

SUBJECT: **ORDINANCE NO. 1892, SERIES 2025 – AN ORDINANCE
AMENDING TITLE 17 AND TITLE 3 OF THE LOUISVILLE
MUNICIPAL CODE CONCERNING THE REGULATION OF
ACCESSORY DWELLING UNITED IN THE CITY OF LOUISVILLE
– 2ND READING (advertised City of Louisville Website
03/21/2025)**

DATE: **APRIL 15, 2025**

PRESENTED BY: **JEFF HIRT, AICP, PLANNING MANAGER
ROB ZUCCARO, AICP, COMMUNITY DEVELOPMENT
DIRECTOR**

SUMMARY:

Attached is a proposed 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 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.

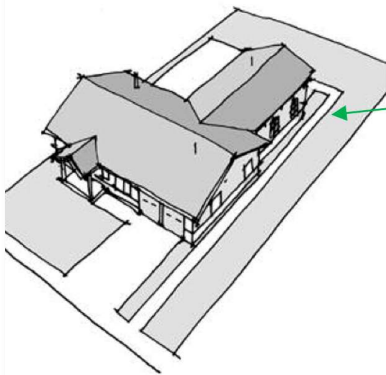
HB 24-1152 Section 29-35-102 defines an ADU as an internal, attached, or detached dwelling unit that:

- 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.

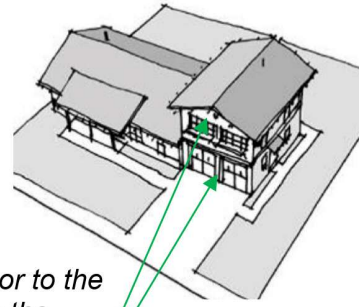
HB 24-1152 also has detailed ADU standards the City must comply with addressing topics like setbacks from property lines, minimum sizes, parking requirements, and whether the owner must reside on the property. Table 1 provides a more detailed summary of HB 24-1152.

Types of ADUs - Illustrative Only

Internal/Attached ADUs

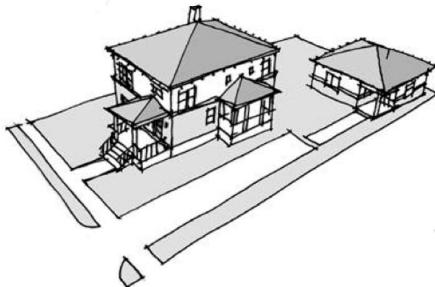


May be built as addition off the back or side of the principal dwelling unit



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 cannot 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 grace period until the end of 2026 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. The full results from this engagement in February 2023 can be found on the [project webpage](#) under “Summary Report of February Community Responses”.

City Council Discussion/Direction – June 4, 2024

City staff presented a summary of HB 24-1152 and the proposed approach to address ADUs to City Council in June 2024. The specific approach shared focused on compliance with the bill, options for incentives for certain types of ADUs, and public information sharing as the ADU ordinance progresses. At this meeting, City Council requested staff to consider an ADU ordinance that:

- Includes incentives for certain ADUs including deed restricted affordable units, landmarked properties, and accessible units;
- Addresses a voluntary pathway for compliance of existing units that may meet some of the features of an ADU; and
- Includes technical or financial assistance the City can provide to support development of ADUs, to the extent possible.

The video of this City Council meeting can be found at [this link](#) starting at about 1:48.

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 1 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.
Property Owner Occupancy of ADUs	Owner occupancy is not required for the ADU or primary single family unit.		To comply with HB 24-1152.
Maximum ADU Size	Detached ADU	< 50% of primary single family unit building floor area or 800 square feet. Square footage for any garage space is 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. A maximum size ensures the ADU remains subordinate and accessory to the primary unit and may also help to limit any potential density related impacts to a neighborhood. Allowing equal size or near equal size of an ADU to the primary unit would in effect result in duplex zoning, which is not the purpose of the regulations.
	Attached ADU	< 50% of primary single family unit building floor area or 1,000 square feet, whichever is less. Square footage for any garage space 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. Regarding the garage space, to recognize that garage space is not part of the dwelling unit living area. As with the detached ADU size limit, the intent is to ensure that the ADU remains subordinate and accessory to the primary unit.
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.

Table 2: Summary of Key Elements of Proposed ADU Ordinance

Topic	Proposed ADU Regulation		Rationale
Maximum ADU Building Height (cont'd)	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 “grace” period until the end of 2026 to obtain legal nonconforming status according to LMC Sec. 17.08.340. This would allow such ADUs 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 grace period would include the ability for 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.

ADU Size Incentives

The proposed ordinance would allow an increase in size for ADUs if they are designed as an accessible unit, deed restricted for affordable housing, and 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;
- An attached ADU may be up to 1,200 square feet instead of 1,000 square foot; and
- Accessible units designed for individuals with disabilities may also exceed the lot coverage maximums (the percent of the lot area that can be covered by structures) by 20% for detached ADUs and 25% for attached ADUs. The rationale is to support these ADUs as a community benefit and recognize they will be more limited to one story structures than non-accessible ADUs, hence more challenged to meet lot coverage requirements.

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 also address Housing Plan Goal 2: "Expand and Maintain Access to Affordable Housing" (p. 4).

Development Impact Fees for ADUs

The proposed ordinance exempts the first 500 square feet of an accessory dwelling unit from any development impact fees set forth in LMC Chapter 3.18. This proposal aligns with Sec. 3.18.040.B.8 that currently exempts "small additions and renovations for

residential uses” from development impact fees defined as 500 square feet or less. The rationale for the proposed change is to recognize ADUs are accessory to an existing single family unit that would have already been assessed impact fees and to treat them as an addition to the primary single family unit. The city currently has residential impact fees assessed by square footage increments for transportation, parks and trails, and libraries as shown in Table 3 below.

Under the proposed ordinance, if an ADU adds more than 500 square feet of building area to the property and brings the total building area of the combined primary unit and ADU into a new fee category, the fees due would be the difference in fee categories. For example, if an existing home with 1,500 sq. ft. of building area were to add a 700 sq. ft. ADU, the total impact fees due would be \$11,977 - \$9,045 = \$2,932.

Table 3: Current Impact Fees for Single Family Residential Development

	Library	Parks and Trails	Transportation	Total Fee
1,100 sq. ft. of finished floor area or less	\$68	\$3,645.41	\$2,020.74	\$5,734
1,101 to 1,400	\$92	\$4,900.49	\$2,560.61	\$7,553
1,401 to 1,700	\$111	\$5,942.39	\$2,992.01	\$9,045
1,701 to 2,000	\$127	\$6,793.82	\$3,352.76	\$10,274
2,001 or more	\$149	\$7,978.27	\$3,849.75	\$11,977

PLANNING COMMISSION RECOMMENDATION

Planning Commission recommended approval of the proposed ordinance on February 13, 2025, with the following condition:

- That ADUs designed as accessible be allowed a size increase consistent with the proposed increase for landmarked structures and affordable housing units, with an additional size increase allowance of 20% of the minimum lot coverage requirements for detached accessory dwelling units and 25% for attached accessory dwelling units.

Planning Commission did not evaluate any specific proposed changes to LMC Chapter 13.12 related to water tap fees for ADUs, but they did request the following comments be communicated to City Council:

- That City Council consider modified water tap fees for ADUs to the extent practical, in recognition of the significant barrier such tap fees are to building an ADU.

The Planning Commission discussion on ADUs on February 13 can be found at [this link](#). Attachment 8 includes the minutes from this meeting.

Ordinance Refinements between City Council First and Second Reading

The attached ordinance was first considered by City Council on March 18, 2025 at a first reading. The attached ordinance has some minor changes from what was included in that first reading packet. The purpose of such changes are to more accurately align with Planning Commission's condition on February 13 related to incentivizing ADUs that are designed as accessible to those with disabilities. Planning Commission's condition was to allow a 20% coverage bonus for ADUs designed as accessible. The first reading draft did not address Planning Commission's condition that there also be a 25% lot coverage bonus for *attached* ADUs designed as accessible.

The attached ordinance also clarifies that all ADUs that meet the definition of accessible under the City's adopted building codes qualify for the lot coverage bonus, not just a specific type of accessible unit as was the case in the first reading draft.

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 6, 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 50 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 13 cities that have allowed them in single family areas before HB 24-1152 was approved per 1,000 dwelling units. The outcomes varied from less than 1 in Broomfield to over 2 ADUs per 1,000 dwelling units in Boulder. Louisville currently has about 9,000 dwelling units.

Water and Sewer Tap Fees for ADUs

LMC Title 13 requires water and sewer tap fees for new dwelling units, with variation depending on the type of unit. The City's current code does not directly address ADUs. Attachment 4 includes tap fees charged by other local jurisdictions. Many of those communities do not charge additional tap fees for ADUs. City staff are planning for a discussion/direction with City Council in the near term to address this topic in recognition of this significant cost relative to the cost of building an ADU.

PUBLIC COMMENTS:

Public comments to date are included at Attachment 9, including seven public comments with the February 13 Planning Commission meeting and one additional comment from four architects combined in advance of the April 15 City Council meeting.

FISCAL IMPACT:

Implementation and administration of the Accessory Dwelling Unit Ordinance will take additional staff time and city resources but will also include revenues from permit fees.

