



Land Use Code Phase 1 Updates: First Reading

Noah Beals | Development Review Manager
Meaghan Overton | Housing Manager

October 18, 2022

Does Council wish to adopt Ordinance XX-2022 for the proposed Land Development Code on First Reading?

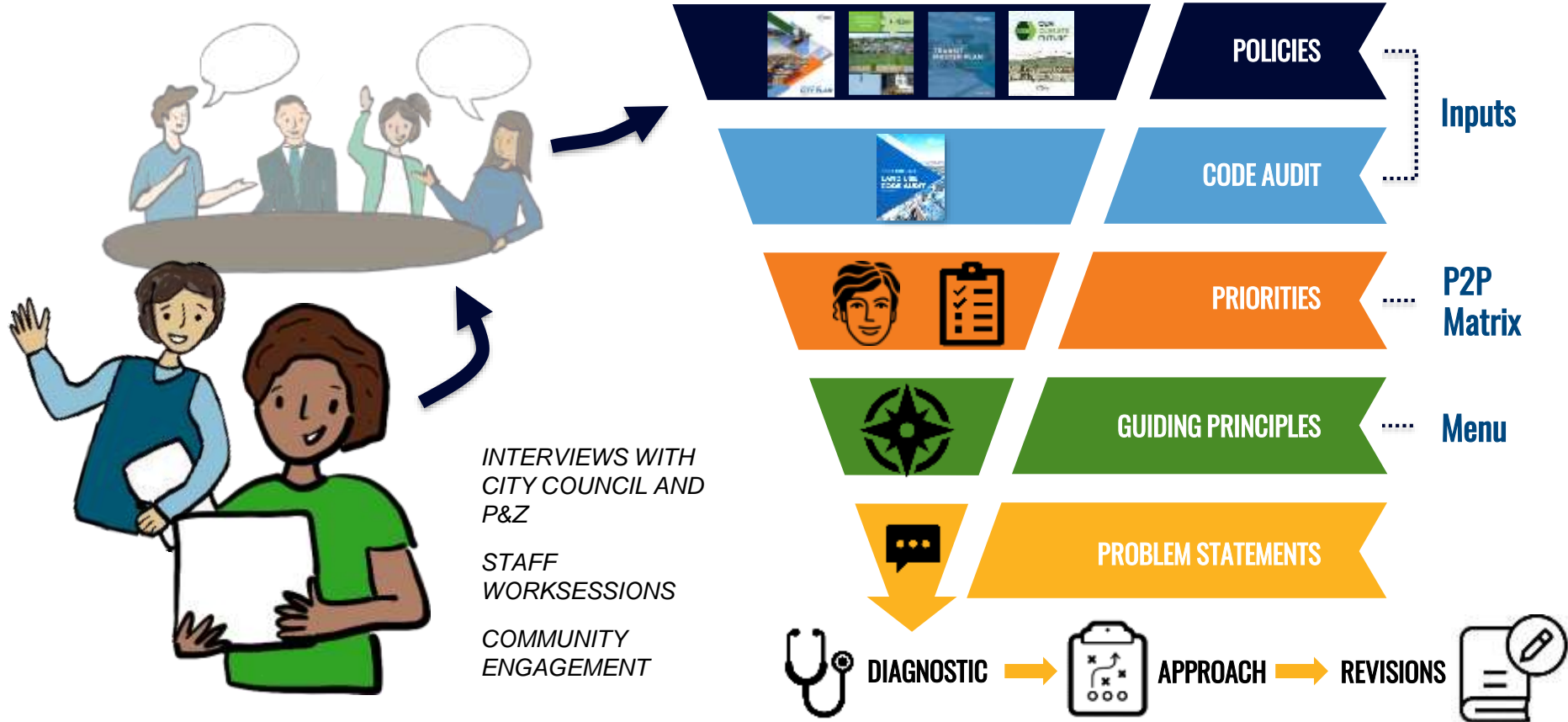


Purpose of the Land Use Code Updates:

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

- Housing-related changes
- Code Organization
- Equity





FIVE GUIDING PRINCIPLES

These Guiding Principles (presented to City Council on November 9, 2021) provide the foundation for the LUC Updates Diagnostic and Approach and will inform all proposed code changes with emphasis on Equity.

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

Make the code easier to use and understand

Improve predictability of the development review process, especially for housing

Key Proposals:

- Change name to “Land Development Code” (Recommendation 14)
- Reorganize content so the most used information is first in the Code
- Reformat zone districts with consistent graphics, tables, and illustrations (Recommendation 12)
- Consolidate form standards in new *Article 3 – Building Types* (Recommendation 11)
- Consolidate use standards into table in new *Article 4 – Use Standards* (Recommendation 13)
- Update definitions and rules of measurement for consistency (Recommendation 13)
- Rename some zones and create subdistricts to consolidate standards (Recommendation 15)

Allow for more diverse housing choices

that fit in with the existing context and/or future priority place types

Key Proposals:

- Allow ADUs in all residential and mixed-use zones (Recommendation 1)
- Create a menu of building types and form standards to guide compatibility (Recommendation 1)
- Update Land Use Table to permit more housing types through BDR (Recommendation 1)
- Adjust standards to enable more small-lot infill development and “missing middle” housing types. (Recommendation 2)
- Update use standards, rules of measurement, and definitions to align with new building types and standards. (Recommendation 3)




*Increase overall housing capacity
(market rate and affordable)*

*Enable more affordability, especially
near high frequency transit and
priority growth areas*

Key Proposals:

- Target increases in housing capacity to zones in transit corridors and zones with the greatest amount of buildable land (Recommendation 8)
- Increase maximum density in the LMN zone from 9 to approximately 12 dwelling units per acre (Recommendations 4, 5, and 8)
- Reduce parking requirements for studio, one- and two-bedroom units in multi-unit developments (Recommendations 4, 9, and 10)
- Regulate building size through maximum floor area and form standards instead of units per building (Recommendation 5)
- Regulate density through form standards and building types instead of dwelling units per acre (Recommendation 5)

HOUSING CAPACITY REPORT CARD

PERFORMANCE METRIC	EXISTING CODE	PROPOSED CODE	% CHANGE
 Total Housing Capacity Estimated number of units possible to build under zoning standards	25,959 dwelling units	39,725 dwelling units	
 Housing Capacity as Percent of Projected 20-Year Housing Need Estimated capacity compared to total projected housing demand through 2040. ¹	85% of 30,480 units	130% of 30,480 units	↑ 53%
 Housing Capacity in Transit Corridors Estimated number of units possible to build under zoning standards within 5 minute walk of existing and future transit corridors.	5,104 dwelling units	8,299 dwelling units	↑ 63%

¹Source: City Plan Trends and Forces Report (2017)

Calibrate market-feasible incentives for affordable housing

Enable more affordability, especially near high frequency transit and priority growth areas

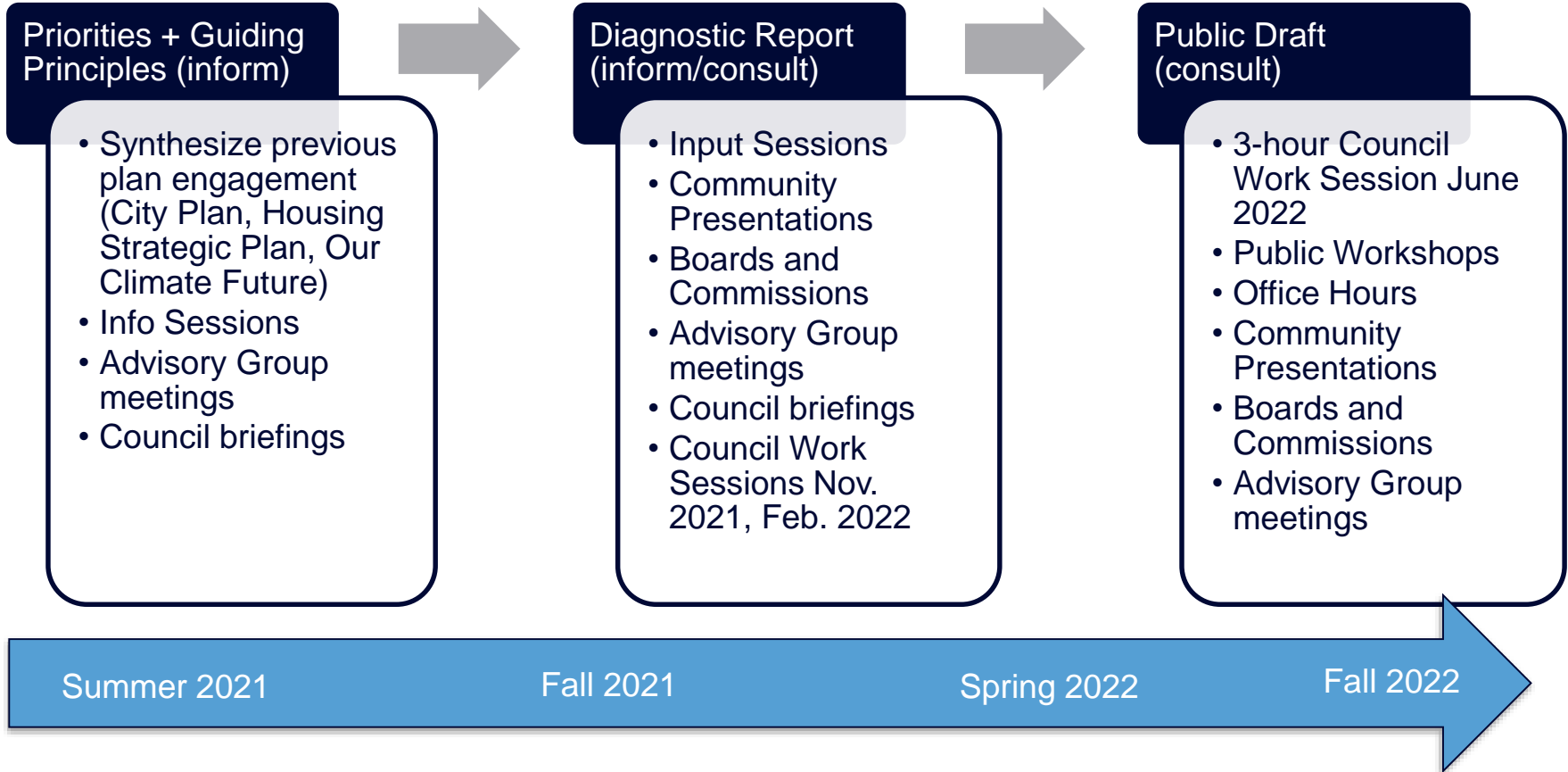
Key Proposals:

- Expand affordable housing incentives (Recommendations 6 and 9)
- Modify income criteria to address the most critical shortages (Recommendations 6 and 9)
- Raise the density bonus incentive in the LMN zone (Recommendations 6 and 9)
- Create height bonus and parking reduction incentives (Recommendations 6 and 9)
- Require 50-60 years of deed restriction instead of the current 20 years
- Continue to require a minimum 10% of units to be affordable for development seeking incentives
- Update definitions for affordable housing, review for consistency (Recommendation 7)

HOUSING AFFORDABILITY REPORT CARD

PERFORMANCE METRIC	EXISTING CODE	PROPOSED CODE	% CHANGE
 <p>Capacity for Affordable Units with Bonus Incentives</p> <p>Estimated number of deed-restricted affordable units possible to build if bonus incentives are used in all projects.</p>	<p>1,590 dwelling units (LMN Zone)</p>	<p>4,677 dwelling units (multiple zones)</p>	<p>↑ 194%</p>
 <p>Capacity as Percent of Affordable Rental Unit Shortage</p> <p>Estimated capacity compared to total estimated shortage of rental units affordable to households earning less than 60% of AMI.¹</p>	<p>23% of 6,787 units</p>	<p>68% of 6,787 units</p>	<p>↑ 194%</p>
 <p>Total Housing Capacity with Bonus Incentives</p> <p>Estimated number of total units (market rate and affordable) possible to build if bonus incentives are used in all projects.</p>	<p>32,394 dwelling units</p>	<p>53,106 dwelling units</p>	<p>↑ 64%</p>

¹Source: Housing Strategic Plan (2021)



Since the Public Review Draft was released in early August, the project team has...

- Offered office hours 2-3 times per week
- Hosted 4 virtual public workshops
- Held a workshop with development review staff
- Met with community groups, Boards & Commissions including:
 - Affordable Housing Board – recommended approval (unanimous)
 - Historic Preservation Commission – recommended approval (unanimous)
 - Planning and Zoning Board – recommended approval (5-2)
 - Transportation Board
 - Natural Resources Advisory Board
 - Technical advisory group
 - Fort Collins Chamber of Commerce (housing task force)
 - Affordable Housing Providers group













Change #	Feedback	Public Review Draft	Recommendation	
			Staff	P&Z
Article 1				
1	Name change portrays pro-development stance and not preservation as well.	Name proposed to change to the Land Development Code	Change was intended to be inclusive of all that definition of development contains.	Proposed "Land Use and Development Code"
Article 2				
2	The proposed floor area allowance (2,000 sf) in OT zone is overly restrictive. Excludes larger lots from having a bigger house	Floor area for primary structure in OT zone limited to 2,000 sf	Supports 2,400 sf floor area for the primary building in the OT-A and OT-B	Supports 2,400 sf floor area for the primary building in the OT-A and OT-B
3	In the NCB Floor Area is not currently limited. In the new OT-C (name change from NCB) a limit of 2,000 or 2,400 is being proposed	Floor area for primary structure in OT zone limited to 2,000 sf	Consider increase in floor area allowance in OT zone for primary structure to 2,400 sf	Remove limit on primary structure size in the OT-C or permit larger structures on large lots as a % of lot size
4	A 10' setback in the HMN is too small, results in taller buildings shadowing the street	A 10' front setback is a change from the existing code 15' setback	Supports keeping the 15' front setback in the HMN zone district	Supports keeping the 15' front setback in the HMN zone district
5	The stepback standard in the HMN zone district helps reduce the impact of taller buildings	A similar setback standard is required for all zone districts, but the existing stepback was not included	Supports keeping the existing stepback standard in the HMN zone district	Supports keeping the existing stepback standard in the HMN zone district

Change #	Feedback	Public Review Draft	Recommendation	
			Staff	P&Z
6	Façade articulation wording appears to allow a building color change to count as significant change	This is existing language in the code that was carried over	Supports clarifying color change does not create required façade articulation	Supports clarifying color change does not create required façade articulation
Article 3				
7	The Row House allows parking in the rear of the building, but not clear if the parking can be visible from the public right of way	Parking spaces tucked under the building may still be visible.	Supports eliminating tuck under parking visible from the public right of way	Supports eliminating tuck under parking visible from the public right of way
8	Clarify that the cottage court building type not allow parking within the court.	The proposed code language and graphic shows required parking being behind the houses and not in court.	Supports clarifying parking is not allowed in the court	Supports clarifying parking is not allowed in the court
9	12' maximum driveway entrance in the RL zone district is small for a two-car driveway	The detached suburban house limits the width of a driveway entrance to 12'. This does not limit it from flaring out behind the sidewalk	Supports expanding the maximum driveway width to accommodate two-car driveway	Supports expanding the maximum driveway width to accommodate two-car driveway
10	Unclear if an Accessory Dwelling Unit (ADU) can be built over a garage	The proposed code does not prohibit a combined ADU and garage, but does not explicitly say it is a possibility	Supports clarifying ADU building type can be built with a garage	Supports clarifying ADU building type can be built with a garage

Change #	Feedback	Public Review Draft	Recommendation	
			Staff	P&Z
11	Consider allowing more than 45% of primary structure for detached ADUs. Current proposal penalizes those with small houses.	Detached ADU size is limited to 45% of the floor area of the primary structure or 1,000 sf, whichever is smaller	Allow a detached ADU of up to 600 sf. for primary houses that have 1,335 sf of floor area or less. All others must meet the 45% floor area requirement	Supports more floor area for an ADU accessory to smaller houses of 1,335 or less
12	Suggested another building type to highlight missing middle housing.	The proposed building type apartment covers everything from a 3 unit, 4 unit, 5 unit and more	Agreed exploring another building type in the next phase after seeing how the proposed code change is being used	Encourages exploring the benefits of adding another housing type between apartment and duplex
Article 4				
13	If ADUs are allowed in RL, why not duplexes?	Duplexes are not allowed in RL zone	Support creating the same list of uses in the OT-A district and the RL zone district	Support creating the same list of uses in the OT-A district and the RL zone district
14	In the NCB zone district the use Mixed-use dwelling is permitted, this should continue to be allowed in the OT-C	The proposed use table inadvertently did not include mixed-use dwelling in the OT-C	Supports correction to continue to allow mixed-use dwelling in the OT-C	Supports correction to continue to allow mixed-use dwelling in the OT-C
15	The proposed code moving Type 1 and Type 2 reviews for residential projects to a BDR, eliminates a public hearing	This change is part of the goals of this phase to reduce hurdles in the review process for residential projects. At the same time there is a concern that reduced public hearings may reduce neighborhood input	Support change to require a neighborhood meeting early in the BDR process and determine metrics for when a neighborhood meeting would be required. This will allow comments to be received and be addressed during the design process	Not supportive of all residential projects being moved to a BDR process. Supportive for council to direct city staff to adding metrics for requiring a public hearing

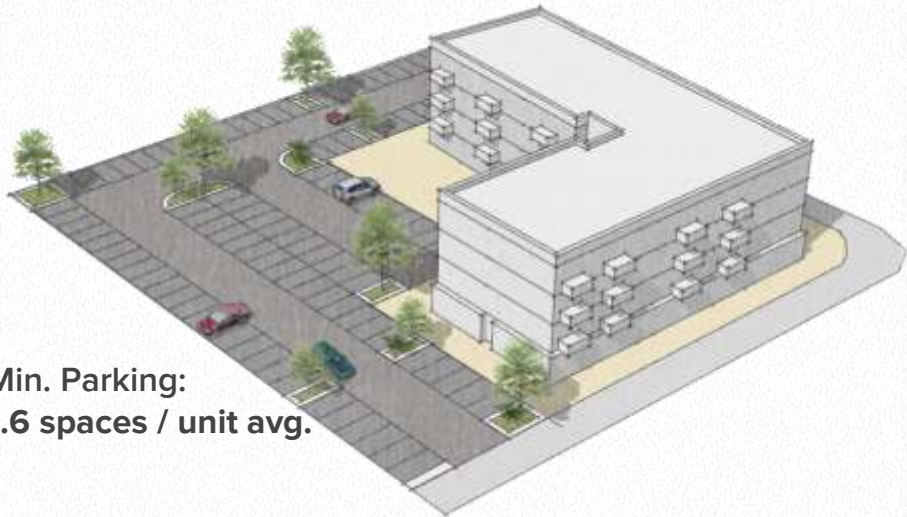
Change #	Feedback	Public Review Draft	Recommendation	
			Staff	P&Z
Article 5				
16	Extend deed restriction for affordable housing (50 years)	50-year deed restriction	Supports the increase deed restriction to 99 years	Supports the increase deed restriction to 99 years
17	Make the requirements for “substantially varied” building design clearer and more objective	No change from current code	Create table outlining options for meeting requirement for “substantial variation”	Supports the table created.
18	Will parking reductions create impacts to existing neighborhoods?	Incentive for both multi-unit and affordable housing developments include reduction in parking requirements	Would not recommend a change. Reductions were calibrated to create an incentive to provide additional dwellings and affordable dwellings	Encourage Council to consider the impacts of spill over parking vs. the need for additional dwelling units
Article 6				
No additional recommendations				
Article 7				
19	The way “floor area” is measured is very confusing	The new code reduced the number of times it appears but did not change from current code	Adjust measurement of floor area to improve clarity and consistency with new building types	Supports the clarification on how to measure floor area.

Minimum off-street parking requirements for multi-unit projects

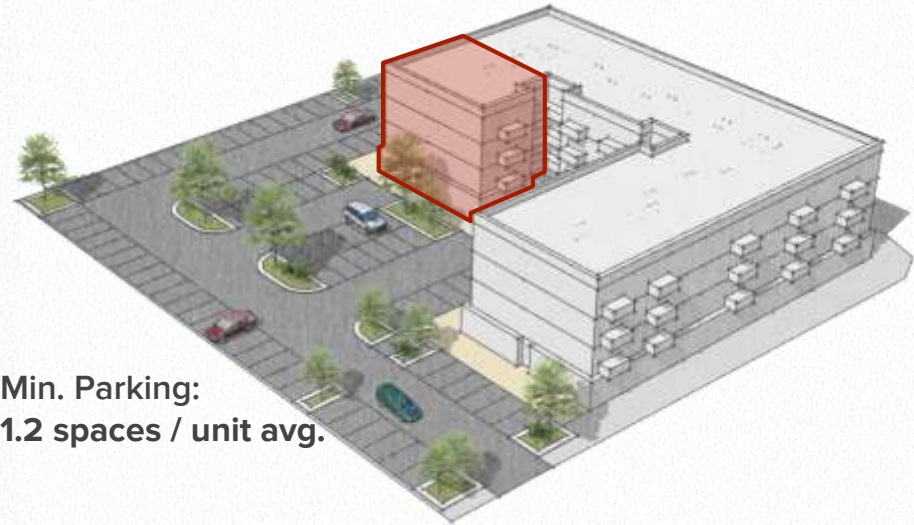
UNIT SIZE	EXISTING CODE REQUIREMENT	PROPOSED CODE REQUIREMENT	PROPOSED PARKING REDUCTION INCENTIVE
1 or less bedrooms	1.5 spaces per unit 	1 space per unit 	0.75 spaces per unit 
2 bedrooms	1.75 spaces per unit 	1.5 spaces per unit 	1 space per unit 
3 bedrooms (no change)	2 spaces per unit 	2 spaces per unit 	1.25 spaces per unit 
4 or more bedrooms (no change)	3 spaces per unit 	3 spaces per unit 	1.5 spaces per unit 

Reducing parking requirements for smaller units would typically enable 25% increase in the number of units on a site.

This change would enable **16 additional units** on the example site below because less of the site is occupied by parking and more building floor area for housing can be added to the site without generating the need for a larger parking lot.



Min. Parking:
1.6 spaces / unit avg.



Min. Parking:
1.2 spaces / unit avg.

Residential Uses Review Changes

RESIDENTIAL USES	COMMERCIAL DISTRICTS									
	CS		NC		CL (RA)		CL (OA)		HC	
	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed
Single Unit Dwelling	☑	☑					■	■	■	■
Single Unit Attached Dwelling	☑	☑	☑	☑	■	■	■	■	▨	▨
Two Unit Dwelling/Duplex	☑	☑	☑	☑			■	■	▨	▨
Multi-Unit Dwelling	▨	▨					▨	▨		
Mixed-Use Dwelling Units	☑	■	☑	■	☑	■	☑	■	☑	■
Accessory Dwelling Unit	Not Allowed	■	Not Allowed	■	Not Allowed	■	Not Allowed	■	Not Allowed	■
Short Term Primary Rentals	☐	☐			☐	☐	☐	☐		
Short Term Non-Primary Rentals										
Extra Occupancy Rental Houses	■	■	■	■			■	■		
Manufactured Housing										
Group Homes	☑	☑	☑	☑			■	■	▨	▨
Shelter for victims of domestic violence							■	■	■	■

Does Council wish to adopt Ordinance XX-2022 for the proposed Land Development Code on First Reading?



