

AGENDA
STUDY SESSION OF THE CITY COUNCIL
480 S. ALLISON PARKWAY, 80226
CITY OF LAKEWOOD, COLORADO
VIRTUAL MEETING
MARCH 18, 2024
7:00 PM

To watch the Council meeting live, please use either one of the following links:
City of Lakewood Website: [Lakewood.org/CouncilVideos](https://lakewood.org/CouncilVideos)
or
Lakewood Speaks: Lakewoodspeaks.org

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Online participants may post written comments of any length to LakewoodSpeaks.org, an online forum for public comments.

- ITEM 1 – CALL TO ORDER**
- ITEM 2 – ROLL CALL**
- ITEM 3 – ZONING TEXT AMENDMENT REGARDING ACCESSORY DWELLING UNITS**
- ITEM 4 – HOUSING AFFORDABILITY RECOMMENDATIONS**
- ITEM 5 – COMMITTEE REPORTS**
- ITEM 6 – ADJOURNMENT**

STAFF MEMO

DATE OF MEETING: MARCH 18, 2024 / AGENDA ITEM NO. 3

To: Mayor and City Council
From: Travis Parker, Planning Director
Subject: **ZONING TEXT AMENDMENT-ACCESSORY DWELLING UNITS**

SUMMARY STATEMENT: At City Council's request, Planning Commission has reviewed the regulations for accessory dwelling units (ADUs) and forwarded to City Council recommended changes to the Zoning Ordinance.

BACKGROUND INFORMATION: The Planning Commission held a study session on August 23, 2023 and held public hearings on October 4, October 18 and November 8, 2023. The Planning Commission determined that only 25 ADUs had been built over the past 10 years and recommended removal of barriers in the code to their construction.

The Planning Commission recommends to the City Council the following amendments to Article 17 of the Zoning Ordinance:

17.4.3 : Supplemental Standards

17.4.3.1 : Purpose and Applicability This Section sets forth additional standards for certain uses located within the various zone districts. These regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is a limited use, an accessory use, or requires special use approval. The following standards shall apply to any parcel of property where supplemental standards are required to be met, as indicated in Table 17.4.1 found for the zone districts identified in this Article. No Variance or Waiver may be requested for Use and Supplemental Standards.

A. Accessory Dwelling Unit: Where identified as a limited use in any R zone district, an accessory dwelling unit shall be subject to the following:

1. An accessory dwelling unit is permitted as accessory to a primary single-family dwelling unit.
2. ~~Waivers are allowed only if approved in conformance with Section 17.2.6.4(A) or variances shall not be granted for an accessory dwelling unit.~~
3. Only one accessory dwelling unit shall be permitted per lot.
4. ~~Accessory dwelling units shall not be permitted on lots smaller than 9,000 square feet, regardless of the zone district.~~

~~54. The owner of the property on which an accessory dwelling unit is located shall occupy either the primary or accessory dwelling unit. Prior to approval of an accessory dwelling unit, the owner shall record a covenant with Jefferson County stating that the owner agrees to restrict use of the primary and accessory dwelling units in compliance with this sub-section. The covenant shall run with the property. A permit for an ADU~~

shall only be issued to an owner occupant or their designee.

~~6.5.~~ Dimensional Standards and Location:

- a. An accessory dwelling unit shall comply with all primary structure dimensional standards for the applicable zone district.
- b. The maximum height of a detached accessory dwelling unit shall be 30 feet.
- c. An accessory dwelling unit shall not be located in front of the primary dwelling unit.

~~7.6.~~ Single-family Dwelling Design Requirements:

- a. An accessory dwelling unit shall not exceed ~~700~~1400 square feet of gross floor area ~~and shall contain no more than one bedroom.~~
- b. External alterations that would change the residential character of the property shall be prohibited.
- c. The exterior of an accessory dwelling unit shall be similar in appearance to that of the existing primary dwelling unit including, but not limited to, materials, color, roof pitch and detailing.
- d. Accessory dwelling units located above garages or located on a second floor may be accessed by a separate external stairway. ~~However, a new stairway shall not be located on any street facing façade.~~
- e. Parking shall be provided in accordance with Article 8 if on street parking is legally or practically unavailable. On street parking will be deemed unavailable if the property is located on an arterial or collector street, or if the property is located on a block on which the street is determined to be less than 28 feet wide, or if there are official traffic control signs posted in front of the property prohibiting parking where otherwise permitted.

~~8.7.~~ Accessory dwelling units that are detached or constructed as an addition to a single-family unit shall be subject to the Review of Supplemental Standards process as described in Article 2, and the general design and development standards in Article 6.

