

Proposed Flagstaff Zoning Code Amendment.


Case No. PZ-19-00095 Updates to Zoning Code 2019 - Accessory Dwelling Units (ADU)

HOW TO READ THIS DOCUMENT


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

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

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 10-40.60.030 Accessory Dwelling Units (ADUs)., subsection A. Applicability., as follows – including adding grid lines to the table:

10-40.60.030 Accessory Dwelling Units (ADUs)

A. **Applicability.** Accessory dwelling units (ADUs) or carriage houses (see Section 10-50.110.040, Carriage House,) where allowed by Division 10-40.30, Non-Transect Zones, and Division 10-40.40, Transect Zones, are subject to the ~~following requirements and standards.~~ **of this section.**

- ~~1. Existing Dwelling. An ADU may only be permitted on a lot if a detached single-family dwelling already exists on the lot or the single-family dwelling will be constructed in conjunction with the ADU.~~
- ~~2. Occupancy. The property owner, which shall include title holders and contract purchasers, must occupy either the primary residence or the ADU as their principal residence. The residence or ADU that is not occupied by the property owner may be rented or leased for a period of no less than 30 days to unrelated persons.~~
- ~~3. Movable Habitable Space. A mobile home, recreational vehicle, or other movable habitable space that does not comply with the Building Code shall not be used as an ADU. A manufactured or modular unit placed on a permanent foundation may be used as a second unit in compliance with this section.~~

- 4. **B. ~~Not Intended for Sale. Not to be sold.~~** An ADU shall not be sold separately from the primary structure.

Section 2.

Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.60.030 Accessory Dwelling Units (ADUs)., subsection B. Design and Development Standards., as follows – including adding grid lines to the table:

10-40.60.030 Accessory Dwelling Units (ADUs)

~~B. C.~~ Design, ~~and~~ Development and Exception Standards.

- ~~1. An ADU shall meet the design and development standards established in Table 10-40.60.030.A, Design and Development Standards, and Table 10-40.60.030.B, Building Form Standard Exceptions.~~
- ~~2. The maximum height of all accessory buildings and structures shall comply with Table 10-40.60.030.A, Design and Development Standards, unless the zone or overlay zone has a more restrictive height limit.~~
- 1. An ADU shall comply with Table 10-40.60.030.C. Design, Development and Exceptions Standards.

Size	An ADU, excluding any garage or carport area and other non-living areas such as workshops or greenhouses, shall be no less than 300 square feet in gross floor area and shall not exceed 600 square feet in gross floor area, except that on residential lots one acre or more in size, the area of an ADU may be increased to a maximum of 1,000 square feet. The area of ADUs that utilize alternative green construction methods that cause the exterior wall thickness to be greater than normal shall be measured based on the interior dimensions of the walls.
Building Height	Standards for the height of accessory structures and ADUs are established in Table 10-40.60.020.A, Accessory Structure Height and Location Standards.
Density	In single-family residential zones no more than one ADU per single-family residential lot may be established. In multifamily residential zones the density limit applicable to that zone shall apply.

Amenities	An ADU shall contain a kitchenette and bathroom (sink, toilet, shower), as well as living and sleeping spaces, which may be in the same room (i.e., a studio).
Attachment	An attached ADU shall share at least one wall or roof structure with the primary dwelling and shall have an access connection to a common area within the primary dwelling that is either continuously open or may be locked off with the use of a door. An attached ADU may have an additional external access. An ADU not meeting these requirements is a detached ADU.
Number of occupants	No more than two persons shall reside in an ADU.
Architectural Compatibility	<ul style="list-style-type: none"> • ADU shall be designed as a subordinate structure to the primary structure on the in terms of its mass, size and architectural character. • ADU shall maintain the architectural design, character, style and appearance of the primary structure as a single-family dwelling. • Exterior materials, windows, doors, roof pitch, and architectural details shall be consistent and compatible between the primary residence and the ADU. • Windows facing an adjoining residential property shall be designed to protect the privacy of neighbors; alternatively, fences, or walls shall be required to provide screening in compliance with Division 10-50.50, Fences and Screening.
Alley Orientation	When an ADU is adjacent to an alley, every effort shall be made to orient the ADU to the alley with the front access door and windows facing the alley. Parking provided off the alley shall maintain a 24-foot back-out area, inclusive of the alley.
Entrance	An entrance to an attached ADU or an ADU located within a primary residence shall be located on the side or rear of the primary residence, and shall not face a street.
Parking	Parking shall be in compliance with Division 10-50.80, Parking Standards, and the parking standards in Division 10-40.40, Transect Zones.

