

ORDINANCE O-2024-

A BILL FOR AN ORDINANCE AMENDING TITLE 15 OF THE LONGMONT MUNICIPAL
CODE ON LAND USE REGULATIONS AND PLANNING APPROVAL PROCESSES TO
FURTHER INCENTIVIZE AFFORDABLE HOUSING UNIT GENERATION

THE COUNCIL OF THE CITY OF LONGMONT, COLORADO, ORDAINS:

Section 1

The Council amends chapter 15.02 of the Longmont Municipal Code, by adding
italicized material and deleting stricken material. In this ordinance, ellipses indicate material not
reproduced as the Council intends to leave that material in effect as it now reads.

Chapter 15.02 Development Review Procedures

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15.02.020. Summary of Review Procedures.

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Minor Development Applications								
Final subdivision plats	15.02.070.A	✓		R	D		<D-R>/A	
Minor subdivision plats	15.02.070.B	✓		R	D		<D-R>/A	
Site plans	15.02.070.C	✓		R	D		<D-R>/A	
Limited use review	15.02.070.D	✓		R	D		<D-R>/A	
<i>Final subdivision plats for affordable housing projects</i>	<i>15.02.070.E.</i>	✓		<i>R</i>	<i>D</i>		<i><D-R></i>	<i>A</i>

...

Sec. 15.02.040. Common review procedures.

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J. Notices. Notice shall be provided as identified in Table 15.02.040(1) for all applications unless exempted below.

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2. Written notice. Written notice shall be provided to owners of any property within the distance from the subject property as specified below:

...

Minor Development Applications	
Final plat <i>(excluding those processed under 15.02.070.E)</i>	300 feet
Minor subdivision plat	300 feet
Site plan	300 feet
Detached accessory dwelling units	300 feet
Other applications not specifically excepted from notice requirements	150 feet
<i>Final plat for affordable housing under 15.02.070.E</i>	<i>1,000 feet</i>

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K. Appeals.

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3. Right to appeal; party-in-interest; major development applications *and minor development applications for final subdivision plats for affordable housing under Section 15.02.070.E*. Appeals of decisions on major development applications *and minor development applications for final subdivision plats for affordable housing under Section 15.02.070.E* may be filed only by the following:

- a. The applicant;
- b. The owner of the subject property;
- c. Any person or organization entitled under this chapter to written notice of the public hearing on the application;

1 d. Any person who testified or submitted written comments on the application at a
2 public hearing on the application, but not including persons who only signed mass
3 petitions;

4 e. Any resident of the city; or

5 f. The director or city manager.

6 4. Right to appeal; party-in-interest; minor, *excluding final subdivision plats for*
7 *affordable housing under Section 15.02.070.E*, and administrative applications.

8 Appeals of decisions on minor and administrative development applications may
9 be filed only by the following:

10 a. The applicant;

11 b. The owner of the subject property; or

12 c. The city manager.

13 . . .

14 7. Appeals from final actions by the director on minor development applications,
15 *excluding final decisions on final subdivision plats for affordable housing under*
16 *Section 15.02.070.E*, and written code interpretations.

17 . . .

18 *14. Appeals concerning final decisions on minor development applications for*
19 *final subdivision plats for affordable housing under Section 15.02.070.E.*

20 *a. A party-in-interest to any final action concerning minor development*

21 *applications for final subdivision plats for affordable housing under Section*

22 *15.02.070.E. may appeal to the city council. Appeals to the city council shall be*

1 *filed in writing with the city clerk, with a copy to the planning and development*
2 *services department, within fourteen (14) days from the date of the final decision.*

3 *b. The permissible grounds for appeal from a final decision under this provision*
4 *shall be limited to the following allegations:*

5 *i. The decision is not supported by any competent evidence in the record;*

6 *ii. The decision is plainly inconsistent with the review criteria, as shown by clear*
7 *and convincing evidence; or*

8 *iii. The decision-maker exceeded its authority or jurisdiction as contained in this*
9 *Code or Charter.*

10 *c. The city council shall consider the appeal within 60 days from the close of the*
11 *appeal period.*

12 . . .

13 Sec. 15.02.060. Review standards and procedures for specific major development
14 applications.

15 . . .

16 E. Preliminary subdivision plats.

17 *1. Generally. Preliminary plat approval is required for any parcel of land that*
18 *proposes to subdivide the existing parcel into 4 or more lots. Review of the*
19 *preliminary plat may be done concurrently with other applications if the director*
20 *determines that the concurrent review is appropriate based on the proposed*
21 *development's scope and scale.*

2. Review procedure. In addition to complying with the core review procedures for major development applications in section 15.02.050.B, preliminary subdivision plats shall also comply with the following additional criteria:

~~1~~a. The subdivision will not limit the ability to integrate surrounding land into the city or cause variances or exceptions to be granted if the adjacent land is annexed or developed;

2b. The subdivision will not create lots that are undevelopable or burdened with costs that would preclude development from occurring on other property; and

3c. The proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity and adequate public facility standards.

