

Case No. PZ-25-00028 – High Occupancy Housing

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 10-40.30: Non-Transect Zones, Section 10-40.30.030: Residential Zones, Table 10-40.30.030.C.: Residential Zones – Building Form and Property Development Standards, as follows:

Table 10-40.30.030.C. Residential Zones – Building Form and Property Development Standards							
	Residential Zones						
	RR	ER	R1	R1N	MR	HR	MH
Density Requirements See Division 10-30.20, Affordable Housing Incentives							
Density: Gross Density (units/acre)							
Min.	--	--	2	2	6	10	--
Maximum without the Resource Protection Overlay (RPO)	1	1	6	14	14	29 ⁵	11
Maximum with the RPO, inside of a pedestrian shed of an activity center¹⁷	1	1	6	14	14	29⁵	11
Maximum with the RPO, outside of a pedestrian shed of an activity center¹⁷	1	1	5	--	9	22	4
Maximum Bedroom Requirements							
Bedrooms per Acre on a Development Site Multiple-Family Dwelling with Four dwelling Units and Greater or more, Bedrooms per Acre							

Table 10-40.30.030.C.

Residential Zones – Building Form and Property Development Standards

		Residential Zones					
		RR	ER	R1	R1N	MR	HR
	Maximum without the RPO	---End note 14---	15	--	35	72.5	--
	Maximum without the RPO with a Conditional Use Permit for a High Occupancy Housing Development inside of a pedestrian shed of an activity center ¹⁷	---End note 15---	21	--	49 ¹⁶	101.5 ¹⁶	--
	Maximum with the RPO	---End note 14---	12.5	--	22.5	55	--
	Maximum with the RPO and a Conditional Use Permit for a High Occupancy Housing Development inside of a pedestrian shed of an activity center ¹⁷	---End note 15---	17.5	--	31.5 ¹⁶	77 ¹⁶	--

End Notes

~~16. Additional bedrooms per acre may be approved on a lot or parcel inside of a pedestrian shed of a regional activity center delineated on the General Plan or applicable specific plan with an HOHD conditional use permit.~~

Table 10-40.30.030.C.

Residential Zones – Building Form and Property Development Standards

	Residential Zones						
	RR	ER	R1	R1N	MR	HR	MH
17. Activity centers are delineated on the General Plan or applicable specific plan.							
Key							
-- Not Applicable							

Section 2. Amend Title 10 Flagstaff Zoning Code, Chapter 10-40: Specific to Zones, Division 10-40.30: Non-Transect Zones, Section 10-40.30.040: Commercial Zones , Table 10-40.30.040.C.: Commercial Zones – Building Form and Property Development Standards, as follows:

Table <u>10-40.30.040.C.</u>						
Commercial Zones – Building Form and Property Development Standards						
	Commercial Zones					
	SC	CC	NCC	HC	CS	CB
Building Form Requirements						
Building Height (max.) ^{8, 9, 10}	35'	60 ^{14, 7}	45 ^{17,} 13 ¹⁴	60 ¹⁴	60 ¹⁴	60 ¹⁴
Gross FAR (max.)	0.8	2.5	2.5	3.0	2.0	No max.
Density Requirements						
Gross Density (units/acre)						
Maximum without the Resource Protection Overlay (RPO)	13 ¹¹	----- 29 ¹¹ -----				
Maximum with the RPO, inside of a pedestrian shed of an activity center¹³	13 ¹¹	----- 29 ¹¹ -----				
Maximum with the RPO, outside of a pedestrian shed of an activity center¹³	13 ¹¹	----- 22 ¹¹ -----				
Maximum Bedroom Requirements						
Bedrooms per Acre on a Development Site with Four Dwelling Units and Greater or More						
Maximum without the RPO for a development	35 ¹²	----- 72.5 ¹² -----				
Maximum with the RPO inside of a pedestrian shed of an activity center¹³	35 ¹²	----- 72.5 ¹² -----				
Maximum with the RPO outside of a pedestrian shed of an activity center¹³	35 ¹²	----- 55 ¹² -----				

Table 10-40.30.040.C.

