

Special Legislative Review Committee to discuss Housing Bill

Meeting Date:

Monday April 03, 2023 4:00 PM

Meeting Location:

Zoom

URL: (for meeting documents)

<https://www.fcgov.com/citymanager/legislative-activities>

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Meeting Details:

Access the bill language which was available late March 23 by clicking this [bill tracker](#) and scrolling down to SB23-213 near the bottom of the webpage.

Please click the link below to join the webinar:

<https://fcgov.zoom.us/j/97236158545>

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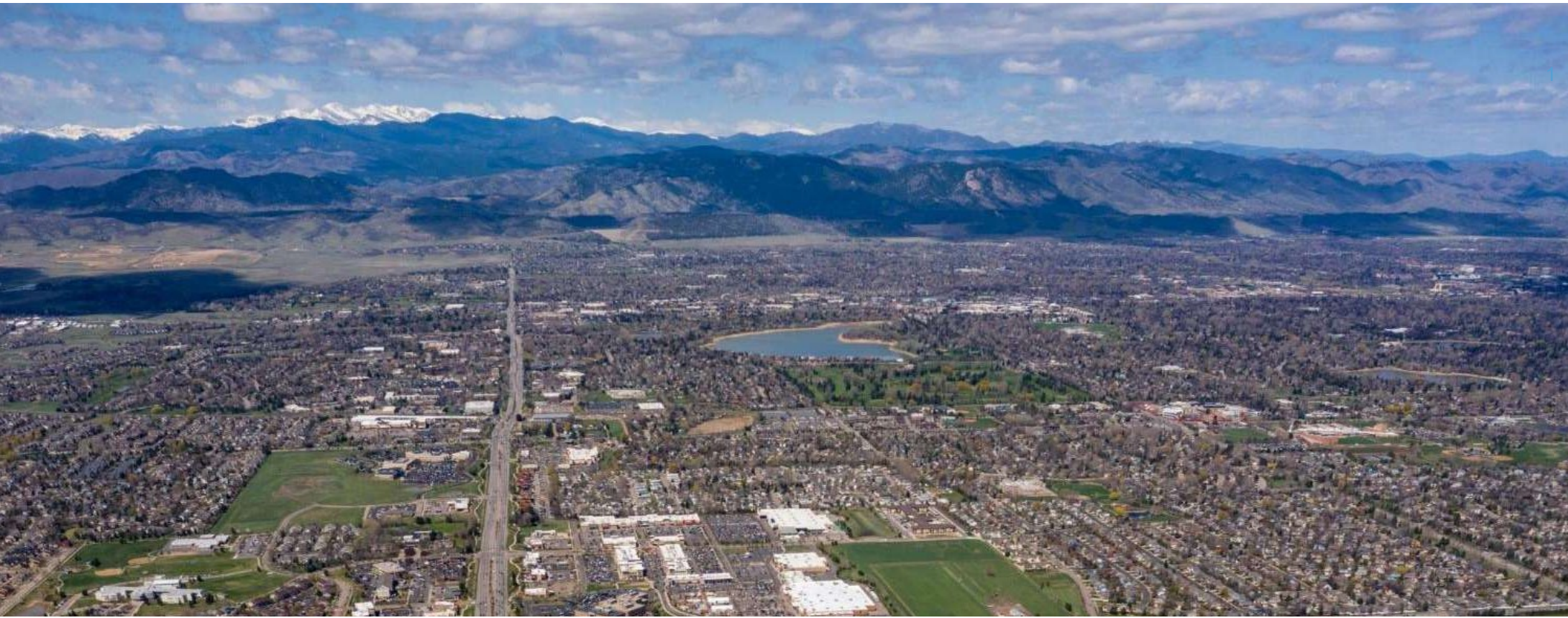
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SB23-213: Legislative Review Committee Overview

Comparing LUC, LDC, and SB23-213

Meaghan Overton | Housing Manager

04-03-23

- Statewide; Fort Collins considered a Tier 1 Urban Municipality:

Tier 1 Urban Municipality (T1UM)	Tier 2 Urban Municipality (T2UM)	Rural Resort Job Center (RRJC)	Non-urbanized Municipality (NUM)
In an MPO with a population of at least 1 million	Within an MPO	Not within an MPO	Not within the definition of an urban municipality or a rural resort job center; and
10% of territory in urbanized area with population over 75,000; and	A population between 5,000-25,000; and	A population of at least 1,000	A population of at least 5,000
A population of at least 1,000; or	In a county with a population of at least 250,000	1,200 jobs and a jobs-to-population ratio of at least 64-hundredths; and	
In an MPO with a population under 1 million; and		A transit stop serviced by a transit agency serving two municipalities with at least 20 trips per day	
A population of at least 25,000			

Source: CML Analysis of SB23-213, Land Use

- By December 31, 2024 (2026 for key corridors) - municipalities shall either:
 - Adopt local laws that satisfy the Bill’s minimum standards for accessory dwelling units, middle housing, transit-oriented areas, and key corridors (the “flexible option”)

OR

- Adopt the State model land use code
- Municipalities shall submit a report to DOLA that they meet the minimum standards or have adopted the model code
- If a municipality does not make required changes, the state model code goes into effect immediately