STAFF RECOMMENDATION:

Staff recommends approval of Ordinance 1892, Series 2025 to amend Title 17 and Title 3 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. Ordinance No. 1892, Series 2025
2. Planning Commission Resolution 2, Series 2025
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
8. Planning Commission Minutes (February 13, 2025)
9. Public Comments
10. Presentation

SUBJECT: ORDINANCE NO. 1892, SERIES 2025

DATE: APRIL 15, 2025

PAGE 11 OF 11

STRATEGIC PLAN IMPACT:

☐	 Financial Stewardship & Asset Management	☐	 Reliable Core Services
☒	 Vibrant Economic Climate	☐	 Quality Programs & Amenities
☒	 Engaged Community	☒	 Healthy Workforce
☐	 Supportive Technology	☐	 Collaborative Regional Partner

**ORDINANCE NO. 1892
SERIES 2025**

**AN ORDINANCE AMENDING TITLE 17 AND TITLE 3 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 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; 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:

Sec. 17.08.011. – Accessory dwelling unit

Sec. 17.08.012. – Accessory dwelling unit, detached

Sec. 17.08.013. – Accessory dwelling unit, attached

Section 2. Louisville Municipal Code Section 17.12.030 is hereby amended by the addition of a new line 42a to read as follows (words to be added are underlined):

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	Accessory dwelling unit	<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 Section 17.12.040 is hereby amended to read as follows (words to be added are underlined):

Sec. 17.12.040 – 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	—
8.	Minimum rear yard setback for principal uses (ft.) ^{3, 12}	25	20	20	30	30	30	25	25	25	25	25	25	25	25	20	20	20	20
9.	Maximum height principal uses (ft.)	27	25	40	27	27	27	35	35	35	27	27	27	35	50				
	Accessory use (ft.)	45 ¹²	20	20	25	27	27	25	20	20	16	16	16	20	20	20	20	20	25

FOOTNOTES

12. See Sec. 17.16.035 for supplemental regulations applicable to accessory dwelling units.

Section 4. Louisville Municipal Code Chapter 17.16 – General Regulations, is hereby amended to include a new Section 17.16.035 to read as follows:

Sec. 17.16.035. – 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 lot as an accessory use to a principal single family dwelling. Accessory dwelling units are allowed only on lots used or developed as single family dwelling units.
- 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 the Old Town overlay district except as provided herein.
 - 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 the Old Town overlay district except as provided herein.
 - 3. *Maximum Size:*
 - a. Accessory dwelling units shall not exceed 49% of the square footage of the principal single family dwelling unit. However, accessory dwelling units between 500 square feet and 750 square feet in size shall be allowed in all cases, provided all other requirements in this Sec. 17.16.035 are met.
 - b. Detached accessory dwelling units shall not exceed 800 square feet in size.
 - c. Attached accessory dwelling units shall not exceed 1,000 square feet in size.
 - d. Garage areas shall not be included as part of the maximum size 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*: the minimum rear setback for an attached accessory dwelling unit shall be ten feet.
 6. *Minimum Lot Area per Dwelling Unit*: a lawful accessory dwelling unit shall be excluded when calculating the minimum lot area per dwelling unit requirement in Sec. 17.12.040 or a residential density standard in an applicable Planned Unit Development, General Development Plan, or other City approved plan.
- C. *Parking*: one off-street parking space shall be required for an accessory dwelling unit 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*: certain accessory dwelling units may be allowed one of the following size increases and other incentives, provided all other requirements in this Sec. 17.16.035 are met.
1. *Accessible Housing Incentives*: Accessory dwelling units that meet the definition of an accessible dwelling unit according to the City's adopted building codes may:
 - a. 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 dwelling units.
 - b. Exceed the maximum lot coverage requirements in Sec. 17.12.040 by 20 percent for detached accessory dwelling units and by 25 percent for attached accessory dwelling units.
 2. *Affordable Housing Incentives*
 - a. Accessory dwelling units shall not be considered a dwelling unit for the purposes of complying with the inclusionary housing requirements set forth in Chapter 17.76.
 - b. Accessory dwelling units that are deed restricted as affordable housing in accordance with Chapter 17.76 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 dwelling units, provided all other requirements in this Sec. 17.16.035 are met.
 3. *Historic Preservation Incentives* – an accessory dwelling unit, or portion thereof, that is a designated landmark in accordance with Chapter 15.36 – Historic Preservation 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 dwelling units, provided all other requirements in

this Sec. 17.16.035 are met.

E. Accessory Dwelling Units in Planned Unit Developments

1. A maximum of one accessory dwelling unit shall be permitted per lot as an accessory use to a principal single-family dwelling in all Planned Unit Developments, General Development Plans, or other City approved plans.
2. No Planned Unit Development, General Development Plan, or other City approved plan may restrict the size of an accessory dwelling unit to less than 750 square feet.
3. Any required amendment to a Planned Unit Development or General Development Plan, to allow an accessory dwelling unit in accordance with this Sec. 17.16.035, is considered a minor change eligible for administrative approval under Sec. 17.28.210 – Amendments to final plan and Sec. 17.72.060 – Amendment.

F. Existing or New Principal Unit on Lot. A single-family 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. Certificate of Exception

1. Accessory dwelling units constructed prior to the effective date of this ordinance do not qualify as nonconforming uses pursuant to Chapter 17.36 of this Code because accessory dwelling units were not an allowed use in any zone district prior to the adoption of this ordinance.
2. On or before December 31, 2026, any person who has constructed an accessory dwelling unit in any zone district prior to the adoption of this ordinance may apply to the director for a Certificate of Exception, which shall allow such accessory dwelling use to continue, subject to the same requirements and limitations as a nonconforming use and any conditions of approval as may reasonably be imposed by the director. 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.
3. The director shall issue such Certificate of Exception upon a finding the applicant has demonstrated the accessory dwelling unit meets all the requirements of this Sec. 17.16.035. The director may also issue a Certificate of Exception for an accessory dwelling unit that does not fully comply with the requirements of this Sec. 17.16.035 if the director

determines the issuance is not detrimental to the public good and will not impair the basic intent of this Section and subject to such conditions as may be imposed by the director.

4. 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.
5. Regardless of size, accessory dwelling units with an approved Certificate of Exception shall be exempt from paying impact fees for such units pursuant to Sec. 3.18.040.B.

Section 5. Louisville Municipal Code Chapter 17.72 – Planned Community Zone District, is hereby amended as follows (words to be added are underlined).

Sec. 17.72.080. - Residential.

- A. *Generally.* It is the intention of this section to promote the development of balanced residential neighborhoods containing a variety of housing types and related recreational and community facilities.
- B. *Uses permitted.* The following uses may be permitted within any planning area designated for residential use by the adopted planned community general development plan:
 1. Single-family detached dwellings;
 2. Single-family attached dwellings;
 3. Multiple-family dwellings;
 4. Churches and synagogues;
 5. Public and private schools;
 6. Municipal recreational areas;
 7. Public libraries;
 8. Golf courses and country clubs;
 9. Institutions for higher education;
 10. Clubs and lodges;
 11. Private, noncommercial, recreational facilities;
 12. Accessory structures and uses necessary and customarily incidental to the uses listed in this section, including accessory dwelling units;
 13. Governmental and public facilities;
 14. Family care home.

Section 6. Louisville Municipal Code Title 3, Chapter 3.18.B.4 – Development Impact Fees, is hereby amended to read as follows (words to be added are underlined):

Sec. 3.18.040. - Development impact fees to be imposed

B. *Exemptions.* The following types of development shall be exempted from payment of the impact fees. Any claim for exemption shall be made no later than the time when the applicant applies for the first building permit. Any claim for exemption not made at or before that time shall be waived. The city planning director or designee shall determine the validity of any claim for exemption pursuant to the standards set forth below.

4. Accessory structures. Construction of unoccupied accessory structures related to a residential unit and the first 500 square feet of an accessory dwelling unit as defined in Chapter 17.08 of this Code.

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 18th day of March 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

**RESOLUTION NO. 2
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; 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.

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 2025.

Attest: <u></u> Cullen Choi, Secretary Planning Commission	By: <u></u> Steve Brauneis, Chair Planning Commission
--	--

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:

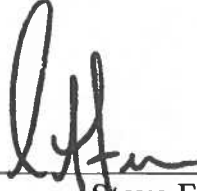
(a) \$467,246 for use by division of local government for accessory dwelling unit fee reduction and encouragement grant program related to local government services, which amount is based on an assumption that the division will require an additional 4.9 FTE; and

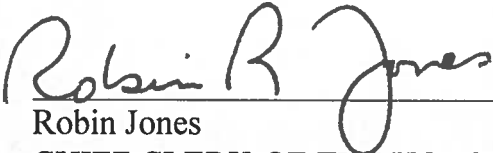
(b) \$70,000 for the purchase of information technology services.

(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.

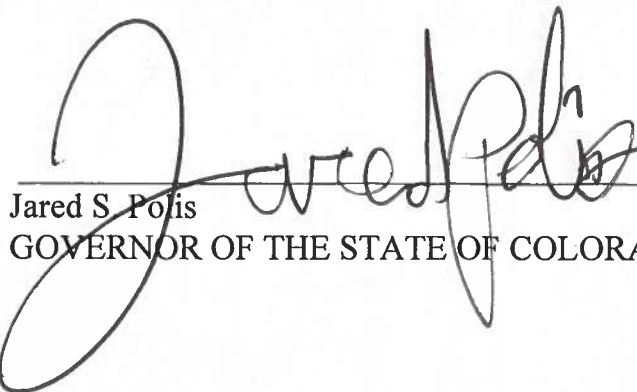

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES


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 – April 2025

City	Max. ADU Size	Detached ADU Max. Height	Setbacks for Detached ADUs	Utility Connections	Water/Wastewater Fees
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	ADU must be connected to the same utilities as the primary unit and cannot have separate services.	- Metro Water Recovery SDC fee applies to ADUs - \$5,910 - No additional water/wastewater fees apply to ADU unless the ADU triggers a tap size upgrade; in which case the ADU permit must address the fee increase.
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.	ADUs must tie into primary unit's water and sewer connections and do not require a separate water tap, or water or sewer licenses.	- No additional water/wastewater fees apply to ADU unless the ADU triggers a tap size upgrade; in which case the ADU permit must address the fee increase. - Single-family tap fees based on annual water usage and is a tiered-based system.
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.	ADUs must tie into primary unit's water and sewer connections and cannot have a separate water tap, or water or sewer licenses.	No additional water/wastewater fees apply to ADU unless the ADU triggers a tap size upgrade; in which case the ADU permit must address the fee increase.
Erie	800 square feet	25' (same as other types of accessory buildings)	Same as other types of accessory buildings	ADUs must tie into primary unit's water and sewer connections and do not require a separate water tap, or water or sewer licenses.	No additional water/wastewater fees apply to ADU unless the ADU triggers a tap size upgrade; in which case the ADU permit must address the fee increase.