Commercial Zones – Building Form and Property Development Standards

	Commercial Zones					
	SC	CC	NCC	HC	CS	CB

End Notes

~~13. Activity centers are delineated on the General Plan or applicable specific plan.~~

~~13~~14. Conditional Use permit required for structures over 45 feet in height.

Section 3. Amend Title 10 Flagstaff Zoning Code, Chapter 10-40: Specific to Zones, Division 10-40.60: Specific to Uses, Section 10-40.60.170: High Occupancy Housing Developments and Mixed-Use High Occupancy Housing Developments, as follows:

10-40.60.170 High Occupancy Housing Developments and Mixed-Use High Occupancy Housing Developments

A. Applicability. This section provides general requirements and Conditional Use Permit standards for High Occupancy Housing Developments (HOHD) and Mixed-Use High Occupancy Housing Developments (MHOHD). The following Development types meet the definition of High Occupancy Housing and are required to obtain a Conditional Use permit.

- 1. Single-Family High Occupancy Housing Development: A Single-Family Attached or Detached Dwelling Unit with seven or more Bedrooms or five or more Sanitation Facilities.**
- 2. Two-Units High Occupancy Housing Development: A Development consisting of two Dwelling Units on one Lot or Parcel, excluding an Accessory Dwelling Unit, with more than a total of seven Bedrooms or one or more Dwelling Unit(s) containing four or more Sanitation Facilities.**
- 3. Three-Units High Occupancy Housing Development: A Development consisting of three Dwelling Units on one Lot or Parcel with more than a total of nine Bedrooms or one or more Dwelling Unit(s) containing four or more Sanitation Facilities.**
- 4. Four Units and Greater High Occupancy Housing Development: A Development Site containing four or more Dwelling Units with any of the following:**
 - a. More than 20 percent of the total Dwelling Units have four Bedrooms; or**
 - b. One or more of the Dwelling Unit(s) contains four or more Sanitation Facilities; or**
 - c. The total number of Dwelling Units and Bedrooms per Acre exceeds the maximums of the building form and property development standards of the property's designated Non-Transect Zone; or**
 - d. If the property owner has elected a Transect Zone, the density is greater than 29 Dwelling Units per Acre and 72.5 Bedrooms per Acre.**
- 5. Mixed Use High Occupancy Housing Development: A Mixed-Use Development with any of the following:**

- a. More than 20 percent of the total Dwelling Units have four Bedrooms or more; or
- b. One or more Dwelling Unit(s) containing four or more Sanitation Facilities; or
- c. The total number of Dwelling Units and Bedrooms per Acre exceeds the maximums the building form and property development standards of the property's designated Non-Transect zone; or
- d. If the property owner has elected a Transect Zone, the density is greater than 29 dwelling units per acre and 72.5 bedrooms per acre.

B. Exceptions. Housing Developments, either for rental or purchase, in which all Dwelling Units are permanently affordable and offered at 60 percent or less of the area median income (AMI) in compliance with the Department of Housing and Urban Development regulations shall not be categorized as High Occupancy Housing Development, regardless of the number of Dwelling Units, Bedrooms, or zoning.

CB. General Requirements.

15. The maximum number of ~~b~~**B**Bedrooms in a two-unit HOHD or MHOHD: 10.

26. The maximum number of ~~b~~**B**Bedrooms in a three-unit HOHD or MHOHD: 12.

~~1. The applicant of an HOHD or MHOHD with four dwelling units or more shall submit typical floor plans or a typical residential unit study that illustrates how the residential units of an HOHD or MHOHD could be converted to a residential unit that is no longer an HOHD or MHOHD with minimal structural or minimal plumbing modifications. The required study shall be designed and sealed by an Arizona registrant.~~

~~2. An HOHD or MHOHD with four or more dwelling units shall be located inside of a pedestrian shed of an activity center delineated in the General Plan or applicable Specific Plan.~~

34. An HOHD ~~or MHOHD~~ with four ~~dwelling units or more~~ **and greater in a residential zone,** ~~and that has 29 dwelling units per acre or less or 72.5 bedrooms per acre or less~~ shall not exceed a Bedroom-to-Dwelling Unit ~~r~~**Ratio greater than of** 3.5.

