



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; June 18, 2013; February 5, 2015; February 25, 2015

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 a 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 Sections 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, but is permitted in most commercial zones.

Note: Consider allowing as a permitted use a tap room in the LI and LI-O 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]

Division 10-40.60: Specific to Uses

Section 10-40.60.020 Accessory Buildings and Structures

- Page 40.60-45

The last sentence of paragraph A. of this section (Applicability) states that “*a shed less than or equal to 120 square feet in floor area [does] not require a Building Permit.*” While this was true at the time of adoption of the Zoning Code (November 1, 2011), the Flagstaff City Council adopted amendments to City Code Title 4 (Building Code) on July 19, 2011 that modified the 2006 International Building Code previously adopted for the City. These amendments included a provision that raised the threshold for a building permit from 120 sq. ft. to 200 sq. ft. Therefore, in order to ensure consistency with Title 4 (Building Code) amendments, and until such time as the City Council approves revisions to this Section of the Zoning Code, the interpretation is that sheds less than or equal to 200 sq. ft. shall not require a building permit. A Minor Improvement Permit will, however, be required for these sheds.

Section 10-40.60.220 Medical Marijuana Uses

- Page 40.60-45

Paragraph G. of this section is poorly worded, and while it was intended by staff and the City Council that this section was written to mean that an offsite medical marijuana cultivation location located in Flagstaff may only provide product and serve a medical marijuana dispensary located within the City limits, as written this paragraph does not specifically state this. Therefore, as the language is unclear and not specific, until this paragraph is amended and based on the language in the Zoning Code as written, it is possible that an offsite medical marijuana cultivation location may be located in Flagstaff unrelated to a Flagstaff medical marijuana dispensary. [April 11, 2013]

Chapter 10-50: Supplemental to Zones

Division 10-50.80: Parking Standards

Section 10-50.80.080 Parking Spaces, Parking Lot Design and Layout

- Page 50.80-17

Table 10-50.80.080.A: Minimum Dimensional Requirements

This table was developed from Table 10-07-002-0002.A (Dimensional Requirements for Parking Rows, Aisles, and Modules) and Illustration 10-07-002-0002.A (Dimensional Requirements for Parking Rows, Aisles, and Modules) in the former Land Development Code (LDC).

Table 10-50.80.080.A includes a standard for a one-way aisle width of 14 feet for parking spaces perpendicular to the aisle. This is the incorrect standard and is a typographical error, as this standard is given as being 24 feet in the former LDC, Table 10-07-002-0002.A (Dimensional Requirements for Parking Rows, Aisles, and Modules). The reason for the 24-foot wide driving aisle width for both a single row of parking and a double row of parking regardless of whether the driving aisle is one-way or two-way is to create sufficient room for vehicles, especially the trucks that are common in Flagstaff, to be able to back-up out of a parking space safely.

Therefore, until such time as this typographical error can be amended, the minimum standard for a one-way driveway aisle for parking spaces perpendicular to the aisle, shall be 24 feet based on the standard in the former LDC.

- Page 50.80-18

C. Parking for Disabled Persons

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. A similar amendment will be made in paragraph 2.a. at the top of the page.

- a. All accessible parking spaces shall be a minimum of 11 feet wide and ~~18~~ 20 feet ~~space~~-long.

For the purposes of the new Zoning Code’s application, 18 feet will be assumed as the correct dimension. [November 23, 2011]

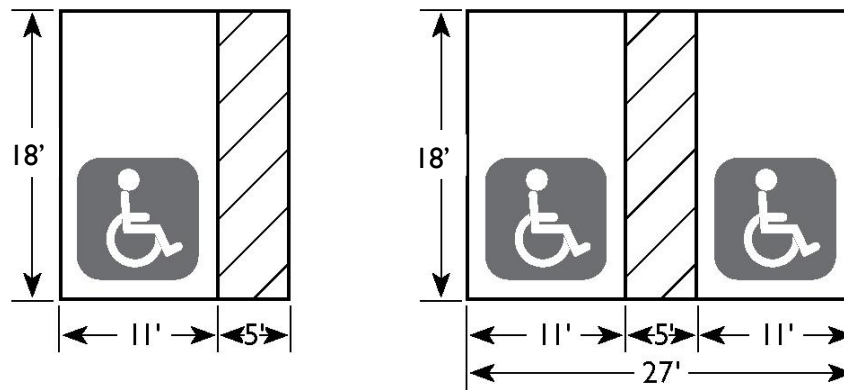


Figure B. Accessible Parking Space Dimensions

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]

Division 10-50.100: Sign Standards

10-50.100.040 General Restrictions for All Signs

- Page 50.100-13

2. Applicability

- g. Any changeable copy LED or similar signs, except fixed illumination display signs used to indicate that a business is “open”, display prices, or to confirm an order placed in a drive through lane; and

This paragraph may also be interpreted to apply to electronic time and temperature devices, because even though these are not necessarily “fixed illumination displays” the rate of change of the display for the time and temperature is slow enough to give the sense of a fixed illumination display.

10-50.100.060 Permanent Signs

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

- Page 50.100-27

One of the specific intentions of the 2014 amendments to Division 10-50.100 (Sign Standards) was to eliminate the standards from the then-in-effect sign standards adopted in the Zoning Code in November 2011 that strictly regulated where signs may be placed on the building. Staff suggested, and the Planning and Zoning Commission and the City Council agreed, that these restrictions should be removed (except for a few exceptions as listed at the top of Page 50.100-27) so that a business or building owner may place the allowed building mounted signage where they thought it made the most sense. At least some of the building mounted signage must be associated with a building entry zone.