Table 10-40.60.030.A : Design and Development Standards	
Utility Service	An ADU shall be connected to the utilities (except telephone and television) of the primary dwelling unit and may not have separate services.
Building Form Standards	ADUs shall meet the same building form standards as a principal building in the zone. See Table 10-40.60.020.A, Accessory Structure Height and Location Standards.
Home Occupations	Home occupations shall be allowed subject to Section 10-40.60.180, Home Occupations, in either the ADU or the primary residence, but not both.

Table 10-40.60.030.B: Building Form Standard Exceptions ¹			
	Parcel/Lot Size (Min.)	Setback (Min.)	Lot Coverage
Detached	6,000 sf	In compliance with Table 10-40.60.020.A	Exempt from lot coverage requirements ¹
Attached	No minimum ¹	In compliance with the standards of the underlying zone	
End Notes			
¹ ADUs in the RR zone shall meet the requirements established in Section 10-40.30.030(C).			

Table 10-40.60.030.C.

Accessory Dwelling Units Design, Development and Exceptions Standards.

<p>(1) ADU Standards</p>	<p>(a) Attached ADU: An Attached ADU shall share a common wall or roof structure with the remainder of the primary dwelling unit, and comply with the fire separations of the building and fire codes.</p> <p>(b) Detached ADU: A Detached ADU shall be physically detached, from the primary dwelling unit, including a separate roof structure, and comply with the fire separations of the building and fire codes.</p> <p>(c) Interior ADU: An interior ADU is a delineated area within the primary dwelling unit, and is neither attached or detached.</p> <p>(Please refer to the definition of Attached, Detached, and Interior ADU in Division 10-80.20.)</p>
<p>(2) Alley Orientation (Detached ADU)</p>	<p>(a) When a detached ADU is adjacent to an alley, the ADU's primary entry/exit access door and windows shall face the alley, unless approved by the Planning Director.</p>
<p>(3) Amenities</p>	<p>(a) An ADU shall contain independent living, sleeping, eating, cooking, and sanitation facilities as part of the ADU, which may be in the same room (i.e., a studio/efficiency dwelling).</p>
<p>(4) Architectural Compatibility</p>	<p>(a) An Attached or Detached ADU shall be designed as a subordinate structure to the primary structure on the lot or parcel in terms of its mass and size; and, the ADU's architectural character (colors, details, doors, materials, roof pitch, and windows, etc.) shall be compatible with the primary dwelling unit.</p> <p>(b) An Interior ADU shall be designed as an integrated and subordinate part of the primary dwelling unit. The Interior ADU shall, at a minimum, have interior pedestrian access to the common areas such as a foyer, living room, laundry room, basement, etc., of the primary dwelling unit, and share the primary entrance and exit. Exterior modifications to accommodate an interior ADU, shall be developed with an architectural character (colors, details, doors, materials, roof pitch, and windows, etc.) with the existing structure.</p> <p>(c) Windows facing an adjoining residential property shall be designed to protect the privacy of neighbors; alternatively, fences, or walls shall be required to</p>

Table 10-40.60.030.C.

