




PLANNING & DEVELOPMENT MEMORANDUM
#47-2023

DATE: Sep. 25, 2023

TO: Honorable Mayor Meredith Leighty and City Council Members

THROUGH: Heather Geyer, City Manager 
Jason Loveland, Interim Deputy City Manager 

FROM: Brook Svoboda, Director of Planning & Development 
Sara Dusenberry, Senior Planner

SUBJECT: CB-2010 – Unified Development Ordinance Amendments

PURPOSE

To consider CB-2010, an ordinance on first reading amending various sections of the Unified Development Ordinance (UDO) in Chapter 11 of the Municipal Code.

BACKGROUND

In February 2019, the City adopted the UDO, which replaced Chapters 11 (Zoning), 12 (Subdivision Regulations), and 21 (Signs) of the Municipal Code with a single development ordinance and concurrently adopted a correlating Zoning District Map. At that time, staff communicated that any clerical or policy revisions to the UDO would be brought forward as needed.

The first set of modifications was discussed by the Planning Commission and City Council in 2019. Following policy discussions with both bodies, the amendments to the UDO were adopted by ordinance in October 2019. A second set of UDO amendments was presented to both bodies and adopted by ordinance in 2021. A third set of amendments was adopted on April 24, 2023, and a fourth was adopted on July 10, 2023.

The policies below are the result of the work completed under the Department of Local Affairs (DOLA) Innovative Housing Strategies: Planning Program Grant (IHOP) that the City received in spring 2022 to undertake a housing needs assessment and develop and adopt policies related to furthering affordable housing. Staff presented these additional modifications to the Planning Commission at its Sept. 19, 2023 meeting. The Planning Commission found consensus, with one dissenting vote, regarding those amendments and recommended adoption with a minor correction to omit Section 11-3-4d(1)(A)ii. This set of modifications is considered UDO Amendment #5.

The following provides a brief overview of the proposed amendments to the UDO:

- **Overlay Districts:** *[New Section 11-2-17.5]*
 - For greater utilization of mixed-use districts in the City, it is recommended to implement the use of overlay districts to allow for an expansion of land use opportunities without restricting the current uses allowed.
 - The 2022 housing needs study found a lack of middle-density and housing stock diversity. To address those concerns, it was recommended that developing mixed-use overlay districts be undertaken.
 - Allowance of overlay districts would effectively remove the rezoning process that can often be prohibitive due to cost and time. Additionally, overlay districts allow the underlying zoning to be maintained, resulting in an expansion of uses on a

single property. The potential areas for overlay districts are currently based on the land use recommendations in the Comprehensive Plan. Areas where overlay districts could be permissible may be expanded in the future. It is expected that the overlay districts could help diversify housing stock at various densities while also improving on the associated commercial uses and services.

- Affordable housing incentives were included to encourage developers to make at least 25% of units affordable. The incentives seek to offset the cost of providing units below market rate.
- **Accessory Dwelling Units (ADUs):** *[Sections 11-3-3(e)(20), 11-3-4(c)(2)(C), 11-3-4(d)(1)(A)]*
 - The proposed changes expand the use of ADUs to include the allowance of short-term rentals. ADUs are often utilized as short-term rentals to provide income for the property owners and transitional housing options for those in need. Requiring property owners to reside on the property was included to minimize property management companies, or other similar entities, from removing long-term housing units from the market to solely operate short-term rental properties.
 - In order to make ADUs more accessible for residents, the allowance of pre-approved designs and prefabricated construction types is proposed. Often, the time and money it takes to acquire a contractor for the construction of an ADU is prohibitive for many residents. By providing pre-approved designs of prefabricated ADUs, it is expected that issues related to the costs of design and construction could be reduced, making ADUs a more viable option for a wider breadth of residents.
- **Senior Housing Parking Incentive:** *[Section 11-4-6(g)(4)]*
 - The proposed amendment reduces the age used to classify senior housing and determine if a development is eligible for a parking reduction incentive. The proposed change reduces the age from 65 to 55 years old.

