

## **WORK SESSION AGENDA**

**CITY COUNCIL WORK SESSION  
TUESDAY  
MAY 28, 2019**

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

**1. Call to Order**

**NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION**

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

**2. Pledge of Allegiance and Mission Statement**

**MISSION STATEMENT**

*The mission of the City of Flagstaff is to protect and enhance the quality of life for all.*

**3. ROLL CALL**

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

MAYOR EVANS  
VICE MAYOR SHIMONI  
COUNCILMEMBER ASLAN  
COUNCILMEMBER MCCARTHY

COUNCILMEMBER ODEGAARD  
COUNCILMEMBER SALAS  
COUNCILMEMBER WHELAN

**4. Public Participation**

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

**5. Review of Draft Agenda for the June 4, 2019 City Council Meeting**

*Citizens wishing to speak on agenda items not specifically called out by the City Council may submit a speaker card for their items of interest to the recording clerk.*

6. **The Northern Arizona Center for Entrepreneurship and Technology (NACET), doing business as Moonshot at NACET, Annual Report to the City Council.**
7. **Proposed City Code Revisions - Electric Bicycles and Electric Scooters**
8. **Sidewalk Maintenance Program**
9. **Discussion:** 1) the City's request to amend the industrial zones, and resolving conflicts, incorporating technical corrections and clarity, and add definitions to the Zoning Code; and 2) an applicant's request to add the 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.
10. **Discussion/Direction:** Establish/Create the Affordable Housing Commission discussed in Proposition 422
11. **Discussion:** Affordable Housing ballot measure for 2020
12. **Discussion/Direction:** Current Issues Before Arizona Legislature and Federal Issues.
13. **Public Participation**
14. **Informational Items To/From Mayor, Council, and City Manager; future agenda item requests**
15. **Adjournment**

CERTIFICATE OF POSTING OF NOTICE

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Stacy Saltzburg, MMC, City Clerk



## **CITY OF FLAGSTAFF**

### **STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** David McIntire, Community Investment Director  
**Date:** 05/13/2019  
**Meeting Date:** 05/28/2019



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#### **TITLE:**

**The Northern Arizona Center for Entrepreneurship and Technology (NACET), doing business as Moonshot at NACET, Annual Report to the City Council.**

#### **DESIRED OUTCOME:**

Provide information and answer questions for the City Council regarding Moonshot at NACET's activities, successes, and challenges while incubating and accelerating businesses at Innovation Mesa.

#### **EXECUTIVE SUMMARY:**

NACET, dba Moonshot at NACET, is a critical component of the entrepreneurial and business development ecosystem here in Flagstaff. They assist entrepreneurs and new businesses in developing the skills and resources required to thrive in today's competitive business environment. NACET at Moonshot performs much of this work in partnership with the City of Flagstaff and other local partners.

Moonshot at NACET is both a lessee and service provider for the City of Flagstaff on Innovation Mesa. Moonshot staff manages the tenant relationships and daily operations of the Business Incubator and the Business Accelerator, which are owned by the City of Flagstaff. These facilities and the City's relationship with the Moonshot Program itself are specifically intended to assist entrepreneurial businesses in moving from concept to a profitable and sustainable company generating jobs and prosperity for Flagstaff residents along the way. Moonshot has been successful in building a strong group of entrepreneurs in the facilities and in assisting them in developing into prosperous businesses over the last years.

Scott Hathcock, President and Chief Executive Officer of Moonshot, will present additional information and be available for discussion.

#### **INFORMATION:**

Moonshot at NACET has been providing economic development benefit as a non-profit since 2000. Since then, they have evolved as an organization, and they have partnered with the City to manage two facilities to further expand their impact. They provide education and mentoring to new and developing businesses to assist those entrepreneurs in taking an idea and making it a viable and successful business.

Effective January 1, 2019, the City and Moonshot restructured their previously existing leasehold and service provider relationship to a model where the Business Incubator and Business Accelerator were on the same system of management. The City is responsible for maintenance and utilities, and Moonshot is responsible for maintaining occupancy, general property management, and developing the businesses themselves. Due to the Economic Development Administration's funding requirements for the facility,

and the City and Moonshot at NACET's original intentions for the program, the businesses eligible for inclusion in the facilities focus on science, technology, clean energy, manufacturing, digital products, tourism, and astronomy. All City resources involved in the partnership are economic development funds from the Bed, Board, and Beverage (BBB) tax.

Opportunities exist for companies to begin in co-working space, move into leasing at the Incubator, develop into space at the Accelerator, and then graduate into a private commercial property. This pipeline has supported companies such as Symple Surgical and Love You Foods as they went from an idea to a business and now generate jobs and prosperity for people in Flagstaff.

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**Attachments:**    [Final Presentation](#)  
                          [18-19 Budget](#)  
                          [2019 Income Statement](#)



# Moonshot

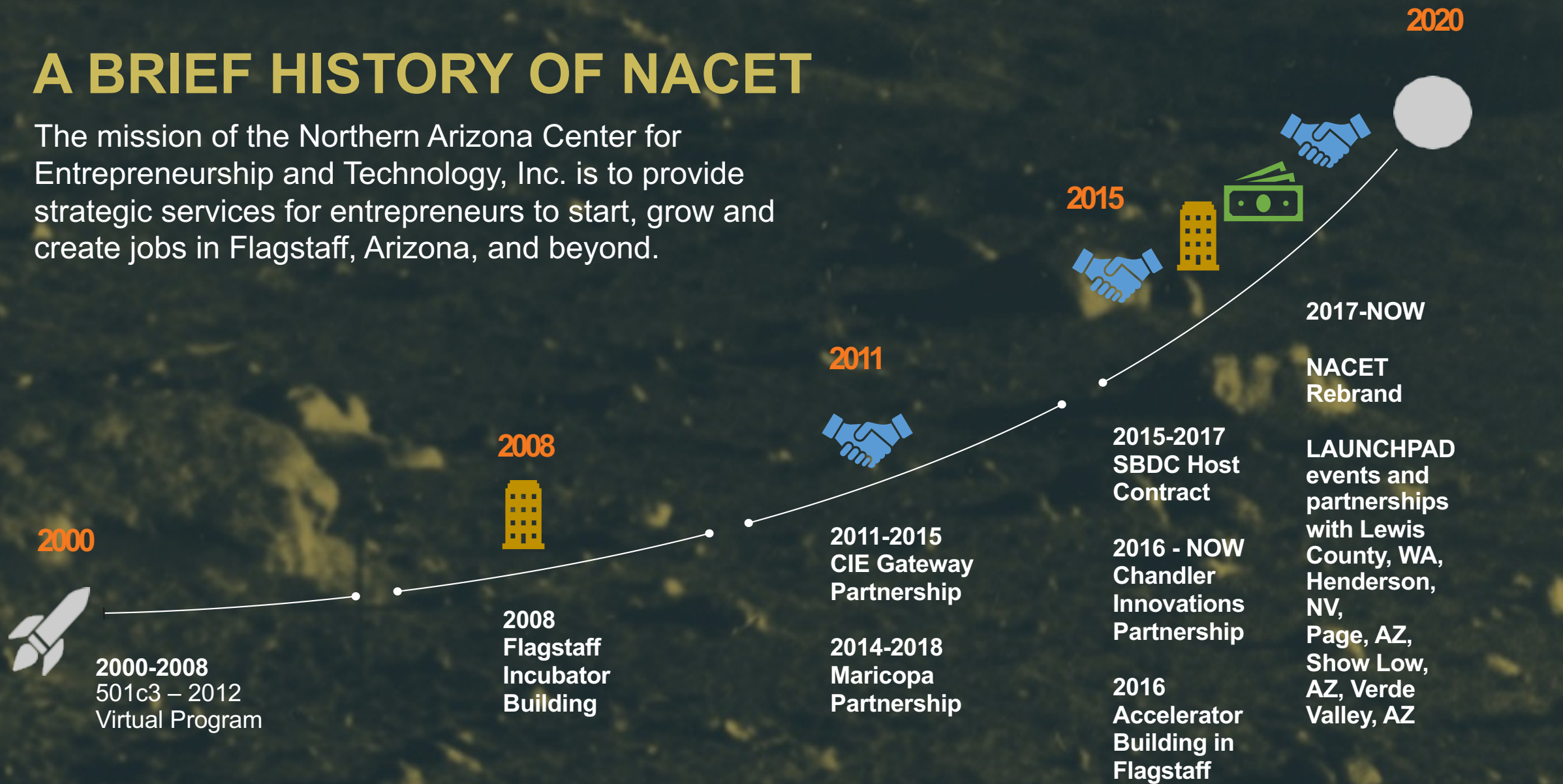
at NACET

Presented by  
**Scott Hathcock**  
President & CEO  
[moonshotaz.com](http://moonshotaz.com)



# A BRIEF HISTORY OF NACET

The mission of the Northern Arizona Center for Entrepreneurship and Technology, Inc. is to provide strategic services for entrepreneurs to start, grow and create jobs in Flagstaff, Arizona, and beyond.



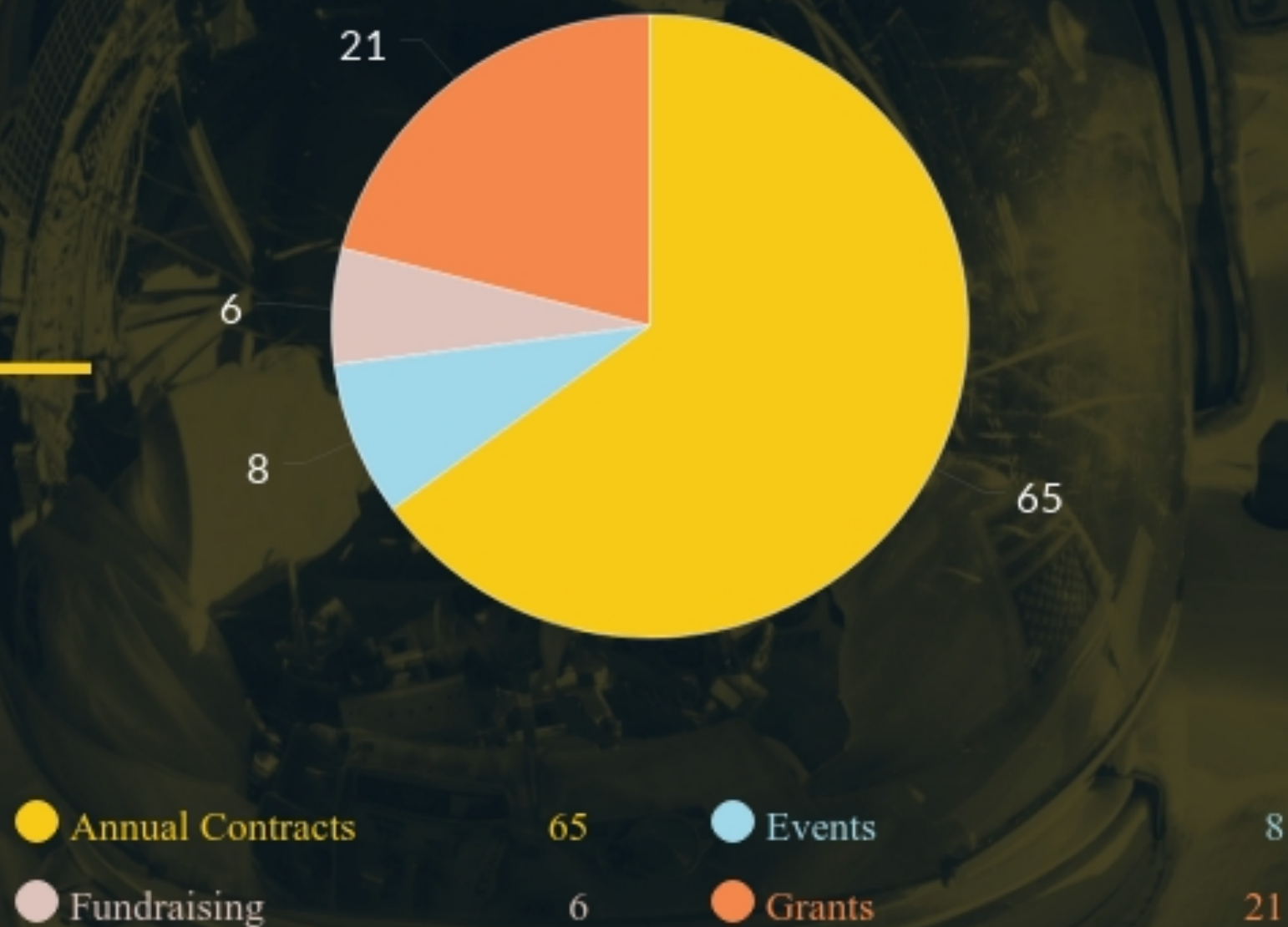
# WHY **MOONSHOT** FOR ENTREPRENEURS?

- 1 of the 3 C's in the first year-- capital, contacts and customers-- with a foundation of business curriculum
- A network of mentors and coaches
- Community events & workshops

2018-2019

# FUNDING MODEL

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# Moonshot

at NACET

Launching Flagstaff Entrepreneurs:  
A Year in Review

**YE 2018**

**78.5%**

combined  
occupancy rate  
for incubator &  
accelerator

**Graduating  
Companies**

Symple Surgical  
Poba Medical  
Love You Foods  
War2In

**8**

Launch and  
Learn events

**221**

full-time jobs  
created

**\$4M**

grants and  
capital  
secured

**\$3.16M**

year-end  
revenue

**1st**  
**aws**

CloudStart

**City in the US**

Amazon collaboration  
helps startups with  
cloud technology.

Moonshot at NACET in partnership with the City of Flagstaff is rocketing our region to diverse economic growth by harnessing the power of innovators and risk takers and turning their ideas into viable and scalable businesses.

Learn more at **moonshotaz.com**.

*Pictures courtesy of Lowell Observatory and USGS.*



# 2019 MOONSHOT EVENTS IN AZ



## AZ PIONEER PITCH TOUR

Verde Valley, April 11-13

Flagstaff, May 3-5

Show Low, May 30-June 1

Prescott, September 12-13

Chandler, September 20-21

## MOONSHOT BOOTCAMPS

Show Low, December 1

Page, January 19

St. Johns, February 9

Show Low, May 9-11

Sedona, May 28-29

Flagstaff, September 28

## INNOVATE WASTE CHALLENGE

April 5-6

## 1<sup>st</sup> ANNUAL NONPROFIT LEADERSHIP CONFERENCE

May 23

## WOMEN SPEAKER SERIES

March 21

June 26

September 11

## LAUNCH & LEARNS

Held on the 3<sup>rd</sup> Wednesday of every month

## 1<sup>st</sup> ANNUAL ENTREPRENEURSHIP AWARDS

September 28





**QUESTIONS?**



**Moonshot**  
at NACET

**Scott Hathcock**  
**President & CEO**

**[shathcock@moonshotaz.com](mailto:shathcock@moonshotaz.com)**  
**[moonshotaz.com](http://moonshotaz.com)**

SPECIAL THANKS TO

**Budget**

Jul 2018 - Jun 2019

<b>Income</b>	
4100 Contract Income	\$ 697,000.00
4150 Grants	\$ 200,000.00
4152 Affiliate Svcs Income	\$ 7,000.00
4153 Program Fee Income	\$ 3,000.00
4510 Rental - Incubator	\$ 36,000.00
4850 Reimbursed Expenses	\$ 6,500.00
4950 Interest Income	\$ 225.00
Fundraising	\$ 30,000.00
<b>Total Income</b>	<b>\$ 979,725.00</b>
<b>Expenses</b>	
6068 Payroll Services	\$ 1,044.00
Total 6010 Compensation & Benefits	\$ 578,000.00
Health Insurance	\$ 18,200.00
6070 Contracted Labor	\$ 50,000.00
6080 Professional Development	\$ 1,500.00
6105 Advertising & Promotion	\$ 12,000.00
6132 Bank Service Charges	\$ 120.00
6149 Dues and Subscriptions	\$ 13,000.00
6150 Equipment Rentals & Purchases	\$ 6,000.00
6172 Programs	\$ 25,000.00
6180 Insurance	\$ 8,100.00
6185 Liability Insurance	\$ 2,900.00
6190 Work Comp	\$ 1,600.00
6230 Licenses and Permits	\$ 2,800.00
6240 Office Supplies & Materials	\$ 10,000.00
6250 Postage, Shipping, Freight	\$ 400.00
6270 Professional Services	\$ 28,000.00
6284 Program Development	\$ 6,000.00
6289 Rent - Facilities	\$ 34,000.00
6300 Repairs & Maintenance	\$ 3,000.00
Total 6400 Travel	\$ 20,000.00
6410 Meetings, Meals & Entertainment	\$ 15,000.00
6411 Board of Directors	\$ 600.00
6412 Client Meals	\$ 800.00
6413 Lunch & Learns	\$ 1,200.00
6500 Utilities -Gas, Water, Trash, Electricity	\$ 22,000.00
6600 Utilities - Phone, Wireless, Internet	\$ 8,600.00
<b>Total Expenses</b>	<b>\$ 869,864.00</b>
<b>Net Operating Income</b>	<b>\$ 109,861.00</b>

**Northern Arizona Center for Entrepreneurship and Technology**

**Income Statement**

for the period of 07/01/2018 to 05/17/2019

Account Number	Account Name	Amount
<b>Income</b>		
4100	Contract Income	\$549,583.26
4152	Affiliate Svcs Income	\$3,000.00
4153	Program Fee Income	\$74,350.00
4510	Rental - Incubator	\$43,628.52
4850	Reimbursed Expenses	\$15.79
4950	Interest Income	\$401.07
4998	Other	\$11,750.00
4150	Grants	\$206,488.37
4154	Program Fee Income: Events	\$26,000.00
<b>Total Income</b>		<b>\$915,217.01</b>
<b>Expense</b>		
6080	Professional Development	\$1,054.99
6176	Misc	\$8,347.26
6230	Licenses and Permits	\$95.00
6284	Program Development	\$10,077.16
6010	Compensation & Benefits	\$500,945.87
6130	Bad Debt Expense	\$2,451.37
6132	Bank Service Charges	\$810.24
6173	Programs:Flagstaff Pitch Event	\$3,500.00
6180	Insurance	\$6,660.00
6200	Interest Expense	\$100.00
6070	Contracted Labor	\$48,953.16
6105	Advertising & Promotion	\$7,832.09
6149	Dues and Subscriptions	\$15,928.16
6150	Equipment Rentals & Purchases	\$6,762.84
6240	Office Supplies & Materials	\$11,525.63
6172	Programs	\$16,478.50
6250	Postage, Shipping, Freight	\$373.27
6270	Professional Services	\$30,058.65
6289	Rent - Facilities	\$31,187.64
6290	Rent - Accelerator	\$18,911.91
6300	Repairs & Maintenance	\$2,427.29
6400	Travel	\$27,592.22
6410	Meetings, Meals & Entertainment	\$16,796.93
6500	Utilities -Gas, Water, Trash, Electricity	\$25,131.91
6600	Utilities - Phone, Wireless, Internet	\$9,138.27
<b>Total Expense</b>		<b>\$803,140.36</b>
<b>Net Income (Loss)</b>		<b>\$112,076.65</b>

## CITY OF FLAGSTAFF

### STAFF SUMMARY REPORT

**To:** The Honorable Mayor and Council  
**From:** Martin Ince, Multi-Modal Planner  
**Co-Submitter:** Nicole Antonopoulos  
**Date:** 05/23/2019  
**Meeting Date:** 05/28/2019



#### TITLE

#### Proposed City Code Revisions - Electric Bicycles and Electric Scooters

#### STAFF RECOMMENDED ACTION:

Staff is seeking City Council direction on proposed Code revisions to Title 8, *Streets and Public Ways* which regulates the use of the City's right-of-way and Title 9, *Traffic*, Chapter 9-05, which regulates the operation of bicycles. The revisions will address electric bicycles and electric scooters and regulate companies that make dockless bicycles and electric scooters available for short-term rental.

#### EXECUTIVE SUMMARY:

The proposed City Code revisions would cover three items:

1. 1. Prohibition on the use of the right-of-way (ROW) unless a person or entity receives a permit authorized under the Flagstaff City Code.
2. The requirement of a permit agreement for vendors to rent dockless bicycles or scooters in quantities over 50.

These new provisions will help prevent companies from “dumping” bicycles and scooters in the City’s ROW and would give the City the authority to impound devices that are left in the ROW. The proposed fine for renting without a permit agreement is \$500 per device/per day. These provisions are important in light of the growing trend of the dockless or free-roaming business models seen in many communities.

3. Determine where electric bicycles and electric scooters are allowed or prohibited on FUTS trails and sidewalks.

Both electric bicycles and electric scooters are currently covered in Arizona Revised Statutes (ARS) Section 28-819. However, ARS gives the City the authority to allow or prohibit the devices on FUTS trails. In addition, ARS provisions do not address whether the devices are allowed or prohibited in sidewalks.

4. Add other regulations to City Code for electric bicycles and electric scooters.

One proposed revision would add a requirement to provide truthful name and date-of-birth when detained upon reasonable suspicion that a violation of the ordinance has been committed. Anyone riding a bicycle, electric bicycle, electric scooter, or other devices would be subject to this



requirement.

The second provision would make it unlawful to operate an electric bicycle or electric scooter while under the influence of drugs or alcohol.

### **INFORMATION:**

Proposed revisions to City Code are a result of research into best practices, the existing municipal code in other Arizona cities, discussion at City commissions and committees, and community input.

Earlier this year, a community survey regarding electric bicycles and electric scooters collected 376 responses and almost 200 comments. The results of this survey are included as an attachment.

Additionally, there has been an extensive discussion with citizens at the Pedestrian Advisory Committee, Bicycle Advisory Committee, and Transportation Commission meetings:

#### Commission on Inclusion and Adaptive Living

April 30, 2019 (no quorum)

May 28, 2019 (next meeting)

#### Transportation Commission

May 1, 2019

[April 3, 2019](#)

[February 6, 2019](#)

#### Pedestrian Advisory Committee

May 9, 2019

[March 14, 2019](#)

[February 14, 2019](#)

[December 13, 2018](#)

#### Bicycle Advisory Committee

May 2, 2019

[April 4, 2019](#)

[March 7, 2019](#)

[February 7, 2019](#)

[December 6, 2018](#)

A compiled summary of staff recommendations, the results of a community survey; and the results of PAC, BAC, and Transportation Commission discussion are attached.