Summary of Peer Jurisdiction Current ADU Regulations – April 2025

City	Max. ADU Size	Detached ADU Max. Height	Setbacks for Detached ADUs	Utility Connections	Water/Wastewater Fees
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.	Detached ADUs require fire sprinklers and utilities must connect utilities to the main house, unless Director determines it is infeasible	- No additional water/wastewater fees apply to ADU unless the ADU triggers a tap size upgrade; in which case the ADU permit must address the fee increase. - ADU can either be attached to main house tap or have separate tap, which is charged at full amount as normal single-family tap fee.
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.	ADUs must tie into primary unit's water and sewer connections and do not require a separate water tap, or water or sewer licenses.	<u>Utility fees for ADUs :</u> - Meter fee based on meter size of primary dwelling (\$346 for ¾", \$392 for 1") - Tap fee for ADU - \$4,290 - Water reclamation Tap Fee for ADU - \$2,870 - ADU must pay the increase in water tap size if triggered
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	ADUs must tie into primary unit's water and sewer connections and are not required to have a separate water tap, or water or sewer licenses; unless the applicant opts for a separate tap.	No additional water/wastewater fees apply to ADU unless the ADU triggers a tap size upgrade; in which case the ADU permit must address the fee increase.
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.	ADU must be connected to the same utilities as the primary unit and cannot have separate services.	City does not manage water or wastewater utilities.

HB24-1152 Guidance

Concerning Increasing the Number of Accessory Dwelling Units

Table of Contents

Section 1: Background.....	2
Section 2: Summary of the Law.....	2
Section 2.1: Applicability.....	2
Section 2.2: Key Terms Used in the Law.....	3
Section 2.3: What Does the Law Require Subject Jurisdictions to do?.....	4
Section 2.4: What Types of Local ADU Regulations are Still Allowed?.....	5
Section 3: Guidance.....	6
Section 3.1: The definition of an Accessory Dwelling Unit (ADU).....	6
Section 3.2: The list(s) or table(s) of allowed uses in each zone district.....	7
Section 3.3: The procedures for approval of an ADU.....	7
Section 3.4: The standards, conditions, and criteria for approval of ADUs.....	7
Section 3.5: Parking regulations.....	8
Section 3.6: ADU sizes and setbacks regulations.....	8
Section 3.7: Owner occupancy on lots with ADUs.....	8
Section 3.8: Planned Unit Developments (PUDs).....	9
Section 3.9: Homeowners' Associations (HOAs) and Restrictive Covenants.....	9
Section 3.10: Reporting Requirement.....	10
Section 3.11: Becoming an ADU Supportive Jurisdiction.....	10
Section 3.12: Demonstrating Compliance.....	11
Section 4: Examples.....	11
Example 1.....	11
Example 2.....	13
Section 5: List of Subject Jurisdictions.....	20

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	South	Central	North	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.~~

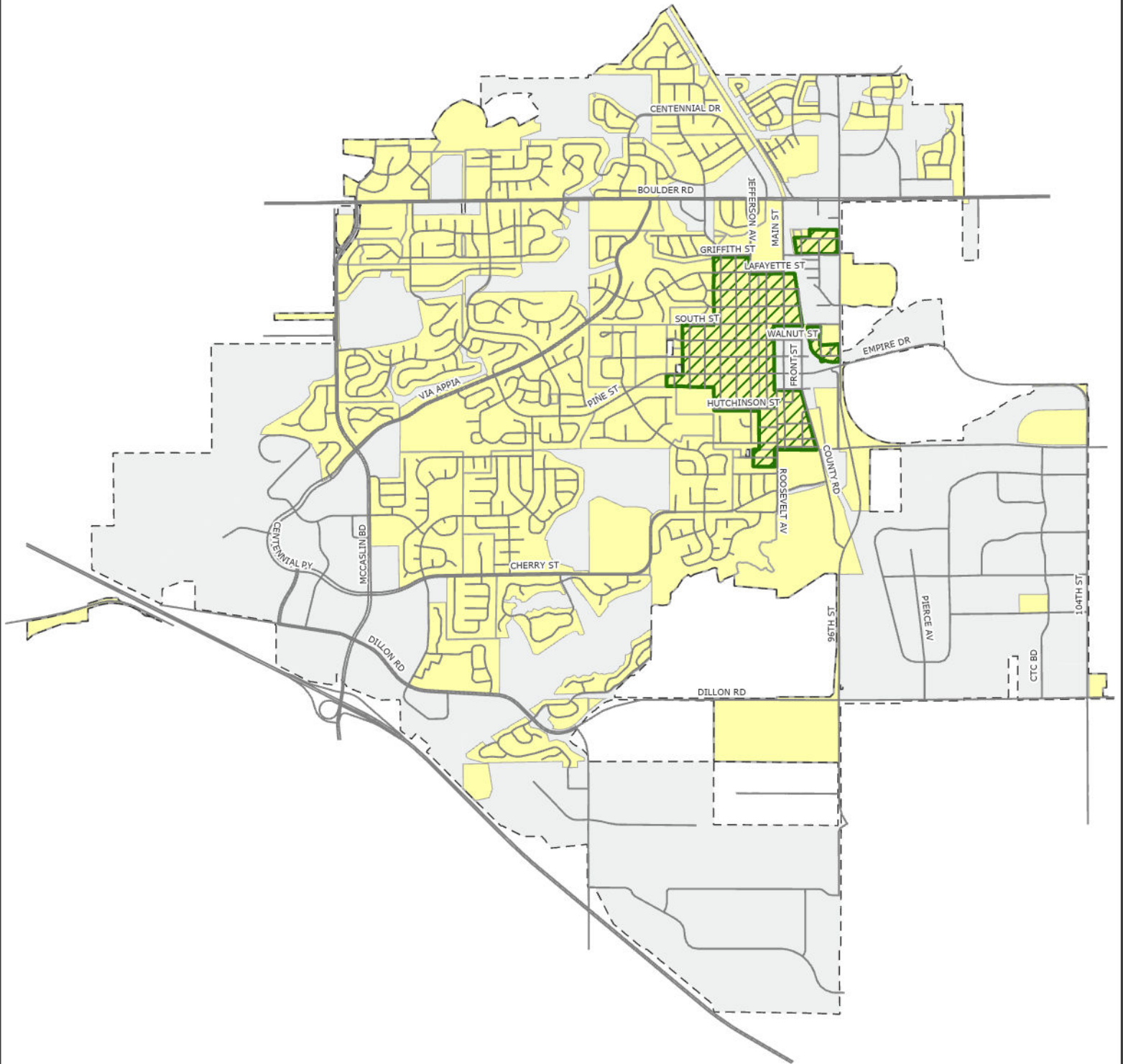
NOTE: These provisions are inconsistent with HB24-1152 unless the community applies the same standards to other accessory structures and modifications or additions of stairs or access points to existing Single-Unit Detached Dwellings for purposes other than the creation of an ADU.

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

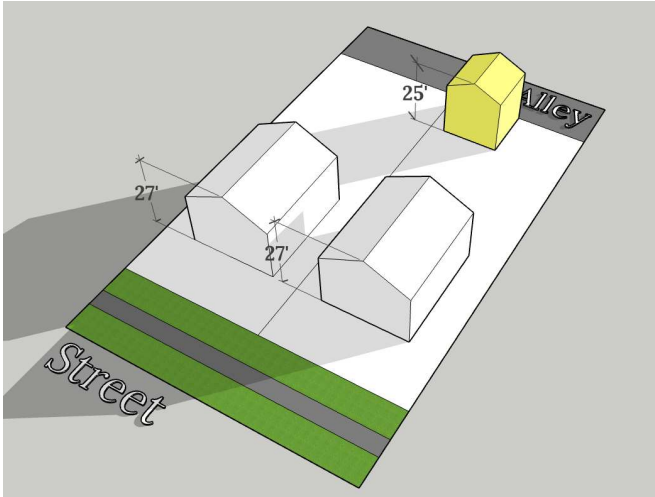
- Single Family Zone Districts*
- Other Zoning Districts
- Old Town Overlay
- City of Louisville Boundary



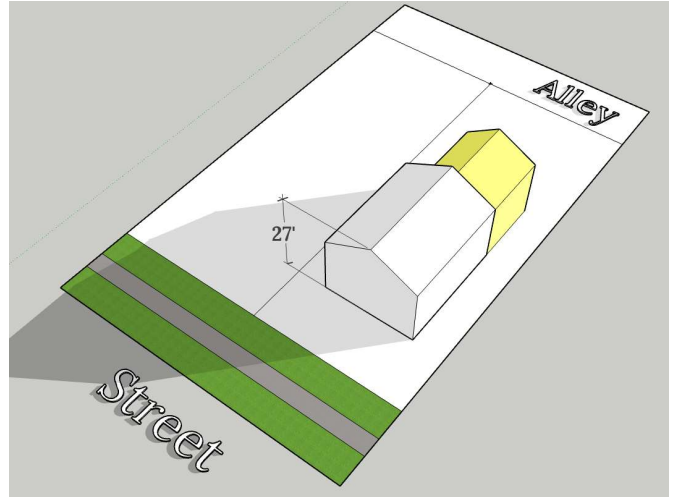
* Includes: A, R-RR, SF-R, SF-E, RR, RE, RL, SF-LD, SF-MD, RM, and P-R.

