



## INNOVATIVE STRATEGIES TO PROMOTE AFFORDABLE HOUSING

LUDC Update Committee | February 2022

A portion of the funding for the LUDC update project is being provided through an Innovative Housing Strategies Planning Grant from the Colorado Department of Local Affairs (DOLA). The grant is intended to help communities understand their housing needs and adopt policy and regulatory strategies aimed at promoting the development of affordable housing. DOLA has identified a set of strategies for communities to consider, and the Town of Eagle has chosen to explore a range of strategies for potential inclusion in the LUDC update.

To better understand how DOLA's strategies, numbered and bolded below, might work in Eagle, the Clarion team would like to facilitate an Update Committee discussion about the following potential strategies:

### **1. The creation of an expedited development review process for affordable housing aimed at households with the annual income of which is at or below 120% of the area median income of households of that size in the county in which the housing is located.**

#### Key Terms

- *Expedited development review*: faster and more streamlined review than would typically be required, potentially approved administratively (by staff)
- *Annual income at or below 120% AMI*: the 2019 AMI for Eagle County was \$84,790

#### Why Make this Change?

In many communities, one of the biggest zoning barriers to affordable housing development is the time, expense, and uncertainty of having to pass through multiple public hearings. Public hearings tend to amplify the voices of those who want to oppose those changes needed to address our affordable housing challenge. Because it is often more difficult for households headed by persons of color, single-parents, the disabled, and those working multiple jobs to participate in public hearings, lengthy review processes with multiple public hearings also tend to favor wealthier neighborhoods and to force a disproportionate amount of change into lower-income neighborhoods.

#### What the Eagle LUDC Requires:

Two-family dwellings require a special use permit in R1, RL, RR, and R districts. High density residential units require a special use permit in all districts.

#### Changes to Consider:

- Allow affordable housing projects meeting the 120% of AMI threshold to be approved administratively (by staff)?
- Proactively rezone some locations for affordable housing to streamline the full approval process?
- Remove requirements for special use permits for affordable duplexes and high(er) density residential?

## **2. The creation of an expedited review process for acquiring or repurposing underutilized commercial property that can be rezoned to include affordable housing units, including the preservation of existing affordable housing units.**

### **Key Terms:**

- *By-right* has the same meaning as permitted use that must meet all applicable standards for building and lot dimensions, parking, landscaping, and other site features, but does not require public hearing for approval

### **Why Make this Change?**

One way to shorten the review process to repurpose underused commercial property is to establish mixed-use districts that allow more residential uses by-right in current commercial districts. This can support both the creation of second-story residential and the conversion of commercial structures to residential structures. These properties are more of a “known quantity” that have already been through a review process and tend to attract less community push back than new development. Additionally, adaptive reuse of an existing structure is a very green form of development in terms of construction materials.

### **What the Eagle LUDC currently requires:**

Dwelling units above street level are allowed by-right in the Central Business District but require a special use permit in Commercial Limited, Commercial General, and Public Area districts. They are not allowed in Industrial districts. High density residential is allowed as a special use permit only in the Central Business District zoning district.

### **Changes to consider:**

- Integrate residential as a use by-right into more commercial zoning districts?
- Are there any areas of existing affordable housing in Eagle that could be better preserved?

### **Additional Approach to Expedited Review: Remove or Replace Subjective Approval Criteria (applies to topics 1 and 2)**

For those project approvals that still require a public hearing (like a rezoning or a subdivision plat approval), use objective criteria tied to the comprehensive plan goals, and avoid subjective criteria with words like “neighborhood character”, “compatible”, “harmonious”, and “appropriate” that lead to prolonged debates and add costs and uncertainty even when the comprehensive plan indicates that the area is intended to accommodate more housing.

### **What the Eagle LUDC currently requires:**

Special use permits, rezonings, and PUDs are approved based on compatibility existing/allowed uses surrounding or affected by the proposed use. The LUDC also includes subject design criteria.

### **Changes to consider:**

- Establish measurable or objective design and review criteria for affordable housing projects?