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<b>Attachments:</b>	<a href="#"><u>Power Point</u></a>
	<a href="#"><u>Ordinance</u></a>
	<a href="#"><u>Resolution</u></a>
	<a href="#"><u>Amendments</u></a>
	<a href="#"><u>Summary of results from PAC, BAC, Transportation Commission, and community survey</u></a>
	<a href="#"><u>Community survey results</u></a>



# City Code Revisions Electric Bicycles Electric Scooters

May 28, 2019





# Presentation outline

1. Purpose and context
2. Status of dockless bikeshare RFP
3. Next steps/process
4. Community outreach
5. Review of devices
6. City Code revisions





# Purpose

## 1. Regulate vendors

- Require a permit agreement for bikeshare/scooter vendors
- Prevent vendors from “dumping” bikes and scooters

## 2. Address devices

- Allow or prohibit electric bicycles and electric scooters on FUTS trails and sidewalks
- Other City Code changes to regulate as necessary





# The broader context

- Growing, larger trend towards *micro-mobility*
- Technology is changing rapidly – new devices for getting around



# The broader context

## Significant benefits...

- More affordable transportation
- Enhanced mobility for those with physical limitations
- Reduced reliance on automobile
- Better health
- Lower GHG emissions

## Also concerns...

- Safety of new devices
- Conflicts with vulnerable users
- Access to devices
- Rapidly evolving technology
- Enforcement issues
- Additional competition for the same limited pedestrian/bicycle space



# The broader context

- How does the City respond...
  - Embrace new transportation options
  - Be accommodating in recognition of the benefits
  - Work towards productive resolution of issues and concerns

# 2 Status of dockless bikeshare RFP

- RFP posted on April 16, 2019
- Closes on May 31, 2019
- Several inquiries regarding e-scooters
  - Answer: E-scooters will not be considered





# 3 Next steps/ process for City Code revisions

- Tonight: Direction from Council regarding City Code revisions
- June 4: First read of ordinance
- June 18: Second read



# 4 Outreach since last Council work session

- Transportation Commission: May 1
- Bicycle Advisory Committee: May 2
- Pedestrian Advisory Committee: May 9
- FMPO/NAIPTA Coordinated Mobility Council: May 10
  
- Commission on Inclusion and Adaptive Living: April 30 (no quorum) May 28
- Open Spaces Commission: June 3



# 5 Review of devices

- Electric bicycles
- Electric stand-up scooter







# Electric bicycles

- Arizona Revised Statutes  
Section 28-819
- Ebike classes:
  - Class 1: pedal assist, 20 mph
  - Class 2: throttle, 20 mph
  - Class 3: pedal assist, 28 mph







# Electric scooters



- Arizona Revised Statutes Section 28-819
- Signed into law on April 22
- Max speed of 20 mph



# 6 City Code revisions

- A. Regulations for dockless vendors
- B. Electric bikes/e-scooters on FUTS trails and sidewalks
- C. Other considerations





# A. Regulation of service providers

## Recommendation

- New Code language makes it an offense to place bicycles or scooters in the City's right-of-way without a permit agreement

## Intent

- Prevents vendors from operating in the City without a permit agreement
- Prevents "dumping" of dockless bikes and scooters
- Gives City authority to impound and fine (\$500 each) unauthorized bikes or scooters in ROW





# A. Regulation of service providers

## **Decision points:**

- Is the Council supportive of the proposed City Code revisions regulating service providers



# B. E-bikes and e-scooters

## Recommendation

- E-bikes and e-scooters would be banned on sidewalks
- Class 1 and 2 e-bikes and e-scooters would be allowed on FUTS
- Class 3 e-bikes would be banned on FUTS trails

## Intent

- Clarify where devices are allowed and prohibited



# B. E-bikes and e-scooters

## Decision points:

- Should e-bikes and e-scooters be allowed or prohibited on...
  - Sidewalks
  - Downtown sidewalks
  - FUTS trails
  - Bike lanes



# Current status of devices

Per existing ARS... (if we do nothing)

- Class 1 and 2 e-bikes are allowed on FUTS trails
- Class 3 e-bikes are prohibited on FUTS trails
- E-scooters are allowed on FUTS trails
- Sidewalks are not addressed



# Staff recommendations

Device	Characteristics	Sidewalk	Sidewalk, Downtown	FUTS	Bike Lane
Electric Bike, Class 1	Pedal assist, 20 mph	No	No	Yes	Yes
Electric Bike, Class 2	Throttle, 20 mph	No	No	Yes	Yes
Electric Bike, Class 3	Pedal assist, 28 mph	No	No	No	Yes
Electric Standup Scooter	Up to 20 mph	No	No	Yes	Yes





# Basis for recommendations

- Benefit to being consistent with ARS
- Follows model legislation guidance from Bicycle Product Suppliers Association and People for Bikes
- Paved FUTS typically have a design speed of 20 mph (unpaved trails are less)
- Protect most-vulnerable users on sidewalks



# Commission/community discussion

- Community survey | 376 responses
- Transportation Commission
- Pedestrian Advisory Committee
- Bicycle Advisory Committee



# Bike lanes and downtown sidewalks

## **Recommendation:**

- Prohibit all e-bikes and e-scooters from downtown sidewalks
- Allow all e-bikes and e-scooters in bike lanes

## **Differences from commissions/survey:**

- Consensus





# Sidewalks



## **Recommendation:**

- Prohibit all e-bikes
- Prohibit e-scooters

## **Differences from commissions/survey:**

- PAC: Allow class 1 e-bikes
- BAC: Allow all e-bikes



# FUTS trails



## **Recommendation:**

- Allow class 1 and 2 e-bikes
- Prohibit class 3 e-bikes
- Allow e-scooters

## **Differences from commissions/community:**

- BAC: Allow class 3 e-bikes
- Trans Comm: Allow class 3 e-bikes
- Survey: Prohibit e-scooters



# C. Other considerations

## Recommendation

- Requirement to provide truthful name and date-of-birth when detained upon reasonable suspicion that a violation of the ordinance has been committed
- Provision to make it unlawful to operate an e-bike or e-scooter while under the influence of drugs or alcohol





# Truthful name/DOB

## **Decision points:**

- Should a requirement to provide a truthful name and date-of-birth be included in City Code
- Should the requirement be to provide a truthful name only



# Operating under the influence

## **Decision points:**

- Should it be unlawful for a person to operate an e-bike or e-scooter under the influence of drugs or alcohol
- Should City Code establish a minimum penalty, or should the penalty be left open for prosecutors



# Thank you.





## **ORDINANCE NO. 2019-19**

### **AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA AMENDING TITLE 8, *STREETS AND PUBLIC WAYS* AND TITLE 9, *TRAFFIC*, CHAPTER 9-05, *BICYCLES*, OF THE FLAGSTAFF CITY CODE**

#### **RECITALS:**

WHEREAS, the City recognizes the value of bicycle share, and the desire of City residents and visitors to use bicycle share devices; and

WHEREAS, the City had a successful pilot program to allow the use of dockless bicycle share devices; and

WHEREAS, the City desires to continue to allow dockless bicycle share devices within the City, and add docked bicycles and electric bicycles; and

WHEREAS, the City has a right and duty to act in the best interest of the City to protect and enhance the public health, safety, and welfare of its residents and visitors.

#### **ENACTMENTS:**

**NOW, THEREFORE, BE IT ORDAINED** by the Flagstaff City Council that:

##### **SECTION 1. In General.**

The Flagstaff City Code, Title 8, *Streets and Public Ways* and Title 9, *Traffic*, Section 9-05, *Bicycles* is hereby amended by adoption of those amendments set forth in the document known as “The 2019 Amendments to the Flagstaff City Code Regarding Use of the Right-of-Way and Bicycles” which are adopted as public records by Resolution 2019-28 and maintained on file with the City Clerk.

##### **SECTION 2. Repeal of Conflicting Ordinances.**

All ordinances and parts of ordinances in conflict with the provisions of the code adopted herein are hereby repealed.

##### **SECTION 3. Severability**

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

SECTION 4. Clerical Corrections.

The City Clerk is hereby authorized to correct clerical and grammatical errors, if any, related to this ordinance, and to make formatting changes appropriate for purposes of clarity, form, or consistency with the Flagstaff City Code.

SECTION 5. Effective Date.

This ordinance shall be effective on \_\_\_\_\_.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

**RESOLUTION NO. 2019-28**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING CERTAIN DOCUMENTS KNOWN AS "THE 2019 AMENDMENTS TO TITLE 8, *STREETS AND PUBLIC WAYS* AND TITLE 9, *TRAFFIC*, CHAPTER 9-05, *BICYCLES* OF THE FLAGSTAFF CITY CODE" AS PUBLIC RECORDS**

**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, providing that the adopting ordinance is published in full;

**ENACTMENTS:**

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

Those certain documents known as "The 2019 Amendments to the Flagstaff City Code Regarding Use of the Right-of-Way and Bicycles" attached hereto as Exhibit A are hereby declared to be public records, and three (3) copies shall remain on file with the City Clerk or one paper copy and one electronic copy maintained in compliance with A.R.S. § 44-7041 or public record shall remain on file with the City Clerk.

PASSED AND ADOPTED by the City Council of Flagstaff on \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

Attachments:

Exhibit A: The 2019 Amendments to the Flagstaff City Code Regarding Use of the Right-of-Way and Bicycles



**THE 2019 AMENDMENTS THE FLAGSTAFF CITY CODE  
REGARDING USE OF THE RIGHT-OF-WAY AND BICYCLES**

The Flagstaff City Code, Title 8, *Public Highways and Property*, is hereby amended as shown below (additions identified by ALLCAPS and deleted text identified by a strike-through).

**8-13-001-0014 PROHIBITION ON USE OF RIGHT-OF-WAY**

A. IT SHALL BE UNLAWFUL FOR ANY PERSON OR ENTITY TO OBSTRUCT OR ENCUMBER, IN PART OR ENTIRELY, ANY PORTION OF ANY PUBLIC STREET, ALLEY, SIDEWALK, MULTIUSE PATH, OR ANY OTHER PUBLIC RIGHT-OF-WAY WITHIN THE CORPORATE LIMITS OF THE CITY WITH ANY ITEM, WHETHER TEMPORARY OR PERMANENT, EXCEPT AS ALLOWED WITH AN APPLICABLE PERMIT UNDER THIS CODE OR PURSUANT TO AN EXPRESS AUTHORIZATION IN ANOTHER SECTION OF THIS CODE THAT AUTHORIZES CERTAIN, SPECIFIC TEMPORARY USE OR OBSTRUCTION.

B. IF PROPERTY IS FOUND IN VIOLATION OF THIS SECTION IT MAY BE SEIZED AND IMPOUNDED AFTER REASONABLE EFFORTS ARE MADE TO LOCATE THE OWNER. AN IMPOUNDMENT FEE OF ONE-HUNDRED DOLLARS (\$100.00) SHALL BE ASSESSED AND PAID FOR THE REDEMPTION AND RELEASE OF THE PROPERTY. IF PROPERTY IS NOT CLAIMED WITHIN NINETY (90) DAYS OF IMPOUNDMENT IT WILL BE CONSIDERED ABANDONED AND SUBJECT TO DESTRUCTION OR SALE.

The Flagstaff City Code, Title 9, *Traffic*, Chapter 9-05, *Bicycles*, is hereby amended as shown below (additions identified by ALLCAPS and deleted text identified by a strike-through).

**9-05-001-0001 APPLICATION OF PROVISIONS**

A. The parent of a child and the guardian of a ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of this Chapter.

B. The regulations of this Chapter in their application to bicycles, **ELECTRIC OR MOTORIZED BICYCLES, ELECTRIC STANDUP SCOOTERS, SKATEBOARDS OR LIGHTWEIGHT WHEELED VEHICLES** shall apply when ~~a bicycle~~ **SUCH DEVICE** is operated upon any roadway, **MULTIUSE** path, or sidewalk subject to those exceptions stated in this Chapter.

C. The regulations of this Chapter shall not apply to exempt vehicles when they are used for the purposes for which they are intended.

## 9-05-001-0002 DEFINITIONS

For purposes of this Chapter:

A. "Bicycle" means a device, including a racing wheelchair, that is propelled by human power and on which a person may ride and that has either:

1. Two tandem wheels, either of which is more than sixteen inches in diameter.
2. Three wheels in contact with the ground, any of which is more than sixteen inches in diameter.

~~B.G.~~ "Bicycle lane" means that portion of the roadway striped and designated for the ~~exclusive~~ use of bicycles.

C. "DEVICE" MEANS A BICYCLE, ELECTRIC OR MOTORIZED BICYCLE, ELECTRIC STANDUP SCOOTER, SKATEBOARD OR LIGHTWEIGHT WHEELED VEHICLE THAT MAY OR MAY NOT BE RIDDEN UPON A ROADWAY, MULTIUSE PATH, BICYCLE LANE OR SIDEWALK PURSUANT TO THIS CODE AND THE ARIZONA REVISED STATUTES.

D. "ELECTRIC BICYCLE" MEANS A BICYCLE OR TRICYCLE THAT IS EQUIPPED WITH FULLY OPERABLE PEDALS AND AN ELECTRIC MOTOR OF LESS THAN SEVEN HUNDRED FIFTY WATTS AND THAT MEETS THE REQUIREMENTS OF ONE OF THE FOLLOWING CLASSES:

1. "CLASS 1 ELECTRIC BICYCLE" MEANS A BICYCLE OR TRICYCLE THAT IS EQUIPPED WITH AN ELECTRIC MOTOR THAT PROVIDES ASSISTANCE ONLY WHEN THE RIDER IS PEDALING AND THAT CEASES TO PROVIDE ASSISTANCE WHEN THE BICYCLE OR TRICYCLE REACHES THE SPEED OF TWENTY MILES PER HOUR.

2. "CLASS 2 ELECTRIC BICYCLE" MEANS A BICYCLE OR TRICYCLE THAT IS EQUIPPED WITH AN ELECTRIC MOTOR THAT MAY BE USED EXCLUSIVELY TO PROPEL THE BICYCLE OR TRICYCLE AND THAT IS NOT CAPABLE OF PROVIDING ASSISTANCE WHEN THE BICYCLE OR TRICYCLE REACHES THE SPEED OF TWENTY MILES PER HOUR.

3. "CLASS 3 ELECTRIC BICYCLE" MEANS A BICYCLE OR TRICYCLE THAT IS EQUIPPED WITH AN ELECTRIC MOTOR THAT PROVIDES ASSISTANCE ONLY WHEN THE RIDER IS PEDALING AND THAT CEASES TO PROVIDE ASSISTANCE WHEN THE BICYCLE OR TRICYCLE REACHES THE SPEED OF TWENTY-EIGHT MILES PER HOUR.

E. "ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE" MEANS A SELF-BALANCING DEVICE WITH ONE WHEEL OR TWO NONTANDEM WHEELS AND AN ELECTRIC PROPULSION SYSTEM THAT LIMITS THE MAXIMUM SPEED OF THE DEVICE TO FIFTEEN MILES PER HOUR OR LESS AND THAT IS DESIGNED TO TRANSPORT ONLY ONE PERSON.

F. "ELECTRIC MINIATURE SCOOTER" MEANS A DEVICE THAT WEIGHS LESS THAN THIRTY POUNDS, HAS TWO OR THREE WHEELS, HAS HANDLEBARS, HAS A

FLOORBOARD ON WHICH A PERSON MAY STAND WHEN RIDING, IS POWERED BY AN ELECTRIC MOTOR OR HUMAN POWER, OR BOTH, AND HAS A MAXIMUM SPEED THAT DOES NOT EXCEED TEN MILES PER HOUR, WITH OR WITHOUT HUMAN PROPULSION, ON A HARD LEVEL SERVICE.

G. "ELECTRIC STANDUP SCOOTER" MEANS A DEVICE THAT WEIGHS LESS THAN SEVENTY-FIVE POUNDS, HAS TWO OR THREE WHEELS, HAS HANDLEBARS, HAS A FLOORBOARD ON WHICH A PERSON MAY STAND WHILE RIDING, IS POWERED BY AN ELECTRIC MOTOR OR HUMAN POWER, OR BOTH, HAS A MAXIMUM SPEED THAT DOES NOT EXCEED TWENTY MILES PER HOUR, WITH OR WITHOUT HUMAN PROPULSION, ON A HARD LEVEL SERVICE. THIS DOES NOT INCLUDE AN ELECTRIC MINIATURE SCOOTER.

H.D. "Exempt vehicles," when used for the purposes for which they are intended, means wagons, wheelchairs, and strollers or other devices designed and used for the purpose of transporting children, infants, physically challenged, or incapacitated persons, or carts or other devices intended and used for transporting merchandise or materials.

I. "MOTORIZED BICYCLE" MEANS A MOTORIZED GAS-POWERED BICYCLE OR TRICYCLE THAT IS EQUIPPED WITH A HELPER MOTOR THAT HAS A MAXIMUM PISTON DISPLACEMENT OF FORTY-EIGHT CUBIC CENTIMETERS OR LESS, THAT MAY ALSO BE SELF-PROPELLED AND THAT IS OPERATED AT SPEEDS OF LESS THAN TWENTY MILES PER HOUR.

H. ~~"Path" means a shared use pathway designed and intended for the use of bicycles, pedestrians, and other non-motorized users that is physically separated from the roadway.~~

J. "MULTIUSE PATH" MEANS A HARD SURFACED OR AGGREGATE PATH THAT IS PHYSICALLY SEPARATED FROM THE ROADWAY AND DESIGNED AND INTENDED FOR THE SHARED USE OF BICYCLES, PEDESTRIANS AND OTHER DEVICES. MULTIUSE PATHS INCLUDE, BUT ARE NOT LIMITED TO, PATHS THAT ARE SIGNED, DESIGNATED, AND ILLUSTRATED ON OFFICIAL MAPS AS PART OF THE FLAGSTAFF URBAN TRAILS SYSTEM (FUTS).

C. ~~"Play vehicle" means a coaster, rollerskates, scooter, roller ski, child's tricycle, unicycle, sled, toboggan, or any other non-motorized device with wheels, rollers or rails upon which a person may ride.~~

K. "LIGHTWEIGHT WHEELED VEHICLE" MEANS ROLLER SKATES, INLINE SKATES, SCOOTERS, ROLLER SKIS, UNICYCLES, OR ANY OTHER HUMAN-POWERED NON-MOTORIZED CONVEYANCE DEVICE WITH WHEELS OR ROLLERS.

L.E "Ride or riding" means operating ~~a bicycle~~ A DEVICE either wholly or partially sitting, standing or lying upon SUCH a bicycle, skateboard or play vehicle by a person whether such DEVICE bicycle, skateboard or play vehicle is in motion or stationary.

M.F. "Roadway" means all of the improved portion of a street which is intended for vehicular travel or parking.

N.I. "Sidewalk" means that portion of a street that is between the curb lines or the lateral lines of a roadway and the adjacent property lines that is intended for the use of pedestrians.



~~O.B.~~ "Skateboard" means a platform mounted on wheels that is propelled by human power.

P. "VENDOR" MEANS AN PERSON OR ENTITY THAT RENTS MORE THAN 50 BICYCLES OR SCOOTERS.

Q. "PERMIT AGREEMENT" MEANS PERMISSION TO LOCATE OR PLACE BICYCLES OR SCOOTERS IN ANY CITY RIGHT-OF-WAY, INCLUDING PUBLIC STREETS, ALLEYS, SIDEWALKS, MULTIUSE PATHS OR OTHER PUBLIC RIGHT-OF-WAY, FOR THE PURPOSES OF MAKING THEM AVAILABLE FOR RENT.

#### **9-05-001-0003 TRAFFIC LAWS APPLY**

A. Every person ~~riding~~ **OPERATING** a bicycle, **ELECTRIC OR MOTORIZED BICYCLE, OR ELECTRIC STANDUP SCOOTER** upon a roadway is granted all the rights and shall be subject to all of the duties applicable to the driver of a vehicle **PURSUANT TO** by this **CODE Chapter AND THE ARIZONA REVISED STATUTES**, ~~except as to special regulations in this Chapter and except as to those provisions of this Chapter which by their nature can have no application.~~

#### **9-05-001-0004 FACILITIES UPON WHICH PERSONS ARE AUTHORIZED TO OPERATE DEVICES**

THE FOLLOWING TABLE INDICATES WHERE DEVICES ARE ALLOWED OR PROHIBITED ON FACILITIES:

<b>DEVICE</b>	<b>Sidewalk</b>	<b>Sidewalk, Downtown</b>	<b>FUTS</b>	<b>Bike Lane</b>	<b>Roadway</b>
Bicycle	Yes	As Posted	Yes	Yes	Yes
E-Bike, Class 1	No	No	Yes	Yes	Yes
E-Bike, Class 2	No	No	Yes	Yes	Yes
E-Bike, Class 3	No	No	No	Yes	Yes
Electric personal assistive mobility device	Yes	As Posted	Yes	Yes	Yes
E-Standup Scooter	No	No	Yes	Yes	Yes
Motorized Bicycle	No	No	No	Yes	Yes
Lightweight Wheeled Vehicle	Yes	As Posted	Yes	Yes	Yes

## 9-05-001-~~0004~~ 0005 RIDING ON BICYCLES AND OTHER DEVICES

### A. A PERSON OPERATING A DEVICE SHALL NOT:

- 1.A. ~~A person riding a bicycle shall not:~~ Ride other than upon or astride a permanent and regular seat attached thereto.
- 2.B. ~~No bicycle shall be used to:~~ Carry more persons at one time than the number for which it is designed and equipped.
- 3.C. ~~No person riding upon any bicycle shall:~~ Attach the same or themselves to any vehicle upon a roadway.
- 4.D. ~~No person operating a bicycle shall:~~ Carry any package or article which prevents the driver from keeping at least one hand upon the handlebars.
- 5.E. ~~No person shall:~~ Operate a bicycle **DEVICE** at a speed greater than is reasonable and prudent under the circumstances, conditions and actual and potential hazards then existing, or in excess of the posted speed limit.
6. **PENALTY. A VIOLATION OF THIS SECTION SHALL BE A CIVIL TRAFFIC OFFENSE PUNISHABLE BY A FINE OF NOT LESS THAN TWENTY-FIVE (\$25.00) NOR MORE THAN SEVENTY-FIVE DOLLARS (\$75.00) FOR EACH OFFENSE.**

### B. A PERSON SHALL NOT OPERATE A DEVICE WITH RECKLESS DISREGARD FOR PERSONS AND PROPERTY.

1. **PENALTY. A VIOLATION OF THIS SECTION IS A CLASS TWO MISDEMEANOR.**

## 9-05-001-~~0005~~ 0006 EQUIPMENT

A. Every bicycle, **ELECTRIC OR MOTORIZED BICYCLE, OR ELECTRIC STANDUP SCOOTER** when in use at nighttime shall be equipped with a lamp on the front, **EITHER AFFIXED TO THE DEVICE OR WORN ON THE PERSON**, which shall emit a white light visible from a distance of at least five hundred feet (500') to the front and with a red reflector on the rear of a type approved by the Arizona Department of Transportation, which shall be visible from all distances from fifty feet (50') to three hundred feet (300') to the rear, when directly in front of lawful upper beams of headlamps on motor vehicles. A lamp on the rear emitting a red light visible from a distance of five hundred feet (500') to the rear may be used in **PLACE OF** ~~addition to~~ the red reflector.

B. Every bicycle, **ELECTRIC OR MOTORIZED BICYCLE, OR ELECTRIC STANDUP SCOOTER** shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

C. **PENALTY. A VIOLATION OF THIS SECTION SHALL BE A CIVIL TRAFFIC OFFENSE PUNISHABLE BY A FINE OF NOT LESS THAN TWENTY-FIVE (\$25.00) NOR MORE THAN SEVENTY-FIVE DOLLARS (\$75.00) FOR EACH OFFENSE.**

## 9-05-001-0006 ~~0007~~ RIDING OPERATION ON ROADWAYS AND BICYCLE LANES

A. ~~A person riding a bicycle~~ OPERATING A DEVICE on the roadway OR BICYCLE LANE at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as close as practicable to the right-hand curb or edge of the roadway, except under any of the following situations:

1. If overtaking and passing another ~~bicycle or vehicle~~ DEVICE proceeding in the same direction.
2. If preparing for a left turn at an intersection or into a private road or driveway.
3. If reasonably necessary to avoid conditions, including fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, snow and ice, or surface hazards.
4. If the lane in which the person is operating the bicycle is too narrow for a ~~bicycle~~ DEVICE and a vehicle to travel SAFELY side by side within the lane.
5. When proceeding straight, through an area where a right-turn is permitted, in order to avoid conflicts with right-turning vehicles.

B. When parking is allowed along the roadway, then the "right side of the roadway" shall be deemed to be to the left of any parked vehicles or parking lane, including the area occupied by open car doors, or to the right of any parked vehicles or parking lane on the left side of one-way streets.

C. ~~Persons riding bicycles~~ OPERATING A DEVICE upon a roadway OR BICYCLE LANE shall not ride more than two (2) abreast except ~~on paths or parts of roadways~~ WHERE set aside for the use of bicycles.

E. PENALTY. A VIOLATION OF THIS SECTION SHALL BE A CIVIL TRAFFIC OFFENSE PUNISHABLE BY A FINE OF NOT LESS THAN TWENTY-FIVE DOLLARS (\$25.00) NOR MORE THAN SEVENTY-FIVE DOLLARS (\$75.00) FOR EACH OFFENSE.

## 9-05-001-0007 ~~0008~~ RIDING OPERATION ON SIDEWALKS AND MULTIUSE PATHS

A. Where signs are erected giving notice thereof, no person shall ride a ~~bicycle~~ DEVICE upon a sidewalk OR MULTIUSE PATH. ~~This prohibition shall also apply to any bicycle, skateboard or play vehicle which is equipped or assisted by a motor.~~ Signs prohibiting such activity shall be installed at locations as directed by the Office of the Traffic Engineer.

