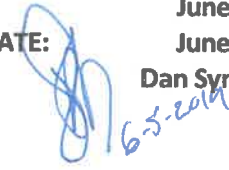


**PLANNING AND DEVELOPMENT SERVICES REPORT**  
**Zoning Code Text Amendment**

**PUBLIC HEARING**  
**PZ-19-00087 and PZ-19-00093**

**DATE:** June 04, 2019  
**MEETING DATE:** June 12, 2019  
**REPORT BY:** Dan Symer, AICP



**REQUEST:**

For a Zoning Code Text Amendment: 1) (Case No.: PZ-19-00093) by the City of Flagstaff, to amend the Flagstaff Zoning Code (Ordinance No. 2011-20) for the purpose of correcting the adoption of the industrial zones, resolving conflicts, incorporating technical corrections and clarity, and adding to the definitions; and, 2) (Case No.: PZ-19-00087) by the property owner, Pacific Prime Properties, to amend the Flagstaff Zoning Code (Ordinance No. 2011-20) for the purpose of adding the Seasonal Amusement/Entertainment and Sales, Indoor land use as a Conditional Use Permit to the Light Industrial (LI) zone, and incorporating related provisions to the Specific to Uses section and definitions.

**STAFF RECOMMENDATION:**

Staff recommends the Planning and Zoning Commission, in accordance with the findings presented in this report, find that the required findings of the Zoning Code have been met, and make a recommendation to the City Council for approval of the Zoning Code Text Amendment.

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**I. Project Introduction**

**A. Background**

The Zoning Code was adopted by the City Council on November 1, 2011, to replace the former Land Development Code. Since its adoption, the code has been amended several times to address procedures, add clarity, resolve conflicts, address planning initiatives (accessory dwelling units), incorporate applicant's requests (West University Drive Entrance Sign District), and to address changes in state law and U.S. Supreme Court decisions (i.e. Reed vs the Town of Gilbert).

The proposed amendment contains two parts. The first part of the proposed amendment is the City's continued effort to resolve conflicts, make technical corrections, and incorporate clarity into the Zoning Code. The second part (Case No.: PZ-19-00082) is a proposed amendment by the property owner (Pacific Prime Properties) to amend the list of land uses for the Light Industrial (LI) zone to add the Seasonal Amusement/Entertainment and Sales, Indoor (SAESI) land use as an allowed use subject to the approval of a Conditional Use Permit.

**B. Proposed Amendment**

*Part 1 – City's Proposed Amendments*

Organized primarily by section number and topic, below is a summary of staff's proposed Zoning Code Text Amendment (Attachment 1 - excluding sections 17, 24, and the SAESI land use of Section 5). The most significant modification is the correction to the adoption of the Industrial Zones (10-40.30.050), including scrivener's and table errors pertaining to the allowed uses and the building form provisions. Even though the codified version of the zoning code includes the intended allowed uses and the building form provisions of the Industrial Zones, the City Council adopted ordinance and resolution (Ordinance No. O2011-20 and Resolution No. R2011-35) references the residential zone provisions in place of the industrial zone provisions. Incorporated into these changes is the land use term modification from "Lodging" to "Travel Accommodations". The purpose of this change is to utilize an industry and North American Industry Classification System (NAICS) term for the land use.

To clarify that the proposed land use of Travel Accommodations does not include short term rentals and vacation rentals, staff has included the following definition into the proposed amendment:

*Travel Accommodations: is a one or more structures, with or without related services and facilities, that is provided and offered to transient guests for stays of less than thirty (30) days. A travel accommodation may include*

*accessory commercial uses, such as retail, restaurant, banquet space, event center or other similar use. Travel accommodation does not include bed and breakfast, short-term rental or vacation rental, and includes hostels, hotel, Inns, lodges/lodging, motels/motor or auto courts, resorts, time-shares, and similar uses as determined by the Zoning Administrator.*

A vast majority of the remainder of the proposed modifications are intended to resolve discrepancies between the originally adopted ordinance, subsequent amendments and the codified version of the zoning code. In addition to these modifications, the proposed text amendment includes corrections to section cross references, technical modifications, and table formatting. Also, the amendment includes a term change from “horse fencing” to “corral fencing”. The purpose of this modification is to eliminate the need for a decision/interpretation to allow fencing of this type for other animals that are kept in corrals of similar nature. Finally, a definition for a Fuel Pump Sign has been included. Currently, this sign type is not defined. The proposed definition, “A sign mounted above, and integrated into the structure of, an operable fuel dispensing pump.” is to eliminate the need for an interpretation of the zoning code as it pertains to what a fuel pump sign is.

#### *Part 1 – Summary of the Staff Revisions to Zoning Code*

1. **Temporary Use Permits (Section 10-20.40.150.D):** Change the term Temporary Signs to Portable Signs.
2. **Industrial Zones – Allowed Uses (Section 10-40.30.050.B):** Delete and adopt the list of land uses allowed in the Industrial Zones to correct the adoption, scrivener’s and table errors in Ordinance No. O2011-20 and Resolution No. R2011-35. In addition, the land use term Lodging has been changed to Travel Accommodations.
3. **Industrial Zones – Building Form Standards (Section 10-40.30.050.C):** Delete and adopt the building form standards of the Industrial Zones to correct the adoption, scrivener’s and table errors in Ordinance No. O2011-20 and Resolution No. R2011-35.
4. **Sustainability Features of All Non–Transect Zones (Section 10-40.30.070.A):** Incorporate technical corrections to the Sustainability Features table.
5. **T1 Natural (T1) Standards (Section 10-40.40.030):** Add Wind Energy Production Facility as an allowed sustainable feature.
6. **T3 Neighborhood I (T3N.1) Standards, and T3 Neighborhood 2 (T3N.2) (Sections 10-40.40.050, and 10-40.40.060):** Correct the Dormitories and Fraternities/Sororities Land use in the Allowed Uses to require a Conditional Use Permit.
7. **T6 Downtown (T6) (Section 10-40.40.100)** add Bed and Breakfast as a permitted use
8. **Thoroughfare Assemblies (Section 10-60.10.090):** Add the provisions of thoroughfare assemblies into this section.
9. **Additional Technical and Term (Sections 10-40.30.050, 10-40.40.100, 10-40.60.280, 10-40.60.310, 10-50.50.040, 10-50.100.060, 10-50.100.100, 10-50.110.080):** Incorporate various technical modifications and cross references errors.
10. **Definitions, “S” (Sections 10-80.20.190)** Add the term Sign, Fuel Pump to the list of definitions.
11. **Definitions, “T” (Sections 10-80.20.200)** Add the term Travel Accommodations to the list of definitions.

#### *Part 2 – Applicant’s Proposed Amendments*

The applicant’s request is to add a new land use, SAESI, to the Light Industrial (LI) zone (Attachment 1 - Section 5). The proposed amendment defines (Attachment 1 - Section 24) the new land use as:

*Seasonal Amusement, Entertainment and Sales, Indoor: is an indoor annual reoccurring seasonal commercial*

*amusement, entertainment or festival event (e.g. art festivals/performances/workshops, Christmas fair, haunted house, or similar activity approved by the Zoning Administrator), including the seasonal sales of merchandise, that occurs only once in a calendar year for a specified timeframe, which is generally less than 4 months.*

The applicant's narrative (Attachment 2) includes a summary of the proposed Zoning Code Text Amendment, and a Regional Plan and required Zoning Text Amendment findings analysis.

Primarily to facilitate the relocation of a local business (the North Pole Experience (NPEX)) to the property owner's property, the proposed use would supplement the allowed and conditional uses of the zone that this business would utilize (warehousing and office land uses) as part of the functions of its operations. Therefore, the proposed modification would allow all business activities of the NPEX to operate in one location. As a larger zone wide benefit, the proposed uses would allow greater flexibility for the existing allowed uses, such as trade schools and a Light Industrial, General uses, to utilize the proposed use for seasonal activities, such as a product and trade fairs, promotional activities, performances, etc.

To ensure compatibility between existing uses on a property and nearby uses on other properties, to utilize the SAESI use, a property owner will be required to obtain the approval of a Conditional Use Permit. Included in the proposed amendment are use specific criteria and development standards for the SAESI use. These standards and criteria are intended to mitigate pedestrian and vehicle conflicts, and to preclude locations that have existing businesses on the property or nearby that are functionally inconsistent, or may have the potential of causing undue harm to the SAESI users (Attachment 1, Section 17).

## II. Zoning Code Text Amendment

An application for a Zoning Text Amendment shall be submitted to the Planning Director and shall be reviewed and a recommendation prepared. The Planning Director's recommendation shall be transmitted to the Planning and Zoning Commission in the form of a staff report prior to a scheduled public hearing. The recommendation shall include: an evaluation of the consistency and conformance of the proposed amendment with the goals and policies of the General Plan and any applicable specific plans; the grounds for the recommendation based on the standards and purposes of the zones set forth in Section 10-40.20 (Establishment of Zones) of the Zoning Code; and, whether the amendment should be granted, or denied.

A Zoning Code Text Amendment shall be evaluated based on the following findings:

### A. Finding #1:

- **The proposed amendment is consistent with and conforms to the objectives and policies of the General Plan and any applicable specific plan;**

The City's proposed amendments are primarily to resolving conflicts, incorporate technical corrections and add clarity to zoning code. Clerical in nature, the amendment does not substantively modify the existing provisions of the Zoning Code, and maintains consistency and conformance with the objectives and policies of the Regional Plan (General Plan) and applicable specific plans.

