

# Preparing Your Decision Makers for Adoption of an FBC

**Roger E. Eastman, AICP**  
**Dir. of Development Codes and Planning, LWC Inc.**

*(Formerly Comprehensive Planning and Code Administrator - City of Flagstaff)*



## Why update the LDC - 2007/2008?

**LAND DEVELOPMENT CODE**  
Title 10 of the City of Flagstaff City Code



**CITY OF FLAGSTAFF**

Ordinance 1690 adopted by the  
Flagstaff City Council on April 8, 1991  
With all amendments as of March 18, 2008  
(Ordinances added shown with adoption date)

### **4 Zoning Systems:**

**1970's Euclidian zoning**

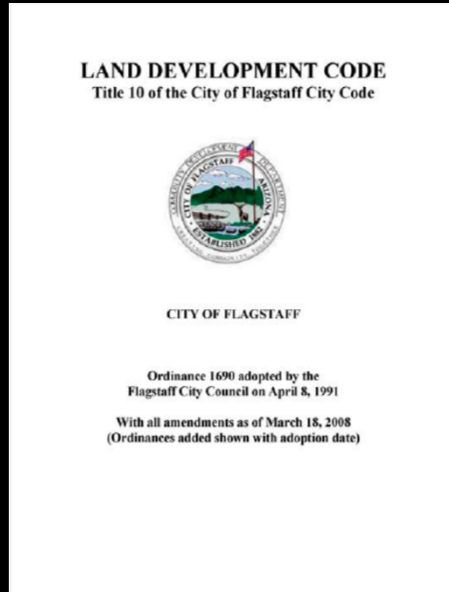
**1991 Performance zoning**

**2003 Design Guidelines**

**2007 TND (Form-based  
Code)**

The code defaulted to  
suburban development

## Why update the LDC - 2007/2008?



**Inconsistent**  
**Complicated**  
**Confusing**  
**Imprecise**  
**Disorganized**  
**Antiquated**  
**Disjointed**  
**Unpredictable**

**Did not implement  
the General Plan**

## The RFP process

### **Work on the RFP commenced – June/July 2008**

- APA Guidelines for RFQs and RFPs
- FBCI Guidelines for hiring a consultant
- Interviewed 9 firms
- Funding over two budget cycles
- Originally \$500,000 (later reduced to \$460,000)



## The new zoning code would be ...



City of Flagstaff  
Zoning Code

Adoption Date: November 1, 2011



**Coherent**  
**Integrated**  
**Concise**  
**Consistent**  
**Contemporary**  
**Innovative**  
**User Friendly**  
**Promote Smart Growth**  
**Real Public Involvement**

**Implement the General Plan**

## Influences on the process

- State law - Proposition 207
- Case law
- Professional expertise
- Project budget
- Council direction
- Citizen desires – despite a community vision, fear of change and something new



## Public outreach ... Rebuilding Trust

- Commitment to City Council and citizens
  - Open and transparent process
  - As many opportunities for public involvement as possible
  - Citizen ideas, suggestions, and opinions highly valued



## Seeking community support

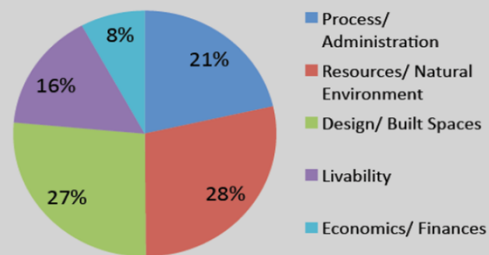
- Educate elected and appointed officials
  - Proposition 207, Smart Growth, TND and FBCs
- City staff – FBCI training in Form-based Codes
- Educate internal and external stakeholders, and interested citizens



## All civic engagement

- A City staff responsibility – without a budget!
- Initial meetings with staff
- Stakeholder interviews and report

Key issues – Stakeholder interview results



## All civic engagement

- A City staff responsibility
- Initial meetings with staff
- Stakeholder interviews and report
- Focus Groups



## Focus Group Overview

- Provide opportunities for citizen participation and engagement – “grass roots” level
- Different to Regional Plan 2012 Update -- no Citizen Advisory Committee appointments by Council/BOS
- Technical in nature (Zoning Code) versus policy (Regional Plan)



## Focus Group Overview

- 11 Focus Groups -- outcome focused on a specific issue or task
  - Building and Fire Code
  - Design Guidelines
  - Downtown
  - Economic Development
  - Housing
  - Landscaping
  - Neighborhood Planning
  - Outdoor Lighting
  - Process and Procedures
  - Signage
  - Trees and Resources

