

To view the full code and FAQs, visit: <http://fcgov.com/LUCupdates>



Land Development Code Informational Session

November 29, 2022

Why was the the Land Use Code Updated?

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

- Housing-Related Changes
- Usability & Predictability of Regulations
- Equity in Processes & Outcomes



FIVE GUIDING PRINCIPLES

These Guiding Principles (presented in November 2021) provide the foundation for all code updates proposed code changes.

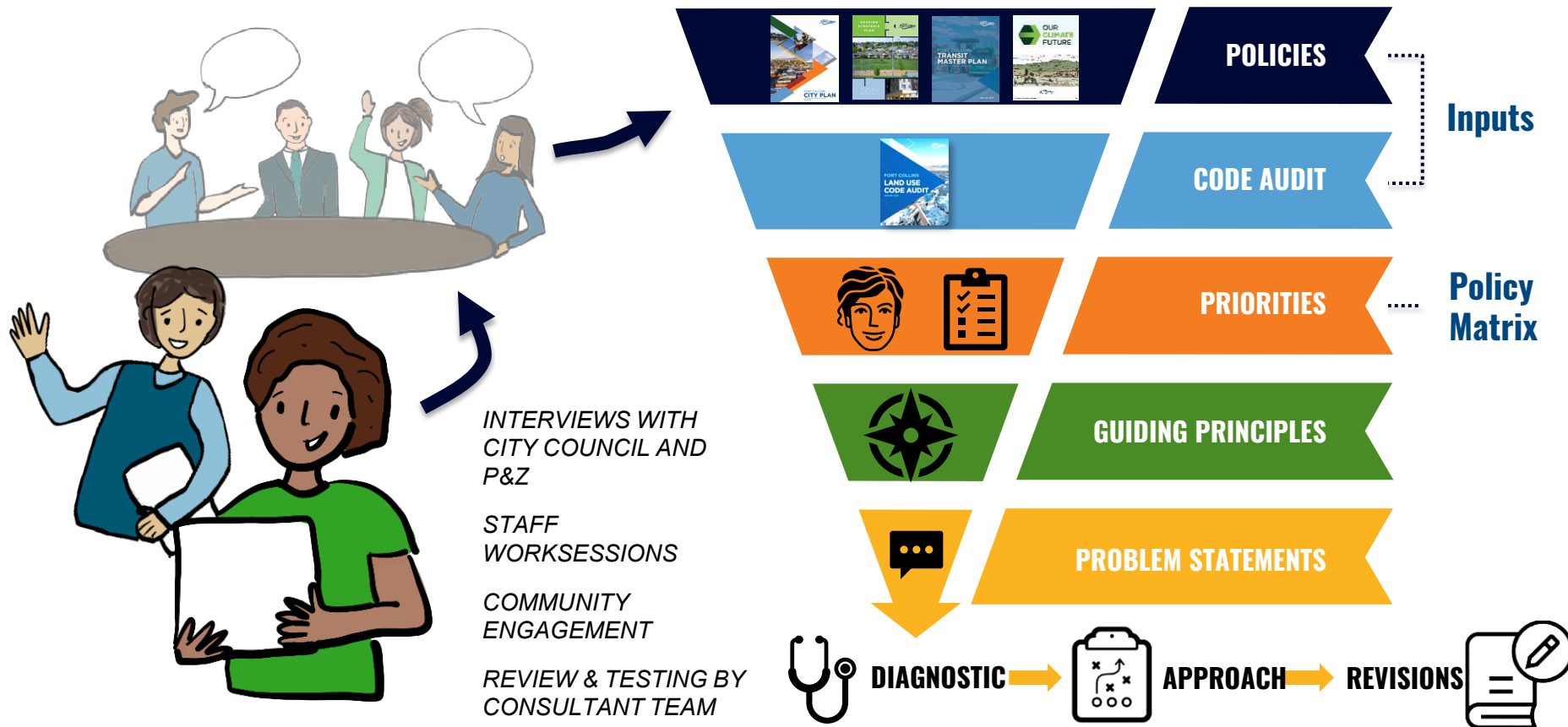
1. *Increase overall housing capacity* (market rate and affordable) and calibrate market-feasible incentives for Affordable (subsidized/deed restricted) housing
2. *Enable more affordability* especially near high frequency/capacity transit and priority growth areas
3. *Allow for more diverse housing 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

Question

What was the process used to update the code?