## **3. Permitting duplexes, triplexes, or other appropriate multi-family housing options as uses by-right in single-family residential zoning districts.**

### **Key Terms:**

- *Single-family residential zoning district*: Any zoning district that only allows single-unit dwellings

### **Why Make this Change?**

Expanding the range of housing allowed by-right beyond single-family, duplex, and townhouses to include “missing middle” housing like triplexes, fourplexes, patio homes, cottage homes, zero lot line homes, co-housing, tiny homes, micro-apartment units, and low-to-mid-rise apartments can help broaden the entire housing base and both free up homeowner movement in the market and make affordable housing more available.

#### What the Eagle LUDC currently requires:

The current code does not define or specify approval processes for “missing middle” housing types.

#### Changes to consider:

- Expand the mix of housing types permitted in single-family districts to include all forms of single family attached housing (single-unit detached, duplex, triplex, fourplex, townhomes)?
- Allow an expanded range of housing types across all residential districts?
- Allow affordable housing as a permitted use in all residential zone districts?
- Allow affordable tri/quadrplexes and townhomes by-right through administrative site plan?

### **4. The classification of a proposed affordable housing development as a use by-right when it meets the building density and design standards of a given zoning district.**

#### What the Eagle LUDC currently requires:

Residential uses either require a special use permit or are not allowed in all commercial zoning districts if they do not include ground floor retail.

#### Moving Eagle forward:

- Should residential uses be allowed by right in commercial zoning districts?
- Should the residential above ground floor requirement be removed in the CL and PA districts?

### **5. Authorizing accessory dwelling units as a use by-right on parcel in single family zoning districts that meet the safety and infrastructure capacity considerations of local governments.**

#### Key Term:

- *Accessory Dwelling Units (ADUs)*: small secondary dwelling units built within a single-family home (for example, by converting a garage), or on the same lot as a single-family home (for example, over an attached garage)

#### What the Eagle LUDC currently requires:

ADUs are allowed in all residential districts. We understand that DOLA will accept existing ordinances in satisfaction of this requirement.

### **6. Allowing planned unit developments with integrated affordable housing units.**

#### What the Eagle LUDC currently requires:

The current code allows PUDs and affordable housing can be integrated into the PUD.

#### Changes to consider:

- Should PUDs be required to include affordable housing?
- Should some forms of zoning flexibility only be available if affordable housing is included?

### **7. Lessening the minimum parking requirements for new affordable housing development.**

#### Key Term:

- *Minimum parking requirement*: most residential development is required to provide a certain amount of off-street, on-site parking.

#### Why Make this Change?

Reducing the number of parking spaces needed for residential dwellings from the traditional “two per dwelling unit” to one, or to less than one for multifamily dwellings, or to zero in areas where traffic congestion is not a problem and shared or street parking is available, increases the amount of lot available for housing footprint and can decrease the overall cost of the project. Minimum parking requirements are a major contributor to high housing costs.

### What the Eagle LUDC currently requires:

Single-family and duplex units require 2-3 off-street parking spaces. Multifamily units require 1 ½ to 2 ½ off-street parking spaces, plus 1 additional space for every six units.

### Changes to consider:

- Reduce or remove parking minimums for affordable housing projects?
- Reduce parking minimums for all residential development?

## 8. An inclusionary zoning ordinance (per CRS 29-20-104(1)).

### What the Eagle LUDC currently requires:

**Section 4.04.110. - Inclusionary residential requirements for local employee residency:** Adopted in 2002, this ordinance requires 10% of new developments with 10 or more units to be affordable employee housing.

### Changes to consider:

- Should the inclusionary housing requirement be expanded to include rental properties?
- Should the scope or coverage of the inclusionary housing requirement be expanded or changed?
- Are there changes that would make the inclusionary housing regulations more effective or easier to administer or enforce?

## 9. Other novel, innovative, or creative approaches to incentivize affordable housing development.

### Lower minimum lot sizes for residential uses

Reduce the minimum lot size for single-family homes below the typical 5,000-7,000 square feet to something closer to the historic size of single-family lots in pre-War neighborhoods, which can range from 2,500 to 3,000 square feet. Large lot sizes are a major contributor to high housing costs. Decreasing required setbacks can also increase the buildable lot area, allowing more living space on a small lot.