## Focus Group Overview

- Initially strong membership; Evolved to a core group of typically 6-10 people (except Resources)
- Diverse interests and perspectives – all welcome
- Elected their own Chairperson (not an existing appointed official) – also sits on Citizen Advisory Group (CAG)



## Focus Group Overview

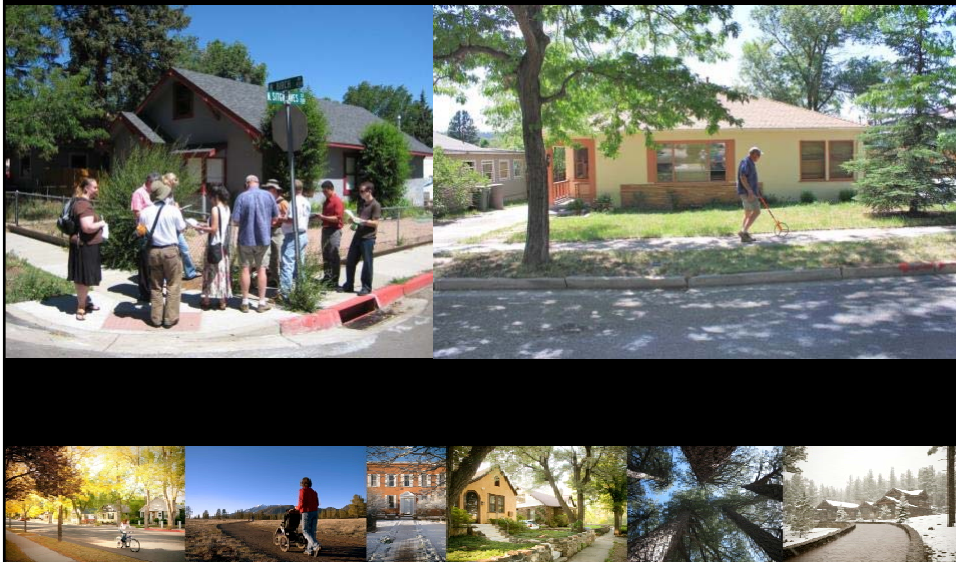
- Completed their work on schedule ...
  - 56 Focus Group meetings over two months
  - Important – ideas, suggestions and opinions of citizens who participated
  - Report complete – posted on-line
  - Matrix of recommendations
- Citizens Advisory Group
  - 3 meetings – coordination of ideas
- Early 2010
  - Council work sessions on Focus Group ideas

## Initial civic engagement

- A City staff responsibility
- Initial meetings with staff
- Stakeholder interviews and report
- Focus Groups
- Regular attendance at stakeholder meetings
- Talk to people – share, engage, discuss: Agenda 21
- Educate as much as possible – initially opposition



## Micro-scale analysis – July 7, 2009





# Task 3: Design Charrette

## Tasks Completed Included: (October 2009)

- Design Charrette – October 5-9<sup>th</sup>
- Summary Report



Over 400 People Attended!



# Design Charrette

## Charrette Schedule:

Ways you can participate

- Opening Presentation**  
5:30 Monday (City Council Chambers)
- Open Studio**  
Most of the week minus Thursday late afternoon and Friday
- Brown Bag Lunch Presentations**  
Tuesday, Wednesday, Thursday 12:00
- Studio Review (informal)**  
Tuesday, and Wednesday.
- Final Presentation**  
5:30 Friday (City Council Chambers)

	Monday October 5th, 2009	Tuesday October 6th, 2009	Wednesday October 7th, 2009	Thursday October 8th, 2009	Friday October 9th, 2009
8:00 AM					
9:00 AM		Studio Open to Public	Studio Open to Public	Studio Open to Public	Studio Closed to public
10:00 AM					
11:00 AM					
12:00 PM		Brown Bag Lunch Presentation: RH-Complete Streets	Brown Bag Lunch Presentation: LW-Code	Brown Bag Lunch Presentation: EZ/HS-Sustainability	
1:00 PM					
2:00 PM					
3:00 PM				Studio Closed to public	
4:00 PM					
5:00 PM					
6:00 PM	Opening Presentation	Public Open House	Southside Neighborhood Public Open House		Closing Presentation
7:00 PM					
8:00 PM					

Opening Presentation	Studio Open to Public	DP	Dan Panchik	EZ	Eric Zickler
Brown Bag Lunch Open to Public	Studio Closed to Public	LW	Lisa White	HS	Ivy Sarte
Public Open House		RH	Rick Hall		

