

**Case No. PZ-24-00134 –Accessory Dwelling Units**

Provisions that are being deleted are shown in bold ~~strikethrough~~ text.

Provisions that are being added are shown in bold red text.

**Section 1. Amend Title 10 Flagstaff Zoning Code, Chapter 10-40: Specific to Zones, Division 10-40.60: Specific to Uses, Section 10-40.60.030: Accessory Dwelling Units, as follows:**

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 A.~~, Accessory Dwelling Unit Design, Development and Exceptions Standards.

Table 10-40.60.030. <del>C A.</del> Accessory Dwelling Unit Design, Development and Exceptions Standards	
(1) ADU <b>Types Standards</b>	<p>(a) Attached ADU: <del>An Attached ADU shall</del> shares a common wall or roof structure with <del>the remainder of</del> the primary dwelling unit, and <b>is required to</b> comply with the fire separations of the building and fire codes.</p> <p>(b) Detached ADU: <del>A Detached ADU shall be</del> <b>is</b> physically detached from the primary dwelling unit, including a separate roof structure, and <b>is required to</b> comply with the fire separations of the building and fire codes.</p> <p>(c) Interior ADU: <del>An Interior ADU</del> is a delineated area within the primary dwelling unit, and is neither attached <del>nor</del> detached.</p> <p><del>(Please refer to the definition of Attached, Detached, and Interior ADU in Division 10-80.20.)</del></p>

<p>(2) Alley Orientation (Detached ADU)</p>	<p>(a) <del>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.</del></p>
<p>(32) Amenities</p>	<p>(a) An ADU shall contain independent living, sleeping, <del>eating, cooking,</del> and sanitation facilities, <b>and may include a kitchen.</b> <del>as part of the ADU, which may be in the same room (i.e., a studio/efficiency dwelling).</del></p>
<p>(4) Architectural Compatibility</p>	<p>(a) <del>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.</del></p> <p>(b) <del>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.</del></p> <p>(c) <del>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.</del></p>
<p>(53) Building Form and Property Development Standards</p>	<p>(a) Setbacks.</p> <p>(i) An <del>Detached</del> ADU structure may be located in the rear and interior side setbacks; provided, that the following are maintained:</p> <p>(i.a) <del>Minimum rear setback abutting a public alley right-of-way or private alley tract: 0 feet.</del></p> <p>(i.ab) Minimum rear setback abutting another lot or parcel: 5 feet.</p>

(i. ~~b~~e) Minimum interior side setback: 5 feet.

(ii) **Additional placement regulations are contained in Section 10-40.60.030.D. An Attached or Interior ADU shall comply with the required setbacks of a lot's or parcel's zone.**

(iii) **Alternative setbacks and placements are allowed in accordance with Section 10-40.60.030.D.**

(b) (i) **Detached ADU Allowed Encroachments into Setbacks.**

(i. ~~a~~ i) **Only T**he encroachments in subsection (7) of Table 10-50.40.020.A. are allowed in the **5 foot rear and interior side setbacks identified above. of subsections (5)(a)(i)(i.b) and (5)(a)(i)(i.c) of this Table. No other encroachment indicated in Table 10-50.40.020.A. is allowed in the setbacks of subsection (5)(a)(i) of this Table.**

(i. ~~b~~) ~~The encroachments of Table 10-50.40.020.A. are allowed into the setbacks of the lot's or parcel's zone.~~

(ii) ~~Attached and Interior Encroachments. The encroachment of Table 10-50.40.020.A. are allowed.~~

(iii) A detached accessory structure constructed prior to February 16, 2016, that is located in the **5 foot** minimum setback(s) **identified above of subsection (53)(a)(i) of this Table or in the street side setback** may be converted to an ADU or have an ADU as a second floor; provided, that there is no exterior addition or increase in building height within the minimum setback(s).

(c) Building Height.

(i) ~~Attached and Interior ADU.~~ Maximum height allowed by the **zoning district in which the lot or parcel is located. lot's or parcel's zone.**

(ii) ~~Detached ADU within the required setbacks of a lot's or parcel's zone: 24 feet.~~

(iii) ~~Any portion of a Detached ADU that encroaches into the required setbacks of the property's zone: 16 feet.~~

	<p>(d) Lot Coverage. The lot coverage requirements of a property's zone shall:</p> <ul style="list-style-type: none"> <li>(i) Not apply to Attached and Detached ADU; and</li> <li>(ii) Apply to a dwelling unit containing an Interior ADU.</li> </ul>
<p>(64) Density</p>	<p>(a) <del>In single-family residential zones n</del> <b>No more than one detached and one attached or interior ADU is permitted per lot or parcel developed with one sSingle-fFamily Dwelling. residential lot or parcel is allowed. One additional detached ADU may be permitted on a lot or parcel that is at least one acre in size if at least one ADU on the lot or parcel is a Category 1 Permanently Affordable unit as specified in Section 10-30.20.030.</b></p> <p>(b) <del>In zones that allow ADUs are not permitted on the same lot or parcel as a duplex or multiple-family developments., the density requirements of the zone count an ADU as a dwelling unit.</del></p>
<p>(7) Entrance (Attached and Interior ADU)</p>	<p>(a) <del>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:</del></p> <ul style="list-style-type: none"> <li>- (i) <del>In zones that allow duplexes that are not required to be part of a Planned Residential Development;</del></li> <li>- (ii) <del>If the facade of the ADU with the pedestrian entrance is set back at least 50 feet from the property line; or</del></li> <li>- (iii) <del>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.</del></li> </ul> <p>(b) <del>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.</del></p>

<p>(85) Home Occupations</p>	<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>
<p>(9) Lot Size (Detached ADU)</p>	<p>(a) <del>Minimum lot size: 6,000 square feet.</del></p>
<p>(106) Movable Habitable Space</p>	<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 <b>and in zoning districts that permit these units.</b></p>
<p>(117) Number of Occupants</p>	<p>(a) Maximum number of persons allowed to reside in an ADU: two persons.</p>
<p>(128) Required Occupancy</p>	<p>(a) <b>The Single-Family Dwelling or any ADU located on the same lot or parcel may be separately leased as long-term rental housing. Long term housing means rental use in which the tenant holds a lease of ninety days or longer or on a month-by-month basis. The property owner, which includes title holders and contract purchasers, shall occupy either the primary dwelling unit or the ADU as their principal residence, unless the primary dwelling unit and ADU are allowed to be separately leased or rented in accordance with subsection G of this section.</b></p> <p>(b) <b>When a property contains an ADU, the owner of the property must reside on the property if any ADU is used as either a vacation or short-term rental. The primary dwelling unit or the 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.</b></p>
<p>(13) Parking</p>	<p>(a) <del>Parking shall be in compliance with Division 10-50.80, Parking Standards, and the parking standards in Division 10-40.40, Transect Zones.</del></p>

	<p><del>(b) Parking provided with alley access shall maintain a 24-foot wide back-out area, inclusive of the alley.</del></p>
<p><del>(14)</del> Placement</p>	<p><del>(a) An ADU shall be constructed or placed on the same lot or parcel as the primary dwelling unit.</del></p> <p><del>(b) An ADU is allowed only on a lot or parcel containing a detached single-family dwelling unit.</del></p> <p><del>(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).</del></p> <p><del>(d) Additional placement regulations are contained in Section 10-40.60.030.D.</del></p>
<p>(159) Size, ADU</p>	<p>(a) <b>An ADU shall not exceed 75 percent of the gross floor area of the Single-Family Dwelling on the same lot or parcel or 1,000 square feet, whichever is less. Gross floor area means the interior habitable area. An ADU may have a gross floor area of up to 800 square feet regardless of the size of the Single-Family Dwelling so long as all other requirements of this section are met.</b></p> <p><b>Maximum Size.</b></p> <p>(i) <b>Lots less than one acre: 800 square feet in gross floor area.</b></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 800 square feet, whichever is greater.</b></p> <p>(b) <b>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:</b></p> <p>(i) <b>Maximum Size.</b></p> <p>(i.a.) <b>Lots less than one acre: 800 square feet in gross floor area, minus the area of the exterior walls.</b></p>

	<p><del>(i.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 50 percent of the gross floor area of the primary dwelling unit, or 800 square feet, whichever is greater. The area of the ADU shall include the area of the exterior walls.</del></p>
<p><b>(1610)</b> Subdividing <b>or Land Split</b> of a Lot with an ADU</p>	<p>(a) <del>Attached and Interior ADU.</del> A lot or parcel containing an ADU shall not be subdivided <b>or split</b> 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.</p> <p><del>(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.</del></p> <p>(i) When an existing Detached ADU will remain on the new lot or parcel created by subdivision <b>or land split</b>, the property owner is required to modify the primary dwelling unit and ADU of the subdivided <b>or split</b> 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 <b>or land split</b> 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>
<p><b>(1711)</b> Utility Service</p>	<p>(a) An <b>attached or interior</b> ADU shall be connected to <b>the same</b> utilities (except internet, telephone, and television), <b>as the primary Single-family dwelling.</b> <del>either to the primary dwelling unit, or separate utility services.</del> <b>Detached ADUs shall have a separate water meter.</b></p>

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.

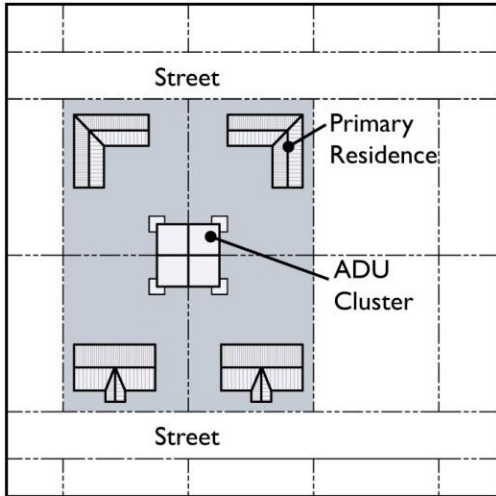


Figure 10-40.60.030.D.1.

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

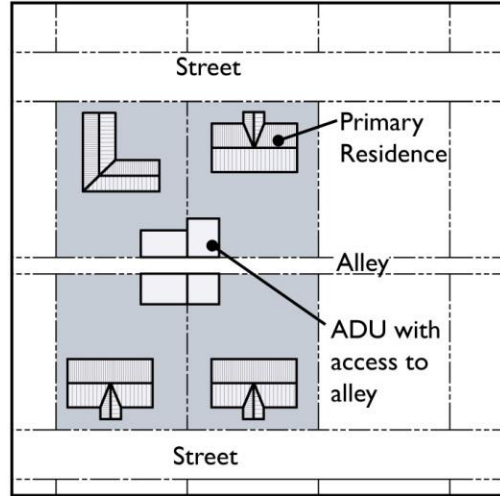


Figure 10-40.60.030.D.2.

Two ADUs with direct access to an alley

**E. Restrictive Covenant.**

**1. The following shall be required, unless the property owner participates in the rental dwelling unit incentive of subsection G of this section:**

**a. The property owner shall sign before a notary public a restrictive covenant that runs with the land on a form prepared by the City Attorney or designee affirming that the property owner shall:**

**i. Occupy either the primary residence or the ADU; or**

~~ii.— 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.~~

~~b.— 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 private space and landscaping that is useful for both the ADU and the primary residence. Private 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.~~

**G. ~~Rental Dwelling Unit Incentive.~~**

~~1. As an incentive to property owners to construct ADUs and to increase the number of long-term rental dwelling units that are available in the Flagstaff area, the primary residential dwelling unit and the ADU may be rented or leased separately if the property owner agrees to and signs before a notary public a restrictive covenant on a form prepared by the City Attorney or designee affirming that the property owner will not rent or lease either of the dwelling units for a period of less than 30 days. The restrictive covenant shall be submitted to the City prior to the issuance of a building permit for the ADU, or before the property owner rents or leases the primary residential dwelling unit and the ADU, whichever is earlier. The restrictive covenant shall run with the land.~~

**Section 2. Amend Title 10 Flagstaff Zoning Code, Chapter 10-40: Specific to Zones, Division 10-40.50: Overlay Zones, Section 10-40.50.030(C): Building Form Standards, as follows:**

C. Building Form Standards.

Building Form Standards	AO	DO	LO	RPO <sup>1</sup>	TO
<b>Building Placement Requirements</b>					
Setback					
Front	_____Refer to underlying zoning_____				
Side	_____Refer to underlying zoning_____				
Side Exterior	_____Refer to underlying zoning_____				
Rear	_____Refer to underlying zoning_____				
<b>Building Form Requirements</b>					
Building Height					
Primary Structure	_____Refer to underlying zoning_____				25 <sup>1, 2, 3</sup>
<b>Accessory Dwelling Units</b>	<b>-----Refer to underlying zoning-----</b>				<b>25<sup>1, 2, 3</sup></b>
All Other Structures	_____Refer to underlying zoning_____				16 <sup>1, 2, 3</sup>
Coverage	_____Refer to underlying zoning_____				
<b>Density and Lot Size Requirements</b>					
Gross Density (units/acre)	_____Refer to underlying zoning_____				
Net Density (units/acre)	_____Refer to underlying zoning_____				
Gross FAR	_____Refer to underlying zoning_____				
Site Area (sf)	_____Refer to underlying zoning_____				
Lot Size (sf/unit)	_____Refer to underlying zoning_____				
<b>Lot Requirements</b>					
Lot Width	_____Refer to underlying zoning_____				

Building Form Standards	AO	DO	LO	RPO <sup>1</sup>	TO
Lot Depth	—————Refer to underlying zoning—————				
Other Requirements					
Fences and Screening	See Division <a href="#">10-50.50</a>				
Landscaping	See Division <a href="#">10-50.60</a>				
Lighting	See Division <a href="#">10-50.70</a>				
Parking	See Division <a href="#">10-50.80</a>				
Signs	See Division <a href="#">10-50.100</a>				
End Notes					
1. No point on the structure shall exceed height limit measured from existing or natural grade, excluding chimneys, towers, and similar non-habitable architectural projections.					
2. All structures designed with roof pitches greater than 9:12 (rise:run) may exceed the height limit by one foot.					
3. All structures designed with raised wood floors and non-slab foundations may exceed the height limit by two feet.					

**Section 3. Amend Title 10 Flagstaff Zoning Code, Chapter 10-50: Supplemental to Zones, Division 10-50.110: Specific to Building Types, Section 10-50.110.040: Carriage House, as follows:**

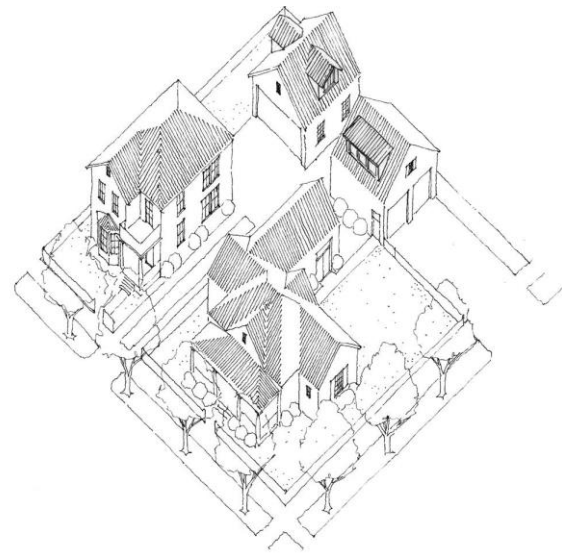
**10-50.110.040 Carriage House**



*One-and-a-half-story carriage house connected to main house by a breezeway.*



*One-and-a-half-story carriage house to the left of a two-car garage.*



*General Note: The drawings and photos on this page are illustrative, not regulatory.*

**A. Description**

The carriage house building type is an accessory structure or accessory dwelling unit (ADU) typically located at the rear of a lot (see also Section [10-40.60.030](#), Accessory Dwelling Units). This structure typically provides either a small residential unit, home office space, or other small commercial or service use that may be above a garage or at ground level. This building type is important for providing affordable housing opportunities and incubating small businesses within walkable neighborhoods.

The carriage house building type is the only detached ADU allowed in transect zones.



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**Carriage houses shall be shorter and have a smaller footprint than the principal building on the lot.**

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**Section 4. Amend Title 10 Flagstaff Zoning Code, Chapter 10-80: Definitions, Division 10-80.20: Definition of Specialized Terms, Phrases, and Building Functions, Section 10-80.20.10: Definitions “A”, as follows:**

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.