

Planning Commission

Agenda

**February 13, 2025
City Hall, Council Chambers
749 Main Street
6:30 PM for Regular Meeting**

Members of the public are welcome to attend and give comments remotely.

- 1) **You can call in to +1 253 215 8782 or +1 346 248 7799 Webinar ID # 823 1948 7837 Passcode 773858**
- 2) **You can log in via your computer. Please visit the City's website here to link to the meeting: www.louisvilleco.gov/planningcommission**

The Commission will accommodate public comments during the regular meeting. Anyone may also email comments to the Commission prior to the meeting at: planning@louisvilleco.gov

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes – October, November, December
5. Public Comment on Items Not on the Agenda
6. New Business
 - a. **Zoning Code Amendment – Definition of Family:** Consideration of Resolution 1 to address the definition of a family in Louisville Municipal Code Title 17 (Zoning) to comply with Colorado House Bill 24-1007.
 - b. **Zoning Code Amendment – Accessory Dwelling Units:** Consideration of Resolution 2 to amend Louisville Municipal Code Title 17 to address accessory dwelling units to comply with Colorado House Bill 24-1152.

Persons planning to attend the meeting who need sign language interpretation, translation services, assisted listening systems, Braille, taped material, or special transportation, should contact the City Clerk's Office at 303 335-4536 or MeredythM@LouisvilleCO.gov. A forty-eight-hour notice is requested.

Si requiere una copia en español de esta publicación o necesita un intérprete durante la reunión, por favor llame a la Ciudad al 303.335.4536 o 303.335.4574.

7. Planning Commission Comments
8. Staff Comments
9. Select Items Tentatively Scheduled for Future Meetings
 - a. Temporary Use Permit for the Ironton Distillery (February 27)
 - b. Comprehensive Plan Discussion (March 13)
10. Adjourn

Planning Commission

Meeting Minutes

November 14, 2024

City Hall, Council Chambers

749 Main Street

6:30 PM

Call to Order – Vice Chair **Moline** called the meeting to order at 6:30 PM.

Roll Call was taken, and the following members were present:

Commission Members Present: Jeff Moline, Vice Chair
Debra Baskett, Secretary
David Bangs
Cullen Choi
Jennifer Hunt
Jonathan Mihaly

Commission Members Absent: Steve Brauneis, Chair

Staff Members Present: Jeff Hirt, Planning Manager
Emily Cline-Gibson, Planner II
Ben Jackson, Planning Clerk

APPROVAL OF AGENDA

Motion to approve the agenda was moved by **Hunt**, seconded by **Baskett**, and adopted by voice vote.

APPROVAL OF MINUTES

Motion to approve the minutes for the August 2024 meeting was moved by **Choi**, seconded by **Baskett**, and adopted by voice vote.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None were heard.

PUBLIC HEARING ITEMS – NEW BUSINESS

a. **Minor Subdivision and Subdivision Modifications – 824 Lee Avenue:**
Consideration of Resolution 12, Series 2024, regarding a recommendation to City Council for a Minor Subdivision and Subdivision Modifications to replat three existing lots.

Staff Presentation:

Cline-Gibson introduced the presentation for the minor subdivision modification. She explained why a PUD was not needed for this application, and spoke about the location and surroundings of the proposed location. The property was in the Miners Field neighborhood, in the R-M zoning district, and within the Old Town Overlay. She also explained the proposed lot sizes and dimensions, and all the requested modifications from the Louisville Municipal Code (LMC). Staff found that the application met all requirements of the LMC, and was consistent with the Comprehensive Plan and Highway 42 Framework Plan.

Staff Recommendation:

Staff recommended approval of Resolution 12, Series 2024 with no conditions.

Commissioner Questions of Staff:

Choi asked about the length of Park Street as was shown on the zoning map.

Cline-Gibson said that this was likely from an outdated map.

Moline asked to clarify whether the alleyway adjacent to lot 3 had been vacated.

Cline-Gibson clarified that this was the only part of Park Street that had been vacated.

Mihaly asked if there were concerns about emergency vehicle access.

Cline-Gibson said that the fire district had reviewed the plan and had not raised any concerns.

Hunt asked what the address of the new units would be.

Cline-Gibson said that this would be determined during the permitting process.

Choi asked if there were any height restrictions for this lot.

Cline-Gibson said that a 27 foot height limit for primary structures would apply as the lot was within the Old Town Overlay District.

Choi asked if this height limit played into the conceptual imagery requested by staff.

Cline-Gibson said that the focus of staff was on lot coverage and setbacks, but that the development would have to comply with height limit.

Applicant Presentation:

Michael Reis, resident, was part of the ownership group. He explained why Park Street had been vacated historically, and said they anticipated the units having Park Street addresses. He explained the history of the existing house and of the lot, and noted the lack of redevelopment and private development in the neighborhood.

Eric Hartronft, resident, architect, agreed with Reis' desire to build additional smaller, affordable housing units for the City. He suggested that the existing zoning code was no longer fit for purpose, and added that he hoped to set a precedents for a better zoning code in the future. He also said that if the subdivision were not approved, their alternative was to build a condo or apartment building.

Commissioner Questions of Applicant:

Baskett asked if they had yet been able to decide whether the units would be made permanently affordable.

Reis said that they had not decided this yet.

Bangs asked if there were any other variances being requested.

Cline-Gibson referred back to the five modifications that were covered during the staff presentation.

Bangs asked if there was any concern about rear access to the lots.

Cline-Gibson said that there was nothing in the code to prohibit this, and that staff decided this was the best option as opposed to an access easement.

Moline asked if the inclusionary housing ordinance applied to this subdivision.

Hirt said no.

Public Comment:

Jean Morgan, resident, said that she had some concerns about the proposed setbacks. She was also concerned that new residents would park on Park St, and noted the limited space for parking. Her particular concern was for the smaller lot that was off of the alley.

Cyndi Bodell, resident, said that she had some concerns about setbacks and about wanting to preserve the character of the neighborhood. She would have also liked to have seen the units be set aside as permanently affordable.

Applicant Closing Statement:

Hartronft said that their initial intent was to match setback of the outlot cabins so that they would fit in with the neighborhood. However, due to neighborhood opposition, the opted to instead move to standard setbacks. As a result, they were not requesting any setback waivers. He also noted that they were asking for maximum number of units allowed within the Old Town Overlay District. Regarding parking, he said that the City could pursue parking restrictions for the area if they felt it were necessary, though this would be more of a public works issue. He added that they did not anticipate parking in the alley, and that there were also two on-site parking spaces for each lot.

Staff closing statement:

Cline-Gibson noted staff did not anticipate the need for on-street parking spaces given the provided off-street spaces.

Commissioner Discussion:

Baskett said that she liked the proposal and appreciated that it would be respectful of the neighborhood context. She was in support.

Mihaly said that he agreed with the applicant's comment about archaic zoning code, and agreed that the proposal was in keeping with the existing neighborhood context. He also appreciated the diversity of housing types it would create for the City. He was in support. **Choi** agreed with Mihaly, and said that the application was far more appropriate for the neighborhood than an apartment block. He also appreciated the diversity of housing stock it would produce. He was in support.

Hunt agreed, and said that she was in support.

Bangs said that he was supportive of the application, and thought that it was an appropriate development for the Old Town area.

Moline said that he was in support, and that he agreed with the previous comments. He added that it was a small scale but very beneficial project.

Motion to approve Resolution 12, Series 2024 was moved by **Hunt** and seconded by **Baskett**. The motion was adopted by a vote of 6 to 0.

PLANNING COMMISSION COMMENTS

Baskett spoke about the upcoming Boulder County Board of County Commissioners meeting on affordable housing.

STAFF COMMENTS

Hirt provided an update on the Comprehensive Plan. He noted that the recent open house was productive and well attended.

Hirt also noted that the City Council had funded an update to the City development code, and that staff intended to issue a request for proposal after the completion of the Comprehensive Plan.

ADJOURNMENT

Motion to adjourn was moved by **Mihaly**, seconded by **Choi**, and adopted by voice vote. The Commission adjourned at 7:24pm.

Planning Commission

Meeting Minutes

October 10, 2024

City Hall, Council Chambers

749 Main Street

6:30 PM

Call to Order – Chairperson **Brauneis** called the meeting to order at 6:30 PM.

Roll Call was taken, and the following members were present:

Commission Members Present: Steve Brauneis, Chair
Jeff Moline, Vice Chair
Debra Baskett, Secretary
David Bangs
Cullen Choi
Jennifer Hunt

Commission Members Absent: Jonathan Mihaly

Staff Members Present: Rob Zuccaro, Director of Community
Development
Jeff Hirt, Planning Manager
Matt Post, Senior Planner
Cameron Fowlkes, City Engineer
Ben Jackson, Planning Clerk

APPROVAL OF AGENDA

Motion to approve the agenda was moved by **Moline**, seconded by **Baskett**, and adopted by voice vote.

APPROVAL OF MINUTES

Motion to approve the minutes for the July 2024 meeting was moved by **Hunt**, seconded by **Moline**, and adopted by voice vote with **Brauneis** abstaining.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None were heard.

PUBLIC HEARING ITEMS – NEW BUSINESS

- a) **Zoning Code Amendment – Natural Medicines:** Consideration of an amendment to Louisville Municipal Code Title 17 (Zoning) to allow Natural Medicine Businesses in compliance with Colorado Senate Bill SB 23-290.

Staff Presentation:

Post introduced the presentation for the zoning code amendment. He explained why this change was necessary, and noted that there was a strict deadline from the state for the City to adopt the ordinance. He showed a map of the areas of the City where natural medicine businesses would and would not be allowed to operate. He also noted that the ordinance included changes to Title 9 of the Louisville Municipal Code (LMC), though this was not within the purview of the Commission.

Staff Recommendation:

Staff recommended approval of Resolution 11, Series 2024.

Commissioner Questions of Staff:

Hunt asked what would happen if a new child care facility opened within the buffer of an existing natural medicine business.

Post said that this was the subject of discussion amongst staff, but their understanding was that the subject natural medicine business would become nonconforming.

Hunt asked whether a new child care facility would know this before opening.

Post said that licensing child care facilities was not within the jurisdiction of the City aside from any business licenses, and that the state was instead responsible for regulating child care facilities.

Bangs asked about how the City controlled variables of time, place, and manner as defined with relation to natural medicine business. He added that he was most interested in the “manner”.

Post said that staff thought manner largely referred to the City’s nuisance codes for issues like noise and odors.

Bangs asked if staff had compared the proposal to the existing policies of other cities.

Post said that very few other cities had already implemented these policies due to the short time frame imposed by the state. He added that the proposal was generally in line with the proposals from the City of Boulder.

Choi asked why the land use for healing centers was to be considered a medical office use.

Post clarified that they were not being wrapped into the medical office use category in the LMC, but were instead being aligned with the regulations for medical offices due to the licensing requirements from the state.

Bangs asked whether the City would be able to revisit the policy if the state deemed it to be too restricted.

Post said that this would likely require the City to adopt a new ordinance.

Public Comment:

Mark Cathcart, resident, said that he had concerns that the implementation of this policy could produce the negative consequences for nearby residents as the initial regulation of marijuana sales. He asked that the Commission recommend City Council adopt the same regulations for natural medicine businesses as were then in place for marijuana dispensaries.

Commissioner Discussion:

Moline said that he concurred with the staff assessment, and noted the difficult position the City was in given the requirements from the state.

Hunt said that she agreed with Moline, and was in support.

Baskett said that she was in support.

Choi said that he would abstain as he did not feel comfortable voting for the proposed ordinance.

Bangs said he was reluctantly in favor of the proposed ordinance.

Brauneis noted that the City was in a challenging position but was ultimately in support.

Motion to approve Resolution 11, Series 2024 was moved by **Moline** and seconded by **Baskett**. The motion was adopted by a vote of 5 to 0 with **Choi** abstaining.

- b) **CONTINUED FROM SEPTEMBER 12, 2024 - Preliminary PUD, Preliminary Plat, Land Use Exhibit Amendment, Rezoning, and Special Review Use - 1032, 1034, and 1040 E South Boulder Road:** Consideration of Resolution 10, Series 2024, regarding a recommendation to City Council for a mixed use project with 188 residential units and 13,534 square feet of commercial space.

Staff Presentation:

Post provided a recap on the application. He also introduced new evidence related to a traffic study from November of 2022, and from the 2019 Transportation Master Plan.

Public Comment:

Lauryl Sagrillo, resident, pooled with **Tami Cantrel**, resident, said that the connection of Front Street to South Boulder Road no longer made sense given that there was no longer going to be a train station there in the near future. She spoke about the dangers of traffic for children walking and biking to the nearby middle school. She asked that approval be delayed until a more in depth traffic study had been completed.

Bob Tofte, resident, said that he was opposed to the application due to the additional traffic it would create. He also noted that this additional traffic could pose a safety hazard to children riding their bikes to and from the nearby middle school.

Sam Rizzo, resident, said that he worked near the proposed development. He was not sure that it would add much economic development to the area, and compared it to similar developments. He noted that there was the potential for his workplace to lose parking spaces on Cannon Street, and that he was opposed to this.

Andy Maas, resident, said that he was a nearby resident, and that he felt the traffic study was flawed as it did not include cars travelling down Griffith. He was opposed to the application.

Nick Facemire, resident, had serious concerns about the potential traffic impacts and on the related issue of traffic safety in the area. He was opposed to the application.

Jody Ash, resident, said that she feared for the future of the Little Italy neighborhood, and that the new traffic would drastically alter the character of the City. She asked that the Commission reject the application.

Tamar Krantz, resident, pooled with **Mike Putney**, resident, said that she was opposed due to lack of a public land dedication. She felt that it would be a necessary addition given the City Code, and would help offset some of the costs for existing residents. She also voiced concerns about the eligibility of the land to be rezoned.

Jeremy Carlson, resident, said that though he was in favor of the application conceptually, he had concerns about the implementation of it. He suggested that adding new traffic lights at Griffith and Main and at Griffith and Highway 42 would help to alleviate some of the traffic safety concerns. He felt that the application was not yet ready for approval.

Joan Doolittle, resident, said that her main concern was with the Front St cut through and the traffic issues that could stem from this. She felt that more work was needed to address this issue.

Josh Cooperman, resident, said that he was supportive of aspects of the development, such as the affordable units and the walkability. However, he wondered why the application had not first gone to a concept plan review, and also noted his concerns about the Front Street connection. He also suggested that there were natural features in the area that should have factored into the rezoning review.

Cindy Bodell, resident, said that she was opposed to the application due to its potential traffic impacts. She asked that the Commission include a condition to require a larger public land dedication, and also noted her concerns about the proposed design of the buildings.

Wendy Appel, resident, said that she was concerned about the impact that the other developments in the area would have on traffic when combined with this application. She was also concerned about worsening air quality and increasing noise pollution.

Cynthia Corn, resident, felt that the developer had not properly consulted with the local community. She urged the Commission to reject the application.

Kyle Cantrel, resident, had concerns about the ability for emergency services to adequately respond to emergencies in the neighborhood with the projected traffic volumes.

Jason Farren, resident, felt that the development was not a good fit for the area or for Louisville more broadly.

Rita Zamora, resident, had concerns about traffic safety in the neighborhood. She noted that a nearby crosswalk sign had been run over repeatedly, and she feared that the development would only make it worse.

Applicant Closing Statement:

Jason Markell addressed the concerns raised about the Front Street connection. He noted that they had conducted extensive consultation around this issue since the previous meeting. They felt that the connection would be advantageous, and that Front Street had the capacity to support the additional traffic volumes. However, he added that the development could still work if the Commission decided to remove the connection, and asked the Commission for guidance as to their preference.

Commissioner Questions of the Applicant:

Baskett asked about the alternative options to the Front Street connection.

Markell suggested that one option was for a through street that would only allow access for emergency vehicles, bicycles, and pedestrians.

Baskett asked if the applicant would be responsible for designing the street.

Zuccaro said that they would be working with the applicant on the street design, and that the applicant would be responsible for building the street. He noted that staff had concerns about not including a street connection, and that further analysis would be required for this.

Hunt asked why staff felt that a through road was important.

Zuccaro said that it related to the mixed use development design standards, and went in depth about what the guidelines specified, particularly related to the importance of a grid street network to disperse traffic and provide transportation mobility options.

Kari McDowell Schroeder, non-resident, conducted the applicant's traffic study. She said that the restricted connection option was viable. She explained the findings of the study, and noted that Griffith Street was covered in the most recent study.

Moline asked whether there was a point at which a grid street network becomes small enough that it is no longer useful.

Schroeder said yes, as eventually the intersections could become too frequent such that they would begin to impede the flow of traffic. It also depended on pedestrian walkshed.

Moline asked whether the constricted access to this site could become problematic for a gridded street network.

Schroeder said that the site would effectively act as one block due to the surrounding constraints like Highway 42 and the BNSF tracks.

Bangs asked if they had enough info from past traffic studies to extrapolate the traffic produced by eliminating the Front Street connection.

Schroeder said that she did not know.

Bangs asked to confirm that the applicant would require a new traffic study to examine this option

Schroeder said yes.

Hunt asked whether bollards could be used for to allow for emergency vehicle and bike only access.

Schroeder said yes, and noted that there was the possibility of using retractable bollards.

Baskett asked if staff had given thought to possible street design regarding traffic calming.

Fowlkes noted that the City had implemented traffic calming devices like speed humps that could also be implemented on Front Street. He added that the City was planning upgrades to the Highway 42 corridor that would aid in increasing vehicle capacity in the area around the development.

There was an extended discussion about how traffic from the development could impact Highway 42, and how the Front Street connection would play into this. There was also further discussion about the scope of the traffic study, what kinds of trips were covered, and what future traffic movements and access points could look like, particularly with regard to left turns from Front Street onto South Boulder Road.

Zuccaro suggested that the Commission continue the item as it appeared they were interested in seeing an updated traffic study before voting on the proposal.

Moline said that he felt this was a really important issue, and that it would be incumbent on the Commission to review this study before they voted.

Moline asked about the applicant's plans for vegetation, and whether they planned to retain any of the existing trees. He also asked for the applicant's views on the open space dedication.

Markell said that they had consulted with an arborist to do a tree study of the site, and they had identified which trees were to be preserved. Many of the trees were invasive species. He added that the open space dedication was the subject of discussion with staff.

Zuccaro said that the City typically did not seek a public land dedication for areas that had already been subdivided.

Choi asked about the applicant's approach to the topography of the site, and how they planned to handle a storm water event.

Joel Seamons, non-resident, was the applicant's civil engineer. He said that water was intended to flow into a detention pond in the southeast corner of the site, and said that it was designed to handle a 100 year historic flood.

Choi asked what additional measures would be necessary to withstand a 100 year flood given the amount of impermeable surface.

Seamons said that he was not exactly sure, but noted that many detention ponds were not filled during the 2013 100 year flood.

Hunt asked about the market research the applicant had conducted for the very small units.

Markell said that they believed there was demand for non-deed restricted units like these, which would be more affordable due to their size rather than through artificial restrictions.

Hunt asked whether the remaining homes would be marketed as luxury, high-end units, or if they would be targeted at the middle of the market.

Markell said that they were planning to market them as mid-range units.

Staff Closing Statement:

Post provided the staff closing statement. He said that staff would appreciate some further direction about what the Commission wanted to see from a new traffic study, and how they wanted staff to reshape the proposal. He noted that the proposal had gone through a very long period of staff review. He also went into depth about the relevant design guidelines.

Commissioner Discussion:

There was a discussion over the logistics of rehearing the proposal at a later date, and about possible changes to the road network near the site.

Bangs said that though he would like to find a way to approve the application, he thought that the traffic issues needed further study. He added that he would have like to have seen more open space, but he recognized the reasoning used by staff against this.

Choi said that he agreed with staff's reasoning for the rezoning, and felt that development on the site would be of great benefit to the City. However, he felt that the Front Street connection would not be necessary, and that it could be removed from the plan.

Baskett felt that more work was needed with Planning Commission before providing a recommendation to City Council.

Moline said that he wanted to see more information about the impact of removing the Front Street connection.

Hunt said that she appreciated the large volume of public comments, and understood the complexity of the traffic situation. She was supportive of continuing the item so that the issue could be studied further.

Brauneis agreed that the issue of the connection was very complicated, and thought that additional time was warranted.

Zuccaro suggested that the Commission continue the item to the December 2024 meeting.

Motion to continue the item to the December 12, 2024 meeting was moved by **Choi** and seconded by **Moline**. The motion was adopted by a vote of 6 to 0.

PLANNING COMMISSION COMMENTS

None were heard.

STAFF COMMENTS

None were heard.

ADJOURNMENT

Motion to adjourn was moved by **Moline**, seconded by Baskett, and adopted by voice vote.

The Commission adjourned at 9:43pm.

Planning Commission
Meeting Minutes
December 12, 2024
Virtual Meeting
6:30 PM

Call to Order – Chair **Brauneis** called the meeting to order at 6:30 PM.

Roll Call was taken, and the following members were present:

Commission Members Present: Steve Brauneis, Chair
Jeff Moline, Vice Chair
Debra Baskett, Secretary
David Bangs
Cullen Choi
Jennifer Hunt
Jonathan Mihaly

Staff Members Present: Jeff Hirt, Planning Manager
Ben Jackson, Planning Clerk

APPROVAL OF AGENDA

Motion to approve the agenda was moved by **Moline**, seconded by **Hunt**, and adopted by voice vote.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None were heard.

PUBLIC HEARING ITEMS – NEW BUSINESS

a. Preliminary PUD, Preliminary Plat, Land Use Exhibit Amendment, Rezoning, and Special Review Use - 1032, 1034, and 1040 E South Boulder Road: Consideration of Resolution 10, Series 2024, regarding a recommendation to City Council for a mixed use project with 188 residential units and 13,534 square feet of commercial space.
REQUEST TO TABLE INDEFINITELY.

Hirt explained why staff was recommending the Commission table the item indefinitely. He noted that the item would need to be re-noticed before it came back before the Commission.

Motion to table the item indefinitely was moved by **Moline** and seconded by **Baskett**. The motion was adopted by a vote of 7 to 0.

PLANNING COMMISSION COMMENTS

Brauneis gave thanks to staff and his fellow Commissioners for their work over the past year, and to the public for their input and participation.

Moline echoed this sentiment.

STAFF COMMENTS

Hirt provided an update on the cases expected for the Commission in 2025.

ADJOURNMENT

Motion to adjourn was moved by **Mihaly**, seconded by **Moline**, and adopted by voice vote.

The Commission adjourned at 6:36pm.

ITEM: LMCA-000537-2025 – Amendment to the Zoning Ordinance, Modifying the Definition of Family.

PLANNER: Emily Cline-Gibson, Planner II

REQUEST: Approval of Resolution 1, Series 2025 recommending to the City Council approval of an ordinance amending Louisville Municipal Code Section 17.08.050 – Family.

SUMMARY:

The Colorado General Assembly adopted HB 24-1007 in May 2024 that prohibits municipalities from limiting the number of people who may live together in a single dwelling based on familial relationship. The City of Louisville is updating Municipal Code Chapter 17.08 – Definitions to satisfy the new State requirements.

BACKGROUND:

The purpose of HB 24-1007 is to increase housing availability across Colorado by requiring local governments to prohibit limiting the number of people who may live together in a single dwelling based on familial relationship. Local governments may only implement residential occupancies based on:

1. Demonstrated health and safety standards, such as international building code standards, fire code regulations, or Colorado department of public health and environment wastewater and water quality standards; or
2. Local, state, federal, or political subdivision affordable housing program guidelines.

Louisville Municipal Code (LMC) Sec. 17.08.150 currently defines *family* as the following:

*A single individual doing his or her own cooking and living upon the premises as a separate, independent, housekeeping unit; or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship **based upon birth or marriage**; or a group of not more than two unrelated persons doing their own cooking and living together upon the premises as a single housekeeping unit, except that no more than one of such persons may be an individual who has been adjudged by a court of law as a sex offender and who is required to register as such within the community of his residence in accordance with the provisions of the C.R.S. § 18-3-412.5, as amended. Single persons of 18 years of age or older not living with parents or a legal guardian are considered to be unrelated to each other.*

PROPOSAL:

The proposed changes to the definition of *family* are to align with HB 24-1007. The modification to the definition will expand housing opportunities by no longer restricting occupancy of a dwelling unit to a family based upon birth or marriage. The proposed definition of *family* is the following:

Family means one or more persons occupying a dwelling unit and living as a single housekeeping unit. The number of persons living as a single unit shall not exceed the maximum permitted by applicable adopted building, fire, and safety codes, by any applicable state or federal law or regulation, or by affordable housing guidelines applicable to the dwelling unit.

ANALYSIS:

The proposed definition of *family* closely aligns with the definitions used in Lafayette and Erie. Staff find the proposal addresses the City's [Housing Plan](#) Goal 3 to Diversify Louisville's Housing Stock (Housing Plan p. 26) and Action Item 3.2 that explicitly calls for this code amendment (p. 47). Staff also find that the change in definition will not affect the meaning of the term *family* as it is used throughout the Louisville Municipal Code (LMC).

PUBLIC COMMENTS:

No public comments have been submitted.

STAFF RECOMMENDATION:

Staff recommend approval of Resolution 1, Series 2025 recommending to the City Council approval of an ordinance amending Louisville Municipal Code Section 17.08.150 – Family.

ATTACHMENTS:

- A. Resolution 1, Series 2025
- B. Draft Ordinance
- C. House Bill 24-1007

**RESOLUTION NO. 1
SERIES 2025**

**A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING
THE LOUISVILLE MUNICIPAL CODE TO MODIFY THE DEFINITION OF FAMILY**

WHEREAS, the City of Louisville (the “City”), is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City of Louisville Home Rule Charter (the “City Charter”);

WHEREAS, the Louisville Municipal Code Title 17, Zoning, establishes definitions related to the use and development of land within the City;

WHEREAS, the Colorado General Assembly adopted House Bill 24-1007 in April 2024, prohibiting municipalities from limiting the number of people who may live together in a single dwelling based on familial relationship;

WHEREAS, the City desires to modify the definition of family, which will lift existing restrictions on people living together based on specific familial relationships; and

WHEREAS, the Planning Commission has considered the proposal at a duly noticed public hearing on February 13, 2025, where evidence and testimony were entered into the record; and

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Louisville, Colorado does hereby recommend approval of an ordinance amending Title 17 of the Louisville Municipal Code to modify the definition of family.

PASSED AND ADOPTED this 13th day of February, 2025.

By: _____
Steve Brauneis, Chair
Planning Commission

Attest: _____
Cullen Choi, Secretary
Planning Commission

ORDINANCE NO. XX
SERIES 2025

**AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE TO
MODIFY THE DEFINITION OF FAMILY.**

WHEREAS, the City of Louisville (the “City”), is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City of Louisville Home Rule Charter (the “City Charter”);

WHEREAS, the Louisville Municipal Code Title 17, Zoning, establishes definitions related to the use and development of land within the City;

WHEREAS, the Colorado General Assembly adopted House Bill 24-1007 in April 2024, prohibiting municipalities from limiting the number of people who may live together in a single dwelling based on familial relationship;

WHEREAS, the City desires to modify the definition of family, which will lift existing restrictions on people living together based on specific familial relationships;

WHEREAS, after a duly noticed public hearing held February 13, 2025, where evidence and testimony were entered into the record, including the Louisville Planning Commission Staff Report dated February 13, 2025, the Louisville Planning Commission has recommended the City Council adopt the amendments to the LMC set forth in this ordinance;

WHEREAS, City Council has provided notice of a public hearing on said ordinance by publication as provided by law and held a public hearing as provided in said notice; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

Louisville Municipal Code Chapter 17.08 (Definitions) is hereby amended by the addition of a new Section 17.08.338 and definitions as follows:

Sec. 17.08.150. – Family.

~~Family means a single individual doing his or her own cooking and living upon the premises as a separate, independent, housekeeping unit; or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth or marriage; or a group of not more than two unrelated persons doing their own cooking and living together upon the premises as a single housekeeping unit, except that no more than one of such persons may be an individual who has~~

~~been adjudged by a court of law as a sex offender and who is required to register as such within the community of his residence in accordance with the provisions of the C.R.S. § 18-3-412.5, as amended. Single persons of 18 years of age or older not living with parents or a legal guardian are considered to be unrelated to each other.~~

Family means one or more persons occupying a dwelling unit and living as a single housekeeping unit. The number of persons living as a single unit shall not exceed the maximum permitted by applicable adopted building, fire, and safety codes, by any applicable state or federal law or regulation, or by affordable housing guidelines applicable to the dwelling unit.

**INTRODUCED, READ, PASSED ON FIRST READING AND ORDERED
PUBLISHED** this __ day of _____, 2025.

Christopher M. Leh, Mayor

ATTEST:

Genny Kline, Interim City Clerk

APPROVED AS TO FORM:

Kelly PC, City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING, this __ day of _____, 2025.

Christopher M. Leh, Mayor

ATTEST:

Genny Kline, Interim City Clerk

An Act

HOUSE BILL 24-1007

BY REPRESENTATIVE(S) Rutinel and Mabrey, Bacon, Boesenecker, deGruy Kennedy, English, Epps, Froelich, Garcia, Hernandez, Jodeh, Kipp, Lindsay, Lindstedt, Marvin, Mauro, McCormick, Ortiz, Parenti, Ricks, Sirota, Velasco, Vigil, Weissman, Willford, McCluskie, Herod, Martinez; also SENATOR(S) Exum and Gonzales, Buckner, Coleman, Cutter, Danielson, Fields, Hinrichsen, Jaquez Lewis, Marchman, Michaelson Jenet, Priola, Winter F.

CONCERNING RESIDENTIAL OCCUPANCY LIMITS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add 29-20-111** as follows:

29-20-111. Local government residential occupancy limits - short title - legislative declaration - definition. (1) THE SHORT TITLE OF THIS SECTION IS THE "HOME (HARMONIZING OCCUPANCY MEASURES EQUITABLY) ACT".

(2) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT OCCUPANCY LIMITS AND THE INCREASED AVAILABILITY OF HOUSING ARE

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

MATTERS OF MIXED STATEWIDE AND LOCAL CONCERN.

(3) A LOCAL GOVERNMENT SHALL NOT LIMIT THE NUMBER OF PEOPLE WHO MAY LIVE TOGETHER IN A SINGLE DWELLING BASED ON FAMILIAL RELATIONSHIP. LOCAL GOVERNMENTS RETAIN THE AUTHORITY TO IMPLEMENT RESIDENTIAL OCCUPANCY LIMITS BASED ONLY ON:

(a) DEMONSTRATED HEALTH AND SAFETY STANDARDS, SUCH AS INTERNATIONAL BUILDING CODE STANDARDS, FIRE CODE REGULATIONS, OR COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT WASTEWATER AND WATER QUALITY STANDARDS; OR

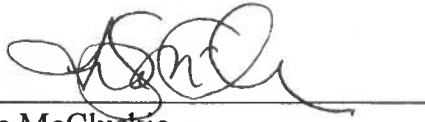
(b) LOCAL, STATE, FEDERAL, OR POLITICAL SUBDIVISION AFFORDABLE HOUSING PROGRAM GUIDELINES.

(4) AS USED IN THIS SECTION, "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY CITY, HOME RULE OR STATUTORY COUNTY, TOWN, TERRITORIAL CHARTER CITY, OR CITY AND COUNTY.

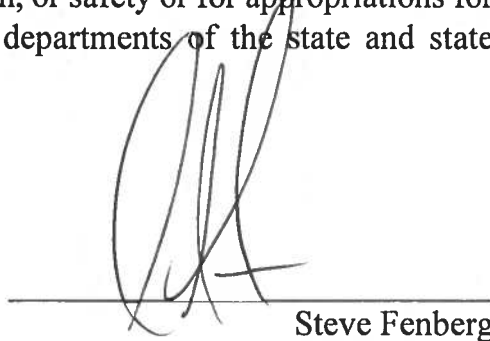
SECTION 2. Effective date. This act takes effect July 1, 2024.

SECTION 3. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate

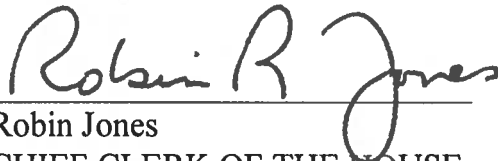
preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.



Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Steve Fenberg
PRESIDENT OF
THE SENATE

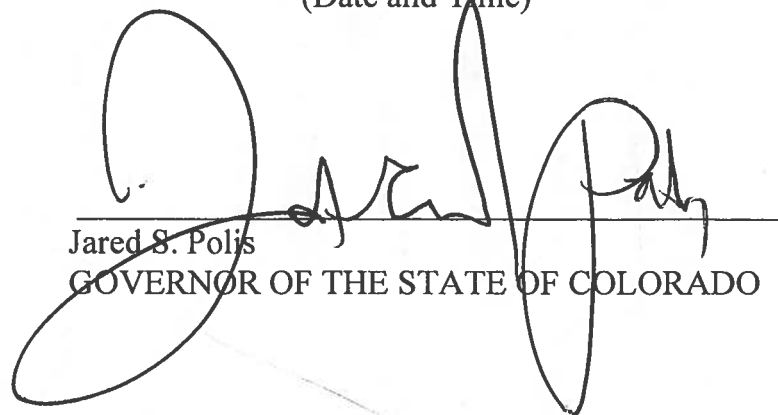


Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED Monday April 15th 2024 at 12:15 pm
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

ITEM: LMCA-000536-2025 – Zoning Ordinance Amendment
Addressing Accessory Dwelling Units

PLANNER: Jeff Hirt, AICP, Planning Manager

REQUEST: Approval of Resolution 2, Series 2025 recommending to the City Council approval of an ordinance amending Title 17 to allow Accessory Dwelling Units in accordance with Colorado House Bill 24-1152.

SUMMARY:

Attached for recommendation to City Council is a draft ordinance to comply with [Colorado House Bill 24-1152](#) that requires the City of Louisville to allow Accessory Dwelling Units in all single family residential zone districts by June 30, 2025. This item also implements several [Housing Plan](#) policies and is on the recently approved City Council 2025 Work Plan.

BACKGROUND:

The Louisville Municipal Code (LMC) does not currently address ADUs, therefore they are not allowed. The LMC only allows “guest houses” in all residential zone districts that cannot be rented or sold as a separate unit or have full kitchens. The City also allows the renting of one room in a home, referred to as a “rooming unit”. The LMC does not currently allow short term rentals anywhere.

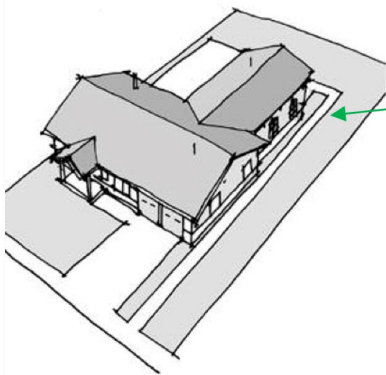
HB 24-1152 Section 29-35-102 defines an ADU as an internal, attached, or detached dwelling unit that:

- Provides complete independent living facilities for one or more individuals;
- Is located on the same lot as a proposed or existing primary residence; and
- Includes facilities for living, sleeping, eating, cooking, and sanitation.

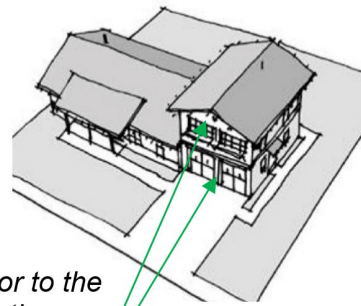
HB 24-1152 also has detailed ADU standards the City must comply with addressing topics like setbacks from property lines, minimum sizes, parking requirements, and whether the owner must reside on the property. Table 1 provides a more detailed summary of HB 24-1152.

Types of ADUs - Illustrative Only

Internal/Attached ADUs

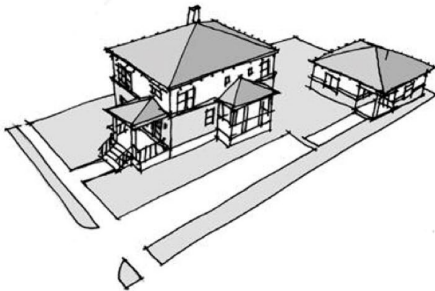


May be built as addition off the back or side of the principal dwelling unit



May be interior to the home (e.g. in the basement or separate story)

Detached ADUs



Typically located at rear or side of property, sometimes over a detached garage

Summary of HB 24-1152 Requirements

Table 1 summarizes the key elements of HB 24-1152 and what the City can and can't do within each topic. Attachment 3 is the signed bill, and Attachment 5 is the State guidance for a more in-depth summary of the bill.

Table 1: Summary of HB 24-1152

Topic	The City Must:	The City May Not:
Allowance for ADUs	Allow both attached and detached ADUs on all lots where single family units are allowed.	Prohibit ADUs on any lot where a single family dwelling is allowed, including areas with PUDs. No private Homeowners Associations (HOA) can prohibit an ADU as accessory to a single family dwelling, although the City does not enforce HOA regulations.

Table 1: Summary of HB 24-1152

Topic	The City Must:	The City May Not:
ADU Permitting Process	Allow ADUs as an administrative approval, subject to only objective standards.	Require ADUs accessory to single family dwellings to be approved through a discretionary process, or with any public notice or hearings. A discretionary process, for example, would include subjective standards like “consistent with neighborhood character”. Any ADU standards must be objective like metrics for setbacks, building heights, etc. The bill does allow the City to require historic preservation review for an ADU like any other building.
ADU Development Standards	- Allow ADUs between 500-750 square feet. - Allow ADUs with the same standards generally as an accessory building or the primary house.	Require any design standard for an ADU that is more restrictive than what is required for the primary single family dwelling unit. Examples include building materials, locations of windows or patios, or roof pitches. Require any development standard that is more restrictive than the primary unit, and in some cases, development standards more restrictive than for an accessory building (e.g., storage shed). Specifically, the City may not require a greater side setback for ADUs than what is required for the primary unit and may not require a greater rear setback than what is required for accessory buildings. <u>The City can regulate the height of ADUs</u> under HB 1152.
ADU Parking Requirements	Allow ADUs on all single family lots even if they don't have assigned parking spaces, with some limited exceptions.	Require parking designated for the ADU, except for instances where: - Zoning regulations already require parking for the primary unit; - There is no existing parking space on the lot that can be used for the ADU; and - On street parking is prohibited on the block the ADU property is on.
Property Owner Occupancy on ADU Lots	Allow ADUs on all single family lots, regardless of whether the property owner resides in the ADU or the primary unit, with a limited exception.	Require property owner occupancy of the ADU or primary unit, except at the time of permit for the ADU. The City may not require that the property owner occupies either the ADU or primary unit if both units are being constructed at the same time.

Under HB 24-1152, the City can demonstrate that there are methods in place to facilitate development of ADUs to be designated as an ADU Supportive Jurisdiction. Such designation would make ADU-related projects in Louisville eligible for state grant

funding. The law lists ten potential strategies (*see Attachment 3, 29-35-104*) and cities must meet at least one of them to be an ADU Supportive Jurisdiction. The proposed ordinance has two of them, as summarized in the Proposal sections below that are: 1) to create an incentive for deed restricted affordable ADUs, and 2) to allow existing units that may meet the definition of an ADU but do not comply with all current standards a one year grace period to register with the City to have legal nonconforming status.

2023 ADU Community Engagement

In 2023, City staff conducted targeted, ADU-related community engagement with residents in the Marshall Fire recovery area. Over 100 residents provided feedback on questions related to topics that are now mandatory under HB 24-1152. Such questions addressed whether residents would support allowing ADUs, and preferences around the size of ADUs and parking. Opinions were mixed from the survey and City staff at that time elected to expand the scope of the ADU project citywide.

PROPOSAL:

The proposed ordinance complies with HB 24-1152 and addresses some of the limited areas where the City has discretion to customize the ADU regulations to Louisville. Table 2 below and the Proposed Supplemental ADU Regulations section below provides a summary of the key elements of the ordinance. Attachment 2 is the full proposed ordinance. Attachment 7 includes illustrations of what the proposed size and location regulations would look like on typical Louisville lots. Attachment 4 includes a summary of current peer city ADU regulations.

Table 2: Summary of Key Elements of Proposed ADU Ordinance			
Topic	Proposed ADU Regulation		Rationale
Allowance for ADUs	All zone districts that allow single family dwellings. See Attachment 6 for a map of these areas.		To comply with HB 24-1152.
Maximum ADU Square Size	Detached ADU	800 square feet with square footage for any garage space within the same building excluded from the calculation.	To comply with HB 24-1152 and to align with peer jurisdictions. Regarding the garage space, to recognize that garage space is not part of the ADU living area and may not serve the ADU.
	Attached ADU	< 50% of primary single family unit building floor area or 1,000 square feet, whichever is less. Garage space in the existing unit is excluded from the calculation.	To comply with HB 24-1152, recognize the proposed ADU square footage may already exist within the primary unit for a conversion, and align with peer jurisdictions. Related to the garage space, to recognize that garage space is not part of the dwelling unit living area.

Table 2: Summary of Key Elements of Proposed ADU Ordinance

Topic	Proposed ADU Regulation		Rationale
Maximum ADU Building Height	Detached ADU	20' in all single family residential zone districts outside of Old Town.	To consider detached ADUs the same as other types of accessory buildings (e.g., garages) relative to building height.
		25' in single family zone districts in the Old Town overlay district.	To address unique conditions in Old Town including roof pitch requirements and alley access. The Analysis section below provides a more detailed summary of this recommendation.
	Attached ADU	Same as primary single family dwelling unit building height maximum.	To comply with HB 24-1152.
ADU Setbacks from Side Interior, Street, and Rear Property Lines	Detached ADU	Same as for other detached accessory buildings.	To comply with HB 24-1152 and consider detached ADUs the same as other types of accessory buildings (e.g., garages) relative to side and rear setbacks.
	Attached ADU	Same side setback as for primary building, same rear setback as for accessory building.	To comply with HB 24-1152.
ADU Setbacks from Front Property Lines	Detached ADU	Same as for other detached accessory buildings.	To comply with HB 24-1152.
	Attached ADU	Same as for primary single family building.	To comply with HB 24-1152.
Parking for ADUs	One off street parking space must be designated for the ADU only if: • There is not currently a “spare” parking space available for the primary dwelling, and • On street parking is prohibited on the block where the ADU is located.		To comply with HB 24-1152.

Proposed Supplemental ADU Regulations

Nonconforming ADUs

Under this proposal, existing units that meet the proposed definition of an ADU that do not meet all the new ADU regulations would have flexibility to be legally permitted. Such units that do not fully meet the City’s adopted ADU ordinance will have a one year

“grace” period to obtain legal nonconforming status according to LMC Sec. 17.08.340. This would allow such ADU to continue in perpetuity with the ability to make minor improvements to the unit. Such an ADU that does not obtain legal nonconforming status during this grace period would be in violation of the LMC.

The proposed one year grace period would include a life safety inspection of the ADU by City inspectors, and the ability to make improvements to bring the unit into compliance with building code requirements. Once accepted, the City would provide written documentation that the unit has legal nonconforming status as an ADU.

This process would also address one of the qualifying strategies in HB 24-1152 for Louisville to be an ADU Supportive Jurisdiction and eligible for future grant funding.

ADUs and the City’s Inclusionary Housing Ordinance (IHO)

LMC Chapter 17.76 requires that any new residential development include 12% of its market rate units as permanently affordable. The proposed ordinance states that an ADU that is part of a project subject to the City’s IHO does not count towards the minimum affordable housing unit set aside. The rationale is that an ADU being accessory to the main unit with size and location restrictions will naturally be more affordable than the primary unit, therefore it should not be considered the same as the larger primary market rate unit for the purposes of the IHO calculation.

This would also address one of the qualifying strategies in HB 24-1152 for Louisville to be an ADU Supportive Jurisdiction and eligible for applicable future grant funding.

Affordable Housing and Historic Preservation ADU Size Incentives

The proposed ordinance would allow an increase in size for ADUs if they are deed restricted for affordable housing or any part of the ADU is a landmarked structure, whether that be an attached or detached ADU. Specifically, for such ADUs the ordinance allows the following.

- A detached ADU may be up to 1,000 square feet instead of 800 square feet; and
- An attached ADU may be up to 1,200 square feet instead of 1,000 square foot.

This element of the proposed ordinance would address policies from two adopted plans. The [2015 Preservation Master Plan](#) identifies ADUs as a historic preservation strategy (p. B-1). This element of the proposed ordinance would address Housing Plan Goal 2: “Expand and Maintain Access to Affordable Housing” (p. 4).

ANALYSIS:

Old Town Overlay Detached ADU Building Heights

The proposed ordinance would allow detached ADUs up to 25 feet in the Old Town overlay area to address the area’s unique conditions (*see Attachment 3, Map of Single Family and Old Town Areas*). The maximum height of an accessory building in the Old Town overlay is currently 20 feet per LMC Sec. 17.12.040. Under this proposal, ADUs in all single family residential areas outside of Old Town would have the same building

height maximums as any other type of accessory building, which is typically 20 feet. The reasons for allowing taller ADUs in Old Town include but are not limited to:

- *Old Town Roof Pitch Requirements:* The Old Town overlay district requires a minimum roof pitch that would apply to ADUs like it does for all other types of buildings per LMC Sec. 17.12.050. Other single family residential zone districts outside of the Old Town area do not have this requirement that significantly restricts the habitable space of a second story.
- *Old Town Alley Access:* Over 90% of Old Town residential lots have both street and alley access. This allows two means of access to single family residential properties that makes building an ADU more practical, as evidenced by a higher concentration of accessory buildings like detached garages in Old Town with single family residential lots than the rest of the city. There are few single family properties outside of Old Town in Louisville with alley and street access.

How Many ADUs to Expect

The number of ADUs that may be permitted in Louisville is difficult to estimate. Staff anticipate less than 10 per year in the next few years, based on what limited regional data is available on this topic. The Denver-based [Bell Policy Center](#) conducted an analysis in early 2024 of how many ADUs have been built in cities that have allowed them in single family areas before HB 24-1152 was approved. The analysis looked at how many ADUs have been built since approval of ADU local laws in 13 cities per 1,000 dwelling units. The outcomes varied from less than 1 in Broomfield to over 2 per 1,000 dwelling units in Boulder. Louisville currently has about 9,000 dwelling units.

PUBLIC COMMENTS:

No public comments have been received to date on the proposed ordinance.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution 2, Series 2025 recommending to the City Council approval of an ordinance amending Title 17 to allow Accessory Dwelling Units for the following reasons:

- To comply with Colorado HB 24-52 that requires the City to allow ADUs on all single family lots with other specific standards;
- To implement the Housing Plan goals to Increase Residential Development Opportunities in Louisville, Expand and Maintain Access to Affordable Housing, and Diversity Louisville's Housing Stock. Allowing ADUs will provide a currently lacking housing option in Louisville that can address housing affordability challenges as set forth in HB 24-1152; and
- To implement Housing Plan Action Item 1.4.

ATTACHMENTS:

1. Planning Commission Resolution 2, Series 2025
2. Draft ADU Ordinance
3. Colorado HB 24-1152
4. Peer Community ADU Regulations Summary

5. HB 24-1152 State Guidance
6. Map of Single Family and Old Town Areas
7. Illustration of ADU Proposal on Typical Louisville Lots

RESOLUTION NO. xx
SERIES 2025

**A PLANNING COMMISSION RESOLUTION RECOMMENDING APPROVAL OF AN
ORDINANCE AMENDING THE LOUISVILLE MUNICIPAL CODE TO ALLOW AND
REGULATE ACCESSORY DWELLING UNITS**

WHEREAS, the City of Louisville (the “City”), is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City of Louisville Home Rule Charter (the “City Charter”);

WHEREAS, the State of Colorado House Bill 24-1152 requires the City of Louisville to allow accessory dwelling units on all single family residential lots by June 30, 2025 and comply with detailed supplemental standards related to accessory dwelling units;

WHEREAS, allowing accessory dwelling units is consistent with the Louisville Housing Plan goals to increase residential development opportunities in Louisville, expand and maintain access to affordable housing, and diversify Louisville’s housing stock;

WHEREAS, allowing accessory dwelling units is consistent with the Louisville Housing Plan Action Item 1.4 to remove barriers to and promote accessory dwelling units to help increase housing supply and diversity;

WHEREAS, after a duly noticed public hearing held _____, where evidence and testimony were entered into the record, including the Louisville Planning Commission Staff Report dated _____, the Louisville Planning Commission has recommended the City Council adopt the amendments to the LMC set forth in this ordinance; and

WHEREAS, City Council has provided notice of a public hearing on said ordinance by publication as provided by law and held a public hearing as provided in said notice.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Louisville, Colorado does hereby recommend approval of an ordinance amending Louisville Municipal Code to allow and regulate accessory dwelling units.

PASSED AND ADOPTED this 13th day of February 13, 2025.

By: _____
Steve Brauneis, Chair
Planning Commission

Attest: _____
Jeffrey Moline, Secretary
Planning Commission

**ORDINANCE NO. XX
SERIES 2025**

**AN ORDINANCE AMENDING TITLE 17 OF THE LOUISVILLE MUNICIPAL CODE
CONCERNING THE REGULATION OF ACCESSORY DWELLING UNITS IN THE
CITY OF LOUISVILLE**

WHEREAS, the City of Louisville (the “City”), is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City of Louisville Home Rule Charter (the “City Charter”);

WHEREAS, the State of Colorado House Bill 24-1152 requires the City of Louisville to allow accessory dwelling units on all single family residential lots by June 30, 2025 and comply with detailed supplemental standards related to accessory dwelling units;

WHEREAS, allowing accessory dwelling units is consistent with the Louisville Housing Plan goals to increase residential development opportunities in Louisville, expand and maintain access to affordable housing, and diversify Louisville’s housing stock;

WHEREAS, allowing accessory dwelling units is consistent with the Louisville Housing Plan Action Item 1.4 to remove barriers to and promote accessory dwelling units to help increase housing supply and diversity;

WHEREAS, after a duly noticed public hearing held _____, where evidence and testimony were entered into the record, including the Louisville Planning Commission Staff Report dated _____, the Louisville Planning Commission has recommended the City Council adopt the amendments to the LMC set forth in this ordinance; and

WHEREAS, City Council has provided notice of a public hearing on said ordinance by publication as provided by law and held a public hearing as provided in said notice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. Louisville Municipal Code Chapter 17.08 – Definitions, is hereby amended as follows:

Sec. 17.08.011. – Accessory dwelling unit

Accessory dwelling unit means an internal, attached, or detached dwelling unit that is subordinate in size and purpose to the principal dwelling unit; provides complete independent living facilities for one or more individuals; is located on the same lot as a proposed or existing primary residence; and includes facilities for living, sleeping, eating, cooking, and sanitation.

Sec. 17.08.012. – Accessory dwelling unit, detached

An accessory dwelling unit that is located within an accessory structure on the same lot as the primary dwelling unit.

Sec. 17.08.012. – Accessory dwelling unit, attached

An accessory dwelling unit that is a distinctly separate unit from the principal dwelling unit but is physically attached to or is integrated within the same structure as the principal dwelling unit, including a basement, addition, floor, or portion of a floor.

Section 2. Louisville Municipal Code Chapter 17.12 – District regulations, is hereby amended as follows:

Sec. 17.12.030 – Use groups.

Use Groups		Districts																	
		A	A-O	B-O	A-OT	R-RR	SF-R	SF-E	R-R R-E R-L	SF-LD SF-MD SF-HD	R-M	R-H	C-N	C-C	C-B	I	PCZD	MU-R	OS
4.	Single-family dwellings	Yes	No	No		Yes	Yes	Yes	Yes	Yes	Yes	Yes	R	No	No	No			
42a	<u>Accessory dwelling unit</u>	<u>Yes</u>	<u>No</u>	<u>No</u>		<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>R</u>	<u>No</u>	<u>No</u>	<u>No</u>			

Section 3. Louisville Municipal Code Chapter 17.12 – District regulations, is hereby amended as follows:

Sec. 17.12.030 – Yard and bulk requirements.

		Zoning Districts and Requirements																	
	Yard and Bulk Item	A	A-O	B-O	R-RR	SF-R	SF-E	R-R	R-E	R-L	SF-LD	SF-MD	SF-HD	R-M	R-H	C-N	C-C	C-B	I
3.	Minimum lot area per dwelling unit (sq. ft.) ¹² ■	5 acres	—	1,750	20,000 ₈	1 acre ⁸	1 acre	20,000	12,000	7,000	21,780	12,000	7,000	3,500	2,500	1,750	1,750	1,750	—
9.	Maximum height principal uses (ft.)	27	25	40	27	27	27	35	35	35	27	27	27	35	50				
	Accessory use (ft.) ¹² ■	45	20	20	25	27	27	25	20	20	16	16	16	20	20	20	20	20	25

FOOTNOTES

^{12.} See Sec. 17.16.030 for accessory dwelling unit supplemental regulations.

Section 4. Louisville Municipal Code Chapter 17.16 – General Regulations, is hereby amended to include the following new section.

Sec. 17.16.030. – Accessory dwelling units.

Accessory dwelling units shall comply with the following regulations:

- A. *Maximum Number*: a maximum of one accessory dwelling unit shall be permitted per property as accessory to a principal single family dwelling.
- B. *Accessory Dwelling Unit Development Standards*:
 - 1. Detached accessory dwelling units shall comply with all applicable development standards for accessory structures and uses set forth in Sec. 17.12.040 – Yard and Bulk Requirements, Sec. 17.16.030 – Accessory Uses, and yard and bulk requirements for accessory uses in the Old Town overlay district set forth in Sec. 17.12.050 except as provided in this subsection B below.
 - 2. Attached accessory dwelling units shall comply with all development standards for principal uses set forth in Sec. 17.12.040 – Yard and Bulk Requirements, and yard and bulk requirements for principal uses in the Old Town overlay district set forth in Sec. 17.12.050 except as provided in this subsection B below.
 - 3. *Maximum Size*:
 - a. Accessory dwelling units cannot exceed 49% of the square footage of the primary unit.
 - b. Detached accessory dwelling units cannot exceed 800 square feet in size.
 - c. Attached accessory dwelling units cannot exceed 1,000 square feet in size.
 - d. Garage areas shall not be included as part of the square footage calculation of an accessory dwelling unit.
 - 4. *Maximum Height*:
 - a. The maximum height of detached accessory dwelling units in the Agricultural zone district shall be 20 feet.
 - b. The maximum height of detached accessory dwelling units in the Old Town overlay district shall be 25 feet.
 - 5. *Setbacks*:
 - a. The rear setback for an attached accessory dwelling unit shall be ten feet.
 - b. Detached accessory dwelling units must be located behind the front façade of the primary dwelling unit.
 - 6. *Minimum Lot Area per Dwelling Unit*: an accessory dwelling unit shall not be considered a dwelling unit for the purposes of the minimum lot area per dwelling unit requirement in Sec. 17.12.040, or any such standard set forth in an applicable

Planned Unit Development or General Development Plan.

C. *Parking*: one off street parking space shall be designated for the accessory dwelling unit only if on street parking is prohibited on the subject block and parking is not available on the subject lot.

D. *Incentives for Certain Accessory Dwelling Units*:

1. *Affordable Housing Incentives*

a. Accessory dwelling units are not considered a dwelling unit for the purposes of satisfying inclusionary housing requirements set forth in Chapter 17.76.

b. Accessory dwelling units that are restricted as affordable housing in accordance with Chapter 17.76.020 may be up to 1,000 square feet in size for detached accessory dwelling units and up to 1,200 square feet in size for attached accessory dwellings, provided all other requirements in this Sec. 17.16.030 are met.

2. *Historic Preservation Incentives* – an accessory dwelling unit with any part of such unit that is a designated landmark in accordance with Chapter 15.36 may be up to 1,000 square feet in size for detached accessory dwelling units and up to 1,200 square feet in size for attached accessory dwellings, provided all other requirements in this Sec. 17.16.030 are met.

E. *Accessory Dwelling Units in Planned Unit Developments and General Development Plans*

1. A maximum of one accessory dwelling unit shall be permitted per property as accessory to a permitted principal single family dwelling in all Planned Unit Developments and General Development Plans.

2. No Planned Unit Development or General Development Plan may restrict the size of a permitted accessory dwelling unit to less than 750 square feet.

3. Any required amendment to a Planned Unit Development to allow an accessory dwelling in accordance with this Sec. 17.16.030 is considered a minor change eligible for administrative approval under Sec. 17.28.210 – Amendments to final plan.

F. *Existing Primary Unit on Lot*. A single detached dwelling unit must exist as a primary dwelling unit on the lot or be constructed simultaneously with the accessory dwelling unit. A certificate of occupancy or completion for an accessory dwelling unit will only be issued after or coincident with issuance of the same for the primary dwelling unit.

G. *Nonconforming Structures or Uses*

1. Owners of property containing structures or portions of structures that may fall within the definition of an accessory dwelling unit under this Title 17 but

do not comply with any part of this Sec. 17.16.030 are hereby granted the right to apply to the City for nonconforming status with approval of the same until December 31, 2026, to be classified as a nonconforming use or structure under Sec. 17.08.340. Following that date, and in the absence of City approval of an accessory dwelling unit under this section, unapproved or unpermitted accessory dwelling units shall be subject to enforcement as provided by law.

2. A building permit shall be required for any construction or modification of the accessory dwelling unit to bring the structure into compliance with applicable building codes, to the extent practical, as determined by the director of planning.
3. If a property contains more than one accessory dwelling unit, deemed lawful pursuant to subsections G.1. and G.2. above by December 31, 2026, those accessory dwelling units shall be allowed to remain until voluntarily demolished or converted to other uses, consistent with Chapter 17.36 – Nonconforming uses.

Section 6. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 7. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 8. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, PASSED ON FIRST READING AND ORDERED
PUBLISHED** this ___ day of _____, 2024.

Christopher M. Leh, Mayor

ATTEST:

Genny Kline, Interim City Clerk

APPROVED AS TO FORM:

Kelly PC, City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING, this ____ day of _____,
2024.

Christopher M. Leh, Mayor

ATTEST:

Genny Kline, Interim City Clerk

An Act

HOUSE BILL 24-1152

BY REPRESENTATIVE(S) Amabile and Weinberg, Bacon, Boesenecker, Epps, Froelich, Garcia, Jodeh, Kipp, Lindsay, Lindstedt, Mabrey, McCormick, Ortiz, Ricks, Rutinel, Sirota, Story, Valdez, Vigil, Willford, Woodrow, McCluskie, English, Herod, Martinez, McLachlan, Parenti, Weissman;
also SENATOR(S) Mullica and Exum, Cutter, Hinrichsen, Priola, Roberts, Winter F.

CONCERNING INCREASING THE NUMBER OF ACCESSORY DWELLING UNITS,
AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** article 35 to title 29 as follows:

ARTICLE 35

State Land Use Criteria For Strategic Growth

PART 1

ACCESSORY DWELLING UNITS

29-35-101. Legislative declaration. (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(I) ACCESSORY DWELLING UNITS OFFER A WAY TO PROVIDE COMPACT, RELATIVELY AFFORDABLE HOUSING IN ESTABLISHED NEIGHBORHOODS WITH MINIMAL IMPACTS TO INFRASTRUCTURE AND TO SUPPLY NEW HOUSING OPPORTUNITIES WITHOUT ADDED DISPERSED LOW-DENSITY HOUSING;

(II) ACCESSORY DWELLING UNITS GENERATE RENTAL INCOME TO HELP HOMEOWNERS COVER MORTGAGE PAYMENTS OR OTHER COSTS, WHICH CAN BE IMPORTANT FOR A VARIETY OF RESIDENTS, SUCH AS OLDER HOMEOWNERS ON FIXED INCOMES AND LOW- AND MODERATE-INCOME HOMEOWNERS;

(III) ACCESSORY DWELLING UNITS PROVIDE FAMILIES WITH OPTIONS FOR INTERGENERATIONAL LIVING ARRANGEMENTS THAT ENABLE CHILD OR ELDER CARE AND AGING IN PLACE, AND A 2021 SURVEY BY THE AARP FOUND THAT APPROXIMATELY SEVENTY-FIVE PERCENT OF PEOPLE FIFTY YEARS OF AGE OR OLDER WANT TO STAY IN THEIR HOMES OR COMMUNITIES FOR AS LONG AS THEY CAN. ACCORDING TO A 2018 STUDY BY THE CENTER FOR AMERICAN PROGRESS, FIFTY-ONE PERCENT OF COLORADANS LIVE IN A CHILD CARE DESERT-A COMMUNITY WHERE THERE ARE NO CHILD CARE PROVIDERS OR SO FEW OPTIONS THAT THERE ARE MORE THAN THREE TIMES AS MANY CHILDREN AS THERE ARE LICENSED CHILD CARE SLOTS. THESE CHILD CARE DESERTS ARE SITUATED WITHIN RURAL, SUBURBAN, AND URBAN COMMUNITIES AND ARE A MAJOR REASON FOR WORKING PARENTS TO LEAVE THE WORKFORCE.

(IV) ACCESSORY DWELLING UNITS ARE OFTEN OCCUPIED AT LOW TO NO RENT BY FAMILY MEMBERS, AND IF THEY ARE RENTED PRIVATELY, THEIR RENTS ARE RELATIVELY AFFORDABLE BECAUSE OF THEIR SMALL SIZE;

(V) AS COLORADO'S POPULATION AGES AND TYPICAL HOUSEHOLD SIZE CONTINUES TO DECREASE, ACCESSORY DWELLING UNITS OFFER MORE COMPACT HOUSING OPTIONS THAT ALIGN WITH THE STATE'S CHANGING DEMOGRAPHICS, AND COLORADANS OVER SIXTY-FIVE YEARS OF AGE ARE THE FASTEST-GROWING AGE COHORT IN COLORADO ACCORDING TO THE STATE DEMOGRAPHY OFFICE;

(VI) ACCESSORY DWELLING UNITS ENABLE SENIORS TO DOWNSIZE, MOVE INTO ACCESSIBLE UNITS, OR LIVE WITH FAMILY OR A CAREGIVER WHILE

REMAINING IN THEIR COMMUNITIES. A 2018 AARP SURVEY FOUND THAT SIXTY-SEVEN PERCENT OF ADULTS WOULD CONSIDER LIVING IN AN ACCESSORY DWELLING UNIT TO BE CLOSE TO SOMEONE BUT STILL HAVE A SEPARATE SPACE. MOST SENIORS DO NOT LIVE IN HOMES THAT ARE ACCESSIBLE, EVEN THOUGH DISABILITY IS PREVALENT AMONG THE SENIOR POPULATION AND INCREASES WITH AGE. LESS THAN FOUR PERCENT OF EXISTING HOUSING UNITS IN THE UNITED STATES ARE ESTIMATED TO BE LIVABLE FOR PEOPLE WITH MODERATE MOBILITY DIFFICULTIES, ACCORDING TO "HOUSING FOR AN AGING POPULATION" IN THE JOURNAL HOUSING POLICY DEBATE.

(VII) RELATIVE TO DISPERSED, LOW-DENSITY DEVELOPMENT, COMPACT INFILL DEVELOPMENT, INCLUDING ACCESSORY DWELLING UNIT DEVELOPMENT, REDUCES WATER USE, GREENHOUSE GAS EMISSIONS, INFRASTRUCTURE COSTS, AND HOUSEHOLD ENERGY AND TRANSPORTATION COSTS;

(VIII) ACCESSORY DWELLING UNITS USE SIGNIFICANTLY LESS ENERGY FOR HEATING AND COOLING THAN SINGLE-UNIT DETACHED DWELLINGS BECAUSE OF THEIR SMALLER SIZE, WHICH REDUCES HOUSEHOLD ENERGY COSTS AND GREENHOUSE GAS EMISSIONS. ACCESSORY DWELLING UNITS CAN REDUCE LIFETIME CARBON DIOXIDE EMISSIONS BY FORTY PERCENT COMPARED TO MEDIUM-SIZED SINGLE-FAMILY HOMES, ACCORDING TO A REPORT FROM THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY. REDUCING EMISSIONS FROM THE HOUSING SECTOR IS CRITICAL FOR MEETING THE STATE'S GREENHOUSE GAS EMISSIONS TARGETS ESTABLISHED IN SECTION 25-7-102. ACCORDING TO "THE CARBON FOOTPRINT OF HOUSEHOLD ENERGY USE IN THE UNITED STATES" IN THE PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES, REDUCING FLOOR SPACE PER CAPITA IS A CRITICAL STRATEGY TO REACHING MID-CENTURY CLIMATE GOALS.

(IX) COMPACT INFILL DEVELOPMENT REDUCES WATER DEMAND AND INFRASTRUCTURE COSTS BY USING LESS PIPING, WHICH REDUCES WATER LOSS; INCLUDES LESS LANDSCAPED SPACE PER UNIT; AND MAKES BETTER USE OF EXISTING INFRASTRUCTURE.

(X) ACCESSORY DWELLING UNITS REDUCE GOVERNMENT CAPITAL AND MAINTENANCE COSTS FOR INFRASTRUCTURE SINCE ACCESSORY DWELLING UNITS ARE BUILT IN EXISTING NEIGHBORHOODS AND HAVE A RELATIVELY SMALL IMPACT ON EXISTING INFRASTRUCTURE. NATIONAL

STUDIES SUCH AS "RELATIONSHIPS BETWEEN DENSITY AND PER CAPITA MUNICIPAL SPENDING IN THE UNITED STATES", PUBLISHED IN URBAN SCIENCE, HAVE FOUND THAT LOWER DENSITY COMMUNITIES HAVE HIGHER GOVERNMENT CAPITAL AND MAINTENANCE COSTS FOR WATER, SEWER, AND TRANSPORTATION INFRASTRUCTURE AND LOWER PROPERTY AND SALES TAX REVENUE. THESE INCREASED COSTS ARE OFTEN BORNE BY BOTH STATE AND LOCAL GOVERNMENTS.

(XI) A NUMBER OF LOCAL LAND USE LAWS PROHIBIT HOMEOWNERS FROM BUILDING AN ACCESSORY DWELLING UNIT, OR APPLY REGULATIONS TO ACCESSORY DWELLING UNITS THAT SIGNIFICANTLY LIMIT THEIR CONSTRUCTION;

(XII) A NUMBER OF MUNICIPALITIES HAVE REMOVED BARRIERS TO ACCESSORY DWELLING UNIT CONSTRUCTION SUCH AS PARKING REQUIREMENTS, OWNER OCCUPANCY REQUIREMENTS, AND RESTRICTIVE SIZE AND DESIGN LIMITATIONS, WHICH HAS RESULTED IN ACCESSORY DWELLING UNIT PERMITS INCREASING TO TEN TO TWENTY PERCENT OF TOTAL NEW HOUSING PERMITS AND AN OVERALL INCREASE IN THE TOTAL HOUSING SUPPLY. SINCE CALIFORNIA IMPLEMENTED VARIOUS REFORMS TO ENCOURAGE ACCESSORY DWELLING UNIT CONSTRUCTION, INCLUDING REQUIRING CITIES TO ALLOW ACCESSORY DWELLING UNITS AS A USE BY RIGHT, PREVENTING THE IMPOSITION OF PARKING REQUIREMENTS, AND PREVENTING OWNER OCCUPANCY REQUIREMENTS, ACCESSORY DWELLING UNIT CONSTRUCTION HAS INCREASED SIGNIFICANTLY IN CALIFORNIA. FOLLOWING REFORMS TO CALIFORNIA'S ACCESSORY DWELLING UNIT LAW IN 2016, ACCESSORY DWELLING UNIT DEVELOPMENT HAS INCREASED RAPIDLY FROM AROUND ONE THOUSAND ACCESSORY DWELLING UNITS PERMITTED IN 2016 TO OVER TWENTY-FOUR THOUSAND IN 2022, OR ABOUT TWENTY PERCENT OF NEW HOUSING PERMITS STATEWIDE, ACCORDING TO DATA FROM THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND ANALYSIS BY THE BIPARTISAN POLICY CENTER.

(XIII) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY, AND HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A METROPOLITAN REGION, ACCORDING TO THE NATIONAL BUREAU OF ECONOMIC RESEARCH IN WORKING PAPERS SUCH AS "REGULATION AND HOUSING SUPPLY", "THE IMPACT OF ZONING ON HOUSING AFFORDABILITY", AND "THE IMPACT OF LOCAL RESIDENTIAL LAND USE RESTRICTIONS ON LAND VALUES ACROSS

AND WITHIN SINGLE FAMILY HOUSING MARKETS";

(XIV) INCREASING HOUSING SUPPLY MODERATES PRICE INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC IMPLICATIONS OF HOUSING SUPPLY" IN THE JOURNAL OF ECONOMIC PERSPECTIVES AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND AFFORDABILITY" IN THE JOURNAL HOUSING POLICY DEBATE;

(XV) ACADEMIC RESEARCH SUCH AS "THE IMPACT OF BUILDING RESTRICTIONS ON HOUSING AFFORDABILITY" IN THE FEDERAL RESERVE BANK OF NEW YORK ECONOMIC POLICY REVIEW HAS IDENTIFIED ZONING AND OTHER LAND USE CONTROLS AS A PRIMARY DRIVER OF RISING HOUSING COSTS IN THE MOST EXPENSIVE HOUSING MARKETS;

(XVI) ACCESSORY DWELLING UNITS OFFER AFFORDABLE AND ATTAINABLE OPTIONS TO LIVE IN HIGH-OPPORTUNITY NEIGHBORHOODS, WHICH CAN HELP IMPROVE EQUITY OUTCOMES REGIONALLY AND STATEWIDE. AN ANALYSIS OF ACCESSORY DWELLING UNIT PERMITTING IN CALIFORNIA FOUND THAT ACCESSORY DWELLING UNITS ARE TYPICALLY PERMITTED ON PARCELS WITH RELATIVELY GOOD ACCESS TO JOBS COMPARED TO SURROUNDING AREAS, ACCORDING TO "WHERE WILL ACCESSORY DWELLING UNITS SPROUT UP WHEN A STATE LETS THEM GROW? EVIDENCE FROM CALIFORNIA" IN CITYSCAPE: A JOURNAL OF POLICY DEVELOPMENT AND RESEARCH.

(XVII) LOCAL GOVERNMENT REGULATION OF ACCESSORY DWELLING UNITS VARIES SIGNIFICANTLY WITHIN REGIONS AND STATEWIDE IN COLORADO IN TERMS OF WHERE THEY ARE ALLOWED, THE DIMENSIONAL AND DESIGN RESTRICTIONS APPLIED, AND OTHER REQUIREMENTS. THIS INCONSISTENCY INHIBITS THE DEVELOPMENT OF A ROBUST MARKET OF ACCESSORY DWELLING UNIT DEVELOPERS, MODULAR ACCESSORY DWELLING UNIT DESIGNS, AND ASSOCIATED COST REDUCTIONS. COLORADO IS SIMILAR TO MOST STATES IN THIS REGARD, AND, ACCORDING TO "ZONING BY A THOUSAND CUTS" IN THE PEPPERDINE LAW REVIEW, WHICH ANALYZED ACCESSORY DWELLING UNIT REGULATIONS ACROSS CONNECTICUT, "THE HIGH DEGREE OF REGULATORY VARIATION THWARTS THE DEVELOPMENT OF PROTOTYPE DESIGNS OR PREFABRICATED [ACCESSORY DWELLING UNITS] THAT COULD SATISFY DIFFERENT RULES ACROSS JURISDICTIONS".

(XVIII) MORE PERMISSIVE REGULATION BY LOCAL GOVERNMENTS OF ACCESSORY DWELLING UNITS PROVIDES A REASONABLE CHANCE FOR HOMEOWNERS TO CONSTRUCT OR CONVERT AN ACCESSORY DWELLING UNIT AND THEREBY INCREASE HOUSING SUPPLY, STABILIZE HOUSING COSTS, AND CONTRIBUTE TO AFFORDABLE AND EQUITABLE HOME OWNERSHIP TO ADEQUATELY MEET THE HOUSING NEEDS OF A GROWING COLORADO POPULATION.

(b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT INCREASING THE HOUSING SUPPLY THROUGH THE CONSTRUCTION OR CONVERSION OF ACCESSORY DWELLING UNITS IS A MATTER OF MIXED STATEWIDE AND LOCAL CONCERN.

29-35-102. Definitions. AS USED IN THIS PART 1, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ACCESSIBLE UNIT" MEANS A HOUSING UNIT THAT:

(a) SATISFIES THE REQUIREMENTS OF THE FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC. 3601 ET SEQ., AS AMENDED;

(b) INCORPORATES UNIVERSAL DESIGN; OR

(c) IS EITHER A TYPE A DWELLING UNIT, AS DEFINED IN SECTION 9-5-101 (10), OR A TYPE B DWELLING UNIT, AS DEFINED IN SECTION 9-5-101 (12).

(2) "ACCESSORY DWELLING UNIT" MEANS AN INTERNAL, ATTACHED, OR DETACHED DWELLING UNIT THAT:

(a) PROVIDES COMPLETE INDEPENDENT LIVING FACILITIES FOR ONE OR MORE INDIVIDUALS;

(b) IS LOCATED ON THE SAME LOT AS A PROPOSED OR EXISTING PRIMARY RESIDENCE; AND

(c) INCLUDES FACILITIES FOR LIVING, SLEEPING, EATING, COOKING, AND SANITATION.

(3) "ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION" MEANS

A LOCAL GOVERNMENT THAT THE DEPARTMENT HAS CERTIFIED PURSUANT TO SECTION 29-35-104 AS AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION.

(4) "ACCESSORY USE" MEANS A STRUCTURE OR THE USE OF A STRUCTURE ON THE SAME LOT WITH, AND OF A NATURE CUSTOMARILY INCIDENTAL AND SUBORDINATE TO, THE PRINCIPAL STRUCTURE OR USE OF THE STRUCTURE.

(5)(a) "ADMINISTRATIVE APPROVAL PROCESS" MEANS A PROCESS IN WHICH:

(I) A DEVELOPMENT PROPOSAL FOR A SPECIFIED PROJECT IS APPROVED, APPROVED WITH CONDITIONS, OR DENIED BY LOCAL GOVERNMENT ADMINISTRATIVE STAFF BASED SOLELY ON ITS COMPLIANCE WITH OBJECTIVE STANDARDS SET FORTH IN LOCAL LAWS; AND

(II) DOES NOT REQUIRE, AND CANNOT BE ELEVATED TO REQUIRE, A PUBLIC HEARING, A RECOMMENDATION, OR A DECISION BY AN ELECTED OR APPOINTED PUBLIC BODY OR A HEARING OFFICER.

(b) NOTWITHSTANDING SUBSECTION (5)(a) OF THIS SECTION, AN ADMINISTRATIVE APPROVAL PROCESS MAY REQUIRE AN APPOINTED HISTORIC PRESERVATION COMMISSION TO MAKE A DECISION, OR TO MAKE A RECOMMENDATION TO LOCAL GOVERNMENT ADMINISTRATIVE STAFF, REGARDING A DEVELOPMENT APPLICATION INVOLVING A PROPERTY THAT THE LOCAL GOVERNMENT HAS DESIGNATED AS A HISTORIC PROPERTY, PROVIDED THAT:

(I) THE STATE HISTORIC PRESERVATION OFFICE WITHIN HISTORY COLORADO HAS DESIGNATED THE LOCAL GOVERNMENT AS A CERTIFIED LOCAL GOVERNMENT; AND

(II) THE APPOINTED HISTORIC PRESERVATION COMMISSION'S DECISION OR RECOMMENDATION IS BASED ON STANDARDS EITHER SET FORTH IN LOCAL LAW OR ESTABLISHED BY THE SECRETARY OF THE INTERIOR OF THE UNITED STATES.

(6) "COUNTY" MEANS A COUNTY, INCLUDING A HOME RULE COUNTY BUT EXCLUDING A CITY AND COUNTY.

(7) "DEPARTMENT" MEANS THE DEPARTMENT OF LOCAL AFFAIRS.

(8) "DWELLING UNIT" MEANS A SINGLE UNIT PROVIDING COMPLETE INDEPENDENT LIVING FACILITIES FOR ONE OR MORE INDIVIDUALS, INCLUDING PERMANENT FACILITIES FOR COOKING, EATING, LIVING, SANITATION, AND SLEEPING.

(9) "EXEMPT PARCEL" MEANS A PARCEL THAT IS:

(a) NOT SERVED BY A DOMESTIC WATER AND SEWAGE TREATMENT SYSTEM, AS DEFINED IN SECTION 24-65.1-104 (5), OR IS SERVED BY A WELL WITH A PERMIT THAT CANNOT SUPPLY AN ADDITIONAL DWELLING UNIT;

(b) A HISTORIC PROPERTY THAT IS NOT WITHIN A HISTORIC DISTRICT;
OR

(c) IN A FLOODWAY OR IN A ONE HUNDRED YEAR FLOODPLAIN, AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

(10) "HISTORIC DISTRICT" MEANS A DISTRICT ESTABLISHED BY LOCAL LAW THAT MEETS THE DEFINITION OF "DISTRICT" SET FORTH IN 36 CFR 60.3 (d).

(11) "HISTORIC PROPERTY" MEANS A PROPERTY LISTED:

(a) ON THE NATIONAL REGISTER OF HISTORIC PLACES;

(b) ON THE COLORADO STATE REGISTER OF HISTORIC PROPERTIES; OR

(c) AS A CONTRIBUTING STRUCTURE OR HISTORIC LANDMARK BY A CERTIFIED LOCAL GOVERNMENT, AS DEFINED IN SECTION 39-22-514.5 (2)(b).

(12) "LOCAL GOVERNMENT" MEANS A MUNICIPALITY, COUNTY, OR TRIBAL NATION WITH JURISDICTION IN COLORADO.

(13) "LOCAL LAW" MEANS ANY CODE, LAW, ORDINANCE, POLICY, REGULATION, OR RULE ENACTED BY A LOCAL GOVERNMENT THAT GOVERNS THE DEVELOPMENT AND USE OF LAND, INCLUDING LAND USE CODES, ZONING CODES, AND SUBDIVISION CODES.

(14) "LOW- AND MODERATE-INCOME HOUSEHOLD" MEANS A HOUSEHOLD THAT IS CONSIDERED LOW-, MODERATE-, OR MEDIUM-INCOME, AS DETERMINED BY THE FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(15) "METROPOLITAN PLANNING ORGANIZATION" MEANS A METROPOLITAN PLANNING ORGANIZATION UNDER THE "FEDERAL TRANSIT ACT OF 1998", 49 U.S.C. SEC. 5301 ET SEQ., AS AMENDED.

(16) "MUNICIPALITY" MEANS A HOME RULE OR STATUTORY CITY OR TOWN, TERRITORIAL CHARTER CITY OR TOWN, OR CITY AND COUNTY.

(17) "OBJECTIVE STANDARD" MEANS A STANDARD THAT:

(a) IS A DEFINED BENCHMARK OR CRITERION THAT ALLOWS FOR DETERMINATIONS OF COMPLIANCE TO BE CONSISTENTLY DECIDED REGARDLESS OF THE DECISION MAKER; AND

(b) DOES NOT REQUIRE A SUBJECTIVE DETERMINATION CONCERNING A DEVELOPMENT PROPOSAL, INCLUDING BUT NOT LIMITED TO WHETHER THE APPLICATION FOR THE DEVELOPMENT PROPOSAL IS:

(I) CONSISTENT WITH MASTER PLANS, OR OTHER DEVELOPMENT PLANS;

(II) COMPATIBLE WITH THE LAND USE OR DEVELOPMENT OF THE AREA SURROUNDING THE AREA DESCRIBED IN THE APPLICATION; OR

(III) CONSISTENT WITH PUBLIC WELFARE, COMMUNITY CHARACTER, OR NEIGHBORHOOD CHARACTER.

(18) "RESTRICTIVE DESIGN OR DIMENSION STANDARD" MEANS A STANDARD IN A LOCAL LAW THAT:

(a) REQUIRES AN ARCHITECTURAL STYLE, BUILDING MATERIAL, OR LANDSCAPING THAT IS MORE RESTRICTIVE FOR AN ACCESSORY DWELLING UNIT THAN FOR A SINGLE-UNIT DETACHED DWELLING IN THE SAME ZONING DISTRICT;

(b) DOES NOT ALLOW FOR ACCESSORY DWELLING UNIT SIZES

BETWEEN FIVE HUNDRED AND SEVEN HUNDRED FIFTY SQUARE FEET;

(c) REQUIRES SIDE SETBACKS FOR AN ACCESSORY DWELLING UNIT THAT ARE LARGER THAN THE SIDE SETBACKS REQUIRED FOR A PRIMARY DWELLING UNIT IN THE SAME ZONING DISTRICT;

(d) REQUIRES A REAR SETBACK FOR AN ACCESSORY DWELLING UNIT THAT IS LARGER THAN THE GREATER OF:

(I) THE REAR SETBACK REQUIRED FOR OTHER ACCESSORY BUILDING TYPES IN THE SAME ZONING DISTRICT; OR

(II) FIVE FEET;

(e) IS A MORE RESTRICTIVE MINIMUM LOT SIZE STANDARD FOR AN ACCESSORY DWELLING UNIT THAN FOR A SINGLE-UNIT DETACHED DWELLING IN THE SAME ZONING DISTRICT; OR

(f) APPLIES MORE RESTRICTIVE AESTHETIC DESIGN OR DIMENSIONAL STANDARDS TO ACCESSORY DWELLING UNITS THAT ARE FACTORY-BUILT RESIDENTIAL STRUCTURES, AS DEFINED IN SECTION 24-32-3302 (10), THAN OTHER ACCESSORY DWELLING UNITS.

(19) (a) "SHORT-TERM RENTAL" MEANS THE RENTAL OF A LODGING UNIT FOR LESS THAN THIRTY DAYS. AS USED IN THIS SUBSECTION (19), "LODGING UNIT" MEANS ANY PROPERTY OR PORTION OF A PROPERTY THAT IS AVAILABLE FOR LODGING; EXCEPT THAT THE TERM EXCLUDES A HOTEL OR MOTEL UNIT.

(b) NOTWITHSTANDING SUBSECTION (19)(a) OF THIS SECTION, A LOCAL GOVERNMENT MAY APPLY ITS OWN DEFINITION OF "SHORT-TERM RENTAL" FOR PURPOSES OF THIS PART 1.

(20) "SINGLE-UNIT DETACHED DWELLING" MEANS A DETACHED BUILDING WITH A SINGLE DWELLING UNIT ON A SINGLE LOT.

(21) "SUBJECT JURISDICTION" MEANS EITHER:

(a) A MUNICIPALITY THAT BOTH HAS A POPULATION OF ONE THOUSAND OR MORE, AS REPORTED BY THE STATE DEMOGRAPHY OFFICE,

AND IS WITHIN A METROPOLITAN PLANNING ORGANIZATION; OR

(b) THE PORTION OF A COUNTY THAT IS BOTH WITHIN A CENSUS DESIGNATED PLACE WITH A POPULATION OF FORTY THOUSAND OR MORE, AS REPORTED IN THE MOST RECENT DECENNIAL CENSUS, AND WITHIN A METROPOLITAN PLANNING ORGANIZATION.

(22) "TANDEM PARKING SPACE" MEANS A PARKING SPACE THAT IS LOCATED EITHER IN FRONT OF OR BEHIND ONE OR MORE OTHER PARKING SPACES THAT SHARE THE SAME POINT OF ACCESS.

(23) "UNIVERSAL DESIGN" MEANS ANY DWELLING UNIT DESIGNED AND CONSTRUCTED TO BE SAFE AND ACCESSIBLE FOR ANY INDIVIDUAL REGARDLESS OF AGE OR ABILITIES.

(24) "VISITABLE UNIT" MEANS A DWELLING UNIT THAT A PERSON WITH A DISABILITY CAN ENTER, MOVE AROUND THE PRIMARY ENTRANCE FLOOR OF, AND USE THE BATHROOM IN.

29-35-103. Accessory dwelling unit requirements for a subject jurisdiction. (1) ON OR AFTER JUNE 30, 2025, A SUBJECT JURISDICTION SHALL ALLOW, SUBJECT TO AN ADMINISTRATIVE APPROVAL PROCESS, ONE ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO A SINGLE-UNIT DETACHED DWELLING IN ANY PART OF THE SUBJECT JURISDICTION WHERE THE JURISDICTION ALLOWS SINGLE-UNIT DETACHED DWELLINGS.

(2) ON OR AFTER JUNE 30, 2025, A SUBJECT JURISDICTION SHALL NOT:

(a) REQUIRE THE CONSTRUCTION OF A NEW OFF-STREET PARKING SPACE IN CONNECTION WITH THE CONSTRUCTION OR CONVERSION OF AN ACCESSORY DWELLING UNIT, EXCEPT AS DESCRIBED IN SUBSECTIONS (3)(a) AND (3)(b) OF THIS SECTION;

(b) REQUIRE AN ACCESSORY DWELLING UNIT, OR ANY OTHER DWELLING ON THE SAME LOT AS AN ACCESSORY DWELLING UNIT, TO BE OWNER-OCCUPIED; EXCEPT THAT A SUBJECT JURISDICTION MAY REQUIRE A PROPERTY OWNER TO DEMONSTRATE THAT THE PROPERTY OWNER RESIDES ON THE PARCEL WHEN AN APPLICATION IS SUBMITTED:

(I) TO CONSTRUCT OR CONVERT AN ACCESSORY DWELLING UNIT. THIS EXCEPTION DOES NOT APPLY FOR AN ACCESSORY DWELLING UNIT THAT IS BEING CONSTRUCTED SIMULTANEOUSLY WITH A NEW PRIMARY DWELLING UNIT.

(II) FOR A LICENSE OR PERMIT FOR A SHORT-TERM RENTAL ON THE PARCEL THROUGH A LOCAL LAW OR PROGRAM.

(c) APPLY A RESTRICTIVE DESIGN OR DIMENSION STANDARD TO AN ACCESSORY DWELLING UNIT.

(3) NOTHING IN THIS SECTION PREVENTS A SUBJECT JURISDICTION OR OTHER LOCAL GOVERNMENT FROM:

(a) REQUIRING THE DESIGNATION OF AN OFF-STREET PARKING SPACE IN CONNECTION WITH AN ACCESSORY DWELLING UNIT, SO LONG AS THERE IS AN EXISTING DRIVEWAY, GARAGE, TANDEM PARKING SPACE, OR OTHER OFF-STREET PARKING SPACE AVAILABLE FOR SUCH A DESIGNATION AT THE TIME OF THE CONSTRUCTION OR CONVERSION OF THE ACCESSORY DWELLING UNIT;

(b) REQUIRING, IN CONNECTION WITH THE CONSTRUCTION OR CONVERSION OF AN ACCESSORY DWELLING UNIT, ONE NEW PARKING SPACE ON A PARCEL THAT:

(I) DOES NOT HAVE AN EXISTING OFF-STREET PARKING SPACE, INCLUDING A DRIVEWAY, GARAGE, OR TANDEM PARKING SPACE, THAT COULD BE USED FOR AN ACCESSORY DWELLING UNIT;

(II) IS IN A ZONING DISTRICT THAT, AS OF JANUARY 1, 2024, REQUIRES ONE OR MORE PARKING SPACES FOR THE PRIMARY DWELLING UNIT; AND

(III) IS LOCATED ON A BLOCK WHERE ON-STREET PARKING IS PROHIBITED FOR ANY REASON INCLUDING ENSURING ACCESS FOR EMERGENCY SERVICES;

(c) ALLOWING THE CONSTRUCTION OR CONVERSION OF AN ACCESSORY DWELLING UNIT THAT IS SMALLER THAN FIVE HUNDRED SQUARE FEET OR GREATER THAN EIGHT HUNDRED SQUARE FEET, OR RESTRICTING THE

SIZE OF AN ACCESSORY DWELLING UNIT SO THAT IT IS NO LARGER THAN THE SIZE OF THE PRINCIPAL DWELLING UNIT ON THE SAME LOT AS THE ACCESSORY DWELLING UNIT;

(d) ALLOWING THE CONSTRUCTION OR CONVERSION OF MULTIPLE ACCESSORY DWELLING UNITS ON THE SAME LOT;

(e) APPLYING A DESIGN OR DIMENSION STANDARD TO AN ACCESSORY DWELLING UNIT THAT IS NOT A RESTRICTIVE DESIGN OR DIMENSION STANDARD;

(f) ADOPTING OR ENFORCING A GENERALLY APPLICABLE REQUIREMENT FOR:

(I) THE PAYMENT OF AN IMPACT FEE OR OTHER SIMILAR DEVELOPMENT CHARGE, PURSUANT TO SECTION 29-20-104.5; OR

(II) THE MITIGATION OF IMPACTS IN CONFORMANCE WITH THE REQUIREMENTS OF PART 2 OF ARTICLE 20 OF THIS TITLE 29;

(g) ENACTING OR APPLYING A LOCAL LAW CONCERNING THE SHORT-TERM RENTAL OF AN ACCESSORY DWELLING UNIT OR ANY OTHER DWELLING ON THE SAME LOT AS AN ACCESSORY DWELLING UNIT;

(h) APPLYING THE DESIGN STANDARDS AND PROCEDURES OF A HISTORIC DISTRICT TO A LOT ON WHICH AN ACCESSORY DWELLING UNIT IS ALLOWED IN THAT HISTORIC DISTRICT, INCLUDING A STANDARD OR PROCEDURE RELATED TO DEMOLITION;

(i) APPLYING AND ENFORCING A LOCALLY ADOPTED LIFE SAFETY CODE, INCLUDING BUT NOT LIMITED TO, A BUILDING, FIRE, UTILITY, OR STORMWATER CODE;

(j) ALLOWING THE CONSTRUCTION OF, OR ISSUING A PERMIT FOR THE CONSTRUCTION OF, A SINGLE-UNIT DETACHED DWELLING IN AN AREA ZONED FOR SINGLE-UNIT DETACHED DWELLINGS;

(k) ENCOURAGING THE CONSTRUCTION OF ACCESSORY DWELLING UNITS THAT ARE, THROUGH THE APPLICATION OF LOCAL LAWS OR PROGRAMS INCLUDING THROUGH DEED RESTRICTIONS, MADE AFFORDABLE TO

HOUSEHOLDS UNDER CERTAIN INCOME LIMITS OR USED PRIMARILY TO HOUSE THE LOCAL WORKFORCE PURSUANT TO A LOCAL, REGIONAL, OR STATE AFFORDABLE HOUSING PROGRAM;

(l) DEFINING ACCESSORY DWELLING UNIT IN LOCAL LAW AS INCLUDING OR EXCLUDING OTHER DWELLING UNIT TYPES SUCH AS A "MOTOR HOME", AS DEFINED IN SECTION 42-1-102 (57), A "MULTIPURPOSE TRAILER", AS DEFINED IN SECTION 42-1-102 (60.3), AND A "RECREATIONAL VEHICLE", AS DEFINED IN SECTION 24-32-902 (9); OR

(m) REQUIRING A STATEMENT BY A WATER OR WASTEWATER SERVICE PROVIDER REGARDING ITS CAPACITY TO SERVICE THE PROPERTY AS A CONDITION OF PERMITTING AN ACCESSORY DWELLING UNIT.

(4) THIS SECTION ONLY APPLIES TO A PARCEL IN A SUBJECT JURISDICTION THAT IS NOT AN EXEMPT PARCEL.

29-35-104. Accessory dwelling unit supportive jurisdiction report - certification of a jurisdiction as an accessory dwelling unit supportive jurisdiction. (1) (a) IN ORDER TO BE CERTIFIED AS AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION BY THE DEPARTMENT, A LOCAL GOVERNMENT MUST SUBMIT TO THE DEPARTMENT, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT, A REPORT DEMONSTRATING EVIDENCE OF THE LOCAL GOVERNMENT:

(I) COMPLYING WITH SECTION 29-35-103 AS A SUBJECT JURISDICTION OR, IF THE LOCAL GOVERNMENT IS NOT A SUBJECT JURISDICTION, AS IF THE LOCAL GOVERNMENT WERE A SUBJECT JURISDICTION FOR PURPOSES OF SECTION 29-35-103; AND

(II) IMPLEMENTING ONE OR MORE OF THE FOLLOWING STRATEGIES:

(A) WAIVING, REDUCING, OR PROVIDING FINANCIAL ASSISTANCE FOR ACCESSORY DWELLING UNIT-RELATED FEES THAT ARE INCURRED BY LOW- AND MODERATE-INCOME HOUSEHOLDS;

(B) ENACTING LOCAL LAWS OR PROGRAMS THAT INCENTIVIZE THE AFFORDABILITY OF CERTAIN ACCESSORY DWELLING UNITS INCLUDING ACCESSORY DWELLING UNITS USED PRIMARILY TO HOUSE THE LOCAL WORKFORCE;

(C) PROVIDING PRE-APPROVED PLANS FOR THE CONSTRUCTION OF ACCESSORY DWELLING UNITS;

(D) IMPLEMENTING A PROGRAM TO PROVIDE EDUCATION AND TECHNICAL ASSISTANCE TO HOMEOWNERS TO CONSTRUCT OR CONVERT AN ACCESSORY DWELLING UNIT;

(E) IMPLEMENTING A PROGRAM TO REGULATE THE USE OF ACCESSORY DWELLING UNITS FOR SHORT-TERM RENTALS;

(F) ENACTING LOCAL LAWS THAT INCENTIVIZE THE CONSTRUCTION AND CONVERSION OF ACCESSIBLE AND VISITABLE ACCESSORY DWELLING UNITS;

(G) ASSISTING PROPERTY OWNERS WITH ENSURING THAT PRE-EXISTING ACCESSORY DWELLING UNITS COMPLY WITH LOCAL LAWS;

(H) ENABLING A PATHWAY FOR THE SEPARATE SALE OF AN ACCESSORY DWELLING UNIT;

(I) ENACTING LOCAL LAWS THAT ENCOURAGE THE CONSTRUCTION OF ACCESSORY DWELLING UNITS THAT ARE FACTORY-BUILT RESIDENTIAL STRUCTURES, AS DEFINED IN SECTION 24-32-3302 (10); OR

(J) ANY OTHER STRATEGY THAT IS APPROVED BY THE DEPARTMENT AND THAT ENCOURAGES THE CONSTRUCTION, CONVERSION, OR USE OF ACCESSORY DWELLING UNITS.

(b) (I) ON OR BEFORE JUNE 30, 2025, A SUBJECT JURISDICTION SHALL SUBMIT THE REPORT DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION.

(II) NOTWITHSTANDING SUBSECTION (1)(b)(I) OF THIS SECTION, THE DEPARTMENT MAY ALLOW A SUBJECT JURISDICTION TO SUBMIT THE REPORT DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION NO MORE THAN SIX MONTHS AFTER THE DEADLINE DESCRIBED IN SUBSECTION (1)(b)(I) OF THIS SECTION IF THE SUBJECT JURISDICTION DEMONSTRATES, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT, THAT THE SUBJECT JURISDICTION HAS:

(A) INITIATED A PROCESS TO UPDATE ITS LOCAL LAWS AS NECESSARY

TO COMPLY WITH THE REQUIREMENTS OF THE REPORT DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION;

(B) A PLAN AND TIMELINE TO UPDATE ITS LOCAL LAWS AS NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THE REPORT DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION; AND

(C) PROVIDED AN EXPLANATION FOR NOT BEING ABLE TO MEET THE DEADLINE DESCRIBED IN SUBSECTION (1)(b)(I) OF THIS SECTION.

(c) IF A LOCAL GOVERNMENT THAT IS NOT A SUBJECT JURISDICTION SUBMITS A REPORT PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THAT LOCAL GOVERNMENT SHALL, AS PART OF THE REPORT, SUBMIT EVIDENCE OF COMPLYING WITH THE REQUIREMENTS FOR A SUBJECT JURISDICTION DESCRIBED IN SECTION 29-35-103.

(2)(a) WITHIN NINETY DAYS OF RECEIVING A LOCAL GOVERNMENT'S REPORT SUBMITTED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT SHALL REVIEW THE REPORT, EITHER APPROVE OR REJECT THE REPORT, AND PROVIDE FEEDBACK TO THE LOCAL GOVERNMENT ON THE REPORT.

(b) IF THE DEPARTMENT APPROVES A LOCAL GOVERNMENT'S REPORT SUBMITTED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT SHALL ISSUE TO THAT LOCAL GOVERNMENT A CERTIFICATE INDICATING THAT THE LOCAL GOVERNMENT QUALIFIES AS AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION. THE DEPARTMENT MAY REVOKE SUCH A CERTIFICATE IF A LOCAL GOVERNMENT DOES NOT SATISFY THE REQUIREMENTS OF SUBSECTION (1)(a) OF THIS SECTION.

(c) IF THE DEPARTMENT REJECTS A LOCAL GOVERNMENT'S REPORT SUBMITTED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT MAY GRANT THE LOCAL GOVERNMENT AN ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT ANY DEFICIENCIES IDENTIFIED IN THE REPORT AND RESUBMIT AN AMENDED REPORT. WITHIN NINETY DAYS OF RECEIVING AN AMENDED REPORT, THE DEPARTMENT SHALL REVIEW THE AMENDED REPORT, EITHER APPROVE OR REJECT THE AMENDED REPORT, AND PROVIDE FEEDBACK ON THE AMENDED REPORT.

(3) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF

TRANSPORTATION, THE COLORADO ENERGY OFFICE, AND THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT, MAY DEVELOP POLICIES AND PROCEDURES AS NECESSARY TO IMPLEMENT THIS SECTION.

29-35-105. Accessory dwelling unit fee reduction and encouragement grant program - created - application - criteria - awards - fund - reporting requirements - rules - definitions - repeal.

(1) THE ACCESSORY DWELLING UNIT FEE REDUCTION AND ENCOURAGEMENT GRANT PROGRAM IS CREATED IN THE DEPARTMENT TO PROVIDE GRANTS TO ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTIONS FOR ACTIVITIES THAT PROMOTE THE CONSTRUCTION OF ACCESSORY DWELLING UNITS, INCLUDING BUT NOT LIMITED TO, OFFSETTING COSTS INCURRED IN CONNECTION WITH DEVELOPING PRE-APPROVED ACCESSORY DWELLING UNIT PLANS, PROVIDING TECHNICAL ASSISTANCE TO PERSONS CONVERTING OR CONSTRUCTING ACCESSORY DWELLING UNITS, OR WAIVING, REDUCING, OR PROVIDING FINANCIAL ASSISTANCE FOR ACCESSORY DWELLING UNIT ASSOCIATED FEES AND OTHER REQUIRED COSTS.

(2) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH THE GRANT PROGRAM TO OFFSET BOTH ELIGIBLE COSTS AND THE COST OF WAIVING, REDUCING, OR PROVIDING FINANCIAL ASSISTANCE FOR REASONABLE AND NECESSARY ACCESSORY DWELLING UNIT FEES AND OTHER REQUIRED COSTS FOR:

- (a) LOW- AND MODERATE-INCOME HOUSEHOLDS;
- (b) AFFORDABLE ACCESSORY DWELLING UNITS;
- (c) ACCESSIBLE OR VISITABLE ACCESSORY DWELLING UNITS;
- (d) ACCESSORY DWELLING UNITS USED AS LONG-TERM RENTALS FOR MEMBERS OF THE LOCAL WORKFORCE; OR
- (e) ACCESSORY DWELLING UNITS USED TO SUPPORT OTHER DEMONSTRATED HOUSING NEEDS IN THE COMMUNITY.

(3) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM AND, SUBJECT TO AVAILABLE APPROPRIATIONS, PROVIDE TECHNICAL ASSISTANCE, DEVELOP A TOOLKIT TO SUPPORT LOCAL GOVERNMENTS IN ENCOURAGING ACCESSORY DWELLING UNIT CONSTRUCTION, RECEIVE GRANT APPLICATIONS

AND AWARD GRANTS AS PROVIDED IN THIS SECTION.

(4) TO RECEIVE A GRANT, AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION MUST SUBMIT AN APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH THE POLICIES AND PROCEDURES DEVELOPED BY THE DEPARTMENT PURSUANT TO SUBSECTION (9) OF THIS SECTION. AT A MINIMUM, THE APPLICATION MUST INCLUDE THE FOLLOWING:

(a) A COPY OF THE CERTIFICATE ISSUED BY THE DEPARTMENT PURSUANT TO SECTION 29-35-104 CERTIFYING THAT THE LOCAL GOVERNMENT IS AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION;

(b) THE NUMBER OF ACCESSORY DWELLING UNITS THAT THE LOCAL GOVERNMENT HAS PERMITTED AND WHEN THE LOCAL GOVERNMENT PERMITTED THOSE ACCESSORY DWELLING UNITS;

(c) THE TYPE AND COSTS OF FEES AND OTHER ELIGIBLE COSTS THAT THE LOCAL GOVERNMENT IS PROPOSING TO USE A GRANT AWARD TO PAY FOR;

(d) THE NUMBER OF ACCESSORY DWELLING UNITS THAT THE LOCAL GOVERNMENT EXPECTS TO SUPPORT WITH A GRANT AWARD AND THE PERIOD FOR WHICH THE LOCAL GOVERNMENT INTENDS TO SUPPORT THOSE ACCESSORY DWELLING UNITS; AND

(e) INFORMATION ABOUT THE TYPES OF HOUSEHOLDS AND ACCESSORY DWELLING UNITS THAT THE LOCAL GOVERNMENT INTENDS TO SUPPORT WITH A GRANT AWARD, SUCH AS WHETHER THE LOCAL GOVERNMENT INTENDS TO SUPPORT LOW- AND MODERATE-INCOME HOUSEHOLDS, AFFORDABLE ACCESSORY DWELLING UNITS, ACCESSIBLE OR VISITABLE ACCESSORY DWELLING UNITS, ACCESSORY DWELLING UNITS FOR HOUSING THE LOCAL WORKFORCE, OR ACCESSORY DWELLING UNITS SUPPORTING OTHER DEMONSTRATED HOUSING NEEDS IN THE COMMUNITY.

(5) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS RECEIVED PURSUANT TO SUBSECTION (4) OF THIS SECTION. IN AWARDING GRANTS, THE DEPARTMENT SHALL GIVE PRIORITY TO LOCAL GOVERNMENTS THAT:

(a) IMPOSE ACCESSORY DWELLING UNIT FEES AND COSTS THAT ARE REASONABLE AND NECESSARY;

(b) HAVE DEMONSTRATED A SIGNIFICANT COMMITMENT TO FURTHER CONSTRUCTION AND CONVERSION OF ACCESSORY DWELLING UNITS THROUGH THE ADOPTION OF STRATEGIES DESCRIBED IN SECTION 29-35-104 (1)(a)(II); AND

(c) PROVIDE OFFSETS FOR, OR WAIVE A GREATER NUMBER OF ACCESSORY DWELLING UNIT FEES FOR:

(I) LOW- AND MODERATE-INCOME HOUSEHOLDS; OR

(II) ACCESSORY DWELLING UNITS THAT ARE RENTED TO LOW- AND MODERATE-INCOME HOUSEHOLDS.

(6) IN AWARDING A GRANT, THE DEPARTMENT SHALL AWARD A LOCAL GOVERNMENT AN AMOUNT EQUAL TO NO MORE THAN FIFTEEN THOUSAND DOLLARS PER ACCESSORY DWELLING UNIT PERMITTED BY THE LOCAL GOVERNMENT, TO BE REIMBURSED BASED ON THE NUMBER OF PERMITTED ACCESSORY DWELLING UNITS.

(7) (a) THE ACCESSORY DWELLING UNIT FEE REDUCTION AND ENCOURAGEMENT GRANT PROGRAM FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF ANY MONEY THAT THE GENERAL ASSEMBLY MAY TRANSFER OR APPROPRIATE TO THE FUND AND GIFTS, GRANTS, OR DONATIONS CREDITED TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

(b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY FROM THE FUND FOR THE PURPOSE OF IMPLEMENTING AND ADMINISTERING THE GRANT PROGRAM.

(c) ON OR BEFORE JUNE 30, 2024, THE STATE TREASURER SHALL TRANSFER FIVE MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND.

(8) IN ACCORDANCE WITH THE POLICIES AND PROCEDURES DEVELOPED BY THE DEPARTMENT PURSUANT TO SUBSECTION (9) OF THIS SECTION, EACH LOCAL GOVERNMENT THAT RECEIVES A GRANT THROUGH THE GRANT PROGRAM SHALL SUBMIT A REPORT TO THE DEPARTMENT. AT A MINIMUM, THE REPORT MUST INCLUDE THE FOLLOWING INFORMATION:

(a) THE NUMBER OF ACCESSORY DWELLING UNITS WITH ACCESSORY DWELLING UNIT FEES OR COSTS THAT LOCAL GOVERNMENTS WAIVED, REDUCED, OR PROVIDED FINANCIAL ASSISTANCE FOR IN THE PAST YEAR;

(b) THE TOTAL AMOUNT OF ELIGIBLE COSTS THAT LOCAL GOVERNMENTS INCURRED AND WERE REIMBURSED FOR THROUGH THE GRANT PROGRAM IN THE PAST YEAR IN CONNECTION WITH THE GRANT PROGRAM;

(c) THE NUMBER OF THE ACCESSORY DWELLING UNITS DESCRIBED IN SUBSECTION (8)(a) OF THIS SECTION THAT WERE BUILT IN THE PAST YEAR THAT WERE BUILT BY LOW- AND MODERATE-INCOME HOUSEHOLDS, THAT ARE AFFORDABLE ACCESSORY DWELLING UNITS, AND THAT ARE VISITABLE OR ACCESSIBLE ACCESSORY DWELLING UNITS;

(d) THE NUMBER OF ACCESSORY DWELLING UNITS THAT ARE FACTORY-BUILT RESIDENTIAL STRUCTURES, AS DEFINED IN SECTION 24-32-3302 (10); AND

(e) THE NUMBER OF ACCESSORY DWELLING UNIT PERMITS AWARDED, DENIED, OR IN PROGRESS IN THE LOCAL GOVERNMENT'S JURISDICTION.

(9) THE DEPARTMENT SHALL IMPLEMENT THE GRANT PROGRAM IN ACCORDANCE WITH THIS SECTION. THE DEPARTMENT SHALL DEVELOP, IN CONSULTATION WITH THE DEPARTMENT OF TRANSPORTATION, THE COLORADO ENERGY OFFICE, AND THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT, POLICIES AND PROCEDURES BOTH AS REQUIRED IN THIS SECTION AND AS MAY BE NECESSARY TO IMPLEMENT THE GRANT PROGRAM.

(10) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ACCESSORY DWELLING UNIT FEE" MEANS A REASONABLE AND NECESSARY FEE COLLECTED OR REQUIRED BY A LOCAL GOVERNMENT IN CONNECTION WITH THE CONSTRUCTION OR CONVERSION OF AN ACCESSORY DWELLING UNIT. SUCH A FEE MAY INCLUDE IMPACT FEES.

(b) (I) "ELIGIBLE COSTS" MEANS COSTS INCURRED BY A LOCAL GOVERNMENT AND DETERMINED BY THE DEPARTMENT TO BE INCURRED IN CONNECTION WITH DEVELOPING PRE-APPROVED ACCESSORY DWELLING UNIT PLANS, PROVIDING TECHNICAL ASSISTANCE TO PERSONS CONVERTING OR

CONSTRUCTING ACCESSORY DWELLING UNITS, OR OTHER REASONABLE AND NECESSARY FEES LEVIED BY OR COSTS BORNE BY THE LOCAL GOVERNMENT FOR THE CONSTRUCTION OR CONVERSION OF AN ACCESSORY DWELLING UNIT.

(II) NOTWITHSTANDING SUBSECTION (10)(b)(I) OF THIS SECTION, IN ORDER FOR COSTS INCURRED BY A LOCAL GOVERNMENT IN CONNECTION WITH DEVELOPING PRE-APPROVED ACCESSORY DWELLING UNIT PLANS TO QUALIFY AS ELIGIBLE COSTS, AT LEAST ONE SUCH PRE-APPROVED ACCESSORY DWELLING UNIT PLAN MUST BE FOR AN ACCESSIBLE OR VISITABLE ACCESSORY DWELLING UNIT.

(c) "FUND" MEANS THE ACCESSORY DWELLING UNIT FEE REDUCTION AND ENCOURAGEMENT GRANT PROGRAM FUND CREATED IN SUBSECTION (7) OF THIS SECTION.

(d) "GRANT PROGRAM" MEANS THE ACCESSORY DWELLING UNIT FEE REDUCTION AND ENCOURAGEMENT GRANT PROGRAM CREATED IN THIS SECTION.

(11) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2030.

SECTION 2. In Colorado Revised Statutes, 24-32-3305, **add** (3.3) as follows:

24-32-3305. Rules - advisory committee - enforcement. (3.3) THE DEPARTMENT SHALL CREATE FOR FACTORY-BUILT STRUCTURES, INCLUDING THOSE THAT WOULD BE CONSIDERED ACCESSORY DWELLING UNITS, MODEL PUBLIC SAFETY CODE REQUIREMENTS RELATED TO GEOGRAPHIC OR CLIMATIC CONDITIONS, SUCH AS WEIGHT RESTRICTIONS FOR ROOF SNOW LOADS, WIND SHEAR FACTORS, OR WILDFIRE RISK, FOR LOCAL GOVERNMENTS TO CONSIDER AND ADOPT PURSUANT TO SECTION 24-32-3318 (2)(a).

SECTION 3. In Colorado Revised Statutes, 24-46-104, **add** (1)(q) as follows:

24-46-104. Powers and duties of commission - repeal. (1) The commission has the following powers and duties:

(q) (I) TO EXPEND EIGHT MILLION DOLLARS TO CONTRACT WITH THE COLORADO HOUSING AND FINANCE AUTHORITY, CREATED IN PART 7 OF

ARTICLE 4 OF TITLE 29, FOR THE CREATION AND OPERATION OF ONE OR MORE OF THE FOLLOWING PROGRAMS TO BENEFIT LOW- TO MODERATE-INCOME RESIDENTS IN LOCAL GOVERNMENTS THAT HAVE BEEN CERTIFIED AS ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTIONS BY THE DEPARTMENT OF LOCAL AFFAIRS:

(A) AN ACCESSORY DWELLING UNIT CREDIT ENHANCEMENT PROGRAM THAT SUPPORTS LENDERS OFFERING AFFORDABLE LOANS TO ELIGIBLE LOW- AND MODERATE-INCOME BORROWERS FOR THE CONSTRUCTION OR CONVERSION OF ACCESSORY DWELLING UNITS;

(B) A PROGRAM THAT ALLOWS FOR THE BUYING DOWN OF INTEREST RATES ON LOANS MADE TO ELIGIBLE LOW- AND MODERATE-INCOME BORROWERS IN CONNECTION WITH THE CONSTRUCTION OR CONVERSION OF ACCESSORY DWELLING UNITS;

(C) A PROGRAM THAT OFFERS DOWN PAYMENT ASSISTANCE IN CONNECTION WITH ACCESSORY DWELLING UNITS, PRINCIPAL REDUCTION ON LOANS TO ELIGIBLE LOW- AND MODERATE-INCOME BORROWERS MADE IN CONNECTION WITH ACCESSORY DWELLING UNITS, OR BOTH; OR

(D) A PROGRAM IN WHICH THE COLORADO HOUSING AND FINANCE AUTHORITY OFFERS LOANS, REVOLVING LINES OF CREDIT, OR GRANTS TO ELIGIBLE NON-PROFITS, PUBLIC HOUSING AUTHORITIES, AND COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS TO MAKE DIRECT LOANS OR GRANTS TO SUPPORT THE CONSTRUCTION OR CONVERSION OF ACCESSORY DWELLING UNITS FOR LOW- AND MODERATE-INCOME BORROWERS OR TENANTS.

(II) ANY CONTRACT MADE BY THE COMMISSION WITH THE COLORADO HOUSING AND FINANCE AUTHORITY PURSUANT TO THIS SUBSECTION (1)(q) MAY INCLUDE NORMAL AND CUSTOMARY FEES AND EXPENSES FOR ADMINSTRATING THE PROGRAMS DESCRIBED IN THIS SUBSECTION (1)(q).

SECTION 4. In Colorado Revised Statutes, 24-46-105, **add** (1)(c) as follows:

24-46-105. Colorado economic development fund - creation - report - repeal. (1) (c) (I) ON JULY 1, 2024, THE STATE TREASURER SHALL TRANSFER EIGHT MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND.

THE COMMISSION SHALL USE THE FUNDS TRANSFERRED PURSUANT TO THIS SUBSECTION (1)(c)(I) TO CONTRACT WITH THE COLORADO HOUSING AND FINANCE AUTHORITY, CREATED IN PART 7 OF ARTICLE 4 OF TITLE 29, FOR THE PURPOSES DESCRIBED IN SECTION 24-46-104 (1)(q).

(II) THIS SUBSECTION (1)(c) IS REPEALED, EFFECTIVE JULY 1, 2025.

SECTION 5. In Colorado Revised Statutes, 24-67-105, **add** (5.3) as follows:

24-67-105. Standards and conditions for planned unit development - definitions. (5.3) (a) IN A SUBJECT JURISDICTION, ANY PLANNED UNIT DEVELOPMENT RESOLUTION OR ORDINANCE THAT IS ADOPTED OR APPROVED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (5.3), AND THAT ALLOWS THE CONSTRUCTION OF ONE OR MORE SINGLE-UNIT DETACHED DWELLINGS, MUST NOT RESTRICT THE CREATION OF AN ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO ANY SINGLE-UNIT DETACHED DWELLING MORE THAN THE LOCAL LAW THAT APPLIES TO ACCESSORY DWELLING UNIT DEVELOPMENT OUTSIDE OF A PLANNED UNIT DEVELOPMENT OR IN ANY WAY THAT IS PROHIBITED BY SECTION 29-35-103.

(b) IN A SUBJECT JURISDICTION, ANY PLANNED UNIT DEVELOPMENT RESOLUTION OR ORDINANCE THAT WAS ADOPTED OR APPROVED BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (5.3), THAT ALLOWS THE CONSTRUCTION OF ONE OR MORE SINGLE-UNIT DETACHED DWELLINGS, AND THAT RESTRICTS THE CONSTRUCTION OF AN ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO ANY SINGLE-UNIT DETACHED DWELLING MORE THAN THE LOCAL LAW THAT APPLIES TO ACCESSORY DWELLING UNIT DEVELOPMENT OUTSIDE OF A PLANNED UNIT DEVELOPMENT:

(I) SHALL NOT BE INTERPRETED OR ENFORCED TO RESTRICT THE CREATION OF AN ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO ANY SINGLE-UNIT DETACHED DWELLING UNIT IN ANY WAY THAT IS PROHIBITED BY SECTION 29-35-103; AND

(II) MAY BE SUPERSEDED BY THE ADOPTION OF A LOCAL LAW PURSUANT TO SECTION 29-35-103.

(c) NOTWITHSTANDING SUBSECTION (5.3)(b) OF THIS SECTION, A LOCAL GOVERNMENT MAY ADOPT CONFORMING AMENDMENTS TO ANY SUCH

PLANNED UNIT DEVELOPMENT.

(d) AS USED IN THIS SUBSECTION (5.3), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-102 (2).

(II) "LOCAL LAW" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-102 (13).

(III) "SUBJECT JURISDICTION" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-102 (21).

SECTION 6. In Colorado Revised Statutes, 38-33.3-106.5, **add** (4) as follows:

38-33.3-106.5. Prohibitions contrary to public policy - patriotic, political, or religious expression - public rights-of-way - fire prevention - renewable energy generation devices - affordable housing - drought prevention measures - child care - definitions. (4) (a) IN A SUBJECT JURISDICTION OR AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION, NO PROVISION OF A DECLARATION, BYLAW, OR RULE OF AN ASSOCIATION THAT IS ADOPTED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (4) MAY RESTRICT THE CREATION OF AN ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO ANY SINGLE-UNIT DETACHED DWELLING IN ANY WAY THAT IS PROHIBITED BY SECTION 29-35-103, AND ANY PROVISION OF A DECLARATION, BYLAW, OR RULE THAT INCLUDES SUCH A RESTRICTION IS VOID AS A MATTER OF PUBLIC POLICY.

(b) IN A SUBJECT JURISDICTION OR AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION, NO PROVISION OF A DECLARATION, BYLAW, OR RULE OF AN ASSOCIATION THAT IS ADOPTED BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (4) MAY RESTRICT THE CREATION OF AN ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO ANY SINGLE-UNIT DETACHED DWELLING IN ANY WAY THAT IS PROHIBITED BY SECTION 29-35-103, AND ANY PROVISION OF A DECLARATION, BYLAW, OR RULE THAT INCLUDES SUCH A RESTRICTION IS VOID AS A MATTER OF PUBLIC POLICY.

(c) SUBSECTIONS (4)(a) AND (4)(b) OF THIS SECTION DO NOT APPLY

TO REASONABLE RESTRICTIONS ON ACCESSORY DWELLING UNITS. AS USED IN THIS SUBSECTION (4)(c), "REASONABLE RESTRICTION" MEANS A SUBSTANTIVE CONDITION OR REQUIREMENT THAT DOES NOT UNREASONABLY INCREASE THE COST TO CONSTRUCT, EFFECTIVELY PROHIBIT THE CONSTRUCTION OF, OR EXTINGUISH THE ABILITY TO OTHERWISE CONSTRUCT, AN ACCESSORY DWELLING UNIT CONSISTENT WITH PART 1 OF ARTICLE 35 OF TITLE 29.

(d) AS USED IN THIS SUBSECTION (4), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-102 (2).

(II) "ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-102 (3).

(III) "SUBJECT JURISDICTION" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-102 (21).

SECTION 7. Appropriation. (1) For the 2024-25 state fiscal year, \$537,246 is appropriated to the department of local affairs. This appropriation is from the accessory dwelling unit fee reduction and encouragement grant program fund created in section 29-35-105 (7)(a), C.R.S. To implement this act, the department may use this appropriation as follows:

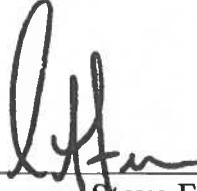
(a) \$467,246 for use by division of local government for accessory dwelling unit fee reduction and encouragement grant program related to local government services, which amount is based on an assumption that the division will require an additional 4.9 FTE; and

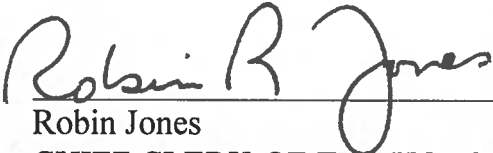
(b) \$70,000 for the purchase of information technology services.

(2) For the 2024-25 state fiscal year, \$70,000 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of local affairs under subsection (1)(b) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of local affairs.

SECTION 8. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

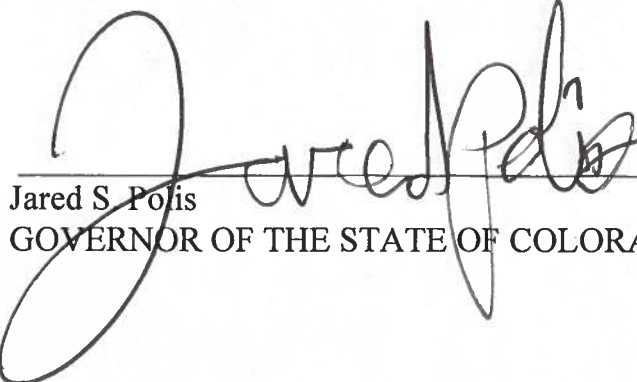

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES


Steve Fenberg
PRESIDENT OF
THE SENATE


Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES


Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED Monday, May 13th, 2024 at 12:45 pm
(Date and Time)


Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

Summary of Peer Jurisdiction Current ADU Regulations – December 2024

City	Max. ADU Size	Detached ADU Max. Height	Setbacks for Detached ADUs	Parking	Other Notable Design/Development Standards
Arvada	- Detached: by lot size, from 600 SF for lots < 6,000 SF to 1,200 square feet for lots > 1 acre. - Attached: <50% of primary unit square footage.	- Attached: same as primary structure - Detached: 25'-30' in residential neighborhood zone districts - Detached: 1 story/15' in Old Town	Detached ADU, Old Town: 0' off alley rear, 5' otherwise for side and rear setbacks. Detached ADUs must be >10' behind front home along street setback, otherwise same as principal building	One dedicated off street parking space per ADU	- Old Town Standards: more restrictive size requirements for ADUs - Street facing entrance required for ADU, general privacy standards (e.g., windows, landscape screening) - Private open space for ADU required
Boulder	- Attached: 50% of primary unit square footage or 1,000 SF, whichever is less - Attached/Affordable or Designated Historic: 2/3 of primary unit square footage or 1,200 SF, whichever is less - Detached: 800 SF - Detached/Affordable or Designated Historic: 1,000 SF	- Detached: 20', ADUs with roof pitch >8:12 may be up to 25' - Existing structures converted to ADUs can maintain existing height even if it exceeds the standard.	Same as other types of accessory buildings.	- One dedicated off street parking space per ADU - Affordable or Designated Historic: 0 parking spaces required	- ADU entrances facing the street must be screened - Private open space for ADU required
Broomfield	50% of the primary unit square footage or 800 square feet, whichever is less (no distinction b/w detached/attached ADUs)	30' (same as primary building)	Same as other types of accessory buildings.	One dedicated off street parking space per ADU	Design standards to be compatible with existing primary unit structure.

Summary of Peer Jurisdiction Current ADU Regulations – December 2024

City	Max. ADU Size	Detached ADU Max. Height	Setbacks for Detached ADUs	Parking	Other Notable Design/Development Standards
Erie	800 square feet	25' (same as other types of accessory buildings)	Same as other types of accessory buildings	- Not required for ADU if primary unit has on street parking abutting the lot. - One dedicated off street parking space required for ADU when there is no on street parking abutting the lot.	Design standards to be compatible with existing primary unit structure
Golden	- Detached ADU: Home > 1,000 sq. ft. = 50% of principal dwelling or 800 sq. ft., whichever is smaller; Home < 1,000 sq. ft. = 500 sq. ft. - Attached ADU: <50% of the primary unit SF.	Form based standards typically allow 1.5 stories/32' for the rear 1/3 of properties (same as for other types of accessory buildings)	Same as other types of accessory buildings.	One dedicated off street parking space per ADU.	Design standards to be compatible with existing primary unit structure.
Lafayette	750 SF for attached or detached ADUs	20' in Old Town, 16' elsewhere	5' rear setback in most zone districts, 0' rear setback in Old Town area. - Detached ADUs must be >10' behind front home along street setback.	One dedicated off street parking space per ADU.	- Design standards to be compatible with existing primary unit structure. - ADUs are explicitly excluded from the lot area per dwelling unit requirement.
Superior	Attached/Detached ADU: Home > 1,000 sq. ft. = 50% of principal dwelling or 800 sq. ft., whichever is smaller; Home < 1,000 sq. ft. = 500 sq. ft.	Same as for primary unit structure – 2 stories/32' in most residential zone districts	Same as for primary unit structure	One dedicated off street parking space per ADU.	Minimal design standards, but requirement that entrance be subordinate to primary unit.

Summary of Peer Jurisdiction Current ADU Regulations – December 2024

City	Max. ADU Size	Detached ADU Max. Height	Setbacks for Detached ADUs	Parking	Other Notable Design/Development Standards
Wheat Ridge	Attached/Detached ADU: 50% of the primary unit square footage or 1,000 square feet, whichever is less.	25'	Same as other types of accessory buildings.	One dedicated off street parking space per ADU.	- ADU-specific nonconforming standards address existing ADUs that don't meet current standards. Properties with >1 existing ADU prior to the ordinance can remain in perpetuity. - ADUs are explicitly excluded from the lot area per dwelling unit requirement.

HB24-1152 Guidance

Concerning Increasing the Number of Accessory Dwelling Units

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Section 1: Background

The Legislative Declaration in HB24-1152 emphasizes that ADUs increase housing options for smaller households, lower income households, and the elderly wishing to age in their neighborhoods by allowing construction of these smaller and relatively affordable units in areas where utilities and infrastructure are already available. While many communities have adopted restrictions or prohibitions on ADUs, they offer an alternative to low-density, dispersed development, which reduces water use, greenhouse gas emissions, infrastructure costs, household transportation and energy expenses, and infrastructure maintenance costs. Because single-family detached home neighborhoods often occupy a large percentage of land in Colorado communities, allowing ADUs in those areas can serve as an important way to increase housing supply with minimal impacts on their neighborhoods, and can increase attainable and affordable housing options in high opportunity neighborhoods. After requiring that local governments reduce barriers to ADUs, California estimates that ADUs now make up to 20 percent of new housing constructed in that state.¹ Better aligning ADU regulations across many Colorado communities can help achieve economies of scale by reducing the variability of regulations between jurisdictions, thereby enabling more standardized and modular ADU designs, a more robust market of ADU developers, and associated cost reductions.

Section 2: Summary of the Law

In general, communities subject to the law must allow Accessory Dwelling Units by an Administrative Approval Process wherever they allow Single-Unit Detached Dwellings. The law contains some exceptions to its basic requirements, and addresses additional issues not covered in this summary. This section summarizes the key requirements of HB24-1152 but does not substitute for a close reading of the law itself.

This document explains how DOLA will determine local government compliance. It does not constitute legal advice, and local governments are encouraged to consult with their municipal or county attorney for that purpose.

The law's provisions take effect on June 30, 2025. All capitalized terms in this guidance are defined in the law.

Section 2.1: Applicability

Summarized from C.R.S. 29-35-102(21)

[HB24-1152](#) is applicable to Subject Jurisdictions, which include:

- Colorado Home Rule or statutory cities and towns, Territorial Charter cities and towns, and consolidated cities and counties, that are within a Metropolitan

¹ [Accessory Dwelling Units \(ADUs\) in California | Bipartisan Policy Center](#)

Planning Organization and have a population of 1,000 or more as reported by the State Demography Office; and

- Those portions of Colorado counties, including Home Rule counties, that are within a Metropolitan Planning Organization and within a Census Designated Place with a population of 40,000 or more as reported in the most recent federal decennial Census.

A list of Subject Jurisdictions as of the publication of this guidance can be found at the end of this document.

Section 2:2: Key Terms Used in the Law

Summarized from C.R.S. 29-35-102

This section lists several key terms defined in the law. Please note that the law contains numerous additional definitions that may be important in specific contexts.

"Accessory Dwelling Unit" means an internal, attached, or detached dwelling unit that: (a) provides complete independent living facilities for one or more individuals; (b) is located on the same lot as a proposed or existing primary residence; and (c) includes facilities for living, sleeping, eating, cooking, and sanitation.

NOTE: *Subject jurisdictions are not required to adopt this definition of an ADU, but the use of a different definition cannot result in more restrictions on ADUs than are permitted by the law. For example, subject jurisdictions' definitions must include internal, attached, and detached ADUs.*

"Administrative Approval Process" means a process in which: (i) a development proposal for a specified project is approved, approved with conditions, or denied by local government administrative staff based solely on its compliance with Objective Standards set forth in local laws; and (ii) does not require, and cannot be elevated to require, a public hearing, a recommendation, or a decision by an elected or appointed public body or a hearing officer.

"Exempt Parcel" means a parcel that is: (a) not served by a domestic water and sewage treatment system, as defined in section 24-65.1-104 (5), or is served by a well with a permit that cannot supply an additional dwelling unit; (b) a historic property that is not within a historic district; or (c) in a floodway or in a one hundred year floodplain, as identified by the federal emergency management agency.

"Local Law" means any code, law, ordinance, policy, regulation, or rule enacted by a local government that governs the development and use of land, including land use codes, zoning codes, and subdivision codes.

"Objective Standard" means a standard that: (a) is a defined benchmark or criterion that allows for determinations of compliance to be consistently decided regardless of the decision maker; and (b) does not require a subjective determination concerning a development proposal, including but not limited to whether the application for the development proposal is: (i) consistent with master plans, or other development plans; (ii) compatible with the land use or development of the area surrounding the area described in the application; or (iii) consistent with public welfare, community character, or neighborhood character.

"Restrictive Design or Dimension Standard" means a standard in a Local Law that:

(a) requires an architectural style, building material, or landscaping that is more restrictive for an Accessory Dwelling Unit than for a Single-Unit Detached Dwelling in the same zoning district;

(b) does not allow for Accessory Dwelling Unit sizes between five hundred and seven hundred fifty square feet;

(c) requires side setbacks for an Accessory Dwelling Unit that are larger than the side setbacks required for a primary dwelling unit in the same zoning district;

(d) requires a rear setback for an Accessory Dwelling Unit that is larger than the greater of:

(i) the rear setback required for other accessory building types in the same zoning district; or

(ii) five feet;

(e) is a more restrictive minimum lot size standard for an Accessory Dwelling Unit than for a Single-Unit Detached Dwelling in the same zoning district; or

(f) applies more restrictive aesthetic design or dimensional standards to Accessory Dwelling Units that are factory-built residential structures, as defined in section 24-32-3302 (10), than other Accessory Dwelling Units.

"Single-Unit Detached Dwelling" means a detached building with a single dwelling unit on a single lot.

Section 2.3: What Does the Law Require Subject Jurisdictions to do?

Summarized from C.R.S. 29-35-103(1), (2), and (4)

Subject Jurisdictions must allow, with some exceptions: (a) the construction of one detached ADU between 500 and 750 square feet in size, or (b) the conversion of part of a Single-Unit Detached Dwelling to accommodate an ADU between 500 and 750 square feet in size, as an accessory use to a Single-Unit Detached Dwelling on any lot or parcel where a Single-Unit Detached Dwelling is allowed. This requirement does

not apply to Exempt Parcels (see definition above). It also does not apply to manufactured home parks where there are multiple homes on a lot.

Applications for ADUs must be reviewed through an Administrative Approval Process that does not include a public hearing. Approval or denial must be based on compliance with Objective Standards included in the land use code or other ADU regulations, which may not include Restrictive Design or Dimension Standards. These requirements apply to all lots that allow the construction of Single-Unit Detached Dwellings regardless of whether the lot or parcel is located in a standard base zoning district, overlay zoning district, or a Planned Unit Development, and regardless of whether restrictive declarations, bylaws, or rules of an HOA prevent ADUs.

Section 2.4: What Types of Local ADU Regulations are Still Allowed?

Summarized from C.R.S. 29-35-103(2) and (3)

Subject Jurisdictions may not restrict ADUs in some ways, but are still allowed to regulate ADUs in a number of other ways, as summarized in the table below. More detail on each listed topic is available in the text of the law and in the Guidance section below.

Subject Jurisdictions May:	Subject Jurisdictions May Not:
Regulate the Short-Term Rental of ADUs.	Require that the ADU or the primary Single-Unit Detached Dwelling on the lot remain owner-occupied, with limited exceptions. See the discussion on owner-occupancy restrictions below.
Require the designation of an existing parking space on the lot for the use of the ADU.	Require the construction of an additional parking space for the ADU, with limited exceptions. See the discussion on parking requirements below.
Require compliance with design and dimensional standards not included in the definition of a Restrictive Design or Dimension Standard.	Require compliance with architectural style, building material, or landscaping standards that are more restrictive than those that apply to the single-family home on the lot.
Limit the maximum size of an ADU to be no larger than the size of the Single-Unit Detached Dwelling on the lot.	Require a larger lot for the ADU than would otherwise apply for a Single-Unit Detached Dwelling on the lot.
Allow ADUs smaller than 500 square feet, or larger than 750 square feet.	Require larger side or rear setbacks than those stated in the law. See the discussion on setbacks below.

Allow the construction or conversion of more than one ADU per lot where a Single-Unit Detached Dwelling is allowed.	Apply more restrictive design or dimensional standards to modular ADUs than stick-built ADUs.
Define ADUs to include or exclude specific types of housing, such as motor homes, recreational vehicles, or multi-purpose trailers.	Define ADUs in such a way that excludes a type of ADU in the law's definition, such as internal or detached ADUs.
Apply historic district standards to ADUs located in historic districts.	
Require compliance with adopted fire, building, utility, or stormwater codes.	
Require proof of water supply or wastewater treatment capacity as a condition of ADU approval.	
Require the payment of generally applicable development impact fees.	
Require the mitigation of development impacts as permitted by the Colorado Regulatory Impairment of Property Rights Act, C.R.S. 29-20 Part 2.	
Use local programs to encourage the construction of ADUs, or the conversion of Single-Unit Detached Dwellings to include ADUs, with income restrictions to increase the supply of affordable housing.	

Section 3: Guidance

Subject Jurisdictions who are reviewing current zoning and land development regulations for alignment with the requirements of HB 24-1152 should focus on:

Section 3.1: The definition of an Accessory Dwelling Unit (ADU)

Summarized from C.R.S. 29-35-102(2)

While the law includes a definition of Accessory Dwelling Unit, it does not require that Subject Jurisdictions adopt that definition. It gives Subject Jurisdictions the right to exclude motor homes, recreational vehicles, and other specific types of housing from the definition, or to include them. However, the Subject Jurisdiction's definition

of ADU may not result in restricting or prohibiting ADUs that would be permitted under the law's definition of an ADU.

Section 3.2: The list(s) or table(s) of allowed uses in each zone district

Summarized from C.R.S. 29-35-103(1)

In general, ADUs should be listed (or included in a table) as an allowed or accessory use in every zoning district where Single-Unit Detached Dwellings are an allowed use (including PUDs). In zoning districts where Single-Unit Detached Dwellings are a conditional or special use, ADUs must be allowed as an accessory use to an existing Single-Unit Detached Dwelling. Instead of including this information in a table, Subject Jurisdictions may include language in their development codes clearly indicating that ADUs are allowed in conjunction with all Single-Unit Detached Dwellings in their jurisdiction. This applies regardless of whether Local Law uses a different zoning or regulatory term for a freestanding house on a single lot designed for occupancy by a single household.

NOTE: *This guidance generally uses the term 'allowed' in conformance with the law, but Subject Jurisdictions may use 'permitted' or any other similar terms that clearly indicate an ADU may be constructed.*

Section 3.3: The procedures for approval of an ADU

Summarized from C.R.S. 29-35-102(5a), 29-35-102(17), and 103(1)

Zoning and land development regulations should be reviewed to ensure that applications for ADUs are subject only to an Administrative Approval Process using Objective Standards, and to remove any requirements for a public hearing before approving an ADU. If the Local Laws allow an administrative decision to be “elevated,” “sent up,” “referred,” or “called up” to an appointed or elected body for review and decision after a public hearing, those provisions should be modified to exclude ADUs from potential public hearing requirements.

There is one exception: If the ADU is located in a locally designated historic district, and the Subject Jurisdiction has been designated by History Colorado as a Certified Local Government, the application can be subject to the public hearing requirements applicable to other historic district properties. The standards applied in this process must be locally adopted historic regulations or the Secretary of State's historic preservation standards.

Section 3.4: The standards, conditions, and criteria for approval of ADUs

Summarized from C.R.S. 29-35-102(17)

Standards and conditions applicable to ADUs will require careful review to meet the requirement of HB24-1152. They must be “Objective”, which means standards using a defined benchmark or criterion that allows for decisions about compliance to be made consistently regardless of who makes the decision. These standards cannot require subjective determinations of whether the application is consistent with adopted plans (including comprehensive or development plans); compatible with the land use or development of the surrounding area; or consistent with public welfare, community character, or neighborhood character. Although not listed in HB24-1152, decision criteria such as “compatible”, “harmonious”, “attractive”, “similar”, and “contributing” are generally considered subjective standards.

The requirement for Objective Standards applies regardless of whether they appear as “use-specific standards” or “performance standards” applicable to the ADU use in particular, or as decision criteria that staff must use in determining whether to issue a specific type of permits or approvals.

Section 3.5: Parking regulations

Summarized from C.R.S. 29-35-103(2a), (3a), and (3b)

The law prohibits Local Laws from requiring that a new parking space be constructed or available for each ADU, but does provide two exceptions. First, the Subject Jurisdiction may require the designation of an existing parking space on the lot for the use of the ADU, if such a parking space already exists at the time the ADU is constructed or converted. Second, the Subject Jurisdiction may require the construction of a new off-street parking space if (a) the ADU is in a zoning district that, as of January 1, 2024, required one or more off-street parking spaces for a Single-Unit Detached Dwelling, and (b) there is no existing parking space on the lot (including a driveway, garage, or tandem parking space) that could be used for the ADU, and (c) the ADU is located on a block where the Subject Jurisdiction prohibits on street parking.

Section 3.6: ADU sizes and setbacks regulations

Summarized from C.R.S. 29-35-102(18b), 102(18c), 103(d), and 103(3c)

The law requires that new ADUs between 500 and 750 feet in size be allowed through an Administrative Approval Process, but gives Subject Jurisdictions the choice to also allow ADUs smaller than 500 feet or larger than 750 feet, or to require that ADUs be no larger than the Single-Unit Detached Dwelling on the lot.

In order to promote development of ADUs, it also limits the types of side and rear setbacks that can be required by Local Law. Minimum side setbacks may not be larger than those that apply to the Single-Unit Detached Dwelling on the lot. Minimum rear setbacks may not be larger than those that apply to other accessory building types in the same zone, or five feet, whichever is greater.

Section 3.7: Owner occupancy on lots with ADUs

Summarized from C.R.S 29-35-103(2b)

The law prohibits Local Laws from requiring that the Single-Unit Detached Dwelling on the lot, or the ADU, be occupied by the owner of the lot. Again, however, the law provides two exceptions. First, a Local Law can require evidence that the owner of the lot resides on the lot at the time an application for construction or conversion of an ADU is filed (but this exception does not apply if the ADU and new Single-Unit Detached Dwelling are being constructed at the same time). Second, a Local Law may require evidence that the owner of the lot resides on the lot at the time an application for a license or permit allowing short-term rental of the ADU is filed.

Section 3.8: Planned Unit Developments (PUDs)

Summarized from C.R.S. 24-67-105(5.3)

Two separate provisions of the law address its impact on Planned Unit Developments: The first applies to approved PUDs and the second to future PUDs.

The law applies to areas of approved Planned Unit Developments that allow the construction of Single-Unit Detached Dwellings to the same extent it applies to other properties in non-PUD developments that allow those types of dwellings. In areas where Single-Unit Detached Dwellings are allowed, ADUs must be allowed as an accessory use to a Single-Unit Detached Dwelling subject to an Administrative Approval Process subject to only Objective Standards.

The law also provides that future PUDs may not contain provisions that restrict the construction or conversion of ADUs in ways not permitted by the law.

Section 3.9: Homeowners' Associations (HOAs) and Restrictive Covenants

Summarized from C.R.S. 38-33.3-106.5(4)

Three provisions of the law address restrictive covenants that may apply to neighborhoods with Single-Unit Detached Dwellings.

In Subject Jurisdictions, HOA covenants adopted on or before June 30, 2025 may not be applied to restrict the creation of an ADU in any way that is prohibited by the law. Similarly, restrictive covenants created after June 30, 2025, may not contain

provisions that restrict the creation of an ADU in ways that are prohibited by the law. As a practical matter, these provisions mean that the courts of Colorado will not be available to enforce restrictive covenants that violate these requirements.

A third provision allows HOAs to continue to apply “Reasonable Restrictions” on ADUs. A Reasonable Restriction is defined as “a substantive condition or requirement that does not unreasonably increase the cost to construct, effectively prohibit the construction, or extinguish the ability to otherwise construct an ADU” pursuant to the law. Among other things, an HOA may apply standards and conditions to ADUs if those standards are also applied to the construction of other types of accessory buildings. They may apply standards and conditions to the creation of an ADU within an existing Single-Unit Detached Dwelling if they would apply the same standards and conditions to other internal modifications of the house.

NOTE: *SB24-174, also passed by the General Assembly during its 2024 session, includes a similar provision for Common Interest Ownership Associations (i.e. condominium associations). After June 30, 2024, it prohibits them from adopting new regulations that prohibit or restrict the construction of ADUs if the zoning laws of the local jurisdiction would otherwise allow ADUs.*

Section 3.10: Reporting Requirement

Summarized from C.R.S. 29-35-104(1a) and 29-35-104(1b)

No later than June 30, 2025, every Subject Jurisdiction must file a report with DOLA demonstrating that the community has complied with the requirements of the law. The report must be submitted by June 30, 2025. However, DOLA may approve an extension of up to six months if the Subject Jurisdiction demonstrates that it has (a) initiated the process of compliance, (b) a timeline for completion of that process, and (c) explained the reason for not meeting the initial compliance deadline. DOLA will be issuing guidance regarding the form and manner in which these reports must be submitted at a later date.

Section 3.11: Becoming an ADU Supportive Jurisdiction

Summarized from C.R.S. 29-35-104(1a)), (2), and (3)

HB24-1152 also contains provisions allowing Colorado communities to seek designation as an ADU Supportive Jurisdiction, whether or not they are a Subject Jurisdiction required to comply with the law. In order to achieve this designation, Colorado communities must not only comply with the requirements of the law outlined above, but must also implement at least one of 10 listed strategies to promote the construction, conversion, or use of ADUs. While nine of those strategies are defined in

the law, the 10th is an option allowing for any additional strategy suggested by the community and approved by DOLA to achieve those goals. Guidance regarding the form and manner for submitting these requests will be issued by DOLA at a later date.

Implementation of at least one of those 10 strategies must also be documented in the report due by June 30, 2025. Designation as an ADU Supportive Jurisdiction is documented by a certificate issued by DOLA, which makes the Subject Jurisdiction eligible to apply for grants under a new Accessory Dwelling Unit Fee Reduction and Encouragement Grant Program. Grants awarded under that program may be used to offset eligible costs of waiving, reducing, or providing financial assistance for reasonable and necessary costs of promoting ADUs for specific populations with housing needs. The certification also makes residents of the jurisdiction eligible for financing programs for ADUs that will be developed by CHFA. Subject Jurisdictions are encouraged to take the additional step necessary to achieve this designation, as the state may in the future make additional resources and assistance available to ADU Supportive Jurisdictions.

Section 3.12: Demonstrating Compliance

The simplest method by which Subject Jurisdictions may comply with the requirements of HB24-1152 is by revising local zoning and land use regulations so that any revisions necessary to comply with the law are completed by June 30, 2025. If a Subject Jurisdiction is uncertain about their ability to revise their regulations prior to the compliance deadline, they are urged to contact DOLA as soon as possible.

Section 4: Examples

The following two examples are from zoning ordinances currently in use in Colorado, with ~~red-strikeout-text~~ used to show text that should be deleted and red underlined text that could be added to these definitions while remaining consistent with the new law. These examples are presented not as recommended approaches, but to illustrate the minimum changes necessary to meet the requirements of HB 24-1152.

Example 1

This Colorado community already lists ADUs as allowed uses in each zoning district where single-family detached homes are permitted, so relevant portions of the allowed/permitted use table are not shown.

Accessory Dwelling Units. In addition to the standards applicable to all accessory uses . . . the following additional standards apply to accessory dwellings:

1. Accessory dwelling units may be permitted when associated with a detached house, multi-unit house, or attached houses . . .²
2. Accessory dwelling units may be located in a detached accessory building, attached to an existing building, or located within the principal building (such as an attic or basement). The total floor area of the accessory dwelling unit shall be limited to no more than the larger of:
 - a. 800 square feet, if in a detached building or attached to the principal building; or
 - b. Equal to the building footprint if internal to the principal building.
3. Detached houses in the . . . districts may have multiple accessory dwelling units . . . provided:
 - a. Only one unit may be in a detached building; and
 - b. There shall be at least 2,000 square feet of lot area for each unit, including the principal dwelling unit.

NOTE: While this lot-area-per ADU requirement would be inconsistent with HB24-1152 if applied to a single ADU on a lot, it is not inconsistent because it only applies to multiple ADUs on a lot, which the law does not regulate.

4. No additional parking space is required for an accessory dwelling unit. Where a parking space is provided, it shall be subject to all lot coverage and frontage design standards.
5. All buildings, including any detached accessory structure, shall meet the development and design standards for the lot in Chapter X.
6. The accessory dwelling unit shall ~~be compatible with the principal building, and whether within the principal building or in a detached structure in the following ways~~ comply with the following standards:
 - a. The accessory dwelling unit shall be clearly subordinate to the principal dwelling through the location of access, building entrances, parking, and other design features that accommodate the accessory dwelling unit.

NOTE: The requirement for ADUs to be subordinate to the primary structure is common to all types of accessory uses and structures. The additional text explaining how staff is to determine whether the ADU is subordinate provides more guidance on this basic requirement, and is not inconsistent with the law.

- b. Entrances and exterior stairs shall be located towards the interior of the lot or alley, ~~and otherwise designed to minimize impacts on adjacent property.~~

² Text unrelated to ADUs has been omitted.

- c. Attached accessory dwelling units shall be to the side or rear of the principal structure, or otherwise integrated into the principal dwelling structure.
7. Prior to occupancy of the accessory dwelling unit all building and occupancy permits shall be approved, and inspections conducted demonstrating compliance with applicable building and fire safety codes.
 - a. Any newly constructed element shall meet current codes.
 - b. Existing buildings or parts of the principal dwelling unit not impacted by construction of the accessory dwelling unit may be required to correct any property maintenance code violations based on compliance with codes applicable to those portions of the structure.
8. All impact fees applicable to new construction shall apply to the accessory dwellings.
9. Accessory dwelling units shall connect to water and sewer lines of the principal dwelling, subject to the requirements of the [utility authority].

Example 2

Use Table			P = Permitted C = Conditional use													A = Accessory to primary use T = Temporary use											
	Residential									Mixed-Use							Industrial			Special			Over- lay				
Zone District →	A	R-E	R-19	R-16	R-2	R-4	R-5	R-FL ex Low	R-FL ex Med.	R-FL ex High	M-X-O	M-X-N	M-X-T	M-X-M	M-X-L	M-X-I	F-B-Z	B-P	LI	GI	A-P-D	P-F	P-K	S-outh	C-entral	N-orth	Use-Specific Standards
Land Use ↓																											
RESIDENTIAL USES																											
Household Living																											
Dwelling, Single-family Detached	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C				C						P		
Dwelling, Accessory, Detached	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C	A	R	C							A		7.3.304E
Dwelling, Accessory, Integrated	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	R	C							A		7.3.304E

7.3.304E. Dwelling, Accessory

A single Accessory Dwelling Unit (ADU) is allowed on a lot that meets the dimensional requirements of Part 7.4.2 (Dimensional Standards) and complies

with the following standards as shown on an approved site plan. The ADU may be detached or integrated, pursuant to Part 7.3.2 (Allowed Use Tables).

1. General Standards

The following standards apply to detached and integrated ADUs.

a. Owner-Occupancy

(1) Requirement

In the R-E, R-1 9, and R-1 6 zone districts, except as otherwise provided in this Subsection 7.3.304E (Dwelling, Accessory), the City shall require evidence that an ADU to be occupied, the principal dwelling on the site or the ADU ~~must be~~ is occupied by the owner of the lot in the following two situations:

1. When an application is submitted to construct a new ADU on a lot that already contains a single-family detached dwelling, or to convert part of an existing single-family detached dwelling into an ADU; and
2. When an application is submitted to approve a short-term rental use on the lot or parcel containing an ADU.

NOTE: HB24-1152 does not require that Local Laws include provisions allowing owner occupancy restrictions in these limited situations, but including these limited exceptions seems more consistent with the community's broader desire to require owner occupancy than removing owner occupancy requirements altogether.

~~(2) Declaration of Restriction~~

~~The following restrictions apply to an ADU constructed in the R-E, R-1 9, and R-1 6 zone districts.~~

- ~~(a) Before a Building Permit may be issued for an ADU, the owner shall record with the El Paso County Clerk and Recorder a declaration of restrictions in a form prescribed by the Manager.~~
- ~~(b) The declaration of restrictions shall require the property owner to reside on the property in accordance with the definition of "owner occupied" in order to lease one of the two (2) units.~~
- ~~(c) The declaration of restrictions shall lapse upon removal of the ADU. Upon request of the owner and confirmation by the City that the accessory dwelling unit has been removed, the Mayor shall execute a recordable release of the declaration of restrictions and provide the release to the owner. The owner shall be responsible for recording the release and paying all costs of recordation.~~

~~(3) Zoning Enforcement Limitation~~

~~No zoning enforcement action pursuant to Part 7.5.9 (General Enforcement) may be brought against a tenant by the City for a failure of the owner to meet the owner occupancy requirement.~~

~~b. Waiver of Owner Occupancy Requirement~~

~~(1) The Manager may waive the owner occupancy requirement for temporary absences of up to two (2) years, upon a determination that failure to waive the requirement would create an unreasonable hardship. The Manager may grant an additional one (1) year extension to the original waiver upon the expiration of the original waiver.~~

~~(2) The Manager may determine failure to waive the occupancy requirement creates an unreasonable hardship if:~~

~~(a) Enforcement of the requirements would create a temporary economic hardship that could be resolvable within two (2) years;~~

~~(b) The property is listed and actively marketed for sale; or~~

~~(c) The occupancy requirement is unreasonable due to temporary relocation by the owner for employment (including temporary relocation for military service members) or medical treatment, death of the owner, divorce or legal separation of the owner and a non-owner spouse, or similar circumstances.~~

c. Restriction on Subdivision

In the R-E, R-1 9, R-1 6, MX-M, MX-L, and LI zone districts and ADU-O district, the ADU shall not be sold separately from the principal dwelling unit, nor shall the lot on which an ADU is situated be subdivided unless subdivision is permissible in accordance with all provisions of Part 7.4.3 (Subdivision Standards). The following restrictions apply:

(1) Before a Building Permit may be issued for an ADU, the owner shall record with the El Paso County Clerk and Recorder a declaration of restrictions in a form prescribed by the Manager.

(2) The declaration of restrictions shall prohibit the owner and the owner's heirs or assigns from selling the ADU separately from the principal dwelling unit. Such restriction shall be binding upon and run with the land.

(3) The declaration of restrictions shall lapse upon removal of the ADU. Upon request of the owner and confirmation by the City that the ADU has been removed, the Mayor shall execute a recordable release of the declaration of restrictions and provide

the release to the owner. The owner shall be responsible for recording the release and paying all costs of recordation.

d. Off-Street Parking

(1) If the following conditions apply to the lot or parcel on which the ADU is located, one off-street parking space shall be provided in addition to the minimum parking required for the principal structure.

(a) The lot or parcel does not have an existing off-street parking space, including a driveway, garage, or tandem parking space, that could be used for the ADU;

(b) The lot or parcel is in a zoning district that, as of January 1, 2024, requires one or more parking spaces for the primary dwelling unit; and

(c) The lot or parcel is located on a block where on-street parking is prohibited for any reason, including ensuring access for emergency services.

(2) When subsection d(1) does not apply, and the lot or parcel on which the ADU is located contains an existing driveway, garage, tandem parking space, or other off-street parking space, at the time of construction or conversion of the ADU, one such parking space shall be designated for the use of the ADU.

NOTE: Subsection d.2 is not required for compliance with HB24-1152, but since some of the off-street parking requirements currently required by the community would no longer be permitted, the community may want to take advantage of provisions in the law that allow it to require designation of an existing parking space for the use of the ADU.

e. Access

All ADUs shall have a thirty-six (36) inch-wide clear access path from the front property line or from the property line where the principal dwelling unit gains its access. The clear access path may be gated. An ADU may share a clear access path with the principal dwelling unit.

f. Prohibited Units

A mobile home or recreational vehicle may not be used as an ADU.

g. Number of Units

No more than one (1) ADU shall be located on any lot.

h. Conflicts

If any provision of this Subsection 7.3.304E is found to be in conflict with any other provision of this UDC or Code, the provision that

establishes the higher or more restrictive standard shall apply, provided that the more restrictive standard does not prevent the construction or conversion of an ADU where it would be permitted by the Allowed Use Table and this Subsection 7.3.304E.

~~i. Covenants~~

~~The provisions of this Subsection 7.3.304E do not supersede private covenants regarding ADUs.~~

2. Standards for Detached ADUs

The following standards additionally apply to detached ADUs.

a. Maximum Floor Area

The habitable area of a detached ADU shall not be less than five hundred (500) square feet, and shall not exceed ~~fifty (50) percent~~ of the habitable area of the principal structure or one thousand, two hundred and fifty (1,250) square feet, whichever is less; ~~except that where the habitable area of the principal structure is less than one thousand, five hundred (1,500) square feet, the maximum size of the accessory dwelling unit shall be seven hundred and fifty (750) square feet.~~

NOTE: Although HB24-1152 requires that local governments allow ADUs between 500 and 750 square feet by an Administrative Approval Process, local governments may extend the maximum size above 750 square feet at their option, so a maximum size of 1,250 square feet is not inconsistent with the law.

b. Maximum Height

The maximum height of a detached ADU, or other structure containing a detached ADU, is twenty-five (25) feet with a flat roof or roof pitch of less than 6:12 (measured to top of roof line), or twenty-eight (28) feet with a roof pitch of 6:12 or greater (measured to roof peak).

c. Setbacks

In the rear yard, the ADU shall be setback five (5) feet, or ~~ten (10) feet if the dwelling unit is located above the garage and the overhead door faces an alley~~ the minimum setback applicable to the other accessory buildings in the zoning district where the lot or parcel is located, whichever is greater. The ADU shall comply with the front-yard and side-yard setbacks of the zone district.

d. Prefabricated Homes

Prefabricated homes such as manufactured homes are allowed for use as an ADU if placed on a permanent foundation and connected to metered utility services.

NOTE: Although HB24-1152 prohibits applying more restrictive aesthetic design or dimensional standards to factory-built structures than to other types of ADUs, these standards are neither design nor dimensional standards, and therefore are not inconsistent with the law. In general, most communities require that all ADUs meet these standards regardless of how they are constructed.

e. *Conversion of Existing Detached Garages*

The detached garage shall meet the minimum setbacks for an accessory dwelling unit as required in this Section.

f. *Limitation in LI Zone District*

In the LI zone district, a detached ADU may only be used for the occupancy of a caretaker, security guard, or other person charged with oversight or protection of the principal use on the site.

~~g. *Limitation in the R-2 Zone District*~~

~~In the R-2 zone district, a detached ADU may only be permitted when developed with a single-family detached unit on a minimum five thousand (5,000) square foot lot.~~

NOTE: We assume the purpose of this provision is to require a larger lot size for construction of an ADU than would otherwise be required for construction of a Single-Unit Detached Dwelling without an ADU, which the law prohibits.

3. *Standards for Integrated ADUs*

The following standards additionally apply to integrated ADUs.

a. *Limited to Single-Family Detached Dwellings*

(1) Except in the LI zone district, an integrated ADU is only allowed within a detached single-family dwelling and is not permitted in any other structure, including attached single-family dwellings, two-family dwellings, multi-family dwellings, or commercial buildings.

~~(2) In the MX-M and MX-L zone districts, an integrated ADU is only permitted within a single-family detached dwelling that existed as of the Effective Date.~~

b. *Maximum Floor Area*

The gross floor area of an integrated ADU shall not exceed ~~fifty (50) percent of~~ the gross floor area of the principal structure.

c. *Maximum Height and Setbacks*

The integrated ADU shall comply with the maximum height and setback requirements of the zone district.

d. *Design Standards*

(1) *In the R-E, R-1 9, and R-1 6 zone districts, an integrated ADU shall not involve design modifications to the exterior of the principal structure that indicate its presence from the front or corner side of the principal structure.*

~~(2) Building additions shall be architecturally compatible with the primary dwelling unit. Architectural compatibility shall be determined by reviewing the design, colors, and materials ADU as compared to the primary structure.~~

~~(3) External stairs are not allowed to provide access to a second-story accessory dwelling unit unless access into the ADU is from a second-story deck.~~

e. *Exterior Access*

~~An integrated ADU may have a separate exterior access that faces the side or rear property line.~~

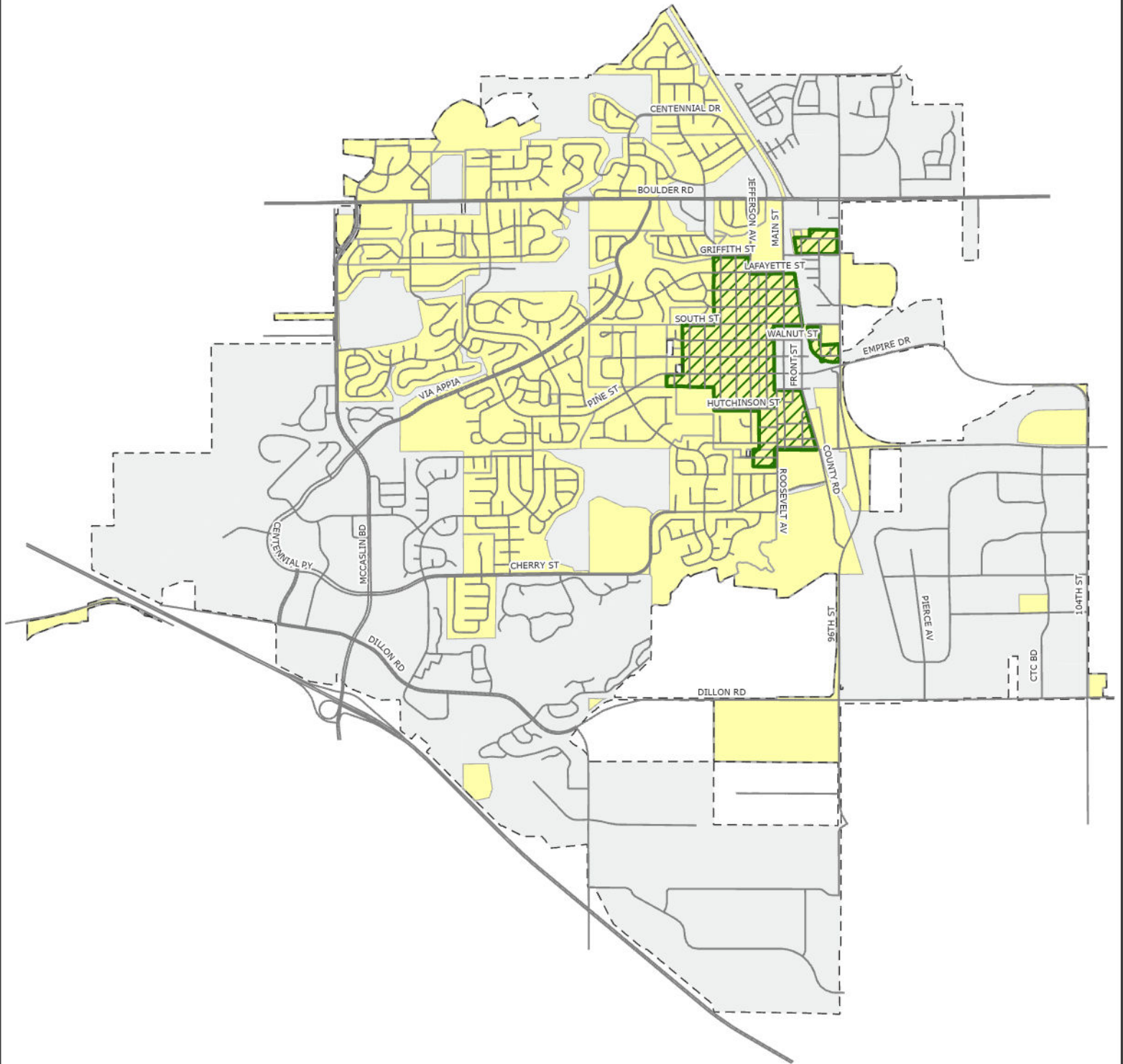
NOTE: These provisions are inconsistent with HB24-1152 unless the community applies the same standards to other accessory structures and modifications or additions of stairs or access points to existing Single-Unit Detached Dwellings for purposes other than the creation of an ADU.

Section 5: List of Subject Jurisdictions

These are the Subject Jurisdictions per the applicability criteria listed in C.R.S. 29-35-102(21) and described on Page 2 of this document.

- | | |
|--------------------------|---------------------|
| 1. Arvada | 37. Lafayette |
| 2. Aurora | 38. Lakewood |
| 3. Bennett | 39. La Salle |
| 4. Berthoud | 40. Littleton |
| 5. Boulder | 41. Lochbuie |
| 6. Brighton | 42. Lone Tree |
| 7. Broomfield | 43. Longmont |
| 8. Castle Pines | 44. Louisville |
| 9. Castle Rock | 45. Loveland |
| 10. Centennial | 46. Lyons |
| 11. Cherry Hills Village | 47. Manitou Springs |
| 12. Colorado Springs | 48. Mead |
| 13. Columbine Valley | 49. Milliken |
| 14. Commerce City | 50. Monument |
| 15. Dacono | 51. Nederland |
| 16. Denver | 52. Northglenn |
| 17. Eaton | 53. Palisade |
| 18. Edgewater | 54. Palmer Lake |
| 19. Englewood | 55. Parker |
| 20. Erie | 56. Platteville |
| 21. Evans | 57. Pueblo |
| 22. Federal Heights | 58. Severance |
| 23. Firestone | 59. Sheridan |
| 24. Fort Collins | 60. Superior |
| 25. Fort Lupton | 61. Thornton |
| 26. Fountain | 62. Timnath |
| 27. Frederick | 63. Westminster |
| 28. Fruita | 64. Wheat Ridge |
| 29. Glendale | 65. Windsor |
| 30. Golden | 66. Woodland Park |
| 31. Grand Junction | 67. Highlands Ranch |
| 32. Greeley | |
| 33. Greenwood Village | |
| 34. Hudson | |
| 35. Johnstown | |
| 36. Kersey | |

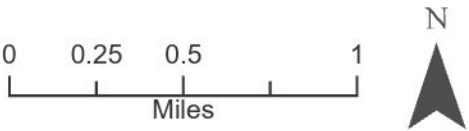
City of Louisville - Single Family Zoning Districts



IT\GIS\Planning\Planning.aprx - ADU

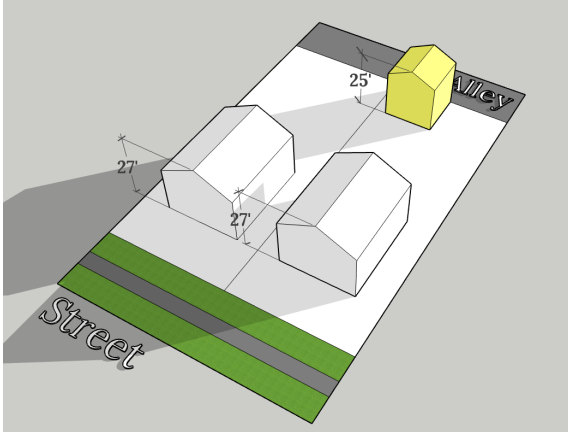
Zoning

- Single Family Zone Districts
- Other Zoning Districts
- Old Town Overlay
- City of Louisville Boundary

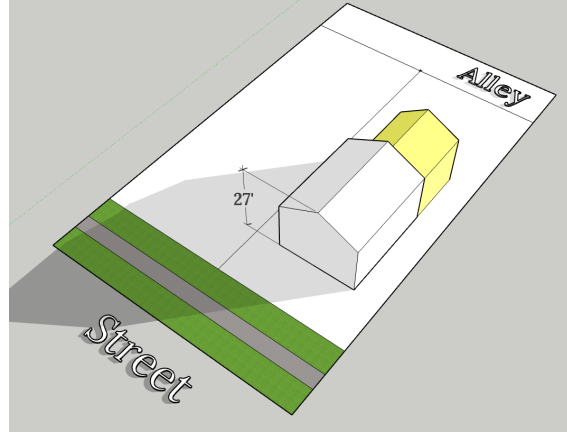


Proposed ADU Ordinance Illustrations

Old Town Louisville Typical Lots

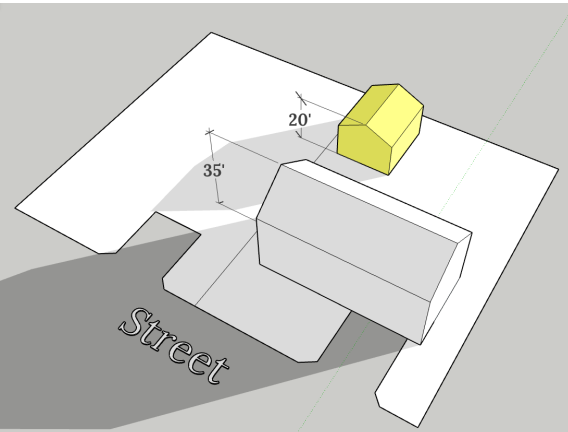


Detached ADU, 800 Square Foot, 25 Foot Height

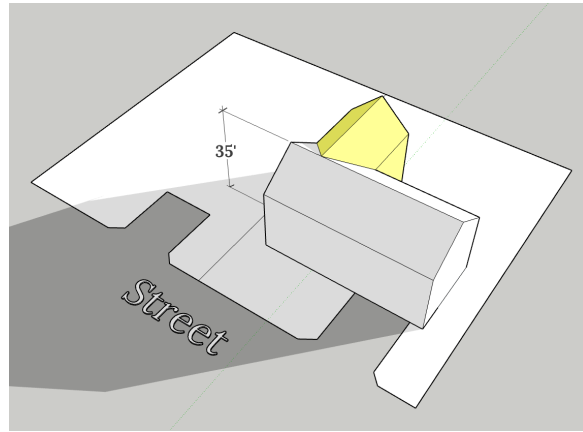


Attached ADU, 1,000 Square Feet

Typical Low Density Louisville Lot



Detached ADU, 800 Square Foot, 20 Foot Height



Attached ADU, 1,000 Square Feet

- Dimensions are approximate and illustrative only for ADUs.
- Dimensions for primary unit reflect typical size of such units but are approximate and illustrative only.
- Shadows reflect conditions at noon on December 21.
- ADU images depicted complies with all Old Town development standards in the R-M (Residential Medium Density) zone district for accessory buildings, including the requirement for a sloped roof, and the development standards for the R-L (Residential Low Density) zone district for accessory buildings.