



# PLANNING COMMISSION AGENDA

Wednesday, February 19, 2025 at 5:30 PM

## MEETING LOCATION

1201 Broad Street, Meeting House, Milliken, CO 80543

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### Zoom Meeting Details

To Join via Zoom

<https://us02web.zoom.us/j/89770464682?pwd=qgExT4LaBYUCyMWBPgzbvGbPCnAMQj.1>

Meeting ID: 897 7046 4682

Passcode: 684486

One tap mobile

+17193594580,,89770464682#,,,,\*684486# US

+16694449171,,89770464682#,,,,\*684486# US

## 1. Discussion Topics

### a. Code Changes for ADUs

Pepper McClenahan, AICP, Community Development Director

### ACCOMMODATION NOTICE

The Town of Milliken complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public's access to and participating in public meetings is a priority for the Town of Milliken. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the Town of Milliken, please contact the Town Clerk, Caree Rinebarger at (970) 660-5045 within 3 to 5 days before the scheduled meeting date in order to allow the Town to better accommodate your request.

### NOTE

Headings in this agenda are for organizational purposes only. The board of trustees may take formal action on any matter reasonably related to any item listed under any section of this agenda. Town of Marble v. Darien, 181 P.3d 1148 (Colo. 2008); Benson v. McCormick, 578 P.2d 651 (1978).

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Contact: Caree Rinebarger, Town Clerk ([CRinebarger@town.milliken.co.us](mailto:CRinebarger@town.milliken.co.us) | 970-587-4331)

Agendas will be published a minimum of 24-hours in advance of the meeting start time.

# **ZONING, HOUSING ATTAINABILITY, & ADUS**

**PBCD • JANUARY 17TH, 2020**



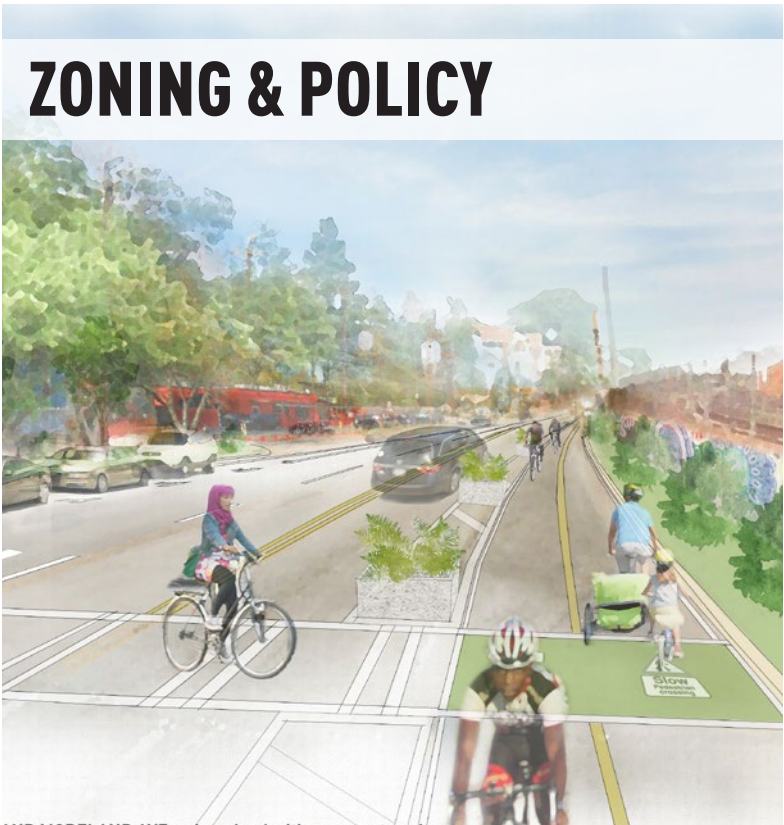
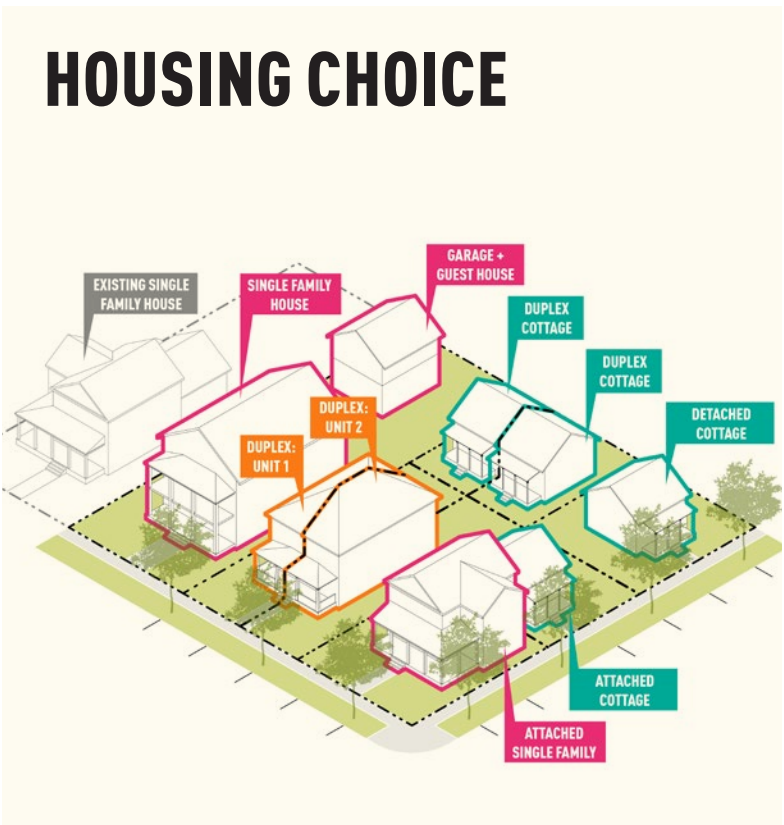
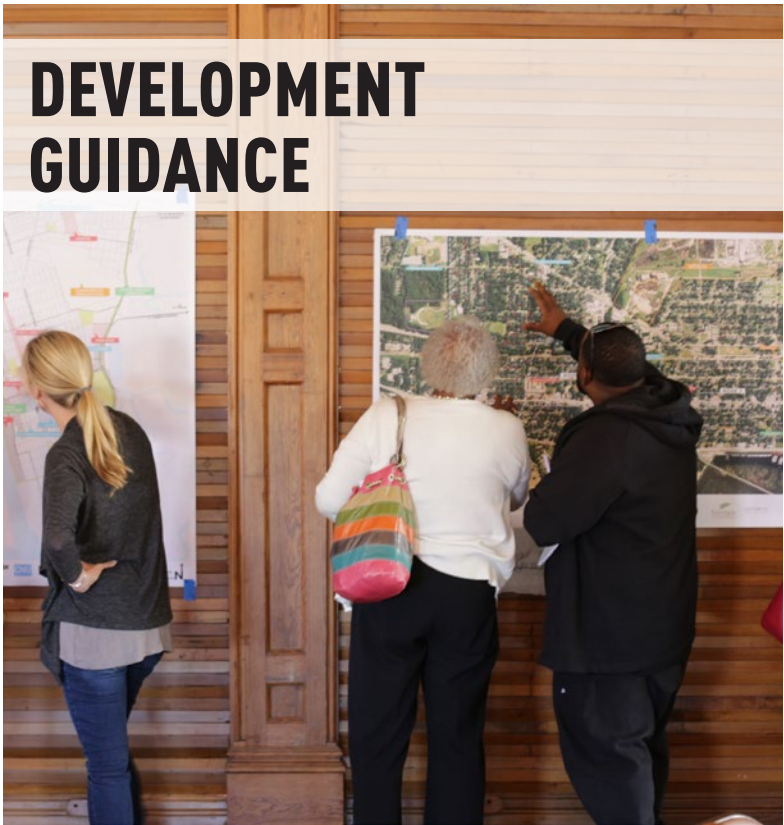
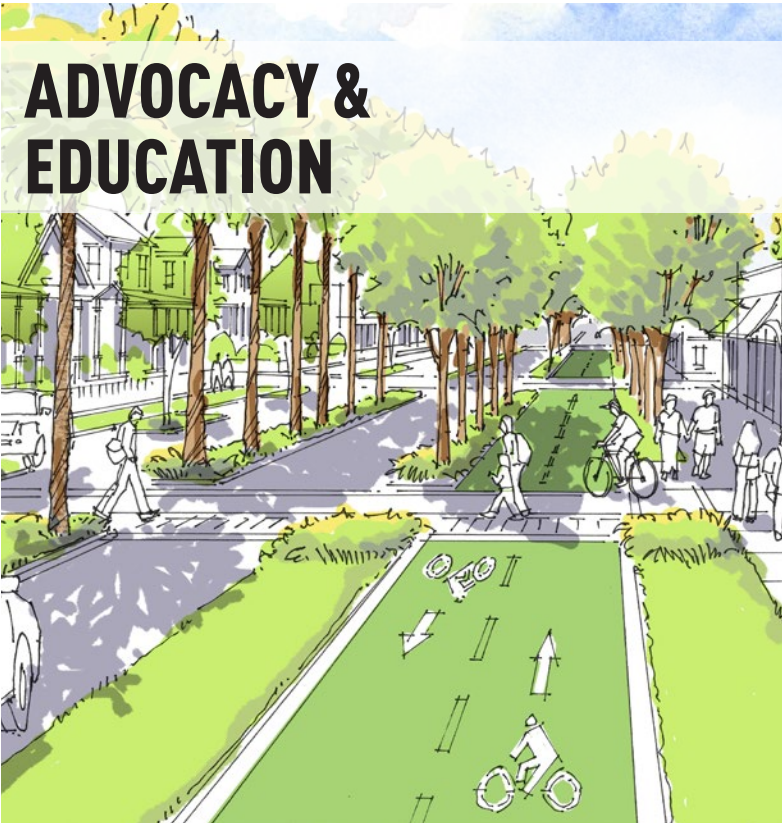
# KRONBERG URBANISTS + ARCHITECTS



**WE ARE A MULTIDISCIPLINARY TEAM THAT UTILIZE OUR SKILLS  
IN ARCHITECTURE, PLANNING, URBAN DESIGN, HISTORIC  
PRESERVATION, POLICY MAKING AND REAL ESTATE DEVELOPMENT  
TO MAKE HEALTHY NEIGHBORHOODS**



# WHAT WE DO







# PARTNERS FOR INCLUSIVE PLACES



# PARTNERS FOR LASTING PLACES



A photograph of a light green house with a white porch and a gravel path leading to it, with the text "PARTNERS FOR ATTAINABLE PLACES" overlaid. The house has a dark grey roof and white trim. The porch has white columns and a brown roof. There are wicker chairs and a planter on the porch. The gravel path is in the foreground, and there are some plants and a blue barrel in the background.

