

RESOLUTION NO. 2021-33

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "CASE NO. PZ-19-00123 UPDATES TO ZONING CODE 2019 – NEIGHBORHOOD COMMUNITY COMMERCIAL (NCC)"

RECITALS:

WHEREAS, pursuant to A.R.S. § 9-802 a municipality may enact or amend provisions of the City Code by reference to a public record, provided that the adopting ordinance is published in full;

WHEREAS, the City of Flagstaff wishes to incorporate by reference amendments to the Flagstaff Zoning Code, Ordinance No. 2021-17, by first declaring said amendments to be a public record.

ENACTMENTS:

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

SECTION 1. In General.

That certain document known as "*Case No. PZ-19-00123 Updates to Zoning Code 2019 – Neighborhood Community Commercial (NCC)*" attached hereto as Exhibit A is hereby declared to be a public record, and one (1) paper copy and one (1) electronic copy shall remain on file with the City Clerk in compliance with A.R.S. § 44-7041, and said copies shall remain on file with the City Clerk.

SECTION 2. Effective Date.

This resolution shall be effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 6th day of July, 2021.



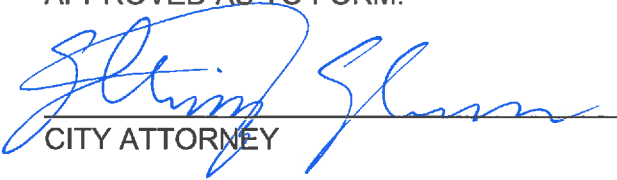
MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

Exhibits:

- A. Case No. PZ-19-00123 Updates to Zoning Code 2019 – Neighborhood Community Commercial (NCC)

**Case No. PZ-19-00123 Updates to Zoning Code 2019 – Neighborhood Community Commercial (NCC)
Amendment for Adoption in Flagstaff Zoning Code**

HOW TO READ THIS DOCUMENT

Unless otherwise stated, provisions that are being deleted are shown in bold red strikethrough text, like this: ~~**Provisions that are being deleted are shown with a bold red strikethrough text.**~~

Provisions that are being added are shown in bold blue text, like this: **Provisions that are being added are shown in bold blue text.**

Section 1. Amend Title 10 FLAGSTAFF ZONING CODE, Division 10-40.20: Establishment and Designation of Zones, Section 10-40.20.020 Zones, Table 10-40.20.020.A: Zones, to add Neighborhood Community Commercial (NCC), as follows – including the format of the table:

Table 10-40.20.020.A: Zones	
Zone Symbol	Name of Zone
Non-Transect Zones	
Residential Zones	
RR	Rural Residential
ER	Estate Residential
R1	Single-Family Residential
R1N	Single-Family Residential Neighborhood
MR	Medium Density Residential
HR	High Density Residential
MH	Manufactured Housing
Commercial Zones	
SC	Suburban Commercial
CC	Community Commercial
NCC	Neighborhood Community Commercial
HC	Highway Commercial
CS	Community Service
CB	Central Business
Industrial Zones	
RD	Research and Development

Table 10-40.20.020.A: Zones

Zone Symbol	Name of Zone
LI	Light Industrial
LI-O	Light Industrial Open
HI	Heavy Industrial
HI-O	Heavy Industrial Open
Resource and Open Space Zones	
PF	Public Facility
PLF	Public Lands Forest
POS	Public Open Space
Transect Zones	
T1	T1 Natural
T2	T2 Rural
T3N.1	T3 Neighborhood 1
T3N.2	T3 Neighborhood 2
T4N.1	T4 Neighborhood 1
T4N.2	T4 Neighborhood 2
T5	T5 Main Street
T6	T6 Downtown
TND	Traditional Neighborhood District
Overlay Zones	
AO	Airport Overlay
DO	Downtown Overlay
LO	Landmark Overlay
TO	Townsite Overlay
RPO	Resource Protection Overlay

Section 2. Amend Title 10 FLAGSTAFF ZONING CODE, Division 10-40.30: Non-Transect Zones, Section 10-40.30.040 Commercial Zones, to add Neighborhood Community Commercial (NCC) zone, and format Table 10-40.30.040.B., as follows:

10-40.30.040 Commercial Zones

A. Intent.

1. **SC.** The Suburban Commercial (SC) zone applies in areas with suburban character that are appropriate for neighborhood commercial uses. This zone allows retail and service establishments that supply commodities or perform services meeting the needs of adjacent residential neighborhoods. The SC zone encourages the orderly development of dispersed commercial areas and diverse housing choices. The standards of this zone ensure that such commercial zones will be compatible with adjacent, noncommercial development and will minimize the undesirable effects of heavy traffic, type of activity, and site development requirements.
2. **CC.** The Community Commercial (CC) zone applies to areas of the City appropriate for dispersed commercial areas designed to serve communitywide needs. Such areas provide a wide variety of goods and services in predominately established, built up areas and must be consistent with the overall development of the City and its environs. The development of residential uses in addition to commercial uses is also encouraged in this zone to provide diversity in housing choices. The provisions of this zone are intended to ensure that such commerce will be compatible with adjacent, noncommercial development and to minimize the undesirable effects of heavy traffic, commercial activity, and site requirements.
3. **NCC.** The Neighborhood Community Commercial (NCC) zone applies to pre-World War II urban areas, intense suburban areas, and new neighborhood-scale activity centers and urban neighborhoods of the City, which are appropriate for a mixed composition of live/work opportunities in a walkable neighborhood environment. The property development standards of this zone provide for a variety of densities and intensities in varying scales, while maintaining a building height that is compatible to older and historic structures within the City. The uses of this zone provide for a diversity of housing options and commercial opportunities that serve the neighborhood and the larger community. The specific provisions of the zone are intended to achieve a neighborhood of moderate sized compatible uses, while minimizing the undesirable effects of more intense commercial activities, large-scale high occupancy housing, and heavy traffic.
- ~~3.~~ 4. **HC.** The Highway Commercial (HC) zone applies to areas of the City appropriate for a full range of automobile-oriented services. The development of commercial uses in addition to residential uses is encouraged in the HC zone to provide diversity in housing choices; provided, that residential uses are located above or behind commercial buildings so that they are buffered from adjoining highway corridors. The provisions of this zone are also intended to provide for convenient, controlled access and parking, without increasing traffic burdens upon the adjacent streets and highways. This zone is designated primarily at the commercial corridors of the City, with the intention of making the City more attractive as a tourist destination while providing needed commercial activity.

4. **5. CS.** The Commercial Service (CS) zone applies to areas of the City appropriate for those service industries and support activities necessary to maintain viable commercial retail trade centers. The development of residential uses in addition to commercial uses is encouraged in this zone; provided, that residential uses are located above or behind the primary commercial service use.
5. **6. CB.** The Central Business (CB) zone applies to the central core area which is appropriate for accommodating retail commercial, personal services, and governmental, business, financial, professional, and general offices. The uses in this area require a central location accessible to all routes entering the City and grouped so that the shopper or user can park once and visit a number of stores and offices on foot. The development of residential uses in addition to commercial uses is encouraged in this zone; provided, that residential uses are located on the second story or above or behind on the first floor.

B. **Commercial Zones – Allowed Uses.** The allowed land uses of each of the Commercial zones are shown in Table 10-40.30.040.B., as follows – including the format of the table:

Table 10-40.30.040.B. Commercial Zones – Allowed Uses							
Primary Land Use ¹	Specific Use Regulations	Commercial Zones					
		SC	CC	NCC	HC	CS	CB
Industrial, Manufacturing, Processing and Wholesaling							
Carpenter or Cabinet Shops		--	--	--	--	P	-
Flammable Liquid, Gas, and Bulk Fuel – Storage and Sale		--	--	--	UP	--	
Machine or Metal Working Shops		--	--	--	--	P	--
Manufacturing and Processing – Incidental		--	P	P	P	P	P
Micro-brewery or Micro-distillery	10-40.60.240	--	P	P	P	P	P
Mini-storage Warehousing	10-40.60.250	--	--	--	UP ²	P	--
Research and Development Uses	10-40.60.300	--	--	--	UP	--	--
Transportation or Trucking Yards		--	--	--	--	P	--
Vehicle Towing/Impound Yard		--	--	--	p ⁴	--	--
Warehousing		--	p ³	p ³	p ³	--	p ³
Wholesaling and Distribution		--	--	--	--	P	p ³