~~43.~~ An HOHD or MHOHD with four ~~dwelling~~ units ~~or more and greater in a commercial zone,~~ and that ~~has more than 29 dwelling units per acre or more than 72.5 bedrooms per acre~~ shall have:

- a. A minimum of 20 percent of the ~~b~~Bedrooms contained in studio and/or one-~~b~~Bedroom ~~d~~Dwelling ~~u~~Units; and
- b. A maximum of 30 percent of ~~b~~Bedrooms contained in ~~d~~Dwelling ~~u~~Units with four ~~b~~Bedrooms or more.

~~7.~~ ~~Inside of a pedestrian shed of a Regional Activity Center, an HOHD or MHOHD in a commercial zone may contain more than 50 dwelling units per acre and/or 125 bedrooms per acre.~~

~~8.~~ ~~An HOHD in a Commercial Zone shall be:~~

- ~~a.~~ ~~On a lot or parcel that is setback at least 300 feet from the centerline of a street classified as a Commercial Corridor identified on the General Plan; and~~
- ~~b.~~ ~~There shall be an existing primary mixed-use development or commercial use(s), excluding primary transportation and infrastructure uses, on the lot(s) or parcel(s) between the HOHD and the Commercial Corridor street.~~

~~511.~~ An MHOHD ~~with 4 units and greater~~ shall be on a lot or parcel that abuts a street classified as a ~~Collector or Arterial. commercial corridor shown on the General Plan.~~

~~69.~~ An MHOHD shall comply with the ~~m~~Mixed-~~u~~Use ~~d~~Development standards of Section 10-40.60.260.

~~710.~~ Prior to the final approval of a land division that creates ~~one or more lots or parcels with a~~ ~~d~~Development that conforms to the definition of an HOHD or MHOHD, ~~the property owner shall obtain approval of~~ a Conditional Use ~~P~~permit ~~shall be obtained~~ for the Development Site that will contain the HOHD or MHOHD.

B. Building Footprint¹ Sizes and Separation Requirements ~~for HOHD or MHOHD with Four Units and Greater within a Historic Overlay Zone.~~

1. Maximum building footprint¹ **on a Development Site within a historic overlay zone inside a pedestrian shed of a Historic Activity Center delineated in the General Plan or applicable Specific Plan**, excluding properties zoned Commercial Business (CB), **T6 Downtown, T5 Main Street, or T5-O Main Street Open shall not exceed: Equal to, or less than,** 5,000 square feet.

2. Maximum building footprint¹ **on a Development Site within a historic overlay zone inside a pedestrian shed of a Historic Activity Center delineated in the General Plan or applicable Specific Plan**, and **on a property** zoned Commercial Business (CB), **T6 Downtown, T5 Main Street, and T5-O Main Street Open shall not exceed: Equal to, or less than,** 22,000 square feet.

~~3. Maximum building footprint¹ inside a pedestrian shed of a Regional Activity Center delineated in the General Plan or applicable Specific Plan: No Maximum.~~

~~4. Maximum building footprint¹ inside a pedestrian shed of an activity center in all other areas not described in subsections B.1., B.2., and B.3. of this section: Equal to, or less than, 22,000 square feet.~~

35. Excluding the Commercial Business (CB) zone, The minimum separation between **the building footprints of structures** on the same lot or parcel, and **building footprints structures** on an abutting lot or parcel **(not including Accessory Structures)**, shall be **separated by** a distance that is the greater of 10 feet, or one-third the height of the taller structure, **excluding properties zoned Commercial Business (CB), T6 Downtown, T5 Main Street or T5-O Main Street Open.**

~~6. Where the area of a pedestrian shed of an activity center intersects with the area of a pedestrian shed of another activity center, the pedestrian shed with the more restrictive maximum building footprint requirement shall govern the intersecting area. The locations of the pedestrian sheds of the activity centers are identified in the General Plan, including any applicable Specific Plans.~~

Note 1: ~~For the purpose of the requirements of subsection B. of this section, T~~he maximum allowable building footprint is equal to the largest floor plate of a structure, including interior courtyards, abutting and interior, or partial interior, podium and above ground parking structure(s), and structures connected with a **continuous** roof.