BUDGET/TIME IMPLICATIONS

There are no financial impacts to the City. If CB-2010 is approved on first reading, a public hearing and second reading of the proposed ordinance would be scheduled for Oct. 9, 2023.

STAFF RECOMMENDATION

Staff recommends approval of CB-2010 on first reading.

STAFF REFERENCE

If Council Members have any questions, please contact Brook Svoboda, Director of Planning & Development, at bsvoboda@northglenn.org or 303.450.8937.

SPONSORED BY: MAYOR LEIGHTY

COUNCIL MEMBER'S BILL

ORDINANCE NO.

No. CB-2010
Series of 2023

Series of 2023

A BILL FOR AN ORDINANCE AMENDING CHAPTER 11 OF THE NORTHGLENN MUNICIPAL CODE BY THE ADDITION THERETO OF A NEW SECTION 11-2-17.5 AND AMENDING SECTION 11-3-3, SECTION 11-3-4 AND SECTION 11-4-6

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The Northglenn Municipal Code is amended by the addition thereto of a new Section 11-2-17.5 to read as follows:

Section 11-2-17.5. MX Mixed-Use Overlay District.

- (a) Purpose. The Mixed-Use Overlay District (MX) is established in order to achieve, among others, the following purposes:
- (1) Provide an opportunity for a mix of land uses consistent with the City's Unified Development Ordinance, while protecting the public health, safety, and general welfare;
 - (2) Provide for and encourage a balanced, compatible mix of uses, rather than a separation of uses, in a pedestrian-friendly environment;
 - (3) Establish development standards that allow for flexibility while protecting adjacent property from undue adverse impacts;
 - (4) Promote investment in locations where investment is otherwise impeded due to small lot sizes, inefficient shape of the property, the existing underutilized development, or existing "strip" development that impedes pedestrian friendliness, or development that exhibits functional obsolescence; and
 - (5) Create vibrant public spaces through the use of pedestrian-oriented design principles and enhanced aesthetic design of buildings and structures.
- (b) Establishment. A Mixed-Use Overlay District shall be established in accordance with 11-6-4(a). The boundaries of the Mixed-Use Overlay District shall be indicated on the Official Zoning Map and shall be officially denoted as MX. For the purposes of zoning, development, and use regulations, the Mixed-Use Overlay District shall be regulated under the standards of the related mixed-use zone as established in Article 2.

- (c) Procedures for Development Approval.
 - (1) Generally. Applicants wishing to pursue development in accordance with the Mixed-Use Overlay District parameters on land that has been designated MX may do so via the application process delineated in *Article 6: Administration and Procedures*. Development Review Procedures applicable to a Mixed-Use Overlay District Development fall under Major Site Plan requirements (Section 11-6-5(a)(3)) unless otherwise determined by the City.
 - (2) Additional Provisions. Any existing provisions that are not covered by this section shall be governed by the respective provisions and requirements found elsewhere in the Unified Development Ordinance, unless modified by the Mixed-Use Overlay District Development Permit Application as provided for below.

- (d) Permitted Uses.
 - (1) Generally. Unless regulated in this section or modified as provided for in Section 11-2-17.5(c)(3), a Mixed-Use Overlay District Development shall comply with the following regulations, as is pertinent:
 - (A) Article 2: Zoning Districts, Section 8: MN Mixed-Use Neighborhood;
 - (B) Article 2: Zoning Districts, Section 9: MC Mixed-Use Corridor;
 - (C) Article 2: Zoning Districts, Section 10: MR Mixed-Use Regional; and
 - (D) Article 3: Use Regulations
 - (2) Additional Considerations. In determining the appropriateness of each proposed use, the City shall determine that the plan satisfies one or more of the following:
 - (A) That the proposed uses will fulfill the purpose statements expressed in Section 11-3-2(a);
 - (B) That the proposed use(s) contributes to the pedestrian atmosphere desired by the City;
 - (C) That the proposed use(s) promotes a vital, mixed-use environment;
 - (D) That the proposed use(s) is compatible with any other and will not unduly impact the public health, safety, and general welfare;
 - (E) That the proposed use(s) will further the creation of a Mixed-Use development that can be used by residents of the Mixed-Use Development, users of other establishments in the Mixed-Use Development as well as adjacent parcels, if applicable; or

