

**TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
ORDINANCE 23-10**

AN ORDINANCE AMENDING CHAPTER 180 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, CONCERNING THE UNIFIED DEVELOPMENT CODE, BY AMENDING SECTION 180-5.5.1, CONCERNING AFFORDABLE HOUSING INCENTIVES; AND SECTION 180-9.3, CONCERNING GENERAL DEFINITIONS.

WHEREAS, the Town of Frisco, Colorado ("Town") is a home rule municipality, duly organized and existing under Article XX of the Colorado Constitution; and

WHEREAS, the Town has identified development of affordable housing in the community as a high priority; and

WHEREAS, the Town Council desires to amend the Unified Development Code in order to provide Code-based incentives to developers of affordable housing while retaining consistency with other types of development within the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO THAT:

Section 1. Section 180-5.5.1 of the Frisco Town Code, concerning Affordable Housing Incentives, is hereby amended to read as follows:

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~~ and Residential High Density Districts

In the CC, GW, ~~and MU, and RH~~ 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 provided as affordable housing deed-restricted for occupancy for purchase to households earning up to a maximum 140% Area Median Income (AMI), or maximum 120% AMI for rental, with an average AMI not to exceed 100%. ~~for sale or rent to persons earning a maximum 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 is provided as affordable housing restricted for rent in accordance with the Low-Income Housing Tax Credits (LIHTC) program requirements, with such units being nonetheless deed-restricted under the Town's standard covenant, to be effective only upon termination of the LIHTC restrictions.

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.

180-5.5.1 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 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 for deed restricting 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.3. Any designation shall be in compliance with the purposes and criteria of this section. 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 included with 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 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. Each of the dwelling units within the development are restricted as permanently affordable through the Town of Frisco standard covenant. The 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, with an average AMI not to exceed 100%. The draft deed restriction will be reviewed and approved as part of the Site Plan review; and
 - b. 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.
 - a. Zoning Requirements. The following zoning density and dimensional standard adjustments are applied to the zoning district requirements for *Affordable Housing Developments*:
 1. Density.
 - i. GW, CC, MU, RH zone districts utilize the Density Bonus provisions per Section 180-5.5.1.B.
 - ii. RM, RL zone districts – 100% increase in maximum zoning density (i.e. 12 units per acre increase to 24 units per acre).
 2. Lot coverage.
 - i. 20% increase in allowed lot coverage (i.e. 55% allowed coverage in zone district would increase to 75% coverage).
 - ii. 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. Minimum setbacks 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. 10% increase in maximum building height (i.e. 40 foot maximum height in zone district would increase to 44 foot maximum height).

Table 5-3 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				100% increase in maximum zoning density	
Maximum Lot Coverage (Section 180-3.16.2)	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, portions 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%					

- b. Development Standards. The following development standards may be modified for *Affordable Housing Developments*:
- 1. Landscaping and revegetation. Plant material quantities may be reduced by up to 20% from the requirement in Section 180-6.14.3. Species mix may be increased to a 50% maximum for each species, and minimum tree caliper size may be reduced to 50% of the caliper size requirement in Section 180-6.14.
 - 2. Non-residential development standards. For developments that contain a minimum of 20 dwelling units, building articulation pursuant to §180-6.21.3.B.3, is not required on alley or non-right of way facing facades.
 - 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 may be permitted up to the ratio of 500 cubic feet per 10,000 square feet of lot area, subject to the criteria in Section 180-6.23 and approval by the Planning Commission.
 - 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 5-4 or the measurement in Table 6-K, *Bulk Plane Standards*.

Table 5-4 summarizes the incentives noted above:

Development Standards - <i>Affordable Housing Development</i>	
Requirement	
Landscaping and Revegetation (Section 180-6.14)	Plant material quantities may be reduced by up to 20% from the requirement in Section 180-6.14.3. Species mix may be increased to a 50% maximum for each species, and minimum tree caliper size may be reduced to 50% of the caliper size requirement in Section 180-6.14.
Non-Residential Development Stds. (Section 180-6.21)	For developments that contain greater than 20 dwelling units, building articulation pursuant to §180-6.21.3.B.3, is not required on alley or non-right of way facing facades. or all other facades, building articulation shall be demonstrated through use of at least two of the seven techniques described in Section 180-6.21.
Residential Development Stds. (Section 180-6.22)	Building articulation shall be demonstrated through use of at least two of the seven techniques described in Section 180-6.22.
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. iv. 10-foot stepback shall not apply on alley-facing facades for developments of 20 units or greater.

- 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. One visitor parking space is required for each five dwelling units in the development.
 2. If a development application includes a minimum of 20 units, and is a single-owner development in which all units will be offered for rent, the development is eligible for each of the following parking incentives which may be cumulative:
 - 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 frontages contiguous to the property, on a one for one basis, 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. 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.

Section 2. Section 180-9.3, of the Frisco Town Code, concerning General Definitions, is hereby amended by way of amending the definition for Affordable Housing and adding a definition for Workforce Housing, to read as follows:

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.

Exception: A Low-Income Housing Tax Credit (LIHTC) or similar approved program that does not allow for local employment restrictions; the local employment requirement may be waived if approved by Town Council. A LIHTC development deed restriction shall be recorded at certificate of occupancy for the project, with effective date deferred until the end of the LIHTC period if approved by Town Council.

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.

INTRODUCED, PASSED ON FIRST READING AND PUBLICATION AND POSTING ORDERED THIS 28TH DAY OF MARCH 2023.

ADOPTED ON SECOND AND FINAL READING AND PUBLICATION BY TITLE ORDERED THIS 11TH DAY OF APRIL 2023.

TOWN OF FRISCO, COLORADO:

Hunter Mortensen, Mayor

ATTEST:

Stacey Nell, Town Clerk