forth the minimum acceptable standards for public improvements that are required to mitigate the impacts of new development as determined by an appropriate impact study (see Section 10-30.50.060), to define the responsibility of the applicant in planning, constructing and financing public improvements; and to set forth the City's responsibilities in the review and acceptance of public improvements.

This minor amendment provides an important clarifying cross reference when public improvements are required to mitigate the impacts of new development.

10-30.50.020 Responsibilities

- Page 30.50-1

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

A. Responsibilities – All Single-family Residential Subdivisions

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

not limited to, changes required to the submitted plans as a result of Building Code amendments that may be in effect.

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

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

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

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

B. Responsibilities – All Other Development

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

b. An assurance has been provided pursuant to Division 10-20.100 (Assurance of Performance for Construction).

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

3. The applicant must have an engineer who is registered in the State of Arizona prepare a complete set of improvement plans for constructing required public improvements. Such plans ~~must~~shall be based on the approved preliminary plat (if applicable), zoning case, site plan, and/or staff approved ~~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 ~~ing~~ in a City approved improvement district.

10-30.50.030 Public Improvements Defined

- Page 30.50-1

Public improvements mean any right-of-way, easement, access right or physical improvement that is required to mitigate the impacts of new development, as determined by an appropriate impact study, and which, upon formal acceptance by the City, becomes the responsibility of the City for ownership, maintenance and repair, unless provided by others including the maintenance of sidewalks and certain landscaping (See City Code Chapter 8-01). Such public improvements may include, but are not limited to, roadways and alley sections including pavement, base course, street lights, curbs and gutters, sidewalks or urban trails and FUTS trails, traffic control improvements, right-of-way landscaping and irrigation systems, drainage facilities, fire hydrants and utilities, including water, sewer, gas, electric power, telephone, and cable television, and all other improvements, which upon completion, are intended to be for the use and enjoyment of the public.

This minor amendment provides an important clarifying cross reference when public improvements are required to mitigate the impacts of new development.

10-30.50.040 Public Improvement Agreement

- Page 30.50-2

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

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

10-30.50.0450 Exemptions

- Page 30.50-2

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

- A. An expansion or alteration of an existing nonresidential or multi-family residential use that results in a 25 percent or less increase in the intensity of the use in terms of additional dwelling units, gross floor area, seating capacity or parking spaces, either with a single or cumulative addition(s) or expansion(s); or.
- B. An expansion or alteration of an existing nonresidential or multi-family residential use that results in a change of ~~less than~~ 50 percent or less of the actual value of the structure prior to the start of construction as determined from the records of the Coconino County Assessor or by a current appraisal by an appraiser licensed by the State of Arizona; or.
- C. Construction of or alteration to ~~of~~ a single-family detached residence or a duplex residence of any value ~~or an addition or alteration to an existing single-family residence or existing duplex residence, sized in accordance with the minimum requirements provided in the Engineering Standards.~~

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

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

10-30.50.05~~60~~ Impact Analysis Required

- Page 30.50-3

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

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

B. When an impact study identifies impacts to the City's public infrastructure that are attributable to the proposed development, impact mitigation is required. The design and construction of improvements to mitigate the identified impacts shall be constructed by the applicant.

C. [Impact analyses shall be valid for the period of time as defined in the Engineering Standards and the Stormwater Regulations.](#)

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

[D.](#) The requirements of this Subsection may be waived with the consent of both the City and the applicant.

10-30.50.06~~70~~ Minimum Requirements

- Page 30.50-3

The public improvements required pursuant to this Division shall have a rational nexus with, and shall be roughly proportionate to, the impact(s) created by the subdivision or land development as determined by the studies described in Section 10-30.50.060 (Impact Analysis Required),⁷ above. The presumptive minimum requirements ~~that are required~~ for public improvements [as described in Section 10-30.50.030 \(Public Improvements Defined\)](#) are:

A. Right-of-Way

1. If, as determined by the City Engineer, the property to be developed does not have adequate rights-of-way due to the new development, or will not accommodate ~~the proposed or contemplated~~ public improvements ~~that are required to mitigate the impacts of the new development~~, then necessary right-of-way ~~shall~~[must](#) be ~~dedicated~~[granted](#) to the City.

2. The City Engineer may impose special requirements, such as imposing additional setbacks, to assure future right-of-way needs as may be contemplated under the existing General Plan or other approved land use documents.

a. In the event that the granting of right-of-way or drainage way creates a nonconforming lot due to the decrease in land, the remainder ~~ing portion~~ will ~~shall~~ be considered a legal nonconforming lot.

~~a.b.~~ When it is necessary for a development to improve a street and, ~~after application of the requirements of Section 10-30.50.040.B,~~ sufficient right-of-way is not available from other area property owners not subject to the provisions of this Division, the Director, with the approval of the Council, may pursue all legally permissible steps in order to obtain the property necessary for the right-of-way, provided there is a demonstrated public need for the additional right-of-way. All costs associated with the dedication of such right-of-way, including all legal fees, shall be the responsibility of the applicant.

The amendments in Subsection A.1 provide an important clarifying cross reference when public improvements are required to mitigate the impacts of new development. Further, the standards in Subsection A have been divided into two new paragraphs to make a distinction between (1) required dedication as a result of impacts created by a new development and (2) dedication necessary because of right-of-way needs contemplated in the General Plan or a similar document. The cross reference deleted in Paragraph 2.b is incorrect, and is not needed. The City Attorney and the City Engineer, consistent with long-standing City practice, recommend that a statement be included to confirm that all costs, including legal fees, associated with right-of-way dedication should be the responsibility of the applicant rather than the City.

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	Purpose
10-30.60.020	Applicability
10-30.60.030	General Site Planning Standards
10-30.60.040	<u>Natural Features and Site Drainage</u>
10-30.60.050	<u>Compatibility</u>
10-30.60.060	<u>Building Placement</u>
10-30.60.070	Pedestrian and Bicycle Circulation Systems
10-30.60.0780	Compatibility Parking Lots, Driveways and Service Areas
10-30.60.080	<u>Pedestrian and Bicycle Circulation System</u>
10-30.60.090	Open Spaces, Civic Spaces and Outdoor Public Spaces
10-30.60.100	Private Streets

10-30.60.020 Applicability

- Page 30.60-1

D. Exemptions

The standards found within this Division shall not apply to:

1. Industrial uses [not located in the Research and Development Zone; not defined as business park uses; and](#)
2. [Any change of use of a building or property that does not affect site design or layout.](#)

This amendment more precisely and correctly exempts industrial uses from the requirements of this Division except if an industrial use is located within the RD Zone. Further, consistent with established practice, staff recommends that a change of use of a building or property that has no effect on site design should also be exempt from the requirements of this Division.

10-30.60.030 General Site Planning Standards

- Page 30.60-4

Project siting has the greatest impact on how effectively sustainable development principles can be addressed. Careful planning, design, and construction enables new development to take advantage of Flagstaff's climate to reduce energy usage and costs, thereby providing long term economic sustainability as energy prices fluctuate. On the other hand, poor project siting and design can detrimentally impact the potential to harvest solar energy, create a less automobile dependent environment, and address economic and agricultural sustainability. The optimal layout of any project site requires an in-depth understanding of local context and [completion of](#) a detailed site analysis [plan](#).

A site analysis [plan](#) is particularly important in Flagstaff, where widely varying terrain, scenic views, natural watercourses, preservation of existing vegetation, and relationships to existing development, especially residential development, must be considered in site planning. All development proposals shall to the maximum extent feasible demonstrate a diligent effort to retain significant existing natural features characteristic of the site and surrounding area. Therefore, a completed site analysis [plan](#) must be included with an application for new development submitted to the Director. All new development proposals will be reviewed with respect to their response to the physical characteristics of the site and the contextual influences of the surrounding area. These should be considered early and throughout design development. Special attention should be given to maintaining the Urban Growth Boundary and proximity to sensitive areas as defined in the General Plan, such as Walnut Canyon or Picture Canyon.

The following items as illustrated below are essential components of a [site analysis plan for](#) ~~a~~ potential development sites:

This simple revision clarifies that the site analysis must be completed as a site analysis plan (a new term defined in Chapter 10-80 (Definitions)) and submitted with a development application.

- Page 30.60-4
B. **Solar Orientation or Aspect**

Clerical Note: Add Figure A. Components of a Site Analysis and Figure B. Diagram showing areas with high potential for using solar power and solar water heating based on the orientation of slopes to the existing illustrations on Pages 30.60-2 and 30.60-3 respectively.

[2. The use of solar collectors for the purpose of providing energy for heating or cooling is permitted in all zones, whether as part of a principal structure or as an accessory structure.](#)

[3.2.](#) The forest resources required to be protected within a new development site (See Division 10-50.90 (Resource Protection Standards)) that are located on the south or west side of [any](#) proposed building(s) may be removed to ensure that the buildings, [as well as any associated solar collectors](#) maximizes ~~their~~^{its} 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 ...

The amendment in paragraph 2 permits solar collectors on principal and accessory buildings in all zones.

The minor amendments in paragraph 3 include solar collectors on a building or structure with its solar access potential as a consideration for the removal of otherwise required forest resources.

- Page 30.60-6

H. Built Environment and Land Use Context

1. The context of the site should be taken into account in the design of the new development. Key contextual influences that should be identified, analyzed, and considered in the planning process include:
 - a. Land use and site organization in relation to building form, character and scale of existing and proposed development;
 - b. Sensitivity and nature of adjoining land uses in order to avoid ~~unreasonable for example~~, noise, odors, or traffic impacts;
 - c. Location of property boundaries and setbacks;
 - d. Location of adjacent roads, driveways, off-street vehicular connections, pedestrian ways, access points, bicycle facilities, and easements;
 - e. Locations of existing or proposed transit facilities;
 - fe. Existing structures and other built improvements;
 - gf. Prehistoric and historic sites, structures, and routes, and
 - hg. Other features of the site and/or surrounding area that may be impacted by or may impact the proposed development.
2. Developments shall ~~adhere to~~follow the standards in Section 10-30.60.060 (Open Spaces, Civic Spaces, and Outdoor Public Spaces) and Section 10-30.60.040 (Pedestrian and Bicycle Circulation Systems).

Bicycle facilities and transit facilities are important elements of a site analysis and should have been included in this Section.

10-30.60.040 Natural Features and Site Drainage

- Page 30.60-6

The standards that follow are intended to ensure that site work is planned to protect the natural features of a development site and to ensure that natural features are incorporated as an amenity into the overall site plan.

A. Applicable to All Zones

1. Topography

- a. The extent and visual impacts of cut and fill on a site shall be minimized, and large grade changes must be divided into a series of benches and terraces, where feasible. [Add illustrations from LDC, Chapter 16 – Middle and bottom of Page 35]

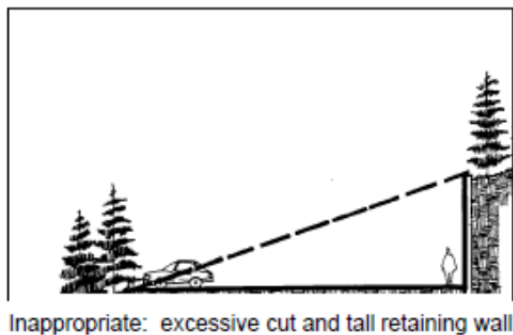


Figure A.

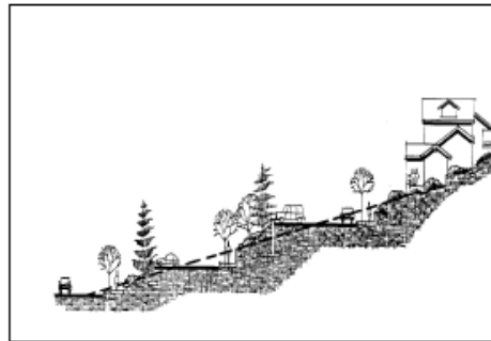
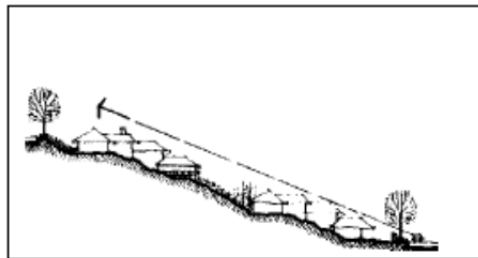


Figure B.

(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]

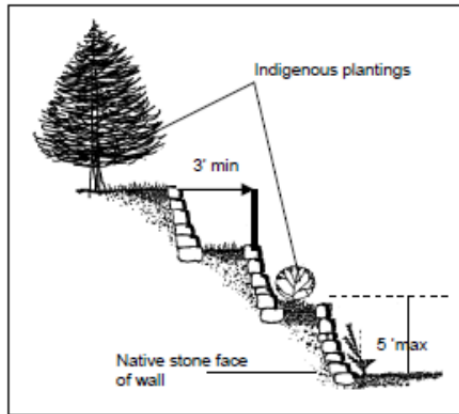


Figure D.

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 establishes the form and pattern for the development along a street which in turn affects the human-scale of a site layout, its economic vitality, and how well the site functions with the connections between buildings, parking areas, and adjacent development.

A. Building-forward design solutions that ensure the building front is located at or near the sidewalk edge are required. Display windows and other architectural features that provide interest to pedestrians shall also be incorporated into the design. See also Section 10-50.20.030 (Architectural Standards) with specific reference to the Location and Orientation of Building Entrances and Windows Subsections.

B. When buildings are located at or near a sidewalk edge, the following standards apply to allow flexibility with site layout:

1. Required building foundation landscaping (See Section 10-50.60.050 (Landscaping Standards)) is not required along a street frontage and only peripheral buffer landscaping is required;
2. Forest resource protection standards (See Section 10-50.90.060 (Forest)) may be reduced by 5 percent; and
3. When there is a requirement for both open space (See Section 10-40.30.030 (Residential Zones)) and civic space (See Section 10-30.60.060 (Open Spaces, Civic Spaces and Outdoor Public Spaces)) on a development site, the civic space will be counted towards the open space requirement.

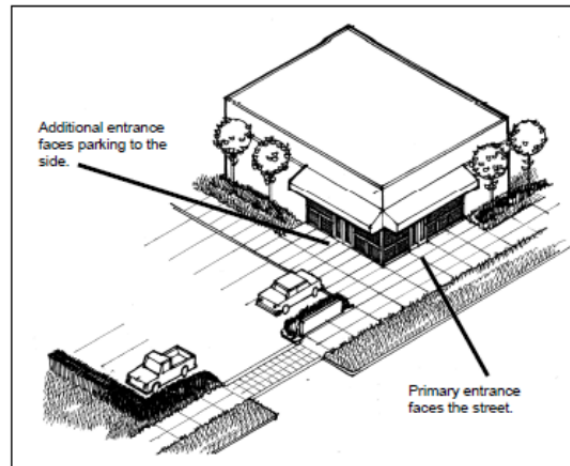
Figure A. A good example of a building placed close to a public street with strong pedestrian connections between the sidewalk and building entrances.



~~A.C.~~ The primary entrance to a building shall be located to face a street or be connected to a street through the design of a building entry zone. The primary entrance to a building may also face a plaza or pedestrian way. When it is not possible to locate the primary entrance to face the street, plaza, or pedestrian way, a secondary entrance should be designed to connect to these public spaces.

[Add illustration from LDC, Chapter 16 – Middle of Page 54]

Figure B.



Update this illustration to make it clearer and to illustrate all concepts coded in the Section.

D. If it is not feasible to locate a building at the sidewalk edge (e.g. to accommodate a drive through lane), a screen wall designed to match the building materials of the primary building on the site or similar landscape feature is required. If the prevailing building placement of a block is characterized by building forward design, then the provisions of this Subsection shall not apply.

This is a new section to this Division that incorporates design standards from the LDC that were inadvertently omitted from the new Zoning Code. Staff has consistently required building forward design through the application of Section 10-30.60.050 (Parking Lots, Driveways and Service Areas) – see below – in which parking areas are required to be behind or to the side of a building. Examples of some successful projects in recent years are included in an attachment to the staff summary for the December 1, 2015 work session. The former LDC standard requiring a building entrance to face a street has been modified to include the building entry zone, a concept introduced in 2014 into the Zoning Code with the amendments to Division 10-50.100 (Sign Standards).

Subsection B. has been inserted to provide additional standards that make it easier to place a building forward on a development site. Based on recent staff experience one of the issues is the need for reduced landscaping in such a situation and hence required building foundation along a street frontage is not required because otherwise an excess amount of landscape materials are needed. Further incentives include reductions in forest resources and the ability to overlap civic space with open space. These relaxed standards provide more flexibility to developers and make it easier to meet the intent of building forward design.

The amendment proposed in the second sentence of Subsection C. acknowledges that if the primary entrance to the building cannot face a street/sidewalk, then a secondary entrance should be designed to make this connection. This is also possible by applying the “building entry zone” concept so that signage can direct customers to the entrance to the building.

New Subsection D. provides a new standard that permits a building not to be placed close to a property line (such as when a drive-through lane needs to be accommodated), in which case a screen wall is required.

Many of the former design standards have been consolidated and simplified, and the drawings from the LDC's design standards will be included in this Division to better illustrate these concepts.

COUNCIL: At the November 10th work session the Council directed a number of comments and questions to staff on the amendments proposed above in response to comments received at that work session from two members of the public. Staff has carefully reconsidered the amendments based on this feedback, the result of which is the changes highlighted and explained above. Note that no amendments are necessary in Section 10-20.40.090 (Minor Modifications to Development Standards) as suggested by staff in an email to Council dated November 13, 2015.

Note that an amendment is also proposed in Section 10-40.60.160 (Drive-through Retail or Service Facility) that would allow a drive through lane to be placed between the property line and the front of the building. The current Zoning Code prohibits this practice.

COUNCIL: Council and staff further discussed this Section in the December 15th work session.

10-30.60.0750 Parking Lots, Driveways and Service Areas

- Page 30.60-9

A. Applicable to All Zones

3. To the maximum extent feasible, parking lots on a primary frontage shall be completely ~~or mostly~~ located to the side or behind a building rather than in front to reduce the visual impact of the parking lot.

This amendment more precisely and clearly defines the requirement for a parking area to be placed behind or to the side of a building on a primary frontage only consistent with staff's application of the former LDC. This means that on a secondary frontage this standard would not apply. This standard is directly related to the standard in new Section 10-30.60.060 (Building Placement) paragraph A regarding building forward design. Staff has analyzed a number of developments recently approved in the City and they would meet this standard, some with minor modifications to the site design. Insert a new illustration.

6. ~~Parking lots shall also meet the standards established in Section 10-50.80.080 (Parking Spaces, Lot Design and Layout).~~ Drive-through aisles and stacking areas shall meet the design standards established in Section 10-40.60.160 (Drive-through Retail or Service Facility).

The provision proposed to be deleted in this paragraph is already stated in Paragraph 1 of this Section, and is therefore, redundant. The new text in the proposed amendment provides a useful cross reference to the standards for drive-through aisles and stacking areas in Section 10-40.60.160 (Drive-through Retail).

7. Developments shall minimize the number of curb cuts onto a public street along a property edge by sharing driveways with an adjacent property to the maximum extent feasible.
8. Direct vehicular access via R roads or driveways shall ~~be connect~~ linked with the overall site circulation patterns ~~with~~ of adjacent parcels.

This minor amendment based on language in the former LDC's Design Guidelines reinforces the need for connections between adjoining parcels.

9. Driveways that connect to parking areas or service areas shall not be located between the front of a building and the property line adjacent to the public right-of-way.

This amendment ensures that driveways (as well as parking areas – see #3 above) are not placed between a building and a public right-of-way. Refer also to the amendments proposed in Section 10-40.60.160 (Drive-through Retail or Service Facility) that would allow a drive-through lane to be located between the front of a building and the property line adjacent to a public right-of-way. Such driveways are currently prohibited in the current Zoning Code but are frequently necessary, for example, in the Trax development where site conditions would otherwise prohibit drive-through facilities.

109. Service entrances, waste disposal areas, and other similar uses shall be oriented toward service lanes and away from major streets.

Renumber all following paragraphs.

10-30.60.09~~60~~ Open Spaces, Civic Spaces, and Outdoor Public Spaces

- Page 30.60-911

B. Applicable to Non-Transect Zones

1. Civic or Public Space Requirement

- c. Development sites that provide civic spaces are allowed the following:

- (1) A five percent reduction of on-site forest and/or slope resource protection standards as required by Division 10-50.80 (Resource Protection Standards) is permitted when on-site design conforms to the *Flagstaff Area Open Spaces and Greenways Plan* and public non-motorized pedestrian and bicycle access is included when applicable.

This minor amendment clarifies that the resources reduction would also apply to a FUTS trail.