# PARTNERS FOR ATTAINABLE PLACES



# **FLOURISHING**

## **NEIGHBORHOODS ARE**

### **ECONOMICALLY & SOCIALLY**

**VIBRANT**

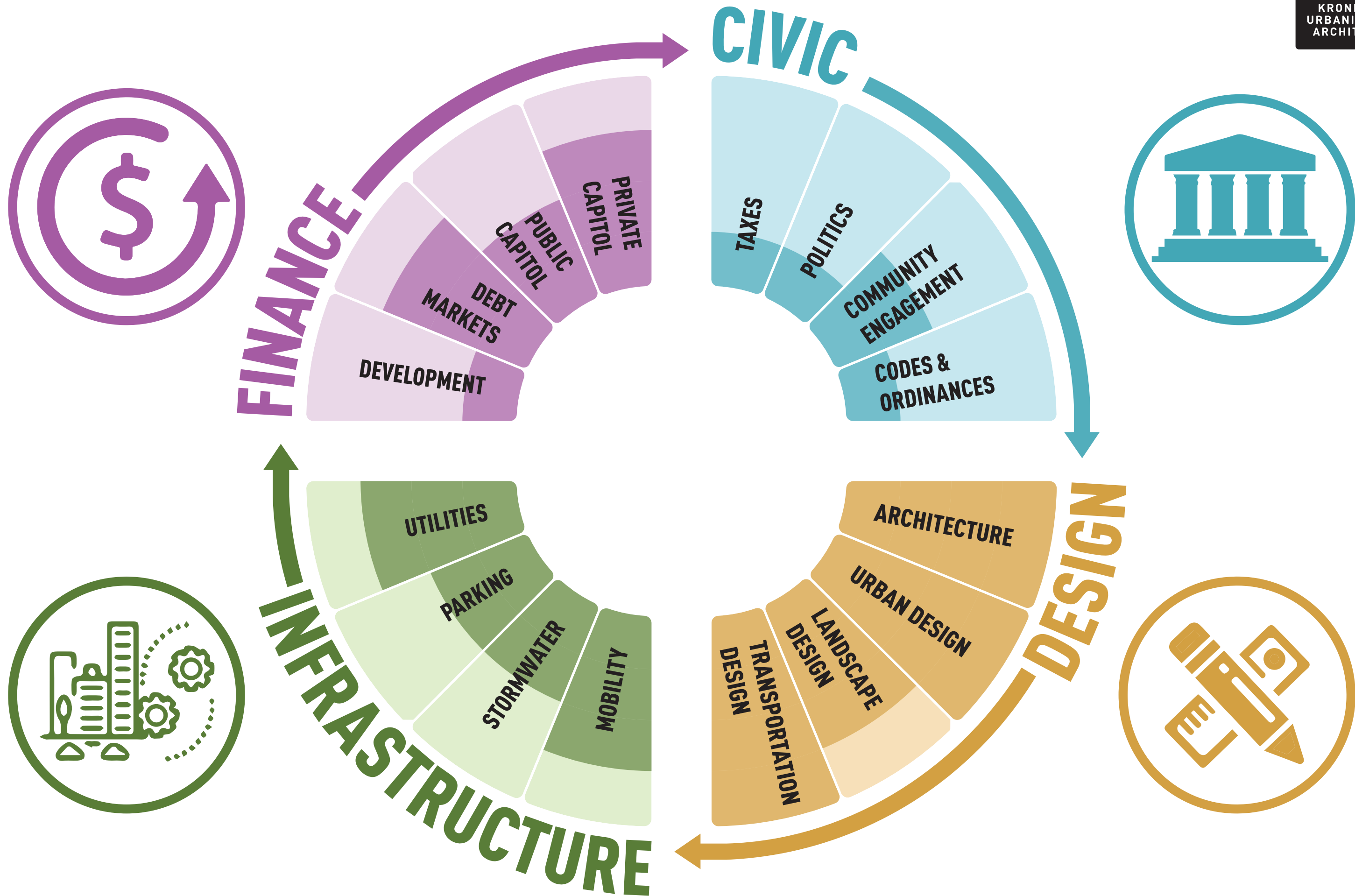
**PRODUCTIVE &  
LIVABLE**

**INCLUSIVE**

**DIVERSE &  
ATTAINABLE**

**LASTING**

**SUSTAINABLE  
& LOVABLE**



**ANYONE HERE  
NOT BELIEVE  
AMERICA IS FACING  
A HOUSING CRISIS?**



**WHY DO YOU THINK  
AFFORDABLE  
HOUSING IS SO  
HARD TO PROVIDE?**



**LAND**  
**LABOR**  
**LUMBER**  
**LAWS**  
**LOANS**



**WHICH OF THESE  
ARE IN OUR  
CONTROL?**



**LAND?**  
**LABOR**  
**LUMBER**  
**LAWS?**  
**LOANS**



**LAND** 10-20%

**LABOR**

**LUMBER**

**LAWS** 25-40%

**LOANS**



**LET'S TAKE A LOOK  
AT HOW  
ZONING  
IMPACTS  
AFFORDABILITY**



**BUT FIRST,  
SOME CONTEXT...**

# **PART I: WHO ARE WE TODAY?**

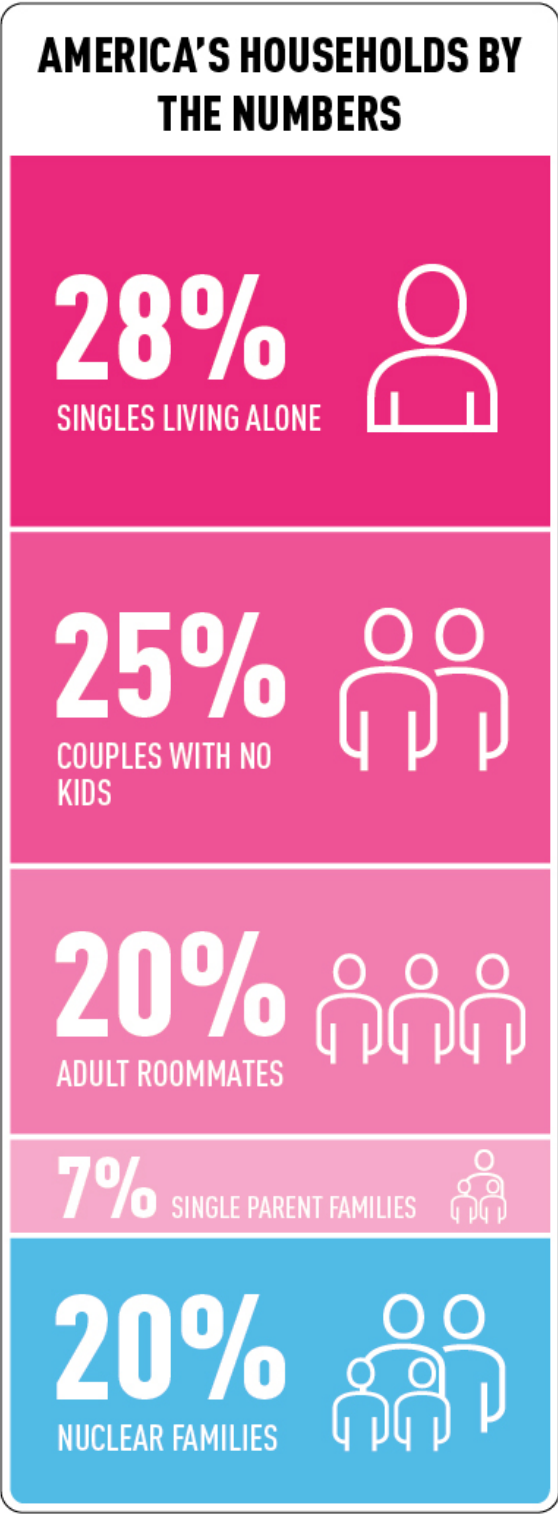


- 1. THE HOUSING MISMATCH**
- 2. TODAY'S HOUSING CRISIS STATISTICS**



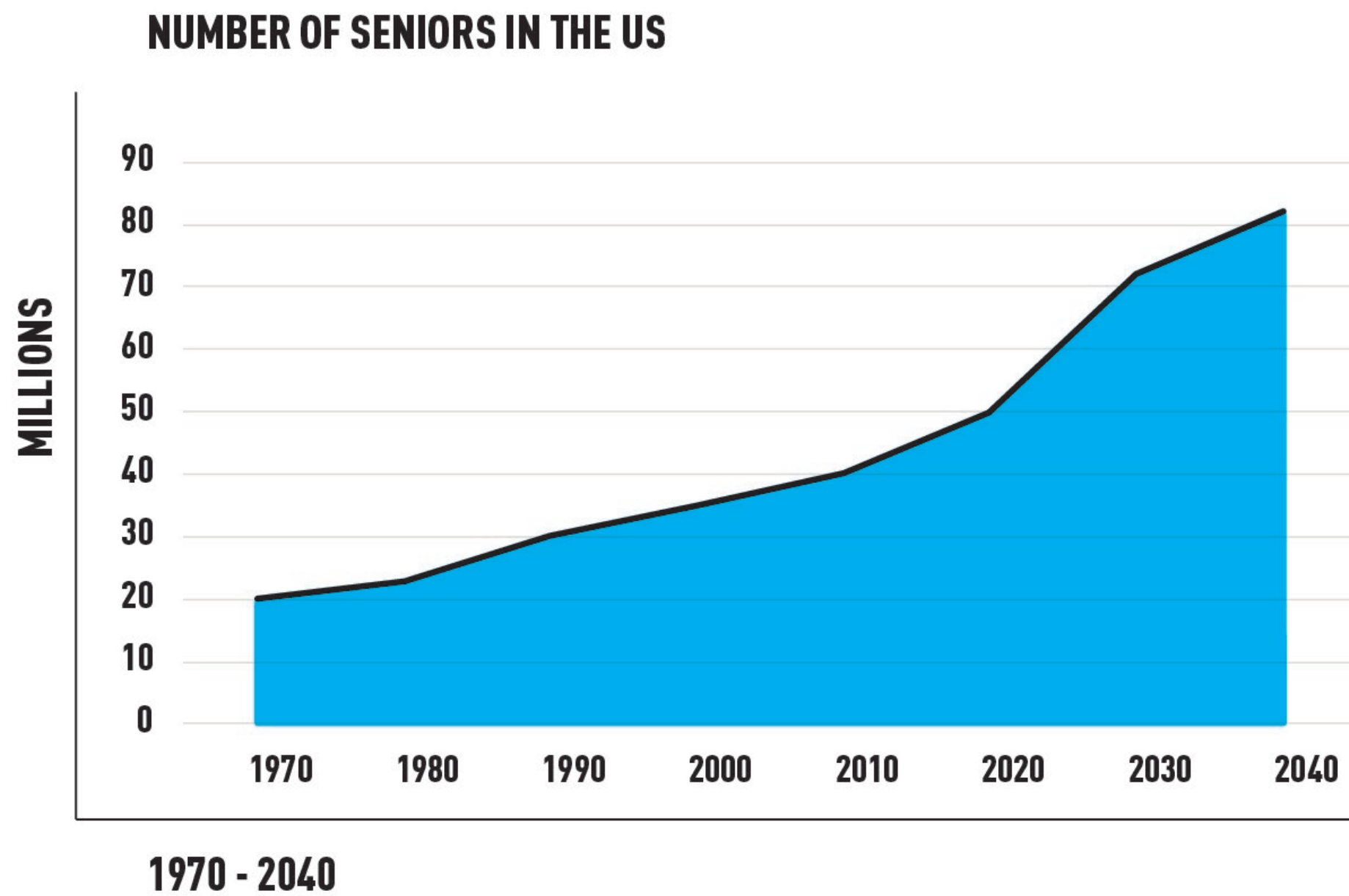
# THE HOUSING MISMATCH





80%  
OF AMERICAN  
HOUSEHOLDS  
ARE NOT  
TRADITIONAL  
NUCLEAR  
FAMILIES

IN THE 1950S, 43% OF  
HOUSEHOLDS WERE  
NUCLEAR FAMILIES; 9%  
WERE SINGLES LIVING  
ALONE



BY 2050  
**22%**  
OF AMERICANS  
WILL BE SENIOR  