C.B IF A DEVICE IS AUTHORIZED TO BE RIDDEN UPON A ~~public~~ SIDEWALK OR MULTIUSE PATH, THE PERSON OPERATING THE DEVICE shall be subject to the following provisions:

1. ~~A person riding a bicycle, skateboard, or play vehicle upon a sidewalk shall~~ Yield the right-of-way to all pedestrians and exempt vehicles.



2. ~~Such person shall~~ Give an audible signal before overtaking and passing any pedestrian or exempt vehicle traveling in the same direction on the sidewalk.

3. ~~No person shall operate a bicycle on a sidewalk at a speed greater than is reasonable and prudent under the circumstances, conditions and actual and potential hazards then existing.~~

~~D.G. Penalty. Violation of any provisions of 9-05-001-0007 by any person~~ **A VIOLATION OF THIS SECTION** shall be a civil traffic offense punishable by a fine of not less than twenty-five (\$25.00) nor more than seventy-five dollars (\$75.00) for each offense.

### **9-05-001-0008 RIDING ON PATHS**

A. ~~A person riding a bicycle, skateboard, or play vehicle upon a sidewalk shall yield the right of way to all pedestrians and exempt vehicles.~~

B. ~~Such person shall give an audible signal before overtaking and passing any pedestrian or exempt vehicle traveling in the same direction on the path.~~

### **9-05-001-0009 BICYCLE REGISTRATION**

The Chief of Police, or his or her designee, is hereby authorized and directed to issue, upon written application, bicycle registration tags. The Chief of Police shall designate and provide tags for the use of the registrant, direct the manner of placing such tags on the bicycles by the registrants, and keep a record of the name of the registrant, the number of the tag, the date of issuance of the tag, and pertinent information about the bicycle. A fee may be charged for registration and the tag.

### **9-05-001-0010 BICYCLE HELMETS/PROTECTIVE EQUIPMENT**

A. It shall be unlawful for any person under eighteen (18) years of age to operate or ride upon a bicycle, **ELECTRIC OR MOTORIZED BICYCLE, ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE, ELECTRIC MINIATURE SCOOTER, ELECTRIC STANDUP SCOOTER, SKATEBOARD OR LIGHTWEIGHT WHEELED VEHICLE** on any ~~highway, street, road, ROADWAY,~~ sidewalk, ~~bike way or trail,~~ **OR MULTIUSE PATH** unless that person wears a protective helmet that is properly fitted and fastened.

B. No parent or guardian of any unemancipated minor under eighteen (18) years of age shall knowingly allow the minor to violate this section.

C. Violation of this section shall constitute a civil traffic offense and shall be punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than seventy-five dollars (\$75.00) for each offense.

D. The first time a person is charged with a violation of this section the Court may dismiss the charge upon presentation of evidence that the person has purchased or obtained a protective helmet.

E. For purposes of this section "protective bicycle helmet" means a helmet containing a manufacturer's certification that it meets the standards of either the American National Standards Institute (ANSI), the American Society for Testing and Materials (ASTM), or the United States Consumer Product Safety Commission (CPSC).

F. Except as authorized by A.R.S. § 28-1599, a violation of this ordinance cannot be used as evidence of negligence or comparative negligence in a subsequent civil or criminal proceeding.

G. **PENALTY. VIOLATION OF ANY PROVISIONS OF THIS SECTION SHALL BE A CIVIL TRAFFIC OFFENSE PUNISHABLE BY A FINE OF NOT LESS THAN TWENTY-FIVE (\$25.00) NOR MORE THAN SEVENTY-FIVE DOLLARS (\$75.00) FOR EACH OFFENSE.**

**9-05-001-0011 RIDING, OPERATING OR ACTUAL PHYSICAL CONTROL WHILE UNDER THE INFLUENCE; PRESUMPTIONS; ADMISSIBLE EVIDENCE; SENTENCING**

A. **IT IS UNLAWFUL FOR A PERSON TO RIDE, OPERATE OR BE IN ACTUAL PHYSICAL CONTROL OF AN ELECTRIC OR MOTORIZED BICYCLE, ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE, ELECTRIC MINIATURE SCOOTER OR ELECTRIC STANDUP SCOOTER UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:**

1. **WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR, ANY DRUG, A VAPOR-RELEASING SUBSTANCE CONTAINING A TOXIC SUBSTANCE OR ANY COMBINATION OF LIQUOR, DRUGS OR VAPOR RELEASING SUBSTANCES IF THE PERSON IS IMPAIRED TO THE SLIGHTEST DEGREE.**

2. **IF THE PERSON HAS AN ALCOHOL CONCENTRATION OF 0.08 OR MORE WITHIN TWO HOURS OF RIDING, OPERATING OR BEING IN ACTUAL PHYSICAL CONTROL OF THE ELECTRIC OR MOTORIZED BICYCLE, ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE, ELECTRIC MINIATURE SCOOTER OR ELECTRIC STANDUP SCOOTER AND THE ALCOHOL CONCENTRATION RESULTS FROM ALCOHOL CONSUMED EITHER BEFORE OR WHILE DRIVING OR BEING IN ACTUAL PHYSICAL CONTROL OF THE ELECTRIC OR MOTORIZED BICYCLE, ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE, ELECTRIC MINIATURE SCOOTER OR ELECTRIC STANDUP SCOOTER.**

3. **WHILE THERE IS ANY DRUG DEFINED IN ARIZONA REVISED STATUTES SECTION 13-3401 OR ITS METABOLITE IN THE PERSON'S BODY.**

B. **IT IS NOT A DEFENSE TO A CHARGE OF A VIOLATION OF SUBSECTION (A), PARAGRAPH 1 OF THIS SECTION THAT THE PERSON IS OR HAS BEEN ENTITLED TO USE THE DRUG UNDER THE LAWS OF THIS STATE.**

C. **A PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR.**

D. **A PERSON USING A DRUG AS PRESCRIBED BY A MEDICAL PRACTITIONER WHO IS LICENSED PURSUANT TO ARIZONA REVISED STATUTES TITLE 32 AND WHO IS AUTHORIZED TO PRESCRIBE THE DRUG IS NOT GUILTY OF VIOLATING SUBSECTION A, PARAGRAPH 3 OF THIS SECTION.**

E. IN A TRIAL, ACTION OR PROCEEDING FOR A VIOLATION OF THIS SECTION, THE DEFENDANT'S ALCOHOL CONCENTRATION WITHIN TWO HOURS OF THE TIME OF RIDING, OPERATING OR BEING IN ACTUAL PHYSICAL CONTROL AS SHOWN BY ANALYSIS OF THE DEFENDANT'S BLOOD, BREATH OR OTHER BODILY SUBSTANCE GIVES RISE TO THE FOLLOWING PRESUMPTIONS:

1. IF THERE WAS AT THAT TIME 0.05 OR LESS ALCOHOL CONCENTRATION IN THE DEFENDANT'S BLOOD, BREATH OR OTHER BODILY SUBSTANCE, IT MAY BE PRESUMED THAT THE DEFENDANT WAS NOT UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

2. IF THERE WAS AT THAT TIME IN EXCESS OF 0.05 BUT LESS THAN 0.08 ALCOHOL CONCENTRATION IN THE DEFENDANT'S BLOOD, BREATH OR OTHER BODILY SUBSTANCE, THAT FACT SHALL NOT GIVE RISE TO A PRESUMPTION THAT THE DEFENDANT WAS OR WAS NOT UNDER THE INFLUENCE OF INTOXICATING LIQUOR, BUT THAT FACT MAY BE CONSIDERED WITH OTHER COMPETENT EVIDENCE IN DETERMINING THE GUILT OR INNOCENCE OF THE DEFENDANT.

3. IF THERE WAS AT THAT TIME 0.08 OR MORE ALCOHOL CONCENTRATION IN THE DEFENDANT'S BLOOD, BREATH OR OTHER BODILY SUBSTANCE, IT MAY BE PRESUMED THAT THE DEFENDANT WAS UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

F. SUBSECTION (E) OF THIS SECTION DOES NOT LIMIT THE INTRODUCTION OF ANY OTHER COMPETENT EVIDENCE BEARING ON THE QUESTION OF WHETHER OR NOT THE DEFENDANT WAS UNDER THE INFLUENCE OF INTOXICATING LIQUOR.

G. A PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION:

1. SHALL BE SENTENCED TO SERVE NOT LESS THAN FIVE (5) CONSECUTIVE DAYS IN JAIL AND IS NOT ELIGIBLE FOR PROBATION OR SUSPENSION OF EXECUTION OF SENTENCE UNLESS THE ENTIRE SENTENCE IS SERVED.

2. SHALL PAY A FINE OF NOT LESS THAN TWO-HUNDRED FIFTY (\$250.00) DOLLARS.

3. MAY BE ORDERED BY A COURT TO PERFORM COMMUNITY RESTITUTION.

H. NOTWITHSTANDING SUBSECTION (G), PARAGRAPH 1 OF THIS SECTION, AT THE TIME OF SENTENCING THE JUDGE MAY SUSPEND ALL BUT TWENTY-FOUR HOURS (24) OF THE SENTENCE IF THE PERSON COMPLETES A COURT ORDERED ALCOHOL OR OTHER DRUG SCREENING, EDUCATION OR TREATMENT PROGRAM. IF THE PERSON FAILS TO COMPLETE THE COURT ORDERED ALCOHOL OR OTHER DRUG SCREENING, EDUCATION OR TREATMENT PROGRAM AND HAS NOT BEEN PLACED ON PROBATION, THE COURT SHALL ISSUE AN ORDER TO SHOW CAUSE TO THE DEFENDANT AS TO WHY THE REMAINING JAIL SENTENCE SHOULD NOT BE SERVED.

**9-05-001-0012 REFUSING TO PROVIDE TRUTHFUL NAME AND DATE OF BIRTH WHEN LAWFULLY DETAINED**

A. IT IS UNLAWFUL FOR A PERSON, AFTER BEING ADVISED THAT THE PERSON'S REFUSAL TO ANSWER IS UNLAWFUL, TO FAIL OR REFUSE TO STATE THE PERSON'S TRUE FULL NAME AND DATE OF BIRTH ON REQUEST OF A PEACE OFFICER WHO HAS LAWFULLY DETAINED THE PERSON BASED ON REASONABLE SUSPICION THAT THE PERSON HAS COMMITTED A VIOLATION OF THIS CHAPTER. A PERSON DETAINED UNDER THIS SECTION SHALL STATE THE PERSON'S TRUE FULL NAME AND DATE OF BIRTH, BUT SHALL NOT BE COMPELLED TO ANSWER ANY OTHER INQUIRY OF A PEACE OFFICER.

B. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 2 MISDEMEANOR.

**9-05-001-0013 PERMIT AGREEMENT**

A. PERMIT AGREEMENT REQUIRED. NO VENDOR SHALL LOCATE OR PLACE BICYCLES OR SCOOTERS IN ANY CITY RIGHT-OF-WAY, INCLUDING PUBLIC STREETS, ALLEYS, SIDEWALKS, MULTIUSE PATHS OR OTHER PUBLIC RIGHT-OF-WAY, FOR THE PURPOSES OF MAKING THEM AVAILABLE FOR RENT, WITHOUT FIRST OBTAINING A PERMIT AGREEMENT APPROVED BY THE CITY.

C. FAILURE TO ENTER INTO A PERMIT AGREEMENT REQUIRED UNDER THIS SECTION FOR OFFERING BICYCLES OR SCOOTERS FOR BIKE SHARING OR SCOOTER SHARING SHALL RESULT IN THE IMPOUNDMENT OF EVERY BICYCLE OR SCOOTER PLACED UPON THE RIGHT-OF-WAY OR ANY OTHER PUBLIC PROPERTY. THE CITY WILL MAKE REASONABLE EFFORTS TO NOTIFY THE VENDOR PRIOR TO IMPOUNDMENT

D. AN IMPOUNDMENT FEE SHALL BE ASSESSED FOR EVERY BICYCLE OR SCOOTER COLLECTED IN VIOLATION OF THIS SECTION AND ANY PERSON OR ENTITY SHALL PAY A PENALTY OF FIVE-HUNDRED DOLLARS (\$500.00) PER DEVICE FOR THE REDEMPTION AND RELEASE OF EACH IMPOUNDED BICYCLE OR SCOOTER.





	<i>Sidewalk</i>	<i>Downtown</i>	<i>FUTS</i>	<i>Bike lane</i>
<b>E-Bike, Class 1</b>				
Staff proposal	<b>No</b>	<b>No</b>	<b>Yes</b>	<b>Yes</b>
Pedestrian Advisory Comm	Yes (3-2)	No (5-0)	Yes (5-0)	Yes (5-0)
Bicycle Advisory Comm	Yes (5-2)	No (7-0)	Yes (6-1)	Yes (7-0)
Transportation Comm	No (3-2)	No (5-0)	Yes (4-1)	Yes (5-0)
Community survey	No (73-21)	No (92-6)	Yes (64-30)	Yes (92-6)
<b>E-Bike, Class 2</b>				
Staff proposal	<b>No</b>	<b>No</b>	<b>Yes</b>	<b>Yes</b>
Pedestrian Advisory Comm	No (3-2)	No (5-0)	Yes (5-0)	Yes (5-0)
Bicycle Advisory Comm	Yes (5-2)	No (7-0)	Yes (6-1)	Yes (7-0)
Transportation Comm	No (3.5-1.5)	No (5-0)	Yes (4-1)	Yes (5-0)
Community survey	No (83-14)	No (94-5)	Yes (51-44)	Yes (81-17)
<b>E-Bike, Class 3</b>				
Staff proposal	<b>No</b>	<b>No</b>	<b>No</b>	<b>Yes</b>
Pedestrian Advisory Comm	No (4-1)	No (5-0)	No (4-1)	Yes (5-0)
Bicycle Advisory Comm	Yes (4-3)	No (7-0)	Yes (5-2)	Yes (7-0)
Transportation Comm	No (3.5-1.5)	No (5-0)	Yes (3-2)	Yes (5-0)
Community survey	No (87-10)	No (94-5)	No (52-44)	Yes (76-22)
<b>E-Standup Scooter</b>				
Staff proposal	<b>No</b>	<b>No</b>	<b>Yes</b>	<b>Yes</b>
Pedestrian Advisory Comm	No (3-1)	No (5-0)	Yes (3-1)	Yes (3-1)
Bicycle Advisory Comm	No (4-3)	No (7-0)	Yes (6-1)	Yes (6-1)
Transportation Comm	No (3.5-1.5)	No (5-0)	Yes (4-1)	Yes (5-0)
Community survey	No (72-22)	No (89-9)	No (49-46)	Yes (67-29)

The community survey separated FUTS into “paved” and “gravel.” These results represent a combination of the responses for paved and gravel FUTS from the survey.



## Introduction

This document summarizes the results of a short online survey hosted on the Flagstaff Community Forum ([flagstaff.az.gov/fcf](http://flagstaff.az.gov/fcf)) during the month of February 2019. A total of 376 surveys were completed.

The survey was intended to solicit community feedback in conjunction with potential changes to Flagstaff City Code to address electric bicycles and electric scooters on city streets, sidewalks, and trails.

Respondents were asked to indicate where they think electric bike and electric scooters should be allowed or prohibited on a variety of pedestrian and bicycle facilities:

- Sidewalks
- Downtown sidewalks
- Bike lanes
- Paved FUTS
- Gravel FUTS
- Singletrack trails

Electric bikes and scooters were described in the survey as follows, in line with definitions found in Arizona Revised Statutes:

- Class 1 electric bicycles provide assistance via an electric motor only when the rider is pedaling, up to a speed of 20 mph.
- Class 2 electric bicycles provide assistance via a throttle mechanism that does not require the rider to be pedaling, up to a speed of 20 mph.
- Class 3 electric bicycles provide assistance only when the rider is pedaling, up to a speed of 28 mph.
- Electric stand-up scooters have a small electric motor that allows them to travel at speeds of up to 20 mph. In numerous communities, electric stand-up scooters are left in various locations and made available for short-term rentals by private companies.

Respondents were also provided space to write out their thoughts and comments.

### ***Existing state and local regulations***

- **City Code**

Chapter 9-05 of the Flagstaff City Code regulates bicycle use on city streets, sidewalks, and urban trails.

Section 9-05-001-0007 allows bicycles on sidewalks, unless signs are posted to prohibit them. Signs prohibiting bicycles are posted on most downtown sidewalks, as well as sidewalks along south San Francisco and Beaver Streets.

Electric bicycles and electric scooters are not currently defined or regulated in City Code.

- **Arizona Revised Statutes (ARS)**

Bicycle use, including electric bicycles, is addressed in various provisions of Title 28 of ARS.

Electric bicycles are defined in Section 28-101, and divided into three classes as defined above.

Section 28-819 regulates the operation of electric bicycles. Class 1 and 2 electric bicycles may be operated in bicycle lanes and on multiuse paths, although a local authority may prohibit them. Class 3 electric bikes may not be operated in a bike lane or a multiuse path (unless it is adjacent to a roadway), although a local authority may allow them.

Electric standup scooters are not currently addressed in ARS, however Senate Bill 1398 would provide a definition for electric standup scooters and grant operators the same rights and duties as bicyclists. Language also allows them in bicycle lanes and on multiuse paths, although a local authority may prohibit them.

### ***Revisions to City Code***

Since electric bicycles are already defined and addressed in state legislation, why is it necessary to revise City Code to regulate them?

- ARS 28-819 gives local authorities (City of Flagstaff) the right to allow or prohibit electric bicycles from bike lanes or multiuse (FUTS) paths. There is a benefit to considering this issue at the local level to determine if we want to follow state legislation or adopt regulations more in line with local conditions and preferences.
- ARS does not address electric bicycles on sidewalks. Because Flagstaff

already allows bicycles on sidewalks (except where posted) we should also consider whether electric bicycles should be allowed on sidewalks.

- ARS does not currently define or regulate electric standup scooters. Even if SB 1398 becomes law, scooters on sidewalks will not be addressed and the City will have the authority to prohibit them from bike lanes and multiuse paths, if we so desire.
- The proposed City Code revisions would also regulate companies that make bicycles and electric scooters available for short-term rental.

### *Contents of this document*

- **Highlights of results** summarizes important takeaways from the survey
- **Results by device** lists survey results for the four types of devices: class 1 electric bikes, class 2 electric bikes, class 3 electric bikes, and electric stand-up scooters
- **Results by facility** lists survey results for the six types of walking and bicycle facilities: sidewalks, downtown sidewalks, bike lanes, paved FUTS trails, gravel FUTS trails, and singletrack trails
- **Summary of comments** categorizes comments by device, tone of comment, and topic
- **All comments grouped by topic** Table 14 lists all 192 submitted comments in their entirety and organized according to topic



## Highlights of results

- The survey shows a lack of support for any of these devices on sidewalks. Electric scooters received the most yes votes, but only at 22.1 percent of respondents. Support for electric bicycles ranged from 20.8 percent for class 1 to only 10.2 percent for class 3.
- There is even less interest in these devices on downtown sidewalks; none garnered more than 10 percent of yes votes.
- Respondents are generally comfortable with electric devices in bike lanes, with yes votes ranging from 92.0 percent for class 1 e-bikes to 66.8 percent for e-scooters.
- Respondents' thoughts about electric devices on FUTS trails was mixed. For paved FUTS trails, all devices received more yes than no votes. 73.3 percent said yes for class 1 e-bikes; while barely half (50.3 percent) indicated their support for class 3 e-bikes. E-scooters and class 2 e-bikes were both just under 60 percent support.
- For gravel FUTS, only class 1 e-bikes received more yes than no notes (54.9 to 37.6 percent). Respondents said no more often than yes for class 2 and 3 e-bikes and e-scooters.
- There was less support for electric devices on singletrack trails. The most supported device was class 1 e-bikes at 34.6 percent. E-scooters received only 16.8 percent support, although this may be a reflection of their unsuitability on singletrack trails.
- Among the 192 submitted comments, the most common themes were potential conflicts with pedestrians and other sidewalk/trail users (19.4 percent of comments), problems with scooters left around the community (13.1 percent) and lack of suitable infrastructure for bicycles (10.1 percent).
- 61.5 percent of comments were generally negative in tone, while 27.6 percent were positive and 10.9 percent were neutral.

## Results by device

This section summarizes survey results by device for the four types of electric devices included in the survey.

For each device, respondents were asked to check yes, no, unsure, or no opinion to indicate whether or not they should be allowed on sidewalks, downtown sidewalks, bike lanes, paved FUTS trails, gravel FUTS trails, and singletrack trails.

In the tables and figures below, the numbers indicate the percentage of respondents that said yes, no, or unsure/no opinion.

Delta refers to the difference between yes and no percentages. Higher positive numbers indicate stronger support, while higher negative numbers indicate a stronger preference to prohibit them.