Renumber the following sections:

10-30.60.08~~70~~ Pedestrian and Bicycle Circulation System

10-30.60.09~~60~~ Open Spaces, Civic Spaces, and Outdoor Public Spaces

10-30.60.10~~70~~ Private Streets

Division 10-30.70: Residential Sustainable Building Standards

10-30.70.040 Minimum Standards

- Page 30.70-3

B. Transportation/ Air Quality

- 2. The development is located within at least ¼ mile of a FUTS trail or~~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.

D. Energy Efficiency

1. In order to qualify for the density incentive established in Table 10-30.20.050.A (Percentage of Affordable Housing Units and Corresponding Density Bonus) an efficiency standard that is 50 percent of the ~~current~~ HERS Reference Home rating established in the 2003 International Energy Conservation Code as measured on the HERS (Home Energy Rating System) index shall be met. Solar collectors, including solar thermal and photovoltaic systems may be installed to ensure that the residence qualifies.

This minor amendment clarifies that the HERS Reference Home rating is based on the 2003 International Energy Conservation Code.



Proposed Amendments to the Zoning Code

City Council Public Hearing Draft

Final Planning and Zoning Commission Recommendation

Updated: 12/16/2015;

To make the proposed amendments in Division 10-30.30 (Heritage Preservation) easier to follow and understand, the entire Division is included here with all changes made in Track Changes format accepted.

The City Council identified no policy issues in this chapter and no additional staff amendments are proposed.

Division 10-30.30: Heritage Preservation

Sections:

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

10-30.30.010 Purpose

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, 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.

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.

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:

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).

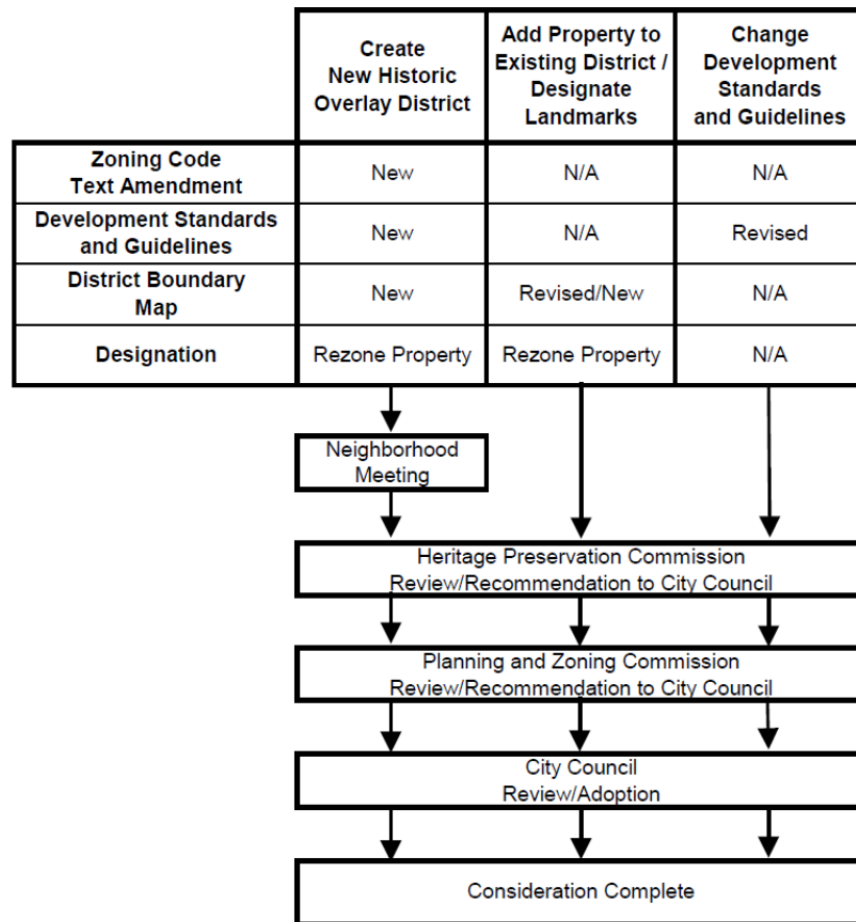


Figure A. Processes for the Designation of a Landmark Property and Historic Overlay Zone

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).

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).

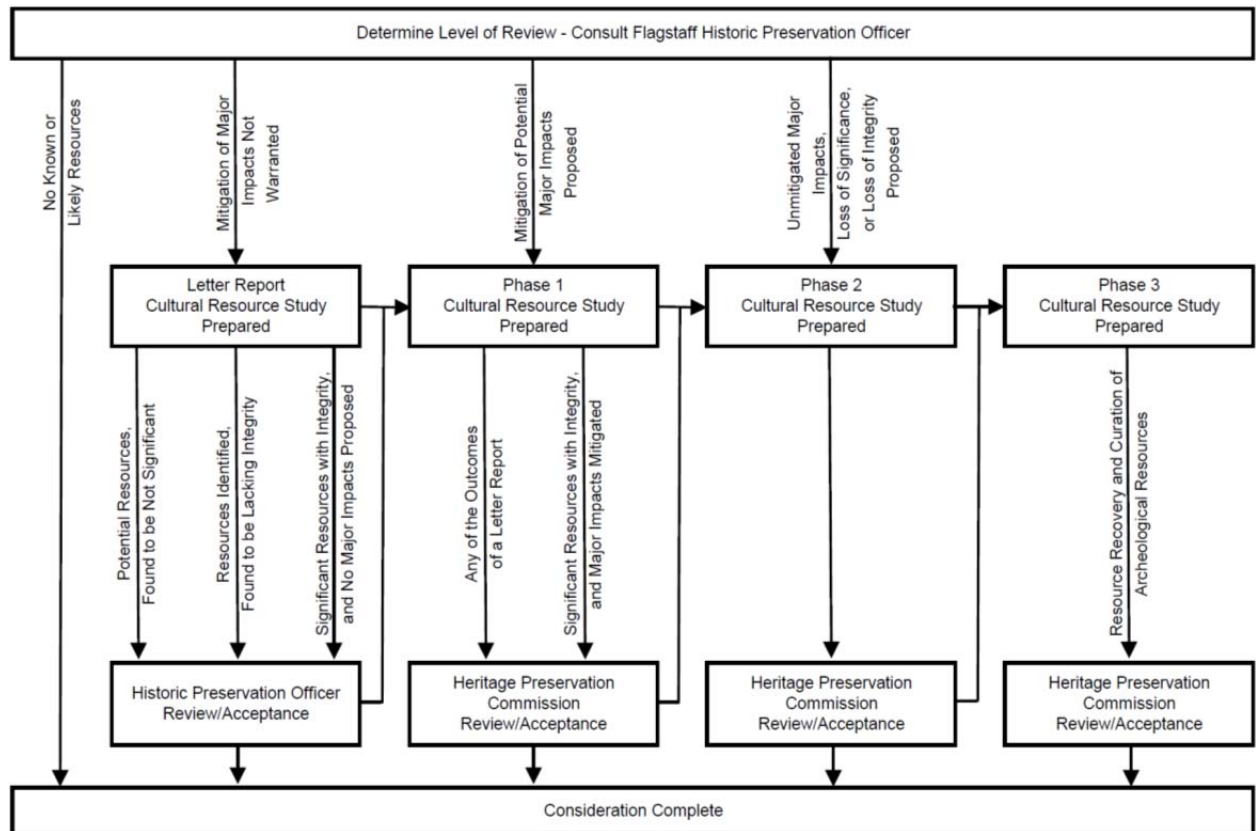


Figure B. Processes for Consideration of Cultural Resources

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

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).

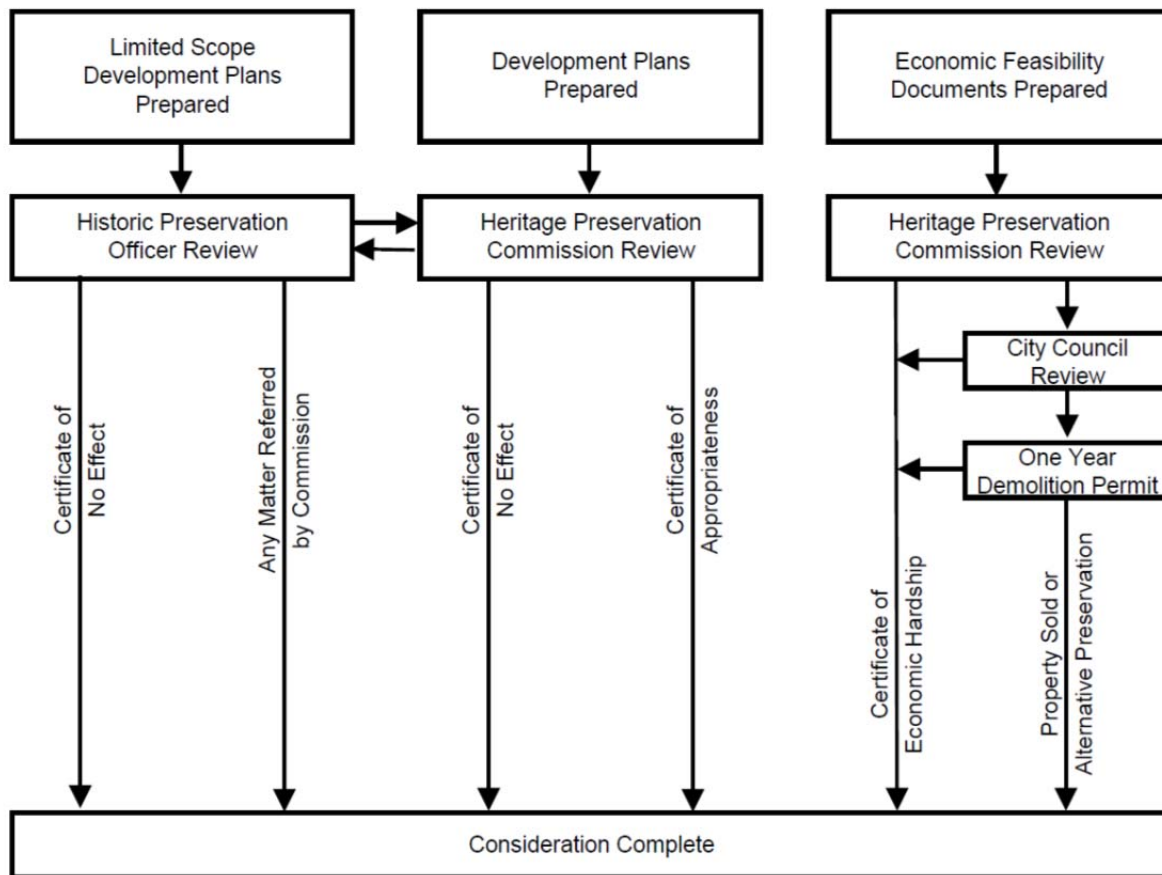


Figure C. Processes for Review of Development in a Landmark Property and Historic Overlay Zone

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.

10-30.30.070 Violations and Enforcement

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

10-30.30.080 Appeals

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

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Proposed Amendments to the Zoning Code

City Council Public Hearing Draft

Final Planning and Zoning Commission Recommendation

Updated: 12/16/2015;

To make the proposed amendments in Division 10-30.30 (Heritage Preservation) 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 clean version of this Division with all changes accepted is available as a separate document.

The City Council identified no policy issues in this chapter and no additional staff amendments are proposed.

Division 10-30.30: Heritage Preservation

Sections:

- [10-30.30.010 Purpose](#)
- [10-30.30.020 Applicability](#)
- [10-30.30.030 General Provisions](#)
- [10-30.30.040 Designation of Landmark Properties or Historic Overlay Zones](#)
- [10-30.30.050 Cultural Resources](#)
- [10-30.30.060 Development of a Landmark Property and Property within a Historic Overlay Zone](#)
- [10-30.30.070 Violations and Enforcement](#)
- [10-30.30.080 Appeals](#)
- ~~10-30.30.010 Purpose~~
- ~~10-30.30.020 Applicability~~
- ~~10-30.30.030 General Provisions~~
- ~~10-30.30.040 Flagstaff Register of Historic Places~~
- ~~10-30.30.050 Cultural Resources~~
- ~~10-30.30.060 Development of Property within a Historic Overlay Zone~~
- ~~10-30.30.070 Violations and Enforcement~~
- ~~10-30.30.080 Appeals~~

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

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.

10-30.30.030 General Provisions

A. Conflicting Provisions

When ~~it is not feasible for proposed development to comply with the~~ provisions of this Division conflict with ~~and~~ any other laws, codes, or regulations, then the provisions of this Division shall govern, except for

matters of life safety where the more restrictive of such laws, codes, or regulations shall apply.

~~C.B.~~ **General Application Requirements**

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

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

~~D.~~

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

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

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

1. Applicability

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

- a. Cultural Resource Studies that are Letter Reports; 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.

~~c.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.F); and~~
- ~~5. Certificate of Economic Hardship (Section 10-30.30.060.F).~~

G.D. Concurrent Development Application Review

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

H.E. Expiration of Approvals

1. Any approval pursuant to this Division ~~by the Heritage Preservation Commission or the Heritage Preservation Officer~~ shall automatically expire if the plans are altered or construction proceeds in a manner such that the documentation submitted as the basis of the approval no longer accurately represents the work. See also Section 10-30.30.070 (Violations and Enforcement).
2. Any approval pursuant to this Division ~~by the Heritage Preservation Commission or Heritage Preservation Officer~~ automatically expires one year after the date of approval, unless the work associated with the approval is underway and due diligence toward completion of the work can be demonstrated.

F. Unknown or Undiscovered Conditions

During the course of any work, ~~if a potential cultural resource is discovered which was previously unknown~~, all work that could impact ~~a~~ the cultural resource shall be stopped immediately and the Historic Heritage Preservation Officer shall be notified if;

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

~~If the Heritage Preservation Officer determines that the cultural resource is potentially significant, 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)).

+

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.

~~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.~~

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

1.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 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 10.20.30.0670 (Neighborhood Meeting). Notice of the Heritage Preservation Commission's public meeting shall be in compliance with Section 10-20.30.060 (Neighborhood Meeting).
- ~~f.~~ Prior to, or jointly with, the Planning Commission public hearing, the Heritage Preservation Commission shall render its decision in the form of a written recommendation to the Planning Commission and Council. conduct a public hearing and shall cause its The Heritage Preservation Commission may recommendation for approval, approval with conditions, or denial of the Landmark Property request. of the proposed Historic Overlay Zone to be forwarded to the Planning Commission and Council.
- g. Public hearings of the Planning Commission and Council shall be noticed and conducted in accordance with Section 10.20.30.0100 (Public Hearing Procedures). The Planning Commission and Council shall act on the Heritage Preservation Commission's recommendation in accordance with the procedures established in Section 10-20.50.040 (Procedures).

~~b.~~

~~e. In addition to the above procedures, new Historic Overlay Zones may also require a text amendment to the Code to create the new zone following the procedures outlined in Division 10-20.50 (Amendments to the Zoning Code Text or the Official Zoning Map).~~

~~Modification(s) to the boundaries of designated Historic Overlay Zones, including or excluding properties, shall be adopted in accordance with this process.~~

~~d.~~

4. Process for Designation of a Historic Overlay Zone

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

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

- d. A copy of the staff report shall be made available to the public and any applicant prior to the Heritage Preservation Commission's public meeting.
- e. Prior to the Heritage Preservation Commission public meeting, the applicant shall conduct a neighborhood meeting pursuant to Section 10.20.30.060 (Neighborhood Meeting). The Heritage Preservation Commission's public meeting shall be noticed in compliance with Section 10-20.30.080 (Notice of Public Hearings).
- f. The Heritage Preservation Commission shall render its decision in the form of a written recommendation to the Planning Commission and Council. The Heritage Preservation Commission may recommend approval, approval with conditions, or denial of the Landmark Property request.
- g. Public hearings of the Planning Commission and Council shall be noticed and conducted in accordance with Section 10.20.30.010 (Public Hearing Procedures). The Planning Commission and Council shall act on the Heritage Preservation Commission's recommendation in accordance with the procedures established in Section 10-20.50.040 (Procedures).
- h. In addition to the above procedures, new Historic Overlay Zones also require a text amendment to the Zoning Code to create the new zone following the procedures outlined in Section 10-20.50.040.B.2.
- e.i. Modification(s) to the boundaries of designated Historic Overlay Zones by including or excluding properties shall be adopted in accordance with this process.

~~4. Specific Application Requirements~~

~~The designation of property as a Landmark, Historic Property, or Historic Overlay Zone requires a Zoning Map amendment of the property to a Historic Overlay Zone and shall follow all of the application requirements of a Zoning Map amendment application specified in Division 10-20.50 (Amendments to the Zoning Code Text or the Official Zoning Map), except as modified by the following:~~

~~The Council, Heritage Preservation Commission, or an owner of affected real property may initiate designation;~~

- ~~a. Applications for designation do not require an assessment of natural resources otherwise required in Division 10-50.80 (Resource Protection Standards), any public facilities and service impact analysis, a site plan, or a Development Master Plan; and~~
- ~~b. In addition to the other specified submittal requirements, applications for designation require the submittal of:~~

(1) ~~— A description of the proposal that includes descriptions of the cultural resources (including significance and integrity), the context (including text, maps, and photographs), a map and legal description of the proposed boundaries and how the proposed boundaries were determined;~~

(2) ~~Proposed zone specific development standards and guidelines (if any); and~~

(3) ~~If the proposal includes property other than that owned by the applicant, then, a petition in favor of the request, and on a form prescribed by the City, must be signed by affected property owners representing at least 51 percent of the included parcels.~~

Throughout the Zoning Code all submittal requirements applicable to permits or process applications have been removed and are included instead on each application form as a check list. Consistent with this philosophy, the application requirements for a Landmark Property and Historic Overlay Zone have been removed from this Division and will be added to updated application forms.

5. ~~Process~~

~~The designation of property as a Landmark, Historic Property, or Historic Overlay Zone is accomplished through adoption of a Historic Overlay Zone as represented in Figure A (Processes for Historic Overlay Zones), and shall follow all of the procedural requirements of an application for a zoning map amendment specified in Division 10-20.50 (Amendments to the Zoning Code Text or the Official Zoning Map), except as modified by the following:~~

~~a. Prior to the Heritage Preservation Commission public hearing, the Heritage Preservation Officer shall conduct the required neighborhood meeting pursuant to Section 10.20.30.070 (Neighborhood Meeting).~~

~~a. Prior to, or jointly with, the Planning Commission public hearing, the Heritage Preservation Commission shall conduct a public hearing and shall cause its recommendation for approval or denial of the proposed Historic Overlay Zone to be forwarded to the Planning Commission and Council. Public hearings shall be noticed and conducted in accordance with Section 10.20.30.0100 (Public Hearing Procedures).~~

~~b. In addition to the above procedures, new Historic Overlay Zones may also require a text amendment to the Code to create the new zone following the procedures outlined in Division 10-20.50 (Amendments to the Zoning Code Text or the Official Zoning Map).~~

~~c. Modification(s) to the boundaries of designated Historic Overlay Zones, including or excluding properties, shall be adopted in accordance with this process.~~

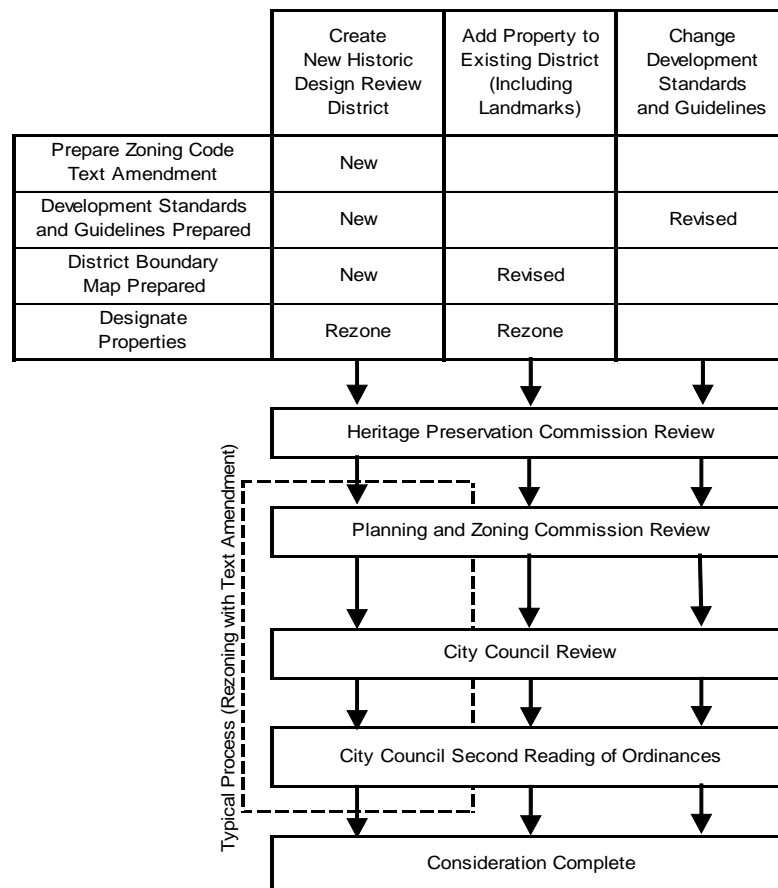


Figure BA - Processes for Historic Overlay Zones

[Add a new Figure A for Landmark Properties and amend Figure B.](#)

10. ~~Zone-Specific Development Standards and Guidelines~~ New Historic Overlay Zones require the adoption of development standards and design guidelines that are specific to the district.