Proposed ADU Ordinance Illustrations

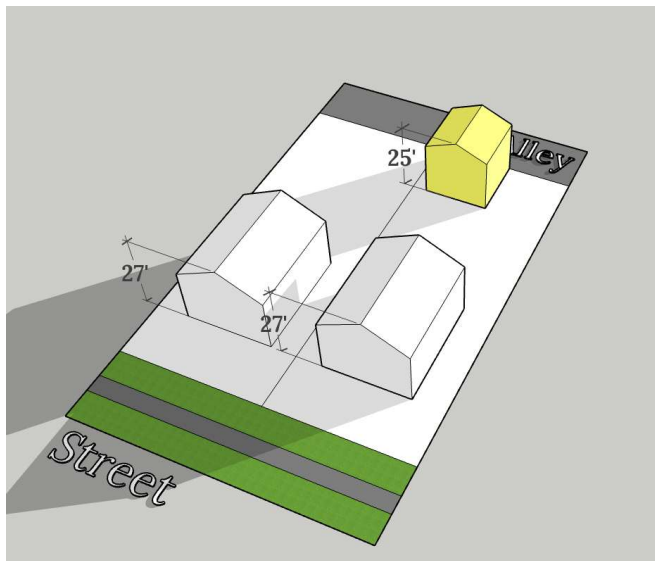
Old Town Louisville Typical Lots



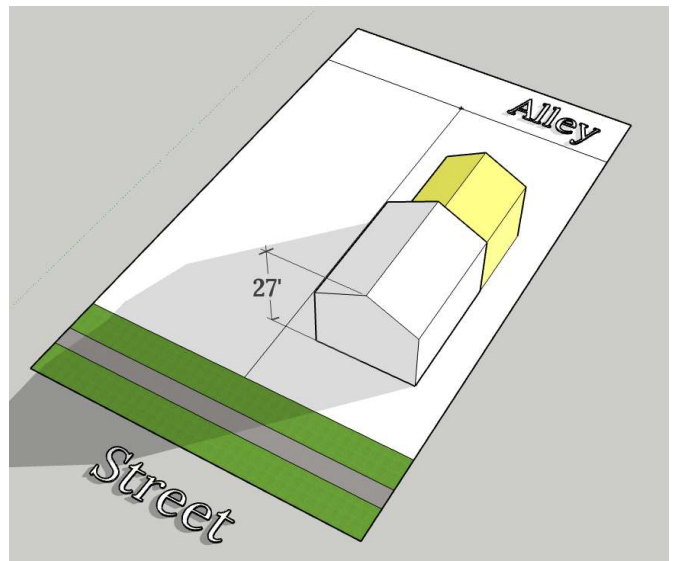
Detached ADU, 800 Square Foot, 25 Foot Height



Attached ADU, 1,000 Square Feet



Detached ADU, 1,000 Square Foot, 25 Foot Height

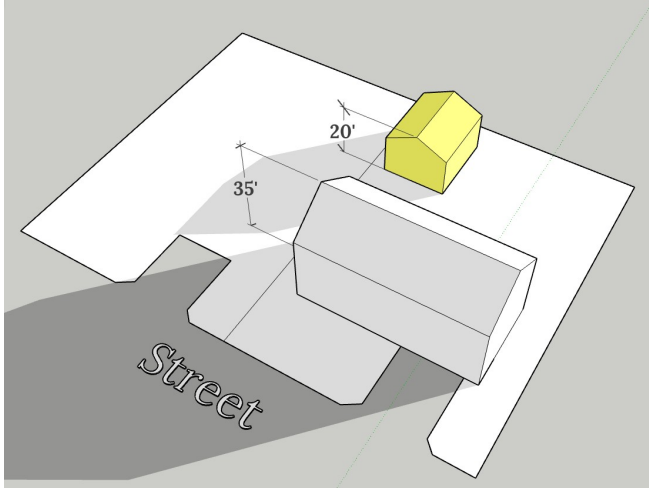


Attached ADU, 1,200 Square Feet

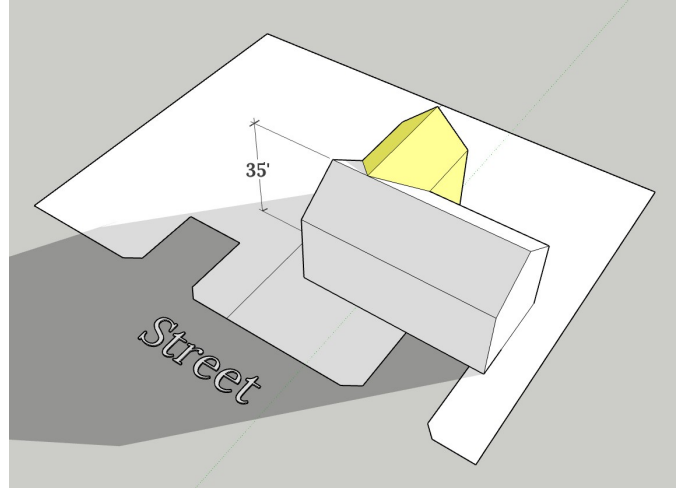
- Dimensions are approximate and illustrative only for ADUs.
- Dimensions for primary unit reflect typical size of such units but are approximate and illustrative only.
- Shadows reflect conditions at noon on December 21.
- ADU images depicted complies with all Old Town development standards in the R-M (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.

Proposed ADU Ordinance Illustrations

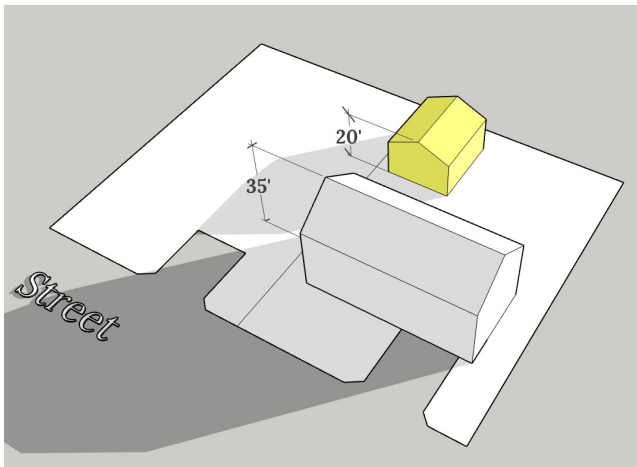
Typical Low Density Louisville Lot



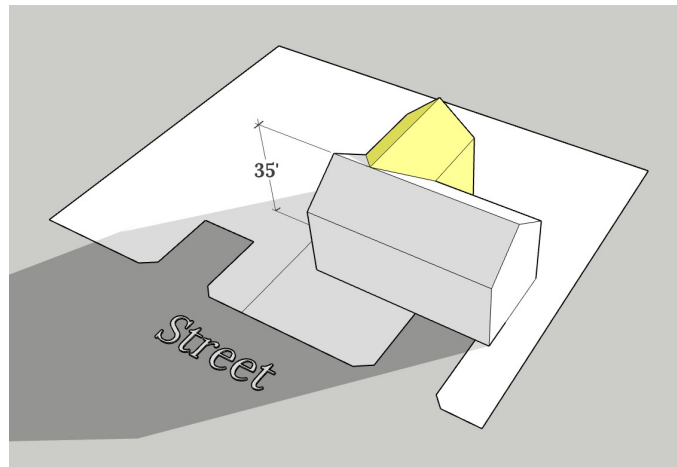
Detached ADU, 800 Square Foot, 20 Foot Height



Attached ADU, 1,000 Square Feet



Detached ADU, 1,000 Square Foot, 20 Foot Height



Attached ADU, 1,200 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.

Planning Commission

Meeting Minutes

February 13, 2025

City Hall, Council Chambers

749 Main Street

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

Staff Members Present: Rob Zuccaro, Director of Community
Development
Jeff Hirt, Planning Manager
Ben Jackson, Planning Clerk

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

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

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

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

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

City of Louisville

Community Development 749 Main Street Louisville CO 80027
303.335.4592 www.LouisvilleCO.gov

Justin Deister, resident, said that he had an issue with the LGBTQIA+ pride flag being flown in City Hall.

PUBLIC HEARING ITEMS – 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.

Staff Presentation:

Hirt introduced the presentation for the zoning code amendment. He noted that the City needed to alter the definition of family in order to be in compliance with a new state law. He added that this was also a recommendation in the City's Housing Plan.

Staff Recommendation:

Staff recommended approval of Resolution 1, Series 2025.

Commissioner Questions of Staff:

Choi asked to clarify whether the terms "single housekeeping unit" and "single unit" had the same meaning in the proposed definition.

Hirt said that he was not sure and suggested that it could potentially be adjusted with a condition.

Choi said he was happy to leave it if staff was ok with the proposed language.

Public Comment:

None were heard.

Staff closing statement:

None was heard.

Commissioner Discussion:

Mihaly said that this was a straightforward change, and that he was in support.

Baskett said she was in support.

Moline said that he was in support.

Choi said that he was in support.

Brauneis said that he was also in support.

Motion to adopt Resolution 1, Series 2025 was moved by **Baskett** and seconded by **Hunt**. The motion was adopted by a vote of 7 to 0.

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.

Staff Presentation:

Hirt introduced the presentation for the zoning code amendment. He explained what ADUs were, what the current rules were for them, and what changes were being proposed. He noted that short term rentals would remain prohibited in the City, and that ADUs could not be used as short term rentals. He added that the deadline for compliance from the state was June 30, 2025.

Staff Recommendation:

Staff recommended approval of Resolution 2, Series 2025.

Commissioner Questions of Staff:

Baskett asked about utility connections for ADUs, and whether ADUs could be added to a duplex.

Hirt said that the proposed ordinance was silent on utility connection fees. He noted that staff recognizes that tap fees are very expensive, and that they are looking at ways to lower those costs.

Brauneis asked whether there were any requirements for an ADU to be separately metered.

Hirt said no, not under the proposed ordinance.

Choi asked about utility taps, and whether ADUs would require a secondary address.

Hirt said any separate unit should have a separate address for emergency access purposes, at minimum.

Zuccaro said that the direction the City was going was to not have separate physical tap, but that the property owner would still incur a fee.

Brauneis asked why a property owner would still incur a water tap fee.

Zuccaro said that this would enable an equitable share of the costs of water infrastructure for new residents.

Hunt asked to make sure they were not planning on requiring separate utilities for ADUs, and that they would be on the utilities of the primary dwelling.

Hirt said that they were intending on having shared utilities with the proposed ordinance.

There was a further discussion about the utility connections for new ADUs, with the discussion focused on how ADU owners would have the choice as to whether they would share a utility connection, but they would have a separate address, and there would be a tap fee applied to the ADU regardless.

Choi asked about the anticipated number of ADUs staff expected to be built per year.

Hirt said that their guess was around 10 newly built units per year from the best regional data available based on a study of the number of ADUs per single family units, but that this was not likely to be an accurate projection.

Hirt addressed Baskett's earlier question about duplexes, and said that ADUs would only be allowed on lots with single family units, and not duplexes, under the proposed ordinance.