### What the Eagle LUDC currently requires:

Minimum lot sizes are currently set at 6,000 square feet in R1 and RM zone districts. The RMF district allows 4,000 square feet for multifamily units and 6,000 square feet for single family projects. Setbacks are currently set at 25-50 feet (front), 12.5 feet or ½ of building height (side), and 20 feet (rear).

### Changes to consider:

- Should lot sizes be reduced in R1 and RM districts?
- Where could setbacks be reduced?

### Remove “lot size per dwelling unit” requirements for multifamily buildings

Remove standards that artificially reduce the number of dwelling units that can be located in a multifamily building – such as a minimum lot size of 1,000 square feet per dwelling unit – and instead regulate the height, massing, and scale of the building to fit the neighborhood. If more two- or three-bedroom units are needed to house families, require that they be included.

### What the Eagle LUDC currently requires:

In RMF zones, high density residential units are required to have 2,500 square feet of lot area and 600 square feet of open space per dwelling unit. In the CBD zone district, 300 square of open space is required for each dwelling unit. In RH zones (not currently used), units are required to have 1,000 square feet of open space per dwelling unit.

### Changes to consider:

- Should lot size per dwelling unit and open space requirement be adjusted or removed?

### Zone enough land for missing middle and multifamily housing

Don't just allow new forms of housing in the text of the code – map enough land so that builders can build a significant amount by-right. Proactively revise the zoning map, in conformance with the Comprehensive Plan, to allow the desired types of housing so that future builders do not need to seek individual rezonings, PUDs, or discretionary approvals to build the types of housing the community needs.

**What the Eagle LUDC currently requires:**

Zoning map provided on next page.

**Changes to consider:**

- Should more areas of Eagle be rezoned RM or RMF to allow multifamily development?

**Increase residential lot coverage limits**

Regulations that allow only 30-60 percent of a residential lot to be covered by buildings and paved areas artificially reduce the potential amount of buildable area in ways that are more reflective of suburban zoning than would be required in a mountain town. Lot coverage maximums can be increased to allow more cost-efficient development that can lower the required land cost per new dwelling unit.

**What the Eagle LUDC currently requires:**

Maximum lot coverage for buildings range from 30 percent to 50 percent in residential zone districts and impervious surfaces are allowed to cover an additional 20 percent.

**Changes to consider:**

- Should maximum lot coverage percentages be increased in RL, R1, RM, and/or RMF districts?

**Allow higher occupancy of existing housing**

If the regulations limit the number of unrelated persons who can occupy a dwelling unit to less than five, increase it to five or more can expand housing options. That will allow more efficient use of the existing housing stock by allowing the rental of extra bedrooms, and the types of house-sharing arrangements that help both the young and the old to pool their resources and afford adequate housing.