Table 1  
**Results for class 1 electric bicycles**

	<i>Yes</i>	<i>No</i>	<i>Uns/no op</i>	<i>Delta</i>
Bike lane	92.0	6.2	1.9	85.8
Paved FUTS	73.3	23.0	3.7	50.3
Gravel FUTS	54.9	37.6	7.5	17.3
Singletrack	34.6	57.9	7.5	-23.3
Sidewalk	20.8	72.3	6.9	-51.5
Downtown	6.4	91.7	1.9	-85.3

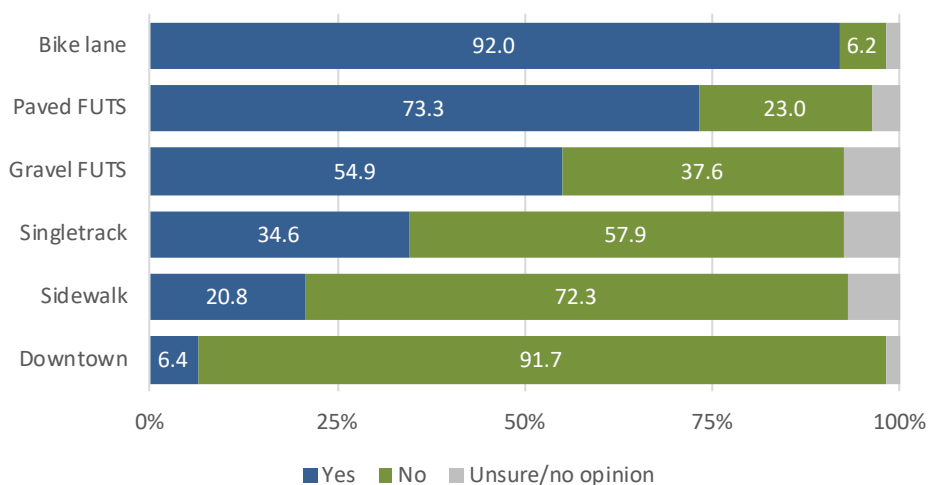


Table 2  
Results for class 2 electric bicycles

	Yes	No	Uns/no op	Delta
Bike lane	81.1	17.3	1.6	63.9
Paved FUTS	59.6	38.3	2.2	21.3
Gravel FUTS	44.0	50.9	5.1	-7.0
Singletrack	23.3	69.2	7.5	-45.8
Sidewalk	13.7	82.8	3.5	-69.2
Downtown	4.6	94.1	1.3	-89.5

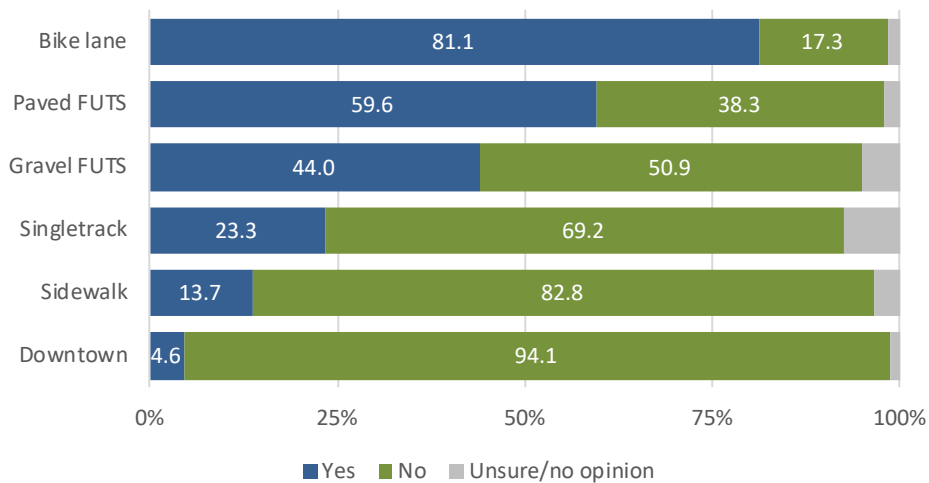


Table 3  
Results for class 3 electric bicycles

	Yes	No	Uns/no op	Delta
Bike lane	76.4	22.0	1.6	54.4
Paved FUTS	50.3	46.3	3.5	4.0
Gravel FUTS	38.1	57.1	4.8	-19.0
Singletrack	22.8	70.9	6.3	-48.1
Sidewalk	10.2	87.4	2.4	-77.3
Downtown	5.1	93.6	1.3	-88.5

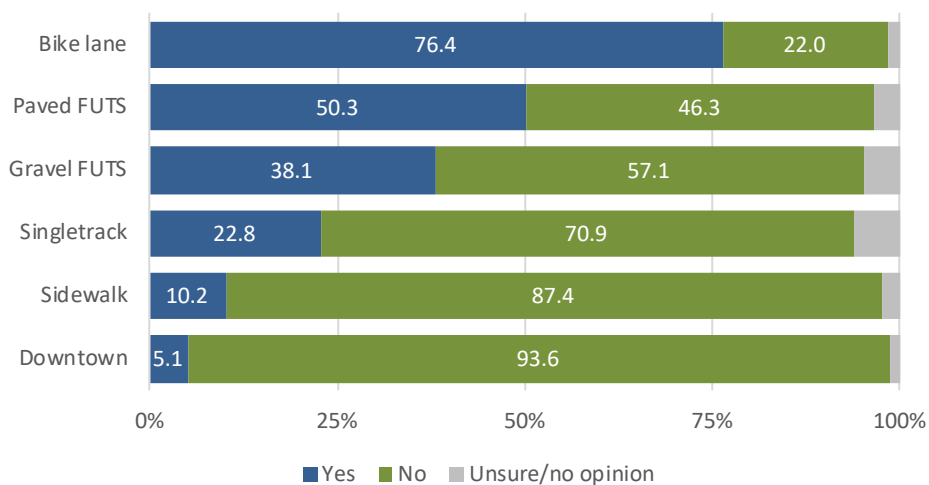
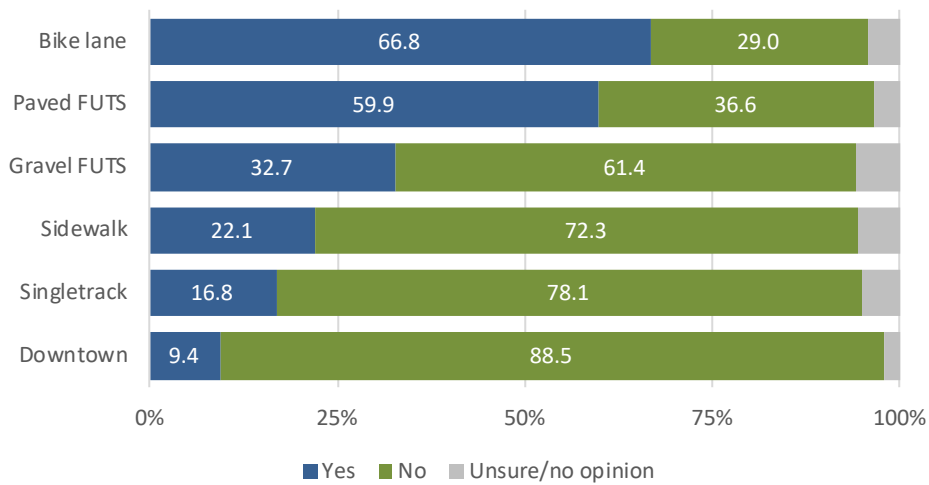


Table 4  
Results for electric standup scooters

	<i>Yes</i>	<i>No</i>	<i>Uns/no op</i>	<i>Delta</i>
Bike lane	66.8	29.0	4.3	37.8
Paved FUTS	59.9	36.6	3.5	23.3
Gravel FUTS	32.7	61.4	5.9	-28.7
Sidewalk	22.1	72.3	5.6	-50.1
Singletrack	16.8	78.1	5.1	-61.2
Downtown	9.4	88.5	2.1	-79.1





## Results by facility

This section summarizes survey results for the six facility types in the survey: sidewalks, downtown sidewalks, bike lanes, paved FUTS trails, gravel FUTS trails, and singletrack trails.

Table 5

### Results for sidewalks

	Yes	No	Uns/no op	Delta
Electric scooter	22.1	72.3	5.6	-50.1
Class 1 electric bike	20.8	72.3	6.9	-51.5
Class 2 electric bike	13.7	82.8	3.5	-69.2
Class 3 electric bike	10.2	87.4	2.4	-77.3

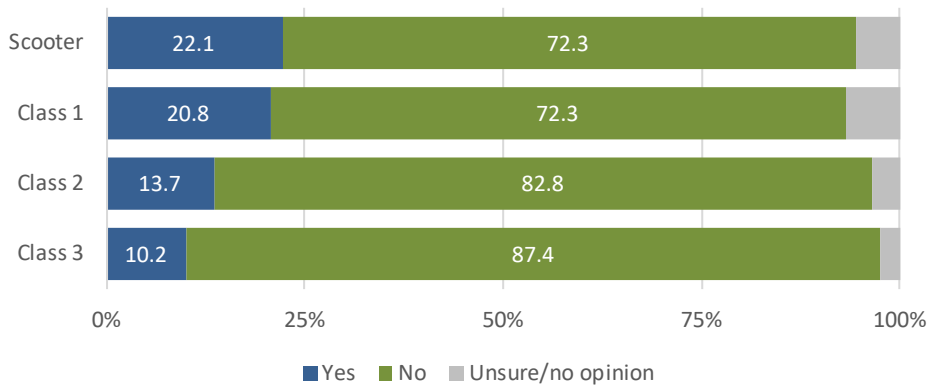


Table 6

### Results for downtown sidewalks

	Yes	No	Uns/no op	Delta
Electric scooter	9.4	88.5	2.1	-79.1
Class 1 electric bike	6.4	91.7	1.9	-85.3
Class 3 electric bike	5.1	93.6	1.3	-88.5
Class 2 electric bike	4.6	94.1	1.3	-89.5

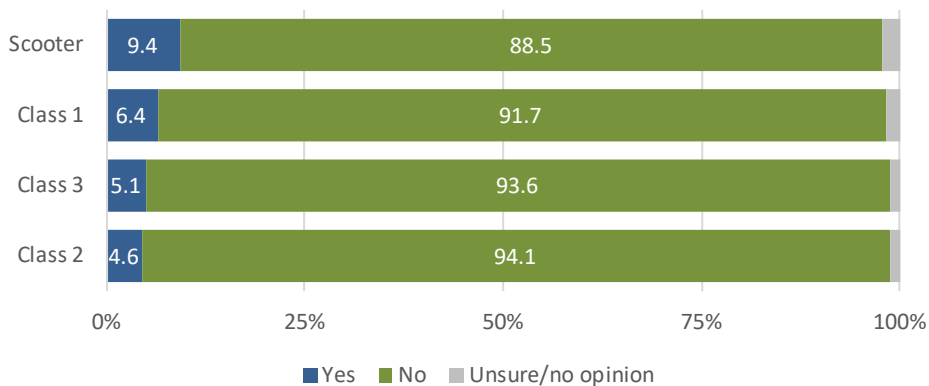


Table 7  
**Results for bike lanes**

	<i>Yes</i>	<i>No</i>	<i>Uns/no op</i>	<i>Delta</i>
Class 1 electric bike	92.0	6.2	1.9	85.8
Class 2 electric bike	81.1	17.3	1.6	63.9
Class 3 electric bike	76.4	22.0	1.6	54.4
Electric scooter	66.8	29.0	4.3	37.8

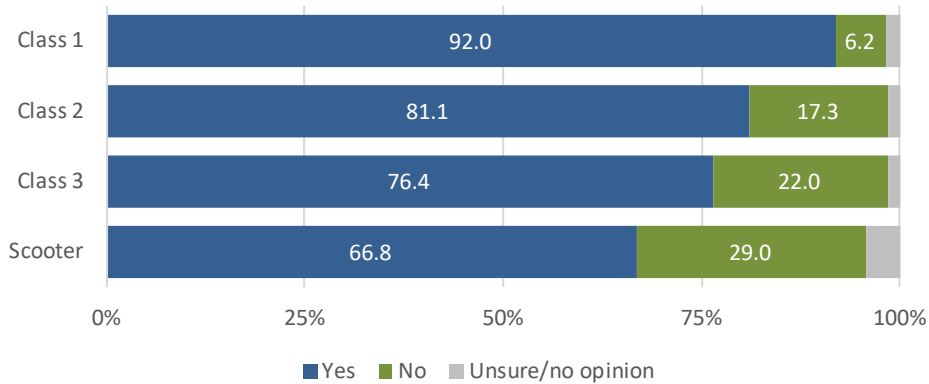


Table 8  
**Results for singletrack trails**

	<i>Yes</i>	<i>No</i>	<i>Uns/no op</i>	<i>Delta</i>
Class 1 electric bike	34.6	57.9	7.5	-23.3
Class 2 electric bike	23.3	69.2	7.5	-45.8
Class 3 electric bike	22.8	70.9	6.3	-48.1
Electric scooter	16.8	78.1	5.1	-61.2

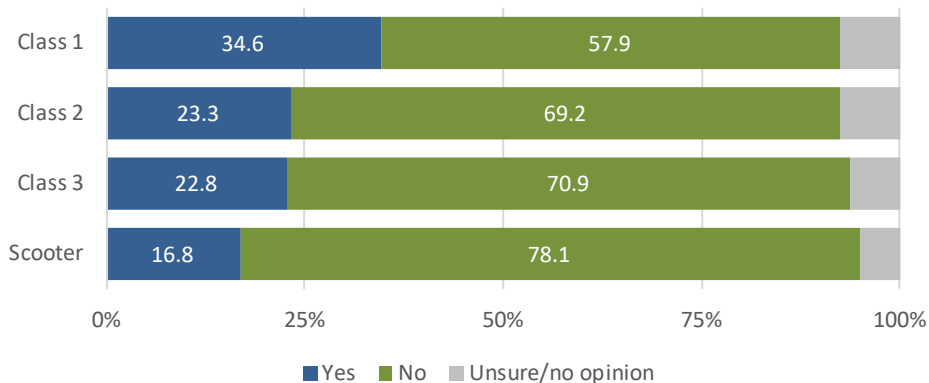


Table 9  
**Results for paved FUTS trails**

	<i>Yes</i>	<i>No</i>	<i>Uns/no op</i>	<i>Delta</i>
Class 1 electric bike	73.3	23.0	3.7	50.3
Electric scooter	59.9	36.6	3.5	23.3
Class 2 electric bike	59.6	38.3	2.2	21.3
Class 3 electric bike	50.3	46.3	3.5	4.0

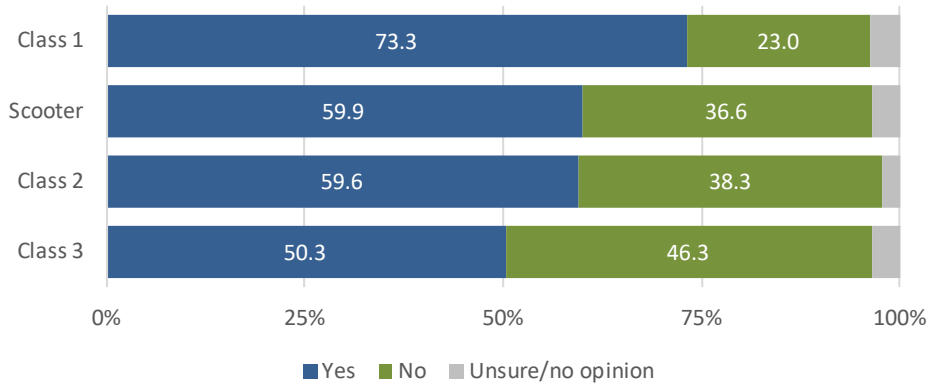
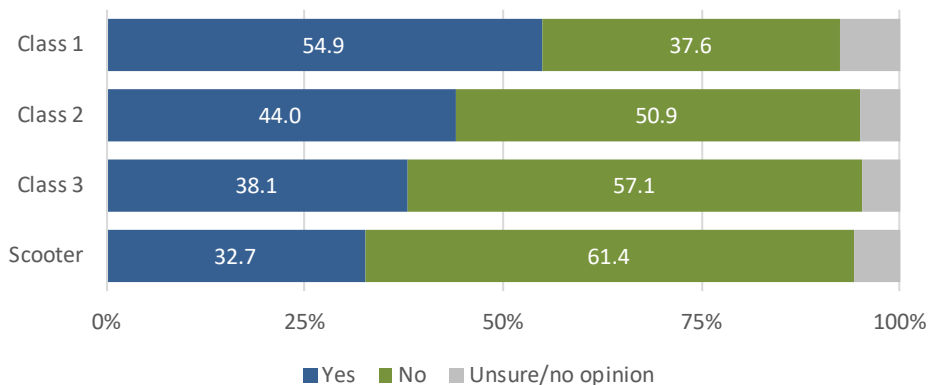


Table 10  
**Results for gravel FUTS trails**

	<i>Yes</i>	<i>No</i>	<i>Uns/no op</i>	<i>Delta</i>
Class 1 electric bike	54.9	37.6	7.5	17.3
Class 2 electric bike	44.0	50.9	5.1	-7.0
Class 3 electric bike	38.1	57.1	4.8	-19.0
Electric scooter	32.7	61.4	5.9	-28.7



## Summary of comments

At the end of the survey, respondents were invited to share additional comments about electric bikes and electric scooters. A total of 192 respondents submitted comments, which are included at the end of this document unedited and in their entirety.

All of the comments were coded based on the type of device they refer to (Table 11), whether the comment was positive, negative, neutral in tone (Table 12), and the general topic of the comment (Table 13 on the next page).

Comments sometimes referenced more than one topic, so the total exceeds 192. A description of topics is listed below.

All comments are listed and grouped by topic in Table 14, starting on page 13.

- **Conflicts:** generally express a concern about potential conflicts between electric devices and pedestrians and other vulnerable users.
- **Parking:** cite problems with sidewalk obstruction and the visual clutter of short-term rental scooters. In some cases respondents reference other communities with rental scooters, and some reference Flagstaff's experience with dockless bike share.
- **Infrastructure:** a number of respondents indicated a need to improve bicycle infrastructure to better accommodate electric devices. Crucial bike lane segments are missing, and where they exist are often blocked by snow or covered with cinders and debris. On many streets, bicyclists feel compelled to use the sidewalk because the street does not feel safe.
- **Regulation/enforcement:** comments about the need to enforce existing laws and devise new regulations for users of electric devices.

Table 11

### Comments by device

	No	Pct
Electric bike	53	27.6
Electric scooter	25	13.0
Both	46	24.0
Not specified	68	35.4
Total	192	100.0

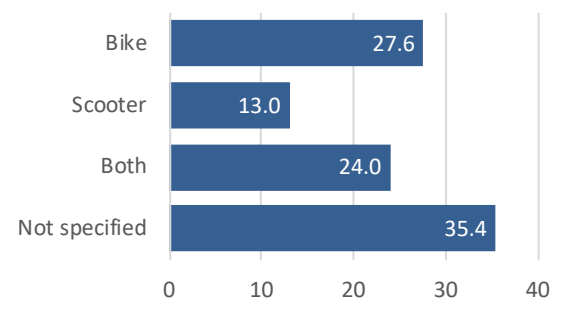
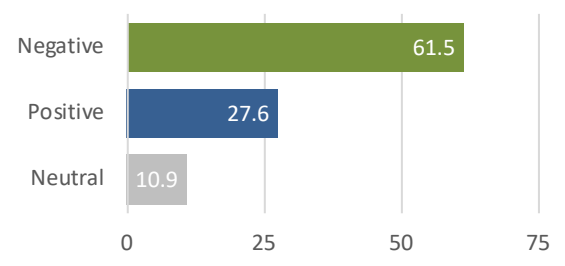


Table 12

### Comments by tone of comment

	No	Pct
Negative	118	61.5
Positive	53	27.6
Neutral	21	10.9
Total	192	100.0





- **Alternatives to cars:** responses that highlight the benefits of new devices for replacing car trips and reducing motor vehicle use.
- **Safety:** concerns about the safety of electric device users. If the concern was for the safety of pedestrians or others on the sidewalk or trail, the comment was coded under Conflicts.
- **Motorized use:** comments that oppose the use of these devices on sidewalks and FUTS trails because they are motorized.
- **Legislation:** these comments fall generally into two subcategories; the first questions why the City needs to regulate e-bikes when they are already included in ARS, and the second opines that electric bikes should be treated no differently than regular bicycles.
- **Mobility:** highlight the benefits of enhanced mobility provided by the devices, and in particular for users that have physical limitations. For example, a number of respondents indicated that they can still ride an electric bike but are no longer physically able to ride a regular bicycle.
- **Environment:** reference the environmental benefits of electric devices as part of our transportation system.
- **Education:** comments call for increased education for device users.

Table 13

**Comments by topic**

	<i>No</i>	<i>Pct</i>
Conflicts	46	19.4
Parking	31	13.1
Infrastructure	24	10.1
Regulation	22	9.3
Alternative	19	8.0
Safety	17	7.2
Motorized	15	6.3
Legislation	13	5.5
Mobility	11	4.6
Environment	7	3.0
Education	3	1.3
Other	29	12.2
Total	237	100.0

Table 14

**All comments grouped by topic****Conflicts**

I have spent time in Tempe recently and was constantly annoyed and worried that I would be hit by someone using a scooter. It was very unpleasant!!

Motorized scooters of any sort do not mix safely with pedestrians or bikers. At Mission Bay in San Diego, the side-walks and pedestrian and bike paths and trails have been ruined by such vehicles. Kids are racing each other, using pedestrians as obstacles to race around. I have been clipped many times. One actually puts their life in danger if they walk on these path-ways.. The motorized vehicles have taken over these paths in the same manner as semi-trucks have taken over I 40. In addition these scooters for rent are left anywhere at any time becoming eye-sores and obstacles to walk or bike around.

The totally self-propelled scooters and bicycles have proven to be problems in cities larger than ours and without four seasons. Pedestrians shouldn't have to deal with another fast, wheeled vehicle that can approach from behind and is almost totally silent.

Any hiker can tell you that irregardless of the rule of bikes yielding to walkers/hikers/pedestrians they seldom yield and accidents resulting in non biking folks being injured and even hospitalized. Because of this pervasive non compliance of bikers with the safety rule of yielding, motorized bikes of any degree can only increase the danger to those folks afoot on our trails, sidewalks, and the FUTS trails.

20 mph is too fast to mix with pedestrians. The people I see using these are often inconsiderate of others and enforcement would be unlikely to change this, even if some ordinance about recklessness were in effect.

I believe any motorized or motor-assisted vehicles should only be kept to streets. It is too dangerous for them to be on paths with pedestrians and non-motorized vehicles.

I have seen people riding on sidewalks run into pedestrians and that is a concern

Almost got hit by one on sidewalk. Too dangerous on sidewalks.

Motorized bicycles and scooters of any and all types are motorized vehicles and should not mix with pedestrians or human powered vehicles because of the speed they can attain. Pedestrians operate at a maximum speed of about 3 mph. Bicycles normally operate at speeds under 15 mph. Motorized bicycles and scooters operate at higher speeds. Motorized scooters usually have smaller wheels that cannot absorb the shock of irregular pavement surfaces. They are dangerous and can cause havoc when mixed with slower pedestrian and non-motorized bicycle traffic. A higher speed vehicle such as electric scooters and bicycles have a much longer event horizon than pedestrian and non-motorized bicycle traffic that operate in a tighter view of what is coming. A bicycle operates within 25 feet of what is ahead. A motorized vehicle operates 100 feet into the distance and usually doesn't notice what's right in front of them as with a bicycle or a person on foot.

I feel these machines are more in-line with mopeds and motorcycles than a bicycle. To me the speeds get too high to be on the same recreational trails as bicycles and walkers/runners.

I have been run down by bikes on sidewalks. I ride my bicycle on the streets to avoid pedestrians. Therefore I said NO to all bikes on sidewalks. They are for pedestrians moving at a maximum speed of about 3 mph. Everything that goes faster should be on the streets with the cars for their own safety among other reasons. If the bicyclist is unwilling, to unskilled or simply scared then they should not ride a bicycle.

the safety of pedestrians needs to be a priority especially on the sidewalks.

I have enough problems with regular bicycles on the trails and sidewalks since they come up fast and often do not follow the rules on the sidewalks. This would further discourage me from getting exercise or even trying to drive in Flagstaff.

Everyone should be able to feel safe on trails, so allowing motorized vehicles of any kind is a terrible idea (opens up the chances for collisions). Furthermore, most of us retreat to the trails for solace; having these types of vehicles there would be akin to allowing ATV's; it would ruin the experience. Please do not do this to our local trail system!!!

I just visited and walked around Tempe where they have a city electric scooter rental program and was constantly dodging them on the sidewalks. I'm not sure if they're allowed or not, but it was loud and annoying. The name says it all...sideWALK!. bikes and scooters should not be allowed, especially downtown, things are crowded enough as it is.

I have very serious concerns about electric scooters and safety for the riders as well as for pedestrians. Falls are the #2 cause of accidental death following car accidents, as well as resulting in serious head injuries. I am a trauma counselor and work with folks who have had falls and head injuries and allowing electric scooters onto our roads and walkways it is not something to be taken lightly. As for electric bikes, as a bicyclist I wouldn't want to have bikes that are basically going the speed of a car passing me in the actual bike lane. This can be both startling for the regular bike rider as well as potentially dangerous for both the bicyclists and for any nearby car drivers. People don't often consider it isn't just dangerous for the riders, it is incredibly harmful for anyone who accidentally hits someone.

Bikes in Flagstaff are already a safety issue, knocking down pedestrians on the sidewalk, riding in the wrong direction on the sidewalk and shooting into intersections without stopping. I've seen two bikes shoot into intersections and plow into cars. No conveyances other than wheelchairs should be allowed on sidewalks, period. Electric scooters have proved to be a disaster for other cities, with scooters thrown down on the sidewalk, again injuring pedestrians, among other issues. If Flagstaff introduces special in-town lanes for alternative transportation, fine. But keep them out of traffic and away from pedestrians. And our downtown bike lanes are a joke. There is no way a bike can fit in them and no car can possibly give them a 3-foot berth. So dangerous!

Please do not allow the electric scooter companies to put scooters on the sidewalks. In other cities, this greatly impacts the ability of disabled residents to navigate.

Those concrete paths next to streets are called "sidewalks" not "siderides." When I was 35, I was standing on a sidewalk when I was hit by bicyclist who wasn't watching where she was going. She was probably only moving at about 10 mph and I had a sore back and knee for a few weeks. I'm now 58 and I can only imagine the injuries if I was hit by a bike or scooter going 20-28 mph down a sidewalk. I'd at least have the City of Flagstaff to pay my medical bills for the rest of my life since they allowed motorized vehicles on "sidewalks."

These are vehicles with motors that can attain speeds that can damage and injure citizens. Right now the city is unable to police the citizens who bike illegally, if you approve unfettered access the streets and sidewalks will only get worse. Last year I had a bicyclist without a helmet, with no signaling barrel into my car, then kick my car for being there, I WAS STOPPED! Enough is enough!