~~d.a.~~ Adoption of development standards and design guidelines associated with a new Historic Overlay Zone shall be a fully integrated part of the process for designation of the zone and adopted by an ordinance of the Council.

~~e.b.~~ Modification(s) to adopted development standards and guidelines shall be adopted in accordance with the process for designation of a new zone, except that the application requirements exclude the need for all other documentation.

11. Interim Protection for Nominations

—Commencing with the Historic Preservation Commission making a recommendation for approval of a Historic Overlay Zone, Building or

Demolition Permits for any property within the proposed Historic Overlay Zone shall not be issued until any one of the following occurs:

~~f.a.~~ The Historic Preservation Officer has reviewed the proposed work and determined that the proposed work ~~is~~would not ~~be~~ subject to the provisions of this Division, or, ~~that the proposed work~~ will clearly not have a major impact on a significant resource.

~~g.b.~~ The Council has approved or denied the proposed Historic Overlay Zone. In the case of zone approval, all work in the new Historic Overlay Zone~~delayed permits~~ shall be ~~fully~~ subject to the provisions of this Division, ~~including any zone specific development standards and guidelines and approval by the Heritage Preservation Commission.~~

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

E. Individual Signs of Historic or Cultural Significance

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

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

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

(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;~~i~~ 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).

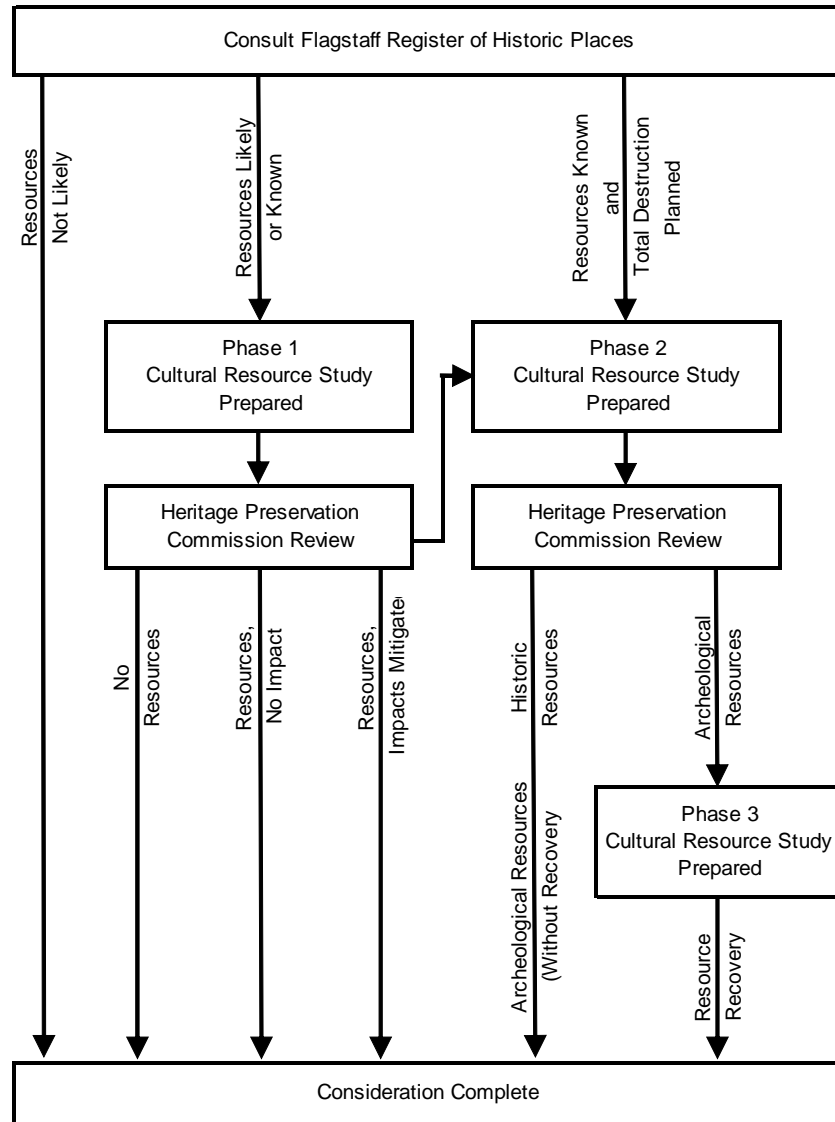


Figure B - Processes for Consideration of Cultural Resources

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.
- ~~e~~3. Preservation Briefs and other similar best practice documents published by the National Park Service.

This addition establishes the industry recognized standards and guidelines used to evaluate all applications submitted for review pursuant to this Section.

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 DE (Processes for Review of Development in a Historic Overlay Zone).

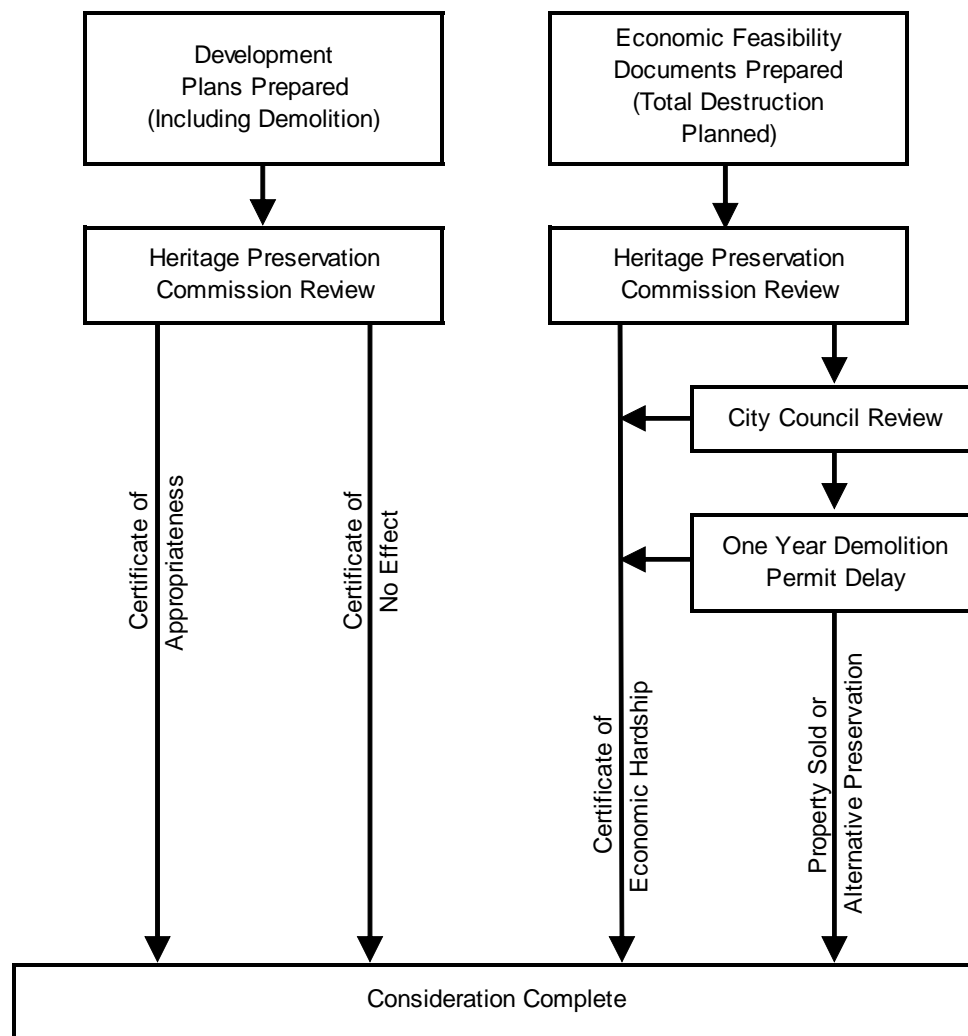


Figure C - Processes for Review of Development in a Historic Overlay Zone

D. Certificationone 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.*

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).

10-30.30.080 Appeals

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

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

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Proposed Amendments to the Zoning Code
City Council Public Hearing Draft
 Final Planning and Zoning Commission Recommendation

Updated: 12/16/2015

Chapter 10-40: Specific to Zones

During the City Council's December 8, 2015 work session the Council concluded their policy discussion on this chapter and provided policy direction on a number of specific sections as summarized in the table below. This table also summarizes other minor technical amendments identified by staff. All new proposed amendments are highlighted throughout this document.

Section No.:	Zoning Code Page No.:	Brief Description	Page No. (this document):
10-40.30.040 Commercial Zones	40.30-15 &-16	Council – Table 10-40.30.040.B Allowed Uses: Permits a single-family dwelling in the CC zone. Updated End Notes to make it easier to develop a single-family residence in the CC Zone.	8
10-40.30.050 Industrial Zones	40.30-26	Staff – Miscellaneous Requirements – LI-O and HI-O Zones: Delete the Max. Net FAR column as it is unnecessary.	14
10-40.40.070 T4N.1 Neighborhood Standards	40-40.25	Staff – Table C. Allowed Building Types: Also add Stacked Triplex as it was inadvertently omitted.	15
10-40.40.080 T4N.2 Neighborhood Standards	40-40.31	Staff – Table C. Allowed Building Types: Also add Stacked Triplex as it was inadvertently omitted.	16
10-40.40.090 T5 Main Street Standards	40-40.27	Staff – Table C. Allowed Building Types: Also add Stacked Triplex as it was inadvertently omitted.	16
10-40.60.160 Drive Through Retail or Service Facility	40.60-31	Council – C. On-Site Circulation Standards: Amendment allows a drive-through lane to be located between the front of a building and the street.	23
10-40.60.250 Mixed Use	40.60-49	Staff – E. Site Layout and Development Design Standards: Clarifying amendment on density limitations in mixed-use developments.	28
10-40.60.300 Secondary Single-Family Dwelling	40.60-57	Council - A. Applicability and throughout the Section: All references to the R1N Zone have been removed.	33
10-40.60.310 Telecommunication Facilities	40.60.60	Staff - B. Permitting Applicability: Minor amendment to include emergency services and public facilities.	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

Ranching, Forestry & Animal Keeping	RR	ER	RI	RIN	MR	HR	MH
Schools – Public & Charter	See Section 10-40.60.070						
Ranching	-- P	--	--	--	--	--	--

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.

Recreation, Education & Assembly	RR	ER	RI	RIN	MR	HR	MH
Schools – Public & Charter	P ³	P ³	P ³	P ³	P ³	P ³	P ³

End Notes

³ 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.

Residential	RR	ER	RI	RIN	MR	HR	MH
Dwelling: Secondary Single-family	--	--	--	P	P	P	--

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

Residential (continued)	RR	ER	RI	RIN	MR	HR	MH
Dwelling: Two-family Duplex	P ⁴	P ⁴	P ⁴	P	P	P	--
Rooming and Boarding Facilities Dormitories	--	UP --	--	--	UP	UP	UP

Single Room Occupancy, Fraternities and Sororities	--	--	--	--	UP	UP	--
--	----	----	----	----	--------------------	--------------------	----

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.

Public Services	RR	ER	RI	RIN	MR	HR	MH
Public Services Minor	P	P	P	P	P	P	P
Public Services Major	--	--	--	--	--	--	--

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.

Density Requirements See Division 10-30.20 (Affordable Housing Incentives)							
	RR	ER	RI	RIN	MR	HR	MH
Density: Gross (units/acre)							
Min.	--	--	2	2	6	10 ¹³	--
Max. Outside the RPO	1	1	6	14	14	29 ⁶	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

³ 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 ⁷	1 ac ⁷	6,000 sf	6,000 sf	6,000 sf	6,000 sf	5 ac
Per Unit (min.)	1 ac ⁷	1 ac	6,000 sf	3,000 sf	3,000-sf Endnote ⁶	3,000-sf Endnote ⁶	4,000 sf

End Notes

⁶ 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)	--	--	--	--	15%⁺² See Table 10-40.30.030.A	15%⁺²	15%⁺²

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 ¹	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> 20 ' min.
Depth	<u>15</u> 20 ' min.
No private open space is required.	

End Notes

¹ 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
Micro-brewery or Micro-distillery	--	<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	⁵				
Regional	-- <u>P/UP</u> ⁵	P/UP ⁵	P/UP ⁵	P/UP ⁵	P/UP ⁵
Neighborhood	<u>P</u> ⁵ / <u>UP</u> ⁵	P/UP ⁵	--	--	--

End Notes

⁵ 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 ⁷

	SC	CC	HC	CS	CB
Dwelling: Single-family	--	<u>P</u> ⁹	--	--	--
Dwelling: Two-family Duplex	P ⁶	P ⁶ ⁹	P ⁶	P ⁶	P ⁶
Planned Residential Development	<u>P/UP</u>	<u>P/UP</u> ²	UP	UP	UP
Rooming and Boarding Facilities Dormitories	UP ⁶	UP ⁶	UP ⁶	UP ⁶	UP ⁶
Fraternities and Sororities	<u>UP</u> ⁶	<u>UP</u> ⁶	<u>UP</u> ⁶	<u>UP</u> ⁶	<u>UP</u> ⁶
Single Room Occupancy	<u>UP</u>	--	<u>P</u>	--	<u>P</u>

- Page 40.30-15 & 16
End Notes

⁶ Residential uses with more than 2 units are ~~only~~ allowed as part of a mixed-use development located above or behind the commercial uses subject to the development standards established in the HR Zone and as a Planned Residential Development (Section 10-40.60.270). New developments that include residential uses with more than 2 units shall provide a minimum of 15% of the gross lot area in the form of common open space.

⁹ 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 subject to the Building Placement and Building Form Requirements of the MR Zone. 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.

CITY COUNCIL: *A minor amendment to this standard is proposed following the Council's October 19th work session by adding that a project with more than 2 units in the CC Zone may also be developed as a Planned Residential Development. Also, the inclusion of the standard referring to the building form and building placement requirements of the MR Zone applies a setback that makes the development of a single-family residence or duplex in the CC Zone more practical.*

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

⁷ 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	-- <u>P</u>

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	--	--	-- <u>UP</u>	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 <u>(See also 10-50.60.040.B)</u>	15' min ¹	0'	0' ²	0'	0'
Side			15' min. ¹⁰		
Adjacent to Residential <u>Use</u>					

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

¹⁰ [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.)	23 5'	60' ^{4,11}	60' ⁴	60' ⁴	60' ⁴
Gross FAR (max.)	0.8⁵	2.5⁵	3.0⁵	2.0⁵	No max.

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

¹¹ [Single-family dwellings and duplexes in the CC Zone shall be limited to a maximum height of 35 feet consistent with the height standard for the MR 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 to 60 feet in height. Max. building height in the R1 Zone is 35 feet. Updated for clarity on November 16, 2015.

Density Requirements

	SC	CC	HC	CS	CB
Gross Density (units/acre) (max.) (Not applicable to Mixed Use)	13	13	13	13	13
	-----Refer to HR Zone-----				
Gross FAR (max.)	0.8⁵	2.5⁵	3.0⁵	2.0⁵	No max.

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 ²	P ²	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>	--	<u>P/UP⁸</u>	<u>P⁷</u>	--	--

End Notes

⁸ 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 ²	P ²	P ²	P ²	P ²

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
Indoor Commercial Recreation	--	--	UP⁷	--	--
Trade Schools	UP	P	P	P	P

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

Residential

	RD	LI	LI-O	HI	HI-O
Live/Work	P	P	P⁷	--	--

This amendment provides consistency in the application of this standard as it ensures that the live/work use is also subject to the FAR limitations applicable to other commercial uses (see Subsection 10-40.30.050.F) in the LI-O industrial zone. 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.

Retail Trade

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

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 ⁷	P	P ⁷
Crematorium	--	P	P ⁷	P	P ⁷
Kennel, Animal Boarding	UP	UP	UP ⁷	UP	UP ⁷
Medical Marijuana Offsite Cultivation Location	--	P	P ⁷	P	P ⁷

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 10-40.40.040.C Building Form Standards

- Page 40.30-25

Building Form Requirements	RD	LI/LI-O	HI/HI-O
Building Height (max.)	60' ²	60' ²	60' ²
Coverage (max.)	25%	--	--
Gross FAR (max.)	0.5	1.5 ³	2.5 ³
Density Requirements	RD	LI/LI-O	HI/HI-O
Gross FAR (max.)	0.5	1.5³	2.5³

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.

- Page 40.30-26

F. Miscellaneous Requirements - LI-O and HI-O Zones

Allowed ~~retail~~ uses found in Table B are required to meet the following FAR standards:

Area of Lot	Max. Gross FAR	Max. Net FAR
Retail	0.25	0.35
Office/Lodging	0.38	0.55
Heavy Retail/Service	0.30	0.42
General Services	0.25	0.42

This amendment is necessary because the Max. Net FAR standard is a hold-over from the former LDC that is no longer used in the current Zoning Code, and is therefore unnecessary. Also the word "retail" in the opening sentence can be deleted as the Max. Gross FAR values apply to non-retail uses as well.

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 ²	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

Retail Trade, 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
Dwelling, Secondary Single-family	P
Rooming and Boarding Facilities	Dormitories
and Fraternities/Sororities	

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 40.40-25

Table C. Allowed Building Types¹

Add Single-Family Cottage and Courtyard Apartment to this table. [Also add Stacked Triplex to this table.](#)

In Division 10-50.110 (Specific to Building Types) a new Stacked Triplex building type is proposed to be added (see Page 50-45 of the proposed amendments to Chapter 10-50 (Supplemental to Zones)). This new building type is appropriate in the T4N.1, T4N.2, and T5 transect zones but was not included in the Allowed Building Types tables for these zones as described above.

- Page 40.40-26

Table D. Building Placement

Setback (Distance from ROW/Property Line)

Side² 5' min.; 12~~5~~' 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

Dwelling-Secondary Single-family	P	P
Rooming and Boarding Facilities Dormitories	UP	UP
Fraternities/Sororities and SRO (≤ 15 rooms)		

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)

Retail Trade

T4N.1

T4N.1-O

Bars/Taverns	-	P
Micro-brewery/Micro-distillery	-	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 40.40-31

Table C. Allowed Building Types¹

Add Courtyard Apartment, Apartment Building and Commercial Block to this table. Also add Stacked Triplex to this table.

In Division 10-50.110 (Specific to Building Types) a new Stacked Triplex building type is proposed to be added (see Page 50-45 of the proposed amendments to Chapter 10-50 (Supplemental to Zones)). This new building type is appropriate in the T4N.1, T4N.2, and T5 transect zones but was not included in the Allowed Building Types tables for these zones as described above.

- Page 40.40-35

Table I. Allowed Uses

Residential	T4N.2	T4N.2-O
Rooming and Boarding Facilities <u>Dormitories,</u> <u>Fraternities/Sororities and SROs)</u>	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)

Retail Trade	T4N.2	T4N.2-O
Bars/Taverns	-	P
<u>Micro-brewery/Micro-</u> <u>distillery</u>	-	<u>P</u>

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 40.40-37

Table C. Allowed Building Types¹

Add Apartment House and Apartment Building to this table. Also add Stacked Triplex to this table.

In Division 10-50.110 (Specific to Building Types) a new Stacked Triplex building type is proposed to be added (see Page 50-45 of the proposed amendments to Chapter 10-50 (Supplemental to Zones)). This new building type is appropriate in the T4N.1, T4N.2, and T5 transect zones but was not included in the Allowed Building Types tables for these zones as described above.

- 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

Residential	T5	T5-O
Rooming and Boarding FacilitiesDormitories. Fraternities/Sororities and SROs)	UP ⁴	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.

Retail Trade	T5	T5-O
Bars/Taverns	P	P
<u>Micro-brewery/Micro-distillery</u>	<u>P</u>	<u>P</u>

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

Residential	T6
Rooming and Boarding FacilitiesDormitories. Fraternities/Sororities and SROs)	UP ⁴

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

<u>Micro-brewery and Micro-distillery</u>	<u>P</u>
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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 ⁻⁴
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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 ⁻⁴⁸
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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 Types¹

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 Types¹

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 Types¹

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 Types¹

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 Types¹
 Add Live/Work to this table.