Zuccaro said that the state law only applied to single family units, but noted that the Commission could recommend staff expand it to cover other housing types like duplexes and triplexes.

Hunt asked for the reasoning on this.

Zuccaro suggested that it would be a community character question, and that they might not want to add more density to areas that were already denser.

Brauneis asked about an earlier proposed PUD that included garden level ADUs, and asked whether the proposed ordinance would allow for this.

Zuccaro said no, but that the Commission could recommend that this be covered by the ordinance.

Moline asked about staff's reasoning for the minimum size requirement for ADUs.

Hirt said that there was no minimum square footage. He said that the state required them to allow at least a minimum of 500 square feet, but that staff are not proposing a minimum in the ordinance.

Mihaly asked whether there would be any occupancy limits for ADUs.

Hirt said no in the zoning code, because they were unable to do so under state law.

Zuccaro said that the building code would set a minimum space per person.

Bangs asked whether there would be an owner occupancy requirement.

Hirt said the City couldn't do that under state law. He added that the City could require the owner occupy the main residence at the time the permit is issued for the ADU, but they could not require anything beyond that.

Bangs asked to confirm that a current rental property could have an additional rental ADU added.

Hirt said yes.

Brauneis asked about the difference between an addition and an ADU.

Hirt said that it would largely depend on how the space was used and noted that an attached ADU could come in and out of being defined as an ADU over time.

Choi asked about the difference in impact fees for an addition versus the impact fees for an ADU.

Zuccaro said that the impact fees were based on the square footage of the property, and that the expectation was that those would apply to whole property.

Hunt asked whether these would apply differently to an ADU than to a building addition.

Zuccaro said that it would not make a difference whether it was for an addition or for an ADU.

Mihaly asked what would make something an ADU.

Zuccaro said that an ADU would be a completely self-contained living unit. He said that adding a second kitchen would not alone make something an ADU, but that it would instead be when it becomes an independent unit that could be rented out separately.

Choi asked whether the rules would allow future additions to ADUs.

Hirt said that they would if the additions remained compliant with the code.

Baskett asked about the requirements for parking spaces, and whether on-street parking availability would substitute for required off-street parking spaces.

Hirt confirmed this, and said that this limitation was part of the state law.

Motion to add the addendum to the record was moved by **Moline**, and adopted by voice vote.

Public Comment:

Justin Deister, resident, disagreed with the proposed increases in density, and said that he did not understand the purpose of the proposal. He was opposed to the proposed ordinance.

Matt Machado, resident, spoke about the fees for utilities and increased density of rentals. He noted that he already had an ADU on his property, and wondered whether there would be a variance policy that would allow him to come into compliance with the new ADU policy.

Mary Ann Heaney, resident, asked for consideration as to how new ADUs would be situated on yards in Old Town. She noted some issues she had with the proposed parking rules. She also said that she would support only allowing long term rentals for ADUs, and supported the rules prohibiting their use as short term rentals.

Mary Dittle, resident, said that she was considering converting a detached garage into an ADU, and asked that this be grandfathered in to the proposed ADU rules.

Gary Dunlap, resident, noted the difference between the square footage language used in the ordinance, and the lot coverage and floor area language used in the code. He noted that 800 square feet was small compared to other areas of the country. He was in support of the ordinance as it would allow for more affordable housing options.

Jennifer Errante, resident, said she agreed with Dittle's question about grandfathering of setback and square footage rules.

MJ Adams, resident, said that she was pleased to see that City was moving forward with proposal to allow for ADUs. She thought that it would help improve affordability in the City,

and that it would help diversify the City's housing stock. She was in support of the proposal.

Michael Perkins, resident, asked about the proposed utility fees. He questioned whether there should be an additional tap fee if the total number of people using the utilities was not proposed to change.

Andy Johnson, resident, noted that the nature of this ADU ordinance is to comply with state law and supported the proposed ordinance. As an architect, he is consistently telling people they currently can't have an ADU and there is a need for such units in the community. He questioned whether the ADU ordinance is an appropriate place to address compliance with the inclusionary housing ordinance.

Staff closing statement:

Hirt clarified that existing units that meet features of an ADU under the proposed ordinance are proposed to have a grace period to come into compliance. Such grace period would address units that may not meet all the standards and include a life safety inspection of the unit so it can obtain legal nonconforming status.

Commissioner Discussion:

Mihaly asked about the existing parking requirements for primary units, and asked how that would impact ADUs.

Hirt said that this was to reflect the possibility of circumstances where on street parking was not available.

There was a discussion about when the City could require parking for an ADU, with clarification that it was only under a very narrow set of circumstances. Of note was that an ADU that eliminated the required parking spaces for the primary single family unit would not be allowed under the zoning code, using the example of proposing to convert a garage into an ADU.

Choi asked which building design standards, such as those related to energy efficiency, ADUs would be required to comply with.

Hirt said that they would have the same requirements as other residential units.

Zuccaro added that there could be some exceptions for production built homes or tiny homes.

Bangs asked about the difference between square footage and lot coverage.

Hirt said that lot coverage requirements superseded the square footage requirements.

Bangs asked for staff's opinion on allowing an additional 10% lot coverage for accessibility purposes.

Hirt said that they were open to it.

Baskett said that she would be in favor of adding this.

Moline asked why staff settled on the 800 and 1,000 square footages.

Hirt said that staff felt it was a reasonable amount and was one that had been used by other cities. An 800 square foot unit, for example, can adequately accommodate a two bedroom unit.

Mihaly asked to confirm whether the lot coverage and setback variance allowance for Marshall Fire rebuilds was 10%.

Zuccaro said yes.

Mihaly asked about the maximum expected occupancy for an 800 square foot and a 1,000 square foot residential unit.

Zuccaro said that it would depend on the number of bedrooms.

Mihaly asked about how much available capacity was in the City's water system, and how many additional units it could currently support.

Zuccaro said he was not sure of the exact capacity, but noted that the City's utilities team had planned for growth in the City and there is additional capacity.

Bangs asked whether staff thought the inclusionary housing ordinance should be applied to ADUs.

Zuccaro said that one aspect of the ordinance was to have the affordable units be of a similar nature to the base units, which would not be the case with an ADU. He added that staff were preparing an update to the inclusionary housing ordinance.

There was an extended discussion about the potential water tap fees for new ADU units, and the degree to which they should be applied. Staff noted that this was not directly within the purview of the Commission but said that the Commission could still make a recommendation to Council. The consensus among the Commission was that reducing the fees or finding some alternative merited some consideration.

There was also further discussion about allowing additional ADU square footage for accessible units for those with disabilities. **Zuccaro** noted that a 10% variance was already allowed through administrative review under the zoning code with reference to the Fair Housing Act, but that the Commission could opt to make it automatic with ADUs. There was a consensus among Commissioners in support of including this as a condition for the ordinance.

There was discussion about the size limitations, and whether they were appropriate to keep. Some Commissioners agreed that it was important to keep the 49% size restriction so that the ADUs remained secondary in size to the primary unit, and that the ordinance was not intended to broadly allow the construction of duplexes.

Choi and **Bangs** dissented and said that they would prefer that the ADU simply be required to be smaller than the primary residence.

Motion to approve Resolution 2, Series 2025 with the proposed condition that accessible ADUs be allowed the same proposed size increases as landmarked ADUs or ADUs that are classified as affordable, with the additional allowance for accessible ADUs of a 20% lot coverage increase for detached ADUs and a 25% increase for attached ADUs was moved by **Choi** and seconded by **Hunt**. The motion was adopted by a vote of 7 to 0.

PLANNING COMMISSION COMMENTS

None were heard.

STAFF COMMENTS

None were heard.

ADJOURNMENT

Motion to adjourn was moved by **Baskett**, seconded by **Hunt**, and adopted by voice vote. The Commission adjourned at 8:59pm.

Jeff Hirt

From: Celeste Niehaus <cmniehaus1180@gmail.com>
Sent: Tuesday, February 11, 2025 11:26 AM
To: Planning
Subject: ADU's

Hello,

I am writing to encourage you to **reduce** the minimum square footage for an ADU as you consider changes to building codes. Tiny homes and small units can be quite adequate for individuals to live in. A dwelling of 200-250 square feet would allow for more ADU's to be built and possibly more affordable homes to be on the market.

Thank you for your consideration.

Celeste Niehaus
920 Rex Street
Louisville, CO 80027

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Jeff Hirt

From: Kathryn P Hamerly <kathrynphamerly@gmail.com>
Sent: Saturday, February 8, 2025 7:55 AM
To: MICHAEL HAMERLY
Cc: Planning
Subject: Re: Questions and Concerns for the Feb 23 Planning Meeting

Categories: Jeff Reviewing

Resending

On Sat, Feb 8, 2025 at 7:50 AM MICHAEL HAMERLY <mike.hamerly@outlook.com> wrote:

Hello,

Thank you for having the meeting to discuss the upcoming ordinance allowing ADUs in Louisville. I have some questions and concerns...

-I have learned that the City Water Department seeks to require tap fees to the city water and sewer lines. This would add a very burdensome cost to ADU development. I think it is sensible to allow an ADU to tap into the home's existing water and sewer line.

-What is the state grant funding mentioned in the proposed ordinance amendment?

-Is there a minimum square footage for an ADU? We are planning for a 450 sq foot ADU on our property.

Thank you,
Michael Hamerly
Harding Ct

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Jeff Hirt

From: Peter Stewart <peter@stewart-architecture.com>
Sent: Tuesday, February 11, 2025 1:02 PM
To: Planning
Cc: Jeff Hirt; City Council
Subject: ADU comments

Planning Commission members,

As a longtime resident and design professional working in Louisville, I am supportive of the draft ordinance. Numerous clients of mine over the past years, so many I have lost count, have been interested in ADUs and were sorely disappointed to learn that Louisville prohibited them. This proposed ordinance is welcome news.

Louisville prides itself as being a leader in energy efficient and sustainable new development, yet has lagged far behind our peer communities in allowing ADUs, which provide very efficient housing options. This is one example how our current development code is in need of improvements to meet our stated goals.

Comments on the draft ADU ordinance:

1. Utilities: It should be explicitly clear in the code that ADU's share water and sewer utilities with the principal residence. Elsewhere in the code it states that each dwelling unit and each separate building have its own water and sewer tap. There is also the issue of tap fees or meter size upsizing fees. If the city imposed such fees, which are substantial, it will make ADUs unaffordable, defeating a primary purpose of ADUs.
2. Maximum number: This should be changed to 1 ADU for each legal principal dwelling on a property. For example, each unit of a legal duplex should be allowed to have an ADU in their basement.

Thank you for considering my comments. I look forward to passage of this overdue ordinance.

Peter Stewart

stewart

ARCHITECTURE

1132 Jefferson Ave. Louisville, CO. 80027

tel: 303.665.6668

peter@stewart-architecture.com

Jeff Hirt

From: Laura Page <lpage53@gmail.com>
Sent: Tuesday, February 11, 2025 10:31 AM
To: Planning
Cc: City Council
Subject: ADUs
Attachments: ADU_Tiny home designs.pdf

Dear Members of the Planning Commission,

You are now considering changes to our Codes to conform to the State's new regulations regarding ADU's. Although the State prohibits the City from creating rules that are *more* restrictive than those passed by the Legislature, *greater* leniency IS allowed. I encourage you to consider reducing the minimum square footage for an ADU from 500 sq ft to 200, or maybe 250 sq sq ft., calculated according to the IRC (International Residential Code) which measures the interior liveable space. The 2018 IRC has specific standards for "tiny homes" under 400 sq ft. on foundations - see <https://codes.iccsafe.org/content/IRC2018/appendix-q-tiny-houses>.

Many of you may not be able to comprehend how someone could live in such a small space but people across the world, and historically in the US, have managed this. Consider that a space of just under 290 sq ft can yield an 8' x 9' bedroom with separate closet, a full-size bathroom with a 4' wide walk-in shower, and a 10'x16' living room with a kitchenette. I have attached photos of examples of structures between 200 and 225 sq ft.

Smaller ADUs would better fit within an existing home or on smaller lots and be more affordable to develop. The lot coverage would be less which might be more acceptable to adjacent property owners. In addition, smaller units will reduce utility costs for the ADU resident. Ultimately, decreasing the minimum square footage for an ADU could increase the number of ADU's built throughout the City, which I understand is the goal..

Especially with the desire to increase housing for elders, many of whom are comfortable in smaller spaces - including myself - I ask that you reduce the minimum size for an ADU from 500 sq ft to 200.

Thank you for your consideration.

Laura Page
920 Rex St

Jeff Hirt

From: cindy Bedell <cyndilarsen@yahoo.com>
Sent: Monday, February 10, 2025 11:59 AM
To: Planning; Jeff Hirt; Rob Zuccaro
Subject: ADU Item 6b Feb 13 2025 Planning Commission Meeting

Dear Planning Commissioners,

Re Ordinance amending Title 17 to
allow Accessory Dwelling Units in accordance with Colorado
House Bill 24-1152.

1.) The Louisville Municipal Code (LMC) currently does not allow
short term rentals anywhere. However, it seems very likely that
some of these ADU's will become VRBO's or AirBnB type rentals.
This would be contrary to the intention of House Bill 24-1152 to
create more housing for local residents.

I believe the ordinance should explicitly state the prohibition
of ADU's being used for short term vacation rental properties,
and include measures for enforcement. How is short term
rental defined? Does it need to be more specific?

2.) The city can regulate the height of ADU's under House Bill 24-1152.
The ordinance should limit the height of ADU's in old town overlay
district to 20', (not 25') to be consistent and maintain the character of old town Louisville.

Thank you for considering this input.

Cindy Bedell
Ward 2
Louisville

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Jeff Hirt

From: Val Foster <vfoster234@comcast.net>
Sent: Friday, February 7, 2025 8:26 PM
To: Jeff Hirt
Subject: Louisville ADUs

Follow Up Flag: Follow up
Flag Status: Flagged

Hi!
Please do everything in your power to allow ADUs in Louisville with safe, but also the least amount of restrictions possible.

Everyone's college kids are rebounding back home and an ADU will be a great solution for many Louisville families.

thank you for all you do!

The Fosters
234 Jackson Circle
303.304.7905

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Jeff Hirt

From: Andy Johnson <andy@dajdesign.com>
Sent: Wednesday, February 12, 2025 8:23 AM
To: Planning
Cc: Jeff Hirt; Rob Zuccaro
Subject: Accessory Dwelling Units - Comments & Feedback

Dear Planning Commission Members,

As a long time resident and Colorado licensed architect working in Louisville, I fully support the ordinance to allow ADU's in single-family zoning districts. I have worked with clients over the past 25 years wanting to design a home that included an ADU in order to support the care of an aging parent, a child who needed to come back home, or to create passive income as they think about aging in place. It has left clients feeling frustrated that they could not fulfill one of the basic goals of their house project in Louisville when they would be able to do so just about anywhere else in our area.

Currently, Louisville is the only City or Town in Boulder County and one of the only along the Front Range that does not allow ADU's in some capacity. The State made an important decision to allow ADU's in communities across the State in order to help find a solution to our need for affordable housing, and helped provide an answer to our enormous amount of out-dated single-family land use practices.

The State did much of the heavy lifting to set the stage for the proposed code, and the ordinance follows it diligently. Overall, the proposed ordinance is appropriate and well written to support Louisville's compliance with Colorado House Bill 24-1152. There are issues that need to be addressed to help strengthen the ordinance in general and to be compatible with Louisville-specific goals. Below are suggested modifications to help the ordinance be more successful.

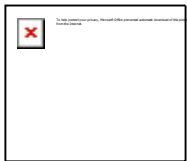
- Remove the section about ADU's not contributing to the 12% IHO. The ADU ordinance is the not the place to create rules about affordable housing, nor is it the place to debate what qualifies for the 12% IHO. Move this topic to the IHO amendments. Further, I disagree with the assessment from staff that developments complying with the IHO must do so with like-for-like affordable units compared to the market rate units within the same development. That policy position does not allow for unique and creative opportunities to provide affordable housing, for example for-sale and for-rent housing together in one development.
- Allow for detached and attached ADU's for duplexes, and allow for attached ADU's in buildings that are 3 or more single-family, multi-level attached units.
- Prevent any policy decisions that mandate discrete water and sewer lines and tap fees be required for the development of an ADU. The intent of an ADU is to be accessory to the primary structure and limited by size in the proposed ordinance. Both detached and attached ADU water and sewer lines should be allowed to be run to and from the primary structure, and ADU's should only subject to the water fixture count form to determine usage at the subject property. A full water/sewer tap assessment for a ADU will be cost prohibitive for the construction or conversation of a space into an ADU, and could be considered in violation with the State bill.

- Eliminate the lot area per dwelling unit rule for all ADU's in applicable zoning districts.
- Incentivize ADU development dedicated to affordable housing by increasing size (as already described in the ordinance), tap fee reduction, and lot coverage increases.
- Incentivize single-level and accessible ADU development by allowing a 10% increase in lot coverage requirements. A single-level ADU (not necessarily fully accessible) creates a living space for those who have issues with stairs or need easier access to their home. An accessible unit, typically single-level in design, would provide a much needed housing type for those with a physical challenge. Single-level units do not have the benefit of stacking over another ground floor level saving building footprint and therefore require additional lot coverage.

Louisville has lagged behind in making important updates to its zoning code over the past number of decades, especially when compared to its neighboring communities. While ADU's in Louisville have been discussed for a number recent years, little action has taken place to move us to a meaningful ADU ordinance. The ordinance being presented only brings us into compliance with the new State law, and it is not a progressive or proactive ordinance to assist in our need for housing.

While this ordinance is a great start, and I would like to thank staff for their work on the ordinance draft and for their effort to set Louisville up as an ADU Supportive Jurisdiction. More can be done and it will require your leadership. As this new State regulated ordinance is discussed at Planning Commission and City Council, please keep in mind that much of the suggestions above have already been incorporated into our neighboring communities' ADU rules, and are not novel to the ADU discussion. Please consider the suggestions listed above to be included with the ordinance as you make your recommendation of approval to City Council. Thank you!

Andy



ANDY JOHNSON, AIA

w: dajdesign.com

o: 303.527.1100

m: 303.249.1624

[vCard](#)



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Date: April 9, 2025

From: Eric Ellis, Conscious Design
Erik Hartronft, Hartronft and Associates
Andy Johnson, DAJ Design
Peter Stewart, Stewart Architecture

RE: **Proposed Accessory Dwelling Unit Ordinance**

Mayor and City Council members,

This letter represents a consensus opinion and recommendation regarding the proposed ADU ordinance. We are a group of independent Colorado licensed architects that live and work in Louisville. We use Louisville's zoning and building codes daily as well as using the ADU regulations of our neighboring towns and cities. We are encouraged Louisville is finally updating our code to allow ADUs as many of our peer jurisdictions have previously achieved.

The purpose of our analysis is to provide City Council with measures that will strengthen and improve the ordinance to be more meaningful, user friendly, and to succeed in reaching the desired goals of the City. We would be happy to meet with staff to further discuss our recommendations.

ADUs & Louisville's Housing Goals

The aspirational standards that are described as a preface to the state law encourage municipalities to take a step further beyond what the law mandates to meet our community's housing goals. The research (Attachment B) emphasizes the proven positive impact of enacting meaningful municipal code changes related to Accessory Dwelling Units to reach our desired goals. We believe additional changes to the proposed Louisville Municipal Code are critical to respond to HB 25-1152 and our Louisville's housing goals.

The following is a summary of our recommendations to make the ADU ordinance successful in Louisville:

1. **Maximum Number:** A maximum of one accessory dwelling unit shall be permitted as accessory to a principal single-family dwelling including attached single-family dwellings.
2. All single-family zoned properties in Louisville must be allowed to support a minimum 500sf ADU increase regardless of available floor area ratio (FAR) and lot coverage.