- (F) That the proposed uses will include the necessary diversity of uses needed to prevent the segregation of uses and to ensure a dynamic developed site.
- (e) Development Criteria.
- (1) Generally. Unless regulated in this section or modified as provided for in Section 11-3-2(c)(3), a Mixed-Use Overlay Development shall comply with the appropriate regulations:
 - (A) Article 2: Zoning Districts, Section 8: MN Mixed-Use Neighborhood;
 - (B) Article 2: Zoning Districts, Section 9: MC Mixed-Use Corridor; and
 - (C) Article 2: Zoning Districts, Section 10: MR Mixed-Use Regional.
 - (2) Additional Standards Considered. The following standards will be considered in a Mixed-Use Overlay District Development Permit Application in addition to the previously delineated standards:
 - (A) Buildings, structures, and parking areas should be designed and located within the Mixed-Use Development in ways that conserve unique natural, historic, or cultural features;
 - (B) The physical relationship of buildings and other site improvements to one another and to the surrounding public streets, as created by building size, mass, height, shape, and setback, shall result in a harmonious development within the Mixed-Use Development and adjacent to it; and
 - (C) The bulk of buildings within the proposed development shall be compatible with the surrounding development and sufficiently buffered from the surrounding development, when integration with the surrounding development is not desired, to mitigate any undue adverse impact(s).
- (f) Affordable and Senior Housing Incentives. The Director may approve incentives for those providing dwelling units that are restricted for purchase or occupancy at below-market rate levels, or dwelling units that are restricted for purchase or occupancy by persons 55 years of age or older. The incentives listed in 11-2-17.5(f)(2) may be provided in addition to the parking reductions noted in subsection 11-4-6(g)(4).
- (1) Eligibility Standards.
 - (A) Applicants electing to provide income restricted units must provide the number of units at the income-restricted levels in accordance with the options set forth below:

Table 2-17.5-A: Affordable Housing Eligibility Standard		
Minimum percent of total dwelling units to be income restricted	Maximum AMI for eligible households	
	Rental Developments	Ownership Developments
25% of total dwelling units	60% of AMI	100% of AMI

(B) Applicants electing to provide dwelling units restricted for purchase or occupancy by persons 55 years of age or older must make at least 75% of all units in the development restricted by age.

(2) Incentives.

(A) Expedited Review.

- (i) Review per submittal will be no more than three weeks by all City departments.
- (ii) Application submittals must be complete and include all requested items for the three-week review period to begin.
- (iii) Review timelines may not be expedited for any outside agency.

(B) Fee Reduction.

- (i) All City required fees associated with development may be reduced in accordance with the table below.

Table 2-17.5-B: Fee Reductions	
Minimum percent of total dwelling units to be income restricted	Percent reduction of City Fees
25% of total dwelling units	25% Reduction
35% of total dwelling units	35% Reduction
45% of total dwelling units	45% Reduction
50% to 100% of total dwelling units	50% Reduction
Minimum percent of total dwelling units to be age restricted	Percent reduction of City Fees
75% of total dwelling units	25% Reduction
100% of total dwelling units	50% Reduction

(C) Reduction of Building and Design Standards.

- (i) Setback requirements pursuant to Sections 11-2-8: *MN Mixed-Use Neighborhood*, 11-2-9: *MC Mixed-Use Corridor*, and 11-2-8: *MR Mixed-Use Regional* shall be waived.
- (ii) Buildings shall not extend more than 50 continuous feet without incorporating at least three of the five Massing

Reduction Elements in subsections 11-4-8(e)(4)(C)(i-v) below for each 50-foot segment.