Table D. Building Form^{1 2 3}

Applicable to Transect Zones: T2, T5, and T6

End Notes

¹ 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

³ 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

³ 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.

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

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

Size	An ADU, excluding any garage or carport area and other non-living areas such as workshops or greenhouses, shall not exceed 33% of total floor area of principal residence and ADU combined. The ADU 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

Building Form Standards	ADUs shall meet the same building form standards as a principal building in the zone. See Table 10-40.60.020.A (Accessory Structure Height and Location Standards).
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This minor amendment provides an important cross reference.

Table 10-40.60.030.B Building Form Standards Exceptions¹

- Page 40.60-12

	Parcel/Lot Size (Min.)	Setback (Min.)
Detached	6,700 7,000 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

- 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.

Consistent with the standards now in effect in many US cities, this amendment allows for the sale of produce grown in a community garden. Note that no permit would be required for this activity.

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 Lane~~Aisle~~ Design

- a. The entrance/exit of any drive-~~through lane~~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 lane~~aisle shall be designed with a minimum 10-foot interior radius at curves and a minimum 10-foot width.
- c. To the maximum extent feasible drive-~~through lanes~~aisle shall not be located between a property line and the front of the building. Where this is not practical, the drive-through lane shall be screened by a wall designed to match the building materials of the primary building(s) on the site.

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

CITY COUNCIL: At the December 15th work session staff and the City Council discussed a proposal to amend paragraph c. to allow a drive-through lane to be placed between the property line and the front of the building.

[Insert a new illustration showing a screen wall based on a photograph – perhaps the McDonalds on S. Milton Road.]

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:

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

(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.

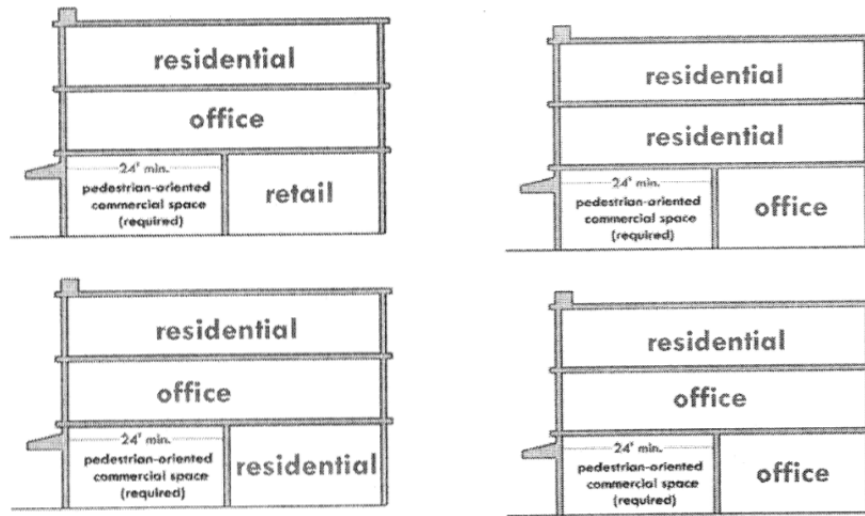


Figure B. Examples of use mixes that meet the requirements of Subsection B. (Mix of Uses)

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

1. Each proposed mixed-use development shall comply with the property development standards of the applicable zone, and the requirements of Table B-A (Site Layout and Development Design Standards).
2. There is no density limitation established for residential uses in mixed-use developments. Instead, applicable floor area ratio, building height, parking, landscaping, etc. standards will apply to provide a control on the bulk and mass of the development and the number of residential units permitted.

The current Zoning Code and proposed amendments to the Code do not establish a maximum density for mixed-use developments. Instead, the number of residential units in a mixed-use development is limited by such standards as parking, landscaping, FAR and building height. This amendment explicitly states this principle.

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

<u>Pedestrian-oriented Commercial Space</u>	<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> <u>(2) Ground floor commercial space shall have a customer entrance opening directly onto the sidewalk.</u> <u>(3) Depth of the ground floor commercial space must be no less than the standard established in Table A.</u> <u>(4) Floor to ceiling height of the ground floor commercial space of min. 14 feet.</u> <u>(5) Private frontage must be in compliance with Division 10-50.120 (Specific to Private Frontages) as determined by the Director.</u>
Location of <u>Residential Units</u> ¹	Residential units shall not occupy <u>the</u> ground floor street frontage space adjacent to a <u>primary public or private street</u> . 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.
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 shall be 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

¹ 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 10th 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. M~~m~~ 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.

Table 10-40.60.270.A: Planned Residential Development Building Type Options											
Building Type	Residential Zones						Commercial Zones				
	See Section 10-40.30.030.C for Building Form Standards						See Section 10-40.30.040.C for Building Form Standards				
	RR	ER	RI	R1N	MR	HR	SC	CC	HC	CS	CB
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 adopted 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'
Building Form Requirements	
Lot Coverage (max.)	40% If the lot is proposed to be divided, each remaining lot shall have maximum coverage of 40%
Utilities	
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 an 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 from 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 10th public meeting a majority of commissioners indicated they preferred and supported this option. At the June 24th 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.

CITY COUNCIL: *At the December 8th work session the City Council agreed that the reference to the R1N Zone should be removed from this Section so that it would no longer be applied to the historic districts and neighborhoods within the R1N Zone.*

NOTE: *This Division should 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. This will be done when the Subdivision Regulations are amended later in 2016.*

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;
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 40.60-60

B. Permitting Applicability

2. Uses Requiring a Conditional Use Permit

a. Antenna-supporting Structures

All new antenna-supporting structures and replacement antenna supporting structures intended for commercial and emergency services or public facility use shall obtain a conditional use permit in compliance with Section 10-20.40.050 (Conditional Use Permits) prior to submittal for building permit approval and the initiation of construction.

This amendment will ensure that a conditional use permit is required for a new or replacement antenna-supporting structure for both a commercial facility as well as for such uses as the Police or Fire Department, Public Works Division, etc.

- Page 40.60-62

C. General Requirements for Telecommunications Facilities

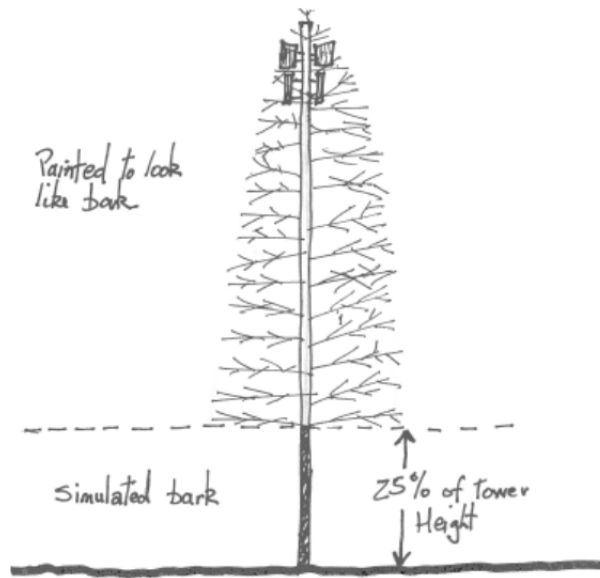
6. Visual Impact

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 the height of the tower measured from finished grade to the top of the tower.

- (2) A density of 2.3 simulated branches per one lineal foot 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, while the bottom 25 percent of the height 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. Also, add an illustration to illustrate these standards.



- Page 40.60-68

G. Time Limits

~~The City shall process tower siting 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.

Proposed Amendments to the Zoning Code

City Council Public Hearing Draft

Final Planning and Zoning Commission Recommendation

Updated: 12/17/2015

Chapter 10-50: Supplemental to Zones (Except for Division 10-50.100 Sign Standards)

During the City Council's December 15, 2015 work session the Council concluded their policy discussion on this chapter and provided policy direction on a number of specific sections as summarized in the table below. This table also summarizes other minor technical amendments identified by staff. All new proposed amendments are highlighted throughout this document. Proposed amendments to Division 10-50.100 (Sign Standards) discussed by the Council in the December 8th work session will be presented for review and approval in a separate public meeting following the Planning and Zoning Commission's public hearing and action on this topic.

Section No.:	Zoning Code Page No.:	Brief Description	Page No. (this document):
10-50.50.040 General Fencing and Screening Requirements	50.50-3	Staff – E. Enclosures for Refuse and Recycling Containers: New section provides standards for refuse and recycling containers. Also requires a minor clarification in 10-50.50.050 (Screen Walls)	9
10-50.80.040	50.80-6	Staff – Table 10-50.80.040.A: Number of Motor Vehicle Parking Spaces Required – Retail Trade: Corrects a standard that was improperly stated in this table.	27
10-50.80.080 Parking Spaces, Parking Lot Design and Layout	50.80-19	Council – Table 10-50.80.080.B: Min. Number of Accessible Spaces: No amendments to this table regarding the standards for ADA requirements are proposed	30
		Council – F. Location: Clarifies and expands the locations on a lot where vehicles may be parked	33
		Council – L. Trailers, RVs and Boats: Clarifies and expands the locations on a lot where vehicles may be parked and stored. Also, the parking of RVs in commercial parking areas is permitted subject to new standards	34
Division 10-50.100 Sign Standards	50.100-1 and following	Staff – All amendments have been removed from this document as they will be considered separately after P&Z review	37

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 10th 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.

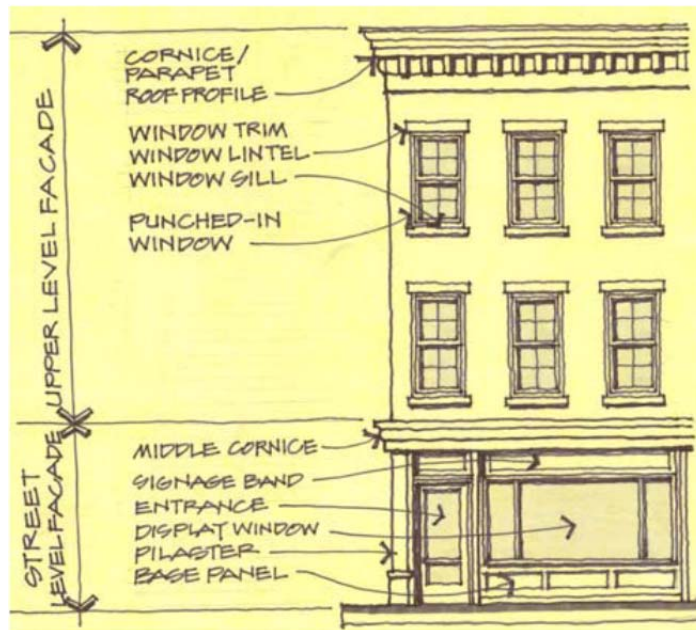
(P&Z): The first sentence has been modified to include the former second sentence to enhance the meaning of this opening statement and eliminate redundant language.

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 ¹
Residential Zones	
Within Front Setback Area ²	
Solid Fence or Wall	3'
Vinyl Coated Chain Link or Decorative Wrought Iron	4'
Horse Corrals	5'
Within Side or Rear Setback Area	6'
Commercial Zones	
Within Front Setback Area ²	
Street Buffers	6' ³
	3½'
Screening along Perimeter of Parking Areas	Not permitted
All Other Front Setback Areas	
Within Side or Rear Setback Area	6' ³
Street Buffers	6' ³
Industrial and Public Facility Zones	
Within On-Front Setback Area Property Line ²	6'
On Side or Rear Property Lines	8'

End Notes

¹ 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)).

² 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.

³ 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.

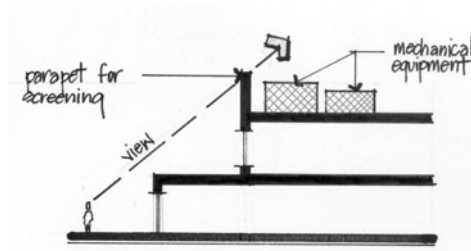
Insert two figures, one each for residential zones and commercial zones, to illustrate the standards established in this table and how they are applied.

- Page 50.50-3
- 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. Enclosures for Refuse and Recycling Containers

Refuse and recycling containers shall be screened by solid fences or walls constructed to a minimum height of six feet and designed to match the building materials of the primary building on the site and the Engineering Standards. Where feasible, enclosures for refuse and recycling containers shall be sited to the rear or side of a building, or in a location where visibility from public rights-of-way is minimized.

This amendment is proposed instead of the amendment previously suggested in Section 10-50.50.040 below that included the need for refuse and recycling containers to be screened by a wall. A new Subsection E is proposed instead to provide specific standards for refuse and recycling containers to ensure that they are screened by walls and fences designed to match the building material of the primary building on the site as well as specific standards for the location of these enclosures. Note that these standards are consistent with existing standards for utility boxes in Subsection C.

F. 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.

10-50.50.0540 Screen Walls

- Page 50.50-5

- A. All outdoor storage areas for materials, ~~refuse 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.

Staff had originally suggested that Subsection A. should be amended to include the need for screen walls for recycling containers and to provide a cross-reference to the Engineering Standards which include the dimension requirements for these enclosures. Instead, and as detailed above, a new Subsection has been inserted into Section 10-50.50.030 specifically regarding the design and placement of refuse and recycling enclosures.

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

Division 10-50.60: Landscaping Standards

10-50.60.020 Applicability

- Page 50.60-5

A. New Developments

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

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

C. Exceptions

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

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

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

10.50.60.030 Landscaping Plans

- Page 50.60-6

A. Concept Landscape Plan

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

B. Preliminary Landscape Plan

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

~~C~~B. Final Landscape Plan

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

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

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

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

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

- ~~1. Development name, site address, and Assessor's Parcel Number;~~
- ~~2. Case number for developments subject to development review at a public hearing;~~
- ~~3. Designer name, address, phone number, and registration stamp or qualification statement;~~
- ~~4. Scale (bar and numerical) and north arrow. Show landscape in sufficient detail to be legible. The landscape plan shall be drawn at the same scale as the site plans and/or engineering drawings to the maximum extent feasible;~~
- ~~5. Property lines, adjacent rights-of-way, building footprints, the edge of all eaves, roof overhangs and cantilevered structures, parking lots, fences, driveways, intersection sight triangles, walkways, easements, utility lines, poles and boxes, drainage structures, and other site improvements. All shall be drawn to scale with appropriate dimensions and labeled as existing or proposed;~~
- ~~6. Existing and proposed contours based on the proposed grading plan. Contour intervals of one foot are preferred, but a maximum of two foot contour intervals will be accepted. Exceptions to contours may be made based on site size or if other circumstances require a different interval, as approved by the Director. In addition to contours, spot elevations based on the proposed grading plan shall be added to identify proposed changes in grade;~~
- ~~7. Significant topographical features on the site, such as drainages and rock outcroppings;~~
- ~~8. Existing native vegetation on the site indicating native vegetation to be preserved and protected, or removed. Native vegetation must be identified by location, size, and common and botanical name;~~
- ~~9. The direction of runoff flows with the use of flow arrows and the use of runoff including, but not limited to:~~
 - ~~— a. Collected runoff from individual catch basins around single trees, and~~
 - ~~— b. Collected runoff from basins accepting flow from an entire vehicular use area or roof area;~~
- ~~10. Cut and fill areas and areas of the site disturbed by construction activity;~~
- ~~11. Plant locations and spacing (including staking and soil mix), represented at approximate size at maturity, corresponding to the plant legend;~~
- ~~12. A plant legend that includes both common and botanical plant names, sizes (i.e. height, trunk diameter, and size or diameter of plant at maturity), and the number of required and proposed trees, shrubs, and ground cover quantities;~~
- ~~13. Calculations of the total landscape area and plant quantities, including hydrozones, proposed turf areas, and other oasis areas;~~
- ~~14. Location and areas of active and passive rainwater harvesting systems as required in the *Stormwater Regulations* with a description of the type of measure;~~

- ~~15. Irrigation design plan identifying system layout and descriptions (e.g., automatic timing devices, backflow protection, moisture sensors, hydrants, sprinkler and bubbler details, drip system layout and specifications, and, seasonal irrigation schedule);~~
- ~~16. If applicable, delineation of an on-site nursery for short-term storage of native vegetation to be transplanted;~~
- ~~17. If applicable, indications of proposed common and open-space areas on the plan; and~~
- ~~18. If a development is developed in phases, required landscaping must be completed in sequence with development phases. These phases must be shown on the landscape plan.~~

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

D. Preparation by Qualified Professional

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

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

10-50.60.040 Landscape Location Requirements

- Page 50.60-9

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

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

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

End Note

¹ 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

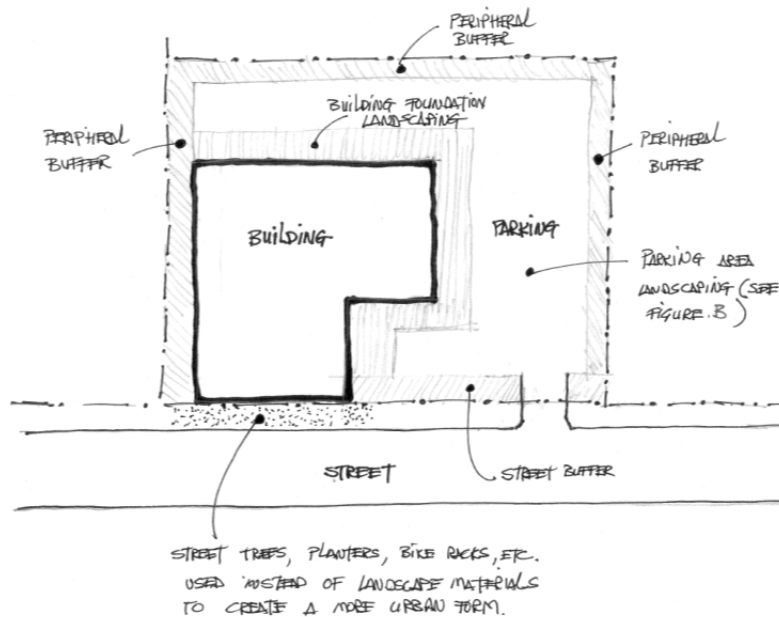


FIGURE A: LOCATION OF REQUIRED LANDSCAPE AREAS

Table 10-50.60.040.B: Buffer and Screening Requirement				
Proposed Use Category ^{1,4}	Min. Peripheral Buffer Width Requirement Based on Adjacent Existing Uses or Zone ²			
	Commercial	Industrial	Resources/ Open Space	Residential
<u>Commercial⁴</u>				
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
<u>Industrial⁴</u>				
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 ³	Setback for the Zone 5'-wide buffer	5'-wide buffer--	10'-wide buffer	15'-wide buffer
<u>Residential</u>				
Residential	15'-wide buffer	15'-wide buffer	10'-wide buffer	Setback for the Zone--
<u>Resources/Open Space</u>				
Ranching 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
<u>Other Uses</u>				
Institutional	Setback for the Zone 5'-wide buffer	Setback for the Zone 5'-wide buffer	5'-wide buffer	10'-wide buffer
<u>Mixed Use</u>	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

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

² 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 \(Non-Transect Zones\).](#)

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

⁴ 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.C.](#)). [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.