Question

What community outreach was done?



Question

What **has** changed in the new code?

Answer

- Expanded affordable housing incentives and requirements
- Menu of building types and form standards to guide compatibility and building design
- Allows Accessory Dwelling Units in all residential and mixed-use zones
- Focus on “missing middle” housing types
- Expedited processing for housing projects
- Increased housing capacity along key transit corridors and in zones with high amount of buildable land
- Adjusted parking requirements to incentivize smaller housing units

Question

What **hasn't** changed
in the new code?

Answer

No changes to requirements related to:

- Historic preservation
- Natural resource protection
- Parks, open space and trails
- Landscaping and tree protection
- Water quality and stormwater management
- Neighborhood compatibility
- Utility and infrastructure requirements
- Traffic control
- Building and energy code

Question

Did notification and neighborhood involvement on development proposals change?

Answer

- Housing projects are now subject to a different review process in many zone districts (Basic Development Review), which does not require a neighborhood meeting or public hearing
- There have been **no changes** to the public notification process. Notice for all projects still includes:
 - Posted yellow sign
 - Mailing to property owners within 800-ft prior to a decision
 - Decision letter mailed to commenters and abutting property owners
 - Email newsletters

Question

How does the code update support affordable housing?

Answer

- Improved incentives and expanded to all residential, commercial, and mixed-use zones
 - Height/density bonuses, parking reductions, expedited processing
- Extended affordability term from 20 to 99 years
- In OT-A and RL, a triplex is permitted only if one unit is deed-restricted and affordable for 99 years
- Incentives require 10-20% affordable homes (depending on income level)
- Capacity for affordable units increased by nearly 200% (from 1,590 homes to 4,600+ homes)

Question

What is now allowed in residential zones?

Answer

- Accessory Dwelling Units permitted in all residential and mixed-use zones
- Duplexes, triplexes (*with an affordable unit*), and cottage court houses allowed in suburban zones
- Greater number of housing types and units allowed in medium density zones
- 2400 sq. ft. max for new single-unit houses in the OT Zone
- More predictable building form/design standards for all housing types
- Housing choices

Question

What is the Basic Development Review (BDR) process?

Answer

- Basic Development Review is a process that allows for approval or denial of a project by the Community Development & Neighborhood Services Director
- Mailed notices and sign posting still required **prior** to a decision
- Typically 3-5 rounds of review with City staff (10+ departments)
- All code requirements must be met for the project to be approved
- Decision can be appealed to the Planning & Zoning Commission

Question

How do the changes affect Old Town in particular?

Answer

- Additional housing types added to the Old Town districts
- Affordable housing bonuses
- Reduced minimum lot size for single-unit dwellings to be more compatible with older lots shaped by the original 1929 zoning.
- Reduced max floor area of single-unit dwellings to be consistent district-wide (instead of based on lot size)
- Recalibrated design standards to ensure new homes are more compatible with neighborhood

Existing Conditions – Old Town Neighborhoods



Lot Size 8,896 sf

Floor Area (Max) 2,780 sf (NCL) or 3,224 sf (NCM)

House Size (as shown) 1,040 sf

of Units 1

A majority of houses in Old Town are less than 1500 sf in size, with some Character Areas having 2/3 of the houses ranging between 500-999 sf in size.

40% of lots in NCL and NCM are larger than 8000 sf.

