



**Community Development Department
Planning and Development Services**

Date: March 2, 2021
Meeting Date: March 9, 2021
To: The Honorable Mayor and Council
From: Dan Symer, AICP, Zoning Code Manager
RE: FAIR: Review barriers to homeowners building Accessory Dwelling Units (ADUs) on their properties.

To assist with your discussion on the above referenced FAIR item, Staff presents the following:

I. **Background:**

An Accessory Dwelling Unit (ADU) is a residential dwelling that may be used for independent living located on the same lot or parcel as a primary single-family home. Incorporated in November 2011 (Ordinance No. 2011-20 and Resolution No. 2011-35) when the Zoning Code was originally adopted, Accessory Dwelling Units are a method to provide additional housing within new and existing neighborhoods and as a way to provide a diversity of housing options. There are three types of Accessory Dwelling Units, which are attached, detached, or interior to the single-family home (Attachment 1). In addition, Accessory Dwelling Units are allowed in all zones that permit single-family dwelling units. Also, Accessory Dwelling Units do not count toward a property's single-family density allowance and are limited to one unit per single-family residential lot or parcel. It should be noted that Accessory Dwelling Units are included in the density allowance of a multiple-family development.

II. **Requirement Summary:**

For your reference, the Specific to Use provisions for an Accessory Dwelling Unit are included in Attachment 2. These provisions include:

- General applicability,
- Prohibiting the sale of an Accessory Dwelling Unit separately from the primary structure (Single-family Dwelling Unit),
- Accessory Dwelling Unit Design, Development and Exceptions Standards (e.g., unit size and design requirements, maximum building heights, minimum lot sizes, occupancy requirements by the property owner, placement, parking, utility service, etc.),
- Covenant restrictions, and
- Approval criteria.

Attachments:

1. Accessory Dwelling Unit Definitions
2. Accessory Dwelling Unit Specific to Uses Provisions

Division 10-80.20:

Definition of Specialized Terms, Phrases, and Building Functions

Accessory Dwelling Unit (ADU), Attached: 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.

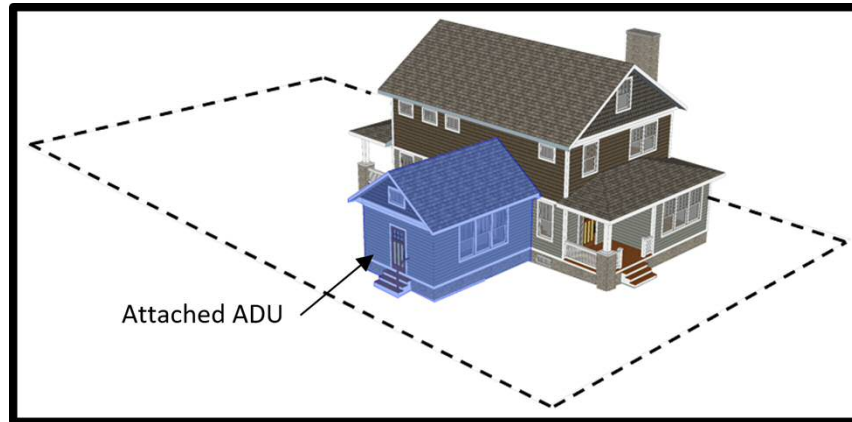


Figure 10-80.20.010. Accessory Dwelling Unit (ADU), Attached.

Accessory Dwelling Unit (ADU), Detached: A subordinate dwelling unit on a lot or parcel that is physically detached from the primary dwelling unit.