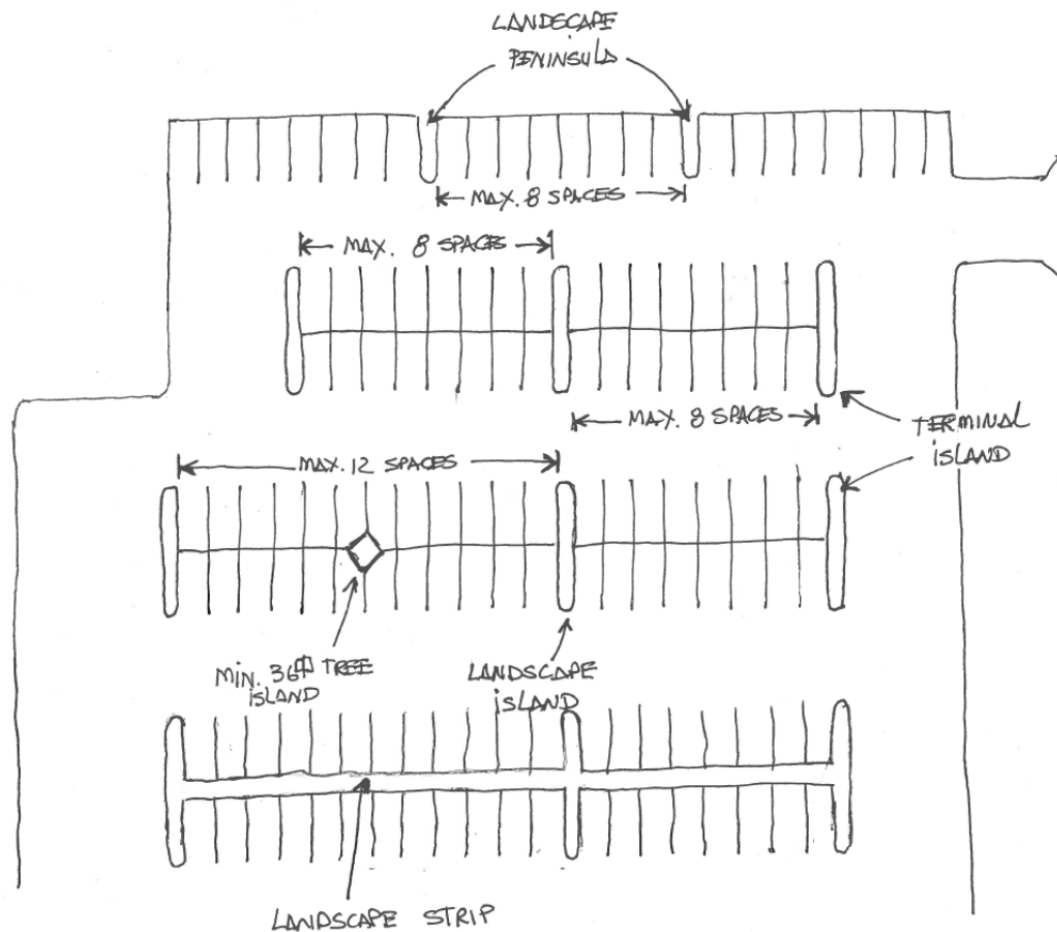


FIGURE B. INTERIOR PARKING AREA - LANDSCAPE LOCATION REQUIREMENTS

- 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

- 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	
Existing Tree Size (DBH)	No. of Trees not Required
6 – 10"	1 Tree¹
10 – 18"	2 Trees¹
> 18"	3 Trees¹
End Note	

¹ [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

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

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

Landscape Area¹	Trees (On Average)	Shrubs^{2,3} (On Average)	Groundcover (On Average)
Street Buffer (Ind. And RD Business Park Zones)	1 per 15 linear feet	3 per tree	2 per tree
Street Buffer (All other Zones) ⁴	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> ^{5,4}	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 ^{6,3} Min. Height: 3½ feet	
Building Foundation	1 per 25 linear feet	2 per tree	2 per tree
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

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

^{2,3} 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.

^{3,2} Two one-gallon native shrubs may be substituted for one five-gallon shrub.

⁴ 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.

^{5,4} In the SC commercial zone, 3 trees per 8 parking spaces shall be required.

^{6,3} 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 27th 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
Commercial, Industrial, and Multi-family Residential (lumens per net acre)¹			
Total (Fully Shielded and Partially Shielded)	25,000	50,000	100,000
Partially Shielded only	0	5,500	5,500
Non-LPS and non-narrow spectrum amber LED	2,500	5,000	10,000
Single-family Residential (lumens per parcel inclusive of accessory structures)¹			
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

¹ [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 27th 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 10th public meeting a majority of commissioners indicated they preferred and supported this option, and on June 24th 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 ¹ or above per Fixture	X	X A	FS
All lamp types below 2,500 lumens ¹ per Fixture	FS	A ³	A ³

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 that provide parking in surface parking lots shall not exceed the minimum number of parking spaces by more than five percent unless provided in a parking structure.

This paragraph was written with the intention of only being applied to surface parking lots consistent with a similar provision in the former Land Development Code – (Chapter 10-16, Design Review Guidelines, J. Parking Lots on Page 45). This amendment clarifies this intent. The second 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
Residential	
Accessory Dwelling Units	1.0
Market Rate (all dwelling classifications)	
Single-family Dwelling (Attached and Detached)¹	2.0
Multi-family Dwelling, Duplex¹, and Triplex	
Studio	1.25
1 Bedroom	1.5
2-3 Bedrooms	2.0
4 Bedrooms	2.5
5+ Bedrooms	2.5 spaces for the first 4 bedrooms plus 0.5 spaces for each additional bedroom
Guest Spaces for Multi-Family Dwelling, Duplex and Triplex (Includes spaces for boats and RVs)	0.25 for per each 2+ bedroom unit

End Note

¹ [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 10th 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.

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

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

~~No Private Rooms~~

~~1 per 100 gsf plus
1 for owner or manager~~

This amendment is necessary because the "rooming and boarding facility" use is recommended for deletion.

- Page 50.80-6

Table 10-50.80.040.A. Number of Motor Vehicle Parking Spaces Required

Use	Number of Required Spaces
Shopping Centers	
< 100,000 gsf with Restaurant(s) Sharing Parking	1 per 250 300 gsf
< 100,000 gsf with no Restaurant(s) or Restaurant Having Separate Counted Parking	1 per 300 250 gsf
≥ 100,000 gsf with Restaurant(s) Sharing Parking	1 per 250 gsf up to 100,000 gsf plus 1 per 300 gsf for gsf over 100,000 gsf
≥ 100,000 gsf with no Restaurant(s) or Restaurant Having Separate Counted Parking	1 per 300 gsf up to 100,000 gsf plus 1 per 325 gsf for gsf over 100,000 gsf

While working with a recent applicant on a large mixed retail/restaurant project staff realized that when the current Zoning Code's parking standards for shopping centers were developed, the standards shown above were inadvertently flipped. This amendment ensures consistency with the former Land Development Code's standards which provide a better parking standard for shared parking.

10-50.80.050 Bicycle Parking

- Page 50.80-11

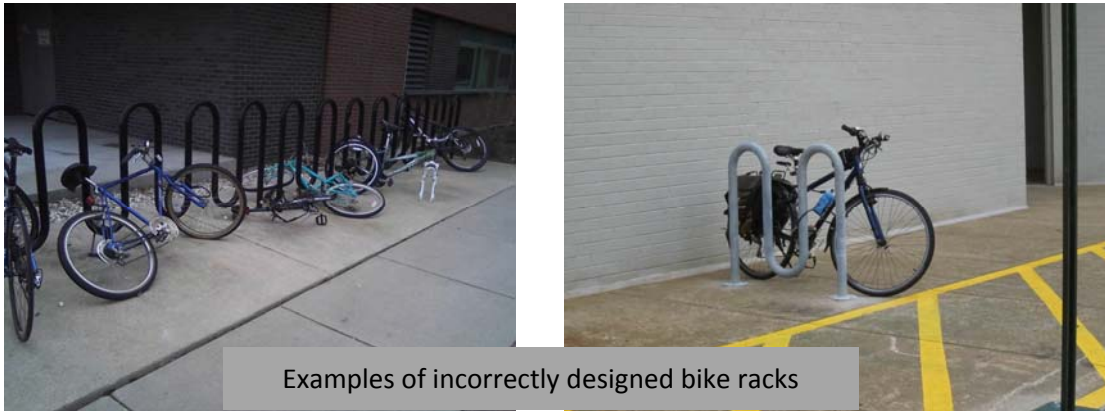
B. Required Spaces

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 10th 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~~ 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 multi-family residential and nonresidential uses may be allowed by the Director if one motorcycle parking space for every 25 required motor vehicle 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 also 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

² 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 27th 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.

10-50.80.080 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 which is incorrect.

COUNCIL: *At the December 15th public meeting the Council agreed that no changes to Table 10-50.80.080.B (Min. Number of Accessible Spaces) were needed.*

- Page 50.80-20

F. Location

1. The ~~L~~ 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. All Non-Residential Zones

In all non-residential zones, ~~required-vehicle~~ parking ~~is~~ not permitted in the required front and exterior side ~~yard~~ setback areas, 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.

3. All Residential Zones.

- a. In all residential zones, vehicle parking is not permitted in the required front and exterior side setback areas, except 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 only permitted in the following locations as illustrated in Figure C.;

(1) Within interior and rear yard areas;

(2) Within ~~within~~ the front yard ~~setback~~ only on the driveway ~~in front of garages and carports;~~ and

(3) ~~as well as~~ Within an area no more than 10 feet in width on the side of the driveway between the driveway and the nearest interior side property line ~~in interior and rear setback areas.~~ (see also Section 10-50.80.080.L (Trailers, RVs and Boats), provided that;

(a) The parking shall only be accessed from the existing driveway serving the residence, and no additional curb cut shall be permitted.

(b) The surface of the parking area shall be designed and constructed in accordance with the Engineering Standards.

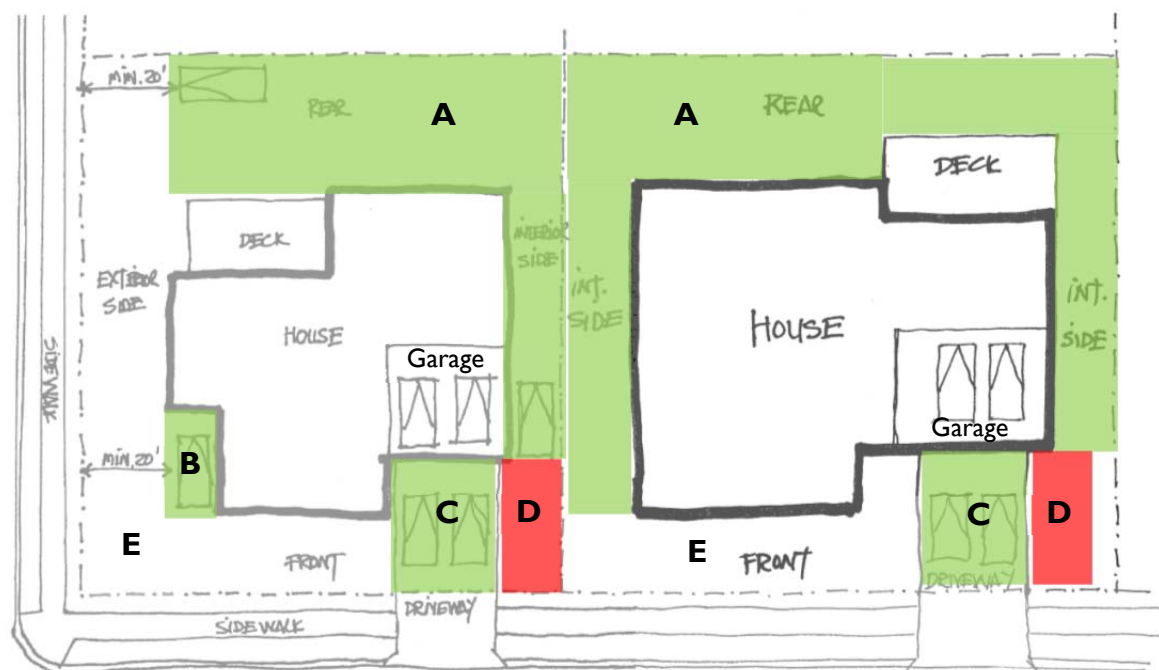
Vehicle parking continues to be a significant problem in certain single-family residential areas of the City where garages have been converted to other livable space and where there may be four or more people sharing a home, each of whom has a vehicle. This is a problem that has plagued many of the City's 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 were also presented to the Council at the October 19th work session on this topic.

*At the June 24th public meeting the Planning Commission moved to recommend that the Council should adopt **OPTION 1**, i.e. amend the standard in Paragraph F.2.b 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 recommended 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. 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.*

CITY COUNCIL: At the Council’s work session on October 19th, the Council agreed with the Planning and Zoning Commission’s recommendations regarding vehicle parking. This recommendation was further refined though with by limiting the width of the parking area in the front yard setback to 10 feet (measured from the edge of the driveway to the interior side property line). Also, Council recommended that no new curb cuts should be permitted so that the parking area referred to above had to be accessed from the existing driveway. The amendment in paragraph b.(2) permits vehicles to be parked on a driveway to provide off-street parking even if the garage has been converted as livable space.

Insert a new illustration – Figure C.



- A:** Rear and interior yard - Parking and storage of all vehicles (including RV's, trailers and boats) permitted
- B:** Limited area in exterior side yard - Parking and storage of vehicles except RVs, trailers and boats permitted
- C:** Driveway in front of garage or carport - Unlimited vehicle parking, except that RVs, trailers and boats may only be parked for 5 days or less per month
- D:** Area max. 10 feet wide to side of driveway closest to interior side property line - Unlimited vehicle parking, except that RVs, trailers and boats may only be parked for 5 days or less per month
- E:** Front and exterior side yard – no vehicle, RV, trailer, or boat parking permitted

Figure C: Parking of Vehicles, RVs, and Trailers

- Page 50.80-20

L. Trailers, RV's and Boats

1. The parking or placement of a camping or vacation trailer, recreational vehicle, utility trailer or boat in any zone for residential or storage purposes shall be prohibited except as determined by Subsection 2 and 3 below.
2. Storage of Trailers, RVs and Boats
~~A~~eCamping or vacation trailers, recreation vehicles, utility trailers, or boats may be stored (i.e. parked for any period longer than five days per month) only in the rear or interior side yard-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 only be parked (i.e. parked for five days or less per month) for maintenance, loading, and unloading purposes in the following locations;
 - a. Within the rear or interior side yard behind the front of the building, garage, or carport on any parcel in any zone;
 - b. Within the front yard only on the driveway in front of a garage or carport, and;
 - c. Within an area no more than 10 feet in width on the side of the driveway between the driveway and the nearest interior side property line, provided that:
 - (1) There is a principal use of the property, to which such parking would be accessory;
 - (2) No business shall be conducted within a parked trailer or vehicle;
 - (3) 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

(4) 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 (five days or less).

CITY COUNCIL: *At the Council's work session on October 19th, the Council agreed with the proposal to make a distinction between the "storage" and "parking" of RVs with storage of such vehicles only permitted in the rear and interior side yards. Further, the Council agreed that limited parking of RVs for five days or less in an area 10 feet wide to the side of a driveway nearest to the interior side property line was appropriate.*

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 subject to the standards provided in this Section;
- 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 10th 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.

CITY COUNCIL: The Council held a work session on October 19th on this issue, and after some discussion agreed to support the Planning Commission's recommendation to permit overnight parking of RVs in commercial parking lots subject to certain conditions.

10-50.80.1090 Development and Maintenance

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 27th 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 10-50.90.100.A: Activities Allowed in Natural Resource Areas

	Floodplains		Steep Slopes (17 – 35%)	Forest
	Urban	Rural		
RanchingAgricultural Uses				
Recreational				
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 27th 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 10th meeting with the City’s Stormwater Manager where he emphasized the need to keep rural floodplains as “natural undisturbed open spaces” (Refer to Section 10-50.90.040.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 24th 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 10-50.90.040.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

All amendments to this Division will be reviewed in a separate hearing by the Council following a public hearing with the Planning and Zoning Commission. This is needed because of the comprehensive amendments proposed in this Division in response to the US Supreme Court’s decision in the Reed v. Town of Gilbert sign case.

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 T5 as a transect zone in which this type is permitted
Duplex, Side-by-Side:	Add T5 as a transect zone in which this type is permitted
Duplex, Stacked:	Add T5 as a transect zone in which this type is permitted
Duplex, Front-and-Back:	Add T5 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 Size¹

Width	100' min.
Depth	100' min.

End Note

¹ 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 Size¹

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

End Note

¹ 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.

²: Smaller lot size permitted only if the parcel or building type ~~is~~ already exist~~ing~~^{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 Size¹

Width	30' min.; 50' max.
Depth	50' min.; 160' max.
Area ²	2,500 sf min.

End Note

¹ 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.

²: Smaller lot size permitted only if the parcel or building type ~~is~~ already exist~~ing~~^{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 Size¹

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

End Note

¹ [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. and no less than 400 sf.
Courtyard	
Width	15 20' min.
Depth	15 20' min

This amendment ensures consistency in the standards for common open space established in Table 10-40.30.030.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 Size¹

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

End Note

¹ [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. and no less than 400 sf.
Width	15 20' min.
Depth	15 20' min

This amendment ensures consistency in the standards for common open space established in Table 10-40.30.030.A.

- Page 50.110-17

10-50.110.100 Duplex, Stacked

Table B. Lot

Lot Size¹

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

End Note

¹ 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 10-40.30.030.A.

- Page 50.110-19

10-50.110.110 Duplex, Front-and-Back

Table B. Lot

Lot Size¹

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

End Note

¹ 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 10-40.30.030.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 Size¹

<u>Width</u>	<u>50' min.; 75' max.</u>
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<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>

<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>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>
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End Note

¹ 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 Types¹

Add Stacked Triplex to this table.

- Page 40.40-31

10-40.40.080 T4N.2 Neighborhood Standards

Table C. Allowed Building Types¹

Add Stacked Triplex to this table.

- Page 50.110-21

10-50.110.120 Townhouse

Table B. Lot

Lot Size¹

Width	18' min.
Depth	80' min.

End Note

¹ 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 Size¹

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

End Note

¹ 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. and no less than 400 sf.
Width	1520' min.
Depth	1520' min

This amendment ensures consistency in the standards for common open space established in Table 10-40.30.030.A.

- Page 50.110-25

10-50.110.140 Courtyard Apartment

Table B. Lot

Lot Size¹

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

[End Note](#)

¹ [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 Size¹

Width	18' min.
Depth	80' min.

[End Note](#)

¹ [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. and no less than 400 sf.
Width	1520' min.
Depth	1520' min

This amendment ensures consistency in the standards for common open space established in Table 10-40.30.030.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 Size¹

<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>
--------------	-----------------------

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>
--------------	------------------

<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-under¹.</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>	
---	--

H. Building Size and Massing

Main Body

<u>Width</u>	<u>200' max.</u>
--------------	------------------

Secondary Wing

<u>Width</u>	<u>40' max.</u>
--------------	-----------------

Miscellaneous

<u>Height</u>	<u>See transect zone in which the building is proposed.</u>
---------------	---

End Note

¹ 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 27th 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 Types¹

Add Apartment Building to this table.

- Page 40.40-37

10-40.40.090 T5 Main Street Standards

Table C. Allowed Building Types¹

Add Apartment Building to this table.

- Page 50.110-29

10-50.110.160 Commercial Block

Table B. Lot

Lot Size¹

Depth 100' min.

End Note

¹ 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.

Proposed Amendments to the Zoning Code
City Council Public Hearing Draft
Final Planning and Zoning Commission Recommendation

Updated: 12/18/2015

Chapters 10-60: (Specific to Thoroughfares), 10-80 (Definitions) and 10-90 (Maps)

During the City Council's December 15, 2015 work session the Council concluded their policy discussion on proposed amendments to the Zoning Code. No specific policy direction was provided on any of the Chapters listed above. The table below summarizes minor technical amendments identified by staff. All new proposed amendments are **highlighted** throughout this document.

Section No.:	Zoning Code Page No.:	Brief Description	Page No. (this document):
Chapter 10-80: Definitions			
10-80.20.030 Definitions, "C"	80.20-21	Staff – Corridor Plan: Delete this definition as this term is not used in the Zoning Code	4
Chapter 10-90: Maps			
Chapter 10-90, Maps	90-i and following pages	Staff – Reorganization of this Chapter so that the maps are easier to locate	10

Chapter 10-60: Specific to Thoroughfares

- Page 60.10-6
Table 10-60.10.080.A Summary of Thoroughfare Components.

1. T3 Movement Type – Travel Lane width for Lots > 1 acre should be 9' not 8'
2. T4 and T5 Movement Type – Bicycle Facility for Free and Speed 30 thoroughfares should be marked as "S" rather than "P".
3. Add a new symbol in the key – "S" for "When authorized by staff".
4. T6 Movement Type – Travel Lane width for Slow thoroughfares should be 9' not 8'; and Parking Lane (if provided) should be 8' not 7' in both T5 and T6 except on SLOW streets where 7' is appropriate.

The amendments suggested above ensure consistency with the City of Flagstaff's Engineering Standards and values that were incorrectly brought forward from the TND chapter of the former LDC.

Chapter 10-80: Definitions

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

Section 10-80.20.010 Definitions, "A."

Animal Keeping: ~~Raising or keeping of cattle, goats, horses, sheep, rabbits, poultry, or other animals.~~ The raising or keeping of certain farm animals (including for example, horses, cows, goats, or sheep) as authorized in City Code Chapter 6-03, (Animals). Animal keeping does not include the keeping of common household pets such as birds, dogs, or cats. Does not include shelters or kennels, see "Kennel, Animal Boarding."

As the current Zoning Code does not have a definition for this use, staff recommends that this new definition should be included.

Apartment: Any real property that has one or more structures and that contains ~~three~~^{four} or more dwelling units for rent or lease ~~including mini-dorms~~.

This minor amendment ensures consistency with the Building Code and the standards for review of apartment buildings. Mini-dorms are not defined in the Zoning Code and are not an identified building type.

As-built Plans: A set of architectural plans and other drawings that document actual existing conditions of a building and site, prepared by a qualified technician who collects accurate data, such as measurements and photographs, to inform the drawings. Unless specified otherwise, the Historic American Building Survey Guidelines shall be used to determine techniques for developing the drawings and for required drawing content.