Current Land Use Code – What Can Be Built



Lot Size 8,896 sf

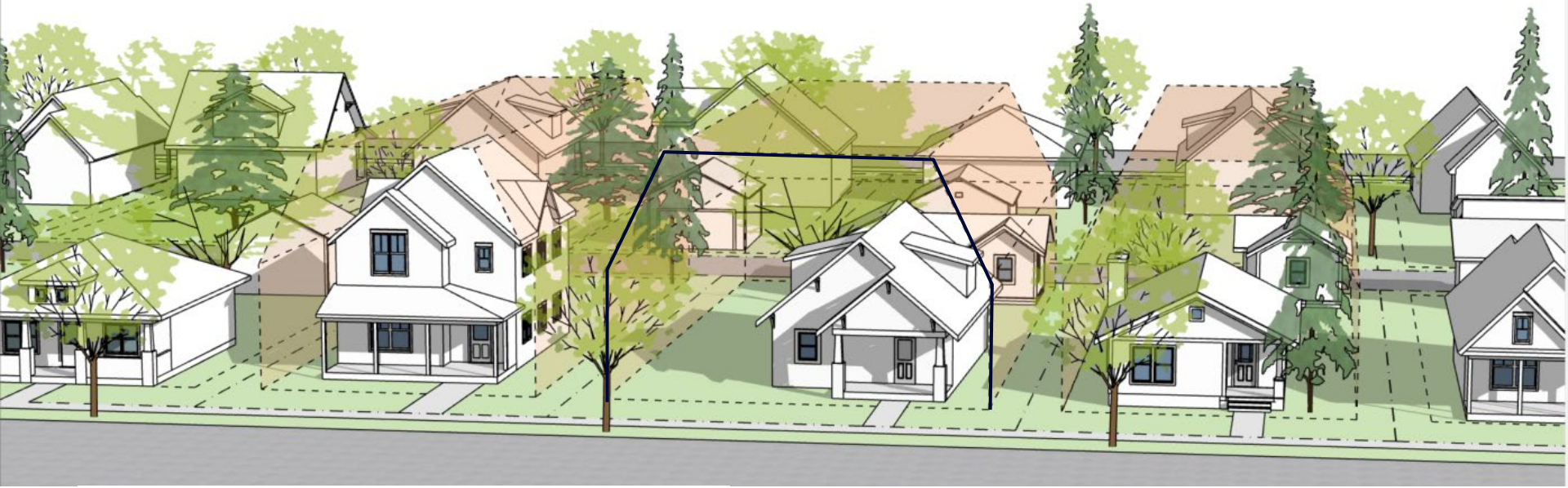
Floor Area (Max) 2,780 sf (NCL) or 3,224 sf (NCM)

House Size (as shown) 2,880 sf

of Units 1

In the Current LUC, house size in NCL and NCM is calibrated to lot size, so many lot sizes allow new houses that are two times larger than what is currently seen in the area.

New Land Development Code



Lot Size 8,896 sf

Floor Area (Max) 2,400 sf (for primary structure)