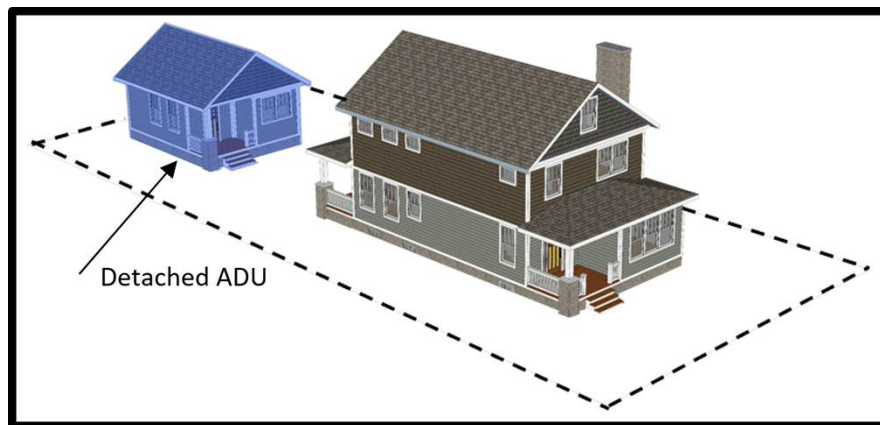


Figure 10-80.20.010. Accessory Dwelling Unit (ADU), Detached.

Accessory Dwelling Unit (ADU), Interior: 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.

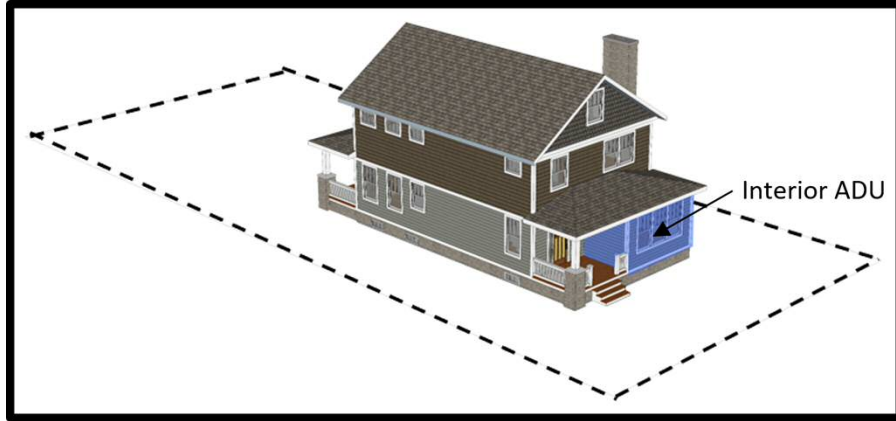


Figure 10-80.20.010. Accessory Dwelling Unit (ADU), Interior.

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 requirements of this section.

B. **Not to Be Sold.** An ADU shall not be sold separately from the primary structure.

C. **Design, Development and Exception Standards.**

1. An ADU shall comply with Table 10-40.60.030.C., Accessory Dwelling Unit Design, Development and Exceptions Standards.

Table 10-40.60.030.C. Accessory Dwelling Unit Design, Development and Exceptions Standards	
(1) ADU Standards	<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 style="text-align: center;">(Please refer to the definition of Attached, Detached, and Interior ADU in Division 10-80.20.)</p>
(2) Alley Orientation (Detached ADU)	(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.
(3) Amenities	(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).
(4) Architectural Compatibility	<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.) consistent 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 provide screening in compliance with Division 10-50.50, Fences and Screening.</p>
(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 Section 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	(a) In single-family residential zones no more than one ADU per single-family residential lot or parcel is allowed.