- Part 1: Housing Needs Planning - *applies*
- Part 2: Accessory Dwelling Units - *applies*
- Part 3: Middle Housing - *applies*
- Part 4: Transit-Oriented Areas - *does **not** apply to Fort Collins – “transit-oriented” refers specifically to fixed rail stops, i.e. heavy or light rail.*
- Part 5: Key Corridors - *applies*
- Additional Provisions - *applies*

The Bill does *not* prevent municipalities from:

- Requiring accessible parking spaces in accordance with the Americans with Disabilities Act (ADA)
- Applying a local inclusionary housing ordinance as long as the inclusionary policy does not render projects “financially infeasible”
- Imposing requirements on short-term rentals
- Allowing the construction of single-unit detached dwellings
- Applying standards in a historic district to housing in that district
- Prohibiting ADUs and middle housing on the same lot

- By December 31, 2024 – DOLA required to produce “statewide, regional, and local housing needs assessments with 20-year planning forecasts”
- By December 31, 2026 – Rural Resort Job Centers and Urban Municipalities must adopt and submit a local housing needs plan to DOLA that includes:
 - Stakeholder engagement summary
 - Analysis of how municipality will “provide a realistic opportunity for development” to meet local housing needs assessment
 - Implementation plan/update on compliance with provisions in the Bill
 - A greenfield development analysis
 - Adoption of specific affordability strategies and (possibly) displacement mitigation measures selected from a menu published by DOLA
- The Bill would appropriate funds for technical assistance to help municipalities create housing needs plans

	CURRENT CODE (LUC)	REPEALED CODE (LDC)	SB 213 (THE BILL)	REPEALED CODE ALIGNMENT?
Where	NCL, NCM, NCB	All zones	All zones	Yes
Review Type	Public Hearing (Type 1)	Administrative (BDR)	By right	Yes
Design	Specific standards for “carriage house”	Accessory Dwelling Unit (ADU) building type	Same design standards for single-unit house and ADU	Maybe – additional analysis necessary
Height	24 feet	28-35 feet	Same standards for single-unit and ADU	No – would need to change max height allowed
Size	1,000-1,200 sf maximum size; dependent on lot size (not house size)	600 sf minimum; 1,000 sf or 45% of primary dwelling max, whichever is <i>smaller</i>	800 sf minimum; 50% of primary dwelling with no stated maximum size	No – would need to change how size is regulated
Parking	1 per bedroom	No additional	No additional	Yes
Other	NCL, NCM require 12,000 and 10,000 sf lot minimum size	Internal ADU permitted; no minimum lot size	Internal ADU permitted; no standards resulting in “infeasibility”	Yes

	CURRENT CODE (LUC)	REPEALED CODE (LDC)	SB 213 (THE BILL)	REPEALED CODE ALIGNMENT?
Where	Varies. Several zones limited to single unit	Varies. Allowed 2-5 units (+1-2 units if affordable) and cottage clusters	All zones where single-unit detached allowed by right	No - would need to permit additional units (up to 6) and townhomes
Review Type	Public Hearing (Type 1)	Administrative (BDR)	By right	Yes
Design	Specific standards for 3 or more units	Specific standards for different building types	Same standards for single-unit and middle housing	Maybe - additional analysis necessary
Height	Varies. Generally same or higher than single-unit detached dwelling	Varies. Generally same or higher than single-unit detached dwelling	Same standards for single-unit and middle housing	Yes
Size	Varies. Limited by floor area, floor area ratio, minimum lot size, etc.	Varies. Limited by floor area, floor area ratio, lot coverage, etc.	Can't restrict to more than 125% of building area for single-unit	Maybe - additional analysis necessary
Parking	1-3 per unit depending on number of bedrooms	1-3 per unit depending on number of bedrooms	No additional	No - would need to remove pkg requirements
Other	"Multi-unit" defined as 3 or more dwelling units	Affordable housing incentives for reduced parking, more units	No standards resulting in "infeasibility"	N/A

	CURRENT CODE (LUC)	REPEALED CODE (LDC)	SB 213 (THE BILL)	REPEALED CODE ALIGNMENT?
Where	Commercial/Mixed Use zones and Transit-Oriented Overlay (TOD)	Commercial/Mixed Use zones and Transit-Oriented Overlay (TOD)	Defined areas that are “key corridors” – within ¼ mile of transit with 15 min frequency, 1 mile+ long routes, existing or planned by 2028	Maybe - additional analysis required and must be based on the housing needs planning required by the Bill
Review Type	Public Hearing	Public Hearing	By right	No - would need to allow 100% residential by right in commercial/ mixed-use zones
Parking	1-3 per unit	1-3 per unit; TOD and affordable allow reductions	No additional	No - would need to remove parking requirements
Other	No minimum density or requirement for residential development in mixed-use or commercial zones	Affordable housing incentives and parking reductions added; additional changes slated for Phase 2 LUC updates	Must establish a “net residential zoning capacity” and can also define min. density needed in key corridor to meet that capacity	Maybe - timing could align with LUC Phase 2 to define “key corridors” if Bill passes

The Bill has a range of other provisions that could impact Fort Collins including, but not limited to:

- Prohibition on regulating occupancy differently depending on household relatedness (i.e. a family of any size *or* 3 unrelated occupants)
- HOAs would not be able to opt out of the provisions in the Bill
- Planned Unit Developments (PUDs) would not be able to opt out of the provisions in the Bill
- Allows municipalities to sell real property and public buildings for affordable housing without requiring the sale to be put to voters