## Design Charrette

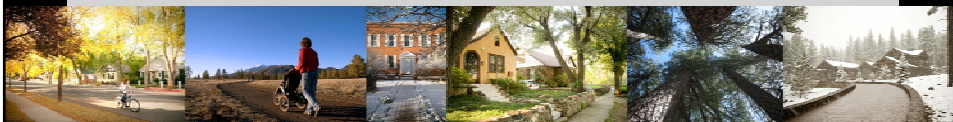
**Over 400 People Attended!**



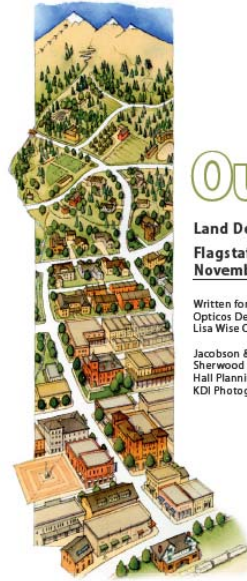
## Guiding Principles

### **Summary: Guiding Principles for FBC**

- Reinforce Downtown as the **Heart of Town**
- **Reduce the Spread of Commercial Uses** in Neighborhoods
- Provide a Mix of **Neighborhood-Serving Amenities**
- Reinforce the **Gateways** into Flagstaff
- Provide an Appropriate **Transition from Downtown Core**
- Enable **Southside to Evolve**
- Reinforce the **Single-Family Character** of RM-L-E (T3)
- Create **Livable Streets**
- Utilize the **Rural-to-Urban Transect & Community Types**
- Support **Local Retail** and Restaurants
- Integrate **Alternative Energy** Strategies
- Integrate **Stormwater Management** Strategies



## Design Charrette



# Our Flagstaff

Land Development Code Rewrite: Charrette Summary Report  
Flagstaff, Arizona  
November 30th, 2009

Written for the Flagstaff Community by:  
Opticos Design, Inc.  
Lisa Wise Consulting, Inc.

Jacobson & Wack  
Sherwood Design Engineers  
Hall Planning & Engineering, Inc.  
KDI Photography



## Flagstaff's New Zoning Code

### Meetings and Events (Over 300!):

- **11** Focus Groups meet **56** times in 3 months
- Design Charrette – Over **440** people participated
- **66** meetings with stakeholder groups
- **16** nontraditional group events (farmers market, City celebrations, general plan open houses, Earth Day, etc.)
- **60** meetings with City Boards and Commissions
- **18** P&Z meetings; **42** City Council meetings
- **10** Educational Forums and Zoning Code University classes



# Flagstaff's New Zoning Code

## Some of the tools used:

**New Zoning Code Educational Forum**  
Come and learn about:  
• The structure of the new zoning code  
• What is new and different, and why  
• Current progress  
• Relationship to the  
• Future meeting schedule

The City will also have an open house and offer advice.

**WHEN:** Thursday - City Council  
**WHERE:** 211 West  
**TIME:** 6:00 - 6:30

Need more info? Visit [www.FlagstaffAZ.gov](http://www.FlagstaffAZ.gov)

**E-NEWSLETTER**  
Flagstaff's New Zoning Code

Accomplishments  
Since the release of the April cover of the E-Newsletter for the Flagstaff Living Code City Council and the planning team have been working on a number of important accomplishments:

- Late April: Two days of meetings with the planning team to review progress on the new code, respond to comments, discuss code changes and improve further work, and make final decisions on the strength, the table of contents and various chapters and divisions.
- May 19th: Revised Educational Forum of the City Council with an emphasis on the new Zoning Code and the Planning Department. Also from the members of the public meeting were forwarded to the planning team for inclusion in the new code.

**BUSINESS Matters**  
THE VOICE OF FLAGSTAFF BUSINESS FOR 120 YEARS

**Chamber Continues Lobbying Efforts on Zoning Code**  
Revised Regulations Will Have Major Impact on Future Economic Development

The Flagstaff Chamber of Commerce and Board of Directors, advised by the city council, has been lobbying for a number of changes to the new zoning code. The Chamber has been working with the city council and the planning team to ensure that the new code is fair and equitable to all businesses in the city. The Chamber has also been working with the city council to ensure that the new code is clear and easy to understand.

**Zoning Code Rewrite Project**  
Citizen Recommendation Analysis

Last updated: August 26, 2010

Citizens Recommendations - Citations	Date Received	RECOMMENDATION OUTCOME				Not Accepted? Why?
		Date Forwarded	Accepted? (Yes/No/Partial)	Forwarded To Whom	Under Consideration? (Yes/No)	
1) Discharge signage protection	10-MAR-09	8-NOV-09	Yes, 10-00-00			
2) Discharge signage protection per sign	10-MAR-09	8-NOV-09	Yes, 10-00-00			
3) Discharge signage protection per sign	10-MAR-09	8-NOV-09	Yes, 10-00-00			
4) Discharge signage protection per sign	10-MAR-09	8-NOV-09	Yes, 10-00-00			
5) Discharge signage protection per sign	10-MAR-09	8-NOV-09	Yes, 10-00-00			
6) Discharge signage protection per sign	10-MAR-09	8-NOV-09	Yes, 10-00-00			
7) Discharge signage protection per sign	10-MAR-09	8-NOV-09	Yes, 10-00-00			
8) Discharge signage protection per sign	10-MAR-09	8-NOV-09	Yes, 10-00-00			
9) Discharge signage protection per sign	10-MAR-09	8-NOV-09	Yes, 10-00-00			
10) Discharge signage protection per sign	10-MAR-09	8-NOV-09	Yes, 10-00-00			
11) Discharge signage protection per sign	10-MAR-09	8-NOV-09	Yes, 10-00-00			
12) Discharge signage protection per sign	10-MAR-09	8-NOV-09	Yes, 10-00-00			
13) Discharge signage protection per sign	10-MAR-09	8-NOV-09	Yes, 10-00-00			
14) Discharge signage protection per sign	10-MAR-09	8-NOV-09	Yes, 10-00-00			
15) Discharge signage protection per sign	10-MAR-09	8-NOV-09	Yes, 10-00-00			
16) Discharge signage protection per sign	10-MAR-09	8-NOV-09	Yes, 10-00-00			
17) Discharge signage protection per sign	10-MAR-09	8-NOV-09	Yes, 10-00-00			
18) Discharge signage protection per sign	10-MAR-09	8-NOV-09	Yes, 10-00-00			
19) Discharge signage protection per sign	10-MAR-09	8-NOV-09	Yes, 10-00-00			
20) Discharge signage protection per sign	10-MAR-09	8-NOV-09	Yes, 10-00-00			

**Chamber Applauds New Value Added Provisions in City Procurement Policy**

The Flagstaff Chamber of Commerce and Board of Directors, advised by the city council, has been lobbying for a number of changes to the new zoning code. The Chamber has been working with the city council and the planning team to ensure that the new code is fair and equitable to all businesses in the city. The Chamber has also been working with the city council to ensure that the new code is clear and easy to understand.

The new zoning code will be released for public comment on August 30, 2010.

- Read it!
- Comment on it!
- Tell us what you think!

www.FlagstaffAZ.gov/procurement  
Call City Council Clerk for Request for Comment  
779-7831 Ext. 7006

## Some other thoughts

- Professional photographs
- Email was our principle outreach tool
- Lots of advertising in local newsletters
- No social media presence – today a critical tool/QR codes
- Local radio
- Online platforms - peakdemocracy.com
- Breaking down silos – engineering and public works



A.R.S. §12-1134: Proposition 207

**12-1134. Diminution in value; just compensation**

- A. If the existing rights to use, divide, sell or possess private real property are reduced by the enactment or applicability of any land use law enacted after the date the property is transferred to the owner and such action reduces the fair market value of the property the owner is entitled to just compensation from this state or the political subdivision of this state that enacted the land use law.

A.R.S. §12-1134: Proposition 207

**12-1136. Definitions**

3. "Land use law" means any statute, rule, ordinance, resolution or law enacted by this state or a political subdivision of this state that regulates the use or division of land or any interest in land or that regulates accepted farming or forestry practices.

## A.R.S. §12-1134: Proposition 207

B. This section does not apply to land use laws that limit or prohibit a use or division of real property:

1. Protection of public health and safety (fire and building codes, health and sanitation, traffic control, solid/hazardous waste, etc.
2. Recognized as a public nuisance under common law;
3. Are required by federal law;
4. For the purpose of housing sex offenders, selling illegal drugs, liquor control, or pornography, obscenity, nude or topless dancing, and other adult oriented businesses if legal;
5. Establish locations for utility facilities;
6. Do not directly regulate an owner's land; or
7. Were enacted before the effective date.

## A.R.S. §12-1134: Proposition 207

- Owner is not required to submit a land use application before claiming compensation
- An action for just compensation must be made within 3 years of the date of the land use law
- City may reach an agreement with the property owner to waive a claim for diminution in value.

[www.flagstaff.az.gov/zoningcode](http://www.flagstaff.az.gov/zoningcode)

**Thank you**

Roger E. Eastman, AICP  
Director of Development Codes and Planning  
(928) 213-2640 [roger@lisewiseconsulting.com](mailto:roger@lisewiseconsulting.com)