CITIZENS



# 83%

## OF HOUSEHOLDS IN THE U.S. WILL HAVE NO CHILDREN BY 2030

NUMBER OF PEOPLE  
PER HOUSEHOLD

1950

3.8

2017

2.5

AVERAGE SF OF NEW  
SINGLE-FAMILY HOME

983

2,571

SF OF LIVING SPACE  
PER PERSON

292

1,012

x3.5



# CHANGING DEMOGRAPHICS: HOUSEHOLD SIZE



1950: 3.8 PEOPLE PER HOUSE



2017: 2.5 PEOPLE PER HOUSE



2030: 2.0 +/- PEOPLE PER HOUSE

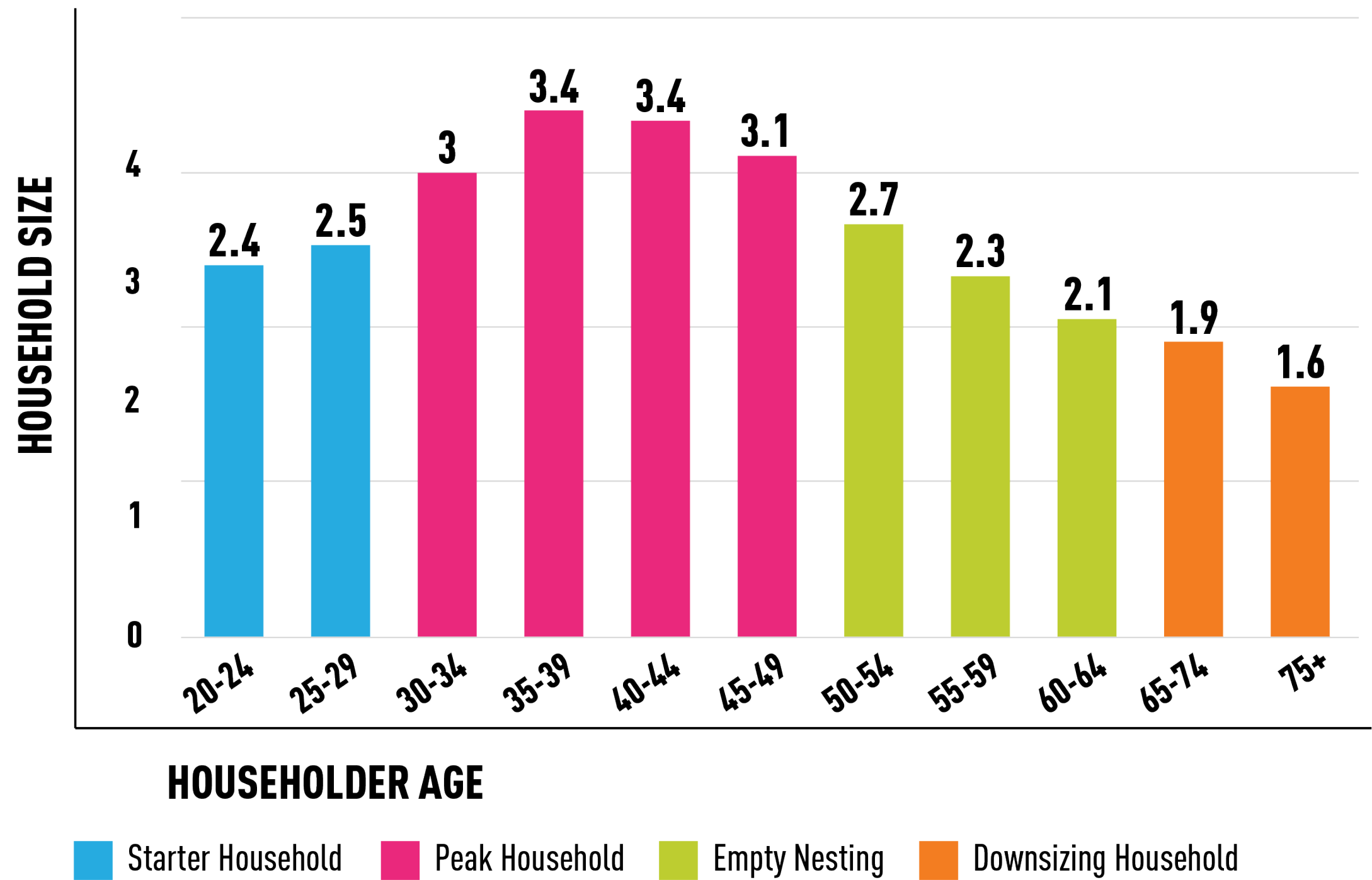
50%

MORE HOUSES  
NEEDED FOR THE  
SAME # OF PEOPLE

100%

MORE HOUSES  
NEEDED FOR THE  
SAME # OF PEOPLE

AVERAGE HOUSEHOLD SIZE  
BY AGE WITH RESPECT TO LIFE STAGE



Data Source: Arthur C. Nelson, *The Great Senior Short-Sale of Why Policy Inertia Will Short Change Millions of America's Seniors*





## STARTER

**<35 yr olds**

Apartment, townhouse, condominium, and smaller home/small lot housing.



## PEAK

**35 - 64 yrs old**

Larger homes (including McMansions) on larger lots.

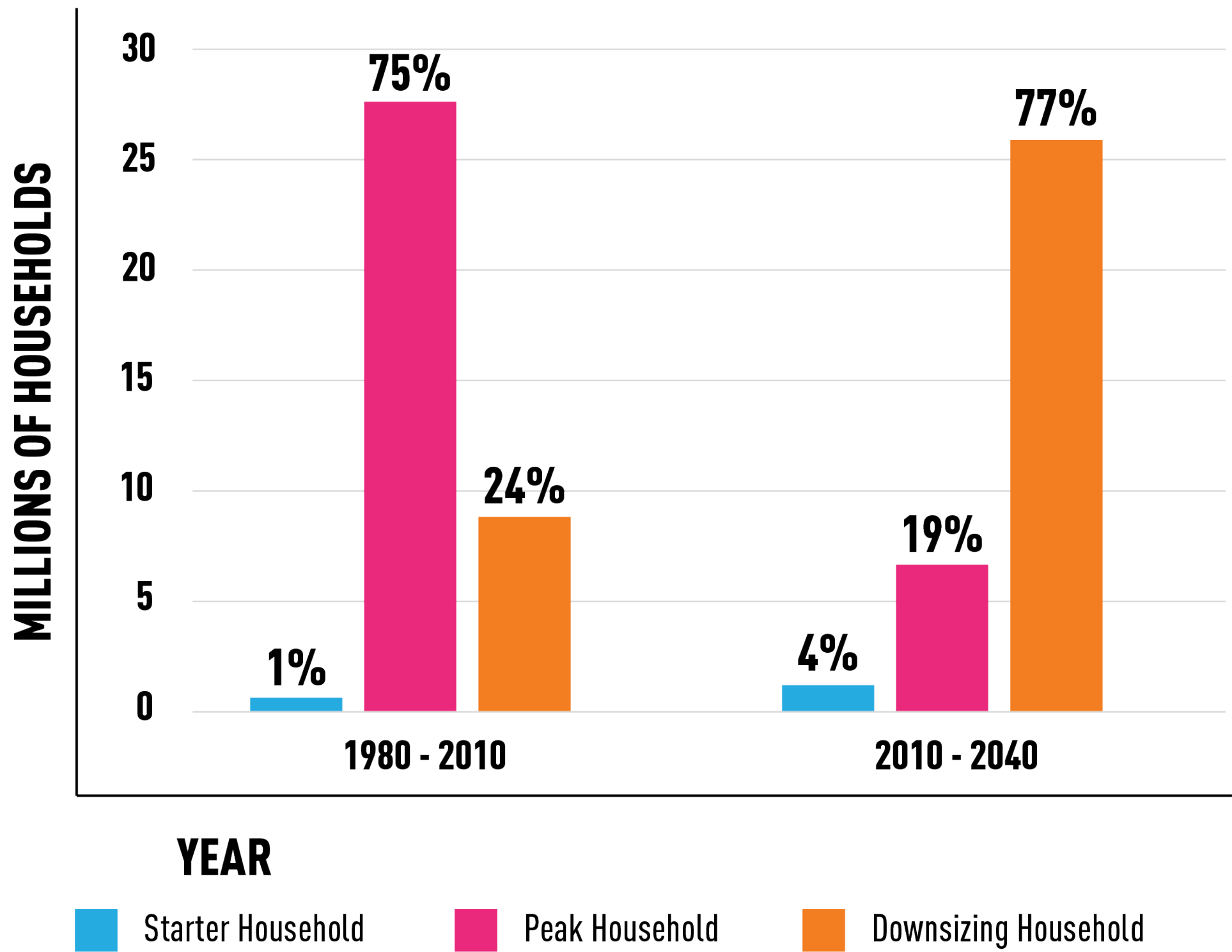


## DOWNSIZING

**>64 yrs old**

Smaller homes on smaller lots and various attached forms.

HOUSING DEMAND BY LIFE STAGE



Data Source: Arthur C. Nelson, *The Great Senior Short-Sale of Why Policy Inertia Will Short Change Millions of America's Seniors*

