



# High Occupancy Housing Zoning Code Text Amendment



## Purpose

- On November 17, 2020, the Flagstaff City Council adopted the High Occupancy Housing Zoning Code Text Amendment. **Effective on March 1, 2021**, the adopted amendment is the first Zoning Code Text Amendment to implement the High Occupancy Housing Plan Specific Plan.

## What is a High Occupancy Housing Development?

- Based on a development's physical characteristics, a High Occupancy Housing Development (HOHD) is any of the following:
  - ▶ **Single-family dwelling unit** with seven or more bedrooms, or five or more sanitation facilities.
  - ▶ **Duplex or two dwelling units on a lot or parcel** (excluding an Accessory Dwelling Unit) with more than a total of seven bedrooms, or if any of the dwelling units contain four or more sanitation facilities.
  - ▶ **Multiple-family development with three dwelling units** on a lot or parcel with more than a total of nine bedrooms, or if any of the dwelling units contain four or more sanitation facilities.
  - ▶ **Multiple-family development with four dwelling units, or greater**, on a Development Site with any of the following:
    - More than 20 percent of the total dwelling units have four bedrooms or more;
    - One or more of the dwelling unit(s) contain four or more sanitation facilities; or
    - The total number of dwelling units per acre, or bedrooms per acre, requires a Conditional Use Permit for an HOHD in accordance with 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.
  - ▶ **Excluding** a 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.

## What is a Mixed-use High Occupancy Housing Development?

- Based on a development's physical characteristics, a Mixed-use High Occupancy Housing Development (MHOHD) is:
  - ▶ **A mixed-use development** with any of the following:
    - More than 20 percent of the total dwelling units have four bedrooms or more;
    - One or more of the dwelling unit(s) contain four or more sanitation facilities; or
    - The total number of dwelling units per acre, or bedrooms per acre, requires a Conditional Use Permit for an MHOHD in accordance with 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.
  - ▶ **Excluding** a mixed-use 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.

## What is needed if my development is considered a High Occupancy Housing Development or a Mixed-use High Occupancy Housing Development?

- If a development is an HOHD or an MHOHD as described above, then the **property owner shall obtain approval from the Planning and Zoning Commission of a Conditional Use Permit** for the development and **demonstrate compliance with the associated building form and property development standards** and the Specific to Uses provision of the Zoning Code for the use. In some zones, the property owner shall also obtain approval from the Planning and Zoning Commission of a Conditional Use Permit for a Planned Residential Development.

Note: **Sanitation Facility.** The Zoning Code defines a sanitation facility as a delineated area for bathing that contains a toilet, shower, sink, and a shower or tub. The fixtures (toilet, sink, and a shower or tub) may be located in a room or in close proximity that functions as a Sanitation Facility as determined by the Zoning Administrator.

**Bedroom.** The Zoning Code defines a bedroom as a room in a residence marketed, designed, or likely to function primarily for sleeping.

## What is a summary of the Zoning Code requirements for a High Occupancy Housing Development and Mixed-use High Occupancy Housing Development?

- The Zoning Code has several requirements that an HOHD and MHOHD is to comply with. In addition to the existing Zoning Code requirements, below is a summary of the more significant requirements that have been incorporated for HOHDs and MHOHDs:
  - ▶ **Land Use by Zone.** Please refer to the land use tables of Section 10-40.30.030: Residential Zones, Section 10-40.30.040: Commercial Zones, and Division 10-40.40: Transect Zones, for the zones that where HOHD and MHOHD lands uses are allowed.
  - ▶ **Density.**
    - A Conditional Use Permit for an HOHD or MHOHD is required for a development with a density greater than 13 dwelling units per acre in the Suburban Commercial (SC) zone and 29 dwelling units per acre in all other Commercial and Transect Zones.
  - ▶ **Maximum Number of Bedrooms per Acre.**
    - A bedroom per acre maximum with and without a Conditional Use Permit for an HOHD and MHOHD in the Residential Zones has been incorporated. Please refer to Table 10-40.30.030.C. Residential Zones – Building Form and Property Development Standards Zoning Code.
    - A bedroom per acre maximum without a Conditional Use Permit for an HOHD and MHOHD in the Commercial Zones has been incorporated. Please refer to Table 10-40.30.040.C. Commercial Zones – Building Form and Property Development Standards Zoning Code.
    - A Conditional Use Permit for an HOHD (with four dwelling units or greater) or MHOHD is required for a development on a property with the Transect Zone designation that has more than 72.5 bedrooms per acre.
  - ▶ **Duplex or Two Dwelling Unit HOHD.** A maximum of 10 bedrooms is allowed with a Conditional Use Permit.
  - ▶ **Multiple-family Development with Three Dwelling Unit HOHD.** A maximum of 12 bedrooms is allowed with a Conditional Use Permit.
  - ▶ **Locational Requirements.**
    - An HOHD with four dwelling units, or greater, shall be located in the pedestrian shed of an activity center shown on the General Plan (Regional Plan) or applicable specific plan.
    - An HOHD on a lot or parcel with a Commercial Zone designation shall be setback 300 feet from a commercial corridor street shown on the General Plan (Regional Plan) and shall have commercial development between the HOHD and the commercial corridor street.
    - An MHOHD shall be on a lot or parcel that abuts a street classified as a commercial corridor shown on the General Plan (Regional Plan) and located in the pedestrian shed of an activity center indicated in the General Plan (Regional Plan) or applicable specific plan.
  - ▶ **Unit Bedroom Diversity.**
    - An HOHD or MHOHD with four dwelling units or more, and that has more than 29 dwelling units per acre or more than 72.5 bedrooms per acre shall have:
      - A minimum of 20% of the bedrooms contained in studio and/or one-bedroom dwelling units; and
      - A maximum of 30% of bedrooms contained in dwelling units with four bedrooms or more.
    - An HOHD or MHOHD with four dwelling units or more, 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 Ratio greater than 3.5.
  - ▶ **Parking Requirements.** Vehicle and secure bicycle parking requirements for an HOHD or MHOHD have been incorporated. Please refer to Table 10-50.80.040.A. Number of Motor Vehicle Parking Spaces Required, Section 10-50.80.050 Bicycle Parking, and Appendix 1.4 Bicycle Space Design Requirements of the Zoning Code.
  - ▶ **Waste Management Plan.** An HOHD or MHOHD with four dwelling units or more is required to have a waste management plan.
  - ▶ **Location to Transit Services.** An HOHD or MHOHD with four dwelling units or more is required to be located within 1,320 feet of a permanent transit stop, unless a greater distance is approved by the Planning and Zoning Commission
  - ▶ **Crime Free Multi-Housing Program.** A property owner of an HOHD or MHOHD that has rental units shall participate in the City's Crime Free Multi-Housing Program.
  - ▶ **Heritage Preservation.** A property subject to Division 10-30.30, Heritage Preservation, shall have no adverse effect or has appropriately mitigated effects on the historic cultural resource.
- Please refer to the Zoning Code for a complete list of requirements for HOHDs and MHOHDs.