Accessory Dwelling Units Design, Development and Exceptions Standards.

	provide screening in compliance with Division 10-50.50, Fences and Screening.
(5) Building Form and Property Development Standards	<p>(a) Setbacks. An ADU shall comply with the setback requirements of the property’s zone, and as allowed in (d) and 14 of this table.</p> <p>(b) Building height. The maximum height of an attached and detached ADU, measured in accordance with 10-50.30.030: 24 feet</p> <p>(c) Lot Coverage. The lot coverage requirements of a property’s zone shall:</p> <ul style="list-style-type: none">(i) Not apply to attached and detached ADU; and,(ii) Apply to a dwelling unit containing an interior ADU. <p>(d) Encroachment into setbacks.</p> <ul style="list-style-type: none">(i) The encroachments specified in Section 10-50.40.020 are allowed.(ii) The development of a detached ADU on the second floor of a garage that was developed prior to February 16, 2016, and is in the required setback(s), shall be allowed, provided that no exterior additions or an increase in building height was developed to accommodate the ADU.
(6) Density	<p>(a) In single-family residential zones no more than one ADU per single-family residential lot or parcel is allowed.</p> <p>(b) In zones that allow multiple-family developments, the density requirements of the zone count an ADU as a dwelling unit.</p>
(7) Entrance (Attached and Interior ADU)	<p>(a) Attached ADU. The pedestrian entrance to an Attached ADU shall not face the same street as the pedestrian entrance of the primary dwelling unit, except:</p> <ul style="list-style-type: none">(i) In zones that allow duplexes that are not required to be part of a Planning Residential Development;(ii) If the façade of the ADU with the pedestrian entrance is setback at least 50 feet from the property line; or

Table 10-40.60.030.C.

Accessory Dwelling Units Design, Development and Exceptions Standards.

	<p>(iii) If the ADU's pedestrian entrance will not be visible from the same street that the pedestrian entrance of the primary dwelling unit is visible from.</p> <p>(b) Interior ADU. A pedestrian entrance to an Interior ADU shall be located on the interior side or rear side of the primary dwelling unit, and may be located on a street side façade of the primary dwelling unit, provided that the primary entrance to the primary dwelling does not face the same street side.</p>
(8) Home Occupations	<p>(a) Home occupations shall be allowed subject to Section 10-40.60.180, Home Occupations, in either the ADU or the primary residence, but not both.</p>
(9) Lot Size, (Detached ADU)	<p>(a) Minimum lot size: 6,000 square feet.</p>
(10) Movable Habitable Space	<p>(a) A mobile home, recreational vehicle, or other movable habitable space shall not be used as an ADU.</p> <p>(b) A manufactured or modular unit placed and secured on a permanent foundation in conformance with the Building Code may be used as an ADU in compliance with this section.</p>
(11) Number of occupants	<p>(a) Maximum number of persons allowed to reside in an ADU: two persons.</p>
(12) Required Occupancy	<p>(a) The property owner, which includes title holders and contract purchasers, shall occupy either the primary residence or the ADU as their principal residence. The residence or ADU that is not occupied by the property owner that is rented or leased shall be for a period of no less than 30 days.</p>
(13) Parking	<p>(a) Parking shall be in compliance with Division 10-50.80, Parking Standards, and the parking standards in Division 10-40.40, Transect Zones.</p> <p>(b) Parking provided with alley access shall maintain a 24-foot wide back-out area, inclusive of the alley.</p>
(14) Placement	<p>(a) An ADU shall be constructed or placed on the same lot or parcel as the primary dwelling unit.</p>

Table 10-40.60.030.C.

Accessory Dwelling Units Design, Development and Exceptions Standards.

