



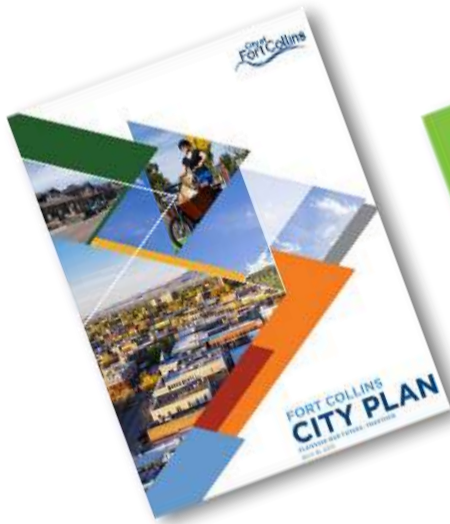
Land Use Code Phase 1 Updates: Second Reading
Housing Strategic Plan Implementation

October 17, 2023

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

No proposed changes to:

- Basic Development Review (BDR)
- Type 1 Review (Hearing Officer)
- Type 2 Review (Planning and Zoning Commission)
- Site Plan Advisory Review (SPAR)
- Existing 12-step review process
- Level of review required for residential development (except Affordable Housing)
- Non-residential uses
- Historic Preservation requirements
- Environmental/Natural Resources requirements
- Landscaping requirements
- Street design requirements
- Engineering requirements
- Planned Unit Development (PUD) requirements
- Addition of Permitted Use (APU) requirements
- Modification and Variance standards
- Adequate Public Facilities
- Occupancy Regulations (i.e., U+2)

Summary of Code Changes

1. *Increase overall housing capacity* (market rate and affordable) and calibrate market-feasible incentives for deed restricted affordable housing

- Increasing housing types and number of units allowed in residential, mixed-use, and commercial zones
- Reducing parking requirements for studio, one-, and two-bedroom units in multi-unit developments and for affordable housing developments with 7 or more units
- Requiring parking for ADUs

2. *Enable more affordability* especially near high frequency transit and growth areas

- Expanding Affordable housing incentives
- Updating and modifying Affordable housing definitions + requirements
- Requiring 60 years of deed restriction instead of the current 20 years

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

- Allowing ADUs in all residential and mixed-use zones (with some requirements)
- Creating a menu of building types with zone-specific standards
- Adding form-based regulations to enhance compatibility in RL, NCM, NCL, and NCB
- Clarifying language related to HOAs and private covenants

4. *Make the code easier to use* and understand

- Allowing Affordable Housing projects to be reviewed through a BDR process
- Using a consistent, graphic and form-based approach to code standards

5. *Improve predictability* of the development permit review process, especially for housing

- Reorganizing code content and sections to consolidate and simplify information
- Updating definitions and rules of measurement for consistency