68%

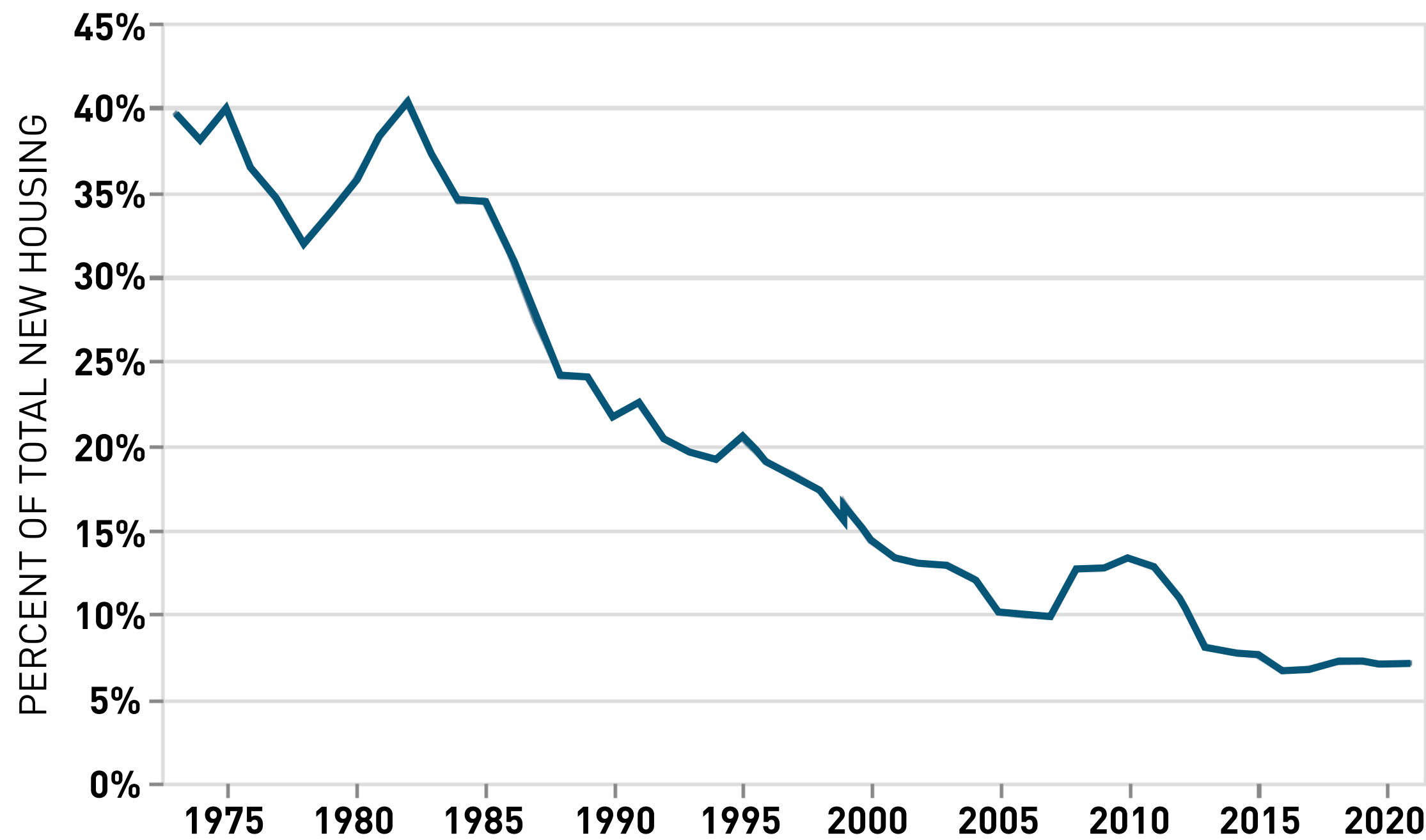
**OF U.S. HOUSING STARTS IN 2012  
WERE SINGLE FAMILY HOMES**



# 70%

**OF U.S. HOUSING STARTS IN 2022  
WERE SINGLE FAMILY HOMES**

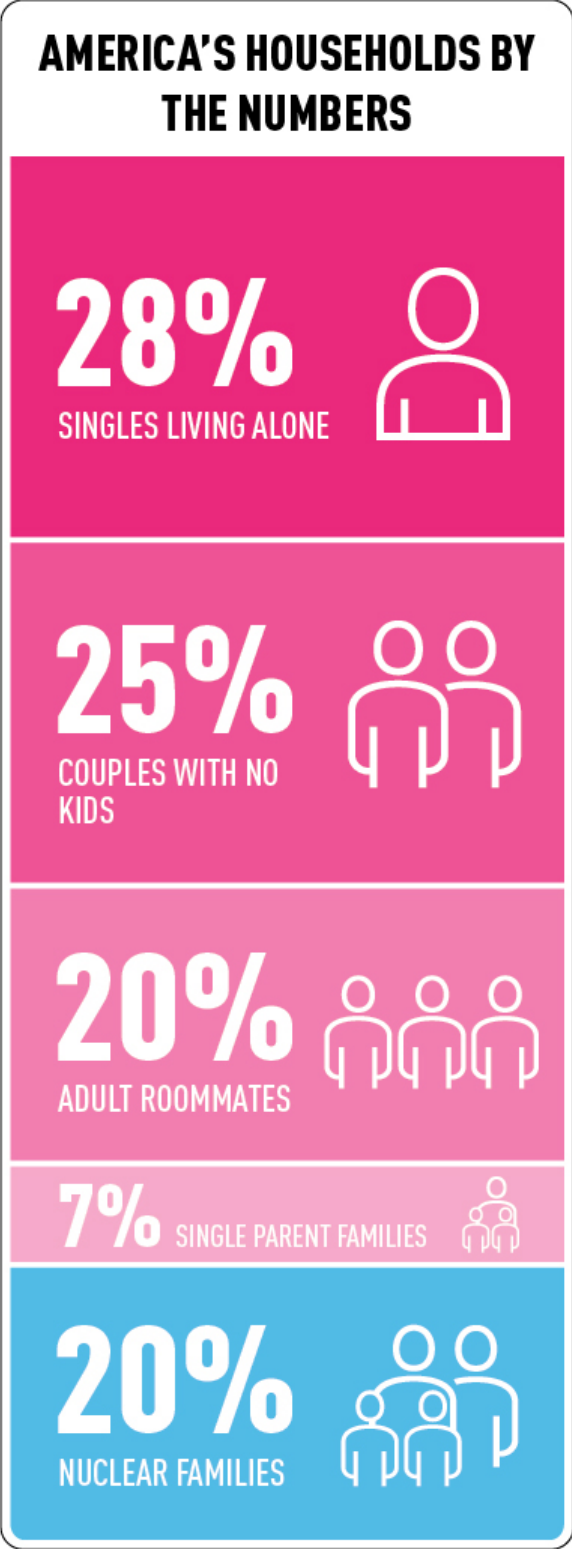
DECLINE OF SMALLER/ STARTER HOME CONSTRUCTION, 1973-2021



NOTE: SMALLER HOMES REFERS TO  
HOMES LESS THAN 1,400 SF

DATA SOURCE: Characteristics of New Housing - U.S. Census

# SUPPLY vs DEMAND: HOUSING TYPE



**80%**  
OF AMERICAN  
HOUSEHOLDS  
ARE NOT  
TRADITIONAL  
NUCLEAR  
FAMILIES

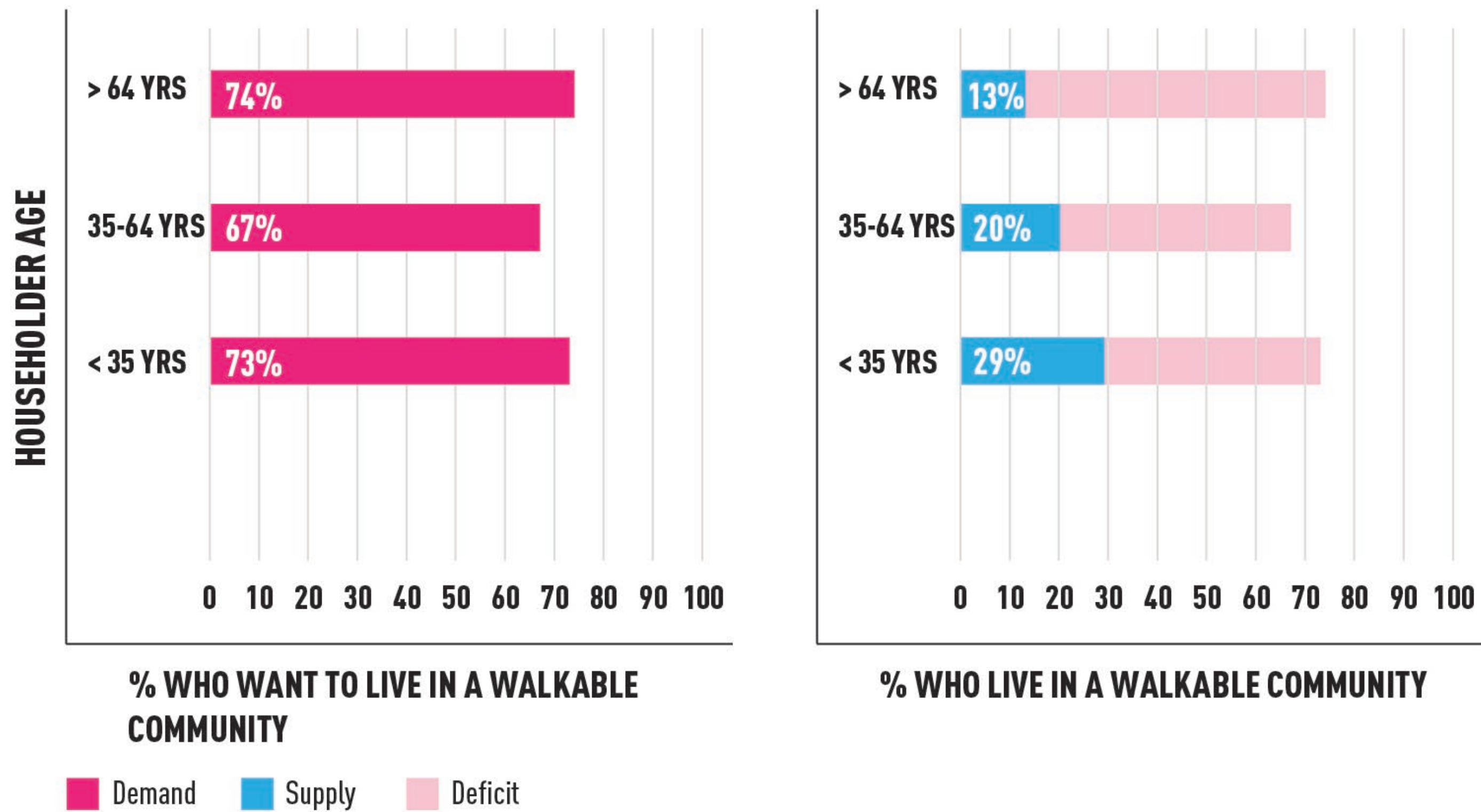


**BUT**  
**72%**  
OF AMERICAN  
HOUSING UNITS  
CATER TO  
TRADITIONAL  
NUCLEAR  
FAMILIES



# SUPPLY vs DEMAND: WALKABLE NEIGHBORHOODS

## BY SHARE OF HOUSEHOLDS BY HOUSEHOLDER AGE



Data Source: Arthur C. Nelson, *The Great Senior Short-Sale of Why Policy Inertia Will Short Change Millions of America's Seniors*

## LOCATION OF AVAILABLE HOUSING STOCK



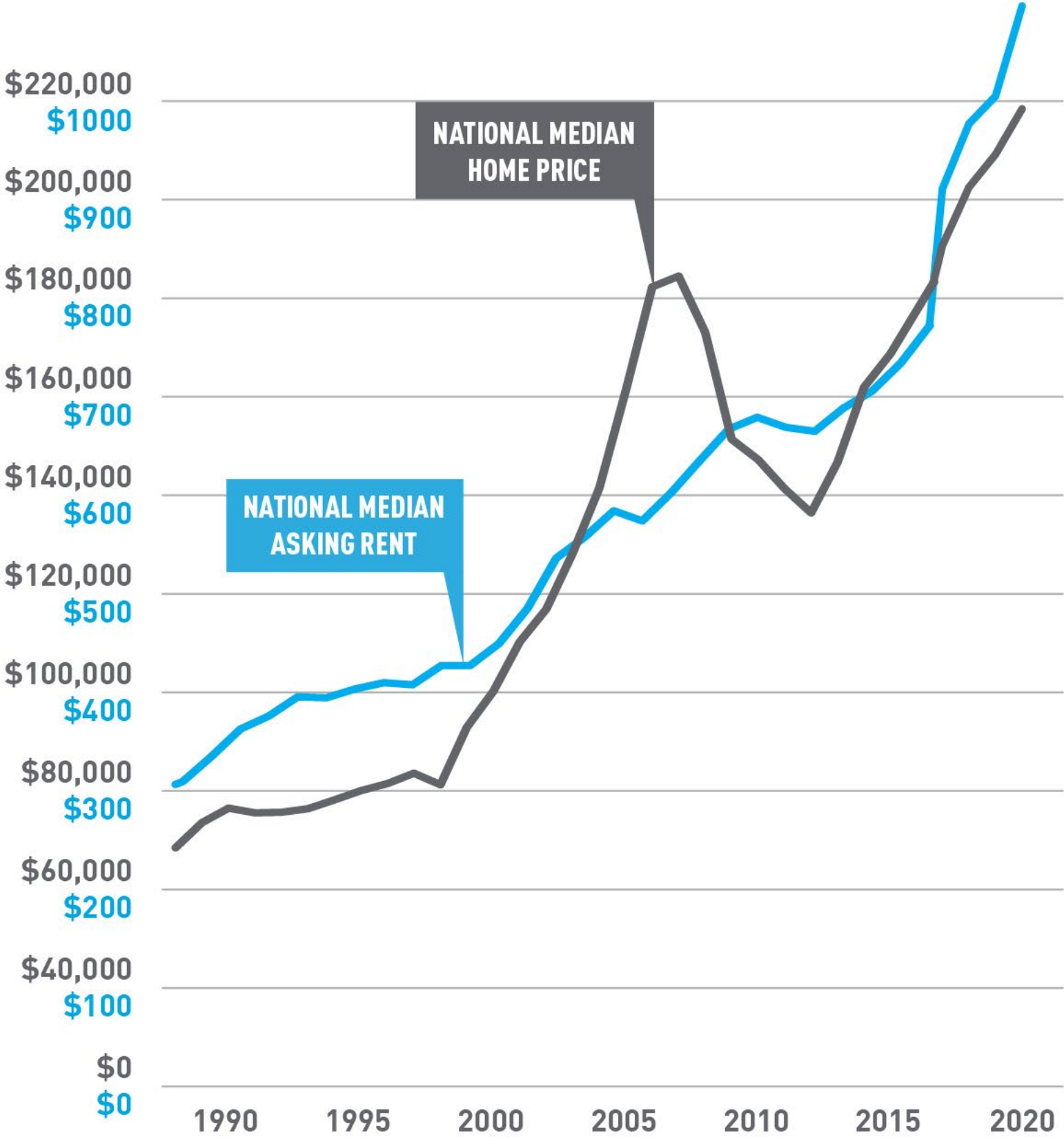
**A LACK OF THE RIGHT KIND OF  
SUPPLY FOR A GROWING DEMAND  
RESULTS IN RISING COSTS**