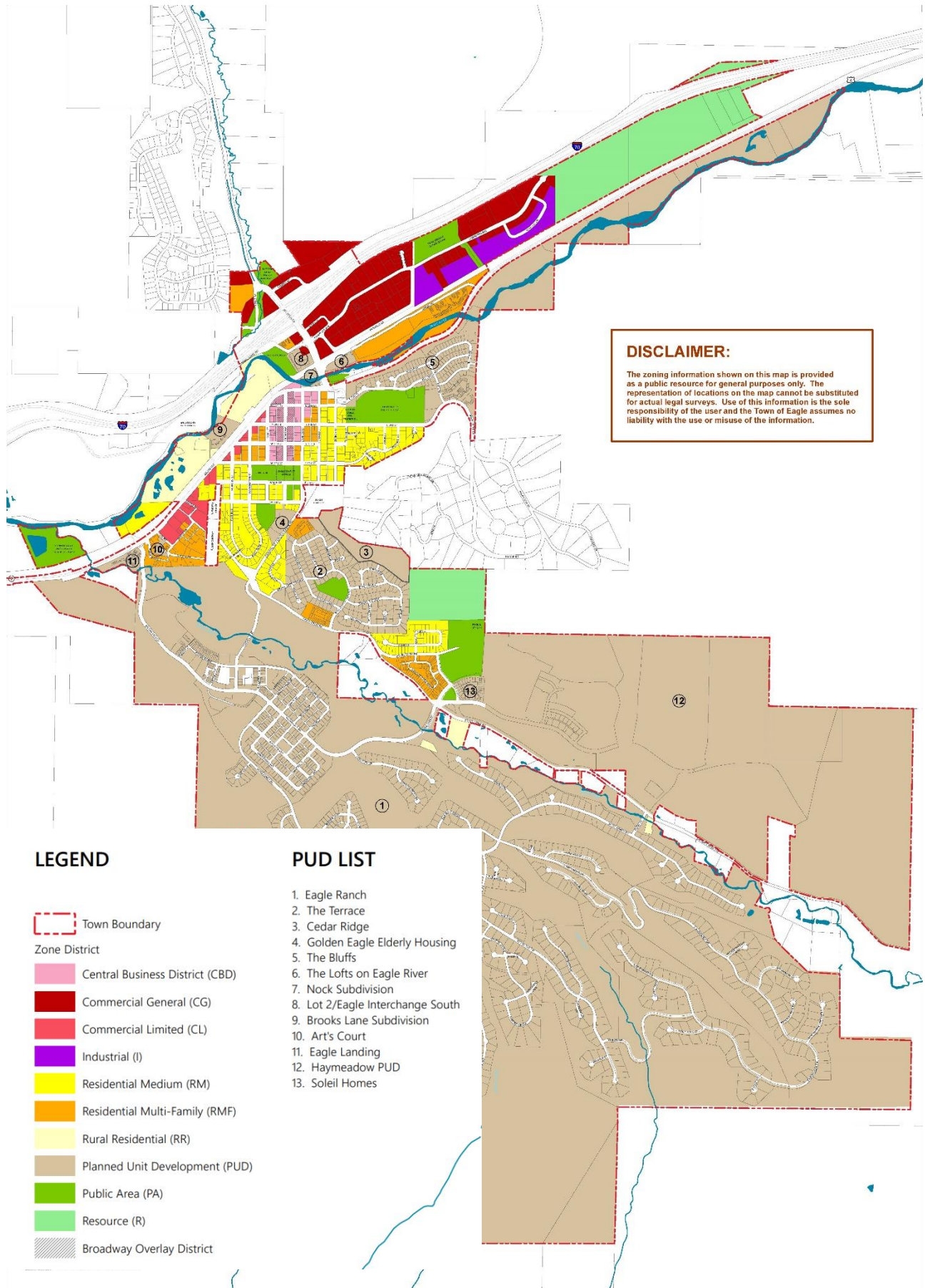
**What the Eagle LUDC currently requires:**

The current code defines “family” as persons related by blood, marriage, or adoption and stipulates that no more than four unrelated persons can live in a single dwelling.

**Changes to consider:**

- Should the definition of family be adjusted or removed and replaced with “household”?
- Should the number of unrelated adults that can reside together be increased?





**DISCLAIMER:**  
 The zoning information shown on this map is provided as a public resource for general purposes only. The representation of locations on the map cannot be substituted for actual legal surveys. Use of this information is the sole responsibility of the user and the Town of Eagle assumes no liability with the use or misuse of the information.

**LEGEND**

- Town Boundary
- Zone District**
- Central Business District (CBD)
- Commercial General (CG)
- Commercial Limited (CL)
- Industrial (I)
- Residential Medium (RM)
- Residential Multi-Family (RMF)
- Rural Residential (RR)
- Planned Unit Development (PUD)
- Public Area (PA)
- Resource (R)
- Broadway Overlay District

**PUD LIST**

1. Eagle Ranch
2. The Terrace
3. Cedar Ridge
4. Golden Eagle Elderly Housing
5. The Bluffs
6. The Lofts on Eagle River
7. Nock Subdivision
8. Lot 2/Eagle Interchange South
9. Brooks Lane Subdivision
10. Art's Court
11. Eagle Landing
12. Haymeadow PUD
13. Soleil Homes



**TOWN OF EAGLE  
 ZONING MAP**

0 0.125 0.25 0.5 Miles  
 1 in = 750 ft  
 PREPARED BY: TOWN OF EAGLE  
 MAP DATE: JUNE 27, 2021