



Community Development & Neighborhood Services
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MEMORANDUM

Date: August 29, 2023
To: Mayor Arndt and City Councilmembers
Through: Kelly DiMartino, City Manager ^{kd}
Tyler Marr, Deputy City Manager TM
Caryn Champine, Director of Planning, Development, and Transportation ^{CC}
From: Sylvia Tatman-Burruss, Sr. Policy & Project Manager ^{DS}
Noah Beals, Development Review Manager ^{NB}
Re: August 22, 2023, Work Session Summary – Land Use Code Extended Discussion

At the August 22nd Work Session, staff received feedback regarding potential code alternatives, and received guidance on next steps. The staff presentation was provided by Caryn Champine, Paul Sizemore, and Noah Beals. Mayor Arndt joined remotely. All other Councilmembers were in attendance.

Summary of Feedback

Council discussed the content for this work session in multiple segments. The presentation began with a review of key topics of potential code changes, review of engagement events to date, previous Council feedback, and a review of updated Housing Capacity across the community.

Following the introduction and project grounding, Councilmembers reviewed 9 potential code Alternatives identified as requiring more information for decision-making after initial review at the July 31st Council Work Session. These alternatives were organized into two buckets, including Zone Districts and Citywide Topics. Within those buckets, Alternatives in 3 different Zone Districts were discussed: Residential, Low Density (RL); Neighborhood Conservation, Low Density (NCL); Neighborhood Conservation, Medium Density (NCM). Following the discussion of Zone District Alternatives, Councilmembers reviewed several Citywide Topics, including Affordable Housing, Private Covenants and HOAs, and the Development Review Process. Staff then confirmed status of all 33 potential alternatives with Councilmembers.

While Councilmembers discussed each alternative in depth, there are still several outstanding details to be sorted out at first reading on October 3, 2023.

Specific Feedback

Residential, Low Density (RL): Most Councilmembers expressed general support for Alternative 5, regarding duplexes in RL, accompanied by a discussion that included the following comments:

- Interest in supporting existing single-family neighborhoods to preserve existing character.
- An interest in better understanding whether Accessory Dwelling Units (ADUs) are supported across the community, especially in neighborhoods with large residential lots.

Following the discussion of the Alternatives above, staff summarized feedback and confirmed the feedback given on all 33 of the potential code Alternatives.

Follow ups and Clarifications

As follow-up from this work session, staff will share several additional analyses with Councilmembers at a regular Council meeting, intended for first reading of the Land Use Code (LUC) on October 3, 2023:

- Provide photographs of existing Cottage Court developments on larger lots from across the community for the purposes of illustration and discussion.
- Provide information regarding “right of first refusal” for buildings after 50 years as deed-restricted affordable housing.
- When the proposed ordinance comes before Council present these topics one at a time to allow discussion and individual action on these topics.

Next Steps

Staff will present the draft Land Use Code at the October 3, 2023, regular Council meeting with the accompanying follow-ups and clarifications mentioned above.

Attachment

- Summary of Council feedback on potential Code Alternatives (Red, Yellow, Green)

SUMMARY OF FEEDBACK FROM COUNCIL WORK SESSION

DATE: AUGUST 22, 2023

Green = General agreement and will be included in the proposed the ordinance

Yellow = Including in the proposed ordinance and provide additional information

Red = Will not be included in the proposed ordinance

RL (Residential, Low Density)		RYG
1	Limit ADUs to one story when there is no alley	
2	Allow ADU with single unit dwelling, not with a duplex	
3	Require ADU properties to be owner occupied (meaning owner has to reside in one of the units)	
4	Allow two units maximum (house + ADU or duplex only)	
5	Allow duplexes ONLY IF 1) a lot is 100ft width or wider or 2) one unit is an affordable housing unit or 3) the duplex converts and integrates an existing structure or 4) a lot is within 1/4 mile of current or future high-frequency transit	

NCL (Neighborhood Conservation, Low Density)		RYG
6	Decrease minimum lot size to 4,500 sf	
7	Allow two units maximum on lots 4,500 - 6,000 sf (house + ADU or duplex)	
8	Restrict ADU height to the height of the primary building.	
9	Allow three units maximum on lots 6,000+ sf ONLY IF 1) a duplex + ADU or triplex converts and integrates an existing structure OR 2) a triplex or 3-unit cottage court includes one affordable unit	

NCM		RYG
10	Decrease minimum lot size to 4,500 sf	
11	Allow three units maximum on lots 4,500 - 6,000 sf (single unit, duplex, row house and ADU only)	
12	Allow five units maximum on lots larger than 6,000 sf	
13	Allow six units on 6,000 sf or larger ONLY IF the development converts and integrates an existing structure (single unit, duplex, row house and ADU only) AND one unit is affordable	
14	Allow a Cottage Court (minimum 3 units, maximum 6 units) on lots 9,000 sf or larger	

