

## Land Use Code and Repealed Land Development Code

Synthesis of Public Comments and Questions | August 2022-February 2023

**About this analysis:** This analysis contains a summary of inquiries from August 2, 2022, through February 27, 2023, flanking the season when the draft code updates were available to the public and before Council for consideration.

- Inquiries to City staff, Current\_Planning general inbox, various Councilmembers via Service Area Requests, FCGov Contact Form
- Inquiries were also compiled from the community information session Zoom town hall meeting on November 29, 2022.

This report summarizes 369 comments and inquiries from community members.

- 140 emails from 111 people; additional 166 inquiries from around 60 participants in the November 29, 2022, community information session.
- Many emails contained inquiries or comments on more than one topic.

**Most Frequent Topics:** 68% of all inquiries were related to the 7 topics highlighted in gray below.

Rank	Topic	Count	% of all 369 inquiries
1	Increased menu of housing choices and associated regulations (e.g. Accessory Dwelling Units, duplexes, triplexes)	43	11.9%
2	Affordable housing questions, concerns, and suggestions	41	11.4
3	Size, height, form, and allowed density of specific housing types	35	9.7
4	Process of LDC code changes and adoption	32	9.2
5	Interaction between the code and private covenants (HOAs)	31	8.9
6	Notification, community input, and review procedures for residential development	30	8.6
7	Infrastructure and utilities (including parking)	15	8.3
8	More information requests, generally	12	4.2
9	Neighborhood design & character	10	3.3
10	General support	9	2.8
11	General concerns	8	2.5
12	Rental vs owner occupation	7	2.2
13	Controls on developers	6	1.7
	<b>TOTAL</b>	<b>312</b>	<b>86.7%</b>

**Themes of Questions and Comments by Topic:** Within each topic, comments were categorized into either questions or comments based on the content of the inquiry. Themes for each topic are summarized below.

### **1. Increased menu of housing choices and associated regulations (e.g. Accessory Dwelling Units, duplexes, triplexes)**

- Technical questions about whether an ADU or duplex could be built on a property under the Land Development Code:
  - o Questions from realtors, appraisers, or owners asking whether existing ADU or duplex is legally conforming

- Questions from realtors or owners actively considering projects
- Questions from would-be neighbors, i.e., “Would this allow my neighbor to build an ADU?”
- Questions about whether the code updates change any short-term rental regulations
- Concern about changes in the built environment in a neighborhood or the city overall:
  - Concern about neighborhood character, massing, shading
  - Concerns about parking availability
  - Concerns about “scrapes” – demolition of a house to replace with a new structure
  - Suggestions to limit number of ADUs permitted within a certain radius, on a block, etc.
- Concern about changes in the social fabric of a neighborhood or the city overall:
  - Concerns about ADUs being used as short-term rentals
  - Concerns about who might live in an ADU (owner-occupied or rental)
  - Concerns about the feasibility and cost of building an ADU or duplex and the capital available to renters vs homeowners vs real estate investors
  - Suggestions to limit the number of residents allowed in an ADU

## **2. Affordable housing questions, concerns, and suggestions**

- Technical questions about Affordable Housing:
  - Questions about the definition of affordable housing
  - Concerns about enforcement of affordability restrictions
  - Questions about deed restriction, especially with reference to the length of the deed restriction required for affordable housing
  - Requests for clarifications about how area median income (AMI) and housing costs interact: what is AMI currently, what if the household is larger or smaller, etc.
- Many comments expressed worry about the affordability of housing in Fort Collins now and into the future:
  - Concerns that the Land Development Code did not do enough to ensure affordable housing
  - Concerns that the code updates would not make housing more affordable in Fort Collins
  - Questions asking for clarifications about what code updates would do to increase housing affordability in Fort Collins
  - Varying opinions about the relationship between housing capacity/supply and housing affordability
  - Suggestions that code should require or mandate affordable housing
  - Concerns about the rental/ownership markets, especially with reference to ensuring opportunities for individuals to build capital through homeownership

## **3. Size, height, form, and allowed density of specific housing types**

- Technical questions about how many units could be built on specific properties or in specific zone districts:
  - Questions about how many units X property (or a generic property in X Zone District) could accommodate under the Land Development Code
  - Questions about how housing density increases would be distributed across the city (i.e. “will x neighborhood see the largest density increases?”)

- Requests for clarification about why particular housing types would be permitted in specific zone districts (i.e. “why are cottage courts allowed in the Old Town zone?”)
- General concern about increasing housing capacity:
  - Many comments expressing concern or displeasure with increasing housing capacity
  - Concern about “scrapes” including fears that people would demolish homes next door or nearby to build multi-unit housing
  - Suggestions to do more to prevent demolition of existing structures
  - Concerns about the waste created by demolition of existing structures
  - Concerns that single-family houses will no longer be built in Fort Collins
  - Concern about impacts to traffic, parking, utilities, grocery stores, gentrification, sprawl, etc.

#### **4. Process of LDC code changes and adoption**

- General concern that the commenter did not know about the proposed code changes
- Comments stating that most residents of Fort Collins did not know about the proposed code changes

#### **5. Interaction between the code and private covenants (HOAs)**

- Questions about whether the Land Development Code supersedes or preempts HOA restrictions
  - Many questions asking whether someone could now build an ADU even if it is against their HOA rules
  - Some inquiries about HOA function including governance procedures, taxing/fees, owner-lender contracts, and other topics that are outside of the City’s purview
- Concern about preemption of HOA restrictions on housing capacity
  - Concerns that the code updates improperly disregard HOA rules
  - Some statements that preemption of HOA restrictions may not be legal
  - Some discussion of possible litigation

#### **6. Notification, community input, and review procedures for residential development**

- Technical questions about the development review process
- Concerns about eliminating opportunities for community input into development projects
  - Concern about eliminating neighborhood meetings for development projects
  - Concern about eliminating P&Z hearings for development projects

#### **7. Infrastructure and utilities (including parking)**

- Concerns about the availability, condition, and costs associated with infrastructure and utilities
  - Condition of and costs associated with water, sewer, roads, electricity, and schools
  - Concerns about availability of street parking if more people live in Fort Collins
  - Concerns about traffic and the intersection of the code with transportation planning
  - Concerns about the city’s ability to accommodate more people, particularly with regard to regional water availability