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MEMORANDUM

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P.O. Box 4100 ♦ FRISCO, COLORADO 80443

**TO: PLANNING COMMISSION**  
**FROM: DON REIMER, COMMUNITY DEVELOPMENT DIRECTOR**  
**RE: A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE UNIFIED  
DEVELOPMENT CODE FOR AFFORDABLE HOUSING INCENTIVES**  
**DATE: MARCH 16, 2023**

**Summary and Background:** Affordable housing is one of Town Council's Strategic Plan High Priorities. For several months, Town Council has been discussing with staff potential amendments to the Town Code that could facilitate development of affordable housing, including a potential workforce housing overlay, and additions to the density bonus provisions already in the Code.

In December 2022, a developer of a potential affordable housing project submitted a request for specific code amendments which could provide incentives to facilitate the project. Staff considered the modifications requested and other potential changes to create a series of proposed amendments to the Unified Development Code (UDC), Chapter 180 of Town Code.

Town Council discussed the proposed amendments at a meeting on January 17, 2023, expressing general support for the overall concepts, specifically those related to bonus density and increased density for affordable projects. Council also generally agreed with limited relief, or reductions, in dimensional requirements such as setbacks and bulk plane. Changes to parking requirements generated a lot of discussion, as benefits were clearly understood, but mitigation of potential negative impacts, alternative transportation options, and on-street parking options need to be addressed. Town Council asked that Planning Commission consider the draft amendments in a work session to provide feedback on options, with the goal of providing incentives to encourage affordable housing development.

The Planning Commission discussed the proposed amendments at their February 2, 2023, meeting to share comments and suggestions with Town Council. Town Council again reviewed the proposed amendments at their February 28, 2023 meeting, and following additional comments, directed staff to prepare final text amendments for Planning Commission recommendation, and then Town Council consideration of an Ordinance.

The purpose of this agenda item is for Planning Commission to consider the proposed text amendments and forward a recommendation to Town Council.

**Analysis:** The UDC §180-5.5.1, '*Affordable Housing - Incentives*', outlines the incentives currently available for affordable housing development. These include *Accessory Dwelling Units* and *Density Bonus*. The amendments proposed and included in Attachment 1 would add the previously discussed Density Bonus option for Low Income Housing Tax Credit (LIHTC) projects. LIHTC projects require that the units are deed-restricted to average 60% AMI, but do not allow restrictions on where the occupants work. The proposed amendments would extend the existing bonus density incentives, currently available in the Central Core, Gateway, and Mixed-Use districts, to the Residential High Density zone district.

The proposed amendments would also add a new section, **§180-5.5.1.C** "Affordable Housing Development Incentive Program". This section would create a set of incentives in the form of modifications to underlying zoning regulations for projects that meet specific deed-restricted housing thresholds. The program would be available for use for all properties in the Gateway, Central Core, Mixed-Use, and Residential -High, -Medium and -Low zone districts. The proposed amendments include modifications to the following, as further detailed in Attachment 1:

- Density – allows increased density in the RH, RM, and RL zone districts where the density bonus provision is not currently permitted.
- Lot coverage – allows increased lot coverage
- Setback – allows reduced setbacks
- Building height – allow up to a 10% increase in building height
- Landscape – allows modifications to the landscape requirements
- Bulk Plane – allows an increase in the volume of bulk plane envelope encroachments
- Parking – allows reductions in the amount of parking required by allowing some on-street parking or off-site parking under certain conditions, and encouraging use of transit and car-sharing services

The Planning Commission most recently discussed the proposed Code amendments at their February 2, 2023 meeting. While the Planning Commission was not fully supportive of all the proposed amendments, there was recognition that some of the code amendments could facilitate the right housing project, while balancing other community goals, particularly with regards to use and appearance of the built environment on Main Street. There were a few key themes that emerged:

- Main Street is a key component of the community, and the Planning Commission was not comfortable with including reductions in mixed-use commercial percentage or allowances in design requirements written into the Code. The Mixed-Use zone allows for a conditional use process to consider reduced commercial use based on specifics of a project, and the Planning Commission felt it was appropriate to keep that way.
- If a developer of a particular parcel wants deviations from the Code for a specific project, the PUD process is still an option, so the entire project could be considered as a whole.
- The Planning Commission expressed concerns that there was not enough of a differentiation between the 50% affordable and 100% affordable code allowances to provide incentives to a developer to go the 100% route.
- Bulk plane – the Planning Commission did not want to completely eliminate restrictions due to concerns with "blocky" building designs, but felt there could be an opportunity to increase the bulk plane encroachment allowance, as long as the code language is clear that bulk plane encroachment allowances are an "up to" consideration, not guaranteed, and remain subject to Planning Commission review and approval.

- Building articulation and design – could allow for a simplified building design for a 100% affordable project on Main Street.
- A simplified design and a reduction of mix of uses could be acceptable off of Main Street, even for a 50% affordable project.
- Landscaping reductions should be more clearly defined; do not want the result of a “bald” property. This comment continued the general theme of ensuring enough similarity to other projects so that it is not an easily discernable difference between an affordable housing project and other development.
- Planning Commission felt that an affordable rental project could receive greater incentives than a for-sale project.
- Parking. There was concern that current transit is not robust enough to facilitate living without cars. But there was recognition that there may be improved transit options during the life of the building, so if there is a reduction in parking, a solution on how to bridge that gap is needed, otherwise a problem may be created at the very beginning of the building’s life. Planning Commission liked the car share idea to reduce parking, as long as an agreement is in place in perpetuity.
- Fees. Any fee waivers or reductions should continue to be at Council’s discretion as it would have to be paid back out of housing fund, and could be considered a part of Town contribution to a project.