The most significant modifications include the adoption of the industrial zone land uses and building form requirements. These zones and related provisions are primarily intended to implement the Regional Plan's land use designation of Employment Center "Employment." Supported by several goals and policies of the Regional Plan, these zones are intended to increase employment, promote new and re- development, establish land use and development flexibility, ensure development of industrial area are compactable with surrounding areas, and protect existing and encourage new business and industrial growth ((LU 1.1, LU 1.6, LU 6.2, LU 16.2, LU 16.3, ED3.8, ED 4.5) of the Regional Plan).

The applicant's proposed amendment is to modify the land use of the Light Industrial (LI) zone. Intended to provide a transitional zone between commercial and heavy industrial land uses, the Light Industrial (LI) zone also assists with the Employment land use's purpose of providing "... for continued growth of the existing

employment centers and encouraging the reuse of underutilized, vacant or obsolete commercial and industrial spaces...”

The addition of the proposed SAESI use has the potential of assisting to implement the Regional Plan’s Employment and land use policy objectives to encourage the reuse of underutilized, vacant or obsolete commercial and industrial spaces. As proposed, the use would allow property owners additional flexibility to partner with businesses and tenants to use indoor areas for art festivals, including performances and workshops, fairs, and other holiday and seasonal events ((LU 1.6) of the Regional Plan) that require large indoor volumes for a limited time period (A total of 98 days in any one calendar year, and no more than 98 consecutive days.) Also, the use would allow businesses and event operators to co-locate their operations in a single location, adding to the flexibility of the Light Industrial (LI) zone. Some potential uses require the warehousing (an allowed use in the Light Industrial) of operational materials in the off-season and sale merchandise in preparation for an upcoming seasonal event. Also providing the property owners and tenants greater flexibility ((LU 1.6) of the Regional Plan), other uses in the zone, such as trade schools and a Light Industrial, General uses could utilize the proposed use for seasonal activities such as a product and trade fairs, promotional activities, etc. that could occur within or near its operational facilities.

Recognizing the purpose of the zone, the Employment land use, and Regional Plan policies to protect existing more intensive businesses and land use operations from uses that may not be appropriate or have conflicting characteristics, the applicant’s request is to allow the SAESI subject to the approval of a Conditional Use Permit. In addition to the standard Conditional Use Permit findings, the proposed amendment incorporates two additional findings to ensure compatibility with existing uses of a development, and the uses on adjacent property ((ED 3.8) of the Regional Plan). These additional findings are intended to evaluate the proposed and existing uses on the property and on adjacent properties to ensure that there are:

1. no functional conflicts between the uses; and
2. to ensure that there are no undue risks to the proposed use’s customers do to being located near more intensive land uses.

**B. Finding #2**

- **The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City;**

The City’s proposed amendments are not anticipated to be detrimental to the public interest, health, safety, convenience or welfare of the City. These amendments are primarily to resolving conflicts, incorporate technical corrections and add clarity to zoning code. Incorporated in the proposed amendment are additional allowances for sustainable features (wind energy production, riffle pools, swales, etc.) that could assist with mitigating the adverse impacts that the City’s populous has on the its environment.

The applicant’s proposed amendment to add the SAESI land use and related provisions to the Light Industrial (LI) are not anticipated to be detrimental to the public interest, health, safety, convenience or welfare of the City. To assist with mitigating adverse impacts from adjoining and existing uses, the proposed use is required to obtain a Conditional Use Permit, and comply with specific use criteria (Attachment 1, Section 17). These criteria are intended to mitigate potential conflicts between the SAESI’s pedestrians and passenger vehicles and large trucks and the operations of loading bays, service areas or truck yard facilities that may occur on a property. These development standards include requiring the:

- a. Access to the building area and customer parking for the use, not be located on the same façade or side of the building that has loading bays, service areas or truck yard facilities;
- b. Customer parking for the use is to be clustered together, located nearest to the uses primary public entry/exit, and signed for customer’s exclusive use during the use’s operations; and
- c. A pedestrian route from the customer parking to the primary public entry/exit that crosses any drive aisle to be signed and mark to notify the pedestrians and vehicle traffic of the crosswalk.

As indicated above in Finding 1, which is also applicable to Finding 2, the proposed amendment incorporates two additional findings to ensure compatibility with existing uses of a development, and the uses on adjacent property. These additional findings are intended to evaluate the proposed and existing uses on the property and on adjacent properties so that there are:

- a. no operational characteristic conflicts between the uses; and
- b. to ensure that there are no undue risks to the proposed use's customers do to being located near more intensive land uses.

**C. Finding #3**

- **The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.**

The City's proposed amendments enhance the zoning code's internally consistency by resolving conflicts, incorporate technical corrections and adding clarity. Furthermore, the proposed amendments are intended to maintain the zoning code's purpose as a comprehensive contemporary set land uses and requirements that are straightforward, usable and easily understood.

The applicant's proposed amendment to add the SAESI land use and related provisions to the Light Industrial (LI) zone achieves internally consistency through the zoning code's intent of encouraging the evolution of zones to include the most appropriate uses that enhance the viability of existing buildings. Furthermore, the proposed use specific criteria (Attachment 1, Section 17) assists in maintaining consistency with the zoning code's intent to protect businesses from adverse impacts of adjoining uses, and protecting the health, safety, and general welfare of the public. Finally, the proposed amendments aids with maintaining a comprehensive contemporary set of requirements that are straightforward, usable and easily understood.

**V. CITIZEN PARTICIPATION**

In accordance with State Statute and the Zoning Code, the Planning and Zoning Commission work session for the amendments was advertised in the Arizona Daily Sun on May 4, 2019; and, the Planning and Zoning Commission work session was advertised Arizona Daily Sun on May 25, 2019. In addition, the City Council held a work session on these amendments on May 28, 2019. Also, persons of interest that are on file with the Planning and Development Services Department were notified of the work sessions and hearings via first class mail. As of the date of this report, staff has not received any comments from the public.

**VI. PLANNING AND ZONING COMMISSION WORK SESSION**

At the May 22, 2019 Planning and Zoning Commission Work Session, staff and the applicant reviewed the text amendment applications with the Commission. A summary Commission's comments included:

- Clarification pertaining to AirBnB and similar uses (vacation rentals and travel accommodations) was requested. Staff clarified that these uses are not include in the definition of Travel Accommodations; and, the Arizona Revised Statutes limits the ability of cities to regulate much of the operation of vacation rentals and travel accommodations.
- Allowing artist studio's and live work opportunities for artist in the Light Industrial (LI) zone. Staff clarified that an artist studios as a live/work use may be allowed; but, an artist studio as stand-alone use would need to be added to the Light Industrial (LI) zone as part of a future amendment. The some of the commissioners expressed support in exploring the artist studio use a part of a potential future amendment.
- Clarification as to whether the living facilities of a live/work unit had to be on the second floor. Staff requested the opportunity to research this question and respond at the late date.

*Staff Response: The live/work provisions of the Zoning Code, Section 10-40.60.200, does not require the living facilities of a live/work unit to be on the second floor. The Zoning Code does require that the non-residential use of a live/work unit to be on the ground floor, and that any floors above the ground floor may only be used for residential purposes.*

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- Clarification pertaining to whether building modifications would be required. Staff clarified that the applicant of a SAESI use would be required to make any building modifications and demonstrate compliance with the applicable fire and building codes prior to a new occupancy type being allowed in a building that was not originally designed to accommodate such a use.
- Clarification pertaining to the SAESI use's required parking. The applicant reviewed the proposed parking requirements (Attachment 1, Section 17) with the Commission.
- Clarification as to whether the tenant could occupy the SAESI area outside of the operation timeframe to prepare for upcoming season. The applicant clarified that the tenant may occupy SAESI area outside of the operation timeframe to prepare for upcoming season. *(Staff agrees with the applicant clarification).*
- Additional Commissioner comments were made in support of the proposed modifications.

**VII. CITY COUNCIL WORK SESSION**

At the May 28, 2019 City Council Work Session, staff and the applicant reviewed the text amendment applications with the Council. At the time of the City Council's Work Session on these amendments, the Planning Commission had not made a recommendation to the City Council – this was clarified for the City Council. The members of the City Council's did not ask clarifying questions of the staff or the applicant pertaining to the amendments.

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**RECOMMENDATION:**

**Attachments:**

1. Draft of the Proposed Ordinance Revisions
2. Applicant's Narrative for Case No. PZ-19-00087

**2019 Zoning Code Amendments**

**Industrial Zones and Miscellaneous Revisions (PZ-19-00087 and PZ-19-00093)**

**Zoning Code Text Amendment**

Case No.s

PZ-19-00087 - Amusement/Entertainment and Sales, Indoor Zoning Code Text Amendment; and

PZ-19-00093 - Industrial Zones and Resolution of Conflicts and Corrections

**HOW TO READ THIS DOCUMENT**

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

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

Graphics/Figures that are being deleted are indicated with an "X" over the graphic/figure.

Graphics/Figures that are being added are indicated with a border  around the graphic/figure.

Tables that are being deleted are indicated with an "X" over the Tables.

Tables that are being added are indicated with a thick border  around the Tables.

**Section 1.**

Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-20.40.150 Temporary Use Permits, subsection D. Allowed Temporary Uses., paragraph 1. Concerts, Carnivals, Farmers Markets, Flea Markets, Vehicle Sales and Other Special Events., subparagraph e., as follows:

**10-20.40.150 Temporary Use Permits**

D. **Allowed Temporary Uses.** A temporary use permit shall be required for the following temporary activities. Other temporary or short-term activities that do not fall within the categories defined below shall comply with the planning permit requirements and development standards that otherwise apply to the property.

1. **Concerts, Carnivals, Farmers Markets, Flea Markets, Vehicle Sales and Other Special Events.**

- e. All signs associated with these events shall be placed in compliance with the provisions of Section 10-50.100.090, **Temporary Portable** Signs

Section 2.

Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-20.40.150 Temporary Use Permits, subsection D. Allowed Temporary Uses., paragraph 3. Food Vendors., subparagraph e., as follows:

**10-20.40.150 Temporary Use Permits**

D. **Allowed Temporary Uses.** A temporary use permit shall be required for the following temporary activities. Other temporary or short-term activities that do not fall within the categories defined below shall comply with the planning permit requirements and development standards that otherwise apply to the property.

**3. Food Vendors.**

- e. All signs associated with these events shall be placed in compliance with the provisions of Section 10-50.100.090, **Temporary Portable** Signs.

Section 3.

Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-20.40.150 Temporary Use Permits, D. Allowed Temporary Uses., 4. Merchandise and Service Vendors., subsection e., as follows:

**10-20.40.150 Temporary Use Permits**

D. **Allowed Temporary Uses.** A temporary use permit shall be required for the following temporary activities. Other temporary or short-term activities that do not fall within the categories defined below shall comply with the planning permit requirements and development standards that otherwise apply to the property.

**4. Merchandise and Service Vendors.**

- e. All signs associated with these events shall be placed in compliance with the provisions of Section 10-50.100.090, **Temporary Portable** Signs.

Section 4.

Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.30.050 Industrial Zones, by deleting subsection B. Industrial Zones – Allowed Uses and the associated table of land uses, as adopted in Ordinance O2011-20 and Resolution R2011-35, in entirety, as follows:

**B. Industrial Zones – Allowed Uses**

Land Use <sup>1</sup>	Specific Use Regulations	Residential Zones						
		RR	ER	R1	R1N	MR	HR	MH
<b>Ranching, Forestry and Animal Keeping</b>								
Animal Keeping		-----See Section 10-40.30.070-----						
Ranching		P	--	--	--	--	--	--
<b>Recreation, Education and Assembly</b>								
Commercial Campgrounds	10-40.60.130	UP	--	--	--	--	--	--
Golf Courses and Facilities		UP	UP	UP	--	--	--	--
Equestrian Recreational Facilities		UP	UP	UP	--	--	--	--
Libraries, Museums		UP	UP	UP	UP	UP	UP	UP
Meeting Facilities, Public and Private	10-40.60.230							
Regional		--	--	--	--	--	--	--
Neighborhood		P/UP <sup>2</sup>	P/UP <sup>2</sup>	P/UP <sup>2</sup>	P/UP <sup>2</sup>	P/UP <sup>2</sup>	P/UP <sup>2</sup>	P/UP <sup>2</sup>
Outdoor Public Uses, General		P	P	P	--	P	P	P
Places of Worship		P/UP <sup>6</sup>	P/UP <sup>6</sup>	P/UP <sup>6</sup>	P/UP <sup>6</sup>	P/UP <sup>6</sup>	P/UP <sup>6</sup>	P/UP <sup>6</sup>
Schools – Public and Charter		p <sup>3</sup>	p <sup>3</sup>	p <sup>3</sup>	p <sup>3</sup>	p	p	p <sup>3</sup>
Schools – Private		P	P	P	P	P	P	P
Trade Schools		--	--	--	--	--	--	--
<b>Residential</b>								
Accessory Building and Structures	10-40.60.020	P	P	P	P	P	P	P

Land Use <sup>1</sup>	Specific Use Regulations	Residential Zones						
		RR	ER	R1	R1N	MR	HR	MH
Accessory Dwelling Units	10-40.60.030	P	P	P	P	P	P	P
Co-housing	10-40.60.120	P	P	P	--	P	P	--
Congregate Care Facilities		UP	UP	UP	UP	P	P	UP
Day Care, Centers	10-40.60.150.B	UP	UP	UP	UP	UP	UP	UP
Day Care, Home	10-40.60.150.A	P	P	P	P	P	P	P
Dwelling: Cluster	10-40.60.170	P	P	--	--	--	--	--
Dwelling: Multiple-Family		P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	--	P	P	--
Dwelling: Secondary Single-family		--	--	--	P	P	P	--
Dwelling: Single-family		P	P	P	P	P <sup>4,5</sup>	P <sup>4,5</sup>	P
Dwelling: Two-family			P <sup>4</sup>	P <sup>4</sup>	P	P	P	P
Group Home		P	P	P	P	P	P	P
Home Occupation	10-40.60.180	P	P	P	P	P	P	P
<b>Institutional Residential</b>								
Convents or Monasteries		P	P	P	--	P	P	P
Custodial Care Facilities		UP	UP	UP	UP	UP	UP	UP
Homeless Shelters	10-40.60.190							
Emergency Shelters		UP	UP	UP	UP	UP	UP	UP
Short Term Housing		UP	UP	UP	UP	UP	UP	UP
Transitional Housing		UP	UP	UP	UP	UP	UP	UP
Sheltered Care Homes		UP	UP	UP	UP	UP	UP	UP
Nursing Homes		--	UP	UP	UP	UP	UP	UP
Live/Work	10-40.60.200	--	--	--	--	UP <sup>4</sup>	UP <sup>4</sup>	--
Manufactured Home	10-40.60.210	--	--	--	--	--	--	P

Land Use <sup>1</sup>	Specific Use Regulations	Residential Zones						
		RR	ER	R1	R1N	MR	HR	MH
Manufactured Home Park	10-40.60.210.D	--	--	--	--	--	--	P
Manufactured Home Subdivision	10-40.60.210.C	--	--	--	--	--	--	--
Mobile Home		--	--	--	--	--	--	P
Planned Residential Development	10-40.60.280	P	P	P	P	P	P	--
Rooming and Boarding Facilities		--	UP	--	--	UP	UP	UP
<b>Retail Trade</b>								
Neighborhood Market								
≤ 1,500 sf		--	--	UP	--	--	--	UP
≤ 2,500 sf		--	--	--	--	UP	--	--
≤ 5,000 sf		--	--	--	--	--	UP	--
Offices		--	--	--	--	--	UP	--
<b>Services</b>								
Bed and Breakfast Establishments	10-40.60.110	P	P	P	P	P	P	P
Cemeteries		UP	UP	UP	--	UP	UP	UP
Hospitals		UP	UP	UP	UP	UP	UP	UP
<b>Public Services</b>								
Public Services Minor		P	P	P	P	P	P	P
Emergency Services		UP	UP	UP	UP	UP	UP	UP
<b>Telecommunications Facilities</b>								
AM Broadcasting Facilities	10-40.60.310	UP	UP	UP	UP	UP	UP	UP
Antenna-supporting Structure	10-40.60.310	UP	UP	UP	UP	UP	UP	UP
Attached Telecommunication Facilities	10-40.60.310	P	P	P	P	P	P	P
Colocation Facility	10-40.60.310	P	P	P	UP	P	P	P

Land Use <sup>1</sup>	Specific Use Regulations	Residential Zones						
		RR	ER	R1	R1N	MR	HR	MH
FM/DTV/Low Wattage AM Broadcasting Facilities	10-40.60.310	UP	UP	UP	UP	UP	UP	UP
Stealth Telecommunication Facilities	10-40.60.310	P	P	P	P	P	P	P
<b>Transportation and Infrastructure</b>								
Accessory Wind Energy Systems	10-40.60.040	P	P	P	--	P	P	P
<b>Urban Agriculture</b>								
Community Garden	10-40.60.140	P	P	P	P	P	P	P
Nurseries		UP	--	--	--	--	--	--
<b>End Notes</b>								
<sup>1</sup> A definition of each listed use type is in Chapter 10-80, Definitions.								
<sup>2</sup> A conditional use permit is required if liquor is sold or if facilities exceed 250 seats.								
<sup>3</sup> Charter schools proposed in existing single-family residences shall be located on residential lots one acre or greater.								
<sup>4</sup> Permitted as Planned Residential Development (see Section 10-40.50.270, Planned Residential Development).								
<sup>5</sup> Existing single-family uses and lots recorded in MR and HR, prior to the effective date of this Zoning Code, are considered legal, conforming uses.								
<b>Key</b>								
P		Permitted Use						
UP		Conditional Use Permit Required						
--		Use Not Allowed						

**Section 5.**

Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.30.050 Industrial Zones, by adopting subsection B. Industrial Zones – Allowed Uses, and Table 10-40.30.050.B.1. Industrial Zones – Allowed Uses, as follows – including the addition of grid lines and shading:

**10-40.30.050 Industrial Zones – Allowed Uses**

**B. Industrial Zones – Allowed Uses.** The allowed land uses of each of the Industrial zones are shown in Table 10-40.30.050.B

Table 10-40.30.050.B. Industrial Zones – Allowed Uses						
Land Use <sup>1</sup>	Specific Use Regulations	Industrial Zones				
		RD	LI	LI-O	HI	HI-O
<b>Industrial, Manufacturing, Processing and Wholesaling</b>						
Business Parks		P	P	P	--	--
Composting Facility		--	p <sup>3</sup>	p <sup>3</sup>	p <sup>3</sup>	p <sup>3</sup>
Construction Storage/Supply Yards		--	p <sup>2</sup>	p <sup>2</sup>	P	P
Equipment Rental Yard – Heavy		--	P	P	--	--
Flammable Liquid, Gas, and Bulk Fuel – Storage and Sales		--	P	P	P	P
Freight or Trucking Facility		p <sup>3</sup>	P	P	P	P
Industrial, Heavy – General		--	UP	--	P	P
Industrial, Light – General		--	P	P	P	P
Junk Yard		--	--	--	P	P
Manufacturing/Processing – Heavy		--	--	--	P	P
Manufacturing/Processing – Light		P	P	P	P	P
Manufacturing/Processing – Previously Prepared Materials		UP	P	P	P	P
Micro-brewery or Micro-distillery	10-40.60.240	--	P/UP <sup>8</sup>	P	--	--
Mini-Storage Warehousing	10-40.60.250	--	P	P	P	P
Quarrying Operations	10-40.60.290	--	--	--	UP	UP

