

ORDINANCE NO. 26-2021

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE TO EXPAND HOUSING OPTIONS

WHEREAS, Alamosa’s Unified Development Code (“UDC”), codified in Chapter 21 of the *Code of Ordinances of the City of Alamosa*, adopted in 2018, includes many strategies to facilitate much needed housing stock and diversity; and

WHEREAS, the City has demonstrated an ongoing commitment to advancing its land use regulations and policies to address attainable and affordable housing needs in its community; and

WHEREAS, following the completion of the City’s Housing Needs Assessment and Housing Action Plan in the first part of 2021, certain code amendments are warranted to further encourage housing stock, variety, and affordability within the community; and

WHEREAS, the passage of Colorado House Bill 21-1271 includes a menu of different policy options that local governments may adopt as incentives for affordable housing, and these options have been evaluated for their feasibility and effectiveness within Alamosa; and

WHEREAS, the State of Colorado and the City of Alamosa alike are experiencing a housing crises, with data from the Housing Needs Assessment showing that Alamosa needs to construct over 500 new housing units over the next five years ; and

WHEREAS, at its meeting on October 27th, 2021, the Planning Commission considered these changes and offered its full support for adopting the changes contained herein; and

WHEREAS, Council desires to adopt these measures to further encourage much needed housing development in Alamosa;

NOW THEREFORE BE IT ORDAINED by the City Council of Alamosa as follows:

Section 1. Amendment of Section 21-4-503. Section 21-4-503 is amended to allow Accessory Dwelling Units (ADU) on lots with duplexes, increase the maximum ADU size from 500 sf. to 600 sf., and to reduce the minimum lot size requirement for ADUs if the ADU is accessed from an alley, and shall read in its entirety as follows:

Sec. 21-4-503. - Accessory dwelling units.

(a) Generally. Accessory dwelling units are allowed on lots that contain single-family detached and duplex units according to the standards of this Section. Accessory dwelling units must meet or exceed the residential design criteria of the International Residential Code (IRC) and the International Energy Conservation Code (IECC).

(b) *Accessory dwelling units in accessory buildings.* If the accessory dwelling unit is in an accessory building, the floor area of the accessory dwelling unit may not be more than six

hundred (600) square feet and either of the following standards must be met:

- (1) The lot area of the subject property must be at least:
 - a. Eight thousand (8,000) square feet if the ADU is on a lot that contains a duplex or if the ADU is street accessed, or
 - b. Six thousand (6,000) square feet if the ADU is alley accessed.

OR

- (2) The lot depth of the subject property must be at least one hundred twenty-five (125) feet.

(c) *Integrated units.* In Single Family Dwellings, an accessory unit may be integrated into the principal building. The floor area of the integrated accessory dwelling unit may not be more than thirty percent (30%) of the floor area of the principal building, except that an integrated accessory dwelling unit may occupy an entire basement or garden level, regardless of floor area.

Section 2. Amendment of Section 21-3-201. Section 21-3-201 is amended to exempt ADUs from density requirements, count duplexes as one unit in density calculations, and to allow for an affordable housing density bonus, and shall read in its entirety as follows (no changes are made to table 21-3-201(b), which shall remain in its place after the new subsection (c) at the end of the section):

Sec. 21-3-201. - Residential density and open space.

(a) *Generally.*

- (1) The number of dwelling units that may be constructed on a subject property is based on the area of the subject property and the zone in which it is located.
- (2) After the maximum number of dwelling units is calculated according to the standards of this section, the specifications for individual lots or building types shall comply with the requirements of Division 4-2, Housing Palette, for the type(s) of housing that will be developed.

(b) *Density and Open Space by Zone.* The maximum residential density and minimum open space ratio (“OSR”) for each zone are set out in Table 21-3-201(b), Maximum Density and Minimum Open Space Ratio. For purposes of density calculations, duplexes or twinhouses shall be counted as one unit. Accessory Dwelling Units are excluded from density calculations.

(c) *Affordable Housing Density Bonus.* The number of dwelling units that may be constructed on a subject property may be increased by 5 units per acre or 25% of the zone

density, whichever is less, in any residential or mixed-use zone provided that the development is subject to a covenant running with the property, and enforceable by the City, that limits the sale price or rent charged for 25% of the dwelling units or 3 of the units, whichever is greater, to an amount affordable to a household earning eighty (80) percent of Area Median Income (AMI) for Alamosa County as defined annually by the United States Department of Housing and Urban Development (HUD). As used in this section, housing is affordable to a household if the monthly rent or mortgage payment is equal to or less than 30% of gross household income (before taxes). The covenant containing the limitations set forth above in a manner and form approved by the City Attorney must be recorded in the real property records of the Alamosa Clerk and Recorder prior to the issuance of a Certificate of Occupancy for the property.