2.

# **TODAY'S HOUSING CRISIS STATISTICS**

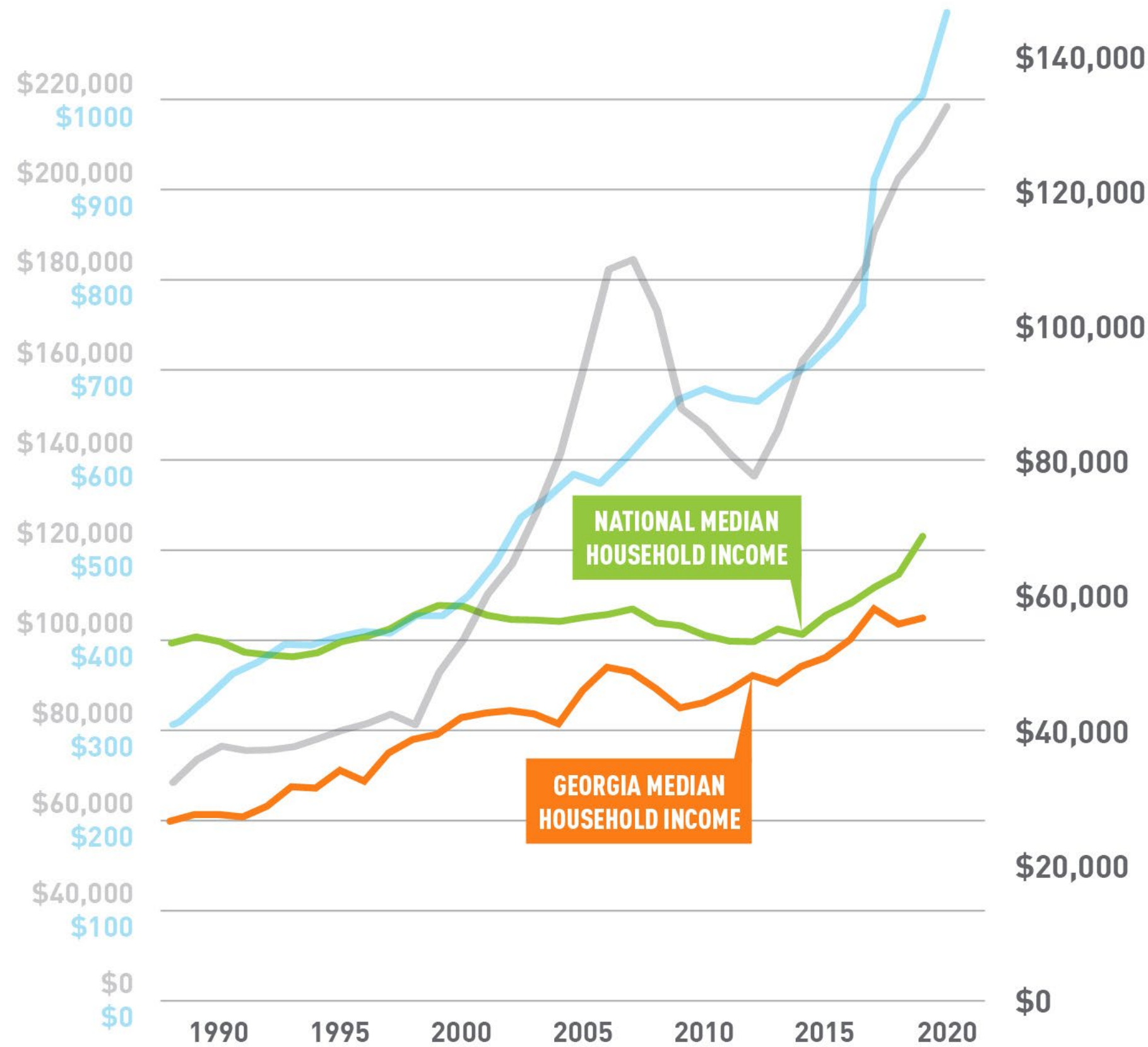
# HOUSING AFFORDABILITY



**SINCE 1998, RENTS AND HOME PRICES HAVE RISEN PRECIPITOUSLY.**

DATA SOURCES:  
AARP Making Room, 2018  
Standard & Poor's Case-Shiller National Home Price Index  
Table 11A. Median Asking Rent for the U.S. and Regions: 1988 to Present, U.S. Census Bureau

# INCOME CHALLENGES



**1/3**  
**OF AMERICAN**  
**HOUSEHOLDS ARE**  
**COST-BURDENED**  
**INCOMES HAVEN'T**  
**COME CLOSE TO**  
**KEEPING UP.**  
**AND THIS IS PRE-**  
**PANDEMIC DATA**

DATA SOURCES:  
AARP Making Room, 2018  
Standard & Poor's Case-Shiller National Home Price Index  
Median Household Income in the United States & Median Household Income in Georgia, U.S. Census Bureau



**IN 2022, A RECORD-HIGH  
22.4 MILLION RENTER  
HOUSEHOLDS SPENT MORE  
THAN 30% OF THEIR INCOME  
ON RENT & UTILITIES**

**ATLANTA IS #1 (AGAIN)  
WE HAVE  
THE HIGHEST INCOME  
INEQUALITY  
IN THE NATION**

**ATLANTA HAS A  
PLANNING DIRECTOR  
THAT CLAIMS THERE IS  
NO CONNECTION  
BETWEEN ZONING AND  
AFFORDABILITY**



**HOW MANY OF YOU  
FEEL THIS IS A  
DEFENSIBLE  
POSITION?**

**\$15/HOUR**

**\$30,000/YR**

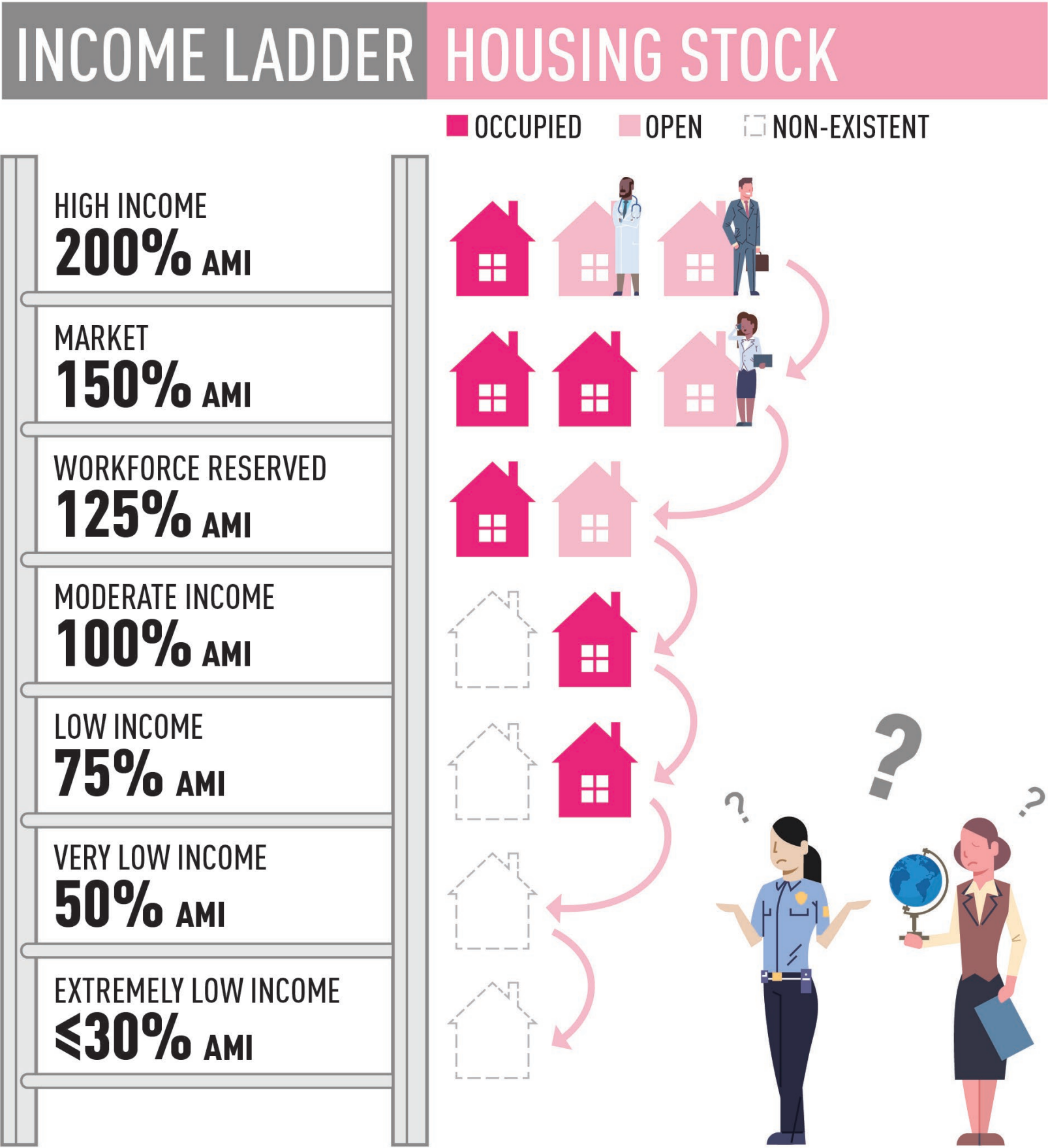
**\$800/MONTH**

**DO YOU KNOW  
ANYWHERE THAT  
RENTS FOR  
\$800/MONTH?**

WHEN THERE  
AREN'T ENOUGH  
HOMES,

EVERYBODY  
COMPETES FOR  
WHAT'S  
AVAILABLE.

- SIGHTLINE INSTITUTE





# ECONOMIC EXCLUSION IS RACIAL EXCLUSION

2022 MEDIAN WEALTH OF:

\$285,010

WHITE FAMILIES 5-6x

\$61,620

HISPANIC FAMILIES (22% OF WHITE FAMILIES)

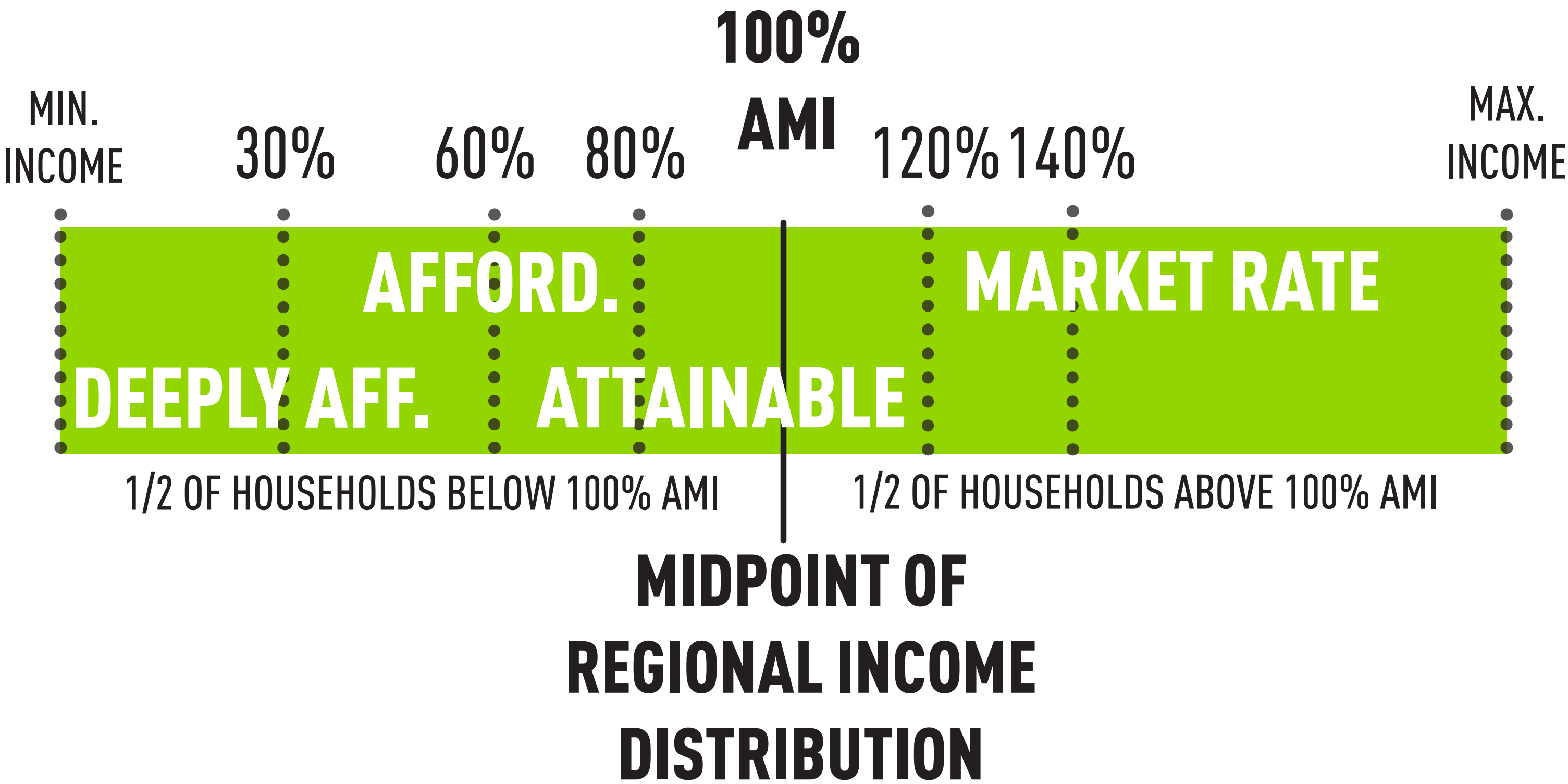
\$44,890

BLACK FAMILIES (16% OF WHITE FAMILIES)

## COST BURDENED

**> 30% INCOME** SPENT ON HOUSING

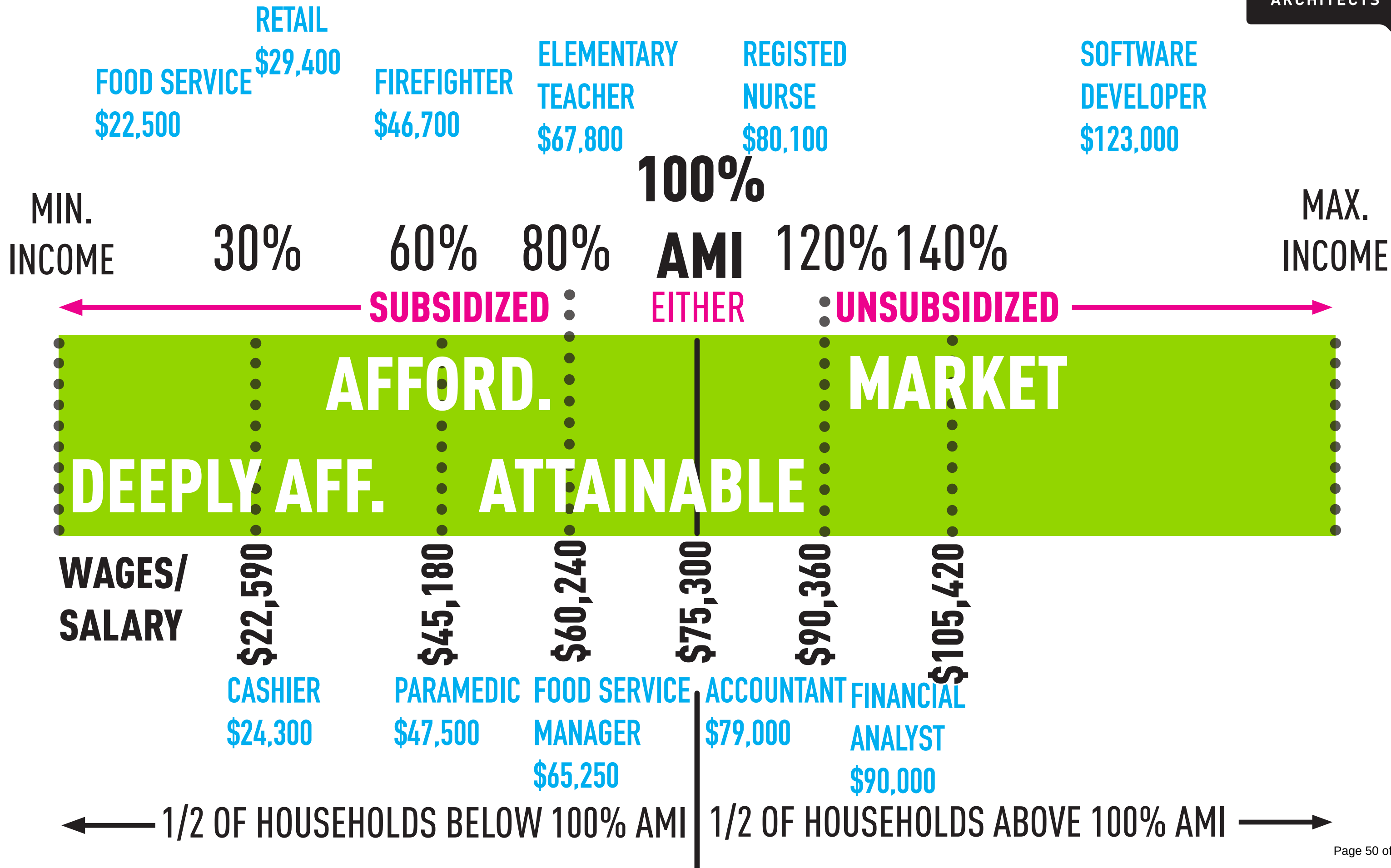
**> 50% INCOME** SPENT ON HOUSING + TRANSPORTATION



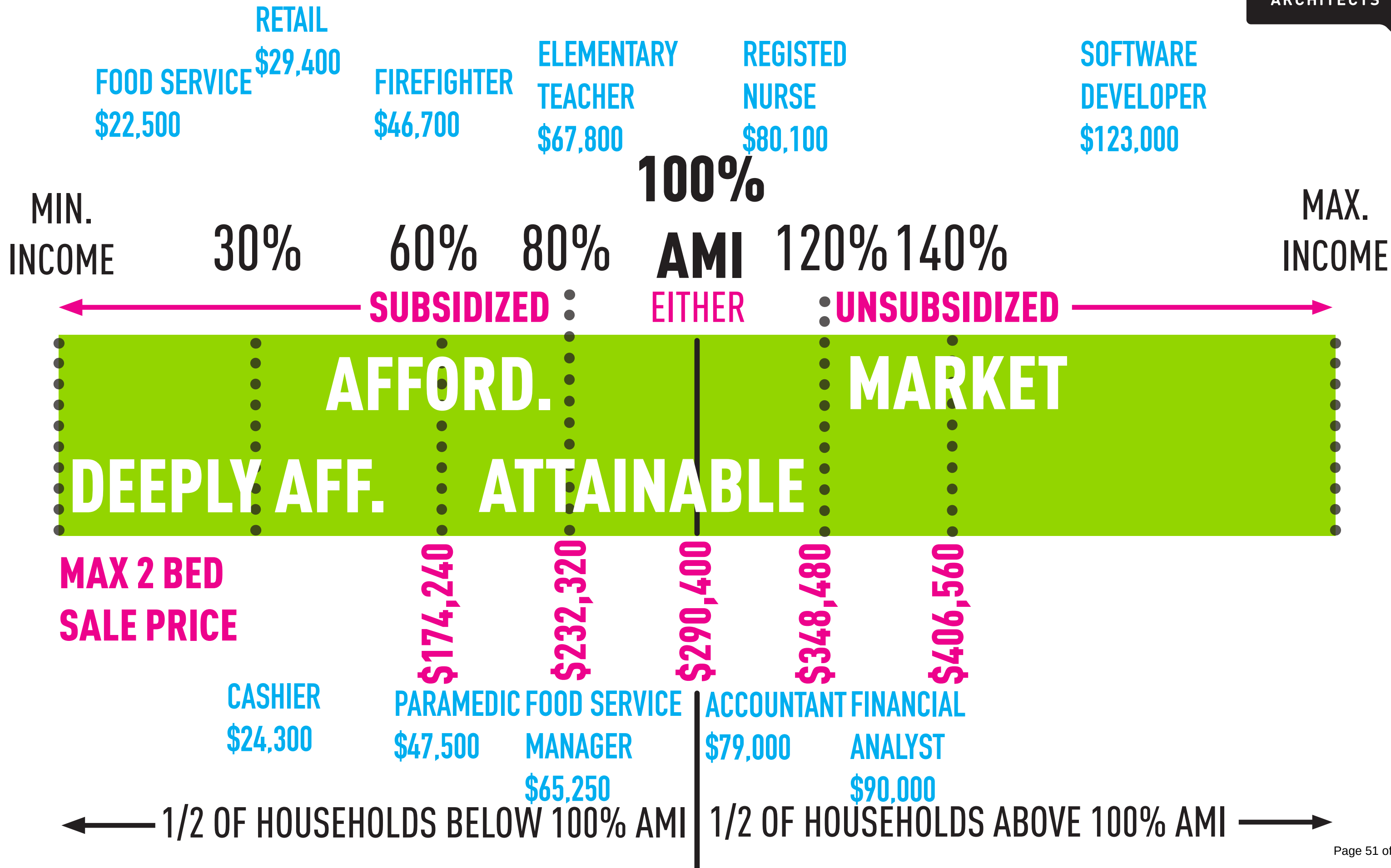
**100% AMI IN ATLANTA IS**  
**\$75,300**



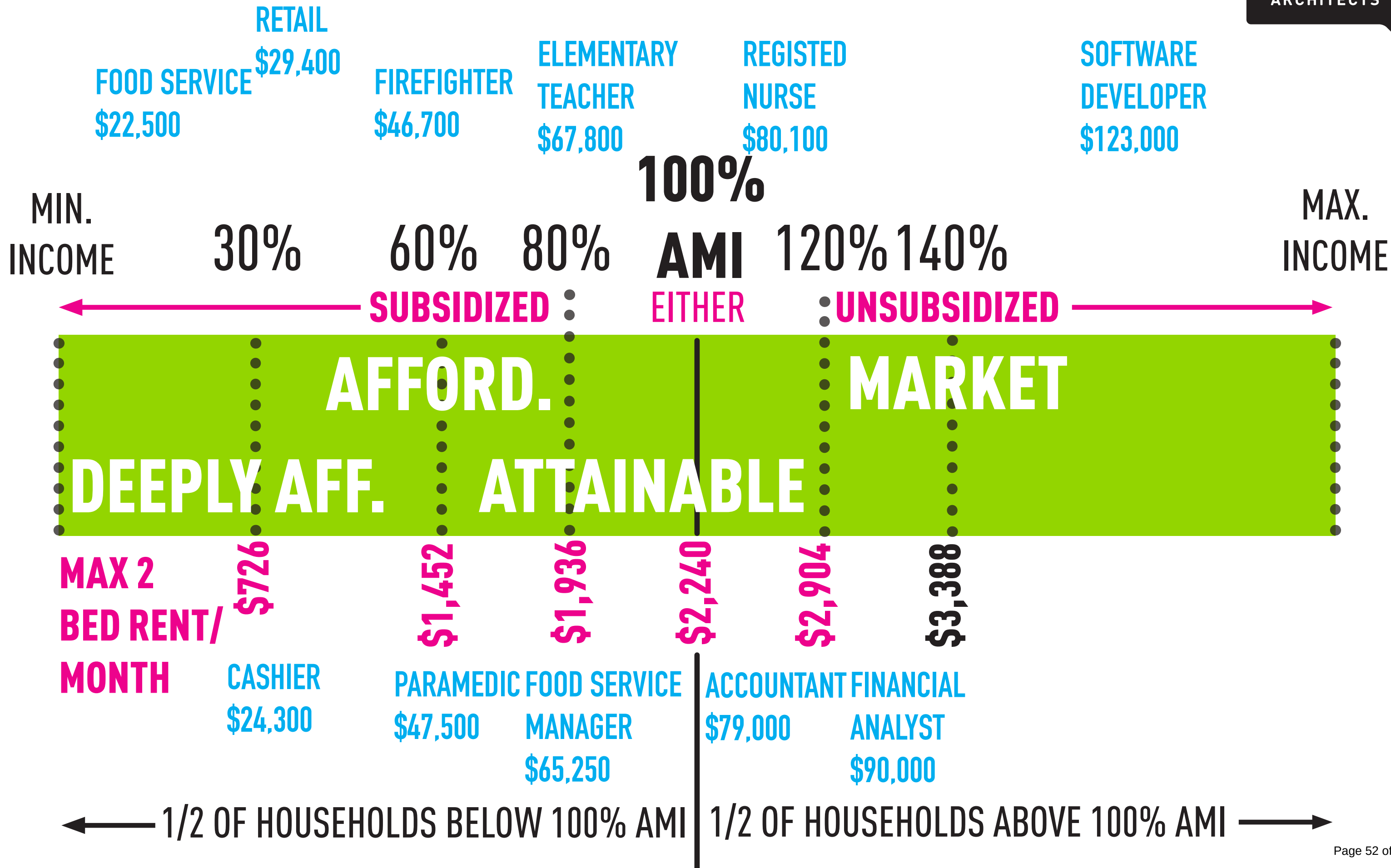
# ATLANTA 2024 AREA MEDIAN INCOME (AMI) - WAGES



# ATLANTA 2024 AREA MEDIAN INCOME (AMI) WAGES + HOME PRICES



# ATLANTA 2024 AREA MEDIAN INCOME (AMI) WAGES + RENTS



**IF OVER 20% OF YOUR  
INCOME GOES TO  
TRANSPORTATION YOU ARE  
COST BURDENED**



**WITH \$30K/YR SALARY,  
THATS ANYTHING MORE  
THAN \$500/MO**



**ESTIMATES THE COST OF  
VEHICLE OWNERSHIP IS**

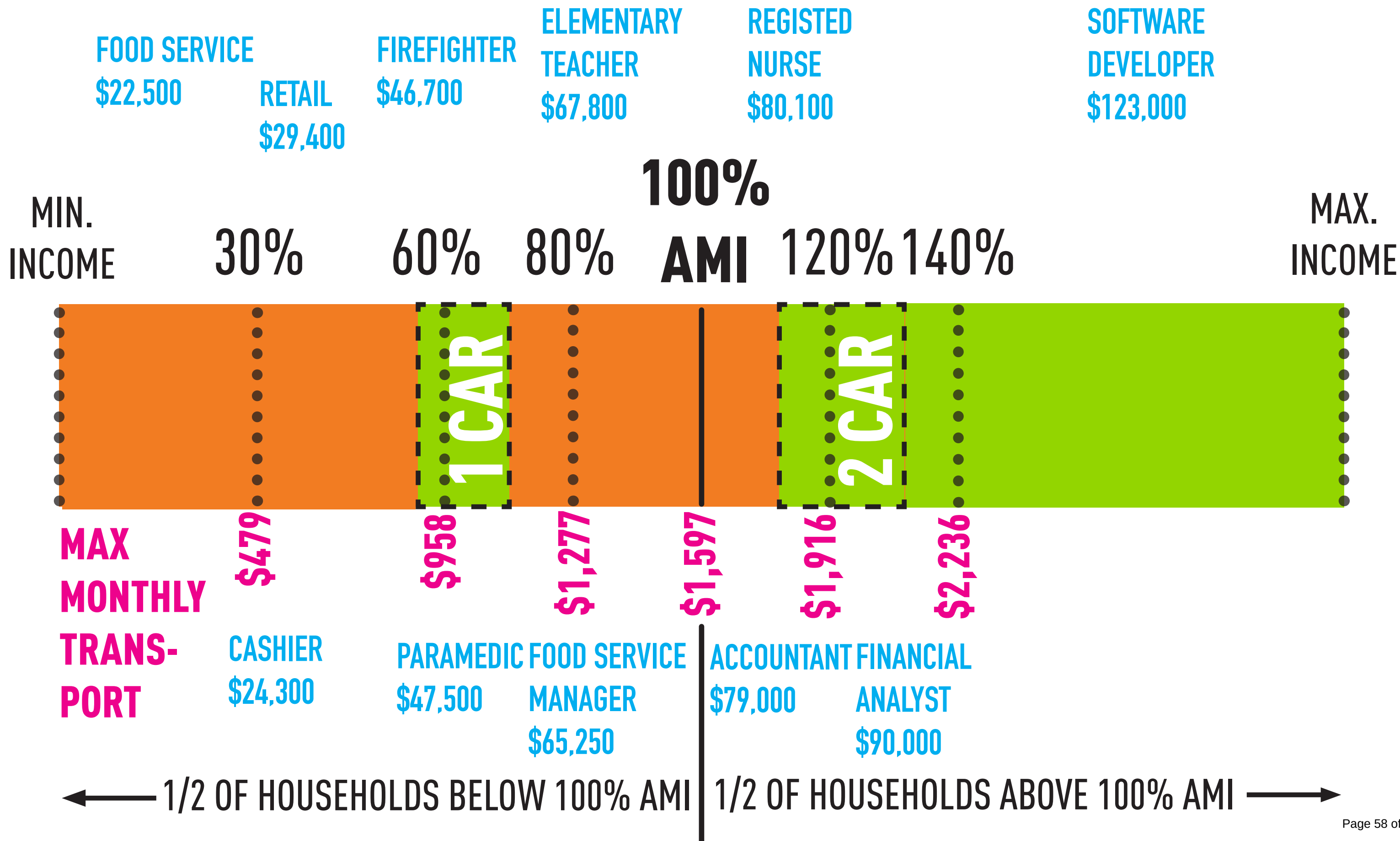
**\$890-\$1,250/MO**

**YOU MUST MAKE AT LEAST  
\$53.4K/YR TO NOT BE COST  
BURDENED BY VEHICLE  
OWNERSHIP FOR ONE CAR**

**THESE NUMBERS ARE  
DOUBLE FOR A  
TWO CAR HOUSEHOLD**



# ATLANTA 2024 AREA MEDIAN INCOME (AMI) MAX TRANSPORT SPENDING



3,800,000-

5,500,000

**HOUSING UNITS SHORTFALL  
IN AMERICA**

# HOUSE PRICES AND HOMELESSNESS?

**AT LAST COUNT IN 2023, A RECORD-  
HIGH 653,100 PEOPLE EXPERIENCED  
HOMELESSNESS ON A SINGLE NIGHT IN  
JANUARY, AN INCREASE OF  
70,600 PEOPLE IN 1 YEAR**

