



Land Use Code Phase 1 Updates: Process Next Steps

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April 11, 2023

Introduction: Overview and Policy Alignment

(3 min presentation)

Part 1: Engagement Approach and Timeline

(5 min presentation; 20 min discussion)

Part 2: Themes and Topics to Address

(15 min presentation; 40 min discussion)

Part 3: Approach to Potential Alternatives and Revisions

(5 min presentation; 30 min discussion)

Conclusion: Next Steps

(2 min presentation)

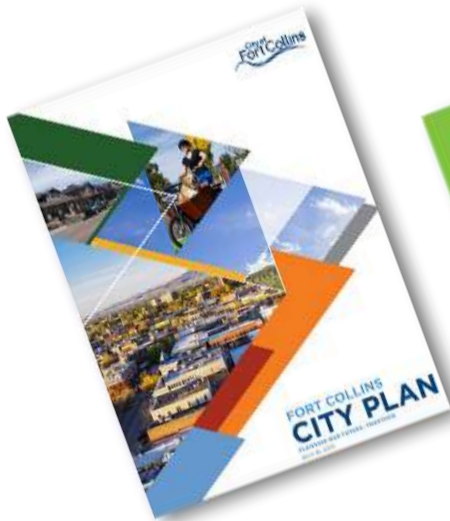
1. Are Councilmembers comfortable with the overall engagement approach and timeline?
2. Are there specific engagement topics missing that Councilmembers would like to see included?
3. Do Councilmembers support the proposed approach to exploration of potential alternatives and revisions?



Purpose of the Land Use Code Updates:

To Align the LUC with Adopted City Plans and Policies with a focus on:

- Housing-related changes
- Code Organization
- Equity



FIVE GUIDING PRINCIPLES

Revisions to the code will continue to support the five guiding principles confirmed by City Council in November 2021 with an emphasis on Equity.

1. *Increase overall housing capacity* (market rate and affordable) and calibrate market-feasible incentives for deed restricted affordable housing
2. *Enable more affordability* especially near high frequency transit and growth areas
3. *Allow for more diverse housing choices* that fit in with the existing context
4. *Make the code easier to use and understand*
5. *Improve predictability* of the development permit review process, especially for housing

Stage 1
(Mar-Apr)

- Begin outreach to all
- Identify areas for engagement and potential adjustment

Stage 2
(Apr-Jun)

- Gather feedback
- Educate, Inform & Consult

Stage 3
(Jun-Jul)

- Draft Code Revisions
- Testing & Legal Review

Stage 4
(Aug-Sept)

- Recommendations & Adoption

- **Early April** – Postcards arrived in mailboxes
- **April 12th, 6:00-9:00 p.m.** – CityWorks 101 presentation on LUC updates
- **Earth Day 4/22, Open Streets 6/4, Bike to Work Day 6/28, etc.** – Tabling
- **April 24th, 6:00-7:30 p.m.** – Virtual Information Session
- **April 26th, 5:30-8:00 p.m.** – Forum with Center for Public Deliberation
- **Late April** – Next Level Neighborhood Walking Tours
- **Thursdays, Fridays, and Saturdays in May** – Neighborhood Walking Tours
- **May 8th, 2:00-7:00 p.m.** – In Person Community Open House
- **June (dates TBD)** – Overflow Neighborhood Walking Tours as needed

1. Are Councilmembers comfortable with the overall engagement approach and timeline?





Themes and

Topics to Address

Analysis of Recent Inquiries

- August 2, 2022, through February 27, 2023, roughly corresponding to the release of the public draft of the Land Development Code (LDC) through the repeal of the LDC.
- 369 inquiries - 140 emails from 111 people; additional 166 inquiries from around 60 participants in the November 29, 2022, community information session.
- 7 main themes identified

Increased menu of housing choices and associated regulations

Affordable housing comments, questions, and suggestions

Size, height, form, and allowed density of specific housing types

Notification, community input, and review procedures for residential development

Interaction between the code and private covenants

Infrastructure and utilities

CURRENT CODE

Where: NCL, NCM, NCB (“Old Town” zones)