This amendment recommended by the Historic Preservation Commission ensures that a term used in the Zoning Code in Division 10-30.30 (Heritage Preservation) is defined.

Section 10-80.20.020 Definitions, "B."

- Page 80.20-12

Bed and Breakfast ~~Establishment:~~ ~~The use of an owner-occupied single-family residence for commercial lodging purposes.~~ Accommodations offered by a private home, consisting of a room for the night and breakfast the next morning for one inclusive price.

This amendment provides a more general definition for a bed and breakfast and removes all reference to development standards, such as, that the facility must be owner occupied.

- Page 80.20-13

Boat: a small vessel or watercraft propelled on water by oars, sails, or one or more engines. A boat is not considered a recreation vehicle even though it may have facilities for temporary living quarters.

This amendment provides a definition for a term that was not previously defined in the Zoning Code.

Buildable Area:

1. In a manufactured home subdivision, the area where a manufactured home, other structure or automobile parking shall be placed on each lot.

2. The portion of a lot or parcel, exclusive of required setback areas or open space, within which a building or structure may be built.

This amendment provides a more inconclusive definition of buildable area.

- Page 80.20-14

Building-forward Design: The design and layout of a development site in which buildings are placed as close to a primary street frontage as possible so that vehicle parking and circulation areas, including driveways, are located behind or to the side of a building. On a corner lot or parcel an appropriate building-forward design would place the building at the intersection.

This definition helps to clarify and define the concept of building-forward design.

[Insert appropriate illustration]

Section 10-80.20.030 Definitions, "C."

- Page 80.20-16

Cisterns: ~~Storage containers that capture a larger volume of runoff stormwater than a rain barrel.~~ Any above or below ground storage container used solely for the collection and storage of rainwater that has a capacity greater than 100 gallons.

The amendment to this definition is recommended by City Stormwater Section staff.

- Page 80.20-19

Composting Facility: A facility in which controlled biological decomposition of organic solid waste, excluding restaurant grease and septage, derived primarily from offsite locations under in-vessel anaerobic or aerobic conditions occurs for commercial purposes.

This simple amendment clarifies that restaurant grease and septage is not permitted in a composting facility.

~~**Concept Plan:** A generalized plan that conceptually illustrates a development proposal, including the identification of proposed land uses, land use intensity, circulation, and open space/sensitive areas. The relationship of the proposed development to existing surrounding development and uses should also be reflected.~~

When Ord. 2013-21 was adopted a new definition of concept plan was adopted by the Council. At this time the old definition shown in strike-out above was inadvertently not deleted. The correct and updated definition was included in the Zoning Code.

- Page 80.20-21

Construction Storage/Supply Yard: An outdoor storage facility operated by or on behalf of a contractor for the storage of large equipment, vehicles, and/or materials commonly used in the individual contractor's type of business, and for the repair and maintenance of the contractor's equipment. May include an accessory office or buildings for the storage and repair of equipment and vehicles.

As the current Zoning Code does not have a definition for this use, staff recommends that this new definition should be included.

Corridor Plan: A plan for a highway corridor the boundaries of which are defined by the public right of way only, except that consideration for vehicular access to adjoining property may also be included.

This definition may be deleted as this term is not used in the Zoning Code.

Coverage: The portion of a lot, expressed as a percentage, that is covered by any and all buildings and structures including accessory buildings and decks. The following are not included when determining lot coverage: ~~excepting~~ paved areas, uncovered parking areas, single-level unenclosed covered parking areas such as a carport (unless the roof space is used for any use or activity), structures supporting solar collectors, unenclosed covered walkways, driveways, walks, patios ~~lanais~~, terraces, swimming pools, and landscape areas

This amendment ensures consistency with the former LDC, and staff's interpretation and practice with implementation of the Zoning Code by including structures and decks within the definition of lot coverage.

Section 10-80.20.040 Definitions, "D."

- Page 80.20-21

Day Care, Center: A facility regulated by the State that provides supervision for less than 24 hours per day for ~~eight~~nine or more children, elderly, or disabled persons in a facility other than a residence. This includes adult day care or adult day health as define in A.R.S 46-191.1.

This minor amendment is needed because a "Day Care, Home" is defined as a facility "that receives no more than eight children, elderly, etc."

- Page 80.20-25

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

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

Driveway: A vehicular lane or lanes within a lot, or shared between two lots, providing access for vehicles ~~usually leading~~ to a garage, carport, parking space, or ~~other~~ parking area.

This amendment clarifies the definition of a driveway.

Drive-through Aisle: A vehicular lane or lanes provided to serve a drive-through retail or service use including the required drive-through stacking area, area in front of order and pick-up windows, and the exit lane or lanes to a public street.

This amendment provides a definition for a term that was not previously defined in the Zoning Code.

- Page 80.20-26

Duplex: A residential building designed to be occupied by two families living independently of each other with two attached dwelling units on one lot or parcel. Said units may be attached front-to-back, side-to-side or stacked one atop the other.

1. **Front-to-Back:** An attached building type with two independent living units with one unit placed behind the other and sharing a common or party wall.
2. **Side-by-side:** An attached building type with two side-by-side independent living units sharing a common or party wall.
3. **Stacked:** An attached building type with two independent living units stacked one on top of the other.

Staff recommends that the definition of "Dwelling, Two-family" should be merged with the definition of "Duplex" as these terms refer to the same building type. This change is reflected in Chapter 10-40 (Specific to Zones) and elsewhere in the Zoning Code where the term two-family dwelling is used.

Dwelling: One or more habitable rooms for residential use that are used as a home, residence, or sleeping place by one or more persons and which ~~may~~shall contain sleeping, sanitary, and cooking facilities. Dwelling includes an apartment or condominium. This does not include a motel or hotel room (see "Lodging") or suite or guest rooms in a boarding house (see "Boarding and Rooming Facilities") or bed and breakfast (see "Bed and Breakfast Establishment").

This minor amendment ensures consistency with the City's adopted Building Code.

Dwelling, Multiple-Family: A dwelling contained in a building comprised of ~~three~~four or more dwelling units.

This amendment provides consistency with the definition of a multi-family building in the Building Code.

~~**Dwelling, Secondary Single-Family:** An existing detached residential unit, secondary in scale and bulk to the primary residence, used either as a second unit on an existing lot or on a separate parcel in connection with a land split. Refer to Section 10-40.60.300 (Secondary Single-Family Dwelling).~~

As this term is being moved from the Zoning Code to Title 11 of the City Code, this definition may be deleted.

Dwelling, Two-Family: ~~A residential building designed to be occupied by two families living independently of each other~~ See Duplex.

Refer to the explanation for the amendment to the definition of duplex on the previous page.

Section 10-80.20.060 Definitions, "F."

- Page 80.20-30

Fenestration: The arrangement of openings in a building wall, including windows and doors, allowing light and views between the interior and the exterior of a building.

This amendment ensures that a term used in the Zoning Code is defined.

- Page 80.20-32

Flea Market: An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures outside of an enclosed building.

This amendment ensures that a term used in the Zoning Code is defined.

- Page 80.20-33

Floodplain: Any areas in a watercourse that have been or may be covered partially or wholly by floodwater from a one hundred-year flood. For the purposes of this Zoning Code, floodplain areas shall be considered as one of the following types:

1. **Urban Floodplains:** Delineated floodplain areas that are located in developed urban areas of the City.
2. **Rural Floodplains:** Delineated floodplain areas that are essentially open space and natural land uses which ~~and~~ are unsuitable for ~~urban development~~ purposes due to poor natural soil conditions and periodic flood inundation.

- Page 80.20-34

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

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

Frontage: The area ~~s~~ between a façade and the vehicular lanes inclusive of its built and planted components of private property and the right-of-way. Frontage also includes civic space such as a square or plaza, located within a block. Frontage is divided into private frontage and public frontage. Includes all the property fronting on one side of a street between the two nearest intersecting streets, excluding alleys, measured along the line of the street or, if dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

This amendment expands the definition of frontage to include a civic space, such as Heritage Square, located within a block.

FUTS: (Pronounced “foots”) The Flagstaff Urban Trails System, a city-wide network of non-motorized, shared-use path ways that are used by bicyclists, walkers, hikers, runners, and other users for both recreation and transportation.

Section 10-80.20.070 Definitions, “G.”

- Page 80.20-35

Garden Wall: A non-structural wall used to retain soil to prevent it from eroding away for which no Building Permit required.

This amendment ensures that a term used in the Zoning Code is defined.

- Page 80.20-36

General Services: Facilities primarily engaged in providing personal services, commercial services, and miscellaneous repair services and shops, including but not limited to the following:

Commercial Services:	Repair Services:	Personal Services:
		Wedding chapels, private
		Fitness Facilities

On June 21, 2011 when council was approving the final amendments to Chapter 10-80 (Definitions) in the General Services definition on Page 80.20-35 under the Personal Services column of the table “Fitness Facilities” were included as a general services use. This use was inadvertently omitted and was not included within the final published Zoning Code as it should have been. However, following a staff discussion on an application for a rock climbing gym proposed in an LI zone, it was agreed that a cleaner and better way of accomplishing the same goal was to remove fitness facilities from this definition and instead to add “Indoor Commercial Recreation” as “UP7” in the LI-O zone.

~~—**Government Offices:** Includes governmental office buildings and grounds.~~

This definition has been moved to Section 10-80.20.150, Definitions “O.”.

- Page 80.20-37

Group Home: A residential facility for eight or fewer unrelated persons providing living facilities, sleeping rooms, and meals in a family-like environment. The number listed does not include the operator, members of the operator's family, or persons employed by the operator as staff, except that the total number of persons living in a group home shall not exceed 10. This use shall be considered as a single-family dwelling in terms of applicable building form standards. Residents are supervised by a sponsoring entity or its staff which furnishes rehabilitative services to the group home residents. A group home is owned or operated under the auspices of a nonprofit association, private care provider, government agency, or other legal entity, other than the residents themselves or their parents or other individuals who are their legal guardians. A group home imposes no time limit on how long an individual can reside in the group home. A group home is a relatively permanent living arrangement where tenancy is measured in years. ~~This use shall be considered as a single family dwelling in terms of applicable building form standards. The number listed does not include the operator, members of the operator's family, or persons employed by~~

~~the operator as staff, except that the total number of persons living in a group home shall not exceed 10.~~ This category does not include a home for the developmentally disabled or other institutional uses such as protective living or sheltered care facilities, see "Institutional Residential."

The amendments to this definition more accurately define a "group home" and are based on policy recommendations from the American Planning Association for such uses.

Section 10-80.20.080 Definitions, "H."

- Page 80.20-39

Home Occupation: Any occupation, profession, activity, or use which is ~~customarily, in whole or in part,~~ conducted in a residence and, which does not change the exterior of the property, ~~or~~ affect the character of the residential use, or bring customer traffic into a residential neighborhood. ~~A home occupation does not include pet grooming, sales offices, automobile repairs, commercial stables, massage businesses, veterinary hospitals or clinics, medical marijuana dispensaries, medical marijuana dispensary offsite cultivation locations, medical marijuana qualifying patient cultivation locations, or other uses that would bring customer traffic into the neighborhood.~~

This amendment improves, clarifies and simplifies this definition by eliminating the uses which are not considered as home occupations.

- Page 80.20-39

Hospital: An institution, place, building, or agency, public or private, whether organized for profit or not, devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of ~~two or more unrelated~~ persons admitted for overnight stay or longer in order to obtain medical treatment, including surgical, obstetric, psychiatric, and nursing care of illness, disease, injury, infirmity, or deformity. The term "hospital" also includes:

1. Any facility which is devoted primarily to providing psychiatric and related services and programs for the diagnosis and treatment or care of ~~two or more unrelated~~ persons suffering from emotional or nervous illness; and
2. All places where pregnant women are received, cared for, or treated during delivery, regardless ~~irrespective~~ of the number of patients received; ~~and~~
3. ~~General and specialized hospitals, tuberculosis sanitarium, maternity homes, lying-in-homes, and homes for unwed mothers in which aid is given during delivery.~~

This amendment updates and clarifies the definition of a hospital.

Section 10-80.20.090 Definitions, "I."

- Page 80.20-41

Internal Illumination: ~~A source of illumination contained entirely within the sign that makes the contents of the sign visible at night by means of light being transmitted through a translucent material, but wherein the source of the light is not visible.~~

This definition is redundant and can be deleted as there is already a definition for "Sign, Internally Illuminated".

- Page 80.20-42

~~Inn: A lodging type, owner-occupied, offering six to 12 bedrooms, permitted to serve breakfast in the mornings to guests.~~

This definition can be deleted as this term is not used in the Zoning Code.

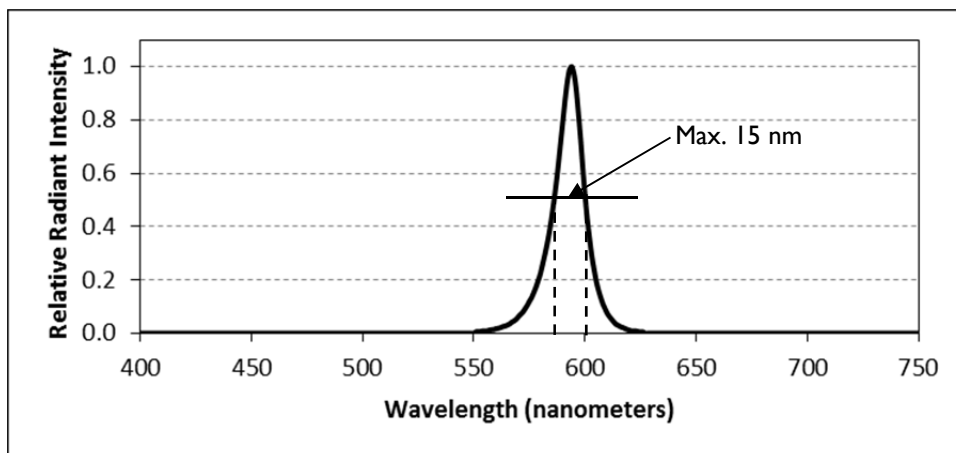
Institutional Use: A non-profit or quasi-public use such as a religious institution, library, public or private school, hospital, or government-owned or government-operated structure or land used for public use.

As the current Zoning Code does not have a definition for this use, staff recommends that this new definition should be included.

10-50.20.120 Definitions, "L."

- Page 80.20-44

LED, Narrow-Spectrum Amber: A light emitting diode (LED) with a spectrum similar to that shown in the graph below, and with a peak wavelength between 585 and 595 nanometers and a full width at 50 percent power no greater than 15 nanometers.



Representative Narrow-Spectrum Amber LED spectrum

This amendment helps to explain the spectrum characteristics of a Narrow-Spectrum Amber LED lamp.

- Page 80.20-44

Light Reflectance Value (LRV): A measure of visible and usable light that is reflected from a surface when illuminated by a light source, and conversely how much it absorbs. LRV is typically measured on a scale from 0% to 100% where a LRV of zero is assumed to be an absolute black and an LRV of 100% is assumed to be perfectly reflective white.

This amendment ensures that a term used in the Zoning Code is defined.

- Page 80.20-45

Lighting Class 1: All outdoor lighting used for applications where color rendition is required~~important~~ to preserve the effectiveness of an~~the~~ activity.

Lighting, Class 2: All outdoor lighting used for applications, ~~but not limited to, illumination for walkways, roadways, equipment yards, parking lots and outdoor security~~ where general illumination for safety or security ~~of the grounds~~ is the primary concern.

Lighting, Class 3: Any outdoor lighting used for decorative purposes ~~effects including, but not limited to, architectural illumination, flag and monument lighting, and illumination of trees or bushes.~~

The amendments to the Lighting Class definitions ensure consistency with the use of these terms in Section 10-50.70.050 B. (Lighting Classes). Examples of the application of these lighting classes have been consolidated in this Code Section.

- Page 80.20-46 and -47

Lot Lines: The recorded boundary that legally and geometrically demarcates a lot. Types of lot lines are as follows:

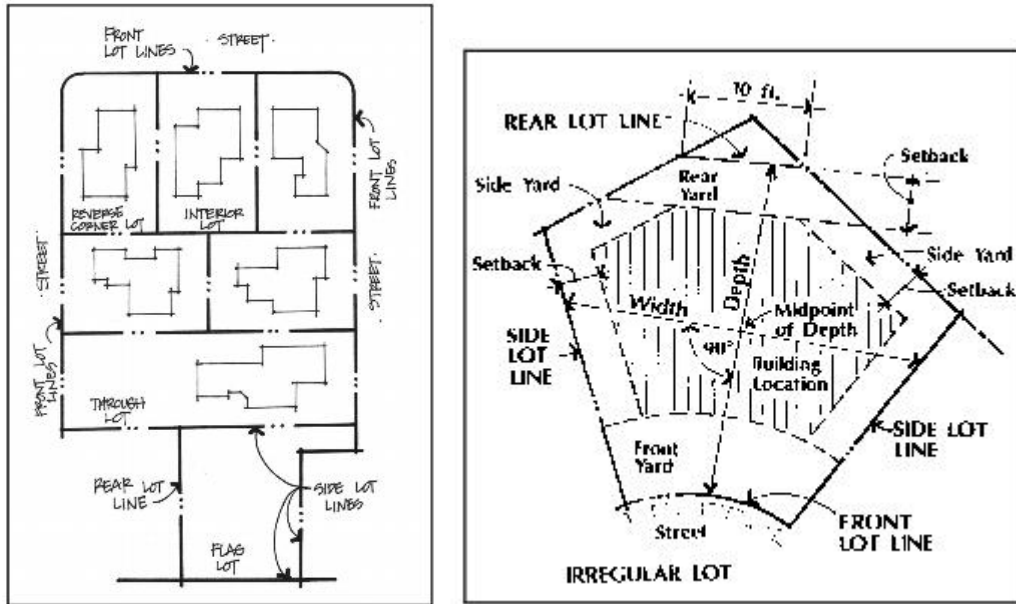
Lot Line, Front: A lot line on the lot's frontage.

1. **Corner Lot:** Either of the two lines adjacent to the streets as platted, subdivided, or laid out, except that the front lot line shall be that line ~~-which is obviously the front by reason of the prevailing custom of the other buildings on the block. If such front is not evident, then either may be considered the front of the lot, but not both.~~
2. **Interior Lot:** The property line separating the lot from ~~bounding~~ the street frontage.
3. **Through Lot:** On a through lot both lot lines are front lot lines and the lot is considered to have no rear lot line ~~That line which is obviously the front by reason of the prevailing custom of the other buildings in the block. Where such front lot line is not obviously evident, the Director shall determine the front property line. Such a lot over 200 feet deep shall be considered, for the purpose of this definition, as two lots, each with its own frontage.~~

Lot Line, Rear: The ~~at~~ lot line which is most distant from and most closely parallel to ~~opposite~~ the front lot line. Where the side lot lines meet in a point, the rear lot line shall be assumed to be a line not less than 10 feet long lying within the lot and parallel to the front lot line. In the event that the front lot line is a curved line, then the rear lot line shall be assumed to be a line not less than 10 feet long, lying within the lot and parallel to a line tangent to the front lot line at its midpoint.

Lot Line, Side: Lot lines connecting the front and rear lot lines.

The amendments proposed above are intended to make the definitions easier to understand and apply. Insert illustration(s) to make these definitions clearer.



10-50.20.130 Definitions, "M."

- Page 80.20-52

Manufactured Home: ~~A structure built in compliance with Arizona Revised Statue, Title 41, Chapter 16, Articles 1, 2, 3, 4, and 5, Rules and Regulations A.A.C. R4 34 101— R4 34 1001, A.A.C. R4 36 201— R4 36 311, constructed in a factory or axles, and trailer tongue, but is primarily designed to be installed once. A manufactured home can be retro-fitted easily with running gear and moved with a temporary license plate. These units are built to the Housing and Urban Development standards.~~ A transportable structure built on a permanent chassis in a factory or manufacturing plant in compliance with the Housing and Urban Development standards that is designed to be used as a dwelling with or without a permanent foundation and under the regulation of the Arizona State Office of Manufactured Housing.

This amendment simplifies, clarifies and updates this definition.

Manufacturing and Processing, Incidental: Facilities that are incidental and subordinate to the allowed primary use ~~manufacturing or processing facility~~ on a site, such as a coffee roaster, brewery or distillery.

This essentially clerical amendment is suggested to clarify the meaning of this sentence.

- Page 80.20-53

Micro-brewery or Micro-distillery: A facility engaged in the production, bottling, and packaging of beer and other fermented malt beverages or spirituous beverages on site that may include a taproom in which guests/customers may sample or purchase the product.

This is a new definition for these uses that is clearer and more straight forward than calling them "Manufacturing and Processing, Incidental".

