

RESOLUTION NO. 2022-05

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "PZ-21-00282 UPDATES TO ZONING CODE – RESIDENTIAL SUSTAINABLE BUILDING INCENTIVES"

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, provided that the adopting ordinance is published in full;

WHEREAS, the City of Flagstaff wishes to incorporate by reference amendments to the Flagstaff Zoning Code, Ordinance No. 2022-04, by first declaring said amendments to be a public record.

ENACTMENTS:

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

SECTION 1. In General.

That certain document known as "*PZ-21-00282 Updates to Zoning Code – Residential Sustainable Building Incentives*" attached hereto as Exhibit A is hereby declared to be a public record, and one (1) paper copy and one (1) electronic copy shall remain on file with the City Clerk in compliance with A.R.S. § 44-7041, and said copies shall remain on file with the City Clerk.

SECTION 2. Effective Date.

This resolution shall be effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 1st day of March, 2022.




MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY For

Exhibits:

- A. PZ-21-00282 Updates to Zoning Code – Residential Sustainable Building Incentives

Case No. PZ-21-00282 Updates to Zoning Code – Residential Sustainable Building Incentives

Amendment for Adoption in 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.**

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, Division 10-30.70: Residential Sustainable Building Standards, Section 10-30.70.010 Purpose, as follows:

Division 10-30.70:
Residential Sustainable Building ~~Standards~~ Incentives

10-30.70.010 Purpose

- A. This division implements the City’s desire to foster the production of energy and resource efficient residential buildings ~~and the expansion and installation of renewable energy technologies.~~ The City recognizes that ~~energy~~ resources are scarce and valuable, and that one of the ways to develop a truly sustainable community is to encourage the development of sustainable buildings. ~~The standards in this division are interim requirements until such time as the City’s Building Code or Energy Conservation Code are amended with standards that meet or outperform the requirement for HERS 50 energy efficiency as provided in Section 10-30.70.040(D).~~

Section 2. Amend Title 10 Flagstaff Zoning Code, Division 10-30.70: Residential Sustainable Building Standards, Section 10-30.70.030 Density Bonus, subsection B Market Rate Residential Units and Table 10-30.70.030.A: Percentage of Housing Units Meeting HERS 50 and Corresponding Density Bonus, as follows:

10-30.70.030 Density Bonus

- B. Market Rate Residential Units. ~~For market rate residential units the density bonus established in Table 10-30.70.030.A shall apply;~~ **When a development complies with Section 10-30.70.040., a**

density increase of 25% above the maximum density permitted in the designated zone shall be allowed. The additional units and bedrooms shall not be included in the calculations for determining if a development is considered a High Occupancy Housing Development.

~~Table 10-30.70.030.A: Percentage of Housing Units Meeting HERS 50 and Corresponding Density Bonus~~

Market Rate Housing Units	
% of Units Meeting HERS 50 Standard	% of Density Bonus
25%	10%
50%	15%
75%	20%
100%	25%

Section 3. Amend Title 10 Flagstaff Zoning Code, Division 10-20.40: Permits and Approvals, Section 10-30.70.040 Minimum Standards, as follows:

10-30.70.040 Minimum Standards

~~In order to~~ To qualify for density bonuses established in Section 10-30.70.030, Density Bonus, the following minimum prerequisites (subsections (A) through (D) of this section) shall be satisfied development must meet requirements in each of the four following areas:

- A. Water Resource Protection. ~~Each new~~ The development shall ~~apply~~ **comply with** at least one of the following:
 1. The landscape design for the development shall not include an oasis zone (hydrozone 1) as otherwise permitted in Section 10-50.60.050 (C), Oasis Allowance, and Section 10-50.60.060, Hydrozones; or
 2. ~~Multifamily residential developments of~~ **Developments with** 20 or more **dwelling** units shall be connected to the City’s reclaimed water system for use in irrigation; or
 3. ~~Housing units~~ **All buildings within a residential development** shall be dual plumbed so that rainwater captured in an active rainwater harvesting system can be used in addition to potable water subject to applicable State, County and City standards; or
 4. ~~Housing units~~ **All buildings within a residential development** shall be dual plumbed for the use of greywater in toilets subject to applicable State, County and City standards.
- B. Transportation and Air Quality. ~~Each new development shall apply at least one of the following:~~ **The development shall comply with subsection B.1. or B.2. of this section.**

- ~~1.—The development site is located within at least one-quarter mile of a bus stop; or~~
- ~~2.—The development is located within at least one-quarter mile of a FUTS trail or connected to it; or~~
- ~~3.—Residential electrical systems are designed for electric vehicle charging.~~

1. Electric vehicle charging.

- a. Developments with five or more dwelling units. Electric Vehicle Charging Supply Equipment (EVSE) shall be provided in accordance with Table 10-30.70.040.B.1.

Table 10-30.70.040.B.1. Parking spaces with EVSE for Residential Developments with more than 20 units	
Parking Spaces Provided	Spaces with Electric Vehicle Supply Equipment Required
1 – 50 Spaces	2 Space
51 – 100 Spaces	4 Spaces
101 and Above Spaces	6 Spaces

- b. Developments with less than five dwelling units. All dwelling units shall have one vehicle parking space with an electrified 240-volt outlet socket.

2. The Development Site shall be located within 1,320 feet of a permanent transit stop. The distance between a permanent transit stop and Development Site shall be measured following a continuously improved sidewalk and/or public trail unless otherwise approved by the Director and Sustainability Director.

- C. **Waste Reduction and Management.** ~~During Construction. Each new~~ The property owner of the development shall ~~have a written solid waste program that includes at least two of the following three elements;~~ obtain approval from the Sustainability Director, or designee, of both a Materials Management Plan, and a Construction and Demolition Waste Management Plan, both demonstrating a significant reduction in landfill waste. The plans shall be provided in accordance with the requirements on file with the City’s Sustainability program.

- ~~1.—A plan for the recycling or reuse of all paper, cardboard, plastics, and metals;~~
- ~~2.—A plan for the recycling or reuse of all lumber scraps so that they are diverted from the landfill; and~~
- ~~3.—A plan for the diversion of all masonry, gypsum and cementitious materials so that they are diverted from the landfill.~~

- D. Energy Efficiency. The development shall comply with the requirements in one of the following categories and any required certification or verification of compliance shall be provided by an approved third-party verified/certified professional and approved by the Sustainability Director, or designee:

- ~~1. In order to qualify for the density incentive established in Table 10-30.20.050.A, Percentage of Affordable Housing Units and Corresponding Density Bonus, an efficiency standard that is 50 percent of the HERS Reference Home rating established in the 2003 International Energy Conservation Code as measured on the HERS (Home Energy Rating System) index shall be met. Solar collectors, including solar thermal and photovoltaic systems, may be installed to ensure that the residence qualifies.~~
- ~~2. An applicant applying the HERS rating system to receive the density bonuses allowed under Section 10-30.70.030, Density Bonus, shall obtain independent third-party verification that the minimum HERS rating has been achieved before the density bonus is applied, to the satisfaction of the Director and the Building Official.~~

1. All-electric, Zero Energy Building.

- a. All residential buildings, and residential areas of a Mixed Use Development, including residential leasing and operation areas, of the development shall be constructed in compliance with and verified as a Zero Energy Building as defined by U.S. Department of Energy; and
- b. Natural gas plumbing shall not be provided within the development.

2. All-electric, Energy-Efficient Building.

- a. All residential buildings, and residential areas of a Mixed-Use Development, including residential leasing and operation areas, of the development shall:
 - i. Achieve bronze-level certification within the National Green Building Standard (ICC-700), as amended, for all residential buildings of the development; and
 - ii. Be constructed to achieve a building energy efficiency that is equal to or greater than a 15% improvement over the City of Flagstaff's current energy code as specified in the Building Code. The U.S. Department of Energy's REScheck software, or another method approved by the Building Official shall be used to demonstrate compliance energy efficiency requirements; and
- b. Natural gas plumbing shall not be provided within the development, unless approved by the Sustainability Director, or designee. Acceptable exceptions for the use of natural gas include:
 - i. Fireplaces and outdoor grills provided in common and shared use areas and cooking appliances within non-residential uses of a Mixed Use Development; and
 - ii. Other uses that do not significantly increase the annual carbon emissions of the development, as approved by the Sustainability Director, or designee.

3. All-Electric Building with Verified Performance in Energy, Water, and Air Quality.

- a. All residential buildings and residential areas of a Mixed-Use Development, including residential leasing and operation areas, of the development shall achieve the U.S. Environmental Protection Agency's:

- i. Energy Star Multifamily New Construction Certification, or Energy Star for Homes New Construction Certification; and
 - ii. Indoor airPLUS label; and
- b. All residential buildings will meet the requirements of the WaterSense for Homes 2.0 Mandatory Checklist, available on file with the City’s Sustainability Program.
 - c. Natural gas plumbing shall not be provided within the development.

Section 4. Amend Title 10 Flagstaff Zoning Code, Division 10-20.40: Permits and Approvals, Section 10-30.70.050 Development Agreement, as follows:

10-30.70.050 ~~Development~~ Residential Sustainable Building Incentive Agreement

~~All applicants seeking to implement the residential sustainable building and affordable housing density bonuses allowed in Table 10-30.20.050.A, Percentage of Affordable Housing Units and Corresponding Density Bonus, shall enter into a development agreement with the City of Flagstaff. Refer to Section 10-20.40.060, Development Agreements.~~

- A. The property owner shall enter into a Residential Sustainable Building Incentive Agreement, or other agreement approved by the City, to allow an increase in residential density in accordance with the provisions of this Division. The agreement shall be in a form satisfactory to the City Attorney, or designee, and recorded against the property.

Section 5. Amend Title 10 Flagstaff Zoning Code, Division 10-80.20 Definition of Specialized Terms, Phrases, and Building Functions, Section 10-80.20.050 Definitions “E”, to add Electric Vehicle Supply Equipment (EVSE) in alphabetical order, as follows:

Section 10-80.20.050 Definitions “E”

Electric Vehicle Supply Equipment (EVSE). The conductors, including the ungrounded, grounded, and equipment grounding conductors, and the Electric Vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the Electric Vehicle.