Where identified as a limited use in any non-residential zone district, an accessory dwelling unit must be located in the same building as the permitted use and shall be subjected to the following:

1. An accessory dwelling unit is allowed in conjunction with an otherwise permitted nonresidential use located on the same property.
2. An accessory dwelling unit shall be located in the same building as the permitted use and be incidental and subordinate to the permitted use.
3. The accessory dwelling unit must be associated with and directly support the nonresidential use of the property
4. Dimensional and Design Standards:
 - a. An accessory dwelling unit shall comply with all primary structure dimensional standards for the applicable zone district.
 - b. An accessory dwelling unit shall comply with all primary structure design standards.
- ~~5. Parking shall be provided in accordance with Article 8.~~

BUDGETARY IMPACTS: There are no budgetary impacts associated with receiving this presentation.

STAFF RECOMMENDATIONS: This item has been promoted through the regular communication channels to be considered by the City of Lakewood.

ALTERNATIVES: City Council can forward on for public hearing as is, make amendments, or not send this recommendation to public hearing.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be

considered by the City of Lakewood.

NEXT STEPS: If instructed by City Council, staff will prepare an ordinance and schedule a public hearing.

ATTACHMENTS: None

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

A RESOLUTION

A RESOLUTION BY THE LAKEWOOD PLANNING COMMISSION RECOMMENDING AMENDING TITLE 17, ARTICLE 4, SECTION 1, AMENDING THE SUPPLEMENTAL STANDARDS REGULATING ACCESSORY DWELLING UNITS IN THE LAKEWOOD ZONING ORDINANCE AND MAKING CONFORMING AMENDMENTS

WHEREAS, the City of Lakewood is a home rule city of the State of Colorado with full authority to legislate in matters of local concern including zoning and land use matters;

WHEREAS, the Planning Commission held a study session on August 23, 2023, and subsequently held public hearings on October 4, 2023, October 18, 2023, November 8, 2023, and November 15, 2023, for the purpose of considering improvements in the regulation of accessory dwelling units;

WHEREAS, the Planning Commission found that under the current regulations of the approximately 42,400 single family residential structures, only 25 accessory dwelling units have been permitted over a ten year period of time;

WHEREAS, the Planning Commission determined that the current regulations contain barriers to permitting accessory dwelling units, and therefore recommends amendments to the Lakewood Zoning Ordinance regarding the regulations of accessory dwelling units be approved by the City Council;

NOW, THEREFORE, BE IT RESOLVED:

Section 1. The Planning Commission recommends to the City Council the following amendments to Article 17 of the Zoning Ordinance:

17.4.3 : Supplemental Standards

17.4.3.1 : Purpose and Applicability This Section sets forth additional standards for certain uses located within the various zone districts. These regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is a limited use, an accessory use, or requires special use approval. The following standards shall apply to any parcel of property where supplemental standards are required to be met, as indicated in Table 17.4.1 found for the zone districts identified in this Article. No Variance or Waiver may be requested for Use and Supplemental Standards.

A. Accessory Dwelling Unit:

Where identified as a limited use in any R zone district, an accessory dwelling unit shall be subject to the following:

1. An accessory dwelling unit is permitted as accessory to a primary single-family dwelling unit.

2. ~~Waivers are allowed only if approved in conformance with Section 17.2.6.4(A) or variances shall not be granted for an accessory dwelling unit.~~

3. Only one accessory dwelling unit shall be permitted per lot.

~~4. Accessory dwelling units shall not be permitted on lots smaller than 9,000 square feet, regardless of the zone district.~~

~~5.4. The owner of the property on which an accessory dwelling unit is located shall occupy either the primary or accessory dwelling unit. Prior to approval of an accessory dwelling unit, the owner shall record a covenant with Jefferson County stating that the owner agrees to restrict use of the primary and accessory dwelling units in compliance with this sub-section. The covenant shall run with the property. A permit for an ADU shall only be issued to an owner occupant or their designee.~~

6.5. Dimensional Standards and Location:

a. An accessory dwelling unit shall comply with all primary structure dimensional standards for the applicable zone district.

b. The maximum height of a detached accessory dwelling unit shall be 30 feet.

c. An accessory dwelling unit shall not be located in front of the primary dwelling unit.

7.6. Single-family Dwelling Design Requirements:

a. An accessory dwelling unit shall not exceed ~~700~~ 1400 square feet of gross floor area ~~and shall contain no more than one bedroom.~~

b. External alterations that would change the residential character of the property shall be prohibited.

c. The exterior of an accessory dwelling unit shall be similar in appearance to that of the existing primary dwelling unit including, but not limited to, materials, color, roof pitch and detailing.

d. Accessory dwelling units located above garages or located on a second floor may be accessed by a separate external stairway. ~~However, a new stairway shall not be located on any street facing façade.~~

e. Parking shall be provided in accordance with Article 8 if on street parking is legally or practically unavailable. On street parking will be deemed unavailable if the property is located on an arterial or collector street, or if the property is located on a block on which the street is

determined to be less than 28 feet wide, or if there are official traffic control signs posted in front of the property prohibiting parking where otherwise permitted.