10-50.20.131 Definitions, "N."

- Page 80.20-57

~~**Nonstructural Sign Trim:** The molding, battens, capping, nailing strips, latticing and platforms which are attached to the sign structure and are nonstructural in nature and do not contribute to the support of the sign.~~

This definition can be deleted as this term is not used in the Zoning Code.

Section 10-80.20.150 Definitions, "O."

- Page 80.20-57

Offices: Premises available for the transaction of general business and services including but not limited to professional, management, financial, legal, ~~health~~, social, or government offices, but excluding retail, artisan, and manufacturing uses.

Offices, Government: Includes governmental office buildings and grounds.

This essentially clerical amendment moves this definition from Section 10-20.80.070 (Definitions "G.").

Offices, Medical: An office building used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

This amendment ensures that a term used in the Zoning Code is defined.

- Page 80.20-58

Outdoor Storage or Display: The storage or display of any personal or business materials, products, or equipment outside of a building.

This amendment ensures that a term used in the Zoning Code is defined.

- Page 80.20-59

~~**Overstory:** Tall trees in excess of 12 feet in height under which other understory trees and shrubs may be planted.~~

This term is no longer used in the Zoning Code and may, therefore, be deleted.

Section 10-80.20.160 Definitions, "P."

- Page 80.20-60

Person: Any individual, firm, partnership, association, joint venture, corporation, limited liability company, or the state of Arizona or any agency or political subdivision of the State.

This minor amendment expands the definition of a person to include a limited liability company.

- Page 80.20-61

Physical Fitness Facility: A facility where active or passive exercises and related activities are performed within an enclosed building for the purpose of physical fitness, improved circulation or flexibility, and/or weight control.

As the current Zoning Code does not have a definition for this use, staff recommends that this new definition should be included.

- Page 80.20-62

Preliminary Plat: A preliminary map, including sketch and supporting data, of a proposed subdivision, drawn to scale with sufficient information to allow the ~~Review Authority to review the~~ plat to be reviewed, and ~~for to make~~ determinations and recommendations to be made.

Staff recommends this amendment to better define a preliminary plat as it is significantly more comprehensive than a "sketch".

Primary Street: A primary street is a street with the highest classification compared to other streets that front a lot or parcel, as determined by the Director. The primary street may have the most prominent address and it typically will have the majority of buildings fronting it.

As the current Zoning Code does not have a definition for this use, staff recommends that this new definition should be included.

Section 10-80.20.180 Definitions, "R."

- Page 80.20-64

Rain Barrels: Any above or below ground storage container ~~Barrels~~ connected directly to a downspout ~~to capture and store runoff for future use, used solely for the collection and storage of rainwater that has a capacity of 100 gallons or less.~~

This definition was suggested by City Stormwater Section staff.

Ranching: Includes grazing and ~~ranching activities such as~~ the breeding and raising of horses and other livestock for commercial gain rather than for personal use.

This amendment clarifies the definition of ranching consistent with the way this term is used in the Zoning Code.

- Page 80.20-62

Recreation, Active: Recreational pursuits usually performed with others, ~~and~~ often requiring equipment and taking place at facilities, sites, or fields. Such areas may be intensively used and require ~~which required~~ physical alteration to the area in which they are performed. ~~Such areas are intensively used, and~~ Examples include but are not limited to playgrounds, sport courts, baseball/softball and other field sports, golf courses, and swimming pools.

This amendment better describes active recreation and clarifies that golf courses are considered as active recreation.

- Page 80.20-65

Recreational Vehicle (RV): A mobile structure designed as temporary living quarters for recreation, vacation, camping, or travel use, which is either self-propelled or is mounted on or drawn by another vehicle. Examples include, but are not limited to, a travel trailer, camping trailer, fifth-wheel trailer, truck camper, motor home, or camper van.

Staff recommends that the term van should be clarified as a camper van, (i.e. one that is outfitted for temporary living quarters) as compared to a van that is used for a variety of other purposes, such as deliveries of goods, transporting people, etc.

- Page 80.20-67

Rooming and Boarding Facility: ~~A residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent, or rental agent is in residence.~~

Staff recommends that this definition be deleted as it is confusing, and that uses grouped under this term in the Definitions should be listed separately. See related amendments in Chapter 10-40 (Specific to Zones - specifically the Use Tables in non-transect zones) and in the Parking Standards (Division 10-50.80). This amendment also resolves the difficulty of the City enforcing the type of lease arrangement between the lessor and the lessee.

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 for an extended period of time, such as weekly or monthly. ~~that have separate sleeping areas and some combination of shared bath or toilet facilities.~~ Common facilities and services for laundry, cleaning, and meals may be provided for the residents ~~The structure may or may not have separate or shared cooking facilities for the residents.~~ Single room occupancy includes buildings structures sometimes called residential hotels and rooming houses. ~~See also "Boarding and Rooming Houses."~~

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

Site Analysis Plan: A Site Analysis Plan allows the physical, heritage, natural and other characteristics of a development site to be mapped so that these characteristics may influence how the site will be developed, minimizing site disturbance and environmental damage while preserving features that are valued.

This amendment provides a definition of a Site Analysis Plan.

- Page 80.20-77

Solar Roof Paneling: ~~Roof paneling that uses the sun's light to create electricity directly through photovoltaic cells (PV).~~

As the definition for "solar collector" includes solar roof paneling, this definition is redundant and may be eliminated.

Sorority: See "Fraternity, Sorority."

- Page 80.20-79

Structure: The result of arranging materials and parts together, such as buildings, towers, tanks (excluding rain barrels and cisterns), and fences (but not including tents or vehicles) and attaching them to the ground. It shall also mean a mobile home, anything constructed

or erected, any building of any kind artificially built up or composed of parts joined together in some definite manner, which is located on or in the ground or is attached to something having a location on or in the ground, including swimming and wading pools and covered patios. Paved areas, walkways, tennis courts, and similar outdoor areas, and fences or walls 3 feet or less in height are not structures.

The amendment to this definition was suggested by City Stormwater Section staff to ensure that rain barrels and cisterns were not included in the definition for structure.

Section 10-80.20.200 Definitions, "T."

- Page 80.20-80

Taproom: A retail sales facility where customers may taste and purchase beverages processed on the site, including beer and spirituous liquors. (Syn: Tasting Room).

As the current Zoning Code does not have a definition for this use, staff recommends that this new definition should be included.

- Page 80.20-81

Trade Schools: A specialized school frequently owned and operated privately for profit providing on-site training of business, commercial, industrial and trade or vocational skills.
~~Includes trade or vocational training schools.~~

This amendment provides a more comprehensive definition for a trade school.

Townhouse: A single-family dwelling that shares a party wall with another of the same type placed side by side~~and occupies the full frontage line.~~

This amendment clarifies that a townhouse does not need to occupy the full frontage line.

Section 10-80.20.210 Definitions, "U."

- Page 80.20-83

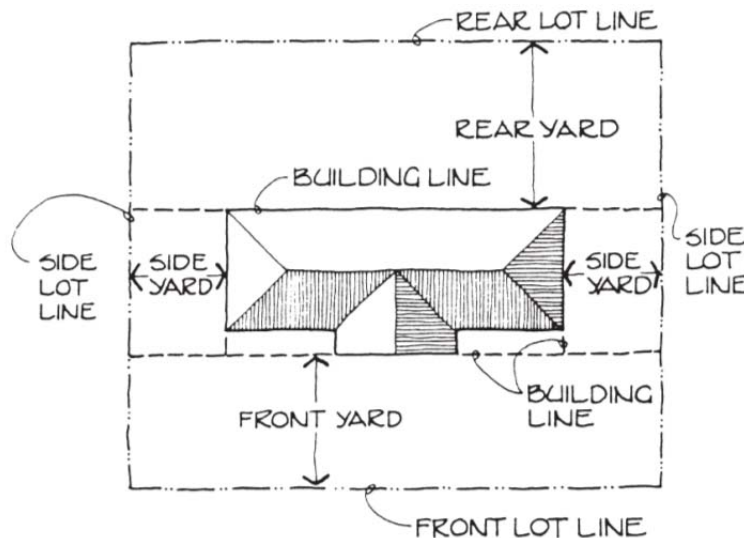
~~**Understory:** Small trees and shrubs that may be either deciduous or evergreen, adding structure, texture, color, and multi-season interest when used as a landscape element that grow under taller trees (See overstory trees). Understory trees are usually no more than 10-12 feet in height and are therefore appropriate to be planted under overhead power lines.~~

This term is no longer used in the Zoning Code and may, therefore, be deleted.

Section 10-80.20.250 Definitions, "Y."

- Page 80.20-86

Yard: An open area at grade between a principal or accessory building or buildings and the nearest lot line that is unoccupied and unobstructed from the ground upward except as may be specifically provided in this Zoning Code.



Yard, Exterior: A yard extending from the front yard to the rear yard between any building and the exterior side lot line. On corner lots, the exterior side yard is adjacent to a street other than the one which determines the front yard.

Yard, Front: A yard extending across the full width of a lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line.

Yard, Interior: A yard extending from the front yard to the rear yard between the principal building and the side lot line adjacent to another lot measured perpendicular from the side lot line to the closest point of the principal building.

Yard, Rear: A yard extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.

These amendments provide definitions for these important terms used throughout the Zoning Code that were not carried forward from the LDC. Note that a yard is not synonymous with a setback area as a building may be placed further from a lot line than that required by the required setback. In this case then, the yard would have a greater depth than that required by the setback.

Chapter 10-90: Maps

Content:

Division 10-90.10: Purpose	90.10-1
10-90.10.010 Purpose	90.10-1
Division 10-90.20: Cultural Resource Maps	90.20-1
10-90.20.010 Cultural Resource Sensitivity Map	90.20-3
10-90.20.020 Flagstaff Southside Historic District (National Register District) Map	90.20-5
10-90.20.030 Flagstaff Townsite Historic Residential District (National Register District) Map	90.20-7
10-90.20.040 North End Historic Residential District (National Register District) Map	90.20-9
10-90.20.050 Railroad Addition Historic District (National Register District) Map	90.20-11
Division 10-90.30: Rural Floodplain Map	90.30-1
Division 10-90.40: Overlay Maps	90.40-1
10-90.40.010 Airport Avigation Area Map	90.40-3
10-90.40.020 Airport Overlay Zone Map	90.40-5
10-90.40.030 Downtown Historic District Overlay Zone Map	90.40-7
10-90.40.040 Flagstaff Central District Map	90.40-9
10-90.40.050 Resource Protection Overlay (RPO) Map	90.40-11
10-90.40.060 Townsite Overlay Zone Map	90.40-13
Division 10-90.50: Subject Specific Maps	90.50-1
10-90.50.010 Flagstaff Sign Free Zone Map	90.50-3
10-90.50.020 Lighting Zone Map	90.50-5
10-90.50.030 Rural Floodplain Map	90.50-7
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Division 10-90.50: Lighting Zone Map	90.50-1
Division 10-90.60: Placeholder	90.60-1
Division 10-90.70: Placeholder	90.70-1
Division 10-90.80: Zoning Maps	90.80-1

These non-substantive amendments improve the organization of this chapter. Cross check throughout the Zoning Code to correct all map references.

10-90.80 Zoning Map

10-90.80.010 Zoning Map

B. The Zoning Map comprises two related maps as follows:

1. Zoning Map for the City of Flagstaff showing the non-transect and transect zones [\(illustrated on a Regulating Plan included as an inset on the Zoning Map\)](#) as applied within the City; and,
2. Overlay Zones Map showing the different overlay zones associated with the Zoning Map.

This minor amendment clarifies that the transect zones are mapped on a Regulating Plan which is included as an inset on the Zoning Map.

ORDINANCE NO. 2016-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 10, *THE CITY OF FLAGSTAFF ZONING CODE*, BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED “2015/2016 AMENDMENTS TO CITY CODE TITLE 10, ZONING CODE, EXCEPT FOR DIVISION 10-50.100 (SIGN STANDARDS)”; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City Council has determined that amendments to the Zoning Code, Title 10 of the Flagstaff City Code, are necessary in order to ensure, among other things, that known errors are corrected, ease of use through simplified standards, consistency in interpretation and application of standards and procedures, and greater predictability in the application of the Zoning Code; and

WHEREAS, the Mayor and Council have, by resolution, previously declared the “*2015/2016 Amendments to City Code Title 10, Zoning Code, Except for Division 10-50.100 (Sign Standards)*,” (“Proposed Amendments”) to be a public record; and

WHEREAS, the Planning and Zoning Commission at their public meeting on June 24, 2015 recommended that the City Council adopt the proposed amendments, and in special work sessions held on September 15, 2015, October 19, 2015, November 10, 2015, and December 8, 2015, the City Council considered public comment, discussed various options and alternatives, and, after deliberation, directed staff to return with those changes that now comprise the Proposed Amendments; and

WHEREAS, the City Council finds that the City has complied with the statutory notice and meeting requirements.

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. In General.

That the document entitled *2015/2016 Amendments to City Code Title 10, Zoning Code, Except for Division 10-50.100 (Sign Standards)*,” three copies of which are on file in the office of the City Clerk of the City of Flagstaff, Arizona and previously declared by Resolution No. 2016-02 to be a public record, is hereby adopted and made a part hereof as if fully set out in this ordinance and its provisions declared to be inserted into the Zoning Code and to replace and supersede the existing relevant provisions of the Zoning Code.

SECTION 2: Penalties.

Whenever the Flagstaff Zoning Code prohibits an act or makes or declares an act to be unlawful or an offense, or whenever in the Code the doing of any act is required, or the failure to do any act is declared to be unlawful, the violation of any such provision shall be punished as follows:

Civil Penalty: Any person found responsible for violating the Flagstaff Zoning Code shall be sentenced to a fine of not less than \$100. Any person found responsible of a second violation committed within 36 months of a prior violation shall be subject to a fine of not less than \$250. Any person found responsible of a third or subsequent violation within 36 months of a prior violation shall be subject to a fine of not less than \$500.

Criminal Penalty: Any person found responsible by the Flagstaff Municipal Court for three or more civil violations of the Flagstaff Zoning Code within a 24-month period shall be deemed a habitual offender. A habitual offender who subsequently violates the Flagstaff Zoning Code shall be guilty of a class 1 misdemeanor.

SECTION 3. Repeal of Conflicting Ordinances.

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

SECTION 4: Severability.

That, if any section, subsection, sentence, clause, phrase or portion of this ordinance or any of the amendments adopted in this ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by a decision of any court of competent jurisdiction, such decision shall not affect any of the remaining portions thereof.

SECTION 5: Effective Date.

This ordinance shall be effective (30) thirty days after adoption.

PASSED AND ADOPTED by the Council of the City of Flagstaff, this 16th day of February, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and Council
From: Tamara Lawless, Sustainability Specialist
Date: 01/28/2016
Meeting Date: 02/02/2016



TITLE:

Consideration and Adoption of Resolution No.2016-03: A Resolution of the City of Flagstaff Urging the United States Congress to Pass Carbon Fee and Dividend Legislation.

RECOMMENDED ACTION:

- 1) Read Resolution No. 2016-03 by title only
- 2) City Clerk reads Resolution No. 2016-03 by title only (if approved above)
- 3) Adopt Resolution No. 2016-03.

Executive Summary:

The Flagstaff chapter of Citizens' Climate Lobby is requesting that the Flagstaff City Council pass Resolution 2016-03. This Resolution urges the United States Congress to pass legislation that will establish a revenue-neutral fee on carbon emissions. Proceeds from the proposed fee would then be returned to American households as a dividend.

Financial Impact:

Regional Economic Modeling, Inc. (REMI), an independent consulting firm, performed an economic analysis of the proposed legislation. The attached table shows their projected dividend per Flagstaff household, assuming a 2-adult, 2-child household. Population estimates from the most recent US Census were utilized to calculate the monthly and annual totals for Flagstaff as a whole. Their projections show a \$34.22 average monthly dividend per Flagstaff household during the first year of the fee, and a \$242.40 average monthly dividend by the twelfth year of the fee. Please review the attached Economic Analysis of Carbon Fee Resolution to view the full projected dividend amounts per Flagstaff household for each year of the initiative.

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

10) Decrease the number of working poor

REGIONAL PLAN:

Policy E&C.2.1. Encourage the reduction of all energy consumption, especially fossil-fuel generated energy, in public, commercial, industrial, and residential sectors.

Policy E&C.2.2. Promote investments that strengthen climate resiliency.

Policy E.1.10. Incentivize energy efficiency and renewable energy technologies in construction projects.

Policy E.2.1. Promote renewable energy sources that reduce demand upon fossil fuels and other forms of generation that produce waste.

Policy E.2.5. Pursue, promote, and support utility-scale renewable energy production such as biomass facilities, solar electricity, wind power, waste-to-energy, and other alternative energy technologies.

Has There Been Previous Council Decision on This:

No.

Options and Alternatives:

Elect not to adopt.

Background/History:**PROPOSED FEDERAL LEGISLATION:**

Citizens' Climate Lobby requests that the United States Congress enact legislation which will levy an annually increasing fee on carbon dioxide emissions produced by fossil fuels at the point of production and importation (mine, well, or port), and return all of the revenue from this fee to Americans on an equitable basis. The legislation would also incorporate suitable carbon-content-based fees/rebates for imports and exports to nations that have not taken a similar action.

RATIONALE BEHIND LEGISLATIVE ACTION:

The City of Flagstaff's mission is to protect and enhance the quality of life for its citizens. The voter approved Flagstaff Regional Plan 2030 asserts that environmental health is inherent to individual and community health and prudent, fact-based stewardship of the economy and the environment is a critical responsibility in order to ensure that the resources of the City and its natural environment are available for future generations.

There have been marked increases in extreme weather events impacting northern Arizona including drought, wildfires, wind, and flooding, which are expected to further worsen. If left unaddressed, the consequences of a changing climate, including severe weather events, have the potential to adversely impact all Flagstaff residents, threatening productivity in key economic sectors such as construction, ranching, and tourism, saddling future generations with costly economic and environmental burdens, and imposing additional costs on City and County budgets that will further add to fiscal challenges. The urgently needed transition from fossil fuels can be accomplished effectively with a market-based program, namely a revenue-neutral carbon fee and dividend. The Citizens' Climate Lobby believes it is the responsibility and duty of the City Council to advocate for state and national policies that will protect all Flagstaff residents from events that could negatively impact their health, welfare, and safety.

Other cities in our region that have passed resolutions calling on Congress to enact carbon fee-and-dividend include Salt Lake City, Santa Fe, Las Cruces, and Carbondale.

Community Involvement:

The Flagstaff Chapter of Citizen's Climate Lobby has been speaking with a number of community groups about this proposed resolution.

Attachments: [Economic Analysis of Carbon Fee Resolution](#)
[Res. 2016-03](#)
[PowerPoint](#)

FINANCIAL IMPACTS ON FLAGSTAFF RESIDENTS:

Regional Economic Modeling, Inc. (REMI), an independent consulting firm, performed an economic analysis of the proposed legislation. The table below shows their projected dividend per Flagstaff household, assuming a 2-adult, 2-child household. Population estimates from the most recent US Census were utilized to calculate the monthly and annual totals for Flagstaff as a whole.

Year	Flagstaff average household monthly dividend	Flagstaff average household annual dividend	Flagstaff city monthly totals	Flagstaff city annual totals
1	\$34.22	\$410.63	\$787,237.71	\$9,446,852.55
2	\$67.02	\$804.25	\$1,541,880.52	\$18,502,566.30
3	\$96.97	\$1,163.59	\$2,230,802.10	\$26,769,625.16
4	\$124.05	\$1,488.66	\$2,854,002.43	\$34,248,029.14
5	\$149.72	\$1,796.63	\$3,444,430.71	\$41,333,168.55
6	\$169.68	\$2,036.22	\$3,903,770.81	\$46,845,249.71
7	\$185.37	\$2,224.44	\$4,264,617.62	\$51,175,411.43
8	\$199.63	\$2,395.56	\$4,592,692.38	\$55,112,308.57
9	\$212.47	\$2,549.59	\$4,887,995.10	\$58,655,941.16
10	\$222.45	\$2,669.34	\$5,117,576.57	\$61,410,918.86
11	\$233.85	\$2,806.19	\$5,379,930.09	\$64,559,161.13
12	\$242.40	\$2,908.84	\$5,576,739.52	\$66,920,874.27

RESOLUTION NO. 2016-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA URGING THE UNITED STATES CONGRESS TO PASS CARBON FEE AND DIVIDEND LEGISLATION

RECITALS:

WHEREAS the City of Flagstaff's mission is to protect and enhance the quality of life of its citizens; and

WHEREAS the 2014 voter approved Flagstaff Regional Plan 2030 asserts that environmental health is essential to individual and community health; and

WHEREAS prudent, fact-based stewardship of the economy and the environment is a critical responsibility in order to ensure that the resources of the City and its natural environment are available for future generations; and

WHEREAS there have been marked increases in extreme weather events impacting northern Arizona including drought, wildfires, wind and flooding, which are expected to further worsen; and

WHEREAS, if left unaddressed, the consequences of a changing climate, including severe weather events, have the potential to adversely impact all Flagstaff residents, harming productivity in key economic sectors such as construction, ranching, and tourism, saddling future generations with costly economic and environmental burdens, and imposing additional costs on City and County budgets that will further add to fiscal challenges; and

WHEREAS, the urgently needed transition from fossil fuels can be accomplished effectively with a market-based program, namely a revenue-neutral carbon fee and dividend; and

WHEREAS, it is the responsibility and duty of the City Council to advocate for state and national policies that will protect all Flagstaff residents from events that could negatively impact their health, welfare, and safety.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1.