3. Exceptions. Approval of a preliminary plat is not required for the following types of developments.

a. All subdivisions that create less than 3 additional lots including boundary/lot line adjustments, minor subdivisions and conveyance plats.

b. Any subdivision that enters into an affordable housing agreement with the city to provide all required affordable housing on-site in conformance with Section 15.05.220.E.1, shall instead submit for a final subdivision plat per Section 15.02.070.E.

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Sec. 15.02.070. Review standards and procedures for specific minor development applications.

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E. Final subdivision plats for affordable housing projects.

1. *Purpose.* The purpose of this section is to streamline the approval process for affordable housing projects that provide all required affordable housing units on-site, allowing them to proceed directly to the final plat stage.

2. *Eligibility.* An affordable housing project is eligible to bypass the preliminary plat stage if it meets the following criteria:

a. *The project provides 100% of the required affordable housing units on-site.*

b. The applicant submits all necessary documentation demonstrating compliance with the city's affordable housing requirements.

3. *Review procedure. All applications for final subdivision plats shall follow the core review procedure for minor development applications described in section 15.02.050.C, except as noted in this Chapter.*

4. *Additional review criteria. Final subdivision plats under this provision shall also comply with the following additional review criteria:*

a. As applicable, the applicant has executed a public improvement agreement under section 15.02.110 and posted required financial security.

b. When the subdivision generates a need for public school sites, the applicant has made its fair contribution to the cost, construction, or provision of such public school sites that is acceptable to the school district.

1 Section 3

2 The Council amends chapter 15.04, section 15.04.030 of the Longmont Municipal Code,
3 by adding italicized material and deleting stricken material. In this ordinance, ellipses indicate
4 material not reproduced as the Council intends to leave that material in effect as it now reads.

5 Section 15.04.030. Use-specific standards.

6 A. General use standards.

7 . . .

2. Affordable housing. Affordable housing includes any development receiving city incentives per a written agreement under chapter 4.79, even if not all dwelling units are classified as affordable. Affordable housing is a permitted use in any district that allows household living uses. Affordable housing is subject to the standards applicable to the specific residential use type.

3 . . .

4 e. Development incentives for affordable housing.

5 . . .

6 ii. Development incentives.

(A) Density bonus. Projects including affordable housing shall be eligible for additional units up to ~~20~~25 percent above the maximum residential density allowed in the applicable comprehensive plan land use category. For developments proposed to include residential uses, but that are located in areas without corresponding residential density ranges, the multifamily neighborhood density range in the comprehensive plan shall apply.

1 . . .

2 *(F) Expedited process for affordable housing projects. Affordable housing*
3 *projects that provide all required affordable housing units on-site and meet the*
4 *criteria specified in Section 15.02.070.E are eligible for an expedited review*
5 *process, allowing them to bypass the preliminary plat requirements and proceed*
6 *directly to the final plat.*

7 . . .

8 Section 4

9 The Council amends chapter 15.05, section 15.05.040 of the Longmont Municipal Code,
10 by adding italicized material and deleting stricken material. In this ordinance, ellipses indicate
11 material not reproduced as the Council intends to leave that material in effect as it now reads.

12 Section 15.05.040. Landscape and common area standards.

13 . . .

14 E. Developments adjacent to public lands. Developments adjacent to public
15 parks, greenways, natural areas, and other public open space shall meet the
16 following criteria:

17 1. Private lots shall not be immediately adjacent to public lands, as defined in
18 chapter 13.20, and shall be separated by public streets or required buffers.

19 *However, development applications providing at least 12 percent of the total units*
20 *in the application as affordable housing shall be exempt from this requirement.*

21 2. Pedestrian access to public lands is required and shall include an eight-
22 foot-wide concrete path.

23 . . .

G. Residential standards. The following standards shall apply to all residential development unless specifically exempted in this section 15.05.040:

1. Pocket parks.

a. Applicability. Pocket parks are required for:

i. Single-family detached and attached residential developments with 25 or more dwelling units; and

ii. Multifamily residential developments with ~~25~~50 or more dwelling units.

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Section 5

To the extent only that they conflict with this ordinance, the Council repeals any conflicting ordinances or parts of ordinances. The provisions of this ordinance are severable, and invalidity of any part shall not affect the validity or effectiveness of the rest of this ordinance.

Introduced this _____ day of _____, 2024.

Passed and adopted this _____ day of _____, 2024.

MAYOR

ATTEST:

CITY CLERK

NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT 7:00 P.M. ON THE _____ DAY OF _____, 2024, AT THE LONGMONT CITY COUNCIL MEETING.

1 APPROVED AS TO FORM:

2
3
4
5 _____
6 ASSISTANT CITY ATTORNEY

_____ DATE

7
8
9 _____
10 PROOFREAD

_____ DATE

11
12 APPROVED AS TO FORM AND SUBSTANCE:

13
14
15 _____
16 ORIGINATING DEPARTMENT

_____ DATE

17
18 CA File: 24-002999