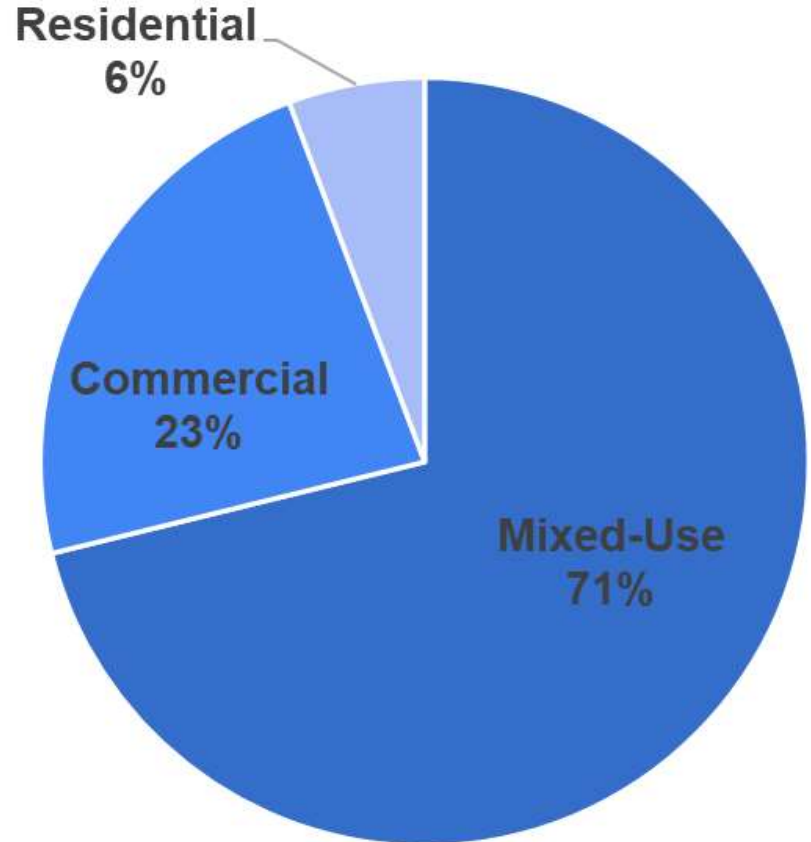
Discussion Items from First Reading

Items for Council Discussion

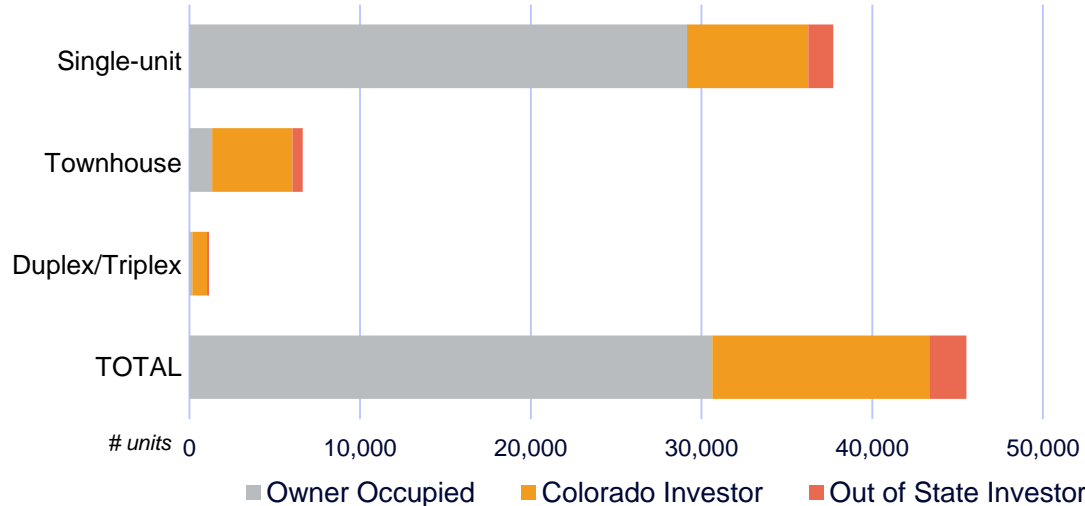
- | | |
|---|--|
| <p>In RL, Allow duplexes under one of the following site-specific conditions:</p> <ol style="list-style-type: none"> <ul style="list-style-type: none"> 100ft wide lots Duplex integrates an existing structure Duplex includes one unit of deed-restricted affordable housing Lot located within 1/4 mile of current or future high-frequency transit | <div style="border: 1px solid black; padding: 5px; display: inline-block;"> <p><i>Amended - removed from draft LUC at First Reading</i></p> </div> |
| <p>In OT-A (NCL), allow three units on lots 6,000 sf or larger under one the following site-specific conditions:</p> <ol style="list-style-type: none"> <ul style="list-style-type: none"> Combination of a duplex + ADU Triplex integrates an existing structure Triplex includes one deed-restricted affordable housing unit A 3-unit Cottage Court includes one deed-restricted affordable housing unit | |
| <p>In OT-B (NCM), allow six units on lots 6,000sf or larger under the following site-specific condition:</p> <ul style="list-style-type: none"> Approved building types that both integrate with the existing structure and includes a deed restricted affordable housing unit. | |
| <p>In OT-B (NCM), allow six units on lots 9,000sf or larger with under the following site-specific condition:</p> <ul style="list-style-type: none"> A six-unit Cottage Court includes one deed-restricted affordable housing unit | |
| <p>Allow a Private Covenant/HOA to regulate site placement of all structures (additional setbacks, separation requirements)</p> | |
| <p>Require properties with a new ADU to have a resident manager.</p> | |
| <p>Did Council intend the Short Term Rental prohibition to apply to the ADU and primary house or just the ADU?</p> | |