8. Accessory dwelling units that are detached or constructed as an addition to a single-family unit shall be subject to the Review of Supplemental Standards process as described in Article 2, and the general design and development standards in Article 6.

Where identified as a limited use in any non-residential zone district, an accessory dwelling unit must be located in the same building as the permitted use and shall be subjected to the following:

1. An accessory dwelling unit is allowed in conjunction with an otherwise permitted nonresidential use located on the same property.
2. An accessory dwelling unit shall be located in the same building as the permitted use and be incidental and subordinate to the permitted use.
3. The accessory dwelling unit must be associated with and directly support the nonresidential use of the property
4. Dimensional and Design Standards:
 - a. An accessory dwelling unit shall comply with all primary structure dimensional standards for the applicable zone district.
 - b. An accessory dwelling unit shall comply with all primary structure design standards.

~~5. Parking shall be provided in accordance with Article 8.~~

Section 2. That the Clerk of the Planning Commission shall forward this Resolution to the City Manager and the City Council. The Clerk shall indicate in the staff report accompanying this Resolution that an Ordinance adopting any or all of these recommendations must also include any necessary corresponding amendments in Articles 2, 4, and 8, and specifically, Tables 17.4.1 Use Table and 17.5.1 Residential Dimensional Standards.



Chair of the Lakewood Planning Commission



Clerk of the Lakewood Planning Commission

STAFF MEMO

DATE OF MEETING: MARCH 18, 2024 / AGENDA ITEM NO. 4

To: Mayor and City Council
From: Travis Parker, Planning Director
Subject: **HOUSING AFFORDABILITY RECOMMENDATIONS**

SUMMARY STATEMENT: City Council requested that Planning Commission examine opportunities to increase affordable home ownership. Planning Commission held a public hearing on December 6, 2023 and approved seven recommendations for City Council consideration.

BACKGROUND INFORMATION: The following recommendations were approved by Planning Commission:

- A. The City Council should consider an incentive-based inclusionary zoning program applicable to for-sale residential developments, being modeled after the information provided by staff to the Planning Commission on similar existing programs in Denver and Boulder; and
- B. The Lakewood Zoning Ordinance should be amended to create a new zone district that eliminates minimum lot size requirements for single family homes, that the Planning Commission will continue work towards drafting language to recommend to the City Council changes to the zoning ordinance creating this zone district, and should City Council choose to create this zone district, after being enacted, could potentially be utilized by any interested party who requests a rezoning for it; and
- C. The comprehensive plan effort that is now underway should consider vacant, underutilized, or undeveloped locations within the city where it may be appropriate to legislatively map this new zone district with no minimum lot size for single-family homes; and
- D. The comprehensive plan effort should further consider locations within the city suitable for encouraging more construction of Attached Housing, commonly referred to as townhomes, where this housing type is otherwise not currently permitted; and
- E. The comprehensive plan should further consider locations within the city where existing minimum lot sizes in residential zone districts could be appropriately reduced; and
- F. The Lakewood Zoning Ordinance should be amended to allow single family and duplex uses in the Mixed Use Residential (M-R) zone district, with the same dimensional standards for those two uses as currently exists in the Mixed-Use Neighborhood (M-N) zone district; and
- G. The City Council may task the Planning Commission to look at ways to preserve naturally occurring ownership units.

BUDGETARY IMPACTS: There are no anticipated budgetary impacts.

STAFF RECOMMENDATIONS: These items are for City Council discussion, there are no staff recommendations at this time.

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: City Council may direct staff to begin work on any or all of these recommendations.

ATTACHMENTS: Resolution - Affordable Home Ownership , Planning Commission Resolution 12-06-2023

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

RESOLUTION OF CITY OF LAKEWOOD PLANNING COMMISSION

On December 6, 2023, the Lakewood Planning Commission held a public hearing to review a City Council Request for Legislative Modifications and recommends that City Council pursue opportunities to increase affordable home ownership.