City-wide alternatives


Affordable Housing		RYG
15	Expand affordable housing incentives citywide and calibrate market-feasible incentives for ownership and rental	Green
16	Update definitions of affordable housing to match market needs for ownership and rental	Green
17	Extend required affordability term to 99 years (50-60 years)	Green

Private Covenants/HOAs		RYG
18	Allow an HOA to regulate the option for detached or attached ADU	Green
19	Specify that HOA's can continue regulate aesthetics (color, window placement, height, materials, etc.) within the bounds of their existing rules	Green
20	Add language to allow HOA's to regulate site placement (additional setbacks, separation requirements)	Yellow
21	Allow an HOA to regulate whether a lot can be further subdivided	Red

Parking/Infrastructure		RYG
22	Reduce parking requirements for multi-unit developments: 1 bedroom = from 1.5 to 1, 2 bedroom = from 1.75 to 1.5	Green
23	Reduce parking requirements for affordable housing ONLY if the development has 7 or more units	Green
24	Require 1 parking space for an ADU	Green
25	Allow a tandem parking space to count ONLY IF an ADU or extra occupancy	Green

Input in Development Review		RYG
26	Allow residential projects to be reviewed under Basic Development Review	Green
27	Require a neighborhood meeting for some projects (larger, more complex, etc.)	Red
28	Require a pre-application conceptual review meeting for projects over 6 units	Red
29	Establish a defined comment period for public comments on Basic Development Reviews	Red
30	Require projects with Modifications go to P&Z when it involves a modification for certain code sections (such as parking, height, density) or;	Red
31	Require projects with Modifications go to P&Z when it involves more than a certain number of modifications	Red

Short Term Rentals		RYG
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| 32 | Restrict new ADUs from being used as STR |  |
| 33 | Allow existing ADU or Accessory Structures with STR license to continue operating under current license |  |






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MEMORANDUM

Date: August 24, 2023

To: Mayor and City Councilmembers

Through: Kelly DiMartino, City Manager ^{DS}
Tyler Marr, Deputy City Manager ^{DS}
Caryn Champine, PDT Director ^{DS}

From: Brad Buckman, City Engineer ^{DS}

Subject: Aug 22, 2023 Work Session Summary: 10-year Transportation Capital Improvement Program (TCIP) and Transportation Capital Projects Prioritization Study (TCPPS)

The purpose of this memo is to document the summary of discussions during the Aug. 22, 2023 Work Session. All Councilmembers were present and Mayor Arndt attended remotely.

1. The E. Prospect Road corridor project was discussed in terms of needed environmental study to minimize environmental impacts and facilitate wildlife crossings. This corridor contains sensitive environmental conditions such as wildlife habitat, raptor nest presence, and Waters of the US likely present. A Jurisdictional Determination will be needed, and further extensive study will be pursued as the design progresses.
2. The list of the 15 TCPPS projects contained both a ranked list and an unranked list in different areas of the Council materials, which was confusing. The AIS for the upcoming Council meeting September 19th was updated with the ranked list of projects for consistency.
3. There was a discussion about roadway deaths, referencing a recent article that shows a 33% rise across the country, and the public health crisis that exists. City staff reiterated the priority goal for the 10-year TCIP and TCPPS to meet Vision Zero of "by 2032, no one dies or has a serious injury while traveling on Fort Collins' streets".
4. There was discussion about roadway safety, in particular the Harmony corridor, and if any traffic calming or protected bicycle infrastructure projects are being planned. City staff recently applied through the Safe Streets for All (SS4A) program to address these infrastructure safety measures along the Harmony corridor.

5. The question was raised about the Harmony and Timberline intersection project, and if adding more vehicle capacity is necessary. The capacity addition for that project is being re-evaluated, and the project will likely focus more on the protected infrastructure design elements for bike/pedestrian movement.
6. A traffic accident at Harmony and Snow Mesa prompted discussion on the operation of existing traffic signals with respect to utilization of permissive vs. protective left turn movements and extending more signal time for left turn movements at certain intersections. Traffic Operations indicated they are converting many permissive left turn movements to protective, including at Harmony and Snow Mesa. Traffic Operations is receptive to looking at intersections and adjusting the allocation given towards left turn movements, but in general additional allocation for turn movements comes at the expense at the other through movements.
7. There was a question raised on whether all road projects moving forward will be implementing protected/raised bike lanes. City staff indicated the need to consider case-by-case considerations but in general support for implementing protected/raised bike lanes moving forward.
8. There was a question raised on a report from NACTO on concerns with safety to pedestrians and cyclists from large size vehicles and whether the City would formalize a position in support of this concern. City staff indicated its legislative liaison would be an outlet to further this concern at the state level.

This item is on the September 19th Regular Council meeting agenda for adoption into City Plan. City staff will be prepared with a short presentation to answer any remaining questions, if necessary.