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MEMORANDUM

DATE: December 11, 2023

TO: Mayor and City Councilmembers

FROM: Meaghan Overton, Housing Manager
Noah Beals, Development Review Manager
Clay Frickey, Planning Manager
Paul Sizemore, Director of Community Development & Neighborhood Services
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RE: **Options to Revise the Repealed Land Use Code**

Purpose

The purpose of this memorandum was at the request of Councilmembers at their Regular Meeting on December 5. This is informational and outlines a range of possible Land Use Code (LUC) revisions Councilmembers may wish to consider if Council chooses to repeal the adopted LUC. The list of potential revisions are derived from the alternatives explored during our series of Summer Work Sessions with City Council on the draft LUC).

Potential Revisions

If Council chooses *Option 1: Repealing the Ordinance subject to the referendum petition*, Council may also choose to discuss next steps regarding a revised version of the repealed Land Use Code. This memorandum is intended to support Council dialogue by providing a summary of potential revisions. For each potential revision, information has also been included about what is currently permitted under the existing Land Use Code and what was changed in the LUC as adopted October 2023. Council may also choose to make revisions that have not been outlined in this memorandum.

Residential, Low-Density (RL): The Residential, Low Density (RL) Zone District is the largest residential zone district in Fort Collins. Most neighborhoods within the RL zone district are comprised primarily of single-unit, detached homes. Over 50% of existing housing was built between 1960 and 1997.

Currently allowed under the existing Land Use Code in RL:

- *Housing Types:* Single-unit detached house
- *Max Density:* 1 dwelling unit per lot
- *Lot Size:* 6,000 sq feet minimum AND 3 times the total floor area, whichever is greater
- *Maximum Height:* 28 feet for residential buildings

Changes adopted in October 2023:

- *Housing Types:* Add Accessory Dwelling Unit (ADU)
- *Max Density:* Increase to 2 dwelling units per lot (detached house + ADU only)
- *Other:*
 - ADU height limited to 15 feet where there is no alley

- Allow an ADU with single-unit dwelling only
- Require ADU properties to have a resident manager
- Prohibit Short-Term Rentals (STR) in ADUs

Potential revisions for RL:

1. Remove Accessory Dwelling Unit (ADU) as a permitted housing type (this revision would also decrease maximum density permitted on a lot)

Neighborhood Conservation, Low Density (NCL) / Old Town-A (OT-A): The Neighborhood Conservation, Low Density Zone District is similar to the RL Zone District in that it permits primarily single-unit, detached houses; however, the NCL Zone also permits “Carriage Houses” on lots over 12,000 square feet (about 10% of all NCL lots). The NCL Zone District areas are generally west and southeast of Downtown. These neighborhoods were mostly built before 1959 and comprise single-family homes on blocks with alleys. Some blocks in the NCL Zone also include duplexes built prior to the current LUC, and some larger lots include Carriage Houses.

A carriage house is a detached single unit dwelling that is behind another detached single unit dwelling. It is limited in size to a maximum 1,000 sf of floor area and requires an additional parking space.

Currently allowed under the existing Land Use Code:

- *Housing Types:* Single-unit detached house; carriage house
- *Max Density:* 1 unit or 2 units for lots >12,000 sf
- *Lot Size:* 6,000 sf minimum; 12,000 sf minimum for carriage house (10% of NCL lots)
- *Maximum Height:* 2 stories; 24 feet for carriage house or building at the rear of the lot

Changes adopted in October 2023:

- *Housing Types:* Add duplex; expand where ADUs are permitted; permit 3-unit apartment, rowhouse, and cottage court for affordable housing only
- *Max Density:* 3 units per lot
- *Lot Size:* 4,500 sf; 6,000 sf for 3-unit apartment/rowhouse, 9,000 sf for 3-unit cottage court
- *Maximum Height:* 28 ft; 24 feet for ADU; 15 ft for detached ADU with no alley
- *Other:*
 - Affordable housing allows 3-unit apartment, rowhouse, and cottage court
 - Requirements to integrate existing structure
 - HOA may limit to internal ADU only
 - ADU height limited to 15 feet where there is no alley
 - Require ADU properties to have a resident manager
 - Prohibit Short-Term Rentals (STR) in ADUs

Potential revisions for NCL/OT-A:

1. Remove duplex as a permitted housing type
2. Require larger minimum lot size (e.g., 12,000 sf) for an ADU
3. Increase minimum lot size for all lots (e.g., 6,000 sf)
4. Remove affordable housing incentive of additional housing types (apartment, rowhouse, cottage court)

NCM (OT-B) – Neighborhood Conservation, Medium Density Zone District: The Neighborhood Conservation, Medium Density Zone District comprises neighborhoods that are adjacent to Downtown and includes a diverse mix of single-unit detached, duplex, and multi-unit residential buildings often integrated on the same block with commercial uses and services within walking distance.

Currently allowed under the existing Land Use Code:

- *Housing Types:* Single-unit detached house; carriage house; multi-unit up to 4 units (e.g. duplex, triplex, fourplex)
- *Lot Size:* 5,000 sf for single-unit detached house; 6,000 sf for multi-unit buildings up to 4 units; 10,000 sf for carriage house
- *Maximum Height:* 2 stories, 24 ft for carriage house or building at the rear of the lot

Changes adopted in October 2023:

- *Housing Types:* Allow up to 5 units in multi-unit buildings
- *Max Density:* 6 units per lot
- *Lot Size:* 4,500 sf; 6,000 sf for 4-unit apartment/rowhouse, 9,000 sf for 3-6 unit cottage court
- *Maximum Height:* 28 ft; 24 feet for ADU; 15 ft for detached ADU with no alley
- *Other:*
 - Affordable housing allows 6-unit apartment, 5-unit rowhouse, and 3-6 unit cottage court
 - Requirements to integrate existing structure
 - HOA may limit to internal ADU only
 - ADU height limited to 15 feet where there is no alley
 - Require ADU properties to have a resident manager
 - Prohibit Short-Term Rentals (STR) in ADUs

Potential revisions for NCM/OT-B:

1. Limit number of units in multi-unit buildings to what is currently allowed (e.g., 4 units per building)
2. Decrease maximum density (e.g., 4 units per lot)
3. Require larger minimum lot size (e.g., 10,000 sf) for an ADU
4. Increase minimum lot size for all lots (e.g., 5,000 sf)
5. Remove affordable housing incentive of additional density (+1 unit)

Private Covenants/Homeowners Associations (HOAs): There are currently over 200 HOAs registered in Fort Collins. They vary based on neighborhood size, housing type and the types of things their covenants address.

Current Land Use Code regulations for HOAs:

- *Can not prohibit or limit:* xeric landscaping, solar/photovoltaic collectors on roofs, clothes lines in back yards, odor controlled compost bins
- *Can not require:* turf grass yards/lots

Changes adopted in October 2023:

- *Can not prohibit or limit:* the number and/or type of dwelling units permitted on a lot when that number and/or type of dwelling unit(s) would otherwise be permitted; the ability to subdivide property when that subdivision would otherwise be permitted

- *Can regulate*: external aesthetics including (but not limited to) site placement/ setbacks, color, window placement, height, and materials; if ADU is internal or detached

Potential revisions for HOAs:

1. Remove language prohibiting HOAs from regulating the number and/or type of dwelling units permitted on a lot
2. Remove language prohibiting HOAs from regulating the ability to subdivide property

Additional Housing-Related LUC Changes

The potential revisions discussed above comprise only a portion of the complete Land Use Code Housing Update. Other changes to the LUC not discussed above include:

- Accessory Dwelling Units permitted in mixed-use zones (e.g., LMN, MMN) and residential zones (UE, RUL, RF)
- Increase maximum density in the LMN Zone from 9 to 12 dwelling units per acre
- The creation of building types to describe the form of permitted housing options
- Expansion of affordable housing incentives (density, height, parking) to all commercial and mixed-use zones
- Refinement of affordable housing definitions
- Permitting affordable housing development to be reviewed administratively
- Parking reductions for studio, one-, and two-bedroom units in multi-unit buildings
- Design requirements (bulk plane, façade articulation, etc.) and rear-lot requirements in NCL/OT-A, NCM/OT-B and NCB/OT-C
- A maximum limit of 2,400 sf floor area for a single unit dwelling in the NCL/OT-A, NCM/OT-B and NCB/OT-C
- Maximum height of 28 feet for a single unit dwelling in the NCL/OT-A and NCM/OT-B
- Code reorganization
- Clarification of definitions/measurements
- Simplify and rename the NCL, NCM, NCB to OT-A, -B, -C
- Graphic and form-based representation of code standards (example illustrated below)



Timeline Considerations

Should City Council decide to repeal the Land Use Code, the following options have been explored based on Council feedback:

- **Bring Land Use Code for Council Consideration on January 16, 2024:** This option is the earliest possible date for consideration of the Land Use Code with edits if clear Council direction is received on December 19th. This option would allow for Planning and Zoning Commission consideration between First and Second readings of the new Ordinance.
- **Bring Land Use Code for Council Feedback at a Work Session in January:** This option would allow for at least one Work Session ahead of potential Ordinance consideration, which could occur as soon as February. This option would allow for Planning and Zoning Commission consideration of any Land Use Code changes after the work session and ahead of First or Second reading.