These devices are unsafe at any speed and adding them to pedestrian lanes only compounds the awful behavior of mountain bikers on public trails. I have noticed, and greatly agree with, stickers on Forest Service Trails banning E-bikes. Is this advertising, advocating for E-vehicles a move to remove pedestrians from trails and sidewalks - because that's the result it will have. The mountain bikers have already forced many hikers off their public trails because of their selfish, ego-driven behavior. No to E-vehicles on pedestrian or road bike lanes.

They are dangerous because they encourage riders to not pay attention to where they are going. I don't want someone riding into me while walking on the sidewalks. You need electric gas pumps to get tourism coming into this area. Bicycles won't do a thing for increasing tourism or rooftops.

Should be limited to bike lanes given the rate of speed and possible collisions with pedestrians.

A multiuse trail should never combine such vast differences in top speed vehicles\people. I would never want to meet someone going 20 mph when I am walking at 4 mph. Many bicyclists do not slow down nor warn walkers as they speed by.

---

These will be hazardous to existing bike and pedestrian traffic unless they are attentive to the rules of the road. I have personally encountered difficulty on several occasions from a motorized bike traveling at excessive speeds on a bike path. But, if their presence significantly reduces car traffic, I am willing to try and work with them.

---

Important consideration is that downhill bicycle traffic usually yields to uphill for safety and other trail users do not expect uphill traffic to be moving fast, motorized bicycle traffic will endanger other trail users by increasing speeds in places where they were lower before.

---

Sidewalks are for walking, period. The only wheeled vehicle allowed on a sidewalk should be a wheelchair. And before you consider allowing motorized bikes in the bike lanes, the city better start to enforce regular bicycle-riding rules. Myriad bicyclists ride on the wrong side of the road against traffic, ignore traffic control devices, blithely ride out into intersections or ignore cars that are turning, etc. Try mixing motorized bicycles in and it's a recipe for disaster for everybody on the road. Unless you are going to fix the bike lane situation so it's completely adequate and safe, the last thing you need to introduce is fast, motorized bikes.

---

Yes, as a pedestrian with leashed dogs electric vehicles come out of nowhere very quickly and are frightening and dangerous to walkers and our children and pets. For a pedestrian with hearing loss (most of us of all ages who have ever listened to loud music) it is even more dangerous. Regarding single-track recreational trails, even though pedestrians have the right of way, we already have to jump out of the way frequently to accommodate bicyclists who just don't slow down. Adding motorized vehicles to these trails will make it worse. And having witnessed the carnage that takes its toll on small wildlife on trails (lizards, mice, squirrels, butterflies, birds, snakes, etc), it is unconscionable to escalate the trail kill by bringing in faster and quieter means of conveyance. I believe there should be separate areas for motorized vehicles to protect pedestrians, domesticated and wild animals and slower bicyclists. It seems to me that non-motorized scooters and even roller blades/skates with a speed limit might be okay on sidewalks if riders actually observe a speed limit and distance limit from walkers and yield to pedestrians.

---

I feel the bikes might be ok if kept to bike lanes only. No one needs to worry about and have to dodge motorized vehicles while walking. Motorized scooters don't have a place in Flagstaff if they can be left anywhere after a user is finished with them. The experiment with the rental bikes recently was a mess. Bikes were left clear out 180 as far as Cheshire and weren't picked up for days and days.

---

I was in downtown San Diego two weeks ago. My experience in that city with electric scooters shows that these scooters are not compatible with walking pathways, sidewalks, and possibly not even bike lanes. Electric scooters move at a fast speed that is dangerous for walkers, runners, and slow-moving cyclists. Also, I saw many scooters laying on their sides in sidewalks and bike lanes, blocking passage for all other users. From my experience, I strongly oppose electric scooters being allowed in any areas with slower moving humans who are not in vehicles. Additionally, no motorized vehicles should be allowed on any sidewalks or trails. Motorized bikes and scooters are dangerous on walking paths that currently do not allow motorized vehicles.

---

A person cannot ride a bicycle on a sidewalk, therefore, I do not think we should allow electric bicycles nor electric stand-up scooters to ride on a sidewalk. Recreational trails should be left for peaceful recreation, I don't think anything with a motor should disrupt a person's peaceful enjoyment of nature. I also think that FUTS trails are used for commuters on foot as well as bicycles, so it seems like it could lead to reckless behavior if people are allowed to use electric bicycles and scooters, potentially going 28 mph on the same skinny pathway with pedestrians.

---

Not a fan of either. Electric bikes should stay on the road/bike lane. Electric scooters aren't safe for pedestrians on sidewalks, and the roads aren't a safe place for the scooters. I oppose the scooters everywhere.

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Bringing scooters to this town as a share program is HORRIBLE idea. I have been to several large cities where these things are available and everyone hates them. Many scooters will end being vandalized and downtown will no longer be safe for pedestrians.

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Electric bikes and scooters belong with car travel. They should not be on any trails with the general population, especially with children or older persons.

I'm afraid that electric bike and scooters will take over the trails.

I think they are fine in bike lanes but never on sidewalks or unpaved FUTS trails as I am a walker and I have a dog that walks almost always with me. They could easily startled or hit either one of us and that is just not acceptable. Regular bicycles shouldn't be on sidewalks either, I thought that was already illegal but I sure see it all the time.

I believe all bikes should use streets or bike lanes/FUTS when available. I additionally feel that electric scooters should use the FUTS whenever possible, and if on a sidewalk should never overtake pedestrians faster than is reasonable to avoid an accident, casualty insurance should be required for any company looking to place scooters/bikes for short term rent on any city infrastructure.

### Parking

I really dislike that the vehicles can be left anywhere. It would make much more sense if they had to be returned to a charging station and the station would be placed in a good our of the way location.

Short term rentals are the same as litter, only bigger

Go to any city with electric scooters. They are littering the city, people are disrespectful of them and will ride on sidewalks. It will be a huge eyesore and headache. Also look at why cities are removing them. I don't think it's a good fit for Flagstaff.

Create designated areas where they are allowed to be parked. Create regulations that they cannot be randomly left in any random place.

They should only be permitted on NAU campus. This would be litter all over our already crowded streets.

These will end up like trash all over the city and neighborhoods just like they did in the past. There are plenty of local shops in town that rent bikes and this takes business from them and creates eyesores all over this town. Other big cities have had nothing but problems with rentals like these.

Do not want scooters allowed to be left all over the city by companies that rent them out. They become a hazard for other pedestrians and handicapped people.

I really don't like the electric bikes and scooters in other towns. They are a nuisance and create clutter!

Probably not part of this survey, but please stop allowing the huge amounts of rental bikes everywhere. Tks.

Scooter parking needs to be controlled, otherwise they will be left anywhere and everywhere. Electric bikes should have an ENFORCED speed limit and should not be allowed on FUTS trails.

I hope the city takes care of them better than the orange bike trial. People littered bikes all over the sidewalks downtown. And consider the damage to property, people, cars, and riders of the scooters. I've read nothing but horror stories in the news of people in cities injuring themselves and others on scooters.

If they would collect then each night they could be put back in appropriate places for the next day

1. When they were being tested, I didn't encounter any issues with the rental electric bikes other than seeing them abandoned in various areas around the city, sometimes in 'clever' places such as on top of utility boxes. While this is generally harmless, I could see this as becoming a nuisance. Surely individual owners of electric bikes would not abandon their bikes. 2. I'd like to think that one of the many purposes and/or intents of the FUTS trails (paved and gravel), single-track recreational trails, and sidewalks in general, is to avoid or be apart/separated from any kind of motorized vehicle.

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Electric bikes and scooters strewn about town look trashy!

In addition to the question WHERE can they be used, is WHERE can they be housed/stored/collected/deposited for the renter and rent-ee to enjoy access? Other cities have introduced this sustainable transportation. They report increased congestion and chaos to the sidewalks, sidewalk corners at intersections and in-front of buildings. The question of "WHERE can they be housed/stored/collected/deposited to prevent clutter and chaos" also needs to be addressed. I am supportive of ELECTRIC and non-polluting bicycles and scooters on our streets, bike paths/lanes/FUTS trails - BUT NOT ON OUR SIDEWALKS.

Please don't start rental programs for these items. Just visit Tempe and you will see them littered everywhere and people run into pedestrians and other riders.

Other cities with Scooters have a real problem with scooters being left anywhere. Is there a way to have designated areas where patrons can pick up and drop off scooters so they are not just dropped all over the place. Like the rental bikes currently are.

Please review the city of Tempe's recent Scooter program. Way too many scooters left lying anywhere in the Tempe Town Lake area ...

I think these bike share companies like Lime and Spin are terrible. These bikes were left all around, littering our town. These should not be allowed back into Flagstaff.

Electric scooters were left laying around all over sidewalks last time I was in Tempe. Many appeared broken and just left where they fell. It looked completely trashy.

I strongly feel AGAINST any short term rentals - bicycles or scooter. Many people ride without helmets, creating a safety hazard that cannot be regulated, people leave them in the middle of streets, sidewalks, throw them into people's yards etc., and people do not follow laws regarding where they can and cannot ride. They also do not provide any better transportation system for people without cars or bicycles.

Personal devices seem like a smaller issue than the rentals like Lime. Please God do not let those litter our downtown area.

Having these set up at stations would be much cleaner for the city than the orange bikes were

The last time we had a bike share program they were left everywhere. All over side walks and parking lots. They were a complete hazard. Allowing this type of program back is a terrible idea.

these things become another form of pollution. Go to Scottsdale, they are laying all over the place. Flagstaff doesn't have enough room on its sidewalks as it is.

In Tempe, electric scooters and bikes are left everywhere, often tipped over and blocking sidewalks. It is a major hazard for other people using sidewalks and a HUGE issue for access and usability for those with disabilities. Where and how these vehicles will be stored so that they do not become barriers and nuisances must be addressed.

## Infrastructure

I am not sure if speed is a factor which damages single track trails. If it is not, I don't see why electric bikes should not be allowed. Of course, being mindful of pedestrians and regular bicycles. If there is no safe infrastructure for scooters or bicycles (electric or regular), how can it not be allowed to ride on sidewalks!

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I own a class 2 electric bike, and outside of winter months I use it several times a week. I very rarely use it on sidewalks, generally only when the car traffic is too busy to keep up with and there's either no bike lane or too narrow a bike lane to be comfortable, and when there are no side roads available to use. When I do have it on sidewalks I dismount and walk it if there are pedestrians around. Honestly there's not a whole lot I can do on the electric bike that a strong cyclist can't on a normal one. If both bike lanes and sidewalks were closed to electric bikes it would severely limit where I could take it, since it still doesn't nearly keep up with the speed of traffic outside of residential zones.

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E bikes should be allowed anywhere a pedal bike should. As this trend grows, Flagstaff should consider extending infrastructure to support them.

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We need to create the infrastructure that allows these "last mile" forms of transportation. I've used both ebikes and e scooters and they do have a place in the community.

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Better make the bike lanes wider, keep em off the Futs.

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bike lanes is the answer. BUT City needs to do a much better job of keeping bike lanes clear of cinders, debris and snow. The City Street cleaner is a waste of gas, machinery and time.

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It's challenging enough as a pedal bicyclist on all surfaces and then to throw this in the mix of things. The bike lane issue in Flag hasn't even been safely or extensively attended to and this motorized option is being thrown into it now, too?! I just know that as a bicyclist, tending to accessible, safe, accommodating bike lane networks all over is the first step needed before allowing motorized bikes, because there's lot of rd rules needed to be taught and adhered to for everyone's use and enjoyment. Adding motorized bikes isn't going to help until respect of the lanes is honored. It is also understandable to those needing assisted bikes as well, but much more needs thought on in implementing this option. A lot more.

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Generally, e-bikes should stick to bike lanes, though there are many places in Flagstaff where this infrastructure is lacking or unsafe, such as: Milton, Cedar, and the west side of 66. Until the community provides satisfactory bike lanes throughout town, e-bikes should be allowed the option to ride on the sidewalks at 10mph.

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With more options for transit requiring SAFE bike lanes, improvements are needed to the city's bike lane system to avoid the temptation for bicyclists to use sidewalks, make unexpected maneuvers to or from bike lanes that suddenly end, or claiming the road lane to ensure safe travel (to the chagrin of car drivers). One example of conflicting bike - transit interaction is the bus stops commonly being placed on the side of the road, in the bike lane. What is a bike supposed to do when a bus stops in front of the bicyclist in the bike lane? Wait? Go into traffic and around the bus? It is these kinds of uncertainties that make biking unsafe and can lead to unpredictable actions or illegally using the sidewalk that make drivers and walkers hate bicycles. Please design future streets and upgrade existing streets with SAFE bike lanes, or better yet -- protected bike lanes! Thank you!

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Flagstaff needs more parking for all types of bikes and scooters.

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Our downtown sidewalks are already crowded and there is little bike parking as is. Bikes have no place on downtown sidewalks, let alone bikes with motors of any sort.

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Considering some FUTS have both gravel and paved sections, electric bicycles could work with no problem. Scooters could be difficult to use on gravel trails so they might need improved tires, and on paved trails they should be ok. All options should NOT be allowed on downtown sidewalks, as well as sidewalks with a lot of foot traffic, i.e. campus. Street lanes that allow cyclists to take an entire lane (San Francisco right lane) would need more markings or signage to inform motorists that cyclists and scooters have the right of way. Bike lanes should be improved/widened around town in general to accommodate cyclists and electric cyclists, but this will be the safest section for the pedestrians, scooters and electric cycles regardless.

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Is there some way to put a dividing line down The middle of wider pedestrian walkways, so that walkers have the right of way on the left-hand side and bikers have the right of way on the right hand side? I am visually impaired due to a brain injury and no longer feel safe biking, so I usually bus and walk. However, I hope to be able to afford and use a PlanetRider (reclining bike with motor and lightweight roof/shelter - being designed by engineers on South Steves, across from Olsen). I hope there would be some appropriate places to be able to ride that from my Lake Mary house to downtown.

I think Electric scooters are a great idea. We've used them in Tempe and love them. Very efficient and cost effective. Flagstaff will need to improve bike lanes, helmet laws and provide scooter parking areas (like Santa Monica) in order for them to be as effective as Tempe/L.A.

The problem won't be electric assist devices flooding our pedestrian zone; The problem is we have tailored to the automobile as the single mode of transportation far too long. In lieu of giving up sidewalk space for a new way to travel about let us consider giving up an automobile travel lane to innovative travel. Our current sidewalks aren't even designed for two people to walk comfortably abreast and converse while passing an oncoming person. Yet we dedicate 5 12 foot lanes to automobiles that rarely have more than one person in them. Our sidewalks have suffered the encroachment of trees, parking kiosks, traffic signs, benches, paper racks, planter boxes, bike racks, trash receptacles and now we are asking for more to encroach on them. Let's consider moving some of these items to a physical barricaded safe/share zone. Rename and rebrand the "Side"-walk to the "Main"-zone. Also, while considering these new forms of travel we mentioned speed as the big fear instigator to decide if they can co-exist on sidewalks. We have forgotten that our average self who typically walks at 2-4 mph has the ability to sprint up to 12mph at a moment's notice, yet we have the sensibility to not sprint down the sidewalks to save a little time. These scooters can travel at walking speeds safely and considerately. I used electric scooters in Kansas City and Mesa Arizona as a means of travel it was: fun, safe, and an alternative to the automobile.

I would love to see more ebike use in general. Also I would be open to ebike use on sidewalks during inclement weather where the bike lanes are unusable in cases of piled up snow, etc. For example last week's storm.

### **Regulation/enforcement**

Require drivers license for class 3

Limit the speed of all bikes and scooters (electric and non-electric) to 15mph.

They also must obey the same rules as bicycles. Riding on the RIGHT side of the road going in the same direction as traffic. The police departments seem to have a problem with enforcing the last comment.

More important than where these are used is how. They must be used consistent with the location. For example, riding an electric-assisted bicycle on a trail should be allowed unless the rider is behaving in an unsafe manner.

Whatever the result, a better job needs to be done in holding bicyclists, motorized or not, accountable for obeying traffic regulations. The same should be the case for motorized scooters. VERY few obey stop signs and traffic signals. Many also travel in the incorrect lane. Lights should also be a requirement when traveling dusk to dawn.

I would like each rider of scooters and bicycles to have their own personal insurance. The companies will provide their own commercial insurance. PLEASE consider lowering ALL speed limits within our city limits. Sincerely, retired professional CDL driver Jill Farrell

Downtown sidewalks are too narrow, bumpy and crowded for wheeled bikes or scooters at any time. Other sidewalks are not as crowded, but strict riding guidelines need to be put in place to include helmets, coming up behind a pedestrian and others as appropriate.



Riders must wear helmets and follow rules / law. Pedestrians must move over on trails. I want to encourage people to use electric bikes in the city, as it may make non-car use possible, including for the disabled, for many. I do NOT want electric bikes in the wilderness on gravel trails, etc.

all must be muffled. all must require a helmet. all must pass an education of traffic flow, hand signals, rear view mirror and NO NO NO ear buds worn.

Non-electric bikes and scooters are also not allowed on sidewalks. Please remember to stay in designated bike lanes or trails. When riding in traffic, please follow all traffic laws. Also remember that even though you have a right away, you are on a bike versus a car. Ride safe Flagstaff.

I have visited over an extended period in two cities that allow electric bikes/electric scooters. There seems to be little regulation regarding wearing helmets, training, licensing, awareness of walkers and non-electric bike riders. From my observation, such vehicles are a danger to pedestrians and non-electric bike riders, and also a hazard to drivers of cars. If such vehicles are allowed in Flagstaff I think there should be required training, licensing and such vehicles should not be allowed on trails, sidewalks or maybe even bike trails. They are dangerous when unregulated.

I think keeping laws consistent and easy to understand is important! I recommend the same restrictions for all electric bikes and scooters.

I think they are a great asset but the biggest problem is renters don't follow the rules (riding on sidewalks where prohibited)

Pedestrians always have the right of way on sidewalks!

#### Alternative to cars

Scooters are a viable alternative to cars, they seem like they could be fun within reasonable boundaries. So wise regulation seems like a prudent approach rather than complete restriction or elimination. Whatever types of scooters come to Flagstaff should have larger tires for the environment that includes cinders, trails, and frequent asphalt cracks.

Great travel choice that can move people out of cars

I think we should make every effort to encourage non-car ways to get around our city.

I think it's a great idea! Any opportunity to cut emissions is a great one! My only problem would be usage on downtown sidewalks. Having somebody wizz by a pedestrian at 20mph could cause more harm than good. Keep up the good work yall!

I am pro-electric bikes for Flagstaff and would like to see more electric bikes than cars. Just not on bike paths or sidewalks with pedestrians. I think more bike lanes for e-bikes would be great! I would strongly prefer to ride an E-bike all Spring, Summer, & Fall, if it were safe to do so in Flagstaff. I am also an avid mountain biker and don't believe e-bikes are suitable for bike trails. It would ruin the experience for hikers and bikers. E-bikes are a form of transportation to and from home, work, and commerce and should be given a bike lane on our streets as a means to decrease traffic, decrease CO2, and improve community innovation. I think Flagstaff should give a credit for owning an e-bike and create a license plate or permit to operate an e-bike to pay for increased bike lanes. Thank you.

Why not? Think these are great if people use them instead of cars. Would be great to make it work for them wherever possible (but not in the middle of dense sidewalks downtown).

E-bikes are a great alternative to commuting by car, we should support their use.

I own a class 1 e-mountain bike and find them to be very quiet and non-intrusive to other outdoors people. They also don't tear up a trail any more than a normal hiker or biker. Considering cars, trucks, motos, etc., can travel all over the surrounding area, I feel e-bikes are fine most everywhere. I think if more people had e-bikes they would not need to drive to trailheads, cutting down on pollution and traffic congestion.

I support the expanded use of these machines if they will reduce vehicle traffic in town, although pedestrian and regular bicycle traffic safety should be a high priority.

Electric bikes and scooters help reduce the number of cars on the cities degrading infrastructure. I feel the city should defer to the state laws on e-bikes at this time and not over think it. Class 1 and 3 bikes are a great way to help everyone get out and stay healthy. E-bikes in general will help keep flagstaff an environmentally friendly city and promote more tourist based revenue.

These would provide a good alternative access for those who feel riding a bicycle is too much. With all implementations, its super important to educate the user.

Ebikes have the potential to drastically improve transportation in Flagstaff and reduce traffic congestion, I hope this self evident fact is recognized. As a 30 year resident I've only started using an ebike for my 18 mile round trip commute the last 2 years, it only takes me a few minutes longer and is now my primary means of getting to and from work. I do have a concern about the speeds being too low, riding an unassisted road bike at 25-30mph is fairly common (or 35+ when riding down a hill), I hope careful consideration is given to the purpose of any regulation. If special speed limits apply to ebikes (assisted or not) for safety reasons, they should also apply to unassisted bikes.

I have seen them in Tempe and other places. They are a convient way of getting around without much hassle. Rules will need to be istablished and inforced

Any low impact form of transportation is a plus and many times the negative aspects and public views are related to the user and use of said vehicles. I believe in an urban setting the e-bike is a brilliant tool and as the price comes down could end up being a significant form of transportation for many people and communities. I am still unsure about e-scooters, while they are still low impact transportation I think they are mostly millennial capitalism defined, too much grey area w/ pedestrian vs vehicles. As far as outdoor recreation and trail usage with e-mountain bikes, supposedly the wave is coming and they are huge in Europe but I am not a believer currently. The designs for high-end e-mountain bikes are so good all of the sudden that most non-mountain bikers couldn't tell the difference, besides seeing the speed at which they go up hill is super human. So they could be difficult to regulate. I could go on and on and on.... Opinions of a daily bike commuter and mountain biker. Thanks

I'm good with anything that reduces the number of cars off the streets, but believe all powered bikes/scooters should grant right-of-way to non-powered bikes, skateboards or scooters. The drivers should have to, at the very least, pass an online class/quiz to ride their device. Actually, I believe all vehicle drivers should also take a class that ensures they know the rights and responsibilities of bikes, pedestrians, etc.

Please bring this to Flagstaff. We need the traffic relief and it's green tech so that's nice too. The only thing I'd object to is downtown sidewalks which just makes sense.

Scooters are the easiest way to go from one place to another without reparking. And so much fun.

## Safety

I have experienced electric bicycles in Buellton, CA where some are made. They can come up fast when motorists are coming in or out of driveways, especially when ridden on sidewalks. The bike moves a lot faster than someone walking or jogging. Scootter are just plain ridiculous. Grow up.

Neither electric bikes/electric scooters should be allowed. Unfortunately, the people who would use these bikes are not responsible as we have witnessed with the recent scooters. Also, twenty miles an hour or even less or more the rider is not protected and I wonder as to license required. Bikers in this town, by observation, are exceedingly careless as many run traffic lights feeling they do not apply to them. The traffic in this town is horrible because the City Council over decades has ignored this problem just as with the problem with Snow Bowl's traffic. These electric bikes only add to the problems of traffic and safety.

The problem is speed and experience. High-speed electric bikes are not compatible with the regular bikes. Bikes don't belong on the sidewalks except where trying to get around dangerous roads, and electric bikes are fast enough that they don't need that. The scooters are just dangerous wherever they are.

They are dangerous, both to the riders and other pedestrians/hikers. We should be encouraging exercise, not other forms of motorized recreation that will detract from those using trails for their intended purpose.

There is such a fine line here between a motorcycle and a bicycle. On a pedal only bicycle the person has a direct connection to the speed and control. When energy assist is added that direct connection is lost and it is easy to exceed safe speeds. Important to note is that law-enforcement would not easily be able to differentiate which is assisted and which is not so being low on the totem pole of concerns, there will be little to no enforcement. Just like the phone texting ban which is a complete failure--can't tell the difference between texting and looking for a phone number--either way the driver is dangerously distracted. I see drivers looking at their phones ALL THE TIME. Allow motor assisted only on the roads--from the start.

My concern is that the speeds of these bikes and scooters are much faster than your typical bicycle. This can cause problems when sharing a bike lane with "standard" bicycles, and also can be hazardous because drivers have to be far more alert to avoid collisions with these faster bikes/scooters. When on trails, I already have experienced issues with bicyclists nearly running us over as we walk/hike. I worry that this will be exacerbated with electric bikes/scooters going at greater speeds.

Many accidents from electric scooters. People just dump them on sidewalks and disabled people can't get around them.