**Table 10-40.30.040.B.
Commercial Zones – Allowed Uses**

Primary Land Use ¹	Specific Use Regulations	Commercial Zones					
		SC	CC	NCC	HC	CS	CB
Recreation, Education and Assembly							
Automobile, Go-kart, Miniature Automobile Racing	10-40.60.080	--	UP	UP	UP	--	--
Commercial Campgrounds	10-40.60.130	--	--	--	P	--	--
Commercial Recreation Facilities, Indoor		P	P	P	P	--	P
Commercial Recreation Facilities, Outdoor	10-40.60.270	--	UP	UP	UP	--	--
Libraries, Museums		P	P	P	P	P	P
Meeting Facilities, Public or Private	10-40.60.230						
Regional		--	P/UP ⁵	P/UP ⁵	P/UP ⁵	P/UP ⁵	P/UP ⁵
Neighborhood		p ⁵	P/UP ⁵	P/UP ⁵	--	--	--
Outdoor Public Uses, General		P	P	P	P	--	--
Places of Worship		P/UP ¹⁰	P/UP ¹⁰	P/UP ¹⁰	P/UP ¹⁰	P/UP ¹⁰	P/UP ¹⁰
Schools – Public and Charter		P	P	P	P	P	P
Schools – Private		P	P	P	P	P	P
Theaters		P	P	P	P	--	P
Trade Schools		--	UP	UP	UP	UP	UP
Residential⁷							
Co-housing	10-40.60.120	p ⁶	p ⁶	p ⁶	p ⁶	p ⁶	p ⁶
Congregate Care Facilities		UP	P	P	P	P	UP
Day Care, Centers	10-40.60.150.B	P	P	P	P	UP	UP
Day Care, Home	10-40.60.150.A	P	P	P	P	P	P
Development, Duplex		p ⁶	p ^{6,9}	p ^{6,9}	p ⁶	p ⁶	p ⁶
Development, Multiple-Family		p ⁶	p ⁶	p ⁶	p ⁶	p ⁶	p ⁶
Development, Single-Family		--	p ⁹	p ⁹	--	--	--

**Table 10-40.30.040.B.
Commercial Zones – Allowed Uses**

Primary Land Use ¹	Specific Use Regulations	Commercial Zones					
		SC	CC	NCC	HC	CS	CB
Dormitories		UP ⁶	UP ⁶	UP ⁶	UP ⁶	UP ⁶	UP ⁶
Fraternities and Sororities		UP ⁶	UP ⁶	UP ⁶	UP ⁶	UP ⁶	UP ⁶
Group Homes		p ⁶	p ⁶	p ⁶	p ⁶	p ⁶	p ⁶
High Occupancy Housing Development, Single-Family	10-40.60.175	--	UP	UP	--	--	--
High Occupancy Housing Development, Two-units	10-40.60.175	UP ⁶	UP ⁶	UP ⁶	UP ⁶	UP ⁶	UP ⁶
High Occupancy Housing Development, Three-units	10-40.60.175	UP ⁶	UP ⁶	UP ⁶	UP ⁶	UP ⁶	UP ⁶
High Occupancy Housing Development, Four-units and Greater	10-40.60.175	UP ⁶	UP ⁶	UP ⁶	UP ⁶	UP ⁶	UP ⁶
Home Occupation	10-40.60.180	p ⁶	p ⁶	p ⁶	p ⁶	p ⁶	p ⁶
Institutional Residential							
Custodial Care Facilities		p ⁸	p ⁸	p ⁸	p ⁸	p ⁸	p ⁸
Homeless Shelters	10-40.60.190						
Emergency Shelters	10-40.60.190	p ⁸	p ⁸	p ⁸	p ⁸	p ⁸	p ⁸
Short Term Housing		p ⁸	p ⁸	p ⁸	p ⁸	p ⁸	p ⁸
Transitional Housing		P	P	P	P	P	P
Sheltered Care Homes		P	P	P	P	P	P
Nursing Homes		UP	UP	UP	UP	UP	UP
Live/Work	10-40.60.200	P	P	P	P	P	P
Planned Residential Development	10-40.60.280	P/UP	P/UP ⁹	P/UP ⁹	UP	UP	UP
Residence for Owner, Caretaker or Manager		p ⁶	p ⁶	p ⁶	p ⁶	p ⁶	p ⁶
Single Room Occupancy		UP	--	--	P	--	P

**Table 10-40.30.040.B.
Commercial Zones – Allowed Uses**

Primary Land Use ¹	Specific Use Regulations	Commercial Zones					
		SC	CC	NCC	HC	CS	CB
Retail Trade							
Bars/Taverns		P	P	P	P	P	P
Crematorium		P	P	P	P	P	--
Drive-through Retail	10-40.60.160	P	P	P	P	--	--
Drive-through Service		P	P	P	P	--	--
Farmers Markets and Flea Markets		--	P	P	P	P	P
General Retail Business		P	P	P	P	P	P
Mixed Use	10-40.60.260	P	P	P	P	P	P
Mixed-Use High Occupancy Housing Development	10-40.60.175 and 10-40.60.260	UP	UP	UP	UP	UP	UP
Restaurant or Cafe		P	P	P	P	P	P
Services							
Bed and Breakfast Establishments	10-40.60.110	P	P	P	P	P	P
Cemeteries		UP	UP	UP	UP	UP	--
Dry-cleaning, Processing		P	P	P	P	--	--
Equipment Rental Yard		--	UP	UP	P	P	--
Funeral Homes, Chapels and Mortuaries		--	P	P	P	--	UP
General Services		P	P	P	P	P	P
Hospital		UP	UP	UP	UP	UP	UP
Kennel, Animal Boarding	10-40.60.195	--	--	--	UP ¹¹	--	--
Medical Marijuana Dispensary	10-40.60.220	--	--	--	P	--	--
Office		P	P	P	P	P	P
Public Services							
Public Services Major		--	--	--	--	--	--
Public Services Minor		P	P	P	P	P	P
Emergency Services		UP	UP	UP	UP	UP	UP

**Table 10-40.30.040.B.
Commercial Zones – Allowed Uses**

Primary Land Use ¹	Specific Use Regulations	Commercial Zones					
		SC	CC	NCC	HC	CS	CB
Travel Accommodations		UP	--	--	P	--	P
Veterinary Clinics		P	P	P	P	P	--
Veterinary Hospitals		--	--	--	UP	UP	--
Telecommunication Facilities							
AM Broadcasting Facilities	10-40.60.310	UP	UP	UP	UP	UP	UP
Antenna-Supporting Structure	10-40.60.310	UP	UP	UP	UP	UP	UP
Attached Telecommunication Facilities	10-40.60.310	P	P	P	P	P	P
Collocation Facility	10-40.60.310	P	P	P	P	P	P
FM/DTV/Low Wattage AM Broadcasting Facilities	10-40.60.310	P	P	P	P	P	P
Stealth Telecommunication Facilities	10-40.60.310	P	P	P	P	P	P
Transportation and Infrastructure							
Accessory Wind Energy Systems	10-40.60.040	P	P	P	P	P	P
Garages, Off-Street		P	P	P	P	P	P
Parking Lots, Off-Street	10-50.80	P	P	P	P	P	P
Passenger Transportation Facilities		--	--	--	UP	UP	UP
Urban Agriculture							
Community Gardens	10-40.60.140	P	P	P	P	P	P
Food Production		--	--	--	UP ²	UP ²	--
Vehicle Sales and Services							
Automobile Service Station and Convenience Store	10-40.60.090	P	P	P	P	P	--
Automobile and Trailer Rental		--	--	--	P	P	--

**Table 10-40.30.040.B.
Commercial Zones – Allowed Uses**

Primary Land Use ¹	Specific Use Regulations	Commercial Zones					
		SC	CC	NCC	HC	CS	CB
Automobile/Vehicle Sales and Service, New and Used		--	UP	UP	P	P	UP
Automobile/Vehicle Repair Garages – Major	10-40.60.100	--	--	--	P	P	--
Automobile/Vehicle Repair Garages – Minor	10-40.60.100	--	UP	UP	P	P	--
Car Washes		P	P	P	P	--	--
Mobile Homes and Recreational Vehicles, Sales, and Service		--	--	--	P	--	--

End Notes

1. A definition of each listed use type is in Chapter 10-80, Definitions.
2. Only allowed on lots that do not have highway frontage or behind existing/new commercial uses.
3. Only permitted when incidental to permitted use.
4. This use shall be screened. See Division 10-50.50, Fences and Screening, for fencing and screening requirements.
5. A conditional use permit is required if liquor is sold or if facilities exceed 250 seats.
6. Residential uses with more than two units are allowed as part of a mixed-use development located above or behind the commercial uses, or as a planned residential development.
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 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.
8. Conditional use permit is required if proximity between shelter facilities is less than one-quarter mile.
9. Single-family and duplex land uses are permitted by right on lots ≤9,000 sf and existing prior to November 1, 2011, subject to the building placement and building form requirements of the MR zone.
10. A conditional use permit is required if the facility exceeds 250 seats and/or if the facility is located adjacent to a toxic use.
11. Outdoor kenneling of animals is prohibited.

Key

P = Permitted Use

UP = Conditional Use Permit Required

Table 10-40.30.040.B. Commercial Zones – Allowed Uses							
Primary Land Use ¹	Specific Use Regulations	Commercial Zones					
		SC	CC	NCC	HC	CS	CB
-- = Use Not Allowed							

C. **Commercial Zones – Building Form and Property Development Standards.** The building form and property development standards shown in Table 10-40.30.040.C. shall apply to all property with the corresponding commercial zones.

Table 10-40.30.040.C. Commercial Zones – Building Form and Property Development Standards						
	Commercial Zones					
	SC	CC	NCC	HC	CS	CB
Building Placement Requirements						
Setback from property line						
Front (Also see Section 10-50.60.040.B)	15' ¹	0'	0'	0' ²	0'	0'
Side						
Adjacent to Residential Use		----- 15' min. ⁶ -----				
Street Side (min.)	10' ³	10' ³	10' ³	10' ³	10' ³	0'
All Other Sides		----- 0' -----				
Rear						
Adjacent to Residential		----- 15' min. -----				
All Other Rears		----- 0' -----				
Building Form Requirements						
Building Height (max.) ^{8, 9, 10}	35'	60' ^{4, 7}	45' ^{7, 14}	60' ⁴	60' ⁴	60' ⁴
Gross FAR (max.)	0.8	2.5	2.5	3.0	2.0	No max.
Density Requirements						
Gross Density (units/acre)						
Maximum without the Resource Protection Overlay (RPO)	13 ¹¹	----- 29 ¹¹ -----				
Maximum with the RPO, inside of a pedestrian	13 ¹¹	----- 29 ¹¹ -----				

**Table 10-40.30.040.C.
Commercial Zones – Building Form and Property Development Standards**

	Commercial Zones					
	SC	CC	NCC	HC	CS	CB
shed of an activity center ¹³						
Maximum with the RPO, outside of a pedestrian shed of an activity center ¹³	13 ¹¹	----- 22 ¹¹ -----				
Maximum Bedroom Requirements						
Bedrooms per Acre on a Development Site with Four Dwelling Units or More						
Maximum without the RPO for a development	35 ¹²	----- 72.5 ¹² -----				
Maximum with the RPO inside of a pedestrian shed of an activity center ¹³	35 ¹²	----- 72.5 ¹² -----				
Maximum with the RPO outside of a pedestrian shed of an activity center ¹³	35 ¹²	----- 55 ¹² -----				
Lot Requirements						
Area (Gross sf) (min.) ⁵	6,000	9,000	9,000	9,000	9,000	7,000
Width (min.) ⁵	50'	60'	60'	60'	60'	50'
Depth (min.) ⁵	100'	100'	100'	100'	100'	--
Open Space						
Developments with Two or More Dwelling Units	----- 15 percent of the net lot area -----					
Other Requirements						
Fences and Screening	See Division 10-50.50					
Landscaping	See Division 10-50.60					
Outdoor Lighting	See Division 10-50.70					
Parking	See Division 10-50.80					
Signs	See Division 10-50.100					
End Notes						
1. Front setbacks shall be equal to 15' or match adjacent residential development, whichever is less.						

Table 10-40.30.040.C. Commercial Zones – Building Form and Property Development Standards						
	Commercial Zones					
	SC	CC	NCC	HC	CS	CB
2.	No front setback required, except when required by the adoption of building setback lines along specified streets.					
3.	Setback may be reduced to 5' min., if the landscape street buffer is reduced in accordance with Section 10-50.60.040(B), Nonresidential Zone Buffers.					
4.	Conditional use permit required for structures over 60' in height.					
5.	Within a planned residential development, the minimum area, width, and depth of a lot may vary based on the minimum lot standards applicable to the building types selected for application within a planned residential development (see Section 10-40.60.280, Planned Residential Development).					
6.	Except that the setback from a proposed residential use in a commercial zone to other residential uses shall be 5' min.					
7.	Single-family dwellings and duplexes in the CC and NCC zone zones shall be limited to a maximum height of 35 feet consistent with the height standard for the MR zone.					
8.	Primary structures, excluding accessory structures, with a roof pitch greater than, or equal to, 6:12 shall be allowed an additional five feet above the maximum building height.					
9.	The elevator and stairwell bulkheads shall be architecturally integrated with the building. Elevator and stairwells bulkheads are allowed an additional 15 feet above the maximum building height. The Director may approve a height greater than 15 feet when the additional height is necessary to accommodate an elevator or stairwell bulkhead, related equipment, or the requirements of the Building or Fire Code.					
10.	Steeple, solar collectors, towers and other unoccupied architectural features are allowed an additional height above the maximum building height equal to 20 percent multiplied by the maximum building height allowed for property's zone. The total area of the referenced allowances above the building height shall not exceed 20 percent of the total roof area.					
11.	Additional density may be approved with an HOHD or MHOHD Conditional Use Permit.					
12.	Additional bedrooms per acre may be approved with an HOHD or MHOHD Conditional Use Permit.					
13.	Activity centers are delineated on the General Plan or applicable Specific Plan.					
14.	Conditional Use Permit required for structures over 45' in height.					

D. Miscellaneous Requirements – All Commercial Zones.

1. In accordance with Chapter 11-20, Subdivision and Land Split Regulations, and Title 13, Engineering Design Standards and Specifications for New Infrastructure, of the City Code, all land subdivided into lots or parcels shall abut a public right-of-way or private street tract, and have water and sewer infrastructure service.

2. All products incidental to a permitted use which are manufactured or processed on the premises shall be sold on the premises and at retail only, and shall be further limited as follows:
 - a. In the CC and CB zones, such activity shall be restricted to not over 25 percent of ground floor area of the building or buildings.
 - b. In the CS zone, such activity shall be restricted to not over 50 percent of ground floor area of the building or buildings.
 - c. In the CC and CB zones, not more than five employees shall be engaged in such activity.
 - d. In the CS zone, not more than 10 employees shall be engaged in such activity.
3. Every development in the commercial zones shall have a refuse storage area constructed and provided in accordance with City standards.
4. Temporary uses shall be permitted in compliance with Section 10-20.40.150, Temporary Use Permits.
5. **Accessory Uses.**
 - a. An Accessory Dwelling Unit (ADU) use is allowed in commercial zones on a lot containing a single-family dwelling unit as the primary use.
 - b. All other accessory uses are allowed in accordance with Section 10-40.60.025.
6. **Accessory Structures.**
 - a. An Accessory Dwelling Unit (ADU) structure that complies with Section 10-40.60.030 is allowed in Community Commercial (CC) and **Neighborhood Community Commercial (NCC) zone zones** on a lot containing a detached single-family dwelling.
 - b. All other accessory structures are allowed in accordance with Section 10-40.60.020.