C. Waste Management Plan **for HOHD or MHOHD with Four Units and Greater.**

1. ~~The property owner of an HOHD or MHOHD with four dwelling units or more shall obtain approval of a~~ **A** waste management plan **shall be reviewed and approved by** ~~from~~ the City's Public Works Director, or designee, prior to the approval of the site plan.
2. ~~The~~ **Prior to the issuance of any** building permit **shall include all necessary,** ~~the property owner shall incorporate into the construction documents the~~ improvements **required** to comply with the approved waste management plan.
3. ~~If a Certificate of Occupancy is not required, the property owner shall provide all necessary apparatus, equipment, and improvements within 182 days from the date of the approval of the CUP, or another date specified in the conditions of approval for the CUP.~~
 - a. ~~The Director may approve a one-time 91-day extension, for no more than 273 days from the date of the CUP approval, to allow the property owner to complete the improvements. The property owner shall request an extension at least 14 days prior to the date indicated in subsection C.3. of this section.~~
34. The ~~HOHD or MHOHD~~ **Development** shall be maintained in compliance with the approved ~~wWaste mManagement pPlan.~~

D. ~~Crime Free Multi-Housing Program.~~

1. ~~The property owner of an HOHD or MHOHD shall maintain compliance with the Flagstaff Police Department's Crime Free Multi-Housing Program, unless exempted by the Police Department's Crime Free Multi-Housing Program representative.~~
2. ~~Prior to the issuance of the Conditional Certificate of Occupancy, or Certificate of Occupancy, whichever is first, or within 63 days of the approval of the Conditional Use Permit if a Certificate of Occupancy is not required, the property owner of a HOHD or MHOHD shall enter into an agreement with the City to comply with the Flagstaff Police Department's Crime Free Multi-Housing Program.~~
3. ~~The property owner, or agent, shall:~~
 - a. ~~Utilize a Crime Free Lease Addendum, or an alternative approved by the Flagstaff Police Department's representative, as part of each tenant lease;~~

~~b.— Obtain written verification as part of a tenant lease that each tenant has received and agreed to the Crime Free Lease Addendum or the approved alternative; and~~

~~c.— Have completed the Flagstaff Police Department’s Crime Free Multi-Housing Program required training within the Program’s required time frames.~~

~~4.— Within 182 days from the date of the agreement, the property owner, or managing agent, shall have completed the first phase requirements of the Flagstaff Police Department’s Crime Free Multi-Housing Program.~~

~~5.— A new Flagstaff Police Department’s Crime Free Multi-Housing Program first phase training and related requirements shall be completed within 182 days from the date of a change of ownership, management company, or a site manager of an existing HOHD or MHOHD.~~

~~6.— Every two years from the date of the agreement, the property owner, or managing agent, shall complete the required training that complies with the Flagstaff Police Department’s Crime Free Multi-Housing Program.~~

DE. Additional Conditional Use Permit Criteria **for HOHD or MHOHD Developments with Four Units and Greater.** In addition to the criteria of Section 10-20.40.050.E., the Planning and Zoning Commission shall not approve a Conditional Use Permit unless:

~~1.— For the properties subject to Division 10-30.30, Heritage Preservation, the City’s Historic Preservation Officer or the Heritage Preservation Commission has made a determination that the proposed HOHD or MHOHD has no adverse effect or has appropriately mitigated its effects on the historic cultural resource.~~

1. The applicant has consulted with the City’s Police Department to create a safety plan for the Development.

2. Adequate transit service is available to the Development Site has a permanent transit stop located within 1,320 feet, measured following a continuously improved walkway, sidewalk, and/or public trail. A distance greater than 1,320 feet may be approved by the Planning & Zoning Commission when the applicant can demonstrate that the additional distance does not impede reasonable access to transit. containing four dwelling units or more. Adequate transit service from a Development Site to a permanent transit stop is:

3. The proposed HOHD or MHOHD is consistent with and conforms to the goals and policies of the General Plan and any applicable Specific Plan.

