



EXECUTIVE SUMMARY - ORDINANCE 1249

Ordinance 1249 permanently adopts the Interim Ordinance 1234 standards that have been refined based on what staff has learned from feedback gathered from community stakeholders and the Technical Advisory Group, evaluations of previously approved and current development projects, architectural development scenarios, commercial demand analysis, and financial feasibility studies. Below is an overview of the refined interim ordinance standards that staff have revised based on the information we've learned as well as additional housekeeping code amendments that are included in Ordinance 1249.

REFINED INTERIM ORDINANCE STANDARDS

Minimum Residential Densities: Ordinance 1249 reduces the minimum residential density requirements for 100% residential developments within the Community Core by 2 dwelling units. New developments or additions to existing buildings that exceed a total Floor Area Ratio (FAR) of 1.0 within the Community Core must comply with the following minimum residential density requirements:

- 5 dwelling units per townsite lot for 100% residential developments,
- 4 dwelling units per townsite lot for mixed-use developments with 30% or less commercial,
- 3 dwelling units per townsite lot for mixed-use developments with 31 to 60% commercial,
- 2 dwelling units per townsite lot for mixed-use developments with 61 to 80% commercial, and
- No minimum residential density required for projects with 80% or more commercial space except a minimum of 2 dwelling units if the development includes residential use.

Ordinance 1249 reduces the minimum residential density requirements for developments that exceed 1.0 FAR in the General Residential-High Density (GR-H) and Tourist-4000 (T-4000) zoning districts to 6 dwelling units per 10,000 square feet of lot area.

No changes are proposed to the minimum residential density requirements for projects that exceed 1.0 FAR in the Tourist (T) and Tourist-3000 (T-3000) zoning districts.

Tourist Zone

- 7 dwelling units per 10,000 square feet of lot area for 100% residential developments,
- 4 dwelling units per 10,000 square feet of lot area for mixed-use developments with 30% or less commercial,
- 3 dwelling units per 10,000 square feet of lot area for mixed-use developments with 31 to 60% commercial,
- 2 dwelling units per 10,000 square feet of lot area for mixed-use developments with 61 to 80% commercial, and

- No minimum residential density required for projects with 80% or more commercial space except a minimum of 2 dwelling units if the development includes residential use.

T-3000 Zone: 4 dwelling units per 10,000 square feet of lot area

Ordinance 1249 adds an incentive for restaurants. The minimum residential density requirements may be reduced by one dwelling unit for new developments proposing restaurants that include necessary utility infrastructure for commercial kitchens, including a commercial hood and grease trap.

Maximum Size for Residential Units: Ordinance 1249 eliminates the 3,000-square-foot maximum size limit for individual residential units.

Ground-Floor Commercial: Ordinance 1249 reduces the amount of commercial space required on the ground floor of mixed-use developments within the Retail Core (CC-1 Zone) and a portion of the Mixed-Use Subdistrict (CC-2 Zone) from the alley west of Main Street to 2nd Avenue between 2nd and 5th Streets to 35%.

Commercial in the Downtown Area: Ordinance 1249 permanently adopts the interim ordinance regulations that: (1) provide for a wider range of commercial uses and prohibit future development of single-family homes for properties with frontage along River Street from Leadville Avenue to 2nd Avenue within the Tourist Zone and (2) require ground-floor commercial with street frontage for properties located from the alley west of Main Street to 2nd Avenue between 2nd and 5th Streets within Mixed-Use Subdistrict of the Community Core.

Parking: In addition to parking exemptions for office and retail, Ordinance 1249 includes a parking exemption for personal service uses within the Community Core. The interim ordinance limits the amount of additional parking that developments may provide beyond the minimum number required per the zoning code. Ordinance 1249 removes this limitation and allows developments to provide additional parking.

No Net Loss of Dwelling Units: No project can result in the net loss of residential units through the consolidation of dwelling units, conversion of dwelling units to other uses, demolition, or redevelopment.

Location of Community Housing: Ordinance 1249 prohibits community housing units in basements.

Lot Consolidation: Lot consolidations must demonstrate compliance with land use development approvals, building permit approvals, and zoning regulations and must generally conform to the comprehensive plan. Lot consolidations are permitted in all zone districts except in the General Residential Low Density (GR-L), Limited Residential (LR, LR-1, and LR-2), and Short-Term

Occupancy (STO-1, STO-4, and STO-H) zoning districts where lot consolidations are permitted subject to a waiver.

Comprehensive Plan Conformance: Ordinance 1249 permanently adopts the interim ordinance standard requiring that projects subject to Design Review demonstrate general conformance with the comprehensive plan.

Pre-Application Term of Approval: Ordinance 1249 permanently adopts the 180-calendar-day term of approval for Preapplication Design Review established through the interim ordinance.

Adjustment of Requirements through Conditional Use Permit: Ordinance 1249 removes the provision allowing certain requirements to be adjusted subject to the review and approval of a Conditional Use Permit by the Planning and Zoning Commission.

ADDITIONAL CODE AMENDMENTS

Ordinance 1249 includes additional housekeeping code amendments, including process improvements to reduce uncertainty, clarify code requirements to decrease inconsistencies, and reduce regulatory barriers for accessory dwelling unit (ADU) development.

Process Improvements

- Clarify certificate requirements for subdivision plats
- Streamline process for condominium, townhouse, and phased development final plats
- Add requirements for dormant and denied applications
- Clarify Administrative Design Review and Design Review exemptions
- Amend Preapplication Design Review submittal materials

Code Clarifications

- Clarify setback requirements for lots with platted building envelopes
- Clarify dimensional standards in the Community Core
- Clarify “building” vs. “structure” and what is permitted within setbacks
- Clarify standards for accessory buildings
- Add requirements for retaining walls
- Fix errors in rear setback requirements
- Clarify standards for below-grade encroachments
- Correct error in street frontage calculations for driveway widths
- Clarify parking exemptions for various uses

Promoting ADUs: Clarify parking exemption, storage requirements, and building coverage flexibility.