



WORK SESSION AGENDA ITEM SUMMARY

City Council

STAFF

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SUBJECT FOR DISCUSSION

Land Use Code Extended Discussion.

EXECUTIVE SUMMARY

The purpose of this item is to update Council on the approach and timeline for engagement around housing-related Land Use Code (LUC) changes, seek input from Council about engagement topics that should be included, and share a preliminary approach to exploration of potential alternatives and code revisions for Council consideration.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

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?

BACKGROUND / DISCUSSION

Following the submission and certification of a petition sufficient for referendum, Council reconsidered Ordinance No. 114, 2023 on January 17, 2023. Council voted unanimously (7-0) to repeal Ordinance No. 114, 2022, *Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins Code to Adopt the Land Development Code and Separately Codifying the 1997 Land Use Code As "Transitional Land Use Regulations"*. Council directed staff to explore next steps to allow for additional community engagement and further refinement of housing-related code changes.

Revisions to the code will continue to support the five guiding principles confirmed by Council in November 2021 and re-affirmed by a majority of Councilmembers at a work session in February 2023:

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 review process, especially for housing.

A refined approach to engagement, including proposed themes and topics to cover, are outlined below. The approach also includes an updated timeline and upcoming engagement opportunities.

Engagement Approach and Timeline

City staff has begun to re-engage community members to gather feedback on housing-related LUC changes. The target audience is citywide, with some engagement methods tailored to specific audiences. During the month of March, staff have also held 8 one-on-one or small group meetings to review planned engagement activities and begin in-depth dialogue with community groups. Following a citywide postcard mailing in early April, staff will be hosting a wide range of community engagement events in April, May, and June.

Timeline: The staff team plans to conduct most large-scale engagement events during Stage 2 (April-June) prior to drafting code language. Staff anticipates sharing a public draft in late summer, with Council consideration of adoption to follow in late summer or early fall 2023.



Upcoming Engagement Opportunities: A wide range of engagement events have been scheduled in accordance with Council direction received at the February 14, 2023 work session. Engagement opportunities are being announced with a postcard (English/Spanish) mailed to all residents and a parallel social and print media effort. Events include informal tabling at community gatherings, presentations to community groups, Boards, and Commissions, virtual and in-person sessions, and deliberative dialogue opportunities. All information about events is being posted to the project website, <https://www.fcgov.com/lucupdates>.

- **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 at events
- **April 24th, 6:00-7:30 p.m.** – Virtual Information Session
- **April 26th, 5:30-8:00 p.m.** – Deliberative 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

Engagement Topics

Potential changes to the LUC have resulted in robust community dialogue and many comments shared with City Leaders and staff. To better understand the topics of interest to community members, staff analyzed 369 inquiries received from August 2022 through February 2023, roughly corresponding to the release of the public draft of the Land Development Code (LDC) through the repeal of the LDC. A detailed synthesis of comments has been included as an attachment. Nearly 70% of all inquiries were about one of the following topics:

1. Increased menu of housing choices and associated regulations (e.g. Accessory Dwelling Units, duplexes, triplexes)
2. Affordable housing questions, concerns, and suggestions
3. Size, height, form, and allowed density of specific housing types
4. Process of LDC code changes and adoption
5. Interaction between the code and private covenants (HOAs)
6. Notification, community input, and review procedures for residential development
7. Infrastructure and utilities (including parking)

To inform community dialogue about these key topics and others, staff proposes a structure for engagement events that can guide conversation about potential LUC revisions to address community concerns while still aligning with the Guiding Principles of this effort. Engagement events will discuss:

- What is allowed under the current code (Land Use Code) for a given topic?
- What was proposed in the repealed code (Land Development Code) and the purpose of that proposed revision?
- Community concerns about changes included in the repealed code
- Potential code revisions that address those concerns while aligning with the 5 Guiding Principles

Staff has developed code comparisons and exploration of concerns and alignment for each engagement topic area. The framework for Accessory Dwelling Units is included as an example below. During the work session, staff will walk through each topic area for Council input.

Example: Increased menu of housing choices and associated regulations (Accessory Dwelling Units)

Current and Repealed Code Comparison: ADUs

	Current Code	Repealed Code
<i>Where</i>	NCL, NCM, NCB	All zones
<i>Review Type</i>	Public Hearing (Type 1)	Administrative (BDR)
<i>Setbacks</i>	Same as house; no separation required from main house	Same as house; 5 ft separation required from house
<i>Height</i>	24 ft max	28 ft max; 24 ft max in OT zone
<i>Size</i>	1,000 sf floor area max	1,000 sf floor area max
<i>Parking</i>	1 per bedroom	None required

	Current Code	Repealed Code
<i>Utilities</i>	Can extend water from primary house; separate electric meter	Can extend water from primary house; separate electric meter
<i>Other</i>	No internal ADU permitted; 10,000 sf minimum lot size in NCM, NCL	Internal ADU permitted; no minimum lot size

Concerns and Alignment: ADUs

Concerns to date have included:

- 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

Changes to ADU regulations in the repealed code aligned with the following guiding principles:

- Increase overall housing capacity
- Enable more affordability
- Allow for more diverse housing choices
- Improve predictability of the development review process

Approach to Exploration of Potential Alternatives and Revisions

Staff will continue to gather, analyze and synthesize community feedback received through upcoming engagement events and other correspondence, including online feedback forms and emails. Staff will then use this information to explore alternative code options within the 6 topic areas to address community concerns. The following is an example of the framework staff propose for evaluating potential alternatives and revisions. This is not an exhaustive list of alternatives or analysis required. Rather, it is intended to show how staff could investigate potential revisions to the LUC, using the Accessory Dwelling Units (ADUs) topic as an example:

Example: Increased menu of housing choices and associated regulations (Accessory Dwelling Units)

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

NEXT STEPS

Community engagement events will take place in April and May as outlined in this Agenda Item Summary. Three Council work sessions are scheduled to date:

- May 23: Summary of feedback; exploration of potential alternatives and revisions
- July 25: Summary of feedback; discuss potential code revisions and analysis of alternatives
- August 22: Draft code

ATTACHMENTS

1. Communications Tracker Synthesis
2. Presentation