

Case No. PZ-21-00066 Updates to Zoning Code 2021 – Accessory Dwelling Unit and Accessory Structure Encroachments Requirements

Amendment for Adoption into the Flagstaff Zoning Code

HOW TO READ THIS DOCUMENT

Unless otherwise stated, provisions that are being deleted are shown in bold red strikethrough text, like this: ~~Provisions that are being deleted are shown with a bold red strikethroughs text.~~

Provisions that are being added are shown in bold blue text, like this: **Provisions that are being added are shown in bold blue text.**

Section 1. Amend Title 10 Flagstaff Zoning Code, Division 10-40.60 Specific to Uses:, 10-40.60.020 Accessory Structures, Subsection B. Approvals and Standards., paragraph 7, list d., as follows:

B. Approvals and Standards.

7. All other accessory structures shall comply with the property development standards of the property’s zone, except as specified below:

- d. ~~Allowed~~ Encroachments into the required setbacks ~~in addition to Section 10-50.40.020.A nonhabitable structure (e.g., garage, workshop, carport, shed, greenhouse, etc.) may encroach into the property’s required zone setbacks in accordance with Table 10-40.60.020.B.7.d.~~ **are allowed in accordance with Table 10-50.40.020.A.**

Section 2. Amend Title 10 Flagstaff Zoning Code, Division 10-40.60 Specific to Uses:, Section 10-40.60.020 Accessory Structures, Table 10-40.60.020.B.7.d., to delete the table, as follows:

Table 10-40.60.020.B.7.d.	
Allowed Accessory Structure Encroachments into Setbacks	
Yard of Encroachment	Minimum Setback
Rear yard abutting a public alley right-of-way or private alley tract:	0 feet.
Rear yard abutting another lot or parcel:	5 feet.
Interior side yard:	5 feet.

Table 10-40.60.020.B.7.d.	
Allowed Accessory Structure Encroachments into Setbacks	
Yard of Encroachment	Minimum Setback
Street side yard:	No encroachment allowed.
Front yard:	No encroachment allowed.
Notes	
1. Refer to Section 10-50.50.030, Siting and Building Standards, regarding the locations and heights of walls and fences.	

Section 3. Amend Title 10 Flagstaff Zoning Code, Division 10-40.60 Specific to Uses:, Section 10-40.60.030 Accessory Dwelling Units (ADUs), Table 10-40.60.030.C., rows (5) through (17), as follows:

Table 10-40.60.030.C.	
Accessory Dwelling Unit Design, Development and Exceptions Standards	
(5) Building Form and Property Development Standards	<p>(a) Setbacks. An ADU shall comply with the setback requirements of the property's zone and as allowed in (d) and 14 of this table. Setbacks. (i) A Detached ADU structure may be located in the rear and interior side setbacks, provided that the following are maintained: (i.1) Minimum rear setback abutting a public alley right-of-way or private alley tract: 0 feet. (i.2) Minimum rear setback abutting another lot or parcel: 5 feet. (i.3) Minimum interior side setback: 5 feet. (ii) 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.</p> <p>(b) (i) Detached ADU Encroachments. Only the encroachments in subsection (7) of Table 10-50.40.020.A. are allowed in the setbacks of subsection (5)(a)(i) of this Table. The other encroachments of Table 10-50.40.020.A. are not allowed as part of a Detached ADU. (ii) Attached and Interior Encroachments. The encroachment of Table 10-50.40.020.A. are allowed. (iii) A detached garage constructed prior to February 16, 2016 that is in the minimum setback(s) of subsection (5)(a)(i) of this Table or in the street side setback may be converted to an ADU or have an ADU above the garage as a second floor, provided that no exterior additions or an increase in building height is developed to accommodate the ADU.</p>

Table 10-40.60.030.C.

Accessory Dwelling Unit Design, Development and Exceptions Standards

- ~~(b)~~ (c) Building Height. ~~The maximum height of an Attached and Detached ADU, measured in accordance with Section 10-50.30.030: 24 feet~~
 - (i) Attached and Interior ADU: Maximum height allowed by the 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.
- ~~(e)~~ (d) Lot Coverage. The lot coverage requirements of a property's zone shall:
 - (i) Not apply to Attached and Detached ADU; and
 - (ii) Apply to a dwelling unit containing an interior ADU.
- (d) **Encroachment into setbacks.**
 - ~~(i) The encroachments specified in Section 10-50.40.020 are allowed.~~
 - ~~(ii) The development of a Detached ADU on the second floor of a garage that was developed prior to February 16, 2016, and is in the required setback(s), shall be allowed, provided that no exterior additions or an increase in building height was developed to accommodate the ADU.~~

Section 4. Amend Title 10 Flagstaff Zoning Code, Division 10-50.40: Encroachments, Section 10-50.40.020 Encroachments into Minimum Required Setbacks, Table 10-50.40.020.A., as follows – including table format and shading:

Table 10-50.40.020.A.: Allowed Encroachments into Setbacks and Heights	
(1) Arbors, Awnings, Canopies, Court Yards, Decks, Patios, Pergolas, Porches, Stoops, Trellis, Hooded Entries, Carports and Balconies^{1,2,3} Balconies	
Standard	Maximum Encroachment in Setback
Front, Rear, Street Side Setback (max.)	5 feet^{1,2,3} 5-foot
Interior Side Setback (max.)	3 feet^{1,2,3} 3-foot
(2) Accessory Dwelling Units (ADUs)¹ (ADUs)	
See Section 10-40.60.030	
Accessory Buildings and Structures¹	
(3) Accessory Buildings and Structures, Excluding Walls and Fences	
See Section 10-40.60.020	
Standard	Minimum Setback from Property Line

Table 10-50.40.020.A.: Allowed Encroachments into Setbacks and Heights		
	Rear setback abutting a public alley right-of-way or private alley tract	0 feet
	Rear setback abutting another lot or parcel	5 feet ^{2,3}
	Interior side setback	5 feet ^{2,3}
	Street side setback	No encroachment allowed
	Front setback	No encroachment allowed
(4) Walls and Fences		
	Refer to Section 10-50.50.030, Siting and Building Standards, regarding the allowed locations of walls and fences.	
(5) Ground Mounted Solar Panels		
	Standard	Maximum Encroachment in Setback
	Front, Rear, Street Side Setback (max.)	5 feet
	Interior Side Setback (max.)	3 feet
(6) Open Stairways		
	Standard	Maximum Encroachment in Setback
	Rear and Exterior Side Setback	5 feet ^{2,3}
	Interior Side Setback	3 feet ^{2,3}
(7) Bay Windows, Open Eaves, Cornices, Fireplaces and Chimneys, and Window Sills		
	Standard	Maximum Encroachment in Setback
	All Setbacks (max.)	2 feet
End Notes:		
1. In no case shall the permitted encroachment exceed 50 percent of the required setback.		
2. Refer to applicable Building Code sections for permitted projections into setback areas and ensure that a 3' space is maintained between an open stairway and the property line.		
3. Refer to applicable Building Code sections for construction less than 5' from a property line.		