

PLANNING AND DEVELOPMENT SERVICES REPORT

Zoning Code Text Amendment

PUBLIC HEARING

PZ-24-00134

DATE: August 28, 2024

MEETING DATE: September 25, 2024

REPORT BY: Tiffany Antol, AICP

REQUEST:

City's request for a Zoning Code Text Amendment to modify Section 10-40.60.030: Accessory Dwelling Units (ADUs) to comply with state legislation including modifications to the permitted number, size, location, parking requirements, and design standards for Accessory Dwelling Units.

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 modification to Zoning Code Chapter 10-40: Specific to Zones, Division 10-40.60: Specific to Uses, Section 10-40.60.030: Accessory Dwelling Units, to include the following:

- 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.
- 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.
- 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.

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;

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.

B. Finding #2

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.

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 by direct mail and an ad was placed in the Arizona Daily Sun on August 24, 2024, noticing the Planning and Zoning Commission public hearing. As of the date of this report, staff has received no public comment on the proposed amendment.

IV. PLANNING AND ZONING COMMISSION WORK SESSION

At the Planning and Zoning Commission Work Session of September 11, 2024, staff reviewed the proposed Zoning Code Text Amendment application with the Commission.

Attachments:

1. Draft of Case No. PZ-24-00134 – Accessory Dwelling Units
2. Case No. PZ-24-00134 – Housing Statement
3. HB 2720