Section 2. Section 11-3-3, subsection (e)(20) of the Northglenn Municipal Code is amended to read as follows:

- (20) Short-Term Rental.
 - (A) A city-issued license shall be obtained, and all applicable taxes and fees shall be paid, prior to operating a short-term rental.
 - (B) ~~Accessory dwelling units shall not be used as short term rentals.~~ ACCESSORY DWELLING UNITS OCCUPIED FOR THE USE OF SHORT-TERM RENTALS WILL REQUIRE THE PROPERTY OWNER TO RESIDE ON THE PROPERTY.
 - (C) Mobile homes, RVs, or travel trailers shall not be used as short-term rentals.
 - (D) Occupancy of a short-term rental by a paying guest shall not exceed 30 days.

Section 3. Section 11-3-4, subsection (c)(2)(C) of the Northglenn Municipal Code is amended to read as follows:

- (C) Design.
 - (i) Except for properties in the IN, PF, and AG districts, all accessory structures that require a building permit shall comply with the applicable exterior finish materials standards pursuant to 11-4-8(d), *Residential Site and Building Design Standards* and 11-4-8(e), *Mixed-Use and Nonresidential Site and Building Design*.
 - (ii) No manufactured home, trailer, travel trailer, camping trailer, truck camper, or motor vehicle shall be attached or connected in any manner to an existing building or structure UNLESS OTHERWISE PERMITTED IN THIS ARTICLE.
 - (iii) Fabric, membrane, or cloth structures intended to be erected for more than 30 days in a calendar year shall not be allowed for the purpose of covered storage of vehicles, recreational vehicles, boats, equipment, or other outdoor storage.

Section 4. Section 11-3-4, subsection (d)(1) of the Northglenn Municipal Code is amended to read as follows:

- (d) Additional Standards for Specific Accessory Uses and Structures.

(1) Accessory Dwelling Unit. Accessory dwelling units ("ADUs") shall be allowed as indicated in Table 3-2-A and shall comply with the following standards:

(A) Generally.

(i) Only one ADU shall be allowed per property.

~~(ii)~~(ii) ADUs for multifamily dwellings or live/work units are prohibited.

~~(iii)~~(iii) No ~~manufactured home~~, trailer, travel trailer, camping trailer, truck camper, or motor vehicle shall be used as an ADU. ADUS MAY BE MANUFACTURED OR PREFABRICATED HOMES, GIVEN THEY COMPLY WITH PRE-APPROVED DESIGNS DESIGNATED BY THE DIRECTOR OF PLANNING AND DEVELOPMENT AND MEET ALL OTHER ADU REQUIREMENTS.

(B) Ownership Requirements.

(i) The owner of the property on which the ADU is located shall be required to reside in either the primary dwelling unit or in the ADU.

(ii) Ownership of the ADU may not be legally severed from ownership of the associated lot and any other structures on such lot.

(C) Size. ADUs shall not exceed 750 square feet, however, ADUs located in the basement of an existing single-family unit may exceed 750 square feet if entirely contained within the building footprint of the primary structure.

(D) Location and Design.

(i) ADUs shall be allowed as both attached and detached structures.

(ii) ADUs shall have a separate exterior entrance from the primary dwelling unit and shall contain cooking, sleeping, and sanitary facilities.

(iii) ADUs shall not have more than one bedroom.

(E) Public Services and Utilities.

(i) Separate water or sewer service for the ADU shall not be allowed.

(ii) Separate metering of other utilities is allowed.

Section 5. Section 11-4-6, subsection (g)(4) of the Northglenn Municipal Code is amended to read as follows:

- (4) Affordable and Senior Housing. The minimum number of off-street parking spaces required in Table 4-6-A: Minimum Off-Street Parking shall be reduced by 25 percent for multifamily residential structures that satisfy the following:
 - (A) Have a minimum of 10 dwelling units; and
 - (B) At least 25 percent of the dwelling units are restricted for purchase or occupancy at below-market rate levels approved by the Director; or
 - (C) At least 75 percent of the dwelling units are restricted for purchase or occupancy by persons ~~65~~ 55 years of age or older.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____, 2023.

MEREDITH LEIGHTY
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____, 2023.

MEREDITH LEIGHTY
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney