A Regulatory Toolbox for Small and Rural Communities

APA Colorado – Keystone, CO
September 8, 2021 | 1:00-2:30pm
Speakers & Agenda

TODAY’S DISCUSSION:
- Small Town Profile and Needs (Interactive)
- The Small Town Struggle
- Preliminary Toolkit and Case Studies
- Call to Action
- Interactive Workshop

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Downtown Colorado Inc.

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Principal/Owner,
Studio Seed

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Principal/Owner,
Community Planning Strategies
Small Town Profile and Needs
Small Town Profile and Needs

Do you have vacant buildings in your downtown that you DREAM of fixing up? Are most of your second floors EMPTY/BOARDED UP?
Small Town Profile and Needs

Do you wish investment would be funneled to your downtown instead of the HIGHWAY?
Small Town Profile and Needs

Do you talk about housing issues, but keep subdividing land to provide the SAME products throughout your town?
Small Town Profile and Needs

Do many new projects die on the counter because of too many COSTLY requirements?

I have no idea how to do your job Mr. Builder but I have read a book and you also used the wrong font on your drawings so today I’m afraid no building permit for you.
Small Town Profile and Needs

Do you have the VISION but lack the staff resources and power to execute the vision?
Small Town Profile and Needs

Do you have 99 problems and PARKING is 98 of them?!

How else can 250 square feet be used?
What do you feel are the TOP TWO issues facing your community today?

A) Lack of personnel resources to support vision
B) Lack of financial resources to support vision
C) Lack of leadership
D) Lack of community support
E) Lack of affordable housing
F) Lack of investment
G) Others
2) What has the demand for housing looked like in the past 5 years in your community?

A None, more people are moving out than moving in

B Stable, our supply meets demand

C We can’t keep up with demand
3) What is your projection for the next 5-10 years, in terms of housing demand?

A We need to focus on recruitment and stabilization

B We will need to build more housing to keep up with demand

C Other
4) How would you describe your downtown pre-pandemic?

A Thriving – low vacancy; business is great; properties are well-maintained

B Middle of the Road – businesses are doing ok; properties look ok

C Run down – we have seen little to no investment in recent years; properties are vacant/unkempt

D We don’t have a “downtown”
If someone wanted to start a new business downtown, either by renovating an existing building or developing new, how would you describe the process from their perspective?

A. Onerous – process isn’t clear and takes a long time.
B. Standard – being a small town, we are accessible and can help people through the process.
C. Easy – process is very clear and we have the right resources in place to issue permits and approvals in a timely fashion.
Describe your zoning code:

A. Outdated – we are constantly finding issues and have a list of fixes we’d like to make, but no resources to do so.

B. Standard – we have made piecemeal improvements and make do with how it is today, but anticipate needing to update in the future.

C. Updated – we recently overhauled our zoning code and feel we have the necessary tools in place to support our vision.

D. What’s a zoning code?
The Small Town Struggle

- Lack regulatory tools
- Lack training/technical know-how
- Lack access to capital

Lack progress
Ready or Not, Here They Come...

The 10 Fastest Growing Cities In Colorado For 2021

1. John
2. Frederick
3. Wellington
4. Firestone
5. Windsor
6. Monument
7. Erie
8. Lochbuie

Kayvan Khaiatbari Sets His Sights on Trinidad

Are small towns the next big thing?

Interest in small town and remote real estate booming

Covid-19 brings unexpected boom to small Colorado town

Remote work is allowing city dwellers working remotely look for places to ride out the pandemic.

Real-Estate Frenzy Overwhelms Small-Town America: 'I Came Home Crying'

Buyers burned big cities burn to re-invest and some small towns have seen a surge in housing prices, with properties selling for prices that are unaffordable for many in the middle class.
Lacking Regulatory Tools
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<th>IDENTIFIED BARRIER(S):</th>
<th>POTENTIAL SOLUTION(S):</th>
<th>CASE STUDIES:</th>
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| Buildings built prior to zoning codes are difficult to re-activate with new uses. | • Adaptive Reuse Ordinance/Program/Overlay  
• Eliminate parking requirements for buildings of a certain age.  
• Adopt IEBC – and train code officials on Performance Method.  
• Work with departments on what you can be flexible on – occupancy/fire code hacks! | Phoenix Adaptive Reuse Program  
Chandler, AZ Adaptive Reuse Program  
L.A. Adaptive Reuse Program  
Preservation Green Lab Model Ordinance – Untapped Potential |
| Site improvements triggered by a new use/addition are too onerous/costly. | • Proportionality guidelines – lenience for smaller projects  
• Tweak code standards/triggers | Phoenix Proportionality Guidelines |
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| New commercial and residential gets built OUTSIDE of downtown, even though downtown has the most entitlements | • Infill incentives!  
• Modify downtown code standards to encourage what you want  
• Modify parking requirements  
• Control the land! | • Phoenix Infill Program  
• Aurora, CO Infill Development Incentive Program  
• Lean Code Tool (www.leanurbanism.org) |
| Not saavy developers with deep pockets determined to innovate | • So, the town becomes the innovator!  
• Advocate, Advertise, & Ask for More. | • Phoenix Office of Customer Advocacy  
• Aurora, CO Office of Development Assistance |
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<th>CODE BARRIER(S):</th>
<th>CODE HACKS:</th>
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| **Parking Requirements** | • Eliminate requirements for buildings of a certain age and/or size.  
  • Reduce requirements in downtown zones.  
  • Allow public lots and on-street parking to count.  
  • Allow in lieu fees.  
  • Customize – first floor only exempt.  
  • Parking reductions for: affordable housing, mixed use, proximity to transit, car share/bike share |
| **Building Codes**      | • Building Code Officials need to be trained on economic development and importance of downtown redevelopment – give them the power to make executive decisions.  
  • IEBC must be adopted and used – might require training on city’s behalf to interested property owners/developers on potential.  
  • Fire suppression – NFPA 13R over NFPA 13 |
| **Variances and Process** | • Find common variance requests and either change the code or package a set of quick fix variances:  
  • Parking reductions for building reuse  
  • Landscape requirements for building reuse  
  • Encroachments to right-of-way (awnings, etc.)  
  • Encroachments to height (elevator tower, etc.)  
  • Accessibility requirements (within reason)  
  • Water taps |
Lacking Staff Resources and Know-How
### TOOLKIT: Administrative

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| Community Vision Not Aligned with Growth Policies | • Develop a community vision  
• Code Assessment          | Town of Hot Sulphur Springs  
Rio Grande County            |
| Can’t find regulations/requirements            | • Post regulations on town website                | Town of Hot Sulphur Springs  
Town of Silver Plume  
Town of Parachute            |
| Beauracratic Process                           | • Training, education and capacity building       | Town of Hot Sulphur Springs  
Town of Silver Plume  
Town of Parachute            |
| Staff not Trained in Land Use Planning         | • Training Opportunities  
• Contracted Staff | Town of Parachute  
Town of Ridgway  
Town of Meeker              |
## TOOLKIT: Administrative

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<tr>
<td>Rigid requirements</td>
<td>• Variances</td>
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<td></td>
<td>• Administrative Adjustments</td>
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<td>• Encroachments</td>
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<td>• Waivers</td>
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<td></td>
<td>• Code amendments/updates</td>
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<td></td>
<td>• Reasonableness</td>
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<td>Wrong development in the wrong location</td>
<td>• Incentivize desired development in the desired location</td>
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<td>New or Progressive Ideas Not Allowed</td>
<td>• Form-based approach</td>
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<td>• Use compatibility</td>
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<td>• Mixed Use Buildings</td>
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<td>• ADUs</td>
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<td>• Conditional/Special Uses</td>
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Lacking Access to Capital
### TOOLKIT: Access to Capital

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<td>Lack of Lending For Small Projects</td>
<td>• Redefine “startup entrepreneur” to include property owners.</td>
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<td>• No mall loans for property renovation/rehabilitation.</td>
<td>• Stop separating housing from commercial with tax credits, loans. etc.</td>
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<td>• Lack of patient capital for building renovation with a smaller return on investment over MANY years.</td>
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<td>Lack of Financing Education for Local Small Developers</td>
<td>• Train local Investors</td>
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<td>• No first time mixed use building owner programs.</td>
<td>• Create local training programs to reduce costs for local and small investors to renovate through education and mentorship for making improvements, dealing with local permitting and policy, understanding tax implications, and managing debt.</td>
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CALL TO ACTION

COVID-19 EMERGENCY RESPONSE

NYC Restaurants Can Expand to Half Capacity Indoors Starting March 19, Cuomo Says

New Jersey restaurants will also begin operating at 50 percent capacity starting on the same day.

Is Indoor Dining at 25 Percent Capacity Enough to Save Local Restaurants?

The updated restrictions are a welcome upgrade for business owners, but many also say it's not enough for long-term success.

PATRICK KAWLOWITZ • JANUARY 5, 2021

Some Colorado Springs restaurants remain closed rather than reopen at 25% capacity

by Rich Laden Rich.Laden@gazette.com Jan 25, 2021 Updated Jan 26, 2021

COLORADO Department of Revenue
Enforcement Division – Liquor & Tobacco

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Lakewood, CO 80401

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P.O. Box 174072
Denver, CO 80217-0087
Fax: 303-864-2428

BULLETIN 20-09
REFERENCE: EXECUTIVE ORDER NO. 20-093 – TEMPORARY MODIFICATIONS – COMMUNAL OUTDOOR DINING AREAS AND PUBLIC CONSUMPTION

DATE: JUNE 5, 2020

The Liquor Enforcement Division recently adopted Regulation 47-302(F), allowing on-premises eating and drinking at communal outdoor dining areas and public consumption. The Liquor Code prohibits two or more people from sharing a table or other seating arrangement in order to temporarily promote social distancing.

Temporary Outdoor License

- Contact
- Application Process

The Temporary Outdoor Dining Program will run through October 2021. Please see below for more information.

The City and County of Denver created a temporary program to allow restaurants to offer outdoor seating in accord with guidelines established by the Governor. The program is designed to promote public health and safety by allowing businesses to provide more outdoor seating in a way that adheres to public health guidelines.
CALL TO ACTION
COVID-19 EMERGENCY RESPONSE

Colorado offers $4.1 million to cities that use pavement for people, not cars, as part of coronavirus recovery

The new “Can Do Colorado” initiative offers grants for communities that expand dining, shopping and pedestrian access into common areas, including streets and parking lots.

DENVER - Communities wanting to make creative modifications to state roadways or other public spaces as a way of promoting public health during the COVID-19 emergency through socially-distant active transportation and economic development opportunities, can now apply for a grant from the Colorado Department of Transportation. The initiative is part of the Can Do Colorado Challenge, a part of the Can Do Colorado campaign.

Another $1M+ in grants awarded for outdoor restaurant expansion

The state said $2,418,305 has been awarded to 389 restaurants to help them expand outdoor dining during the winter months.

CDOT Offering $4 Million in Grants to Promote Public Health & Economic Activity

Denver Offers Financial Aid to Restaurants for Costs of Expanded Outdoor Space

Colorado Gap Fund Awards $7 Million To Hundreds Of Business Owners, Thousands More Waiting On Round 2

WE FINALLY BAILED OUT MAIN STREET!!!!
CALL TO ACTION

SMALL BUSINESSES ARE UNDER PRESSURE. COVID ACCELERATED THIS TREND. IS THIS NOT A PANDEMIC TOO??
WHAT ELSE IS HAPPENING?
WHAT ELSE IS HAPPENING?

ARTS IN SOCIETY

NATIONAL ENDOWMENT for the ARTS
WHAT ELSE IS HAPPENING?

OCTOBER 18-20

APA Task Force
APA Committee
Financing Panel
Housing Summit
Thank You!

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BREAK OUT GROUPS