**Table 10-40.30.050.B.  
Industrial Zones – Allowed Uses**

Land Use <sup>1</sup>	Specific Use Regulations	Industrial Zones				
		RD	LI	LI-O	HI	HI-O
Railroad Shops and Similar Heavy Service Facilities		--	UP	UP	P	P
Research and Development	10-40.60.300	P	P	P	--	--
Transportation Yards		--	P	P	P	P
Warehousing	10-40.60.330	--	P	P	P	P
Wholesaling and Distribution		--	P	P	P	P
<b>Ranching, Forestry and Animal Keeping</b>						
Livestock Auction, Feed Yards, and Sales		--	--	--	P	P
<b>Recreation, Education and Assembly</b>						
Indoor Commercial Recreation		--	--	UP <sup>7</sup>	--	--
Outdoor Public Uses, General		UP	--	UP	--	UP
Places of Worship		P/UP <sup>9</sup>	P/UP <sup>9</sup>	P/UP <sup>9</sup>	P/UP <sup>9</sup>	P/UP <sup>9</sup>
Schools – Public and Charter		P	P	P	P	P
Schools – Private		UP	--	--	--	--
Seasonal Amusement/Entertainment and Sales, Indoor	10-40.60.305	--	UP	--	--	--
Trade Schools		UP	P	P	P	P
<b>Residential</b>						
Accessory Building and Structures	10-40.60.020	P	P	P	P	P
Day Care, Centers	10-40.60.150.A	P	p <sup>4,5</sup>	p <sup>4,5</sup>	p <sup>4,5</sup>	p <sup>4,5</sup>
<b>Institutional Residential</b>						
Custodial Care Facilities	--	UP	UP	UP	UP	
Homeless Shelters	10-40.60.190					
Emergency Shelters		--	p <sup>6</sup>	p <sup>6</sup>	p <sup>6</sup>	p <sup>6</sup>
Short Term Housing		--	p <sup>6</sup>	p <sup>6</sup>	UP <sup>6</sup>	UP <sup>6</sup>
Transitional Housing		P	P	P	UP	UP
Nursing Homes		--	UP	--	UP	--

**Table 10-40.30.050.B.  
Industrial Zones – Allowed Uses**

Land Use <sup>1</sup>	Specific Use Regulations	Industrial Zones				
		RD	LI	LI-O	HI	HI-O
Sheltered Care Homes		--	UP	UP	UP	UP
Live/Work	10-40.60.200	P	P	P <sup>7</sup>	--	--
Residence for Owner, Caretaker, or Manager		P	P	P	P	P
Residential Uses Above First Floor		UP	--	--	--	--
<b>Retail Trade</b>						
Drive-through Retail	10-40.60.160	P <sup>4</sup>	--	P <sup>7</sup>	--	--
General Retail Business		P <sup>4</sup>	UP	P <sup>7</sup>	UP	UP <sup>7</sup>
Heavy Retail/Service		--	--	P <sup>7</sup>	--	UP <sup>7</sup>
Restaurant or Cafe		P <sup>4</sup>	UP	P <sup>7</sup>	--	UP <sup>7</sup>
<b>Services</b>						
Adult Entertainment	10-40.60.050	P	P	P <sup>7</sup>	P	P <sup>7</sup>
Crematorium		--	P	P <sup>7</sup>	P	P <sup>7</sup>
General Services		P <sup>4</sup>	UP	UP <sup>7</sup>	--	--
Hospital		UP	UP	UP <sup>7</sup>	UP	UP
Kennel, Animal Boarding		UP	UP	UP <sup>7</sup>	UP	UP <sup>7</sup>
Travel Accommodations		P <sup>4</sup>	--	UP <sup>7</sup>	--	--
Medical Marijuana Off-Site Cultivation Location		--	P	P <sup>7</sup>	P	P <sup>7</sup>
Office		P	UP	UP <sup>7</sup>	--	UP <sup>7</sup>
<b>Public Services</b>						
Public Services Major		UP	P	P	P	P
Public Services Minor		P	P	P	P	P
Emergency Services		UP	UP	UP	UP	UP
Veterinary Hospitals		--	P	P	P	P
Veterinary Clinics		UP	P	P	P	P
<b>Telecommunication Facilities</b>						
AM Broadcasting Facilities	10-40.60.310	UP	UP	UP	UP	UP

**Table 10-40.30.050.B.  
Industrial Zones – Allowed Uses**

Land Use <sup>1</sup>	Specific Use Regulations	Industrial Zones				
		RD	LI	LI-O	HI	HI-O
Antenna-Supporting Structure	10-40.60.310	UP	UP	UP	UP	UP
Attached Telecommunication Facilities	10-40.60.310	P	P	P	P	P
Collocation Facility	10-40.60.310	P	P	P	P	P
FM/DTV/Low Wattage AM Broadcasting Facilities	10-40.60.310	P	P	P	P	P
Stealth Telecommunication Facilities	10-40.60.310	P	P	P	P	P
<b>Transportation and Infrastructure</b>						
Accessory Wind Energy Systems	10-40.60.040	P	P	P	P	P
Passenger Transportation Facilities		P	P	P	--	--
<b>Urban Agriculture</b>						
Food Production		--	P	P	--	--
Nurseries		--	P	P	P	P
<b>Vehicle Sales and Services</b>						
Automobile/Vehicle Repair Garages – Major	10-40.60.100	--	P	P	P	P
<b>End Notes</b>						
1. A definition of each listed use type is in Chapter 10-80, Definitions.						
2. Outdoor storage shall be screened. See Division 10-50.50, Fences and Screening, for fencing and screening requirements.						
3. Not allowed within one-quarter mile of an existing residential use.						
4. Limited to 10 percent of a primary use.						
5. Solely for use by employees of the permitted use.						
6. Conditional use permit is required if distance between shelter facilities is less than 1/4 mile.						
7. Allowed use with applied FAR standards (see Table 10-40.30.050.C.).						
8. Conditional use permit is required if a taproom is associated with the micro- <del>brewery</del> or micro-distillery.						

Table 10-40.30.050.B. Industrial Zones – Allowed Uses						
Land Use <sup>1</sup>	Specific Use Regulations	Industrial Zones				
		RD	LI	LI-O	HI	HI-O
9. A conditional use permit is required if the facility exceeds 250 seats and/or if the facility is located adjacent to a toxic use.						
<b>Key</b>						
P = Permitted Use						
UP = Conditional Use – Requires the Approval of a Conditional Use Permit						
-- = Use Not Allowed						

Section 6. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.30.050 Industrial Zones, by deleting subsection 10-40.30.050 C. Residential Zones – Building Form Standards and the associated table, as adopted in Ordinance O2011-20 and Resolution R2011-35, in its entirety, as follows:

**C. Residential Zones – Building Form Standards**

	RR	ER	R1	R1N	MR	HR	MH
<b>Building Placement Requirements</b>							
<b>Setback</b>							
<b>Front (min.)</b>							
2nd Floor and Below	75'	50'	15'	15'	10'	10'	15'
Above 2nd Floor	75'	50'	15'	15'	15'	15'	15'
For Parking	--	--	25' <sup>1</sup>	--	--	--	--
<b>Side (min.)</b>							
Interior Lots	10'	20' min./45'total	8'	6'	5'	5'	8'
Corner Lots (interior)	10'	20' min./45'total	8'	6'	5'	5'	12'
Corner Lots (exterior)	25'	20'	20' <sup>2</sup>	6'	5'	5'	12'
Rear (min.)	10'	60'	25' <sup>3</sup>	15'	15' <sup>4</sup>	15' <sup>4</sup>	10'
<b>Building Form Requirements</b>							

	RR	ER	R1	R1N	MR	HR	MH
Building Height (max.)	35'	35'	35'	35'	35'	60' <sup>5</sup>	30'
Coverage (max.)	20%	17%	35%	35%	40%	50%	43%
<b>Density Requirements See Division 10-30.20, Affordable Housing Incentives</b>							
<b>Density: Gross (units/acre)</b>							
Min.	--	--	2	2	6	10	--
Max. Outside the RPO	1	1	6	14	14	29 <sup>6</sup>	11
Max. Within the RPO	1	1	5	--	9	22	4
<b>Lot Requirements</b>							
<b>Area</b>							
Gross (min.)	1 ac <sup>7</sup>	1 ac	6,000 sf	6,000 sf	6,000 sf	6,000 sf	5 ac
Per Unit (min.)	1 ac <sup>7</sup>	1 ac	6,000 sf	3,000 sf	Endnote <sup>6</sup>	Endnote <sup>6</sup>	4,000 sf
<b>Width</b>							
Interior Lots (min.)	100' <sup>8</sup>	140' <sup>9</sup>	60' <sup>9,10</sup>	50'	50' <sup>9,10</sup>	50' <sup>9,11</sup>	--
Corner Lots (min.)	100' <sup>8</sup>	140' <sup>9</sup>	60' <sup>9,10</sup>	50'	50' <sup>9,10</sup>	50' <sup>9,11</sup>	--
Depth (min.)	200' <sup>8</sup>	--	100' <sup>8</sup>	100'	100' <sup>9</sup>	75' <sup>9,11</sup>	--
<b>Other Requirements</b>							
Open Space (% of Gross Lot Area)	--	--	--	See Table 10-40.30.030.A			
Fences and Screening	See Division 10-50.50						
Landscaping	See Division 10-50.60						
Lighting	See Division 10-50.70						
Parking	See Division 10-50.80						
Signs	See Division 10-50.100						
<b>End Notes</b>							
<sup>1</sup> 15' for side entrance garages, where the garage is designed as an integral element of the primary dwelling (i.e., doors and windows are consistent with the overall architectural character).							
<sup>2</sup> 15' on existing lots with less than 8,000 sf or less than 65' in width.							

