

PLANNING AND DEVELOPMENT SERVICES REPORT

Zoning Code Text Amendment

PUBLIC HEARING

PZ-21-00066

DATE: May 12, 2021

MEETING DATE: May 26, 2021

REPORT BY: Dan Symer, AICP

REQUEST:

City's request for a Zoning Code Text Amendment to modify the the existing Accessory Dwelling Unit (ADU) and accessory structure requirements.

STAFF RECOMMENDATION:

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

I. Proposed Amendment:

The proposed amendment (Attachment 2) includes multiple changes to the Zoning Code. The objective of the proposed amendment is to add additional flexibility to the existing Accessory Dwelling Units (ADU) requirements to encourage the development of ADUs. To allow for the additional flexibility, new provisions are being added, and several existing regulations are being modified. The most significant of the modifications include:

- Allowing Detached Accessory Dwelling Units to be located in the required setbacks of a property zone;
- Allowing detached garages constructed prior to February 16, 2016, that are within the required Detached Accessory Dwelling Unit setbacks to be converted to an Accessory Dwelling Unit;
- Establishing a maximum building height (16 feet) of a Detached Accessory Dwelling Unit that encroaches into the required setbacks of a property's zone;
- Modifying the allowed building height of an Attached and Interior Accessory Dwelling Unit to be the same as the maximum building height permitted by the property's zone; and
- Allowing the Single-family Dwelling Unit and the Accessory Dwelling Unit to both be rented or leased if the property owner enters into a restrictive covenant affirming that the property owner will not rent or lease either of the dwelling units for a period of less than 30 days.

Summary of the Staff Revisions to the Zoning Code:

The proposed amendment includes:

1. Accessory Structures (Section 10-40.60.020):

- Table 10-40.60.020.B.7.d.: Allowed Accessory Structure Encroachments into Setbacks has been deleted, and the related provisions have been incorporated into Table 10-50.40.020.A.: Allowed Encroachments into Setbacks and Heights.
- The reference to Table 10-40.60.020.B.7.d. for encroachments into the required setbacks has been modified to refer to Table 10-50.40.020.A.

2. Accessory Dwelling Units (ADUs) (Section 10-40.60.030):

- Table 10-40.60.030.C.: Accessory Dwelling Unit Design, Development and Exceptions Standards has been modified as follows:
 - Minimum setbacks have been established that would allow a Detached Accessory Dwelling Unit to encroach into the required setbacks of a property's zone;
 - The required setbacks of a property's zone have been maintained and clarified for Attached and Interior Accessory Dwelling Units;
 - The allowed building height (currently 24 feet) of an Attached and Interior Accessory Dwelling Unit has been modified to be the same as the maximum building height permitted by the property's zone;
 - Encroachments (awnings, bay windows, canopies, fireplaces and chimneys, open eaves, window sills, etc.) allowed in combination with Attached, Detached, and Interior Accessory Dwelling Units have been modified; and
 - The existing provisions pertaining to a detached garage constructed prior to February 16, 2016, have been modified to allow the garage to be converted to a Detached Accessory Dwelling Unit.
- Subsection E. of Section 10-40.60.030. Restrictive Covenant has been modified to allow the property owner to participate in the Rental Dwelling Unit Incentive of subsection G which would allow both the Single-family Dwelling Unit and the Accessory Dwelling Unit to be rented or leased.
- Subsection G. of Section 10-40.60.030. Rental Dwelling Unit Incentive has been added. This subsection has been added to incentivize and allow both the Single-family Dwelling Unit and the Accessory Dwelling Unit to be rented or leased if the property owner enters into a restrictive covenant affirming that the property owner will not rent or lease either of the dwelling units for a period of less than 30 days.

3. **Encroachments into Minimum Required Setbacks (Section 10-50.40.020):**

- Table 10-50.40.020.A.: Allowed Encroachments into Setbacks and Heights has been modified to incorporate the provisions of Table 10-40.60.020.B.7.d. for accessory structures. In addition, a cross-reference to the walls and fence encroachments has been included in Table 10-50.40.020.A.