1) Electric scooters do not belong anywhere. They are a hazard, both because they are dynamically unstable and because in my experience their operators tend overwhelmingly to turn into dangerous idiots the second they step onto their scooter. 2) Motors (whether motorized bikes or, especially, motorized scooters) do NOT mix well with non-motorized bikes. If they're not actively pedaling, they are not bicycles and they do not belong with bicycles.

Riders of stand-up scooters are often unaware of potentially extreme traffic creating safety issues. Helmet and knee/body padding standards must be created as well as zones where riding is OK.

People on scooters do not appear the same to drivers of cars as bicycles. I am a little worried that cars would not discern the scooters as being different from a pedestrian at a quick glance and that their difference in speed could cause them to be hit more often by accident. Bike lanes may be too dangerous for scooters, but then where could they travel, because on sidewalks is too dangerous for pedestrians.

All bikes, of all kinds, should be kept off sidewalks. It is simply not safe. Especially downtown. Do you plan to rent to people who have little experience? Sounds like a perfect opportunity for a lawsuit.

I'd like to see no scooter or electric bike zones such as on campus, downtown Flagstaff, City Hall lot, Wheeler Park, Buffalo Park, and Thorpe Park. Those areas deserve a quiet peaceful environment. Scooters are too dangerous to be driven on any shared path except possibly a bike lane.

Seems like anything with a motor should be restricted to roads, but the speeds would make it unsafe for the operator. These devices should definitely not be on sidewalks, but their higher speeds might make them dangerous to non-motorized/assisted bicyclists.

#### **No motorized devices**

No motors on sidewalks!

All motorized means of transportation has no place on sidewalks, FUTS or recreational trails. In bike lanes only with proper safety equipment.

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Motors - gas or electric belong with cars. We need real dedicated bike lanes, this just complicates the situation we now have. The FUTS is too expensive to be completed. Dedicated bike lanes will attract bike commuters with or without motor assist.

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I believe that in all cases, and on the basis of infrastructure designs that have historically been intended for pedestrians and non-motorized ""apparatuses"" as the state of AZ refers to human-powered ""push bikes"", that motorized vehicles of any kind need to be segregated from pedestrians and non-motorized push bikes - this is simply a matter of public safety - keep human-powered transportation isolated from motorized transportation; regardless of motor type or speed. Alf a gasoline-powered motorcycle or E-motorcycle, not to mention a Tesla or Nissan Leaf automobile, were to be fitted with a speed-controlling device (govenor) that only allowed speeds of 20 - 28 mph, would they be allowed on the FUTS, city sidewalks or designated bike lanes in Flagstaff? Likely not... Please don't adopt new e-vehicle rules in our city that further jeopardize my health and safety - beyond what risks and hazards I must already face with the horrendous number of ""ICE Machines"" already clogging and polluting our fair city-scape! With declining health and increased obesity among our society, perhaps it might be better to promote greater human-powered transportation around town through walking and traditional cycling options; please keep motorized vehicles where they belong; in the city streets with the rest of the cars and trucks (oh, and Segways too..). Thank you for asking my opinion!

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Futs does not allow motorized and these have motors. Set locations so they don't get left everywhere blocking sidewalks and cluttering the city. Same with outside the downtown area.

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They are a motorized vehicle and should not be allowed on paths and trails that are intended strictly for non-motorized vehicles. They are dangerous and out of control in many communities.

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E-bikes of any kind do not have a place on singletrack where human-powered transit is the pre-dominate mode of transportation.

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You guys have to get ahead of this. It's a real problem especially on the FUTS. A motor is a motor whether it's electric or gasoline and the FUTS PROHIBITS motorized vehicles. That would include a bike with an electric MOTOR Thanks!!

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I look at them as, ""a motorized vehicle"", like a scooter (I forget the name of the famous one that's been around forever) and while a bicycle rider can learn to text while riding, it is easier with a motor. The second concern I have is that it will be much easier for the rider to maintain 20mph with less attention paid and a 20 mph impact with a pedestrian has potential to cause serious injury. I'm not sure this is a fair comparison, but I think football players are usually not moving at 20 mph and with protection & training they sometimes suffer serious injury.

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no motorized vehicle, whether it requires pedal power to engage the motor or not, should be allowed on any sidewalk or bike lane. these vehicles need their own lane or own sidewalk .

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Please do not allow this "can of worms" to be opened. Non-motorized means non-motorized! I love the FUTS and appreciate not having to worry about the safety of my grandchildren while they are using the urban trail.

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the thing that we can count on on the urban trails, and especially on forest trails, is not having to look out for motorized anything. Motors belong on roads. i am as non tree hugger as it gets, but i want to feel safe from being run over when on the urban trails & especially in the woods!! oh my gosh, please do the right thing for once!

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#### **Question need for legislation**

The City should default to the new State law. Having jurisdiction-dependent changes in regulation on an issue like this is highly problematic, and City staff should not be re-hashing something the State has thoroughly considered. Also, although it shouldn't be, this issue has become contentious in some segments of the cycling community. This survey is apt to elicit some misinformed and dogmatic opinions that should be considered for what they are. E bikes are an entirely acceptable form of transportation and recreation, and are readily accepted throughout Europe, (for example), without question on all non-motorized trail systems. Elitism from certain cyclists should not be driving policy in the United States.

Bikes should be treated as bikes. Even if electric.

Arizona State law made pedal assist bicycles legal where regular bicycles can go so easy to follow that rule.

they should all be classified as bicycles and regulated exactly under the same laws as bikes currently are.

Arizona State law about e bikes is fine, we don't need any more rules, certainly not prohibition. Treat bikes and scooters like bikes and scooters, regardless of how it is propelled.

E-bikes should follow the same rules as ALL bikes: stay on the road, not on sidewalks.

E bikes are pretty misunderstood on single track. Generally speaking, pedal assist e bikes are hard to distinguish from regular bikes even when you are riding past someone on one out int the trail. Throttle only bikes are not the same and should be carefully regulated on trails. No bikes should be on side walks. E bikes and regular bikes can easily coexist in bike lanes and on futs trails. Electric scooters quickly become litter in cities where they proliferate. Tossed aside on sidewalks they block strollers, wheelchairs, and other side walk users. They are thrown in ditches, abused and treated without care. The owners take no responsibility for how they affect the cities where they do business.

Why would these things be allowed on sidewalks when bikes and skateboards are not? Also I truly believe our city has way more pressing issues. I find this a complete waste of time.

Don't we already have code around bikes and scooters on sidewalks? I am unclear on why this is even a question. Also, I believe we have more pressing issues in our City and would prefer to see Council engaged in the larger concerns facing our community (housing, homelessness, education, road repairs, transit and more).

Seems to me that if anyone riding any class of electric bike or scooter they should be able to ride on any trail that they can handle.

A bike is a bike whether powered by humans or batteries. Bikes and riders should follow all the applicable laws. Rental electric scooter shave a history of user abuse, not following the rules, etc.

## **Mobility**

They can be good mobility options for people in Flagstaff, if there was better infrastructure to support them.

E-bikes and E-scooters are a positive way to promote new and more healthy forms of mobility within the city. A Public Education campaign on the right of way and safe ways to use e-bikes & e-scooters needs to be put into place before the new rules/regulations & any city authorized vendors utilizing e-bikes or e-scooters goes into place.

As a senior with health issues - my eBike enables me to remain as active as others without worry if something with my legs flares up and I can't make the trip home. I would not be able to be as active as I am similar to others and how I biked in my earlier days without this bike enhancement!



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I use a Class 1 electric bike, and would not be commuting by bike from Kachina Village without it (I'm older and have bad knees). As long as people are respectful and responsible, they should be able to go anywhere that other bicycles go. (If you have any influence, it would also be great to have the FUTS extend out to Kachina/Mountaineer!). Thank you.

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Electric bikes open up a huge opportunity for people that wouldn't normally want to commute by bicycle. PLEASE don't discourage this sustainable form of transportation by forcing e-bike riders off of the FUTS trails and onto the dangerous roads. I ride an e-bike to work, and this allows me to get to work without becoming all sweaty and gross. For my ride home, I don't use the e-assist and that way I get some good exercise. I will feel betrayed by my community if I'm told I can no longer use the trails and sidewalks I've used for years now.

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Electric bikes are a big help to some of us that have health issues, it allows us to continue to ride. I have owned an electric bike for 4 years and have enjoyed riding all over Flag, I believe it has helped me to get out more and give me a great deal of freedom, it has definitely enriched my life, and improved my health! Unfortunately, I do not believe the scooters should be allowed on sidewalks, these have proved to be a nuisance in so many areas, and have been removed. They seem to be used by the younger population that do not obey the laws or seem to ignore the people and traffic around them. The scooters are hard to see, and hear. I believe they are a nuisance to the public.

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I use an electric bike, class 1 because I'm getting older and my knees are wrecked. It allows me to continue to ride, I sure hope that right will not be taken away as a result of this survey. But I appreciate the fact that you are looking into it. The other factor to be considered is the noise. My bike motor is essentially silent, unlike many others.

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I believe electric assist bikes provide a good option for those with physical or age issues to get out and use the great city provided biking lanes. Sometimes sidewalks are more safe on high volume streets.

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my electric bike has enabled me to be more mobile, saves me money on gas, and helps relieve congestion on our streets. please don't take that freedom away from me.

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### **Environmental benefits**

Excuse me, what the f\*ck??? Why in the world would you ban someone from trying to be more eco-friendly and be safe by riding on the sidewalks etc, when it's NOT safe to ride on the roads because of the cinders and the terrible rude drivers?!?

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This is a green technology that I believe needs to be supported and encouraged by public officials. I believe no regulation should be required at this time to support the use of this form of transportation.

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Please continue to allow ebikes and electric scooters within the city and encourage their use because they provide a more environmentally friendly alternative to commuters instead of constantly relying on motor vehicles. Because Flagstaff is at such high elevation and has numerous hills, electric bikes and scooters make riding them a viable option for people who may not ride a non-electric bike around town otherwise due to health or other reasons. They are not fast enough to ride in traffic in most places but it is much safer for them to use the bike lanes and respect the same rules as non electric bikes and yield to pedestrians too.

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Electric bikes can solve so many of our transportation and sustainability goals as a city. They should be treated as equals to traditional bicycles in order to have a robust transportation network in Flagstaff.

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Ebikes and scooters are better for the climate than cars, and should be prioritized as a way to reduce traffic and improve green transportation, including allowing them on FUTS trails, bike lanes, and non-downtown sidewalks in areas where it's not safe to ride on the road, like along Milton. I don't think they should be allowed on downtown sidewalks or non-FUTS trails because they are about an experience other than transportation: recreation in the case of non-FUTS trails, and shopping/socializing/transit on foot on downtown sidewalks. If ebikes and escooters are allowed for rent, I think the bike share rules that were in place for the pilot worked well and could be carried forward.

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I think we need to encourage everyone to move away from gasoline, and if it takes electric bikes etc to do that, let's help them. people who ride bicycles will mostly continue to do so. what we really need is more bike lanes for both bicycles and electric versions

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If they help cut down pollution, we should find a way to let people use them.

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### **Education**

Please benchmark with other communities, including those in other countries. No need to reinvent the wheel when we can learn from others' actual experiences. I would like to see greater effort put into education for all drivers on how to interact well together. Most anger comes from misinformation and a lack of knowledge about other vehicles (bikes can't be in the lane --- yes they can, especially when the bike lane is full of cinders). Electric vehicles could provide a great stepping stone for people to see other travel options other than personal vehicles: beneficial for traffic conditions, sense of community, personal health, and personal wealth.

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## CITY OF FLAGSTAFF

### STAFF SUMMARY REPORT

**To:** The Honorable Mayor and Council  
**From:** Scott Overton, Streets Section Director  
**Date:** 04/09/2019  
**Meeting Date:** 05/28/2019



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#### TITLE:

#### Sidewalk Maintenance Program

#### DESIRED OUTCOME:

1. Provide City Council with an overview of the history of the Flagstaff Sidewalk Ordinance (City Code Chapter 8-01).
2. Provide City Council with an overview of the current policies and practices related to the Sidewalk Ordinance.
3. Seek council direction on the following items:
  - a. Staff proposing amendments to the Sidewalk Ordinance at a later Council Meeting that will clarify administrative processes and correct outdated language.
  - b. Responsibility for repair of damaged sidewalks. The current Sidewalk Ordinance places the responsibility on the adjacent property owner.
  - c. Work program for sidewalk maintenance and financial implications.

#### EXECUTIVE SUMMARY:

The Public Works Street Section is responsible for the maintenance of the city's transportation infrastructure. There is approximately 270 miles of sidewalk located in City right of way that has been constructed to various design standards. Pursuant to Chapter 8-01 of the City Code ("Sidewalk Ordinance"), the Streets Section is responsible for responding to complaints regarding sidewalk conditions in the City. When a complaint is received, the Streets Section is charged with contacting the adjacent property owner about the issue and arranging repair. Although not codified, the current policy for residential properties is to provide an estimate for the repair and offer to pay 50% of the cost of repair (subject to budgetary constraints). For commercial properties, 100% of the cost of repair is requested from the property owner.

The Streets Section has taken steps to implement a more comprehensive sidewalk inspection program, and through that process has identified some inconsistencies between the Sidewalk Ordinance and current practices. Staff also recognized that the Ordinance contained some outdated language and conflicting provisions. Considering the original ordinance was adopted in 1903, and amended in 1916 and 1989, a thorough review of the Ordinance and underlying policy is warranted.

Many of the proposed amendments are to clean up language, notification methods, and timelines. In addition, more substantial direction is being requested to clearly define the responsibilities of the City and adjacent property owners. The direction from Council may result in changes to the capital delivery programming and have financial impacts.

**INFORMATION:**

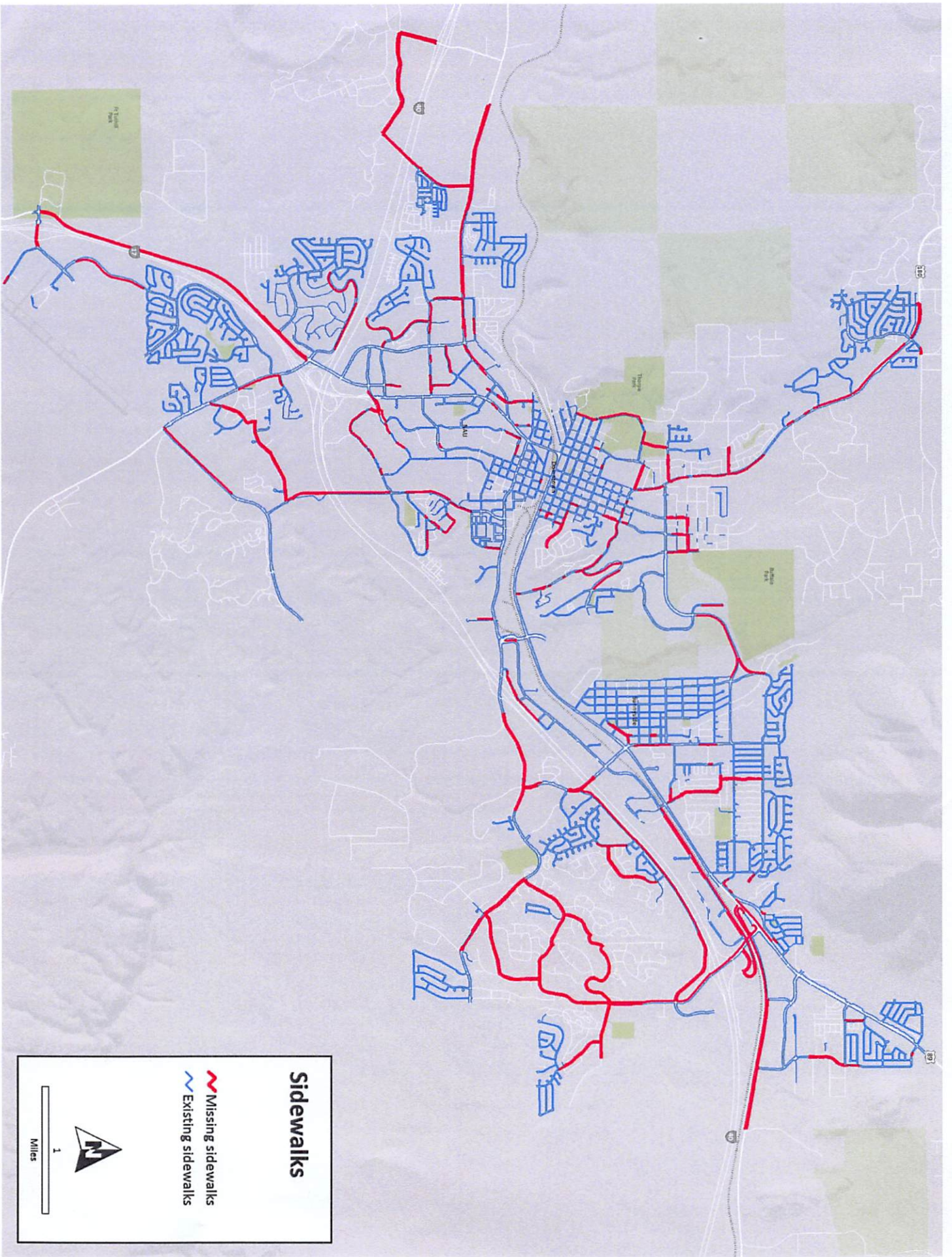
Recent sidewalk inspection efforts have identified 222 unique locations as needing repair. The neighborhoods inspected to date include Cheshire, Christmas Tree, Foxglenn, Greenlaw, Shadow Mountain, Skyline Estates, Smokerise, and Mobile Haven. The inspections were based on citizen concerns and visual field evaluations, and the area covered represents approximately 15% to 20% of the sidewalk inventory citywide. The average size of each repair location is 57 sq. ft. and the cost of each repair is approximately \$850. This calculation is based on a relatively small sample size (10 of 222 locations) that were measured and estimated. Because of the relatively small sample size used to estimate costs, staff is reluctant to extrapolate any final numbers or program costs at this time.

Attached to this staff summary is a map of all sidewalks in the City (Exhibit A); sample sidewalk inspection reports for the Cheshire and Upper Greenlaw neighborhoods, which identifies the locations of sidewalk issues in each neighborhood (Exhibit B); and a copy of the current Sidewalk Ordinance (Exhibit C).

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**Attachments:**     [Exhibit A - City Sidewalk Map](#)  
                             [Exhibit B - Specific issues Map](#)  
                             [Exhibit C - Sidewalk Ordinance](#)  
                             [Sidewalk Presentation](#)





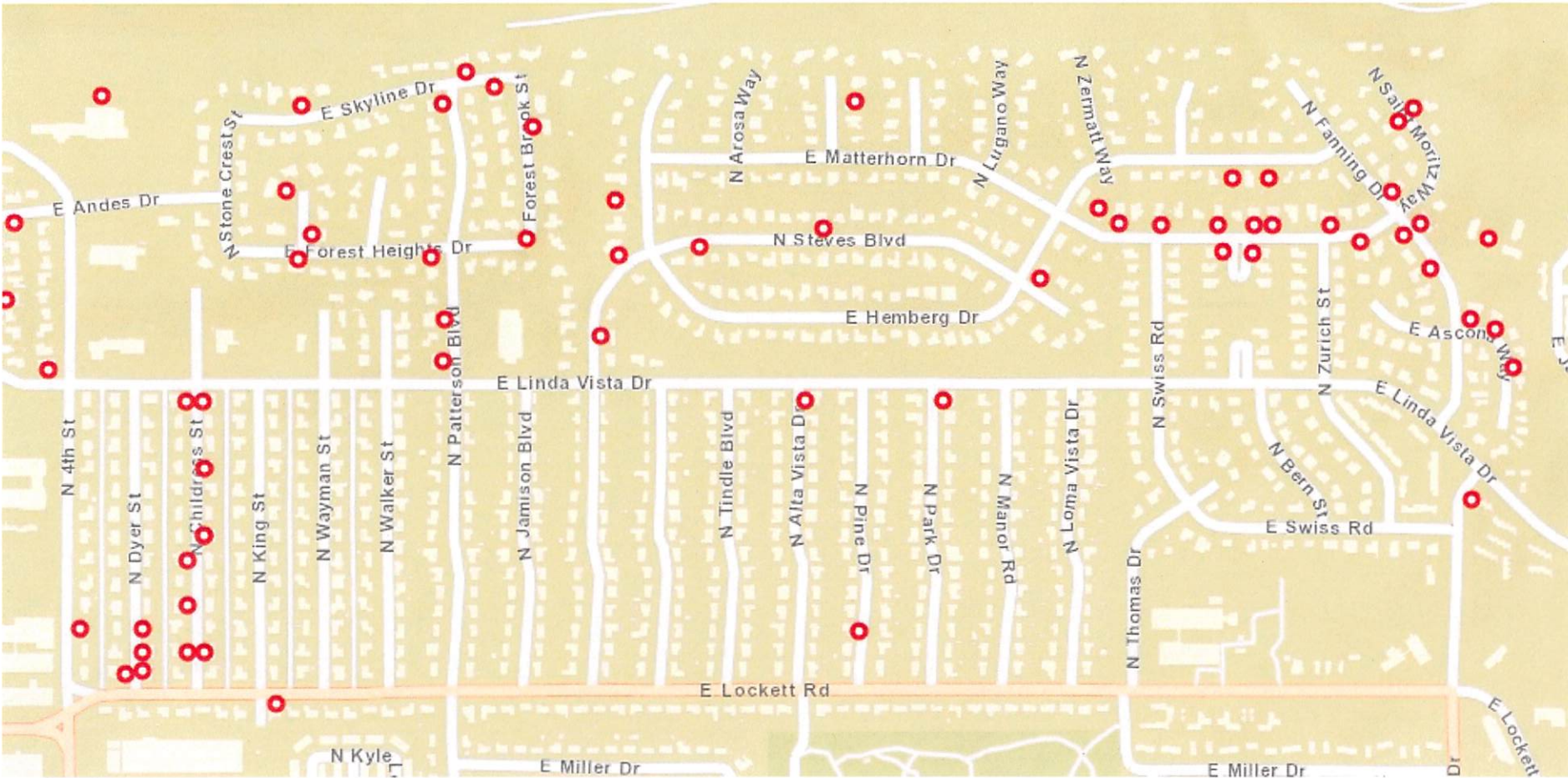
### Sidewalks

- Missing sidewalks
- Existing sidewalks





# Sidewalk Issues Greenlaw Area





## Sidewalk Issues Cheshire



## CHAPTER 8-01 SIDEWALKS

### SECTIONS:

<a href="#">8-01-001-0001</a>	DUTY OF STREET SUPERINTENDENT:
<a href="#">8-01-001-0002</a>	SERVICE OF NOTICE:
<a href="#">8-01-001-0003</a>	DUTY OF OWNER:
<a href="#">8-01-001-0004</a>	FAILURE TO CONSTRUCT:
<a href="#">8-01-001-0005</a>	STATEMENT OF EXPENSES:
<a href="#">8-01-001-0006</a>	HEARING ON OBJECTION:
<a href="#">8-01-001-0007</a>	EXPENSES CONSTITUTE LIEN:
<a href="#">8-01-001-0008</a>	PENALTY FOR NONPAYMENT:
<a href="#">8-01-001-0009</a>	NOTICE OF SALE OF PROPERTY:
<a href="#">8-01-001-0010</a>	SALE:
<a href="#">8-01-001-0011</a>	CERTIFICATE:
<a href="#">8-01-001-0012</a>	REDEMPTION OF PROPERTY:
<a href="#">8-01-001-0013</a>	PRIOR NOTICE REQUIRED:
<a href="#">8-01-001-0014</a>	CONSTRUCTION SPECIFICATIONS:

#### **8-01-001-0001 DUTY OF STREET SUPERINTENDENT:**

A. It shall be the duty of the Street Superintendent to receive and maintain a record of all complaints regarding sidewalks in bad condition or need of repair. Upon receipt of said complaint the Street Superintendent shall notify the owner or owners of the lot or lots or part of lot or lots adjoining such sidewalk or portion thereof, in writing, to repair or renew the same within thirty (30) days after the service of such notice or as weather permits as determined by the Street Superintendent.

B. Said notice shall constitute constructive or actual notice to the property owner. (Ord. 1610, Amended, 03/07/1989)

#### **8-01-001-0002 SERVICE OF NOTICE:**

Such notice shall be by certified mail to the owner of said property as identified in the Records of the Office of the Coconino County Assessor. (Ord. 1610, Rep&ReEn, 03/07/89)

#### **8-01-001-0003 DUTY OF OWNER:**

It shall be the duty of the owner or owners of such lot or lots or portions of lot or lots within ten (10) days after the service of such notice as aforesaid, to place the sidewalk or portion of sidewalk in such notice mentioned or described in good condition and repair using therefor material similar in character and dimensions of that with which such sidewalk was originally constructed; provided that such sidewalk shall comply with the provisions and specifications for the laying and constructing of sidewalks as are on file in the Engineering Section of the City.

#### **8-01-001-0004 FAILURE TO CONSTRUCT:**

Whenever, within ten (10) days after the service of said notice, the owner or owners so served shall fail to repair the sidewalk or any portion thereof in such notice directed, it shall be the duty of the Street Superintendent to repair the same. (Ord. 185, 6-27-16)

#### **8-01-001-0005 STATEMENT OF EXPENSES:**

Whenever the said Superintendent shall repair or renew any sidewalk or portion thereof, as provided in the preceding Section, he shall, within ten (10) days after completion of such repair or renewal, file in the office of the

Clerk a verified, itemized statement of the cost of such repairs or renewal, which statement when so filed shall be deemed and taken as prima facie evidence of the cost of such repairs or renewals, and unless such owner or owners file with the Clerk objections in writing thereto within ten (10) days after the filing of such statement, such statement shall be conclusive evidence of the amount of such cost.

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**8-01-001-0006 HEARING ON OBJECTION:**

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The owner or owners so filing objections, as aforesaid, may appear before the Council at its next regular monthly meeting and present evidence in support of their said objections. The Council shall then determine the cost of such repairs or renewals and the said determination shall be conclusive of the amount thereof.

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**8-01-001-0007 EXPENSES CONSTITUTE LIEN:**

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The cost of such repairs or renewals, together with all costs and penalties herein provided for, shall constitute a lien upon the lot or lots fronting or adjoining the said sidewalk so repaired or renewed in favor of the City. (Ord. 86, 7-14-03)

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**8-01-001-0008 PENALTY FOR NONPAYMENT:**

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If the costs of such repairs be not paid to the Treasurer within ten (10) days after the filing of the statement herein provided for, if no objection be filed as herein provided, or within ten (10) days after the determination of such objections, if same be filed, fifty percent (50%) of the amount of the cost thereof shall be added to the cost and become a charge upon the property in like manner as the original cost. (Ord. 185, 6-27-16)

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**8-01-001-0009 NOTICE OF SALE OF PROPERTY:**

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As soon as may be practicable after the attaching of such penalties, the Clerk shall cause to be published in some weekly paper in the City for four (4) consecutive issues thereof, that on the first Monday after the completion of the publication of such notice, and between the hours of ten o'clock (10:00) A.M. and four o'clock (4:00) P.M., of said day, the property (describing it), or so much thereof as may be necessary to realize the amount of such cost, penalty and the cost of publication, will be sold from the front door of the City Hall.

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**8-01-001-0010 SALE:**

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On the day fixed for the sale, the Clerk shall sell the property so advertised, or so much thereof as may be necessary to such person as will take the least portion thereof and pay therefor the whole amount due thereon including penalties and cost.

---

**8-01-001-0011 CERTIFICATE:**

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The Clerk shall, at the request of the purchaser or purchasers, or if the City be purchaser, without request, make, execute and deliver to the purchaser a certificate describing the property, the amount for which it is sold and reciting that at the expiration of six (6) months from the date thereof a deed conveying all the interest of the City in and to said property shall be delivered to the purchaser.

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**8-01-001-0012 REDEMPTION OF PROPERTY:**

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The owner or owners of such property so sold may at any time after said sale redeem the same from the Treasurer upon the payment to him of the amount for which the property was so sold, together with thirty percent (30%) penalty thereon, for the benefit of the purchaser or purchasers thereof. Upon the expiration of six (6) months after the date of such certificate, the Clerk shall, upon demand, make, execute and deliver to the purchaser or purchasers a deed to the property so sold, which deed shall vest in the grantee a title in fee to such real estate, and shall be conclusive evidence of title, and that the matters and things therein stated are true, and in case any person shall be in possession of the real estate which may be sold as hereinbefore provided, a writ of

restitution may be issued by any judge or court of competent jurisdiction, placing the purchaser or his assigns in possession. (Ord. 86, 7-14-03)

**8-01-001-0013 PRIOR NOTICE REQUIRED:**

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Nothing herein contained shall be construed as giving any person a cause of action for injuries resulting from a defective sidewalk until it is proven that the Street Superintendent had actual knowledge of such defect and failed to remedy the same within a reasonable period of time. (1960 Code)

**8-01-001-0014 CONSTRUCTION SPECIFICATIONS:**

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All sidewalks hereafter constructed shall be built under the supervision and control of the City and according to the specifications and requirements on file in the office of the Engineering Section, and there maintained at all times for public inspection. (1978 Code)

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**The Flagstaff City Charter and City Code are current through Ordinance 2019-01, passed February 19, 2019.**

Disclaimer: The City Clerk's Office has the official version of the Flagstaff City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[Ordinance 2019-01, passed February 19, 2019](#)



# Sidewalk Maintenance Program

Public Works – Street Section



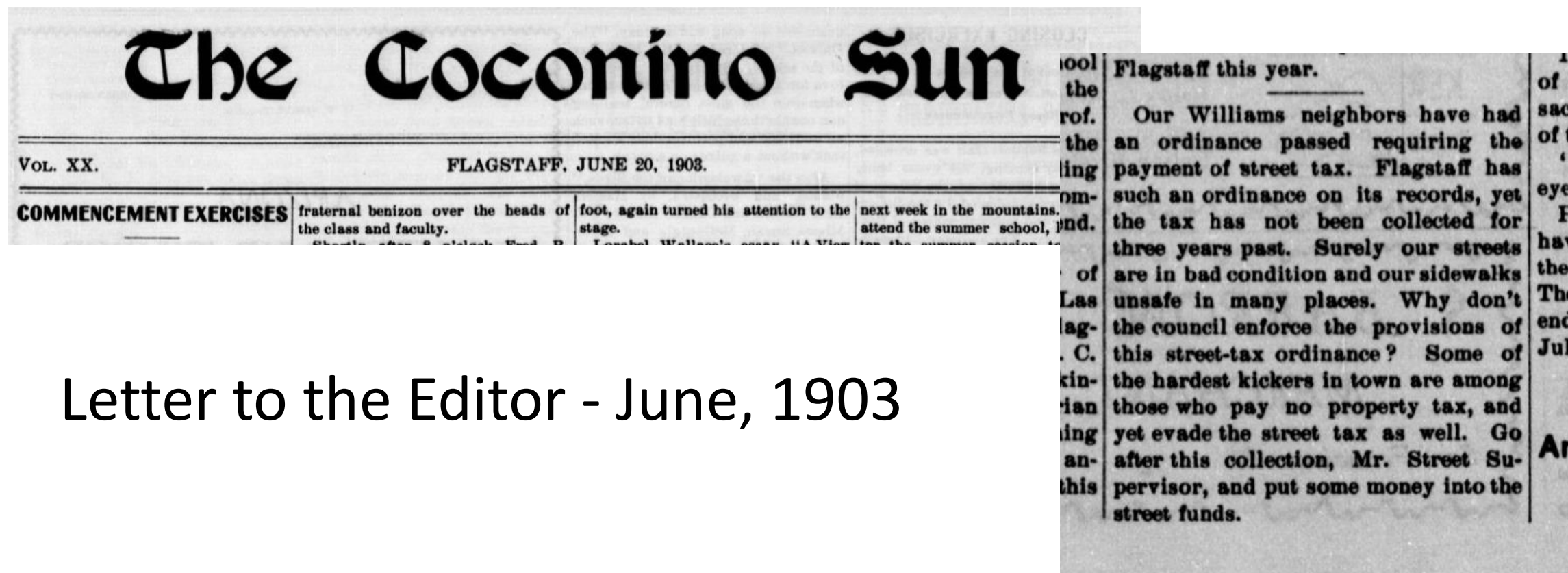




# Ordinance History

## Ordinance #86

-First adopted in July 14<sup>th</sup> 1903, amended in 1916 and 1989.



Letter to the Editor - June, 1903



# Ordinance History

## Ordinance #86 adopted on July 14, 1903



COCONINO SUN.

**ORDINANCE No. 86.**

**To Provide for the Preservation, Repair and Renewal of Sidewalks and the Establishment and Enforcement of Liens for the Expense thereof.**

BE IT ORDAINED, By the Common Council of the Town of Flagstaff as follows:

SECTION 1. It shall be the duty of the Street Supervisor to inspect all sidewalks, to keep informed as to the condition of the same, and whenever any sidewalk, or any portion thereof, shall be broken, decayed, or otherwise in bad condition or repair, he shall notify the owner or owners of the lot or lots or part of lot or lots adjoining such sidewalk or portion thereof, in writing, to repair or renew the same within fifteen days after the serving of such notice.

SEC. 2. Such notice may be served by the Street Supervisor, by personally delivering the same to such owner or owners, or by depositing the same in the U. S. postoffice at the town of Flagstaff, addressed to such owner or owners, at his or their last known place of residence, with the proper postage thereto affixed, and upon such delivery or deposit, as aforesaid, service of such notice shall be deemed completed.

SEC. 3. It shall be the duty of the owner or owners of such lot or lots, or portion of lot or lots, within fifteen days after the service of such notice as aforesaid, to place the sidewalk or portions of sidewalk in such notice mentioned or described in good condition and repair, using therefor material similar in character and dimensions to that with which such sidewalk was originally constructed; provided that if such sidewalk was originally constructed of wood with a top of boards or planks less than 2 inches in thickness, the same shall be renewed and completed in the manner following to-wit: with good surfaced lumber 2 inches in thickness and not more than 10 inches in width laid

**NEW BRANDS APPLIED FOR.**

The following brands and earmarks have been offered for record with the Live Stock Sanitary Board and are herewith advertised in order that cattlemen may be given an opportunity to protest against any that in their opinion conflicts with any existing irons.

This list will appear twice in this paper, and all applications will be withheld from record for 10 days after second publication. All communications to be addressed,

**LIVE STOCK SANITARY BOARD,  
PHOENIX, ARIZONA.**

FG	∞	C—Left hip. H—Left thigh. Francisco Garcia, St. Johns, Ariz.
+>	∞	C—Left shoulder. H—Left thigh. W. F. Wallace, Flagstaff, Ariz.
+--+	∞	C—Right hip, ribs, shoulder and jaw. H—Left hip. Geo. J. Robinson, Williams, Ariz.
▷	∞	C—Left hip. Katie Young, Young, Ariz.
4	∞	C—Left hip. E. E. Young, Young, Ariz.
R	∞	H—Left thigh. Pablo Herrera, Tucson, Ariz.
AG	∞	C—Left hip. H—Left thigh. Jose Ramirez, Nogales, Ariz.





# Ordinance History

## Amended in 1916 – Added language for Cement Sidewalks



To the Mayor and Council, town of  
Flagstaff;  
Gentlemen:

I do hereby submit bid for the construction of cement sidewalks as per advertisement hereto attached

All cement sidewalks 15 cts. per sq. ft.

All dirt cut and fill 60 cts. per cu. yd.

All rock cut \$1.25 per cu. yd.

All stone retaining wall \$2.75 a perch.

Respectfully submitted,  
WM. J. MULLEN.



# Ordinance History

## Amended in 1989 – Revised to be complaint driven

ORDINANCE NO. 1610

AN ORDINANCE AMENDING FLAGSTAFF CITY CODE TITLE 8,  
CHAPTER 1, PERTAINING TO SIDEWALKS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS  
VS:

SECTION 1: That Title 8, Chapter 1, Sidewalks, of the Flagstaff City Code be  
i to read as follows:

8-1-1: DUTY OF STREET SUPERINTENDENT: ~~It shall be the duty of the  
Street Superintendent to inspect all sidewalks, to keep informed as to the  
condition of the same and whenever any sidewalk or any portion thereof shall be  
broken, decayed or otherwise in bad condition or repair, he~~

(A) It shall be the duty of the Street Superintendent to receive  
and maintain a record of all complaints regarding sidewalks in  
bad condition or need of repair. Upon receipt of said  
complaint the Street Superintendent shall notify the owner or  
owners of the lot or lots or part of lot or lots adjoining such  
sidewalk or portion thereof, in writing, to repair or renew the  
same within ~~fifteen (15)~~ thirty (30) days after the service of  
such notice or as weather permits as determined by the  
Street Superintendent.

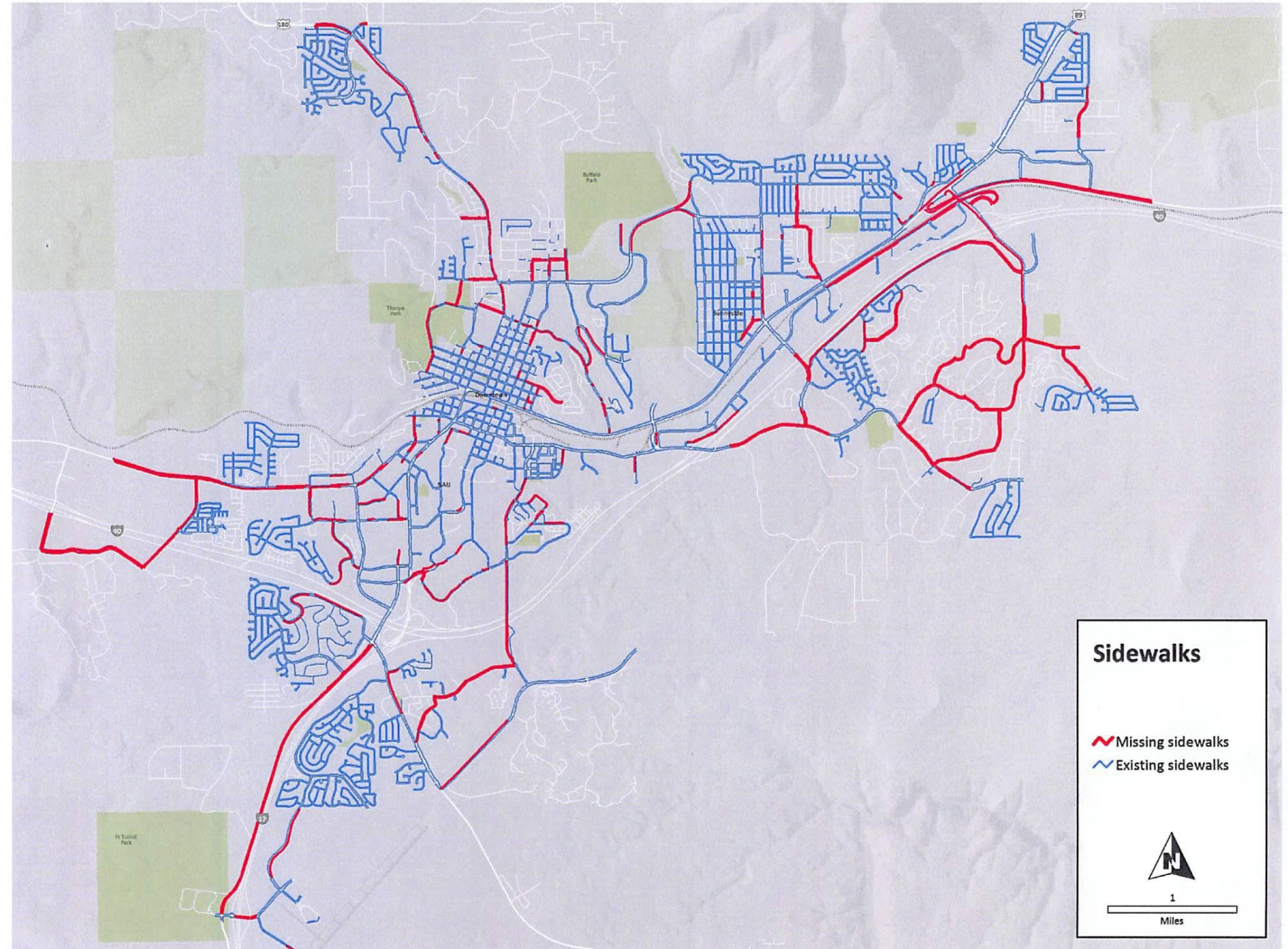




# City Sidewalks



270 miles citywide







# Sidewalk Issues

Inventory will map each location with Red Pin

## Sidewalk Issues Greenlaw Area





# Sidewalk Work Program Today

## - Current Work Program

- Residents are notified and provided cost estimate.
- Cost share program for residential property owners.
- Streets budget is \$15,000 (HURF)
- Downtown a distinct and unique district.



# Sidewalk Program Direction

## - Current Policy

- Responsibility for repair of damaged sidewalks.
  - Adjacent Property Owner (current practice)(50% cost share at residential locations.
    - Pros: less direct cost to the City; consistent with other areas of Code that place maintenance responsibilities (clearing snow, keeping clean and unobstructed) on adjacent property owner.
    - Cons: inconsistent compliance; requires liens to enforce; delay in resolution; often ends up with City performing work anyway; still requires City inspection to confirm quality of work.





# Sidewalk Program Direction

## - Possible Policy

- Responsibility for repair of damaged sidewalks.
  - City of Flagstaff
    - Pros: timely resolution; less burden on residents; cost savings from bundled repairs; no need for time-consuming enforcement.
    - Cons: Program and repairs will result in increased direct cost.



# Sidewalk Program Direction

- Ordinance Revisions this Summer, adopt in the Fall.
- Property owner vs. City cost responsibility.
- More Comprehensive and Proactive Inspections.
  - Phased inspections to allow for manageable repair program.
  - Continue timely response to complaints.
- Increased Budget Consideration for Sidewalk Program.
  - All Budget discussions would be in 2021, after ordinance revision later this year.
    - Increase HURF allocations greater than \$15,000.
    - Identify sidewalk repairs as a priority in 406 and 419 programming.
    - Consider other finance options and program needs with other city stakeholders.
    - Continue to assist in development of upcoming downtown planning efforts.

## CITY OF FLAGSTAFF

### STAFF SUMMARY REPORT

**To:** The Honorable Mayor and Council  
**From:** Dan Symer, Zoning Code Manager  
**Date:** 05/17/2019  
**Meeting Date:** 05/28/2019



#### TITLE

**Discussion:** 1) the City's request to amend the industrial zones, and resolving conflicts, incorporating technical corrections and clarity, and add definitions to the Zoning Code; and 2) an applicant's request to add the 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 RECOMMENDED ACTION:

Provide directions to staff and applicant on the proposed Zoning Code Text Amendments.

#### EXECUTIVE SUMMARY:

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 is a proposed amendment by the applicant (North Pole Experience) to amend the list of land uses for the Light Industrial (LI) zone to add the Amusement/Entertainment and Sales, Indoor as an allowed use subject to the approval of a Conditional Use Permit.

#### INFORMATION:

##### *Part 1 – City's Proposed Amendments*

Organized primarily by section number and topic, below is a summary of the proposed Zoning Code Text Amendment (Attachment 1). 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.

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 1 (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.

#### *Part 2 – Applicant's Proposed Amendment*

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. The applicant's request would facilitate the addition of a new land use (Amusement/Entertainment and Sales, Indoor) to the Light Industrial (LI) zone, subject to the approval of a Conditional Use Permit. Also, the amendment includes a definition of the proposed use, use specific requirements, and additional use of specific Conditional Use Permit findings. The proposed text for the amendment without the applicant's narrative is included as Attachment 3.

The Light Industrial (LI) zone is one of five zones in the Zoning Code that are primarily intended to implement the Regional Plan's land use designation of Employment Center “Employment.” 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 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 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 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 Light Industrial, General could utilize the proposed use for seasonal activities such as a product and trade fairs, promotional activities, performances, 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 Amusement/Entertainment and Sales, Indoor use, 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. These additional findings are intended to evaluate the proposed and existing uses on the property and on adjacent properties so that there are:

1. no operational characteristic conflicts between the uses; and
2. to ensure that there is no undue risks to the proposed use's customers due to being located near more intensive land uses.

Also, as indicated above, the use would be allowed for no more than a total of 98 days in any one calendar year, and no more than 98 consecutive days.

In addition, the applicant's proposal includes use-specific development standards to mitigate potential conflicts between the Amusement/Entertainment and Sales, Indoor use'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.

### **Findings**

At a subsequent meeting, the City Council will be requested to approve the proposed amendments based on the required findings specified in the Zoning Code. For your reference and discussion purposes, the required findings are specified below.

1. The proposed amendment is consistent with and conforms to the objectives and policies of the General Plan and any applicable specific plan;
2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City; and
3. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

### **Community Involvement**

In accordance with State Statute and the Zoning Code, the work session before the Planning and Zoning Commission was advertised in the Arizona Daily Sun on May 4, 2019, which will be held on May 22, 2019. As of the date of this memo, staff has not received any comments from the public.

### **Timeline**

The anticipated timeline for the amendments is as follows:

- May 22, 2019 – Planning Commission Work Session
- May 29, 2019 – City Council Work Session
- June 12, 2019 – Planning Commission Public Hearing
- June 25, 2019 – City Council Public Hearing (1<sup>st</sup> Reading of Ordinance)
- July 2, 2019 – City Council Hearing (2<sup>nd</sup> Reading of Ordinance/Adoption)
- August 2, 2019 – Ordinance Effective Date

**Conclusion:**

As indicated above, the purpose of the work session is for staff and the applicant to present an overview of the proposed amendments to the Zoning Code, to allow interested individuals, residents and business owners to provide comments. Also, the work session is to allow for the Council to ask questions, seek clarification, have discussions, and offer comments on the proposed amendments. No formal action is to occur at the work session. Additional opportunities for discussion, public comment, and action by the City Council will occur at a future public hearing.