A survey of non-Planned Community Residential properties was conducted by the team in various areas throughout Louisville, including Old Town, Sundance, Dutch Creek, Centennial, Centennial Heights, Saratoga, Heritage, Mesa Point, and Meadows at Coal Creek. Available lot coverage for properties in the above subdivisions typically range between 135sf to 791sf and an estimated average of around 350sf. A few outlier properties had less than 100sf or remaining FAR and in some cases greater than 800sf of remaining FAR in order to build an ADU. In order for the ADU ordinance to have a meaningful impact, the lot coverage requirements need to be

eliminated or significantly modified to allow for a minimum-sized one-bedroom ADU. 500sf is a modest sized space/building that can accommodate an open living area, separate bedroom, and separate bathroom. Since a two-story ADU structure requires a smaller footprint to achieve a reasonably sized ADU, a 400sf minimum allowable lot coverage should be afforded.

3. Allow attached ADUs to be constructed within attached single family homes.

Attached, single-family townhouse units have the ability to incorporate an attached lower, garden-level ADU and would have minimal impact on a development's form and bulk standards. Attached single family dwellings should be allowed to incorporate either attached or detached ADU's

4. Allow sizes up to 1,000 sf for accessible ADUs, and provide FAR and lot coverage density bonus for single-level, accessible ADU's. The minimum ADU size allowed for all single-family properties would still apply. Accessible units would be constructed to Type C (visitable) Unit Standards, per ANSI A117.1
5. Remove requirements for additional and discrete water and sewer taps and associated fees. Allow the water fixture count form to provide standards for water line size (i.e. fixture count of more than 30 requires an increase in the tap fee assessed for the project). Provide a flat tap fee assessment of \$4,000 for total water fixture counts that exceed a score of 30 due to the addition of an ADU, or implement an incremental fee such as \$500 per fixture (fixture not fixture unit) for a max fee of \$4,000. Example: 1 full bath = \$500 x 3 fixtures = \$1,500

The number of fixture counts for the aggregate of the primary unit and ADU should dictate the requirements for additional water and sewer tap fee assessments. There should be no specific water fixture count threshold to assess a tap fee for an ADU (currently a score of 5 for detached ADU-like buildings require a separate tap fee assessment). Currently when a water fixture count exceeds 30, the jump from a ¾" tap fee to a 1" tap fee is in excess of \$45,000 based the costs listed on Louisville's tap fee form, and the increase in water usage is not equal to the assumed demand in the case of an ADU. A fixture count greater than 30, should only be charged a nominal tap fee for the assumed additional usage rather than a full jump from a ¾" tap fee to a 1" tap fee. The intent is to encourage more ADUs not disincentivize with unnecessarily high tap fees. A high tap fee may be considered in violation of the state law.

6. Allow an increased maximum height of 25' for ADU's in all zoning districts where ADU's are allowed.

Allowing a 25' max height limit is lower than the max building height limit in all residential zoning districts, including the Old Town Overlay. In some cases, a smaller footprint may yield a two-story ADU structure necessitating a higher maximum building height than the current 20' standard, as recommended in the ordinance. A 20' max building height limit for an ADU creates a difficult and limiting scenario to design and build an ADU on or with a second level and allow for reasonable ceiling height configurations.

7. Accessory Dwelling Units are inherently more affordable than their single-family detached or attached home counterpart. Discussions and subsequent code language about an ADU contributing to the requirements of Louisville's Inclusionary Housing Ordinance (IHO) should be discussed in the context of the IHO, and not within the ADU ordinance.
8. Placement on lots:
 - a. Allow ADU's to be placed either in front of or behind a principal structure. This allows for creative flexibility, and supports Louisville's historic preservation goals.
 - b. Allow ADU's to have covered front porches that extend into setbacks the same as the principle residential structure. There are opportunities when ADUs can be built on corner lots and the ADU will face a side street. In this instance, an ADU could be encouraged to be closer and engage the street with a front porch that is built into the setback.

Tap Fees

As referenced above, any significant tap fee will create, what we believe is an unnecessary barrier to ADU's. In addition to the fee discussion another section of our code will require amendment to coordinate with the ADU zoning changes

Sec. 13.08.030. - Separate connection required. (Recommended amendment in red)

Two or more premises may not be supplied from one and the same connection unless the structures on the premises are served in such a manner on the effective date of the ordinance codified in this chapter. In the addition of a building or structure which adds a complete living unit in the case of a multifamily residence, or which adds a pad or pads to a mobile home court, or which adds rooms or apartments to an apartment house in the event such rooms are served by plumbing fixtures, or any addition not listed in this section which adds more than five points as computed by Table A under [section 13.12.030](#), such addition shall require the payment of an extension charge to be computed according to the method of computing tap fees as outlined in [chapter 13.12](#). This section shall apply to extensions to all existing water services as well as to future services.

Exemption: Accessory Dwelling Units

Attachments

- A- ADU Ordinance Recommendations Mark-ups
- B- ADU Housing Research

Draft Ordinance- Recommended revisions:**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; **is serviced through the same utility meters or connections as the principal use**; 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	Accessory dwelling unit	<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 ~~attached or detached~~ 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 ~~and D~~
 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~~ 25 feet.
 - b. The maximum height of detached accessory dwelling units in the ~~Old Town overlay district~~ all zone districts 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.~~
 - c. Covered front porches may extend 6-feet into front and side street setbacks
 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: All Accessory Dwelling Units shall be awarded a 500 SF increase in lot coverage and FAR.*

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.
3. *Accessible Units - an accessory dwelling unit that is single story and is an accessible (Type C unit) shall be awarded an additional 100 SF lot coverage and FAR increase.*

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. *Attached single family: Accessory Dwelling Units can be built attached or detached as a part of attached single family development.*
3. *Accessory Dwelling Units do not contribute to required Floor Area Ratios.*
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. (Planning Director may grant exception with approved phasing plan.)
- 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:

ADU Housing Research

The state legislature has passed HB-24-1152 in an effort to use Accessory Dwelling Units (ADUs) as a tool to help facilitate additional housing options within most Colorado Municipalities. Real estate costs in Boulder County and throughout Colorado have skyrocketed over the last ten years creating an unsustainable gap between housing costs and lagging increases in salaries. Homelessness is increasing, commuter distances are increasing, and an aging population is left with fewer housing options. We have a housing crisis in Colorado and especially within Louisville. House Bill 24-1152 does a tremendous job of identifying aspirational and mandatory standards for Colorado Municipalities to help encourage ADUs. Increasing housing options through the encouragement of ADUs is an important tool to address these issues. Below is a list of some of these aspirational standards within HB 24-1152 and proposed changes to the current Louisville Municipal Code response to more closely adhere to these aspirations:

- 1 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
 - This section addresses the need to utilize existing infrastructure. This can be accomplished by allowing no additional sewer and water taps which are unnecessary and cost prohibitive.
 - This section also identifies creating compact housing within established neighborhoods instead of dispersed low-density housing. This encourages higher density residential which is more affordable and helps to minimize suburban sprawl, conserving land and resources..
- 2 - 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
 - Colorado and especially Louisville real estate has increased exponentially in the last decade placing a strain on homeowners with lower, and/or fixed incomes. ADU rentals will help homeowners to age in place and provide a path for lower income residents to live closer to where they work.
- 3 - 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
 - ADUs are often rented and/or occupied by family members including adult children, aging parents, adult children with special needs, etc. It would be challenging for a potential college graduate to live within Louisville due to increased rents and run-away housing costs. Housing size requirements vary as the size of a household decreases as children age and move out. An ADU allows seniors to age in place within an ADU on their own property. Likewise, a family may want their aging parent to live autonomously

but close within an adjacent ADU. A multitude of scenarios can optimize family member rentals of ADUs.

- 4 - 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
 - Once again, this aspirational standard encourages higher density residential development and reduced infrastructure costs. This statement would encourage higher density in the form of increased FAR and building lot coverage and a reduction in the required infrastructure such as additional water and sewer taps.
- 5 - 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
 - Requiring additional independent water and sewer taps for a new ADU is contrary to another aspirational standard making better use of existing infrastructure. There is no need for additional taps if the existing infrastructure is adequate to support the existing residence and the new ADU.
- 6 - 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
 - The City has published that ten new ADUs are expected to be built within Louisville in the first year after adoption of the proposed ADU amendment. This number of new ADUs is insignificant compared to the housing needs within the community. Only by relaxing key requirements for new construction can ADUs become a valuable tool to increase housing affordability. As opposed to many adjacent municipalities, the City of Louisville has never allowed ADUs. It is widely accepted from referenced studies within HB-25-1152 that ADUs have an overwhelmingly positive effect on communities that allow them in greater numbers. It would serve the community well to not only meet the minimal standards the state law requires, but to exceed these standards to allow more opportunities for new ADUs. Allowing ADUs to be accessory to duplexes or multifamily residential properties will provide another step to increase the presence of additional housing with developments.
- 7 - 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

- It is a stated goal of the City of Louisville to promote sustainability and decrease the carbon footprint per capita of Louisville. By increasing the number of ADUs throughout the City, the per capita carbon footprint decreases due to the smaller house size and thus lower energy costs and emissions. It is in the City's best interests to find every avenue to increase ADU construction throughout the municipality.

- 8 - 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 PAGE 4-HOUSE BILL 24-1152 AND WITHIN SINGLE FAMILY HOUSING MARKETS"
- 9 - 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
- 10 - 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
 - If the intent is to allow ADUs to have a significant impact on the housing supply, then land use regulation will need to be relaxed to allow more opportunities for ADUs.
 - The three aspirational statements above describe the impact that land use restrictions versus increased housing supply have on housing affordability throughout the community.



Accessory Dwelling Units Ordinance

City Council

April 10, 2025

Request

Consideration of an ordinance amending Title 17 to allow Accessory Dwelling Units (ADUs) in accordance with Colorado House Bill 24-1152, and an ordinance amending Title 3 to address development impact fees for ADUs.

Noticing requirements have been met, and the ADU meetings have included enhanced community notice.

Topics

1. What is an ADU?
2. Current State of ADUs in Louisville
3. Recent ADU Related City Policies and State Law
4. Ordinance Summary

What is an ADU?



Attached Above Garage ADU



Interior Converted Garage ADU



Interior Converted Basement or Attic ADU



Attached ADU



Detached ADU

What is an ADU?