II. **Zoning Code Text Amendment**

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

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

A. **Finding #1:**

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

The proposed amendment (Attachment 2) includes multiple changes to the Zoning Code. The objective of the proposed amendment is to add additional flexibility to the existing Accessory Dwelling Units (ADU) requirements to encourage the development of ADUs. The proposed provisions address multiple goals and policies of the Regional Plan. These include:

- Providing additional flexibility in the Zoning Code to allow property owners to construct Accessory Dwelling Units (Regional Plan Goal LU.1.6.);
- Allowing Detached Accessory Dwelling Units to be constructed in the rear and interior side yard at the same height

and location that is currently allowed for other accessory structures (e.g., garages, sheds, etc.) will assist in maintaining the traditional and compact patterns of development that are prevalent in existing neighborhoods while contributing to Flagstaff's unique sense of place. Also, allowing Interior and Attached Accessory Dwelling Units to be the same height as the primary Single-family Dwelling Unit contribute to the traditional patterns of development that are prevalent in existing neighborhoods and Flagstaff's unique sense of place. (Regional Plan Goal LU.3., and Policies CC.3.1., CC.3.2., and LU.5.3 and Southside Community Plan S.2.4.; La Plaza Vieja Neighborhood Specific Plan Goal #6N); and,

- Encouraging the development of Accessory Dwelling Units on detached single-family lots by providing additional flexibility in the locations and heights of the structures, and also allowing property owners to rent both the Single-family Dwelling Unit and the Accessory Dwelling Units (Regional Plan Goal LU.13. NH.3.2., Policies NH3.1, NH3.5. and Southside Community Plan Policies S.2.4., SLW 1.1. and SNC 1.1.; La Plaza Vieja Neighborhood Specific Plan Goal #6N).

B. Finding #2

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

The provisions of the amendment are not anticipated to be detrimental to the public interest, health, safety, convenience, or welfare of the city. The proposed modifications are intended to allow Detached Accessory Dwelling Units in the rear and side yards which is consistent with other accessory structures (e.g., a garage, storage shed, etc.). In addition, the proposed maximum allowed height (16 feet) of a Detached Accessory Dwelling Unit is the same height as other accessory structures that are allowed in setbacks of a property's zone. Also, the Attached and Interior Detached Accessory Dwelling Unit connected to a primary Single-family Dwelling Unit are proposed to have a building height that is equal to the height allowed by the property's zone. Typically, the modification to a Single-family Dwelling Unit to incorporate an Attached and Interior Detached Accessory Dwelling Unit are indistinguishable from modifications to enlarge a Single-family Dwelling Unit without the accessory dwelling units.

C. Finding #3

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

The amendment is internally consistent, utilizes the existing format, and does not conflict with other Zoning Code provisions. It maintains the Zoning Code's purpose as a comprehensive contemporary set of land uses and requirements that are straightforward, usable, and easily understood.

III. CITIZEN PARTICIPATION

Persons of interest on file with the Planning and Development Services section of the Community Development Division were notified of the Planning and Zoning Commission and City Council work sessions and public hearing via first-class mail. Moreover, notification of the work sessions and public hearings were published on the City's Facebook and Flagstaff Community Forum web pages and in the Arizona Daily Sun. Staff has received one public comments on the proposed Zoning Code Text Amendment, which is included as Attachment 3.

IV. PLANNING AND ZONING COMMISSION WORK SESSION

At the Planning and Zoning Commission Work Session of May 12, 2021, staff reviewed the proposed Zoning Code Text Amendment with the Commission. The Commission had a general question regard the amendment to clarify their understanding of the proposed regulations.

V. CITY COUNCIL WORK SESSION

At the City Council Work Session of May 11, 2021, staff reviewed the proposed Zoning Code Text Amendment with the City Council. Members of the City Council had a general question regarding the amendment to clarify their understanding of the proposed regulations. In addition, the City Council provided direction to allow property owners the ability to rent both the Single-family Dwelling Unit and the Accessory Dwelling Units provided that the owner enters into a restrictive

covenant affirming that the property owner will not rent or lease either of the dwelling units for a period of less than 30 days.

Attachments:

1. Application Narrative and Regional Plan Analysis
2. Draft of Case No. PZ-21-00066 Updates to Zoning Code 2021 – Accessory Dwelling Unit and Accessory Structure Encroachments Requirements
3. Public Comment(s)