	RR	ER	R1	R1N	MR	HR	MH
<sup>3</sup>	One or two story residential buildings and decks attached to those buildings may be built to 15' from the rear property line; provided, that any portion of the structure located closer than 25' to the rear property line does not exceed 50% of the lot width.						
<sup>4</sup>	May be reduced for zones not subject to the Resource Protection Overlay when a minimum of 350 sf of open yard area per unit is provided, see Section 10-40.30.030(H).						
<sup>5</sup>	Building height can be exceeded with approval of a Conditional Use Permit.						
<sup>6</sup>	The maximum number of units for each lot is based on the following:						
	Area of Lot			Required Lot Area Per Dwelling Units			
	5,000 to 14,000 square feet			2,500 square feet			
	14,001 to 24,000 square feet			2,000 square feet			
	24,001 square feet and over			1,500 square feet			
	Key						
	-- Not Applicable						

Section 7.

Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.30.050 Industrial Zones, by adopting subsection C. Industrial Zones – Building Form and Property Development Standards., and Table 10-40.30.050.C. Industrial Zones – Building Form and Property Development Standards., as follows:

**C. Industrial Zones – Building Form and Property Development Standards. The building form and property development standards shown in Table 10-40.30.050.C. shall apply to all property with the corresponding industrial zones.**

<b>Table 10-40.30.050.C.</b>			
<b>Industrial Zones – Building Form and Property Development Standards.</b>			
	Industrial Zones		
	RD	LI/LI-O	HI/HI-O
<b>Building Placement Requirements</b>			
<b>Setback</b>			
Front (min.)	25' <sup>1</sup>	25' <sup>1</sup>	25'
<b>Side</b>			
Adjacent to Residential (min.)	15'	15'	15'
Street Side Lot Line (min.)	15'	15'	15'
All Other (min.)	0'	0'	0'
<b>Rear</b>			
Adjacent to Residential (min.)	15'	15'	15'
All Other (min.)	10'	0'	0'
<b>Building Form Requirements</b>			
Building Height (max.)	60' <sup>2</sup>	60' <sup>2</sup>	60' <sup>2</sup>
Coverage (max.)	25%	--	--
Gross FAR (max. area of all uses on a property)	0.50	1.50 <sup>3</sup>	2.50 <sup>3</sup>
Indoor Commercial Recreation (max. FAR area) <sup>4,5</sup>	--	0.30	--
Heavy Retail/Service (max. FAR area) <sup>4,5</sup>	--	0.30	0.30
Office/Lodging (max. FAR area) <sup>4,5</sup>	----- 0.38 -----		
All other commercial uses that are allowed in a corresponding industrial zone with a FAR limitation. (max. FAR area) <sup>4,5</sup>	--	0.25	--
Live/Work (max. FAR area) <sup>4,5</sup>	End Note 6	End Note 6	--
<b>Lot Requirements</b>			
Area (min.)	20,000 sf	20,000 sf	20,000 sf
Width (min.)	75'	100'	100'
Depth (min.)	--	150'	150'
<b>Other Requirements</b>			
Fences and Screening	See Division 10-50.50		
Landscaping	See Division 10-50.60		
Lighting	See Division 10-50.70		

**Table 10-40.30.050.C.  
Industrial Zones – Building Form and Property Development Standards.**

	Industrial Zones		
	RD	LI/LI-O	HI/HI-O
Parking	See Division 10-50.80		
Signs	See Division 10-50.100		
<b>End Notes</b>			
1. Front setbacks along streets other than public arterial or collector streets shall use street side lot line setback standard. This includes buildings fronting private streets and shared driveways between parcels.			
2. A conditional use permit shall be required for structures over 60 feet in height.			
3. Retail use allowed in these industrial zones are subject to the additional FAR standards. See Section 10-40.30.050(F), Miscellaneous Requirements – LI-O and HI-O Zones).			
4. Where a development includes more than one commercial use, the total commercial floor area shall not exceed the greater of the maximum FAR areas allowed. The maximum FAR of the commercial uses allowed are not cumulative. An individual use that has a maximum FAR restriction shall not exceed the FAR allowed for the use. Example. A development is proposed with two commercial uses, the first use (Services) has a maximum FAR restriction of 0.30 and the second use (Office) has maximum FAR restriction of 0.38. The total maximum FAR for all commercial use in the development is 0.38 since it is the greater of the two commercial use. If Service uses of the development is to have a FAR of 0.30, then the remainder 0.08 FAR may be used for the Office use. The total maximum FAR of both uses shall not exceed 0.38, and the Service use shall not exceed 0.30 since it is restricted to an FAR of 0.30.			
5. The allowed commercial uses in the industrial zone that have a limitation on the max. FAR are specified in Table 10-40.30.050.B.			
6. The total commercial floor area of a Live/Work development shall be limited to the corresponding commercial use and related Max. FAR specified for the property's corresponding zone.			
<b>Key</b>			
-- Not Applicable			

**Section 8.**

Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.30.050 Industrial Zones, by deleting subsection F. Miscellaneous Requirements – LI-O and HI-O Zones., and the association tables, as follows:

**10-40.30.050 Industrial Zones**

~~F. Miscellaneous Requirements – LI-O and HI-O Zones. Allowed uses found in Table 10-40.30.050.B are required to meet the following FAR standards:~~

Area of Lot	Max. Gross FAR
Retail	0.25
Office/Lodging	0.38
Heavy Retail/Service	0.30
General Services	0.25

**Section 9.**

Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.30.070 Sustainability Features of All Non-Transect Zones, subsection A. Intent., and the association tables, including adding grid lines, as follows:

**10-40.30.070 Sustainability Features of All Non-Transect Zones**

A. Intent. The following sustainability features shown on Table 10-40.30.070.A.1. and Table 10-40.30.070.A.2. are allowed in the specified zone(s), and are intended to be applied where feasible for the purpose of encouraging and directing development in the City in a sustainable manner.

Table 10-40.30.070.A.1. Sustainability Features					
Sustainability Features <sup>1,2</sup>	Zones that the Sustainability Features are Allowed				
	RR/ER/RI/RIN	MR/HR	MH	SC/CC/HC	CS/CB
<b>Storm Water Features</b>					
Bioretention Facility	--	A	--	A	A
Disconnected Downspouts	A	A	A	A	A
Flow Through and Infiltration Planters	A	A	A	A	A

<b>Table 10-40.30.070.A.1. Sustainability Features</b>					
Sustainability Features <sup>1,2</sup>	Zones that the Sustainability Features are Allowed				
	RR/ER/RI/RIN	MR/HR	MH	SC/CC/HC	CS/CB
Infiltration Trench	A	A	A	A	--
Level Spreader	A	A	A	A	A
Porous Paving	A	A	A	A	A
Rain Garden	A	A	A	A	--
Riffle Pools	A	A	A	A	--
Swale	A	A	A	A	A
Biofiltration	A	--	A	A	--
Vegetated/Rock	A	A	A	A	--
Urban Channel	--	--	--	A	A
Vegetated Roof	A	A	A	A	A
<b>Water Conservation</b>					
Cisterns	A	A	A	A	A
Greywater – Simple	A	A	A	A	A
Rain Barrels	A	A	A	A	A
<b>Energy Features</b>					
Accessory Wind Energy System	A	A	A	A	A
Wind Energy Production Facility	--	--	--	--	--
Alternative Paving	--	A	--	A	A
Biomass	A	--	A	--	--
Geothermal Energy	A	A	A	A	A
<b>Solar</b>					
Farm	--	--	--	--	--
Parking Lot Lighting	A	A	A	A	A
Roof Paneling	A	A	A	A	A
Water Heaters	A	A	A	A	A
<b>End Notes</b>					
<sup>1</sup> Additional standards for each sustainability feature apply. See <i>City Stormwater Regulations and LID Manual</i> .					

Table 10-40.30.070.A.1. Sustainability Features					
Sustainability Features <sup>1,2</sup>	Zones that the Sustainability Features are Allowed				
	RR/ER/RI/RIN	MR/HR	MH	SC/CC/HC	CS/CB
<sup>2</sup> Sustainable features marked as “Not Allowed” may be approved by the Director and Stormwater Manager if it can be demonstrated that the proposed sustainable feature can be installed with the intent and character of the non-transect zone.					
<b>Key</b>					
A	Allowed	--			Not Allowed

Table 10-40.30.070.A.2. Sustainability Features					
Sustainability Features <sup>1,2</sup>	Zones that the Sustainability Features are Allowed				
	RD	LI/LI-O	HI/HI-O	PF	PLF/POS
<b>Storm Water Features</b>					
Bioretention Facility	A	A	A	A	--
Disconnected Downspouts	A	A	A	A	--
Flow Through and Infiltration Planters	A	A	A	A	--
Infiltration Trench	A	A	A	A	A
Level Spreader	A	A	A	A	A
Porous Paving	A	A	A	A	--
Rain Garden	A	A	A	A	A
Riffle Pools	A	A	A	A	A
Swale					
Biofiltration	A	A	A	A	A
Vegetated/Rock	A	A	A	A	A
Urban Channel	A	A	A	A	--
Vegetated Roof	A	A	A	A	A
<b>Water Conservation</b>					
Cisterns	A	A	A	A	--
Greywater – Simple	--	--	--	A	--
Rain Barrels	A	A	A	A	A
<b>Energy Features</b>					

<b>Table 10-40.30.070.A.2. Sustainability Features</b>					
<b>Sustainability Features<sup>1, 2</sup></b>	<b>Zones that the Sustainability Features are Allowed</b>				
	<b>RD</b>	<b>LI/LI-O</b>	<b>HI/HI-O</b>	<b>PF</b>	<b>PLF/POS</b>
Accessory Wind Energy System	A	A	A	A	A/--
Wind Energy Production Facility	--	--	--	--	A/--
Alternative Paving	A	A	A	A	--
Biomass	--	A	A	A	--
Geothermal Energy	A	A	A	A	--
Solar					
Farm	--	A	A	A	--
Parking Lot Lighting	A	A	A	A	--
Roof Paneling	A	A	A	A	A
Water Heaters	A	A	A	A	A
<b>End Notes</b>					
<sup>1</sup> Additional standards for each sustainability feature apply. See <i>City Stormwater Regulations and LID Manual</i> .					
<sup>2</sup> Sustainable features marked as “Not Allowed” may be approved by the Director and Stormwater Manager if it can be demonstrated that the proposed sustainable feature can be installed with the intent and character of the non-transect zone.					
<b>Key</b>					
A	Allowed	--	Not Allowed		

**Section 10.**

Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.40.030 T1 Natural (T1) Standards, subsection C. Sustainable Features, Energy Features, to add Wind Energy Production Facility as an allowed use, as follows:

**10-40.40.030 T1 Natural (T1) Standards.**

<b>C. Sustainable Features</b>	
<b>Energy Features</b>	
<b>Wind Energy Production Facility</b>	<b>A</b>

Section 11. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.40.050 T3 Neighborhood I (T3N.1) Standards, subsection H. Allowed Uses, Residential, pertaining to Dormitories and Fraternities/Sororities as a Conditional Use (UP), as follows:

**10-40.40.050 T3 Neighborhood I (T3N.1) Standards**

<b>H. Allowed Uses</b>		
<b>Land Use<sup>1</sup></b>	<b>Specific Use Regulations</b>	<b>T3N.1</b>
<b>Residential</b>		
Dormitories and Fraternities/Sororities		<b>UP</b>

Section 12. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.40.060 T3 Neighborhood 2 (T3N.2) Standards, subsection H. Allowed Uses, Residential, pertaining to Dormitories and Fraternities/Sororities as a Conditional Use (UP), as follows:

**10-40.40.060 T3 Neighborhood 2 (T3N.2) Standards**

<b>H. Allowed Uses</b>		
<b>Land Use<sup>1</sup></b>	<b>Specific Use Regulations</b>	<b>T3N.2</b>
<b>Residential</b>		
Dormitories and Fraternities/Sororities		<b>UP</b>

Section 13. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.40.100 T6 Downtown (T6) Standards, subsection H. Allowed Uses, Residential, to add Specific Use Regulations cross reference section number for Homeless Shelter, as follows:

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

<b>H. Allowed Uses</b>		
<b>Land Use<sup>1</sup></b>	<b>Specific Use Regulations</b>	<b>T6</b>
<b>Residential</b>		
Homeless Shelter	<b>10-40.60.190</b>	<b>UP</b>

Section 14. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.40.100 T6 Downtown (T6) Standards, subsection H. Allowed Uses, Services, to add the land use, Bed and Breakfast as an Allowed Use, Cemeteries as a Conditional Use (UP), and Crematorium as a Conditional Use (UP), to the list of land uses in alphabetical order, as follows:

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

<b>H. Allowed Uses</b>		
<b>Land Use<sup>1</sup></b>	<b>Specific Use Regulations</b>	<b>T6</b>
<b>Services</b>		
<b>Bed and Breakfast</b>	<b>10-40.60.110</b>	<b>P</b>

Section 15. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.60.280 Planned Residential Development, subsection B. Building Types for Planned Residential Development., paragraph 3. Determination of Building Types., subparagraph a., as follows:

**10-40.60.280 Planned Residential Development**

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

**3. Determination of Building Types.**

- a. The building types that may be utilized in the non-transect zones as a planned residential development are **identified in Table 10-40.60.280.A, and described established** in Division 10-50.110, Specific to Building Types.

Section 16. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.60.310 Telecommunication Facilities, subsection C. General Requirements for Telecommunications Facilities., Paragraph 1. Building Code and Safety Standards., as follows:

**10-40.60.310 Telecommunication Facilities**

**C. General Requirements for Telecommunications Facilities.** The requirements set forth in this subsection shall govern the location, construction, and operation of all telecommunications facilities governed by this section.

- 1. **Building Code and Safety Standards.** Telecommunications facilities shall be maintained in compliance with applicable building and technical codes, including the **most recent revision to the ANSI/TIA-222 EIA/TIA 222-F** Standards, ~~as~~ published by the **Electronic Telecommunications** Industries Association, ~~as and~~

amended ~~from time to time~~. Structural integrity shall be ensured through the approval of the applicable building permit.

Section 17.

Amend Title 10 FLAGSTAFF ZONING CODE, Division 10-40.60: Specific to Uses, to add section 10-40.60.305: Seasonal Amusement, Entertainment and Sales, Indoor., as follows:

**10-40.60.305: Seasonal Amusement, Entertainment and Sales, Indoor.**

- A. Applicability. The following apply to all Seasonal Amusement, Entertainment and Sales, Indoor, in the Light Industrial (LI) Zone.**
- B. Access. To avoid conflict between passenger vehicles, large trucks and pedestrians, (public) access to the building area of the use, or any portion thereof, by employees, licensees and invitees of the use shall not be located on the same façade or side of the building that has loading bays, service areas or truck yard facilities.**
- C. Parking.**
  - 1. Minimum Number. The minimum of number of parking spaces required is 1 space per 4 persons based on maximum person capacity of the tenant area, or the number specified in a parking demand study approved by the Planning Director.**
  - 2. Minimum Customer Parking. A minimum of 60 percent of the required parking, or the number specified in the parking demand study approved by the Planning Director, shall be provided as customer parking.**
    - a. Customer parking for the use shall be:**
      - (1) clustered together, and located nearest to the uses primary public entry/exit;**
      - (2) shall not be located on side of the building that has loading bays, service areas or truck yard facilities; and**
      - (3) signed and exclusively reserved for uses customers during use’s event hours of operation.**
    - b. The property owner shall submit and obtain approval from the Planning Director of a pedestrian circulation, signage and traffic control plan. The plan shall identify the pedestrian route from the customer parking to the primary public entry and exit. Also, the plan shall include signage and marking in accordance with the following:**
      - (1) When a pedestrian route from the customer parking to the primary public entry and exit crossing primary drive aisle that serve the remainder of the development, the pedestrian route shall include signage and markings to notify the pedestrian of potential vehicle traffic and hazards. In addition, a pedestrian route across a drive aisle, at a**

minimum shall be signed and marked in accordance with the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD) for crosswalks. Additional signage and markings shall be provided to visually communicate to vehicle traffic that pedestrians may be present.

- D. **Temporary Nature.** A Seasonal Amusement/Entertainment and Sales, Indoor use event, including public or private event functions, shall limited a total of 98 days in any one calendar year, and no more than 98 consecutive days. The said timeframes do not include setup, training, breakdown and closing activities before and after the event.
- E. **Compatibility with Existing Uses:** In addition to the criteria of Section 10-20.40.050.E. in order to approve a Conditional Use Permit for the Seasonal Amusement, Entertainment and Sales, Indoor use, the Planning and Zoning Commission shall find:
  - 1. There are no anticipated health, safety, or welfare conflicts between the propose use and the functions of the existing uses on the property, or the existing use on the adjacent properties; and
  - 2. There are no anticipated health, safety, welfare or undue risk to the use's customers arising from the proximity to the existing use on the property and on adjacent properties.

Section 18. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.60.310 Telecommunication Facilities, subsection G. Removal of Telecommunications Facilities., Paragraph 1., as follows:

**10-40.60.310 Telecommunication Facilities**

**G. Removal of Telecommunications Facilities.**

- 1. All telecommunications facilities shall be maintained in compliance with the standards contained in applicable building and technical codes, including the most recent revision to the ANSI/TIA-222 EIA/TIA-222-F Standards, as published by the Electronic Telecommunications Industries Association, as and amended from time to time, so as to ensure the structural integrity of such facilities.

Section 19. Amend Title 10 FLAGSTAFF ZONING CODE, the title of Section 10-50.50.040 General Fencing and Screening Standards, subsection I. Horse Fencing., as follows:

**10-50.50.040 General Fencing and Screening Standards**

**I. Horse Corral Fencing.**

Section 20. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-50.100.060 Permanent Signs, subsection E. Signs for All Nonresidential Uses in All Zones., Paragraph 4. Standards for Specific Sign Types., subparagraph b., list (7) Freestanding Signs., sub-list (b), as follows:

**10-50.100.060 Permanent Signs**

**E. Signs for All Nonresidential Uses in All Zones.**

**4. Standards for Specific Sign Types.**

b. The following sign types are permitted, subject to the criteria listed under each sign type.

**(7) Freestanding Signs.**

(b) Sign types are classified as “Type A” and “Type B” based on street designations established and mapped in the General Plan ~~(See Appendix 8 (List of Major Arterial Streets))~~. These classifications are used to determine the number of signs allowed on a development site and their permitted size and height. Type A signs are allowed on street frontages longer than 100 feet on major arterials, while Type B signs are allowed on street frontages less than 100 feet on minor arterials or smaller street types.