~~a. Less than or equal to 1,320 feet; or~~

~~b. A distance greater than 1,320 feet when the Planning and Zoning Commission finds that the route to the permanent transit stop has adequate nighttime lighting and does not have a significant grade change, and the distance does not impede reasonable access to transit.~~

~~The distance between the permanent transit stop to the Development Site shall be measured following a continuously improved sidewalk and/or public paved trail.~~

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 10-80.20.080: Definitions “H”, as follows:

High Occupancy Housing Development (HOHD): Means any of following: High Occupancy Housing Development, Single-Family; High Occupancy Housing Development, Two-units; High Occupancy Housing Development, Three-units; and High Occupancy Housing Development, Four-units and Greater (see definitions below). ~~Housing development, either for rental or purchase, in which all dwelling units are permanently affordable and offered at 60 percent of the Area Median Income (AMI) in compliance with the Department of Housing and Urban Development regulations shall not be categorized as High Occupancy Housing Development, regardless of the number units, bedrooms, or zoning.~~

High Occupancy Housing Development, Four-Units and Greater: A Development Site containing four or more ~~d~~Dwelling ~~u~~Units where:

- a. More than 20 percent of the total ~~d~~Dwelling ~~u~~Units have four ~~b~~Bedrooms or more; **or**
- b. One or more of the ~~d~~Dwelling ~~u~~Unit(s) containing four or more ~~s~~Sanitation ~~f~~Facilities; or
- c. The total number of ~~d~~Dwelling ~~u~~Units ~~per acre, or and b~~Bedrooms per ~~a~~Acre, ~~requires a Conditional Use Permit for an HOHD in accordance with exceeds~~ the building form and property development standards of the property’s designated Non-Transect Zone; ~~or, if the property owner has elected a Transect Zone, the density is greater than 29 dwelling units per acre or 72.5 bedrooms per acre.~~
- d. If the property owner has elected a Transect Zone, the density is greater than 29 Dwelling Units per Acre and 72.5 Bedrooms per Acre.**

Section 5. Amend Title 10 Flagstaff Zoning Code, Chapter 10-80: Definitions, Division 10-80.20: Definition of Specialized Terms, Phrases, and Building Functions, Section 10-80.20.130: Definitions “M”, as follows:

Mixed-Use High Occupancy Housing Development (MHOHD):

1. A ~~m~~**M**ixed-~~u~~**U**se ~~d~~**D**evelopment with:
 - a. More than 20 percent of the total ~~d~~**D**welling ~~u~~**U**nits have four ~~b~~**B**edrooms or more; **or**
 - b. One or more ~~d~~**D**welling ~~u~~**U**nit(s) containing four or more ~~s~~**S**anitation ~~f~~**F**acilities; or
 - c. ~~The total number of **d**Dwelling **u**Units per acre, or and **b**Bedrooms per **a**Acre, requires a conditional use permit for an MHOHD in accordance with~~ **exceeds** the building form and property development standards of the property’s designated ~~N~~**o**n-~~T~~**r**ansect zone; ~~or, if the property owner has elected a transect zone, the density is greater than 29 dwelling units per acre or 72.5 bedrooms per acre.~~
 - d. If the property owner has elected a Transect Zone, the density is greater than 29 Dwelling Units per Acre and 72.5 Bedrooms per Acre.**

2. ~~Mixed-use housing development, either for rental or purchase, in which all dwelling units are permanently affordable and offered at 60 percent of the area median income (AMI) in compliance with the Department of Housing and Urban Development regulations shall not be categorized as high-occupancy housing development, regardless of the number of units, bedrooms, or zoning.~~