Breakdown of Zone Types:

- **Mixed-Use:** 71% (often commercial and residential mixes, either stacked as a single building or within a larger development, including Low-Density Mixed Use (LMN) and Medium Density Mixed Use (MMN))
- **Commercial:** 23% (Different mix of commercial zone districts, including Community Commercial (CC), General Commercial (CG), etc.)
- **Residential:** 6% (Lower-density, residential-only zones, such as Residential, Low-Density (RL), Neighborhood Conservation Districts (NCL, NCM), and Urban Estate (UE))



Housing Type	Owner Occupied	Investor Owned		Total Housing Units	% Owner Occ.	% Investor Owned
		CO Investor	Out of State Investor			
Single-unit	29,148	7,117	1,464	37,729	77%	23%
Townhouse	1,329	4,714	601	6,644	20%	80%
Duplex/Triplex	164	866	115	1,145	14%	86%
Total	30,614	12,697	2,180	45,491	67%	33%



- About 5% of all single-unit, townhouse, and duplex/triplex units are owned by out-of-state investors
- The vast majority (85%) of investors are located in Colorado
- About 90% of investors (both in- and out-of-state) own 1 property in addition to their own residence.
- About 0.2% of investors own more than 10 units

CURRENT CODE

Base Housing Types:

Detached house;
detached accessory
structure

Max Density: 1 dwelling
unit per lot

Lot Size: 6,000sf or 3
times house size min.

Height: 28ft for
detached house and
accessory structures. 3-
stories for all other uses

Parking: 1 space per
house

Other: No incentive for
affordable housing. May
have multiple accessory
structures. No STR
allowed.

REPEALED CODE

Base Housing Types:

Detached house; duplex;
ADU; detached
accessory structure

Max Density: 3 dwelling
units per lot

Lot Size: 6,000sf or 3
times house size min.

Height: 28 ft max; 24 ft
for ADU

Parking: 1-3 spaces per
unit depending on
number of bedrooms. No
additional parking for
ADU.

Other: Affordable
housing allowed 3-unit
apartment; 3-unit
rowhouse; and cottage
court housing types

Neighborhood

Character: Remove
duplex, apartment,
rowhouse, and cottage
court; reduce maximum
density to 2 units per
lot; reduce ADU height
where there is no alley;
require resident
manager; prohibit short
term rentals (STR)

Parking: Require
parking for ADUs

HOA: Permit HOAs to
limit ADU types and
site placement

DRAFT LUC

Base Housing Types: Detached
house; **duplex**; ADU; detached
accessory structure

Max Density: 2 units per lot
(detached house + ADU only)

Lot Size: 6,000sf or 3 times house
size min.

Height: 28 ft max; 24 ft for ADU; **15 ft
for detached ADU with no alley**

Parking: 1 space per house; **1 space
for ADU (tandem space may count
toward requirement)**

Other: **No additional housing type
incentive for affordable housing;
HOA may limit to internal ADU only;
require resident manager**

CURRENT CODE

Base Housing Types:

Detached house; carriage house on lots >12,000 sf; and accessory structures for any size lot

Max Density: 1 unit or 2 units for lots >12,000 sf; lot coverage limits

Lot Size: 6,000 sf min.

Height: 2 stories; 24 ft for carriage house

Parking: 1-2 spaces per unit

Other: No incentive for affordable housing. No STR allowed

REPEALED CODE

Base Housing Types:

Detached house; duplex; ADU; triplex detached accessory structure

Max Density: 3 units per lot; 2,400 sf floor area cap for detached house; lot coverage limits

Lot Size: 4,500 sf min.

Height: 35 ft max; 24 ft for ADU

Parking: 1-3 spaces per unit. No additional parking for ADU

Other: Affordable housing allowed 3-unit apartment, rowhouse, and cottage court

Neighborhood

Character: Increase required lot size for 3-unit housing types; add requirements to integrate with existing structures; reduce ADU height where there is no alley; require resident manager; prohibit short term rentals (STR)

Parking: Require parking for ADUs

HOA: Permit HOAs to limit ADU types and site placement

DRAFT LUC

Base Housing Types:

Detached house; duplex; ADU; triplex detached accessory structure

Max Density: 3 units per lot; 2,400 sf floor area cap for detached house; lot coverage limits

Lot Size: 4,500 sf; **6,000 sf for 3-unit apartment/rowhouse; 9,000 sf for 3-unit cottage court**

Height: 35 ft max; 24 ft for ADU; **15 ft for detached ADU with no alley**

Parking: 1-3 spaces per unit; **1 space for ADU (tandem space may count)**

Other: Affordable housing allows 3-unit apartment, rowhouse, and cottage court. **Requirements to integrate existing structure; HOA may limit to internal ADU only; require resident manager**

CURRENT CODE

Base Housing Types:

Detached house; duplex; multi-unit up to 4 units; carriage house on lots >10,000 sf; detached accessory structure

Max Density: 4 units per lot; lot coverage limits

Lot Size: 5,000 sf min.

Height: 2 stories; 24 ft for carriage house

Parking: 1-3 spaces per unit.

Other: No incentive for affordable housing. Primary-STR only

REPEALED CODE

Base Housing Types:

Detached house; duplex; multi-unit up to 5 units; ADU; detached accessory structure

Max Density: 6 units per lot; 2,400 sf floor area cap for detached house; lot coverage limits

Lot Size: 4,500 sf min.

Height: 35 ft max; 24 ft for ADU

Parking: 1-3 spaces per unit. No additional parking for ADUs

Other: Affordable housing allowed 6-unit apartment and 5-unit rowhouse

Neighborhood

Character: Increase required lot size for housing types with 4 or more units; add max of 6 units to cottage courts; add requirements to integrate with existing structures; reduce ADU height where there is no alley; require resident manager; prohibit short term rentals (STR) in ADUs

Parking: Require parking for ADUs

HOA: Permit HOAs to limit ADU types and site placement

DRAFT LUC

Base Housing Types: Detached house; duplex; multi-unit up to 5 units; ADU; detached accessory structure

Max Density: 6 units per lot; 2,400 sf floor area cap for detached house; lot coverage limits

Lot Size: 4,500 sf min.; **6,000 sf for 4-unit apartment/rowhouse; 9,000 sf for 3-6 unit cottage court**

Height: 35 ft max; 24 ft for ADU; **15 ft for detached ADU with no alley**

Parking: 1-3 spaces per unit; **1 space for ADU (tandem space may count)**

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; require resident manager; prohibit all STR in ADUs**

CURRENT CODE

HOAs are 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

In addition to current code, HOAs were also prohibited 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

Neighborhood Character: *Permit HOAs to determine ADU type (internal or detached); permit HOAs to regulate site placement of all structures (additional setbacks, separation requirements)*

HOA: *Provide more clarity about where HOAs have authority to regulate (aesthetics, site placement)*

DRAFT LUC

In addition to current code, HOAs are also prohibited from creating or enforcing provisions that

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

HOAs may enforce covenants that

Regulate:

- **External aesthetics including (but not limited to) site placement/ setbacks, color, window placement, height, and materials**
- **If the ADU is internal or detached**
- Other unrelated covenants (e.g. pets, maintenance of properties, fees, etc.)

Does Council wish to adopt Ordinance Nos. 136, 2023;
137, 2023; and 138, 2023, for the proposed Land Use
Code updates on Second Reading?