Table 10-40.60.030.C. Accessory Dwelling Unit Design, Development and Exceptions Standards	
	(b) In zones that allow multiple-family developments, the density requirements of the zone count an ADU as a dwelling unit.
(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 Planned Residential Development; (ii) If the facade of the ADU with the pedestrian entrance is set back at least 50 feet from the property line; or (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>(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 facade 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	(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.
(9) Lot Size (Detached ADU)	(a) Minimum lot size: 6,000 square feet.
(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	(a) Maximum number of persons allowed to reside in an ADU: two persons.
(12) Required Occupancy	(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.
(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> <p>(b) An ADU is allowed only on a lot or parcel containing a detached single-family dwelling unit.</p> <p>(c) 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>(d) Additional placement regulations are contained in Section 10-40.60.030.D.</p>
(15) Size, ADU	<p>(a) Minimum Size: 300 square feet in gross floor area.</p> <p>(b) Maximum Size.</p> <ul style="list-style-type: none"> (i) Lots less than one acre: 600 square feet in gross floor area. (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>(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> <ul style="list-style-type: none"> (i) Minimum Size: 300 square feet in gross floor area, minus the area of the exterior walls. (ii) Maximum Size. <ul style="list-style-type: none"> (ii.a.) Lots less than one acre: 600 square feet in gross floor area, minus the area of the exterior walls. (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

Table 10-40.60.030.C. Accessory Dwelling Unit Design, Development and Exceptions Standards	
	exterior walls.
(16) Subdividing a Lot with an ADU	(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 Code and Subdivision Ordinance. The ADU shall completely remain on one lot. (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. (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.
(17) Utility Service	(a) An ADU shall be connected to the utilities (except internet, telephone and television) of the primary dwelling unit and may not have separate services.

D. **Building Placement.** In addition to the standards provided in Table 10-40.60.030.C., 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 illustrated in Figures 10-40.60.030.D.1. and 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.

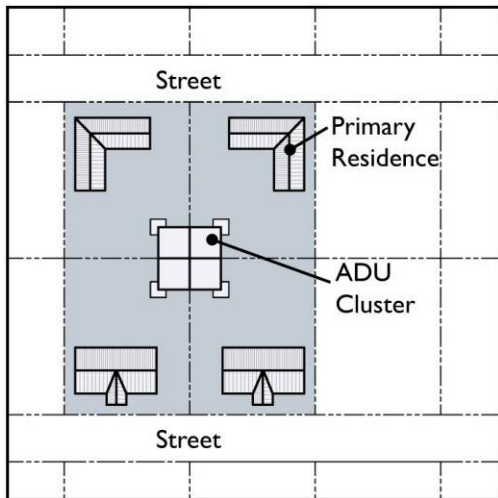


Figure 10-40.60.030.D.1.

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

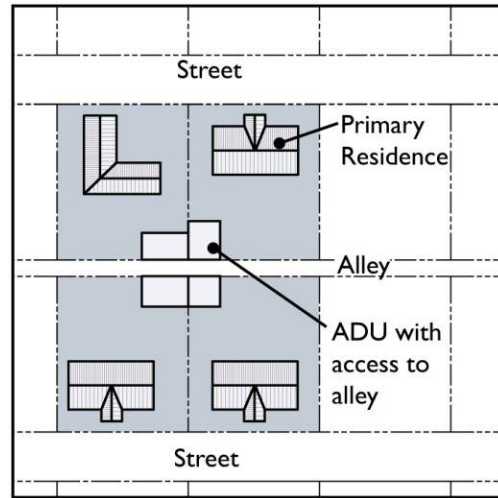


Figure 10-40.60.030.D.2.

Two ADUs with direct access to an alley

E. **Restrictive Covenant.**

1. The property owner shall sign before a notary public a restrictive covenant that runs with the land on a form prepared by the City affirming that the property owner shall:
 - a. Occupy either the primary residence or the ADU; or
 - b. If the property owner rents or leases a property with both a primary residence and an ADU to a third party, then neither the primary residence nor the ADU shall be sub-leased.
2. The restrictive covenant shall be submitted to the City prior to the issuance of a building permit for the ADU. The City shall record the restrictive covenant after the building permit has been issued.

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.

(Ord. 2019-31, Amended, 11/5/2019 (Res. 2019-48); Ord. 2017-10, Amended, 4/4/2017; Ord. 2016-07, Amended, 2/16/2016 (Res. 2016-02