

180-5.5 Affordable Housing

First section is amending the Density Bonus Program (last Discussed September 27, 2022, put on hold due to questions / concerns related to AMI allowed in proposed subsection c). The text below omits the addition for higher AMI, and includes only the LIHTC addition as there were no concerns with that portion of the proposal.

180-5.5.1. INCENTIVES

A. Accessory Dwelling Units

In the RL, RM, RH, GW, CC, and MU Districts, any accessory dwelling unit meeting the Town's requirements may be exempted from the density calculation as long as the unit is deed-restricted for rent to persons earning a maximum of 100 percent of the area median income, at a rate established by the Summit Combined Housing Authority for that income level, and pursuant to other criteria as established from time to time by the Town or the Summit Combined Housing Authority.

B. Density Bonuses

1. Central Core, Gateway, and Mixed-Use Districts

In the CC, GW, and MU Districts, a density bonus over the maximum allowable density is available if approved by Planning Commission, provided that:

- a. A minimum of 50 percent of the total number of bonus units ~~is~~ are provided as affordable housing deed-restricted for sale or rent to persons earning a maximum of 100 percent of the area median income, at a rate established by the Summit Combined Housing Authority for that income level, and pursuant to the other criteria as established from time to time by the Town or the Summit Combined Housing Authority; or
- b. For each bonus dwelling unit allowed, at least two affordable housing units are provided on property outside of the subject property, but within the Town of Frisco or within one (1) mile of any corporate limit of the Town of Frisco; or
- c. A minimum of 50 percent of the total number of bonus units are provided as affordable housing deed-restricted for sale or rent in accordance with the Low Income Housing Tax Credits (LIHTC) program deed restriction requirements, with all bonus units being deed-restricted as affordable housing in perpetuity.

2. Density Bonus Requirements

- a. In order to qualify for the density bonus incentive of additional dwelling units in multi-family and/or mixed-use projects, each deed restricted affordable unit shall be no more than 15 percent smaller in gross floor area than the corresponding bonus market rate unit. Provided, however, that if the affordable housing units provided under any density bonus provision of this Chapter are located off of the site of the subject property, then the foregoing requirement shall not apply and, instead, for every two off-site affordable units provided, the total combined floor area of such units shall, at a minimum, be equal to the floor area of the associated one on-site density bonus unit. Further provided, however, that in no instance shall an off-site affordable housing unit provided under any density bonus provision of this Chapter be less than 600 square feet in gross floor area.

- b. Every owner of an affordable housing unit shall ensure that each potential buyer of the unit is qualified for the purchase through the Summit Combined Housing Authority, and any affordable housing unit established pursuant to any density bonus provision of this Chapter shall be marketed and offered solely through the Summit Combined Housing Authority.
- c. For each affordable housing unit that is provided under any density bonus provision of this Chapter and that is to be located on or off the site of the subject property, the required deed or covenant restriction for such unit shall be established and legally enforceable prior to the Town's issuance of a certificate of completion or a certificate of occupancy for the corresponding bonus market rate dwelling unit in the development project.

3. Criteria For Approval

Bonus units may be approved by the Planning Commission upon finding that the additional units, because of the structure's design, height, mass, and scale, do not detract from the character of the vicinity and small mountain town character.

180-9.3 General Definitions

Affordable Housing

A dwelling unit that is deed restricted in perpetuity to occupancy by individuals meeting the income limitations and occupancy standards as established from time to time by the Town or the Summit Combined Housing Authority. ~~Occupancy standards shall include requirements for primary residency and local employment.~~

WORKFORCE HOUSING – A dwelling unit that is deed restricted in perpetuity to occupancy by individuals meeting the employment and occupancy standards as established from time to time by the Town. Occupancy standards shall include requirements for primary residency and local employment.

The following section is a new proposal, intended to provide development incentives for the creation of affordable housing. This is similar to the historic overlay program currently in the Development Code, with a key difference: The Historic Overlay is a case-by-case determination and approval by Town Council on potential exceptions or deviations from Town Code. This proposal would define specific allowances that would be permitted if specific deed-restricted housing thresholds were met. There are also similarities in this program to the Cabin Housing standards program in Section 180-5.2.1 of the UDC, in that the development standards would be applied as part of the Site Plan review, not as a separate application.

180-5.5.1 INCENTIVES

C. Affordable Housing Development Incentive Program

The Affordable Housing Development Incentive Program encourages the voluntary preservation or development of new housing units, or preservation of existing dwelling units, for the local workforce through residential development incentives, in exchange for deed restriction of some or all of the housing units in the property. Designation of properties as an *Affordable Housing Development* will enhance the quantity and quality of affordable housing in the Town of Frisco through the use of incentives that allow increased flexibility in design in exchange deed restricting some or all of the dwelling units as Affordable Housing.

1. **Applicability.** An owner of a property within the Town of Frisco may apply for an *Affordable Housing Development* designation. This designation is available in the GW, CC, MU, RH, RM and RL zone districts, and the underlying zone district will remain in effect. In order to qualify for the *Affordable Housing Development* designation, a property must meet the criteria in Section 180-5.5.1 C. Any designation shall be in compliance with the purposes and criteria of this section and the Community Plan. The entire property included in any *Affordable Housing Development* designation shall be subject to the controls and standards of this section. Any incentives described in this section may be requested and, if granted, applied to the entire development site; any incentives or designation not granted may be appealed as prescribed in the Unified Development Code.
2. **Application.** An application for designation as an *Affordable Housing Development* may be made by the owner or the development applicant with the owner's written consent. The request for designation shall be accompanied by a Site Plan application submitted in accordance with Section 180-2.5. The Community Development Department shall review the application for conformance with the criteria in Section 180-5.5.1 C. A proposed development application qualifies for an *Affordable Housing Development* designation and is eligible for the incentives described in Section this section if it meets the requirements of this Section.
3. **Criteria.** The criteria for designating properties as an *Affordable Housing Development* are as follows:
 - a. That no fewer than 50% of the total dwelling units within the development are deed restricted as permanently affordable through the Town of Frisco standard deed

- restriction in perpetuity. The deed restricted units shall be restricted for occupancy for purchase to households earning up to a maximum 140% Area Median Income (AMI), or maximum 120% AMI for rental; and
- b. A deed restriction defining income, occupancy, and annual monitoring requirements, for the affordable housing dwelling units shall be recorded prior to any certificate of occupancy for the property. The draft deed restriction will be reviewed and approved as part of the Site Plan review; and
 - c. In the CC, MU, and GW zone districts, zoning requirements relative to location and proportion of commercial uses on these properties shall apply, subject to conditional use procedures where applicable.
 - d. Except where allowances are permitted as described in the incentives section below, all zoning requirements and other development standards have been met.
4. **Incentives.** Any proposed development that meets the criteria and standards in this Section shall be eligible to utilize the incentives described herein. Where noted, a development that restricts a minimum of 100% of the units as Affordable Housing may have a greater incentive than a development that restricts a minimum of 50% of the units as Affordable Housing.
- a. **Zoning Requirements.** The following zoning dimensional standard adjustments are applied to the zoning district requirements for *Affordable Housing Developments*:
 1. **Density.**
 - i. GW, CC, MU zone districts utilize the Density Bonus provisions per Section 180-5.5.1.B.
 - ii. RH, RM, RL zone districts 100% Affordable – 100% increase in maximum zoning density (i.e. 12 units per acre increase to 24 units per acre in 100% *Affordable Housing Development*).
 - iii. RH, RM, RL zone districts 50% Affordable – 50% increase in maximum zoning density (i.e. 12 units per acre increase to 16 units per acre in 50% *Affordable Housing Development*).
 2. **Lot coverage.**
 - i. 100% Affordable – 20% increase in allowed lot coverage (i.e. 55% allowed coverage in zone district would increase to 75% coverage in 100% *Affordable Housing Development*).
 - ii. 50% Affordable – 10% increase in allowed lot coverage (i.e. 55% allowed coverage in zone district would increase to 65% coverage in 50% *Affordable Housing Development*).
 - iii. Driveways up to 12 feet in width shall be exempted from lot coverage. Portions of driveways in excess of 12 feet shall count towards lot coverage.
 3. **Setbacks.** Reductions allowed per Zone District as follows:
 - i. GW - Front: 10', Side: 5', Rear: 5'
 - ii. CC - On Main: Front: 3', Side: 0', Rear: 0'. Off Main: Front: 5', Side: 5', Rear: 5'

- iii. MU - On Main: Front: 3', Side: 5', Rear: 5'. Off Main: Front: 10', Side: 5', Rear: 5'
- iv. RH, RM, RL - Front 10', Side: 5', Rear: 5'
- 4. Maximum Building Height.
 - i. 100% Affordable – 10% increase in maximum building height (i.e. 40 foot maximum height in zone district would increase to 44 foot maximum height in 100% *Affordable Housing Development*).
 - ii. 50% Affordable – 5% increase in maximum building height (i.e. 40 foot maximum height in zone district would increase to 42 foot maximum height in 50% *Affordable Housing Development*).
- 5. Central Core and Mixed Use zone district - First Floor minimum ceiling height is decreased to 9 feet.

Table 5.XX summarizes the incentives noted above:

Zoning Requirements - Affordable Housing Development						
Requirement	Zoning District					
	GW	CC	MU	RH	RM	RL
Density (Section 180-3.16.2)	Utilize Provisions of Density Bonus per Section 5.5.1.B			50% Affordable Development=50% increase in maximum zoning density 100% Affordable Development=100% increase in maximum zoning density		
Maximum Lot Coverage (Section 180-3.16.2)	50% Affordable Development=10% increase in maximum lot coverage 100% Affordable Development=20% increase in maximum lot coverage					
Driveway Width (Chapter 155 & Section 180-3.17)	Driveways up to 12' in width shall not count toward lot coverage, portios of driveways in excess of 12' shall count towards lot coverage					
Setbacks (Section 180-3.16.2)	Front: 10', Side: 5', Rear: 5'	On Main: Front: 3', Side: 0', Rear: 0' . Off Main: Front: 5', Side: 5', Rear: 5'	On Main: Front: 3', Side: 5', Rear: 5' Off Main: Front: 10', Side: 5', Rear: 5'	Front: 10', Side: 5', Rear: 5'		
Height (Section 180-3.16)	Increase by 10% for 100% affordable development; increase by 5% for 50% affordable development					
Ceiling Height (Section 180-3.17.8)	N/A	Decrease minimum required to 9 feet		N/A	N/A	N/A

- b. Development Standards. The following development standards may be modified for *Affordable Housing Developments*:
 - 1. Landscaping and revegetation. Species mix may be modified and minimum tree caliper size may be reduced per Planning Commission approval if the landscape plan meets the intent of the landscape requirements in Section 180-6.14.
 - 2. Mix of Uses in the Mixed Use Zone District
 - i. Required Mixture of uses in the Mixed Use District is 10% commercial for 100% affordable development.
 - ii. Required Mixture of uses in the Mixed Use District is 15% commercial for 50% affordable development.
 - 3. Residential development standards. Building articulation shall be demonstrated through use of at least two of the seven techniques described in Section 180-6.22.
 - 4. Bulk plane.

- i. Bulk plane encroachments allowed up the ratio of 500 cubic feet per 10,000 square feet of lot area, subject to the criteria in Section 180-6.23.
- ii. Bulk plane envelopes shall be measured at a 45 degree angle in all zones
- iii. Bulk plane envelopes measurement shall begin at the lesser of the minimum setback in Table 5-XX or the measurement in Table 6-K, *Bulk Plane Standards*.

Table 5.XX summarizes the incentives noted above:

Development Standards - <i>Affordable Housing Development</i>	
Requirement	
Landscaping and Revegetation (Section 180-6.14)	Species Mix--Minimum species mix may be modified at the discretion of Planning Commission Minimum Caliper--Minimum diameter of tree plantings may be reduced at the discretion of Planning Commission Hardscape and planter boxes may be substituted for a portion of the required landscaping
Mixture of Uses in MU District (Section 5.2.13)	Required Mixture of uses in the Mixed Use District is 10% commercial for 100% affordable development.
	Required Mixture of uses in the Mixed Use District is 15% commercial for 50% affordable development.
Residential Development Stds. (Section 180-6.22)	All building elevations shall employ at least two of the seven techniques required
Bulk Plane (Section 180-6.23)	Bulk Plane requirements increased to allow 500 cubic feet per 10,000 square feet of lot area. ii. Bulk plane envelopes shall be measured at a 45 degree angle in all zones. iii. Bulk plane envelopes measurement shall begin at the lesser of the minimum setback in Table 5-XX- or the measurement in Table 6-K, Bulk Plane Standards. 10' step back shall apply.

c. Parking. The following parking requirements may be applied to *Affordable Housing Developments*:

1. (1) parking space per unit for studios and 1 bedroom units, (1.5) parking space per unit for 2 bedroom units, and (2) parking spaces per unit for 3 bedrooms or greater.
2. If a development application proposes to deed restrict 100% of the total dwelling units as affordable in compliance with this section, the development is eligible for the following parking requirement incentives:
 - i. Proximity to transit. For developments within one quarter mile of a transit stop which provides local service: (.5) parking space per unit for studios and 1 bedroom units, (1) parking space per unit for 2 bedroom units, and (2) parking spaces per unit for 3 bedrooms or greater.
 - ii. On-street overnight parking. Within the Central Core (CC) and Mixed Use (MU) Districts, up to 20% of the required overnight parking spaces for residents and visitors may be accommodated on-street, subject to construction of any needed improvements, Town approval of an acceptable agreement to ensure adequate maintenance and snow removal procedures, and a permit system for resident use.
 - iii. Off-site parking. Up to 50% of the required overnight parking, excluding required accessible spaces, in the Central Core (CC) and Mixed Use (MU) Districts may be met off-site, subject to a permanent parking agreement approved by the Town. Off-site parking shall be located within 1,000 feet of the proposed development, measured as a viable pedestrian path.

- iv. Car-sharing service: Each car-sharing space provided shall count as 4 parking spaces, up to 20% of the parking requirement. The car-sharing program details and agreement shall be provided as part of the application, and shall include provisions and alternative options to ensure operation for the duration of the project.
- d. Application Processing and Fees. The following review processing times and fees may be modified or waived, if determined to be appropriate by reviewing authority:
 - 1. Planning and Building Department application review periods shall be accelerated to the extent possible, while ensuring all required public notice requirements are met, and adequate time to appropriately review the applications.
 - 2. At the discretion of the Community Development Director for purposes such as but not limited to fiscal ability, planning and building application fees may be waived for review of development applications that participate in this program.