Review: Public Hearing (Type 1)

Setbacks: Same as house; no separation required from house

Height: 24 ft max

Size: 1,000 sf max floor area

Parking: 1 per bedroom

Utilities: Can extend water from primary house, separate electric meter

Other: no internal ADU permitted; 10,000 sf minimum lot size in NCM, 12,000 sf in NCL

REPEALED CODE

Where: All residential and mixed-use zones

Review: Administrative (BDR)

Setbacks: Same as house; 5 ft separation required from house

Height: 28 ft max, 24 ft in OT

Size: 1,000 sf max floor area

Parking: none required

Utilities: Can extend water from primary house, separate electric meter

Other: internal ADU permitted; no minimum lot size

CONCERNS

Amount of parking required

Potential impact on neighborhood, especially if many ADUs are built

Potential to impact shading and privacy of adjacent properties

ADUs as short-term rentals

Cost and feasibility to build

PRINCIPLES

Increase overall housing capacity

Enable more affordability

Allow for more diverse housing choices that fit in with the existing context

Improve predictability of the development review process

CURRENT CODE

Where: UE (up to 2 units), NCM (2-4 units)

Review: Public Hearing (Type 1) in UE; Administrative (BDR) in NCM*

Height: 2-3 stories

Parking: 1-3 spaces per unit depending on number of bedrooms

Design Requirements: Yes

Other: Administrative approval in NCM only if no structural change to an existing house

REPEALED CODE

Where: Add NCL and RL (up to 2 units); Increase NCM (+1 unit)

Review: Administrative (BDR)

Height: 3 stories or 35 ft max

Parking: 1-3 spaces per unit depending on number of bedrooms

Design Requirements: Yes

Other: Affordable housing incentives allow additional 1-2 units and reduced parking requirements

CONCERNS

Concern about demolition of existing structures

Availability of street parking

Potential impact on neighborhood

Potential to impact shading and privacy of adjacent properties

Multi-unit buildings as short-term rentals

PRINCIPLES

Increase overall housing capacity

Enable more affordability

Allow for more diverse housing choices that fit in with the existing context

Improve predictability of the development review process

CURRENT CODE

Where: All zones

Type: Voluntary incentives

Review: Varies by district

Requirements: 20 year deed restriction; 10% of units must be affordable to access incentives

Rental and For Sale

10% at 80% AMI

Incentives: Limited density bonus of 3 dwelling units per acre in LMN (from 9 to 12); 50% parking reduction in Transit-Oriented Development Overlay; reduced tree sizes

REPEALED CODE

Where: All zones

Type: Voluntary incentives

Review: Administrative (BDR)

Requirements: 99 year deed restriction; 10-20% of units must be affordable to access incentives

Rental

10% at 60% AMI
or

20% at 80% AMI

For Sale

10% at 80% AMI
or

20% at 100% AMI

Incentives: Citywide density bonus of additional units, density, or height depending on zone; ~50% reduction in parking requirements for all affordable projects; reduced tree sizes

CONCERNS

Updates do not do enough to ensure affordable housing for residents

Updates will not make housing more affordable

Clarification about how the updates will increase housing affordability

Technical questions related to enforcement, deed restrictions, definitions and income level requirements

PRINCIPLES

Increase overall housing capacity

Enable more affordability

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Improve predictability of the development review process

CURRENT CODE

Where: Residential and mixed-use zones

Review: Public Hearing (Type 1)

Design Requirements: Specific to each zone district. Code defines a range of “dwellings”:

- Single-family detached
- Single-family attached
- Two-family
- Two-family attached
- Multi-family

Other: Detached house floor area limited by lot size and rear coverage in Old Town zones; overall “use based” approach with design requirements for carriage houses, single unit houses, and multi-unit buildings

REPEALED CODE

Where: Residential and mixed-use zones

Review: Administrative (BDR)

Design Requirements: Defines a menu of “housing types” with specific design requirements including (but not limited to):

- Urban detached house
- Suburban detached house
- Cottage court
- Rowhouse
- Apartment building