House Size (as shown) 1,040 sf + ADU

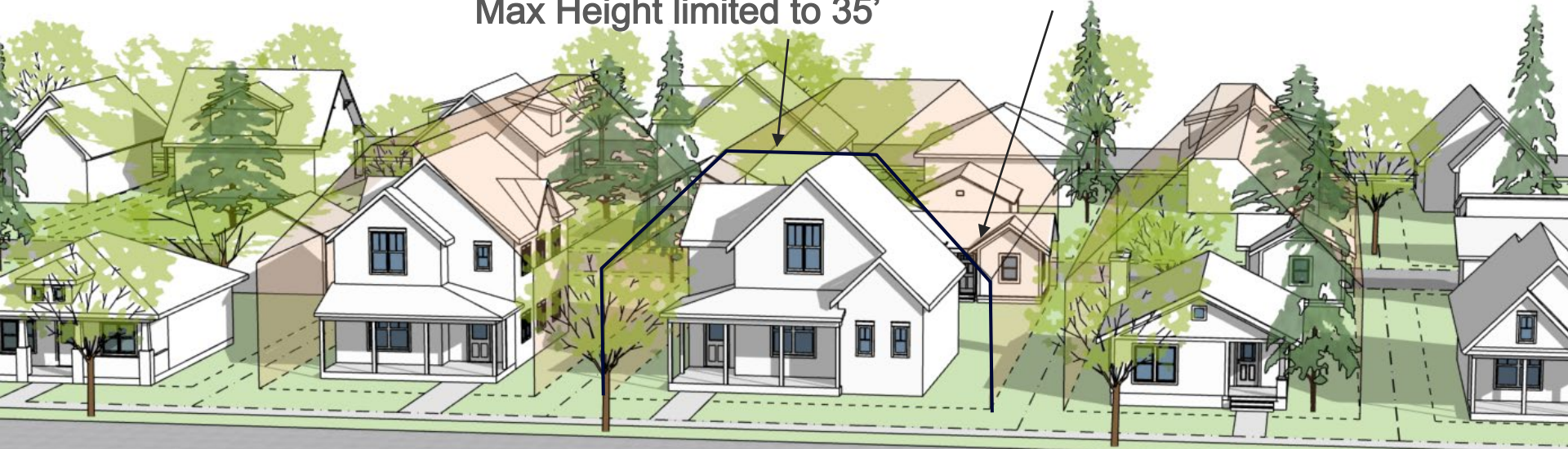
of Units 2

The new LDC limits building height, maintains the existing “bulk” requirements (though redefines/illustrates the standards more clearly), limits the floor area of single-unit homes , and is more in line with adopted plans and policies.

New Land Development Code

Max Height limited to 35'

Detached ADU



Lot Size 8,896 sf

Floor Area (Max) 2,400 sf (for primary structure)

House Size (as shown) 1,900 sf + ADU

of Units 2

The new LDC limits the size of the primary dwelling and allows an ADU, allowing additional units while maintaining the scale and character of the neighborhood.

New Land Development Code



Lot Size	8,896 sf
Floor Area/Unit (Max)	1,500 sf
Footprint (as shown)	1,500 sf
# of Units	2

The new LDC allows duplexes on lots, which is more consistent with the historic 1929 code.

The floor area per unit is less than that of a detached house.



Questions & Answers

Question

Does the code update change short-term rental or occupancy regulations?

Answer

- No. The restrictions on where and how a property can be used as a short-term rental (e.g., AirBnB, VRBO) have not changed with the new code.
- No. The code update does not include any changes related to occupancy limits or the approval process for extra-occupancy houses.

Note: There is a separate project currently underway to explore potential changes to occupancy regulations and rental registration/licensing programs.

Question

Do the code changes
override HOA
covenants?

Answer

Yes, any HOA covenants that impede implementation of the City's housing policies are superseded by the code.

This includes covenants related to:

- [Housing Types](#)
- [Density](#)
- [Building Height](#)
- [Occupancy](#)

This ensures that the code is applied equally citywide.

Question



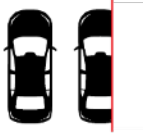
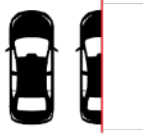




How have parking requirements changed?

Answer

No changes have been made to parking requirements for single-unit dwellings.

The new code includes two changes related to parking:

- Parking requirements reduced for smaller units in multi-unit developments
- Parking reductions are used to incentivize affordable housing in commercial, higher density residential, and mixed-use zones

UNIT SIZE	EXISTING CODE REQUIREMENT	NEW CODE REQUIREMENT
1 or less bedrooms	1.5 spaces per unit 	1 space per unit 
2 bedrooms	1.75 spaces per unit 	1.5 spaces per unit 
3 bedrooms (no change)	2 spaces per unit 	2 spaces per unit 
4 or more bedrooms (no change)	3 spaces per unit 	3 spaces per unit 

Question

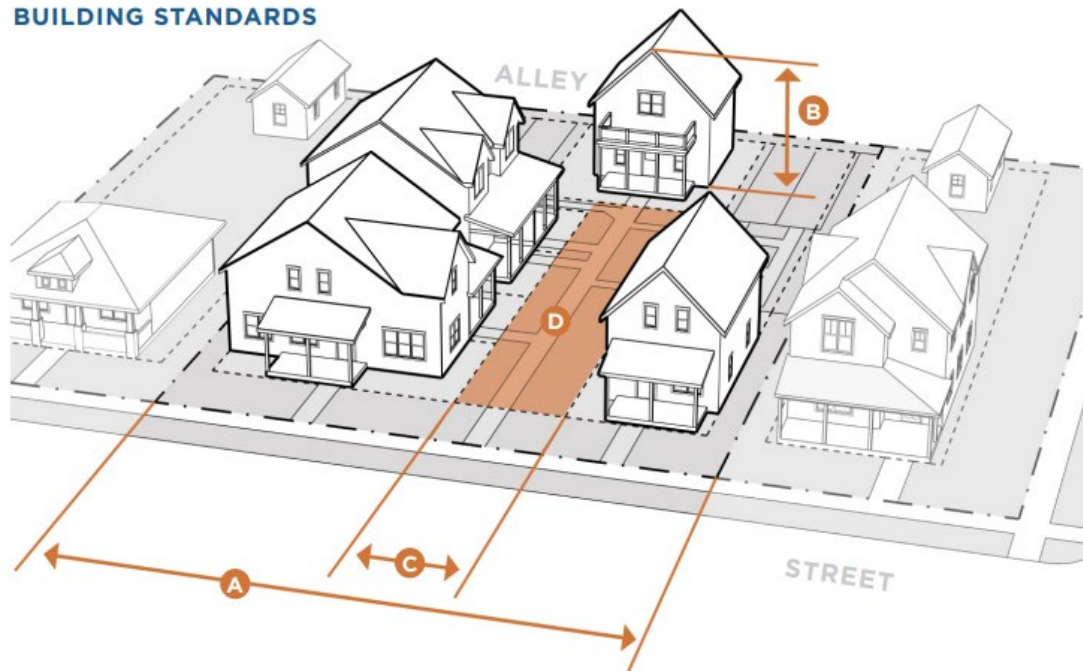
What is cottage court housing?

Answer

Cottage courts are groupings of residential units organized around a shared courtyard accessible to all residents. Some cottages face the street while others face towards the courtyard.

The cottages are usually smaller in scale with architectural styles that provide a neighborhood feel, such as porches or stoops for each residential unit.

BUILDING STANDARDS



LOT STANDARDS

Lot Area - Minimum (Prior to Subdivision)	9000 ft ² min.
Lot Area / Unit - Minimum	1400 ft ² min.
Lot Width - Minimum (Prior to Subdivision)	100' min. A

DWELLING UNITS

# of Dwelling Units	3 - 12 max.
Distance between units	10' min.

FLOOR AREA (Maximum)

Cottage	1200-1500 sf on average
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Question

What changes did
Council make to the
draft code?

Answer

Based on comments received during the public review period and recommendations from the Planning & Zoning Commission, City Council approved 15 changes to the draft code during first reading of the ordinance.

Each of these changes was discussed and voted on individually during the meeting.

Based on public comments and the P&Z Recommendations, Council approved 15 changes to the draft code, including:

- Increase max floor area in OT Zone to 2,400 square feet (from 2,000 square feet)
- Increase building setback in HMN Zone to 15 feet (from 10 feet) and require upper-story setback
- Clarify language for façade articulation requirements
- Clarify that parking can not be visible from the public street for rowhouses
- Clarify that the courtyard can not be used for parking for cottage court housing
- Increase driveway width in the RL to 18 feet (from 12 feet)
- Clarify that an ADU can be attached to a garage or other accessory building
- Allow an ADU of up to 600 square feet for houses with 1,335 square feet or less of floor area
- Allow the same building types and uses in OT-A and RL (single unit house, duplex, rowhouse or apartment of up to 3 units if one is affordable, cottage court, ADU)
- Increase required deed restriction for affordable housing to 99 years (from 50 years)
- Add a table to clarify requirements for “substantial building variation”
- Clarify language for how floor area is measured

Question

How do variances or modifications get approved?

Answer

A Modification of Standard (also called a variance) can only be approved if one of the following criteria are met:

- The proposal is “equal to or better than” a plan that meets the standard
- The proposal only deviates from the standard in a “nominal and inconsequential way”
- The project substantially alleviates a defined citywide problem or addresses a critical community need
- There is an exceptional physical hardship on the site

Question

What is the process for appealing a BDR decision?

Answer

- A decision to approve or deny a Basic Development Review can be appealed to the Planning & Zoning Commission
- Appeal must be filed within 14 days
- Anyone who received mailed notice or provided written comments can appeal
- \$100 fee and a simple form
- Results in a full public hearing with the P&Z Commission
- P&Z decision can be further appealed to City Council



Next Steps

- Recording from this info session will be posted online
- Website will be updated with new FAQs and information in response to questions
- Staff is available for individual questions and/or group presentations upon request

Find more information and submit questions here:

<http://fcgov.com/LUCupdates>



THANK YOU!

For More Information, Visit

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