	<p>(a) An ADU is allowed only on a lot or parcel containing a detached single-family dwelling unit.</p> <p>(b) An ADU is not allowed on a lot or parcel containing a duplex or triplex on properties zoned Rural Residential (RR), Estate Residential (ER), Single-Family Residential (R1), Single-Family Residential Neighborhood (R1N), Manufactured Housing (MH).</p> <p>(c) Additional placement regulations are contained in Section 10-40.60.030.D.</p>
<p>(15) Size, ADU</p>	<p>(a) Minimum Size: 300 square feet in gross floor area.</p> <p>(b) Maximum Size.</p> <p>(i) Lots less than one acre: 600 square feet in gross floor area.</p> <p>(ii) Lots equal to or greater than one acre: 1,000 square feet in gross floor area; but, an ADU shall not be larger than fifty percent of the gross floor area of the primary dwelling unit, or 600 square feet, whichever is greater.</p> <p>(c) Allowance for Green Construction. The maximum size of an ADU constructed with green construction methods that cause the exterior walls to be greater than eight-inches shall be:</p> <p>(i.) Minimum Size: 300 square feet in gross floor area, minus the area of the exterior walls.</p> <p>(ii) Maximum Size.</p> <p>(ii.a.) Lots less than one acre: 600 square feet in gross floor area, minus the area of the exterior walls.</p> <p>(ii.b.) Lots equal to or greater than one acre: 1,000 square feet in gross floor area; but, an ADU shall not be larger than fifty percent of the gross floor area of the primary dwelling unit, or 600 square feet, whichever is greater. The area of the ADU shall include the area of the exterior walls.</p>
<p>(16) Subdividing a lot with an ADU</p>	<p>(a) Attached and Interior ADU. A lot or parcel containing an ADU shall not be subdivided into two or more lots or parcels unless each lot or parcel complies with the Zoning</p>

Table 10-40.60.030.C. Accessory Dwelling Units Design, Development and Exceptions Standards.	
	<p>Code and Subdivision Ordinance. The ADU shall completely remain on one lot.</p> <p>(b) Detached ADU. The lot or parcel containing a Detached ADU shall not be subdivided into two or more lots or parcels unless each lot or parcel complies with the Zoning Code and Subdivision Ordinance.</p> <p>(i) When an existing detached ADU will remain on the new lot or parcel created by subdivision, the property owner is required to modify the primary dwelling unit and ADU of the subdivided lots to comply with the Flagstaff City Code, including providing separate utility services connected to each unit, and obtain a new Certification-of-Occupancy for the units (when required by the Building Official), prior to City Staff recording the subdivision of the property. The ADU that remains on the new lot or parcel shall be considered a primary dwelling unit, unless a new primary dwelling unit is constructed on the new lot or parcel.</p>
(17) Utility Service	(a) An ADU shall be connected to the utilities (except telephone and television) of the primary dwelling unit and may not have separate services.

Section 3. Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-40.60.030 Accessory Dwelling Units (ADUs)., subsection C. Building Placement., as follows:

10-40.60.030 Accessory Dwelling Units (ADUs)

C. D. Building Placement. In addition to the standards provided in Table ~~10-40.60.030.A~~ **10-40.60.030.C.**, ~~Design and Development Standards~~, ADUs proposed as part of the subdivision platting and approval process may be located on the rear or interior side property line under the following conditions **as** illustrated in Figures ~~10-40.60.030A~~ **10-40.60.030.D.1.** and ~~10-40.60.030B~~ **10-40.60.030.D.2.**, and:

1. The ADU is located above a garage; and
2. Four ADUs designed and constructed together are located at the common intersection of the rear and interior side of four lots; or

3. Two ADUs designed and constructed together and with direct access to an alley are located at the common intersection of the rear and interior side of two lots.

Figure 10-40.60.030A

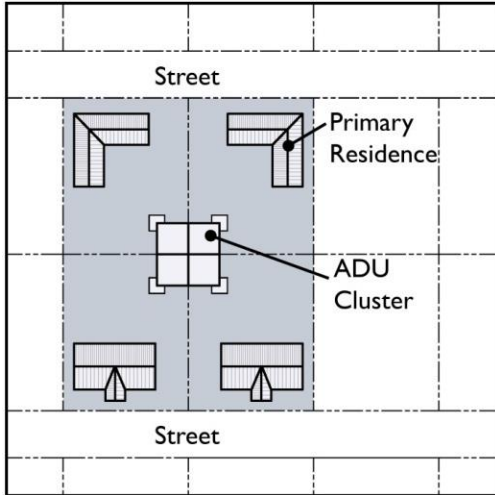


Figure 10-40.60.030.D.1.