Other: Detached house limited to 2,400 sf floor area in OT zone; overall “form based” approach including façade, articulation, height, massing, entry, and other requirements

CONCERNS

General concern about additional housing, especially in existing neighborhoods

Impacts of additional housing on built environment and neighborhood

Impacts to traffic, parking, utility capacity, gentrification, sprawl, and other topics

Questions about new housing types, particularly the cottage court

PRINCIPLES

Increase overall housing capacity

Allow for more diverse housing choices that fit in with the existing context

REVIEW TYPES: OVERVIEW

COMPARISON OF REVIEW TYPES										
	Conceptual Design Review includes notification on website/electronic newsletter	Neighborhood Meeting includes website/electronic newsletter, mailing, and sign posting	Application Submittal includes website/electronic newsletter, mailing, and sign posting	Rounds of Review (Average of 3 rounds)	Public Hearing includes mailing, sign posting and website/electronic newsletter	Notification a Decision is pending includes website/electronic newsletter and mailing	Decision includes appeal period	Final Plan Submittal includes sign posting and website/electronic newsletter	Rounds of Review (Average of 3 rounds)	Recording of Plans and Development Agreement
Type 2 (Planning and Zoning Commission)	■	■	■	■	■		■	■	■	■
Type 1 (Hearing Officer)	■	■	■	■	■		■	■	■	■
Basic Development Review (Director)			■	■		■	■			■
City Staff available to receive comments and answer questions										

USES	RESIDENTIAL DISTRICTS														MIXED-USE DISTRICTS									
	RUL		UE		RF		RL		OT-A		OT-B		MH		LMN		MMN		HMN		OT-C		NC	
	LUC	LDC	LUC	LDC	LUC	LDC	LUC	LDC	LUC	LDC	LUC	LDC	LUC	LDC	LUC	LDC	LUC	LDC	LUC	LDC	LUC	LDC	LUC	LDC
Single Unit Dwelling	■	■	■	■	■	■	■	■	■	■	■	■			■	■	■	■			■	■		
Two Unit Dwelling (duplex)			■	■			X	■	X	■	■	■			■	■	■	■			■	■	■	■
Single Unit Attached (2-4 units)			■	■			X	▲	X	▲	X	■			■	■	■	■			■	■	■	■
Multi-Unit (4+ units)											■	■			■	■	■	■	■	■	■	■		
Mixed-Use Dwelling															■	■	■	■			■	■	■	■
Accessory Dwelling Unit	X	■	X	■	X	■	X	■	■	■	■	■	X	■	X	■	X	■	X	■	X	■	X	■

X - Not Permitted in LUC
 ■ - Administrative (BDR)
 ▲ - Only if Affordable in LDC
 ■ - Public Hearing (Type 1)
 ■ - Public Hearing and Neighborhood Meeting (Type 2)

CONCERNS

Notification requirements were not changed in the repealed code, but many had concerns about notification processes

Concern about removing requirements for neighborhood meetings in housing developments

Concern that fewer neighborhood meetings and public hearings could result in decreased opportunities for community input

Questions about Development Review process

PRINCIPLES

Increase overall housing capacity

Enable more affordability

Improve predictability of the development review process

Make the code easier to use and understand

CURRENT CODE

HOAs are currently prohibited from creating or enforcing provisions that

Prohibit or limit:

- The installation or use of xeriscape landscaping
- The installation or use of solar/photovoltaic collectors on roofs
- The installation or use of clothes lines in back yards
- The installation or use of odor controlled compost bins

Or requiring:

- Turf grass yards/lots

REPEALED CODE

Adds language that prohibits HOAs from creating or enforcing provisions that

Prohibit or limit:

- The City's regulations to implement its housing policies, as supported by the Housing Strategic Plan
- Including but not limited to provisions for increased density, height and occupancy

CONCERNS

Questions asking whether someone could now build an ADU even if it is against their HOA rules

Concern about legality of preempting HOA restrictions

Concern that the code updates improperly disregard HOA rules

PRINCIPLES

Increase overall housing capacity

Enable more affordability

Allow for more diverse housing choices that fit in with the existing context

Improve predictability of the development review process

CURRENT CODE

Adequate public facilities (APF) management system ensures that public facilities and services are available concurrently with the impacts of development

Includes:

- Transportation
- Water Utilities
- Electric Facilities
- Fire and Emergency response

Public streets are constructed to allow on-street parking, and development is required to meet minimum parking standards

REPEALED CODE

- No changes to APF criteria and regulations
- Public streets designed to allow on-street parking
- Development required to meet minimum parking standards
 - Reduction for studio, one, and two bedroom units
 - Additional reduction for affordable housing

CONCERNS

Condition of and costs associated with water, sewer, roads, electricity, and schools

Availability of street parking if more people live in Fort Collins

Questions about how the code intersects with transportation planning/traffic

Ability to accommodate more people, particularly with regard to water availability

PRINCIPLES

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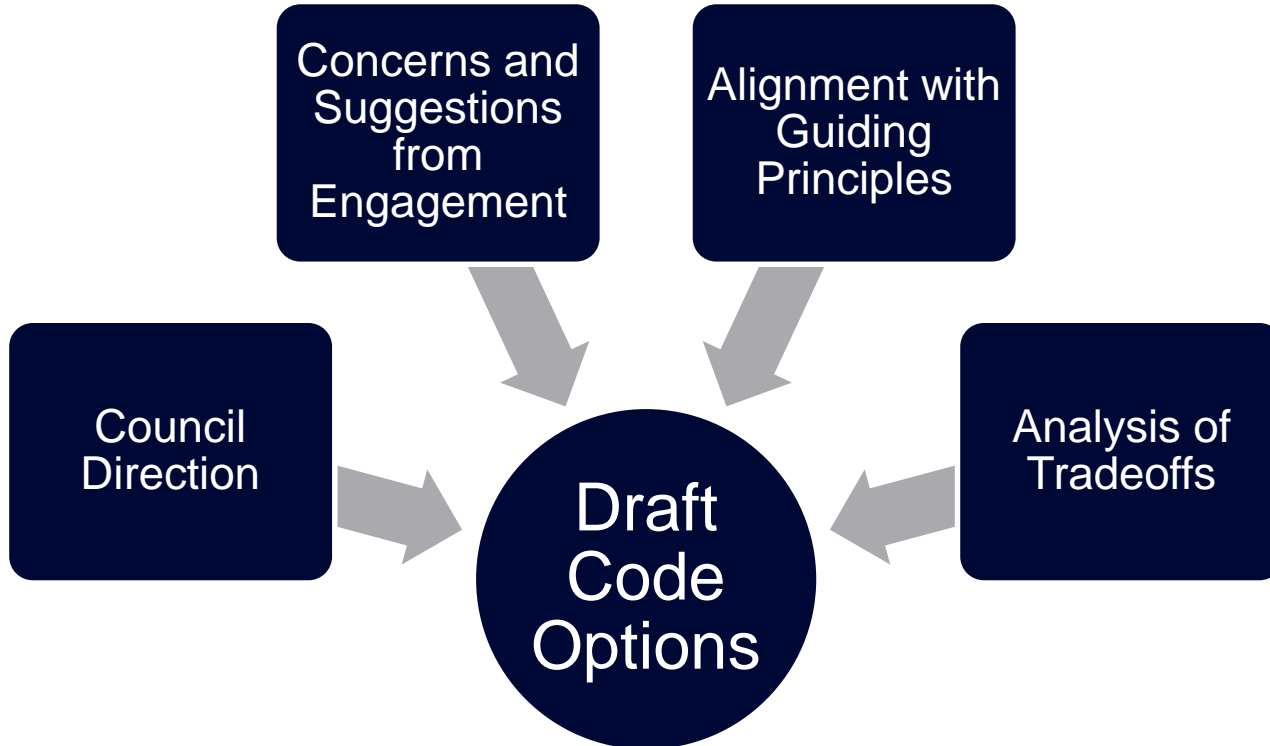
Infrastructure and utilities

2. Are there specific engagement topics missing that Councilmembers would like to see included?





Approach to Potential Alternatives and Revisions



Example: Increased menu of housing choices and associated regulations (ADUs)

Concerns from Engagement	Potential Alternative Examples	Analysis Required
Not enough parking to accommodate more residents	Consider requiring an off-street parking space for ADUs	Economic feasibility/tradeoffs of additional parking requirements
Potential impact on neighborhood, especially if many ADUs are built	Review design requirements to evaluate for compatibility with neighborhood setting	Additional research into design requirements and graphics/visualization
Potential to impact shading and privacy of adjacent properties	Review design requirements to evaluate for potential privacy and shading issues	Additional research into design requirements and graphics/visualization
ADUs as short-term rentals (STR)	Explore limiting use of ADUs as STR	Peer communities research; legal review
Cost and feasibility to build	Investigate possibility of pre-approved ADU plans	Peer communities research

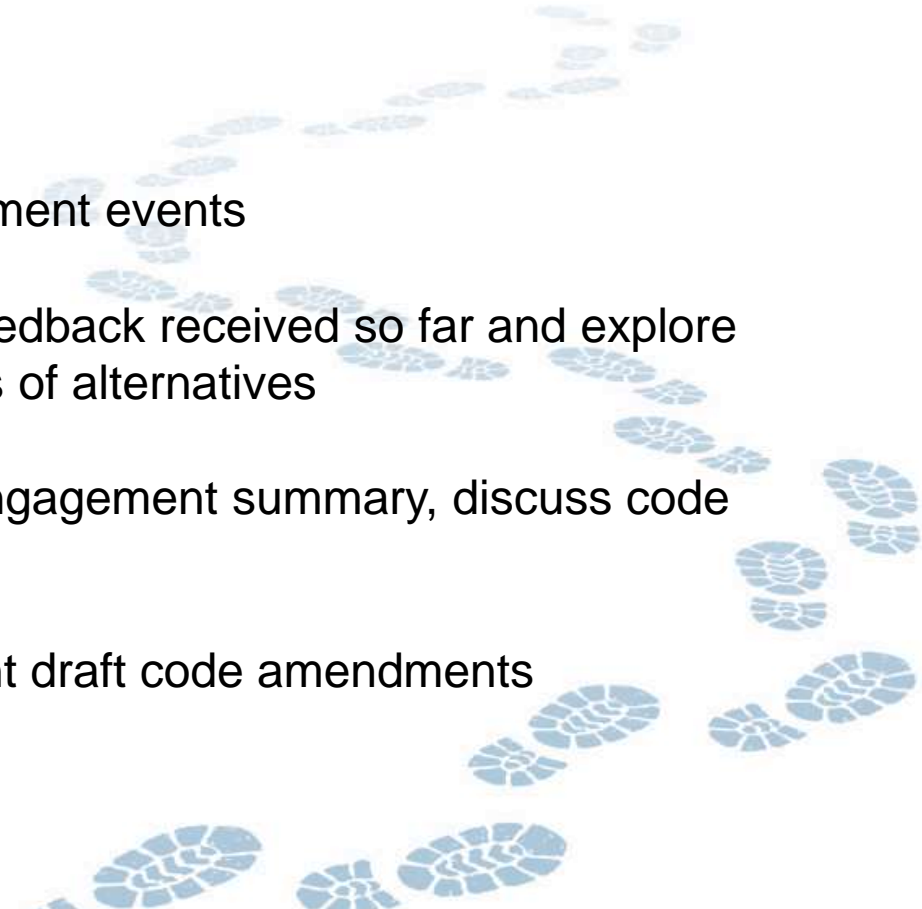
3. Do Councilmembers support the proposed approach to exploration of potential alternatives and revisions?





City of
Fort Collins

Next Steps

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- A decorative graphic consisting of a trail of blue footprints, each with a circular pattern inside, leading from the bottom right towards the top left of the slide.
- **April and May:** Community engagement events
 - **May 23rd Work Session:** Present feedback received so far and explore potential code revisions and analysis of alternatives
 - **July 25th Work Session:** Present engagement summary, discuss code revisions
 - **August 22nd Work Session:** Present draft code amendments