The third paragraph in the “Sign Placement” row of this table was inadvertently included with the revisions adopted in October 2014. This paragraph reads as follows: “Individual tenants in multi-tenant buildings are permitted building mounted signs only on the primary entrance elevation of the space occupied by the business”. This paragraph is clearly contradictory to the principle of allowing business owners the freedom to locate their allowed signage wherever they would like. However, as stated above, some signage is always required to be associated with a building entrance, further reinforcing that this paragraph is not necessary, and may be ignored until amended as part of the 2015 Amendments to the Zoning Code.

Conclusion: This paragraph will be deleted with the 2015 Amendments to the Zoning Code.

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

- Page 50.100-27

In the “Sign Placement” row of this table, subparagraph (3) reads as follows:

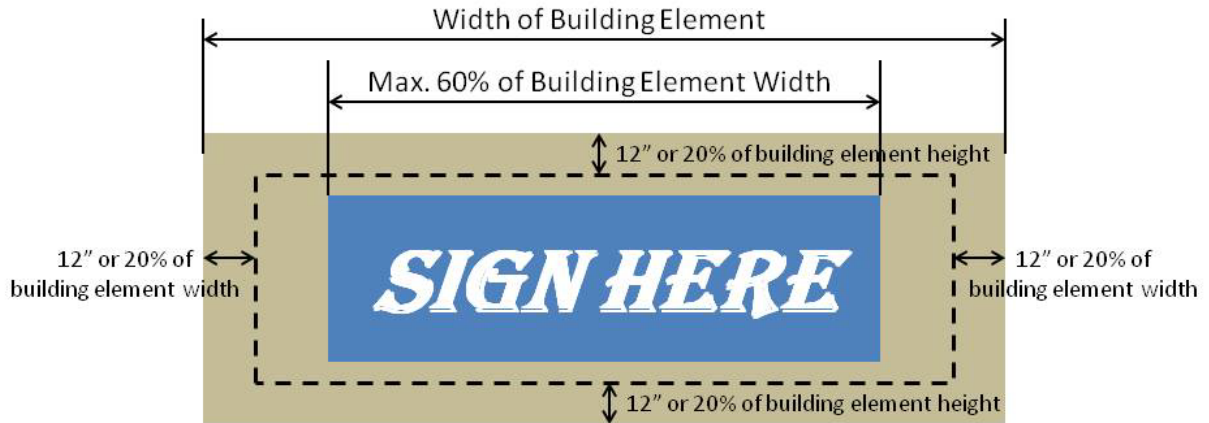
(3) Signs shall be placed the lesser of 12 inches or 20% of the width and height of the building element on which they are mounted.

There is some confusion as to whether this means that the 12 inches or 20% of the width and height of the building element is applied to both the top and the bottom of the building element, or if it means that half of these dimensions is applied to the top and the bottom of the building element to give a total of 12 inches or 20%.

As originally conceived, this rule was intended to apply the 12 inches or 20% standard to both the top and the bottom of the sign, and to each of the two sides of the sign on the building element. This is the intent of this section as illustrated in the drawing below. To make the paragraph clearer in order to eliminate any confusion the following revisions will be added to the Code with the 2015 Amendments.

(3) Signs shall be placed no less than either the lesser of 12 inches or 20% of the width (measured from each side) and height (measured from both the top and the bottom) of the building element on which they are mounted.

Conclusion: Apply this provision based on the illustration inserted below.



10-50.100.100 Sign Districts of Special Designation

A. Flagstaff Central District

Table 10-50.100.100.A: Standards for Building Mounted Signs in Flagstaff Central District

- Page 50.100-63

This table establishes the standards for calculating the allowed total sign area for a building, for each business, and the number of signs permitted for a building or business. To make the table easier to understand, the first column of the first row should be amended as follows to clarify that it applies to a multi-tenant building: “Total Sign Area for the Building (**Multi-tenant Building**)”. The second row of the first column should be amended as follows to clarify that it applies to an individual business in a building: “**Individual Sign Area for Each Business in a Building**”. Note that if the sign area for the building is greater than the sign area for the business (See the example drawing for Business B in Figure B. on Page 50.100-64), the sign area for the building will control.

B. Downtown Historic District

5. Standards

- Page 50.100-67

c. Temporary Signs

The previous sign standards adopted in November 2011 included a provision that allowed for Temporary Projecting Signs that were permitted in the Downtown Historic District as well as “*other areas of the City where buildings are located on the edge of the right-of-way and there is no private frontage area*”. No business took advantage of this standard and it was ultimately removed from the current Sign Standards, and in its place a new regulation that allowed for stanchion signs in the Downtown Historic District was adopted. It was intended that stanchion signs would also be permitted in the Flagstaff Central District where “*buildings are located on the edge of the right-of-way and there is no private frontage area*” as in the previous Code. This language was inadvertently omitted from the current Sign Standards.

Conclusion: As it makes sense to allow stanchion signs in the Flagstaff Central District under the same conditions as the Downtown Historic District, and this was the original intent of the updated standards, it is therefore determined that stanchion signs may be permitted in the Flagstaff Central

District only when buildings are located on the edge of the right-of-way and there is no private frontage area.

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 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]