Current State of ADUs in Louisville

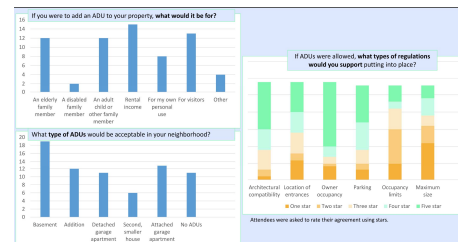
- Louisville does not allow ADUs, which makes us an outlier among peer communities
- “Guest Houses” and “Rooming Units” are allowed, but cannot be independent units (e.g., no full kitchens)
- Short term rentals prohibited

2023 ADU Community Engagement

- Marshall Fire Recovery Area-focused engagement
- Community input (100+) on questions like whether to allow ADUs, size, owner occupancy, etc.
- Mixed opinions and desire to address citywide
- State law overrides the questions asked during community engagement

Community Response to ADUs in Marshall Fire-Affected Neighborhoods

This report includes results from a City of Louisville open house and an EngageLouisville survey in February 2023.



June 2024 Council Discussion/Direction

City Council direction to align with state law and evaluate:

- Incentives for ADUs that are “Affordable”, landmarked, or accessible;
- Voluntary pathways for existing units to come into compliance; and
- Technical or financial assistance to support ADU development.

Louisville Housing Plan



Goal 1: Increase Residential Development Opportunities in Louisville



Goal 2: Expand and Maintain Access to Affordable Housing



Goal 3: Diversify Louisville's Housing Stock



Louisville Housing Plan



➤ Action 1.4 Evaluate Allowing ADUs Both Attached and Detached On Single-Family Lots

RATIONALE

Allowing Accessory Dwelling Units (ADU), both attached and detached, on single-family properties across the city can help to increase housing supply and diversity while creating more financial flexibility for homeowners. ADUs offer a small-scale and incremental way to increase density while protecting existing community character and without putting pressure on existing infrastructure systems.



➤ Housing Goals

DESCRIPTION

ADUs can provide less expensive housing solutions, but not to the same degree or guarantee as income restricted housing. ADUs can be right-sized and adjusted for a variety of household types, such as multigenerational households, young adults, and seniors. In addition to providing more housing to renters, ADUs can inversely assist affordability or financial flexibility for property owners through the rental income that they collect.

Allowing attached and detached ADUs does not guarantee that ADUs will be produced. The cost to individual property owners to design and develop compliant ADUs can limit program participation. To overcome this barrier, the city can provide pre-approved plan sets to property owners that requires little to no permit review time.

Additionally, barriers to ADU development could be removed if design and development standards for ADUs are sensitive to neighborhood character. For example, the City should consider allowing ADUs to use the same water tap as the primary dwelling and not charging an expansion fee within the limits of the ADU policies for the size and type of unit.

WHAT IS AN ADU?

ADUs are an additional dwelling unit—typically with its own sleeping, bathing, and cooking facilities—on properties with a primary home, designed in a way that blends in with the existing neighborhood.

➤ Action 1.4 Relevant Themes Heard from Housing Plan Community Engagement

- Incentivize tiny homes or ADUs that can be a path to homeownership rather than manufactured homes that can leave people vulnerable to displacement.
- Heard more support for ADUs that can be ownership units rather than rentals.



Colorado HB 24-1152

- Requires Louisville to allow ADUs on all single family lots
- Detailed standards related to ADU locations, minimum sizes, setbacks, etc.
- ADUs must be allowed “administratively”
- Limits related to owner occupancy, parking
- Deadline for compliance – June 30, 2025



HOUSE BILL 24-1152

BY REPRESENTATIVE(S) Amabile and Weinberg, Bacon, Boesenecker, Epps, Froelich, Garcia, Jodel, Kipp, Lindsay, Lindstedt, Mahrey, McCormick, Ortiz, Ricks, Rutinel, Sirote, Story, Valdez, Vigil, Willford, Woodrow, McCluskie, English, Herod, Martinez, McLaughlin, Percosi, 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.

Draft Ordinance

- ADU allowance
- ADU sizes
- ADU heights
- ADU setbacks
- Other key elements

The draft ordinance distinguishes between attached and detached units



Attached ADU

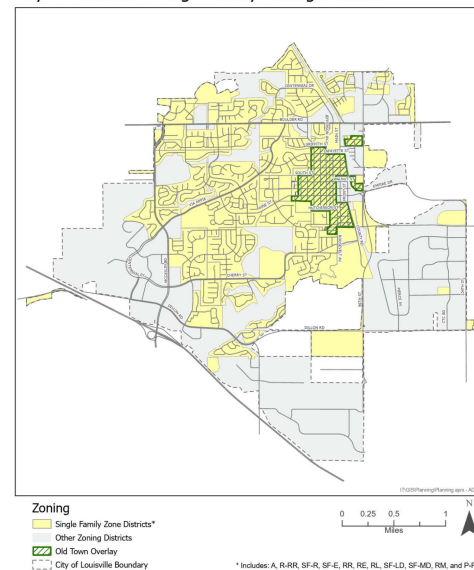


Detached ADU

ADU Allowance

- Detached and attached ADUs allowed everywhere single family units allowed to comply with law
- ADUs allowed “by right” with no discretionary review process or standards
- Exception for historic preservation review

City of Louisville - Single Family Zoning Districts

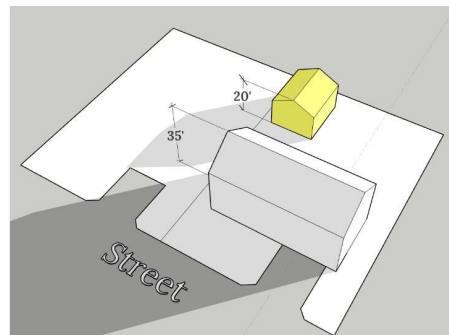


Maximum ADU Size

- Detached ADU – 800 square feet
- Attached ADU – 1,000 square feet
- 200 square foot increase for historic landmarked ADU buildings, deed restricted affordable units
- To comply with state law, align with peer jurisdictions, create incentives aligned with City policies and council direction.

Max. ADU Height, Outside Old Town

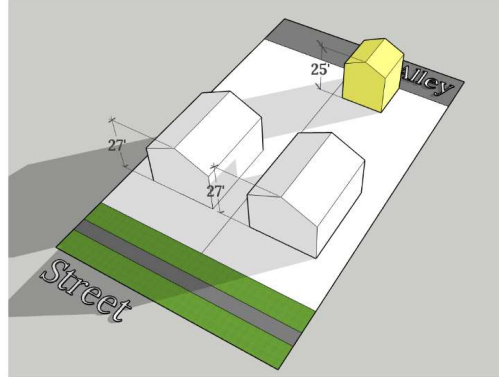
- Detached ADU – 20 feet (same as other types of accessory buildings)
- Attached ADU – same as primary building
- The City can regulate ADU heights under HB 24-1152



Detached ADU, 800 Square Foot, 20 Foot Height

Max. ADU Height, Old Town

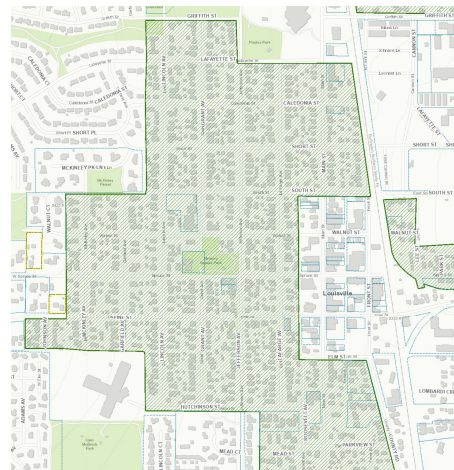
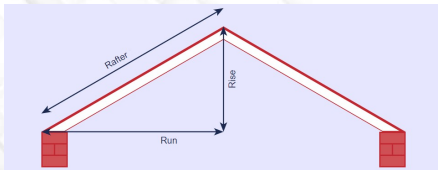
- Detached ADU – 25 feet
- Attached ADU – same as primary building



Detached ADU, 800 Square Foot, 25 Foot Height

Old Town Unique Conditions

- Roof pitch requirement and impacts on second floor habitable space
- Smaller, narrower lots



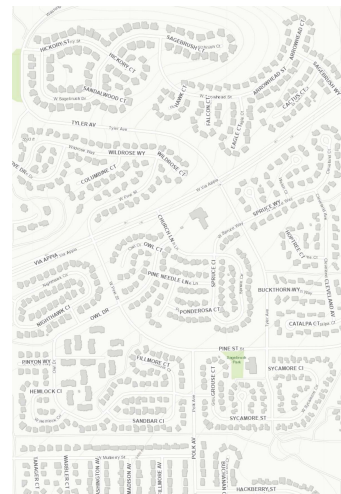
ADU Setbacks from Property Lines

- Detached ADUs – same as for other accessory buildings
- Attached ADUs – same as for primary buildings, but rear setback can't exceed that for an accessory building
- ADUs must be behind the front of the primary building



Other Key Elements of Ordinance

- Parking for ADU only required if no on street parking on subject block and there is not an excess space on the lot not required for the primary unit (state law)
- ADU is exempt from minimum lot size per dwelling unit restrictions (state law)
- ADUs are subject to minimum lot coverage, floor area ratio like other buildings with exception for accessible units.



Incentives for Certain ADUs

- 200 square foot size bonus for ADUs that are landmarked or deed restricted affordable.
- 200 square foot size and 20-25% lot coverage bonus for ADUs that are designed as accessible.

Other Key Elements of Ordinance

- Existing units that meet the definition of ADU but don't fully comply (e.g., setbacks, size, etc.) have "grace" period until end of 2026 to get legal nonconforming status
- For projects subject to City's Inclusionary Housing Ordinance, the ADU doesn't count towards the deed restricted unit set aside of 12%

Planning Commission Recommendation

On February 13, 2025:

- Planning Commission recommended approval with the condition that accessible units get a size and lot coverage bonus, as reflected in the ordinance.
- Planning Commission requested that City Council consider reduced water tap fees for ADUs to the extent practical.

Recommendation

Staff recommends approval of Ordinance 1892, Series 2025 to amend Title 17 to allow ADUs to comply with HB 24-1152 and Title 3 related to impact fees for ADUs to implement Housing Plan goals and action items.