Section 3. Amendment of Table 21-4-202B. Table 21-4-202(b) is amended to add table note “5” to allow the addition of second stories for accessory buildings on Single-Family Detached Suburban Lots and Town Lots with street access if they contain accessory dwelling units, and shall read in its entirety as follows:

TABLE 21-4-202(B) SINGLE-FAMILY DETACHED LOT AND BUILDING STANDARDS								
Single-Family Lot Type	Minimum						Maximum	
	Lot Area	Lot Width	Front Setback	Side Setback	Street Side Setback	Rear Setback	Stories	BCR ¹
Estate Lot (Street Access)								
Principal Building	12,000 sf.	100 ft.	30 ft.	10 ft.	30 ft.	25 ft.	2.5	20%
Accessory Buildings			49 ft.	10 ft.	30 ft.	10 ft.	2	
Suburban Lot (RL) (Street Access)								
Principal Building	7,000 sf.	60 ft.	25 ft.	10 ft.	25 ft.	25 ft.	2	30%
Accessory Buildings			35 ft.	5ft. ²	25 ft.	5 ft.	1 ⁵	
Suburban Lot (RM, RH, EN, MU & CA) (Street Access)								
Principal Building	7,000 sf.	60 ft.	25 ft.	7 ft.	25 ft.	25 ft.	2	35%
Accessory Buildings			35 ft.	5ft. ²	25 ft.	5 ft. ^{3,4}	1 ⁵	
Town Lot (RH, RM & EN) (Street Access)								
Principal Building	4,500 sf.	45 ft.	25 ft.	5 ft.	8 ft.	20 ft.	2	40%
Accessory Buildings			35 ft.	5 ft. ²	8 ft.	5 ft. ^{3,4}	1 ⁵	
Town Lot (Alley Access)								
Principal Building	4,500 sf.	40 ft.	15 ft.	5 ft.	8 ft.	20 ft.	2	40%
Accessory Buildings			Behind front building line	5 ft. ²	8 ft.	5 ft. ^{3,4}	1.5	
TABLE NOTES:								
¹ BCR = Building Coverage Ratio								
² Increased setback may be required if required by fire code.								
³ No garage with an overhead door that faces an alley shall be set back to create a driveway that is more than 3 ft. but less than 20 feet long.								
⁴ The Administrator may approve a reduced setback down to 3 feet for alley-accessed detached garages.								
⁵ Detached accessory buildings may be increased up to a maximum height of 2 stories if an ADU is one of the stories.								

Section 4. Amendment of Table 21-4-203(b). Table 21-4-203(b) is amended to add table note “5” to allow second stories for accessory buildings on lots with Side-by-Side duplexes if the accessory building contains an accessory dwelling unit. The table is amended to reduce the minimum lot area for Side-by-Side duplex uses from 8,000 sf. to 6,000 sf. and for Over-Under duplexes from 7,000 sf. to 5,000 square feet. The table is amended to reduce the minimum lot width for Side-by-Side duplex uses from 80 feet to 60 feet and for Over-Under duplexes from 70 feet to 50 feet. The table shall read in its entirety as follows:

TABLE 21-4-203(b) DUPLEX LOT AND BUILDING STANDARDS								
Duplex Type	Minimum						Maximum	
	Lot Area ¹	Lot Width ¹	Front Setback	Side Setback	Street Side Setback	Rear Setback	Stories	BCR ²
Side-by-Side (Street Access)								
Principal Building	6,000 sf.	60 ft.	25 ft.	5 ft.	8 ft.	20 ft.	2	40%
Accessory Building			Behind principal building	5 ft.	8 ft.	5 ft.	1 ⁵	
Side-by-Side (Alley Access)								
Principal Building	6,000 sf.	60 ft.	15 ft.	5 ft.	8 ft.	25 ft.	2	40%
Garage (attached or detached)			Behind principal building	5 ft.	8 ft.	3 ft. ³	1 ^{4,5}	
Accessory Building			Behind principal building	5 ft.	8 ft.	3 ft.	1 ⁵	
Over-Under (Alley Access)								
Principal Building	5,000 sf.	50 ft.	15 ft.	5 ft.	8 ft.	25 ft.	2	45%
Garage (attached or detached)			Behind principal building	5 ft.	8 ft.	3 ft. ³	1 ⁴	
Accessory Building			Behind principal building	5 ft.	8 ft.	3 ft.	1	
TABLE NOTES:								
¹ Measured per building. No dwelling unit shall be allocated less than 40 percent of the lot area or lot width.								
² BCR = Building Coverage Ratio								
³ No garage with an overhead door that faces an alley shall be set back to create a driveway that is more than 3 ft. but less than 20 feet long.								
⁴ Attached garages within the setbacks for the principal building are treated as part of the principal building.								
⁵ Detached accessory buildings may be a maximum height of 2 stories s if an ADU is one of the stories.								

