



Zoning Code:

List of Interpretations of the Flagstaff Zoning Code

Adopted November 1, 2011 – Ord. 2011-20

First Created: November 23, 2011

Updated: December 9, 2011; April 26, 2012; August 13, 2012; October 19, 2012; April 11, 2013

Chapter 10-20: Administration, Procedures and Enforcement

Division 10-20.30: Common Procedures

10-20.30.100 Final Decisions

- Page 20.30-13
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. It seems reasonable, that the Notice of Decision can also be provided to the applicant via e-mail, and thus this section of the Code will be amended to reflect this interpretation. [November 23, 2011]

Division 10-20.40: Permits and Approvals

10-20.40.150 Temporary Use Permits

- Page 20.40-34
The question has been asked on at least two occasions whether the City would allow an RV to 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).

But, there are two caveats. (1) The property owner may only live in an RV while the new residence is under construction. As soon construction has been concluded (i.e. a Certificate of Occupancy has been issued), the RV must be vacated and may not be lived in, and the owners must move into the finished house. (2) There must be a condition that says something to the effect that “construction shall be diligently pursued to completion”, i.e. the residence must be constructed within the normal time frame typical of such a building. [April 26, 2012]

Chapter 10-40: Specific to Zones

Division 10-40.30: Non-Transect Zones

Section 10-40.30.040 Commercial Zones

Table B. Allowed Uses

Related Sections include Section 10-40.30.040 Industrial Zones, Table B., Allowed Uses

- Page 40.30-16
With the growth of local small breweries in Flagstaff, a question has been raised with regard to which commercial zones are appropriate for the location of breweries and on-premise tasting rooms, beer sales, and beer consumption. Table B. on Page 40.30-16 allows “Bars/Taverns” in the SC, HC, CS, and CB Zones. The CC Zone is specifically excluded from allowing bars and taverns (which by definition sell all types of alcohol products) because of decisions made by previous Councils to not allow any more bars selling liquor in zones close to the NAU campus. Any existing bars and breweries which sell beer on the premises in the CC Zone are legal nonconforming. Table B. on Page 40.30-15 also allows for “Manufacturing and Processing – Incidental” which as defined in Chapter 10-80 are essentially breweries, are only allowed in the CC, HC, CS, and CB Zones. An

important distinction must therefore be made here: in the HC, CS, and CB Zones a brewery with a tasting room with on-site consumption and sale of beer is permitted; however, in the CC Zone the brewery only is permitted and a tasting room with on-site consumption and sale of beer is not permitted. Note that restaurants may apply for a liquor license because their primary business is food sales with liquor sales being secondary or incidental.

A related question is which industrial zones are appropriate for the location of breweries and on-premise tasting rooms, beer sales, and beer consumption? Table B. on Page 40.30-22 allows “Manufacturing/Processing – Light” which as defined in Chapter 10-80 would include a brewery. However, this definition does not include nor does it anticipate that a tasting room with on-site consumption and sale of beer would be permitted; rather, the industrial zones are only appropriate for the manufacture of beer in the brewery, while a tasting room with on-site consumption and sale of beer is not permitted in any of the industrial zones.

Summary:

Use	Zones in which the use is permitted
Brewery – manufacturing/processing only	CC, HC, CS, and CB Zones RD, LI, LI-O, HI, HI-O Zones
Brewery with on-site consumption and sale of beer	HC, CS, and CB Zones
Bar/Tavern	SC, HC, CS, and CB Zones

[April 11, 2013]

Division 10-40.30: Non-Transect Zones

Section 10-40.30.040 Commercial Zones

Table 10-40.30.040.B Allowed Uses (continued)

- Page 40.30-18
The former LDC listed Passenger Transportation Facilities as unclassified uses in the C-3-E zone, and they were therefore 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 are not permitted in the HC zone. They should be consistent with the former LDC. Until the new Zoning Code can be amended in a few months, the interpretation is that Passenger Transportation Facilities are permitted as UP in the HC zone. [December 9, 2011]

- Page 40.30-19
Table 10-40.30.040.C Building Form Standards

Density Requirements	SC	CC	HC	CS	CB
Gross Density (units/acre) (max.)	13	13	13	13	13
		<u>-----Refer to HR Zone-----</u>			

The density standards provided in this Table are incorrect and were not properly carried forward from the former Land Development Code (LDC). Instead of a density of 13 units per acre in the CC, HC, CS, and CB Zones as stated in the current Zoning Code, the correct density standard for residential uses in commercial zones should be based on the HR Zone which is consistent with the former LDC. For this reason this correction to the density standard is recommended, and may be applied to any new development project seeking approval. [October 2012]

Chapter 10-50: Supplemental to Zones

Division 10-50.80: Parking Standards

Section 10-50.80.080 Parking Standards

- Page 50.80-18

The illustration at the bottom of this page shows the length of an accessible parking space at 20 feet. This is incorrect, and in accordance with the Americans with Disabilities Act standards, this dimension will be changed to 18 feet. For the purposes of the new Zoning Code's application, 18 feet will be assumed as the correct dimension. [November 23, 2011]

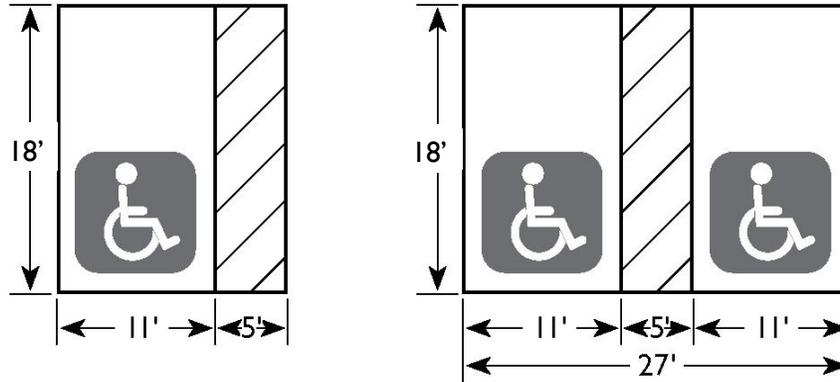


Figure B. Accessible Parking Space Dimensions

Division 10-50.60: Landscaping Standards

10-50.60.030 Landscaping Plans

- Page 50.60-6

Preliminary Landscape Plan

A concept landscape plan rather than a preliminary landscape plan will be required to be submitted for review and approval by the Director at the same time as a concept plan site plan is submitted in compliance with Section 10-20.30.050 (Concept Plan Review). This section of the Code will be amended as the requirement for a preliminary landscape plan with a concept site plan submittal does not make sense. [November 23, 2011]

Chapter 10-80: Definitions

Division 10-80.020: Definition of Specialized Terms, Phrases, and Building Functions

Section 10-80.20.070 Definitions, "G."

- Page 80.20-35

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 they included "Fitness Facilities" as a general services use. This use was inadvertently omitted and was not included within the final Zoning Code. It obviously should be as it was approved as such by the City Council. [April 26, 2012]

Update: Following a staff discussion on the Hope Construction 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 not to make this amendment, but instead, to add "Indoor Commercial Recreation" as "UP" in the LI-O zone. [May 2012]