At their March 2, 2023 meeting, Town Council reviewed the proposed Code amendments and Planning Commission comments, and provided direction for staff on content of the final version of Code amendments. Some key items and comments included:

- We are at an inflection point on whether you want to see some of these projects come forward. What do we want to do with these code provisions? What is the action?
- Main Street – a lot of discussion on looks and feel. For design standards, Main Street frontage is different than the alley. Consider allowing the alley frontage to be bulkier, while avoiding the tunnel effect.
- Parking – consider reductions for larger projects - 20 units or more. If our ratios are wrong, the developer has to have the problem of limited parking. This works if a rental project easier than if a for-sale project, as single owner / manager has more control.
- Power to waive fees should be a higher up decision
- Rental versus ownership is different. Rental to have greater incentives. Where can we budge on building articulation to save cost for development?
- Parking is a non-issue. If we approve less parking, this forces us to look at our transit solution.
- 50% vs 100% affordable housing incentive issues – go all the way 100%? This works for 100% affordable projects
- Don’t want to hinder Town’s ability to increase density and affordability – More incentives/ allowances for rental vs. ownership projects
- There is sufficient transit to accommodate the ¼ mile distance for walking. Summit stage qualifies as a local transit spot.
- Where can we do on-street parking? Example would be Breckenridge and alternate parking days.
- Regional transit is the solution for local transit → Incentives should stand on existing transit

- Realistic about the environment (high alpine) & need for parking
- Redistribution of parking instead of the lessening the parking; share parking with other developments. Example is a church. Parking redistribution as opposed to reduction.
- Mix of Uses - There should still remain a commercial requirement. We need affordable commercial to be able to create upward mobility and new businesses.
- Leave conditional use for developer to make the case it doesn't work
- Landscaping for affordable projects needs to be there and be defined

In consideration of the above feedback from the Town Council, Staff has provided the revised updates in the attachment. Some key changes from the initial proposal include that the incentives will only apply to a project in which one-hundred percent of the residential units in the development will be designated as Affordable Housing. Also, any proposed reduction in required commercial uses in a project will remain subject to the conditional use process.

**Staff Recommendation:** Staff recommends support of the proposed code text amendments based on the following findings:

1. *The proposed code text amendments are consistent with and help support the goals of the Frisco Community Plan and the Town Council Strategic Plan.*
2. *The proposed code text amendments do not conflict with other provisions in the Town of Frisco Code.*
3. *The proposed code text amendments are necessary in order to respond to desired changes in land use policy.*
4. *The proposed code text amendments are consistent with the general purpose and intent of this Chapter.*

### **Recommended Motion**

Should the Planning Commission choose to recommend the proposed Code amendments for approval and adoption by Town Council, the Community Development Department recommends the following motion:

***With respect to File No. UDC-23-0002, I move that the recommended findings set forth in the March 16, 2023 staff report be made and that the Planning Commission hereby recommends APPROVAL to Town Council of the Code Text Amendments to Chapter 180 of the Code of Ordinances of the Town of Frisco, concerning the Unified Development Code.***

### **Attachments:**

Attachment 1: Proposed UDC Amendments (redline and clean versions)

## 180-5.5 Affordable Housing

### 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~~ Affordable housing-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-Affordable housing-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 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.

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##### 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-Affordable housing-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-Affordable housing-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-Affordable housing-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-Affordable housing-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~~ 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 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 for 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~~100% 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, with an average AMI not to exceed 100%; and
- b. A deed restriction defining income, occupancy, and annual monitoring requirements, for the ~~affordable-Affordable housing-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. ~~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. 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				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%					

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, portions of driveways in excess of 12' shall count toward 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. In accordance with §180-6.14.3, plant material quantities may be reduced by up to 20%. Species mix may be further modified and minimum tree caliper size may be reduced per subject to 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.~~
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 allowed 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-XX or the measurement in Table 6-K, *Bulk Plane Standards*.

Table 5.XX summarizes the incentives noted above:

Development Standards - Affordable Housing Development	
Requirement	
Landscaping and Revegetation (Section 180-6.14)	In accordance with §180-6.14.3, plant material quantities may be reduced by up to 20%. 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.
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.

Development Standards - Affordable Housing Development	
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 includes a minimum of 20 units, and is a single-owner development in which all units will be offered for rent. ~~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:~~

~~4.d. 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.~~

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~~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.~~

### 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 at a business providing goods and / or services within Summit County.

Exception: A Low-Income Housing Tax Credit (LIHTC) or similar approved program that do 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.

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#### 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 at a business providing goods and / or services within Summit County.

## 180-5.5 Affordable Housing

### 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~~ 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~~ 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 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~~ 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~~ 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~~ 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~~ 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~~ 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 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 for 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 180-5.5.1C. 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 100% 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, with an average AMI not to exceed 100%; and
- b. A deed restriction defining income, occupancy, and annual monitoring requirements, for the Affordable Housing 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.
- 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, 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.** 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. 10% increase in maximum building height (i.e. 40 foot maximum height in zone district would increase to 44 foot maximum height).

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				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. In accordance with §180-6.14.3, plant material quantities may be reduced by up to 20%. Species mix may be further modified and minimum tree caliper size may be reduced subject to Planning Commission approval if the landscape plan meets the intent of the landscape requirements 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-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)	In accordance with §180-6.14.3, plant material quantities may be reduced by up to 20%. 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.
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 setback 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.
  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 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. 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.

### 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 at a business providing goods and / or services within Summit County.

Exception: A Low-Income Housing Tax Credit (LIHTC) or similar approved program that do 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 at a business providing goods and / or services within Summit County.