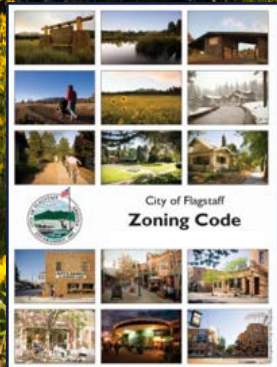


# Zoning Code Amendment Section 10-40.60.030 Accessory Dwelling Units

PZ-24-00134

Tiffany Antol, AICP  
Zoning Code Manager





# House Bill 2720

The amendment includes modifications to Flagstaff City Code 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 (ADUs), in response to House Bill 2720.

The recently adopted legislation requires municipalities with populations greater than 75,000 to allow ADUs on all lots or parcels that allow for single-family dwellings.

- **If a municipality fails to adopt development regulations as required by this legislation on or before January 1, 2025, ADUs shall be allowed on all lots or parcels zoned for residential use without limits.**
- **There are no exceptions for historic districts.**



# Accessory Dwelling Units

## *Overview of Proposed Amendment:*

- To allow one attached **and** one detached ADU as a permitted use on any lot or parcel that allows a single-family dwelling (SFD). One additional ADU may be permitted on a lot or parcel greater than one acre when the unit is a restricted affordable dwelling. Currently the Zoning Code only allows one ADU.
- To allow an ADU that is 75% of the gross floor area of the SFD or 1,000 square feet, whichever is less. Currently the Zoning Code only allows detached ADUs up to 800 square feet on lots or parcels that are 6,000 square feet or greater or up to 1,000 square feet on lots or parcels over an acre. **The amended code will still allow an ADU of 800 square feet on a lot or parcel that is 6,000 square feet or greater regardless of the size of the home.**



# Accessory Dwelling Units

## *Overview of Proposed Amendment:*

- To allow the long-term lease of all units (SFD and ADUs). The Zoning Code currently allows the long-term lease of all units as an incentive to reduce the use of ADUs as short-term rentals.
- To remove additional parking requirements for ADUs. The Zoning Code currently requires one additional parking space for an ADU.
- To remove architectural compatibility requirements for ADUs. The Zoning Code currently includes architectural compatibility requirements as well as specific findings that include compatibility standards.
- To remove restrictions for ADUs that are more restrictive than those for SFDs in the same zoning district regarding height, setbacks, lot size or coverage, or building frontage.



# Accessory Dwelling Units

## *Overview of Proposed Amendment:*

- **To remove the requirement for a restrictive covenant concerning the rental of property with an ADU. The Zoning Code currently requires a restrictive covenant that states the property owner shall occupy either the primary residence of the ADU or 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.**



# Accessory Dwelling Units

## Staff Recommendation

### Findings for Zoning Code Text Amendments:

- (1) The proposed amendment is consistent with and conforms to the objectives and policies of the General Plan and any applicable specific plan;**
- (2) The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City; and**
- (3) The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.**



# Accessory Dwelling Units

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

## Flagstaff Regional Plan 2030

- Policy NH.3.2. Promote accessory dwelling units, where appropriate.

## 10-Year Housing Plan

- Continue to evaluate and amend the current Accessory Dwelling Unit (ADU) zoning code standards with the goal of increasing supply.

## Carbon Neutrality Plan

- Create housing options for households at all income levels and family sizes occupied by local residents.



# Accessory Dwelling Units

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

The amendment provisions are not anticipated to be detrimental to the public interest, health, safety, convenience, or welfare of the City. The proposed provisions are intended to comply with the requirements of HB 2720.



# Accessory Dwelling Units

***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.



# Accessory Dwelling Units

## Recommendation

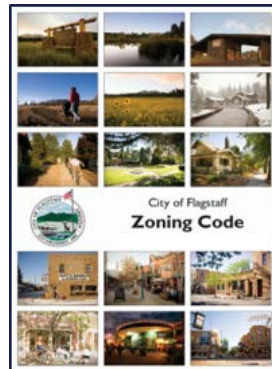
Staff recommended that the Planning and Zoning Commission, in accordance with the required findings, make a recommendation to the City Council for approval of Zoning Code Text Amendment PZ-24-00134 – Accessory Dwelling Units.

The Planning and Zoning Commission by a vote of 5-1 recommends that the City Council deny Zoning Code Text Amendment PZ-24-00134 with concerns over the removal of parking requirements, architectural compatibility standards, impacts on historic districts, and equity concerns.



# Accessory Dwelling Units

## Questions, Comments, and Suggestions





# HB 2720



Requirements of this new legislation including the following:

- Must allow at least one attached and one detached ADU as a permitted use on any lot or parcel that allows a single-family dwelling (SFD). One additional ADU may be permitted on a lot or parcel greater than one acre when the unit is a restricted affordable dwelling. ***Currently the Zoning Code only allows one ADU.***
- Must allow an ADU that is 75% of the gross floor area of the SFD or 1,000 square feet, whichever is less. ***Currently the Zoning Code only allows detached ADUs up to 800 square feet on lots or parcels that are 6,000 square feet or greater or up to 1,000 square feet on lots or parcels over an acre.***
- Municipalities may not prohibit the long-term lease of all units (SFD and ADUs). ***The Zoning Code currently allows the long-term lease of all units as an incentive to reduce the use of ADUs as short-term rentals.***



# HB 2720

- Municipalities may not require a familial, marital, employment, or other preexisting relationship between the owner or occupant of an SFD and the occupant of an ADU. ***The Zoning Code does not currently include these requirements.***
- Municipalities may not require that a lot or parcel have additional parking to accommodate an ADU or require fees instead of additional parking. ***The Zoning Code currently requires one additional parking space for an ADU.***
- Municipalities may not require that an ADU match the exterior design, roof pitch, or finishing materials of the SFD located on the same lot or parcel. ***The Zoning Code currently includes these provisions.***



# HB 2720



- Municipalities may not set restrictions for ADUs that are more restrictive than those for SFDs in the same zoning district with regard to height, setbacks, lot size or coverage, or building frontage. ***The Zoning Code currently includes these provisions.***
- Municipalities may not require improvements to public streets as a condition of allowing an ADU, except as necessary to reconstruct or repair a public street that is disturbed as a result of the construction of the ADU. ***The Zoning Code does not currently require public improvements for the development of an ADU.***
- Municipalities may not require a restrictive covenant concerning an ADU. ***The Zoning Code currently includes these provisions.***