Section 5. Amendment of Table 21-2-202(a). Table 21-2-202(a) is amended to allow Townhouse or Rowhouse residential uses in EN zones as a permitted use by right, and shall read in its entirety as follows:

TABLE 21-2-202(a)												
RESIDENTIAL AND SPECIAL RESIDENTIAL LAND USES												
Land Use	Zones											Ref.
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A	
Residential Uses												
Single-family detached	(by lot type – see below)											
Estate (street access)	P	P	P	-	-	-	-	-	-	L	P	(b)(1)
Suburban (street access)	P	-	P	P	P	P	-	-	-	L	-	(b)(1)

TABLE 21-2-202(a) RESIDENTIAL AND SPECIAL RESIDENTIAL LAND USES												
Land Use	Zones											Ref.
	EN	RE	RL	RM	RH	MU	CB	I	CBD	CA	A	
Town (street access)	L	-	-	P	P	P	-	-	-	L	-	(b)(1)
Town (alley access)	P	-	-	P	P	P	-	-	-	L	-	(b)(1)
Duplex or twin house	P	-	-	P	P	P	-	-	-	-	-	-
Townhouse or rowhouse	P	-	-	P	P	P	-	-	C	-	-	(b)(2)
Multiplex or Multifamily	L	-	-	L	P	P	L	-	L	L	-	(b)(3)
Manufactured home	L	-	-	L	L	-	-	-	-	L	-	(b)(4)
Cottage clusters or co-housing clusters	L	L	L	L	L	L	-	-	-	L	P	(b)(5)
Live-work	L	-	-	L	L	P	L	-	P	-	P	(b)(6)
Special Residential Uses												
Assisted living or congregate care	-	-	-	P	P	P	P	-	-	L	-	(b)(7)
Boarding or rooming house	-	-	-	-	P	P	-	-	-	L	-	(b)(8)
Convalescent center, Alzheimer's care, memory care, nursing home	-	-	-	L	P	P	P	-	-	L	-	(b)(9)
Group home	L	L	L	L	L	L	-	-	-	L	L	(b)(10)
Sheltered care facility	-	-	-	-	C	C	-	-	-	C	C	(b)(11)

Section 6. Amendment of Sec. 21-2-202(b)(5). Section 21-2-202(b)(5) is amended to reduce the required spacing of cottage cluster (tiny home) development spacing from 200 to 100 feet in the EN zone and from 500 feet to 100 feet in the RH and RM zones, and shall read in its entirety as follows:

- (5) *Cottage Clusters or Co-Housing Clusters.* Cottage clusters or co-housing clusters are allowed if:
- In the EN, RH, or RM Zones, cottage clusters or co-housing clusters contain not more than eight dwelling units and are separated from each other within the same zone by not less than 100 feet, measured from property boundary line to property boundary line.
 - In the RE, RL, or MU Zones, cottage clusters or co-housing clusters contain no more than 12 dwelling units and are separated from each other within the same zone by not less than 500 feet, measured from property boundary line to property boundary line.
 - In the CA Zone, cottage clusters or co-housing clusters provide housing principally for students, employees, or contractors of the other uses on the campus, and include not more than 20 dwelling units per cluster.

Section 7. Amendment of Sec. 21-2-202(b)(3)(a). Section 21-2-202(b)(3)(a) is amended to allow multiplex or multifamily dwelling units without a restriction on the number of units within the building, if the building was in existence prior to the passage of the UDC, and shall read in its entirety as follows:

- In the EN Zone:

- i. No newly-constructed building contains more than eight dwelling units and the applicable standards of Section 21-4-205, *Multiplex and Multifamily Lot and Building Standards*, are met; or
- ii. The multiplex or multifamily use existed as of January 1, 2018; or,
- iii. The multiplex or multifamily use is an adaptive reuse of a building in existence on January 1, 2018, and the applicable standards of Section 21-4-205, *Multiplex and Multifamily Lot and Building Standards*, are met.

Section 8. General Repealer. All other acts, orders, ordinances, resolutions, or portions thereof in conflict with the sections adopted in this Ordinance, are hereby repealed to the extent of such conflict.

Section 9. Recording and Authentication. This ordinance, immediately upon its passage, shall be authenticated by the signatures of the Mayor and City Clerk, recorded in the City book of Ordinances kept for that purposes, and published according to law.

Section 10. Publication and Effective Date. This ordinance shall take effect ten (10) days after publication following final passage. Publication both before and after final passage shall be by the title of this ordinance, which Council determines constitutes a sufficient summary of the ordinance, together with the statement that the full text of the ordinance is available for public inspection and acquisition on the City's website and in the office of the City Clerk.

Section 11. Declaration of Public Interest. This ordinance is necessary to preserve the peace, health, safety, welfare, and to serve the best interest of the citizens of the City of Alamosa, Colorado.

Section 12. Codification. The City Clerk is directed to codify the provisions of this ordinance in the *Code of Ordinances of the City of Alamosa* in substantially the same form as set forth herein.

INTRODUCED, READ AND APPROVED on first reading the 1st day of December, 2021, and ordered published by title and reference as provided by law with notice of a public hearing to be held for consideration of the adoption of said ordinance on the 15th day of December, 2021, at 7:00 p.m., or as soon thereafter as the matter may be heard, or on such subsequent date to which the public hearing or Council consideration may be continued.

APPROVED, AND ADOPTED after public hearing the 15th day of December, 2021.

CITY OF ALAMOSA

By _____
Ty Coleman, Mayor

ATTEST:

Holly C. Martinez, City Clerk