Section 21. Amend Title 10 FLAGSTAFF ZONING CODE, a cross-reference scrivener’s error in Section 10-50.100.100 Sign Districts of Special Designation, subsection A. Flagstaff Central District., paragraph 2. Applicability., subparagraph (a), as follows:

**10-50.100.100 Sign Districts of Special Designation**

**A. Flagstaff Central District.**

**2. Applicability.**

a. The Flagstaff Central District is bounded by Columbus Avenue/Switzer Canyon Drive to the north, Butler Avenue to the south, Park Street to the west, and Elden Street to the east. The Flagstaff Central District is mapped ~~on Map 10-90.40.040, Flagstaff Central District, in Division 10-90.40, Overlay Maps.~~ in Division 10-90.30: Overlay Maps, Section 10-90.30.040 [Flagstaff Central District Map](#).

Section 22. Amend Title 10 FLAGSTAFF ZONING CODE, in Section 10-50.110.080 Bungalow Court, in subsection H. Building Size and Massing, under the subheading of Miscellaneous, for the Height provision, as follows:

**Section 10-50.110.080 Bungalow Court**

<b>H. Building Size and Massing</b>	
<b>Miscellaneous</b>	
Height	2 stories max.
<a href="#">See transect zone in which the building is proposed.</a>	

Section 23. Adopt Title 10 FLAGSTAFF ZONING CODE, Section 10-60.10.090 Thoroughfare Assemblies, in numerical order, as follows:

**10-60.10.090 Thoroughfare Assemblies.**

A. This section provides an example of thoroughfare assemblies that have been approved by the City for use in transect zones that are derived from the standards and specifications in Table 10-60.10-090.A, Thoroughfare Assemblies. The Engineering Standards also provide additional detailed specifications for the design and construction of thoroughfares.

<b>Table 10-60.10.090.A Thoroughfare Assemblies</b>	
<p><b>KEY</b>            <b>ST-57-20-BL</b></p> <p>Thoroughfare Type ———— </p> <p>Right of Way Width ———— </p> <p>Pavement Width ———— </p> <p>Transportation ———— </p>	
<b>KEY</b>	
Highway:	HW
Boulevard:	BV
Avenue:	AV

Commercial Street:	CS	
Drive:	DR	
Street:	ST	
Road:	RD	
Rear Alley:	RA	
Rear Lane:	RL	
Bicycle Trail:	BT	
Bicycle Lane:	BL	
Bicycle Route:	BR	
Path:	PT	
Passage:	PS	
Transit Route:	TR	
Thoroughfare Type	<b>CS-62-36</b>	
Transect Zone Assignment	Commercial Street	Street
Right-of-Way Width	T5, T6	T3, T4
Pavement Width	62'	60'
Movement	36'	36'
Design Speed	Free Movement	Free Movement
Pedestrian Crossing Time	25 MPH	25 MPH
Traffic Lanes	10.2 seconds	10.2 seconds
Parking Lanes	2	2
Curb Radius	Both sides @ 8', marked	Both Sides @ 8', marked
Walkway Type	10'	15'
Planter Type	13' Sidewalk	5' – 7' Sidewalk
Curb Type	4'x4' Tree Well	5' – 7' Continuous Planter
Landscape Type	Curb	Curb
	Trees at 30' o.c. Avg.	Trees at 30' o.c. Avg.

Transportation Provision	--	BR
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Section 24. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-80.20.190 Definitions, "S", to add the term "Seasonal Amusement, Entertainment and Sales, Indoor", and "Sign, Fuel Pump" in alphabetical order, as follows:

**10-80.20.190 Definitions, "S"**

**Seasonal Amusement, Entertainment and Sales, Indoor:** is an indoor annual reoccurring seasonal commercial amusement, entertainment or festival event (e.g. art festivals/performances/workshops, Christmas fair, haunted house, or similar activity approved by the Zoning Administrator), including the seasonal sales of merchandise, that occurs only once in a calendar year for a specified timeframe, which is generally less than 4 months.

**Sign, Fuel Pump:** A sign mounted above, and integrated into the structure of, an operable fuel dispensing pump.

Section 25. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-80.20.200 Definitions, "T", to add the term "Travel Accommodation", as follows:

**Travel Accommodations:** is a one or more structures, with or without related services and facilities, that is provided and offered to transient guests for stays of less than thirty (30) days. A travel accommodation may include accessory commercial uses, such as retail, restaurant, banquet space, event center or other similar use. Travel accommodation does not include bed and breakfast, short-term rental or vacation rental, and includes hostels, hotel, Inns, lodges/lodging, motels/motor or auto courts, resorts, time-shares, and similar uses as determined by the Zoning Administrator.

# Snell & Wilmer

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May 15, 2019

## BY HAND DELIVERY

Daniel Symer  
 Zoning Code Manager  
 City of Flagstaff  
 211 West Aspen Avenue  
 Flagstaff, AZ 86001

Re: Proposed Text Amendment to the City of Flagstaff Zoning Code, Section 10-40.30.050.B (Industrial Zones) to Authorize “Seasonal Amusement/Entertainment and Sales, Indoor” Uses, Subject to Approval of a Conditional Use Permit

Dear Dan:

On behalf of The North Pole Experience, we are pleased to submit this application for amendment to the City of Flagstaff Zoning Code (“Code”) to modify the LI, Light Industrial zone to permit “Seasonal Amusement/Entertainment and Sales, Indoor” uses, subject to approval of a Conditional Use Permit.

This request is to add a new “Other” land use to the table of uses provided for in Section 10-40.30.050.B, Industrial Zones – Allowed Uses to add “Seasonal Amusement/Entertainment and Sales, Indoor” which will allow specifically defined temporary seasonal uses, inclusive of The North Pole Experience, to request the consideration of a Conditional Use Permit (“CUP”) by the Planning and Zoning Commission. More specifically, this is a request to modify the table as shown below:

Table 10-40.30.050.B. Industrial Zones – Allowed Uses						
Land Use <sup>1</sup>	Specific Use Regulations	Industrial Zones				
		RD	LI	LI-O	HI	HI-O
Other						
Seasonal Amusement/Entertainment and Sales, indoor	10-40.60.XXX	--	UP	--	--	--

As you are aware, currently such uses are not permitted in the LI zoning district. In addition, we are proposing to modify the Code (i) to define “Seasonal Amusement/Entertainment and Sales, Indoor” and (ii) to establish specific use standards (beyond those applicable to a CUP application), described below in Section A and B of this letter, to be added to Section 10-40.60.XXX to ensure compatibility between uses. No other changes are requested with this application.

**A. Establishment of a New Definition for “Seasonal Amusement/Entertainment and Sales, Indoor”.** As a new use category, a clarifying definition is required. We proposed adding to the Code, in Section 10-80.20.190, the following definition:

*“Seasonal Amusement, Entertainment and Sales, Indoor: is an indoor annual reoccurring seasonal commercial amusement, entertainment or festival event (e.g. art festivals/performances/workshops, Christmas fair, haunted house, or similar activity approved by the Zoning Administrator), including the season sales of merchandise, that occurs only once in a calendar year for a specified timeframe, which is generally less than 4 months.”*

The North Pole Experience would fit the proposed “Seasonal Amusement/Entertainment and Sales, Indoor” definition as it is: (i) indoors; (ii) provides a reoccurring seasonal “amusement” and “entertainment” type of event (a “tour” of the North Pole, working with Santa, Mrs. Santa, “elves”, etc.); (iii) includes some accessory merchandise sales and (iv) occurs annually for less than four (4) months.

**B. New Criteria (Beyond the Standard CUP Criteria in Section 12-20.40.050.E) for “Seasonal Amusement/Entertainment and Sales, Indoor”.** This amendment would add “Seasonal Amusement/Entertainment and Sales, Indoor” subject to a CUP in the LI zone. Because such uses can be in conflict with other LI zone uses, it is appropriate to establish use specific criteria for proposed “seasonal” facilities in these situations to ensure compatibility between and amongst all users.

As the applicant, our client is open to discussing the conceptual language below. The following is an initial suggestion of criteria for inclusion into Section 10-40.60.XXX for these specific uses. The proposed text is intended to minimize the impact of a customer-oriented use in the LI zone, particularly related to: (i) parking/circulation; and (ii) use compatibility.

New Section 10-40.60.XXX: Seasonal Amusement, Entertainment and Sales, Indoor.

A. Applicability. The following apply to all Seasonal Amusement, Entertainment and Sales, Indoor, in the Light Industrial (LI) Zone.

B. Access. To avoid conflicts between passenger vehicles, large trucks and pedestrians, (public) access to the building area of the use, or any portion thereof, by employees,

licensees and invitees of the use shall not be located on the same façade or side of the building that has loading bays, service areas or truck yard facilities.

**C. Parking.**

1. **Minimum Number.** The minimum of number of parking spaces required is 1 space per 4 persons based on maximum person capacity of the tenant area, or the number specified in a parking demand study approved by the Planning Director.

2. **Minimum Customer Parking.** A minimum of 60 percent of the required parking, or the number specified in the parking demand study approved by the Planning Director, shall be provided as customer parking.

a. Customer parking for the use shall be:

(1) clustered together, and located nearest to the uses primary public entry/exit;

(2) shall not be located on side of the building that has loading bays, service areas or truck yard facilities; and

(3) signed and exclusively reserved for uses customers during use's event hours of operation.

b. The property owner shall submit and obtain approval from the Planning Director of a pedestrian circulation, signage and traffic control plan. The plan shall identify the pedestrian route from the customer parking to the primary public entry and exit. Also, the plan shall include signage and marking in accordance with the following:

(1) When a pedestrian route from the customer parking to the primary public entry and exit crosses a primary drive aisle that serve the remainder of the development, the pedestrian route shall include signage and markings to notify the pedestrian of potential vehicle traffic and hazards. In addition, a pedestrian route across a drive aisle, at a minimum shall be signed and marked in accordance with the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD) for crosswalks. Additional signage and markings shall be provided to visually communication to vehicle traffic that pedestrians may be present.

**D. Temporary Nature.** A Seasonal Amusement/Entertainment and Sales, Indoor use event, including public or private event functions, shall limited a total of 98 days in any one calendar year, and no more than 98 consecutive days. The said timeframes do not include time for setup, training, breakdown and closing activities before and after the event.

**E. Compatibility with Existing Uses:** In addition to the criteria of Section 10-20.40.050.E. in order to approve a Conditional Use Permit for the Seasonal Amusement, Entertainment and Sales, Indoor use, the Planning and Zoning Commission shall find:

1. There are no anticipated health, safety, or welfare operational conflicts between the propose use or existing uses on the property, or the existing use on the adjacent properties; and
2. There are no anticipated health, safety, welfare or undue risk to the use's customers arising from the proximity to the existing use on the property and on adjacent properties.

With the above additional criteria, proposed "Seasonal Amusement/Entertainment and Sales, Indoor" permitted uses will be evaluated on a site-specific basis for placement on-site to: (i) avoid conflicts with loading and service areas; (ii) ensure that parking is both convenient; (iii) to ensure that the permitted use is safely located; and (iv) to confirm compatibility with other LI uses.

**C. Regional Plan.** The following provides an analysis of the Regional Plan's goals and policies as they relate to this requested text amendment for consideration by staff, Planning Commissioner's and City Council members as they evaluate this proposed modification to the Code. In review of the Regional Plan, the following Goals and Policies provide support for this proposal, particularly those related to Land Use and Economic Development, as discussed below.

Chapter IX – Growth Areas & Land Use – Reinvestment Goals and Policies

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

*Policy LU.1.1. Plan for and support reinvestment within the existing city centers and neighborhoods for increased employment and quality of life.*

*Policy LU.1.3. Promote reinvestment at the neighborhood scale to include infill of vacant parcels, redevelopment of underutilized properties, aesthetic improvements to public spaces, remodeling of existing buildings and streetscapes, maintaining selected appropriate open space, and programs for the benefit and improvement of the local residents.*

*Policy LU.1.6. Establish greater flexibility in development standards and processes to assist developers in overcoming challenges posed by redevelopment and infill sites.*

Existing areas will benefit from reinvestment by allowing, on a case-by-case basis, new land uses that could complement existing LI land uses and that would allow land owners to find uses for underutilized or challenged properties. By expanding possible land uses in the zone, existing underutilized properties that are not viable for a change in zoning may attract investment and/or remodeling. Furthermore, this application would provide "greater flexibility" that would assist developers in addressing redevelopment/infill challenges by adding another set of land use options for LI zoned properties. Adding the option to consider "Seasonal Amusement/Entertainment and Sales, Indoor" uses on a case-by-case basis provides a way to encourage

property owner investment in existing areas and to promote reinvestment consistent with this Goal and Policy recommendation.

***Goal LU.6. Provide for a mix of land uses.***

*Policy LU.6.4. Provide appropriate recreational and cultural amenities to meet the needs of residents*

If approved, this amendment will provide an opportunity to broaden the mix of land uses allowed in the LI zone with seasonal event types of public amenities. There are locations where the addition of an “Seasonal Amusement/Entertainment and Sales, Indoor” use would broaden the mix of land uses while creating opportunities to add seasonal amusement/entertainment type amenities to the community at locations appropriate for such uses, as intended by this Goal and Policy.

**Chapter XIV – Economic Development – Business Attraction Goals and Policies**

***Goal ED.3. Regional economic development partners support the start-up, retention, and expansion of existing business enterprises.***

*Policy ED.3.8. Protect existing business and industrial land uses from encroachment and allow for their expansion.*

While this request does support the goal of “support” for “start-up, retention, and expansion of existing business enterprises” (specific to The North Pole Experience), there is a conflict with the underlying policy, which seeks to protect business and industrial land uses from other uses that may limit their expansion options (or be an incompatible land use). Usually, adding a new type of land use can encourage property owners and/or developers to focus leasing effort or new construction efforts on such uses. However, this proposed text amendment mitigates this concern by requiring a case-by-case review (the CUP approval process) as well as by limiting the use to seasonal (3 month periods) that would most likely result in the adaptive reuse of existing, underutilized space and not compel construction of new buildings dedicated to “Seasonal Amusement/Entertainment and Sales, Indoor” types of uses.

***Goal ED.4. Support efforts to recruit diverse new businesses and industries compatible with the region.***

*Policy ED.4.2. Promote variety and flexibility in land use and development options within the urban growth boundary.*

This requested amendment provides an opportunity for consideration of specific land use types in the LI zoning district that may be new types of businesses that are local and/or regional

customer draws. The amendment will also promote “variety and flexibility in land use” in the LI zone, properties have more development/use potential which is useful in business attraction and retention as encouraged by the above Goal and Policy.

Chapter XIV – Economic Development – Tourism Goals and Policies

***Goal ED.6. Tourism will continue to provide a year-round revenue source for the community, while expanding specialized tourist resources and activities.***

***Policy ED.6.1 Support and promote the diversification and specialization of the tourism sector, with heritage, eco-, and adventure tourism.***

This request will “support and promote” tourism by providing opportunity for the relocation and/or retention of tourist attractions in the City of Flagstaff. There are all sorts of tourist concepts that fit a “Seasonal Amusement/Entertainment and Sales, Indoor” definition that may desire to locate to the Flagstaff area; this amendment will allow for consideration of LI zoned sites for those concepts as appropriate, which is encouraged by these Goals and Policies.

Chapter XIV – Economic Development – Redevelopment and Infill Goals and Policies

***Goal ED.9. Promote redevelopment and infill as a well-established means to accomplish a variety of community economic, planning, and environmental goals.***

By adding the option for consideration (on a case-by-case basis) “Seasonal Amusement/Entertainment and Sales, Indoor” in the LI zone, an option for other land uses is available for LI zoned properties. For those properties that are challenged with finding tenants, this text amendment provides an opportunity to reactivate and/or redevelop existing developments as supported by this Goal.

Employment Area Types

The “Light-Medium Industrial” area type (typically the location of LI zoned properties) is intended for a wide variety of light industrial uses, including “manufacturing, warehousing and distributing.” The proposed text amendment supports the vision of these types of areas as it is similar to “warehousing” functions and does not include uses that are of a “Heavy Industrial” type (such as those that generate liquid or solid wastes, emissions or use significant inputs into final projects). The proposed uses are complementary to other LI uses.

In summary, this requested amendment is supported by a number of Goals and Policies of the Regional Plan.

**C. Findings for Text Amendments.** The Code requires that the following three (3) findings be made (Section 10-20.50.040.F.1.b) when approving a proposed text amendment.

***Finding 1:** The proposed amendment is consistent with and conforms to the objectives and policies of the General Plan and any applicable specific plan;*

As discussed in detail above, the proposed text amendment is consistent with and conforms to the Regional (General) Plan. Specifically, it advances a number of the Regional Plan's Goals and Policies related to Growth and Land Use, Transportation and Economic Development. The addition of "Seasonal Amusement/Entertainment and Sales, Indoor" land uses, subject to a Conditional Use Permit review, will allow for LI zoned properties to be considered for use or development with those uses, so long as they meet the required criteria and are deemed appropriate for the site by the Planning Commission (or City Council if appealed).

***Finding 2:** The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City; and*

The proposed amendment will introduce more customer traffic to LI zoned properties, which may contain incompatible uses. To ensure that "Seasonal Amusement/Entertainment and Sales, Indoor" are located in the appropriate sites, and are safely located on a site and provide safe ingress/egress, additional criteria have been proposed to assist with the review and consideration of such factors. Because of this extra layer of review, there will not be any detrimental impacts to public health, safety or welfare from this amendment.

***Finding 3:** The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.*

This proposed amendment creates the ability to file for a Conditional Use Permit in the LI zoning district, an option that only exists today in the lesser LI-O zoning district. The amendment will modify the land use table as noted above. It will also introduce standards associated with "Seasonal Amusement/Entertainment and Sales, Indoor" uses when proposed for sites that are zoned LI. The proposal is consistent with the current intent of the LI zone, and adds provisions to Section 10-40.60 specific to these uses in the LI zone, which are consistent with other specific uses and use patterns regulated by the Code.

**D. Summary.** This is a request to add "Seasonal Amusement/Entertainment and Sales, Indoor" to the LI zone, subject to a Conditional Use Permit approval. This application also proposes to establish development and review standards for "Seasonal Amusement/Entertainment and Sales, Indoor" uses to ensure public safety and compatibility with neighboring business.

Approval of this requested amendment will allow such uses to consider LI zoned sites, expanding options. In this case, the applicant, The North Pole Experience, will be able to relocate to a larger space within the municipal boundaries of the City of Flagstaff, which will: (i) permit expanded growth from the current 70,000 annual visitors to an anticipated 100,000; (ii) retain over 280 seasonal jobs (focused primarily on high-school and college age employees) in the City of Flagstaff; (iii) retain approximately \$500,000 in seasonal payroll (over a 6 week period); as well

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Page 8

as (iv) capture new sales taxes from increased ticket and merchandise sales (estimated at \$300,000).

We look forward to discussing this requested text amendment at the forthcoming Planning Commission and City Council meetings.

Respectfully submitted,

Snell & Wilmer

  
Noel J. Griemsmann, AICP  
Sr. Urban Planner