Four ADUs located at the common intersection of the rear and interior side of four lots

Figure 10-40.60.030B

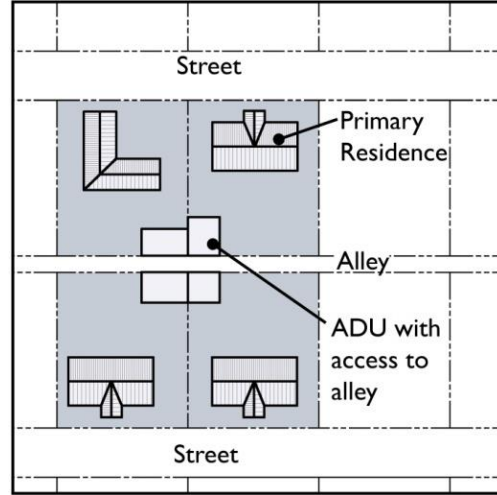


Figure 10-40.60.030.D.2.

Two ADUs with direct access to an alley

Section 4. Amend the subsection letter of Title 10 FLAGSTAFF ZONING CODE, Section 10-40.60.030 Accessory Dwelling Units (ADUs), subsection D. Restrictive Covenant., as follows:

10-40.60.030 Accessory Dwelling Units (ADUs)

~~D.~~ E. Restrictive Covenant.

Section 5. Amend the subsection letter of Title 10 FLAGSTAFF ZONING CODE, Section 10-40.60.030 Accessory Dwelling Units (ADUs), subsection E. Findings for Approval of ADUs., as follows:

10-40.60.030 Accessory Dwelling Units (ADUs)

~~E.~~ F. Findings for Approval of ADUs. An application for approval of an ADU shall be based on the following findings:

1. The exterior design of the ADU is compatible with the primary residence and does not dominate it or surrounding properties. This has been achieved through use of compatible and complimentary architectural building forms, construction

materials, colors, landscaping, and other methods that conform to acceptable construction practices.

2. The exterior design of the ADU is in suitable proportion with and maintains the scale of the neighborhood.
3. The ADU does not result in excessive noise, traffic or parking congestion.
4. The site plan provides open space and landscaping that is useful for both the ADU and the primary residence. Open space and landscaping provides for privacy and screening of adjacent properties.
5. The location and design of the ADU maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, air, solar access or parking of adjacent properties.
6. Major access stairs, decks, entry doors and major windows on one and one-half and two story structures face the primary residence to the maximum extent it is feasible, or the rear alley, if applicable. Windows that face neighboring side or rear setbacks are installed so the bottom of the window is a minimum of six feet above the floor.
7. Buildings, structures, and other features of the site plan, such as walkways and driveways, are oriented and located to maintain natural and historic resources to the maximum extent feasible and to minimize alteration of natural landforms.

Section 6.

Amend Title 10 FLAGSTAFF ZONING CODE, Section 10-80.20.010 Definitions, “A”, for the terms, “**Accessory Dwelling Unit (ADU), Attached**”, and “**Accessory Dwelling Unit (ADU), Detached**”, and add the term “Accessory Dwelling Unit (ADU), Interior”, as follows:

10-80.20.010 Definitions, “A”

Accessory Dwelling Unit (ADU), Attached: ~~A subordinate living unit added to or created within a primary dwelling that provides basic requirements for independent living, sleeping, eating, cooking, and sanitation. The ADU shares a common wall or roof structure with the primary dwelling and has an access connection to a common area within the primary dwelling.~~ Is a subordinate dwelling unit on a lot or parcel that is physically attached to the primary dwelling unit by a wall or roof. An Attached ADU does not include a duplex, two-family dwelling, townhouse or townhome, condominium unit, single room occupancy development or co-housing.

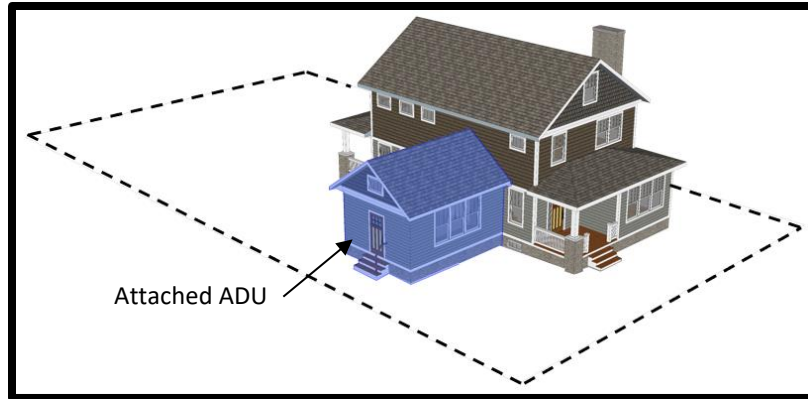


Figure 10-80.20.010. Accessory Dwelling Unit (ADU), Attached.

Accessory Dwelling Unit (ADU), Detached: ~~A subordinate living unit added to or detached from a primary dwelling that has a primary access that is completely detached from the primary dwelling and that provides basic requirements for independent living, sleeping, eating, cooking, and sanitation.~~ Is a subordinate dwelling unit on a lot or parcel that is physically detached from the primary dwelling unit.

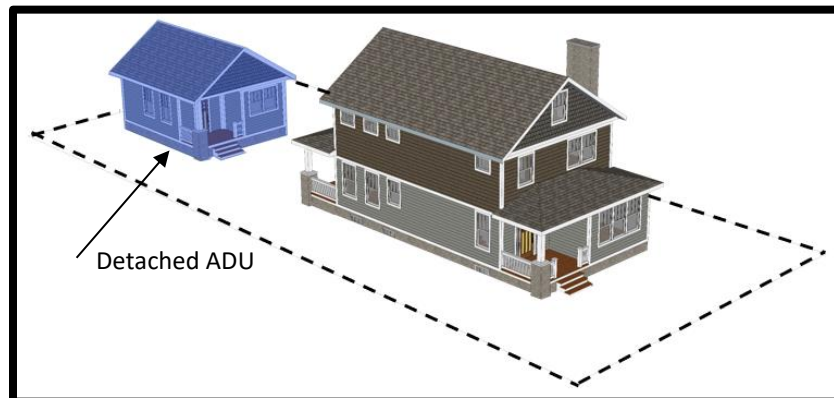


Figure 10-80.20.010. Accessory Dwelling Unit (ADU), Detached.

Accessory Dwelling Unit (ADU), Interior: Is a delineated living area located within a dwelling unit that has interior pedestrian access to the common area of the dwelling unit, such as a foyer, living room laundry room, basement, etc., shares a primary entrance and exit, contains permanent facilities for living, sleeping, eating, cooking and sanitation, and may have a separate secondary entrance/exit.

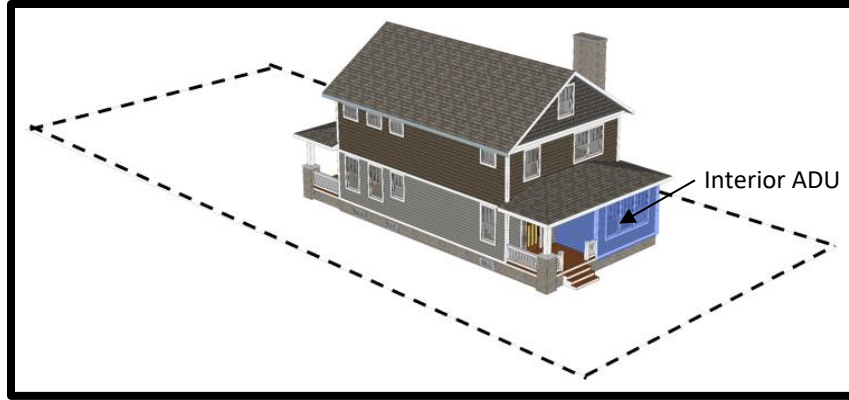


Figure 10-80.20.010. Accessory Dwelling Unit (ADU), Interior.