That the Council strongly urges the U.S. Congress to enact legislation that:

- A. Levies an annually increasing fee on carbon dioxide (or green house gas equivalent) emissions produced by fossil fuels at the point of production and importation;
- B. Returns to Americans on an equitable basis all of the revenues generated from the fee; and

- C. Incorporates suitable carbon-content-based fees for imports from, and rebates for, exports to nations that have not taken an action like this.

SECTION 2.

The City of Flagstaff Intergovernmental Relations Program director is hereby directed to forward a copy of this resolution to the delegation in the U.S. Congress representing Flagstaff within 60 days of enactment.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 2nd day of February, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

A Resolution of the City of Flagstaff Urging the United States Congress to Pass Carbon Fee and Dividend Legislation

CITIZENS' CLIMATE LOBBY

FEBRUARY 2, 2016

Overview

CCL has been working with the Flagstaff public since September of 2014 on this initiative

On August 4th, the Flagstaff chapter of CCL presented a petition to City Council to consider a carbon fee and dividend resolution

Tonight the Flagstaff chapter of CCL will provide details on the proposed resolution

CITIZENS' CLIMATE LOBBY

National

Non-partisan

Volunteer-run

Growing rapidly



Citizens' Climate Lobby

THE COSTS OF CARBON



CORRECTING A MARKET FLAW

Prices don't reflect cost

Fix the market, and let the market decide



Carbon Fee & Dividend

Part 1: Carbon Fee

\$15 per ton of CO₂,
rising \$10 per year

Assessed at
wellhead, mine, or
port of entry



Carbon Fee & Dividend

Part 2: Dividend

All proceeds returned
to American
households

2/3 of families break
even or better



Carbon Fee & Dividend

Part 3: Border Adjustment

Protects American
manufacturers

Provides a level
playing field

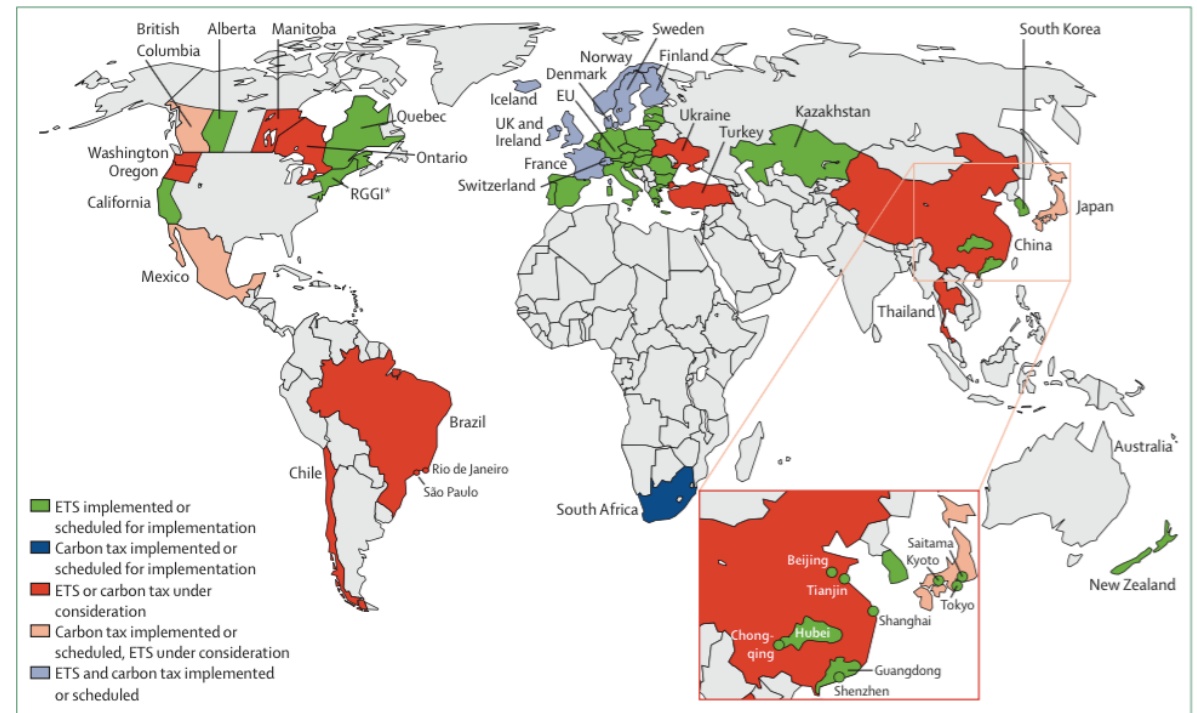


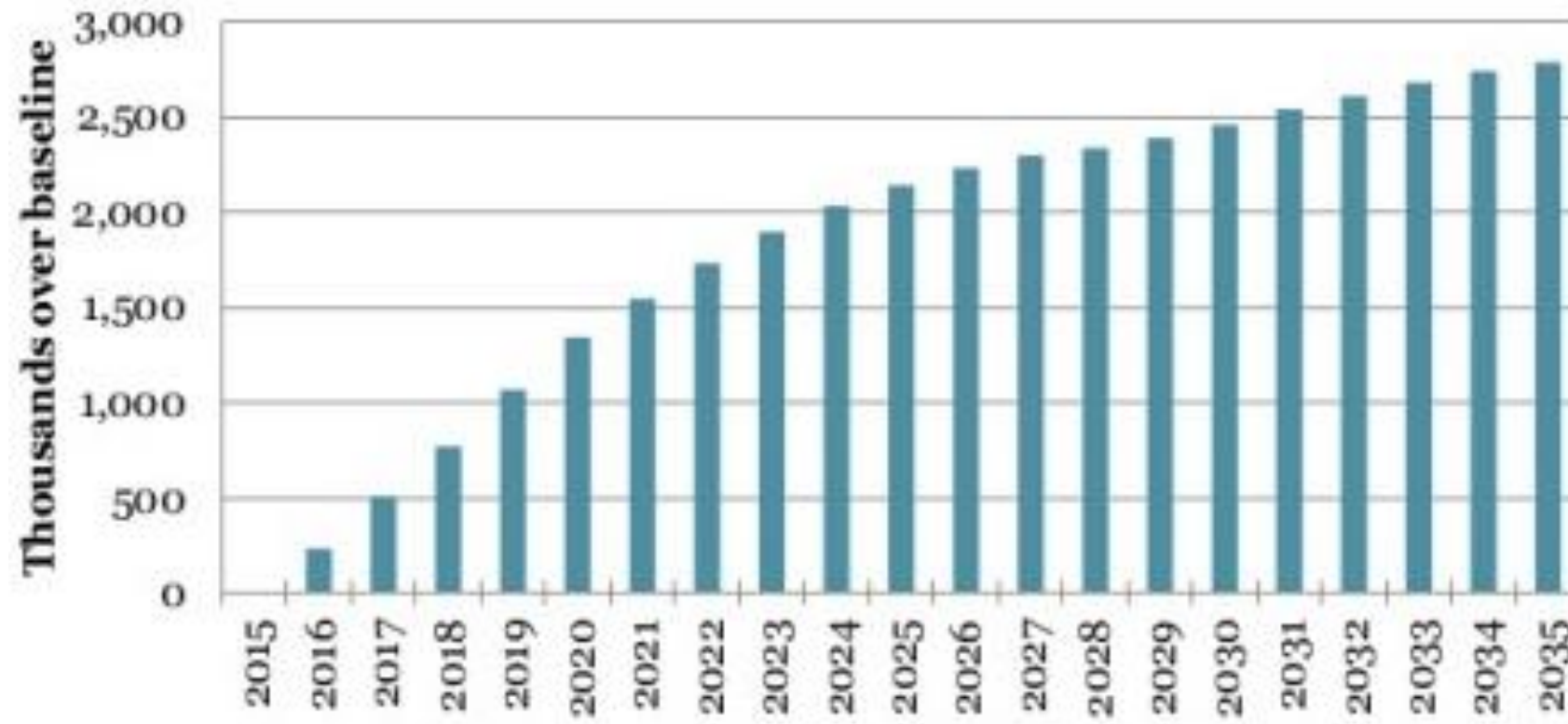
Figure 17: Existing, emerging, and potential regional, national, and subnational carbon pricing instruments (ETS and tax)²⁸¹

²⁸¹The RGGI (Regional Greenhouse Gas Initiative) is a coordinated cap and trade programme, operating between nine Northeastern and Mid-Atlantic States in the USA and Canada. ETS=emissions trading scheme.

BUSINESS SUPPORT FOR CARBON PRICING



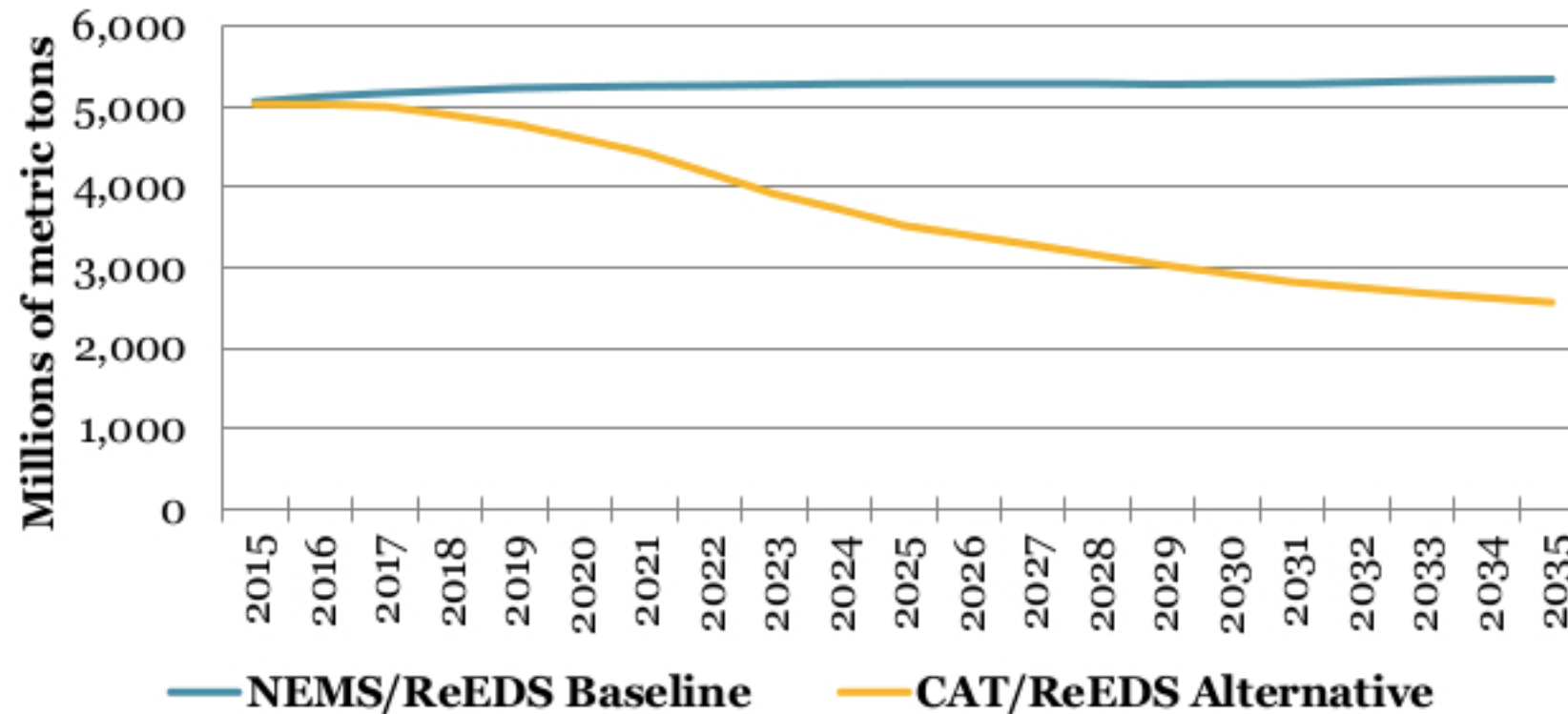
Job Growth Under Carbon Fee & Dividend



2014 study by Regional Economic Modeling, Inc.

Emissions Reductions

Carbon Dioxide Emissions (annual forecast, national level)



50% below
1990 levels
in 20 years

Arizona Support for Carbon Pricing

Sen. Flake sponsored “Raise Wages, Cut Carbon Act” of 2009

Sen. McCain has sponsored 3 Climate Stewardship Acts

U of A survey, 2014: 70% Arizonans favor government action to limit emissions



In Response to Council's Questions

Support for Fee & Dividend

Salt Lake City, UT

Philadelphia, PA

San Francisco, CA

Santa Fe, NM

Las Cruces, NM

Dona Ana County, NM

Carbondale, CO

Pitkin County, CO

Ancram, NY

Syracuse, NY

Cooperstown, NY

Taghkanic, NY

Fayetteville, AR

Eureka Springs, AR

In Response to Council's Questions

“Fee” vs. “Tax”

Former Secretary of State under President Reagan
George Schultz:

Tax generates revenue for government

Fee recovers cost of providing a service

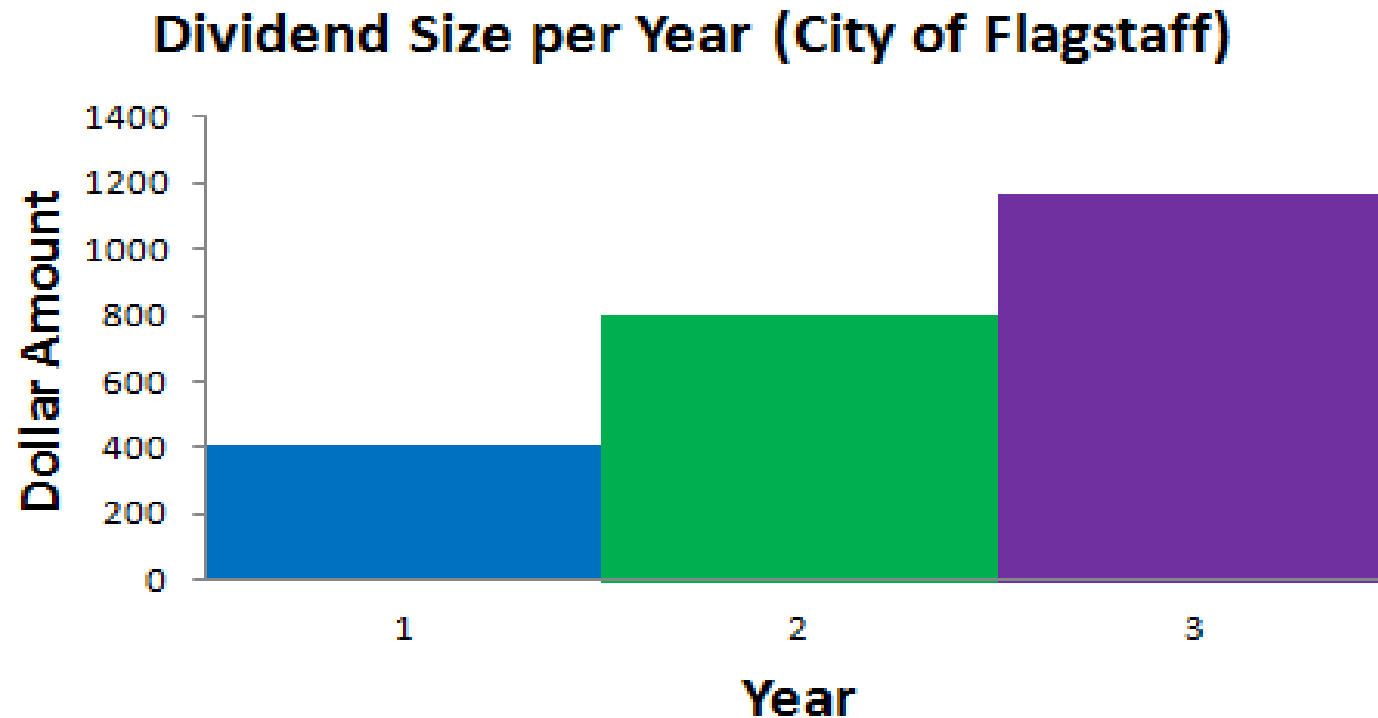
In Response to Council's Questions

Administration of Dividend

SCENARIO	WORST-CASE	INTERMEDIATE-CASE	BEST-CASE
<i>Assumptions determining scenario</i>	All households get monthly check	CFD piggybacks on SNAP and SSA	Direct deposit is used at historical rate by non-SNAP and non-SSA households.
<i>2014 Total Costs</i>	\$3.8 Billion	\$2.5 Billion	\$0.572 Billion
<i>2014 Costs as % of Revenue</i>	4.8%	3.2%	0.7%
<i>2015 Costs as % of Revenue</i>	3.0%	1.9%	0.4%

In Response to Council's Questions

Estimated \$9.4 million/yr in the first year



In Response to Council's Questions

Cost Increases

Gasoline: \$0.15/gallon in the first year
\$0.10/gallon subsequent years

Average electric bill: no more than \$2.80/mo in 1st year
No more than \$1.86/mo subsequent years

Cost of living: 1.7-2.5% over 20 years

Over 60% of households break even or come out ahead

Summary

A solution to a worldwide problem with enormous local impacts

Supported by American businesses and market-based

Local government calling on Congress to act

Get on with the work of running our City

Questions?

Thank you for your service!

CITY OF FLAGSTAFF
STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Elizabeth A. Burke, City Clerk
Date: 01/28/2016
Meeting Date: 02/02/2016



TITLE

Future Agenda Item Request (F.A.I.R.): A request by Vice Mayor Barotz and Councilmember Evans to place on a future agenda a discussion on winter snow play traffic congestion.

RECOMMENDED ACTION:

Council direction.

EXECUTIVE SUMMARY:

Rule 4.01, Procedures for Preparation of Council Agendas, of the City of Flagstaff City Council Rules of Procedure outlines the process for bringing items forward to a future agenda. Vice Mayor Barotz and Councilmember Evans have requested this item be placed on an agenda under Future Agenda Item Requests (F.A.I.R.) to determine if there is a majority of Council interested in placing it on a future agenda.

INFORMATION:

None

Attachments:

No file(s) attached.

CITY OF FLAGSTAFF
STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Elizabeth A. Burke, City Clerk
Date: 01/28/2016
Meeting Date: 02/02/2016



TITLE

Future Agenda Item Request (F.A.I.R.): A request by Mayor Nabours to place on a future agenda a comprehensive discussion on affordable housing.

RECOMMENDED ACTION:

Council direction.

EXECUTIVE SUMMARY:

Rule 4.01, Procedures for Preparation of Council Agendas, of the City of Flagstaff City Council Rules of Procedure outlines the process for bringing items forward to a future agenda. Mayor Nabours has requested this item be placed on an agenda under Future Agenda Item Requests (F.A.I.R.) to determine if there is a majority of Council interested in placing it on a future agenda.

INFORMATION:

None

Attachments:

No file(s) attached.

CITY OF FLAGSTAFF
STAFF SUMMARY REPORT

To: The Honorable Mayor and Council
From: Elizabeth A. Burke, City Clerk
Date: 01/28/2016
Meeting Date: 02/02/2016



TITLE

Future Agenda Item Request (F.A.I.R.): A request by Councilmember Evans to place on a future agenda a Resolution of Support for Legislation Proposed by Representative Gosar and Senator McCain Regarding Downwinders.

RECOMMENDED ACTION:

Council direction.

EXECUTIVE SUMMARY:

Rule 4.01, Procedures for Preparation of Council Agendas, of the City of Flagstaff City Council Rules of Procedure outlines the process for bringing items forward to a future agenda. Councilmember Evans has requested this item be placed on an agenda under Future Agenda Item Requests (F.A.I.R.) to determine if there is a majority of Council interested in placing it on a future agenda. This item was placed on the Final Agenda for February 2, 2016, due to time limitations.

INFORMATION:

None

Attachments:

No file(s) attached.