Motion was made by COMMISSIONER _____ and seconded by COMMISSIONER _____ to RECOMMEND that City Council increase affordable home ownership opportunities, which passed by a vote of _____ to _____. The roll having been called; the vote of the Lakewood Planning Commission was as follows:

| | |
|-----------------|-------|
| Steven Buckley | _____ |
| William Furman | _____ |
| Eric Grebliunas | _____ |
| Cathy Kentner | _____ |
| Kip Kolkmeier | _____ |
| Jenny O'Neill | _____ |
| Rhonda Peters | _____ |

FINDINGS OF FACT AND ORDER

The Planning Commission finds that:

- A. The City Council should establish an inclusionary zoning program applicable to for-sale residential developments, being modeled after the information provided by staff to the Planning Commission on similar existing programs in Denver and Boulder; and it being understood that such programs may require a level of ongoing financial commitment by the city of Lakewood that goes beyond the purview of the Planning Commission; and,
- B. The Lakewood Zoning Ordinance should be amended to create a new zone district that eliminates minimum lot size requirements for single family homes, that the Planning Commission will continue work towards drafting language to recommend to the City Council changes to the zoning ordinance creating this zone district, and should City Council choose to create this zone district, after being enacted, could potentially be utilized by any interested party who requests a rezoning for it; and,
- C. The comprehensive plan effort that is now underway should consider vacant, underutilized, or undeveloped locations within the city where it may be appropriate to legislatively map this new zone district with no minimum lot size for single family homes; and,
- D. The comprehensive plan effort should further consider locations within the city suitable for encouraging more construction of Attached Housing, commonly referred to as townhomes, where this housing type is otherwise not currently permitted; and,
- E. The comprehensive plan should further consider locations within the city where existing minimum lot sizes in residential zone districts could be appropriately reduced.
- F. The Lakewood Zoning Ordinance should be amended to allow single family and duplex uses in the Mixed Use Residential (M-R) zone district, with the same dimensional standards for those two uses as currently exists in the Mixed Use Neighborhood (M-N) zone district.”

AND

The Planning Commission **RECOMMENDS** that City Council pursue opportunities to increase affordable home ownership.

Kip Kolkmeier, Chair

Steven Buckley, Secretary of the
Planning Commission

CERTIFICATION

I, PAUL RICE, Clerk to the City of Lakewood Planning Commission, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Lakewood Planning Commission at a Public Hearing held in Lakewood, Colorado, on the 6th day of December 2023 as the same appears in the minutes of said meeting.

Date approved

Paul Rice, Clerk to the
Planning Commission

RESOLUTION OF CITY OF LAKEWOOD PLANNING COMMISSION

On December 6, 2023, the Lakewood Planning Commission held a public hearing to review a City Council Request for Legislative Modifications and recommends that City Council pursue opportunities to increase affordable home ownership.

Motion was made by COMMISSIONER Buckley and seconded by COMMISSIONER Grebliunas to RECOMMEND that City Council increase affordable home ownership opportunities, which passed by a vote of 7 to 0. The rollhaving been called; the vote of the Lakewood Planning Commission was as follows:

| | |
|-----------------|------------|
| Steven Buckley | <u>Aye</u> |
| William Furman | <u>Aye</u> |
| Eric Grebliunas | <u>Aye</u> |
| Cathy Kentner | <u>Aye</u> |
| Kip Kolkmeier | <u>Aye</u> |
| Jenny O'Neill | <u>Aye</u> |
| Rhonda Peters | <u>Aye</u> |

FINDINGS OF FACT AND ORDER

The Planning Commission finds that:

- A. The City Council should consider an incentive based inclusionary zoning program applicable to for-sale residential developments, being modeled after the information provided by staff to the Planning Commission on similar existing programs in Denver and Boulder and,
- B. The Lakewood Zoning Ordinance should be amended to create a new zone district that eliminates minimum lot size requirements for single family homes, that the Planning Commission will continue work towards drafting language to recommend to the City Council changes to the zoning ordinance creating this zone district, and should City Council choose to create this zone district, after being enacted, could potentially be utilized by any interested party who requests a rezoning for it; and,
- C. The comprehensive plan effort that is now underway should consider vacant, underutilized, or undeveloped locations within the city where it may be appropriate to legislatively map this new zone district with no minimum lot size for single family homes; and,
- D. The comprehensive plan effort should further consider locations within the city suitable for encouraging more construction of Attached Housing, commonly referred to as townhomes, where this housing type is otherwise not currently permitted; and,
- E. The comprehensive plan should further consider locations within the city where existing minimum lot sizes in residential zone districts could be appropriately reduced.
- F. The Lakewood Zoning Ordinance should be amended to allow single family and duplex uses in the Mixed Use Residential (M-R) zone district, with the same dimensional standards for those two uses as currently exists in the Mixed-Use Neighborhood (M-N) zone district.
- G. The City Council may task the Planning Commission to look at ways to preserve naturally occurring ownership units.

AND

The Planning Commission **RECOMMENDS** that the City Council pursue opportunities to increase affordable home ownership.


Kip Kolkmeier, Chair


William Furman, Secretary of the
Planning Commission

CERTIFICATION

I, PAUL RICE, Clerk to the City of Lakewood Planning Commission, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Lakewood Planning Commission at a Public Hearing held in Lakewood, Colorado, on the 6th day of December 2023 as the same appears in the minutes of said meeting.

JANUARY 5, 2024
Date Approved


Paul Rice, Clerk to Planning
Commission