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**Attachments:**

Code Amendments Presentation

1. Draft of the City Staff Proposed Ordinance Revisions

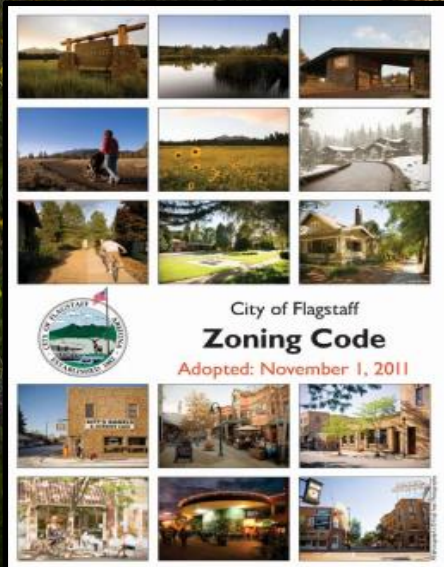
2. Applicant's Narrative

3. Draft of the Applicant's Proposed Ordinance Revisions



# City Council Work Session

## City's and Applicant's Request to Amend the Zoning Code



**Dan Symer, AICP**  
**Zoning Code Manager**





# City Council Work Session



## Work Session Objectives

- **To inform the public, and allow for their suggestions and concerns to be heard.**
- **To inform the Council and allow for their suggestions, questions and discussion.**
- **No action will be taken by the Council at this work session.**





# City Council Work Session



## Request:

### **Part 1 – City’s Proposed Zoning Code Text Amendment**

- **Correct the adoption of the industrial zones,**
- **Resolve conflicts, Incorporating technical and clarity corrections, and**
- **add to the definitions.**



# City Council Work Session



## Request:

### **Part 2 – Applicant’s Proposed Zoning Code Text Amendment**

- **Add the Amusement/Entertainment and Sales, Indoor land use as a Conditional Use Permit to the Light Industrial (LI) zone,**
- **incorporating related provisions to the Specific to Uses section, and**
- **Add the proposed use to the definitions.**



# City Council Work Session

## Order of Presentation and Discussion:

- 1. Part 1 – City’s Proposed Zoning Code Text Amendment**
  - **Staff Presentation on City Proposed Amendments**
  - **Council Discussion on the Proposed Amendments**
- 2. Part 2 – Applicant’s Proposed Zoning Code Text Amendment**
  - **Applicant’s Presentation on City Proposed Amendments**
  - **Council Discussion on the Proposed Amendments**
- 3. Public Comment**



# City Council Work Session

## City's Proposed Zoning Code Text Amendment

### *Industrial Zones*

- **Delete and adopt the list of allowed land uses**
- **Delete and adopt the Build Form Standards**
- **Change the land use term of Lodging to Travel Accommodations**





# City Council Work Session

## City's Proposed Zoning Code Text Amendment

### *Technical Additions and Modifications:*

- **T3 Neighborhood I (T3N.1) Standards, and T3 Neighborhood 2 (T3N.2) Zones**
  - **Require a Conditional Use Permit for Dormitories and Fraternities / Sororities**

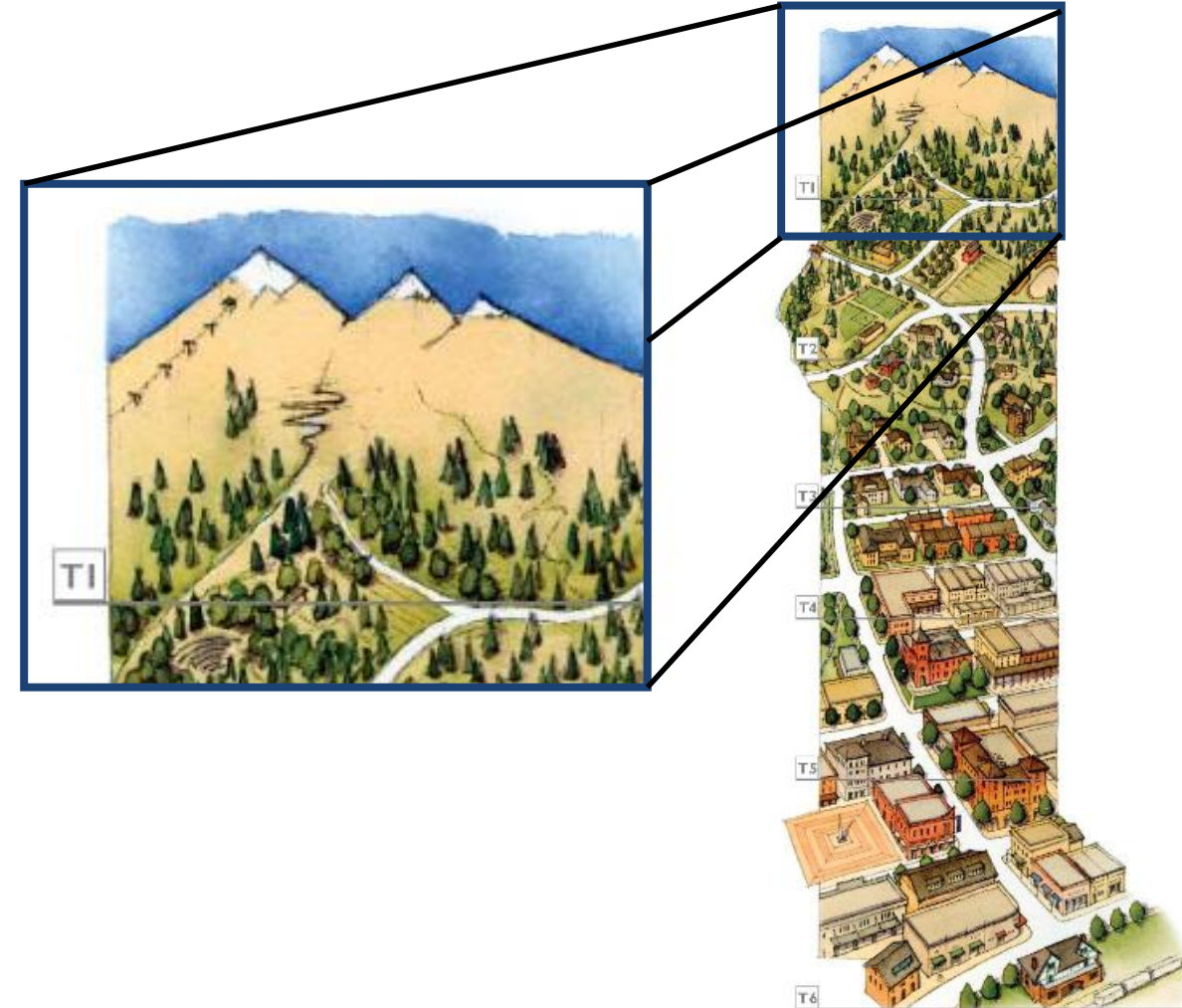


# City Council Work Session

## City's Proposed Zoning Code Text Amendment

### *Technical Additions and Modifications:*

- Sustainable Features
  - Add Wind Energy Production Facility to the T1 (Natural) zone





# City Council Work Session



## City's Proposed Zoning Code Text Amendment

### *Technical Additions and Modifications:*

- **Sustainable Features**
  - **Swales to Residential and Commercial zones**
  - **Rain Gardens to Public Lands Forest and Public Open Space zones**
  - **Riffle Pools to Public Lands Forest and Public Open Space zones**





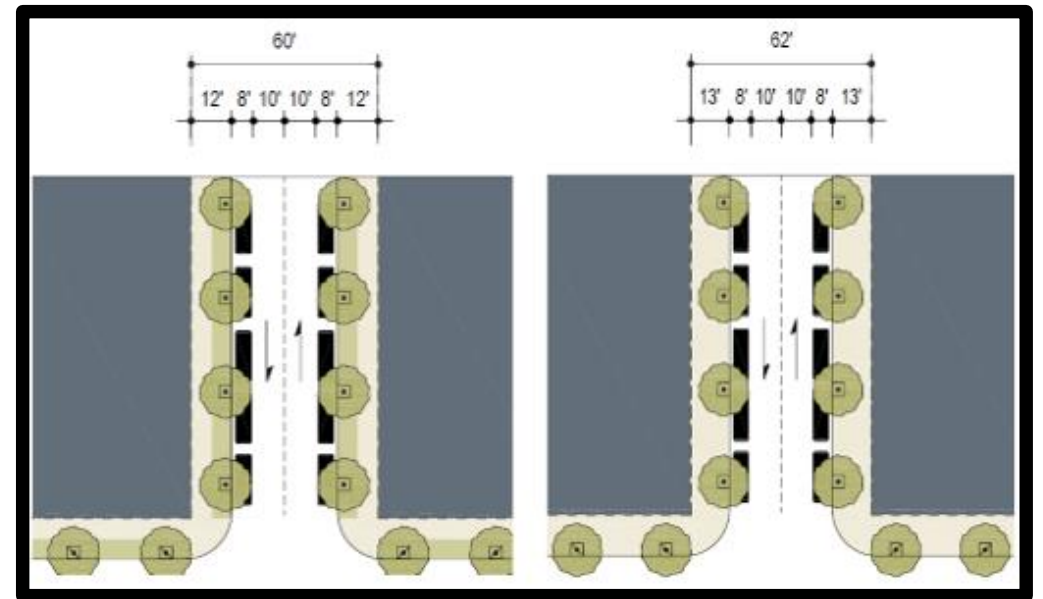


# City Council Work Session

## City's Proposed Zoning Code Text Amendment

### *Technical Additions and Modifications:*

- **Thoroughfare Assemblies**
  - **Add the commercial street cross sections for the Transect Code**







# City Council Work Session

## City's Proposed Zoning Code Text Amendment

### *Technical Additions and Modifications:*

- **Allowed Uses and Definition**
  - **Add Bed and Breakfast as an allowed use to T6 Downtown Zone**
  - **Add definition for a Fuel Pump Sign**



# City Council Work Session

## City's Proposed Zoning Code Text Amendment

### *Technical Additions and Modifications:*

- **Miscellaneous**
  - **Various scrivener's, references and cross reference, and table errors and formatting changes**



# City Council Work Session

## City's Proposed Zoning Code Text Amendment

### *Planning Commission Comments:*

- Requested staff to explore adding artist studios as an allowed use to the Light Industrial (LI) in a future amendment.
- Clarify that the Travel Accommodation land use does not include vacation / short term rentals (AirBnB, etc.)



# City Council Work Session

## Anticipated Timeframe of Code Text Amendments

- May 29, 2019 – City Council Work Session
- June 12, 2019 – Planning Commission Public Hearing
- June 25, 2019 – City Council Public Hearing (1st Reading of Ordinance)
- July 2, 2019 – City Council Hearing (2nd Reading of Ordinance/Adoption)
- August 2, 2019 – Ordinance Effective Date





# City Council Work Session

## City's Proposed Zoning Code Text Amendment

***City Council***

***Comments, Questions and Discussion***



# City Council Work Session

## Applicant's Proposed Zoning Code Text Amendment

### Part 2 – Applicant's Proposed Zoning Code Text Amendment

- Add the Amusement/Entertainment and Sales, Indoor land use as a Conditional Use Permit to the Light Industrial (LI) zone,
- incorporating related provisions to the Specific to Uses section, and
- Add the proposed use to the definitions.



# City Council Work Session

## Applicant's Proposed Zoning Code Text Amendment

### *Planning and Zoning Commission Comments:*

- The supportive of the request.
- Clarifying questions pertaining to the Building Code occupancy changes.



# City Council Work Session

## Applicant's Proposed Zoning Code Text Amendment

***City Council***

***Comments, Questions and Discussion***




Draft of the City Staff Proposed Ordinance Revisions  
To the Flagstaff Zoning Code.

**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

**ATTACHMENT #1**

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
Ranching, Forestry and Animal Keeping								
Animal Keeping		-----See Section 10-40.60.070----- -----						
Ranching		P	--	--	--	--	--	--
Recreation, Education and Assembly								
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		--	--	--	--	--	--	--
Residential								
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 <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
Institutional Residential								
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	--	--	--	--	--	--	P
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	10-40.60.210	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
Transportation and Infrastructure								
Accessory Wind Energy Systems	10-40.60.040	P	P	P	--	P	P	P
Urban Agriculture								
Community Garden	10-40.60.140	P	P	P	P	P	P	P
Nurseries		UP	--	--	--	--	--	--
End Notes								
<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.								
Key								
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
Industrial, Manufacturing, Processing and Wholesaling						
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
Outdoor Storage or Display		p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>
Quarrying Operations	10-40.60.290	--	--	--	UP	UP
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

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
Vehicle Towing/Impound Yard		--	P <sup>2</sup>	P <sup>2</sup>	--	--
Warehousing	10-40.60.330	--	P	P	P	P
Wholesaling and Distribution		--	P	P	P	P
Ranching, Forestry and Animal Keeping						
Livestock Auction, Feed Yards, and Sales		--	--	--	P	P
Recreation, Education and Assembly						
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	--	--	--	--
Trade Schools		UP	P	P	P	P
Residential						
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>
Institutional Residential						
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	--
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	--	--	--	--
Retail Trade						



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
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>
Public Services						
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
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

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
Transportation and Infrastructure						
Accessory Wind Energy Systems	10-40.60.040	P	P	P	P	P
Passenger Transportation Facilities		P	P	P	--	--
Urban Agriculture						
Food Production		--	P	P	--	--
Nurseries		--	P	P	P	P
Vehicle Sales and Services						
Automobile/Vehicle Repair Garages – Major	10-40.60.100	--	P	P	P	P
End Notes						
1. A definition of each listed use type is in Chapter 10-80, Definitions.						
2. This use 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-brewery or micro-distillery.						
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.						
Key						
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>							
Setback							
Front (min.)							
2nd Floor and Below	75'	50'	15'	15'	10'	20'	15'
Above 2nd Floor	75'	50'	15'	15'	15' <sup>3</sup>	15'	15'
For Parking	--	--	25' <sup>1</sup>	--	--	--	--
Side (min.)							
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'	10' <sup>12</sup>	6'	5'	5'	12'
Rear (min.)	10'	60'	25' <sup>13</sup>	15'	15' <sup>14</sup>	15' <sup>14</sup>	10'
<b>Building Form Requirements</b>							
Building Height (max.)	35'	35'	35'	35'	35'	60' <sup>15</sup>	30'
Coverage (max.)	20%	17%	35%	35%	40%	50%	43%
<b>Density Requirements See Division 10-30.20, Affordable Housing Incentives</b>							
Density: Gross (units/acre)							
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>							
Area							

	RR	ER	R1	R1N	MR	HR	MH
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
Width							
Interior Lots (min.)	100' <sup>18</sup>	140' <sup>19</sup>	60' <sup>19,10</sup>	50'	50' <sup>19,10</sup>	50' <sup>19,11</sup>	--
Corner Lots (min.)	100' <sup>18</sup>	140' <sup>19</sup>	65' <sup>19,10</sup>	50'	50' <sup>19,10</sup>	50' <sup>19,11</sup>	--
Depth (min.)	200' <sup>18</sup>	--	100' <sup>19</sup>	100'	100' <sup>19</sup>	75' <sup>19,11</sup>	--
Other Requirements							
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						
End Notes							
<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 15' in width.							
<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							



RR	ER	R1	R1N	MP	HR	MH
-- 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.**

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

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

		Industrial Zones		
		RD	LI/LI-O	HI/HI-O
	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	--
Lot Requirements				
Area (min.)		20,000 sf	20,000 sf	20,000 sf
Width (min.)		75'	100'	100'
Depth (min.)		--	150'	150'
Other Requirements				
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		
End Notes				
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				

Table 10-40.30.050.C. Industrial Zones – Building Form and Property Development Standards.			
	Industrial Zones		
	RD	LI/LI-O	HI/HI-O
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.			
Key			
-- 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
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>					



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
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
Solar					
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> .					
<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

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
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>					
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.					

<a href="#">Table 10-40.30.070.A.2. Sustainability Features</a>					
Sustainability Features <sup>1, 2</sup>	Zones that the Sustainability Features are Allowed				
	RD	LI/LI-O	HI/HI-O	PF	PLF/POS
<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**

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

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**

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

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, 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 18. 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 19. 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 20.

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 21. 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**

H. Building Size and Massing	
Miscellaneous	
Height	2 stories max.
See transect zone in which the building is proposed.	

Section 22. 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.

Table 10-60.10.090.A Thoroughfare Assemblies	
<b>KEY</b> Thoroughfare Type Right of Way Width Pavement Width Transportation	
<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		
		<b>CS-62-36</b>	<b>ST-60-36</b>
Thoroughfare Type		Commercial Street	Street
Transect Zone Assignment		T5, T6	T3, T4
Right-of-Way Width		62'	60'
Pavement Width		36'	36'
Movement		Free Movement	Free Movement
Design Speed		25 MPH	25 MPH
Pedestrian Crossing Time		10.2 seconds	10.2 seconds
Traffic Lanes		2	2
Parking Lanes		Both sides @ 8', marked	Both Sides @ 8', marked
Curb Radius		10'	15'
Walkway Type		13' Sidewalk	5' – 7' Sidewalk
Planter Type		4'x4' Tree Well	5' – 7' Continuous Planter
Curb Type		Curb	Curb
Landscape Type		Trees at 30' o.c. Avg.	Trees at 30' o.c. Avg.
Transportation Provision		—	BR



Section 23. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-80.20.190 Definitions, "S", to add the term "Sign, Fuel Pump", in alphabetical order, as follows:

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

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

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

Snell & Wilmer

L.L.P.

Daniel Symer

May 15, 2019

Page 8

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

Draft of the Applicant's Proposed Ordinance Revisions  
To the 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 strikethroughs 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, Table 10-40.30.050.B. Industrial Zones – Allowed Uses, as follows:

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	--	--	--

Section 2. 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 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.

**ATTACHMENT #3**



**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.

Section 3. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-80.20.190 Definitions, "S", to add the term "Seasonal Amusement, Entertainment and Sales, Indoor" in alphabetical order, as follows:

**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.

## CITY OF FLAGSTAFF STAFF SUMMARY REPORT

**To:** The Honorable Mayor and Council  
**From:** Sarah Darr, Housing Director  
**Date:** 05/21/2019  
**Meeting Date:** 05/28/2019



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### TITLE:

**Discussion/Direction:** Establish/Create the Affordable Housing Commission discussed in Proposition 422

### DESIRED OUTCOME:

Receive direction in order to bring back an action item reflective of Council's desires.

### EXECUTIVE SUMMARY:

On March 19, 2019, City Council discussed a Future Agenda Item Request (FAIR) to place a discussion regarding establishing the Affordable Housing Commission/Committee on a future Council agenda. There was a Council majority to place the item on a future agenda and was also in favor of doing so in an expedited fashion.

### INFORMATION:

Staff will present from the attached PowerPoint.

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**Attachments:** [Presentation](#)



# Establishing an Affordable Housing Commission/Committee

Sarah Darr

May 28, 2019







# Background

March 19, 2019 City Council discussed a Future Agenda Item Request (FAIR) to place a discussion regarding establishing the Affordable Housing Commission/Committee on a future Council agenda.

There was a Council majority to place the item on a future agenda and was also in favor of doing so in an expedited fashion.





# During the FAIR conversation...

Council discussed multiple components of what the Committee could focus on:

- Determine whether to place a Housing Bond Proposition on the 2020 election
- Review Proposition 422 to learn why it failed
- Explore ideas of creating affordable market rate housing looking at zoning code changes, etc.
- Look for creative solutions to creating more affordable housing

In addition, the Committee could also serve as an advisory board to  
City Council



# Background - Existing Commission

## Board of Commissioners of the City of Flagstaff Housing Authority

- Membership - 6 people and the Mayor
  - State law specifies the commission shall either be the City Council with a program representative **OR** be appointed by the Mayor, and that the Mayor shall automatically be and act as a commissioner
  - In either case, at least one member must be either a resident of Public Housing or a Section 8 voucher holder per federal requirements



# Background – Scope of CFHA Board

Responsibilities are centered around Housing Authority programs, HUD functions and...

“Investigate living, dwelling and housing conditions and the means and methods of improving such conditions through public housing projects and make recommendations to the City Council regarding these matters including recommendations for increasing the number of low income housing opportunities and projects in the City.”



## What we think we heard on March 19...

Short term body with focused limited scope mainly centered on funding identification for affordable housing, such as a possible bond ballot measure for 2020

Would like the body established ASAP

Council would like to appoint the members

Members would represent different areas of expertise



# Options



## Option A

- Affordable Bond Committee contained in Prop 422
  - “If the bonds are approved, the City Council will create and appoint a Housing Bond committee to advise the City Council on the use of the proceeds of the sale of the bonds and related matters.”

## Option B

- Affordable Housing 2020 Election Commission
  - Similar to the Transportation Tax Commission in 2018





# Option A



## Affordable Bond Committee contained in Prop 422

- Need clarification on the scope and purpose of the Committee

*Creation of a  
Housing Bond  
Oversight  
Committee*

**Element One**



- Oversee bond programs / expenditures and report to City Council and the Community
- Possible committee membership
  - At large member
  - Realtor
  - Mortgage lender
  - Subject matter expert
  - Low income community member
  - Moderate income community member
  - Developer/builder
  - Flagstaff Housing Authority Commission member

*Slide from April 2018  
Council Presentation*





# Option B

- Affordable Housing 2020 Election Commission
  - 15 voting members
    - 14 appointed by Council and 1 from the CFHA Board

*(Transportation Tax Committee had non-specific voting membership appointed by Council with the addition subject matter experts as non-voting participants in the process)*



# Option B



## Possible Membership or Subject Matter Experts

Representatives from the following areas

- Builders
- Developers
- Business Community
- Multi-Family
- Realtors
- Housing Non-Profits
- General Community Members
- Neighborhood
- Low/Moderate Income
- “Workforce”

# Seeking Direction

## Option A

Affordable Bond Committee  
contained in Prop 422

## Option B

Affordable Housing 2020  
Election Commission

Something else?



## *Questions:*

- Scope
- Short term or long term
- Membership
- Subject Matter Experts

## CITY OF FLAGSTAFF STAFF SUMMARY REPORT

**To:** The Honorable Mayor and Council  
**From:** Stacy Saltzburg, City Clerk  
**Date:** 05/17/2019  
**Meeting Date:** 05/28/2019



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### TITLE:

**Discussion:** Affordable Housing ballot measure for 2020

### DESIRED OUTCOME:

Discussion/Direction

### EXECUTIVE SUMMARY:

Councilmember Whelan provided the Future Agenda Item Request on March 19, 2019, which was supported by the required number of Councilmembers.

### INFORMATION:

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### Attachments:



## CITY OF FLAGSTAFF STAFF SUMMARY REPORT

**To:** The Honorable Mayor and Council  
**From:** Stacy Fobar, Deputy City Clerk  
**Date:** 05/24/2019  
**Meeting Date:** 05/28/2019



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### TITLE:

**Discussion/Direction:** Current Issues Before Arizona Legislature and Federal Issues.

### DESIRED OUTCOME:

### EXECUTIVE SUMMARY:

On Friday, May 24, 2019 the state legislative completed its 130th day of the session. To date, 280 bill have been submitted to the Governor with Governor Ducey signing 252 bills into law. The Governor has vetoed 7 bills.

### INFORMATION:

No Additional Information.

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**Attachments:** Presentation



# STATE & FEDERAL LEGISLATIVE UPDATE

CLIFF BRYSON





# 05/28/19 Presentation Outline

1. State Legislative Overview
2. State Budget Overview
3. Federal Legislative Overview
4. Bill Overview





# State Legislative Update

## General Legislative Overview

- ❖ 129<sup>th</sup> day of session completed
- ❖ 280 bills transmitted to the Governor
- ❖ 252 bills signed by the Governor
- ❖ 7 bills were vetoed



# State Legislative Update

## State Budget Overview

- ❖ Small transportation funding transfers.
- ❖ \$85 million in one-time surplus funding for highway and road projects.
- ❖ \$130 million for I-17 over next three years.





# Federal Legislative Update

## Federal Legislative Overview

❖ No updates to report on.



# State Legislative Update

## SB1241: State Parks Board; Heritage Fund

- ❖ Sponsored by **Sen. Brophy McGee**
- ❖ Reestablishes the Arizona State Parks Heritage Fund.
- ❖ Makes yearly appropriations from lottery monies that are dedicated to state parks, outdoor recreation, trails and historic preservation.
- ❖ 50% of the monies would be for local, regional or state parks for outdoor recreation and open space development, restoration or renovation.
- ❖ Transmitted to Governor.



# State Legislative Update

## SB1225: Appropriation; Developmental Disabilities Services Providers

- ❖ 1<sup>st</sup> Introduced by **Senator Allen**
- ❖ Amended from original intent which would appropriate funding for social service providers in the city of Flagstaff with a 2-1 clause.
- ❖ HB2576: Revenue; Budget Reconciliation; 2019-2020 introduced that had language tapping into the city's state shared revenues (Rep. Bowers and Rep. Cobb).



# State Legislative Update

## SB1001: Highway Safety Fee

- ❖ Sponsored by **Senator Ugenti-Rita**
- ❖ Would repeal the \$32 Highway safety fee passed in 2018 to eliminate the HURF transfers to Highway Patrol.
- ❖ Amendment adopted to require the Highway Patrol to be fully funded by the General Fund.
- ❖ Discussions during budget to phase out in 5-years.
- ❖ Amended on 05/23/19 to repeal fee on 06/01/21.
- ❖ Senate consideration.



# State Legislative Update

## HB2672:Vacation Rentals; Short-Term Rentals; Regulation

- ❖ Introduced by **Rep. Kavanagh**
- ❖ Provides regulations on short-term rentals and providing penalties for violations for cities and towns.
- ❖ Transmitted to Governor on May 15.
- ❖ Signed by Governor Ducey 05/21/19.





# State Legislative Update

## Wayfair

❖ Ongoing amended language being discussed.



# STATE & FEDERAL LEGISLATIVE UPDATE

## Questions