# **GUESS WHICH STATES ARE SEEING THE LARGEST GROWTH IN HOMELESSNESS?**

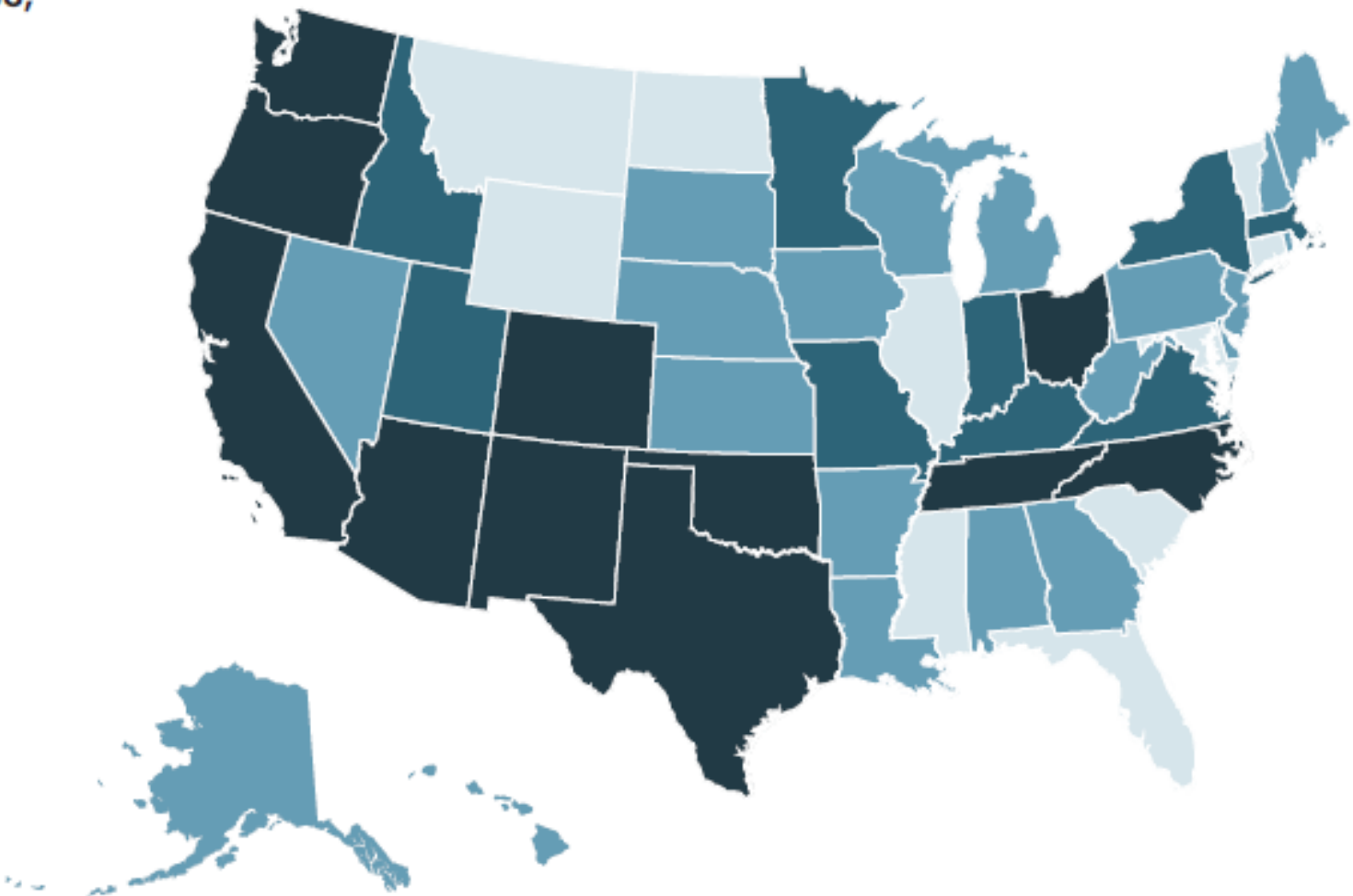


Figure 30

Unsheltered Homelessness Has Risen in Most States

Change in Unsheltered Homelessness,  
2015–2023 (People)

- Decrease (Up to 1,535)
- 1–500 Increase
- 501–1,000 Increase
- 1,001–50,000 Increase



Source: JCHS tabulations of US  
Department of Housing and  
Urban Development, Annual  
Homeless Assessment Report  
Point-in-Time Estimates.

ARIZONA, OHIO, TENNESSEE,  
& TEXAS

# HOMELESSNESS & INCREMENTAL HOUSING TOOLKIT

CHATTANOOGA, T N



**HOW DO WE PROVIDE MORE  
ATTAINABLE, MORE WALKABLE,  
LESS CAR DEPENDENT HOUSING  
CHOICES?**

**WITHOUT A BIG POT OF OUTSIDE  
SUBSIDY?**

## WHAT KIND OF PROJECTS CAN BE CAR-LITE & WHERE SHOULD THEY BE LOCATED?

# HOW DO YOU FIND THESE PLACES?



# **PART II:**

# **WHERE & HOW TO**

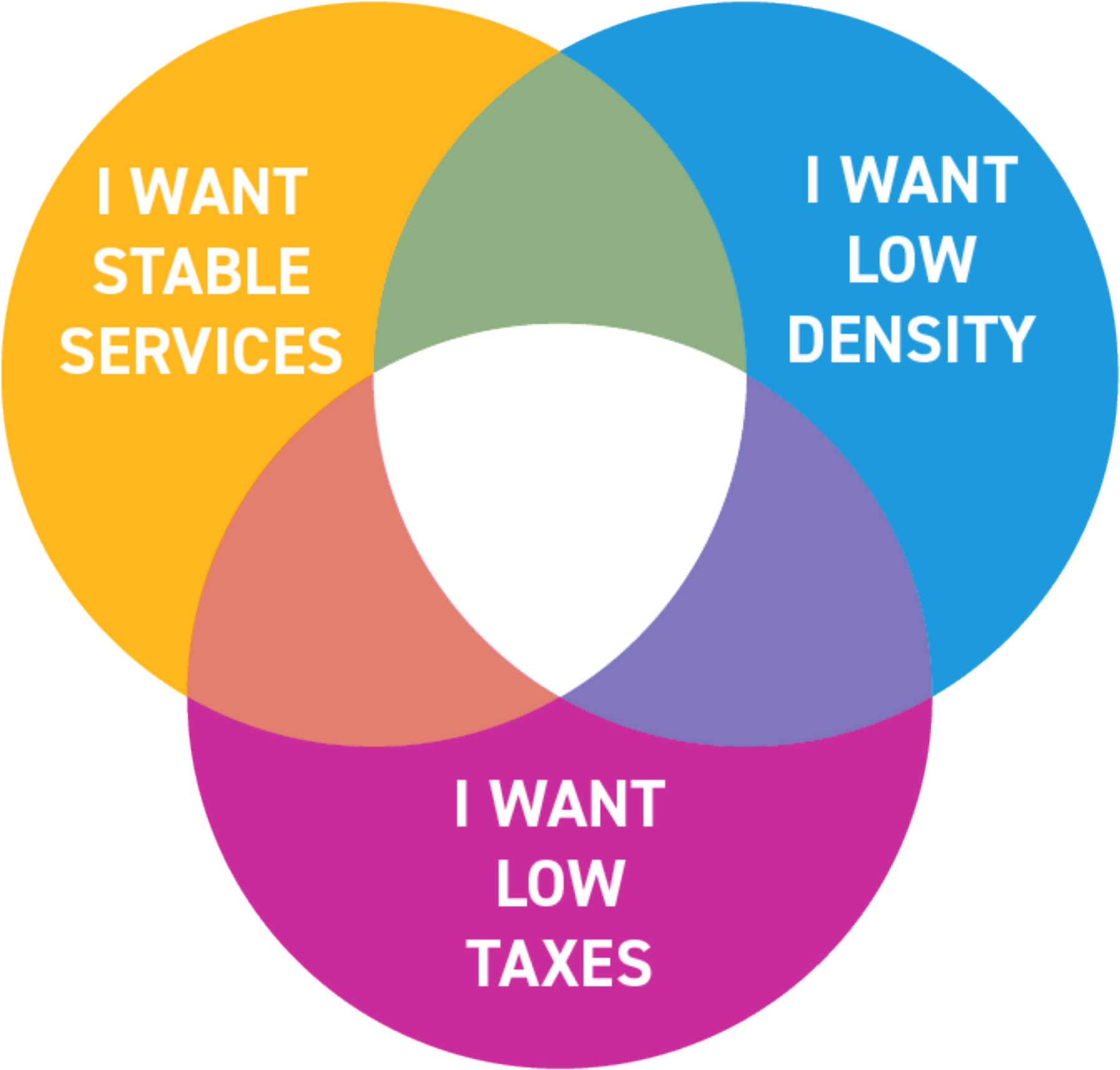
# **FOCUS YOUR EFFORTS**

- 1. THE HIGH COST OF LOW DENSITY**
- 2. MOBILITY RICH PLACES**
- 3. RIGHTSIZING SOLUTIONS**
- 4. ADU STRATEGIES**

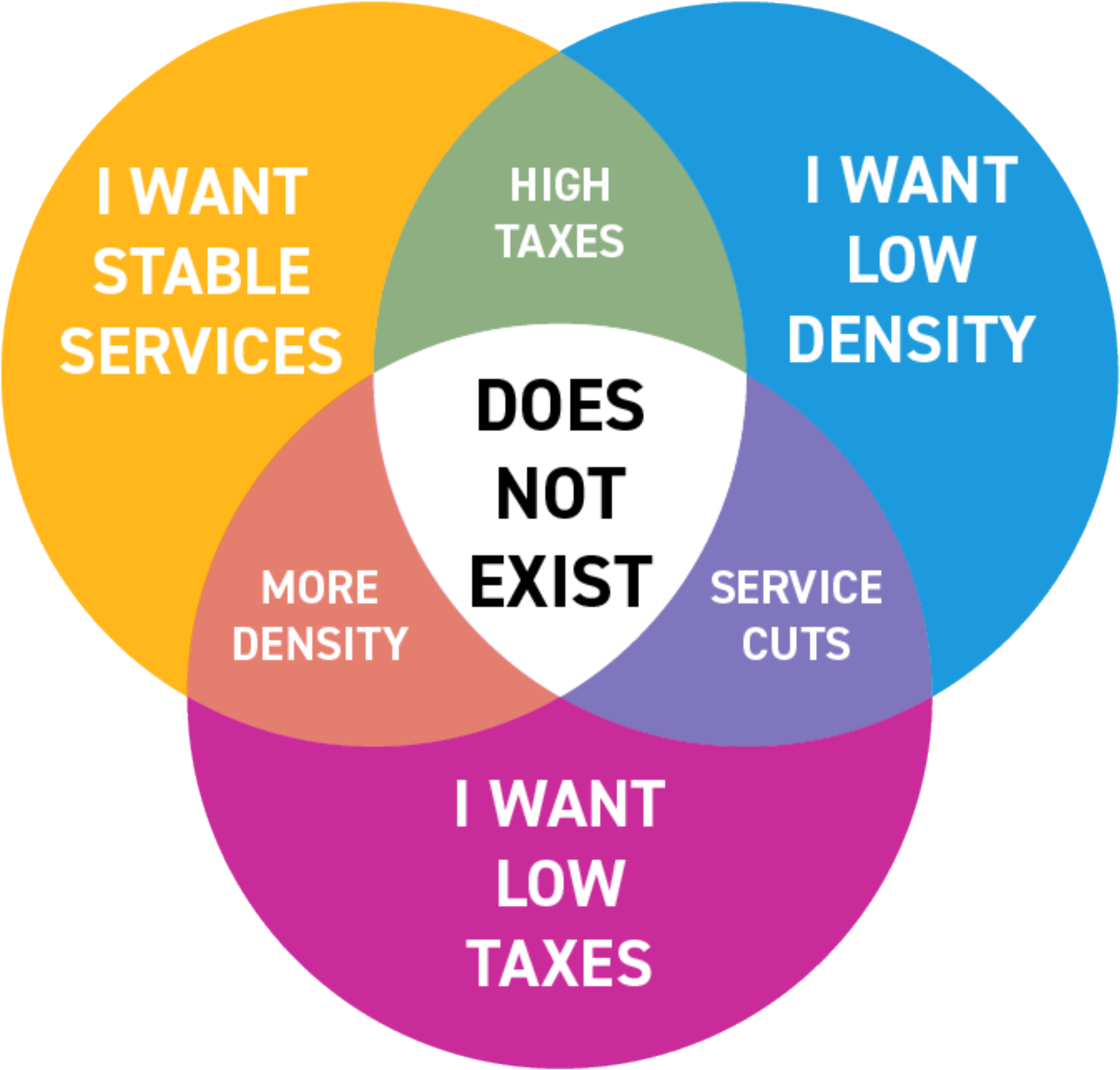
1.

# THE HIGH COST OF LOW DENSITY

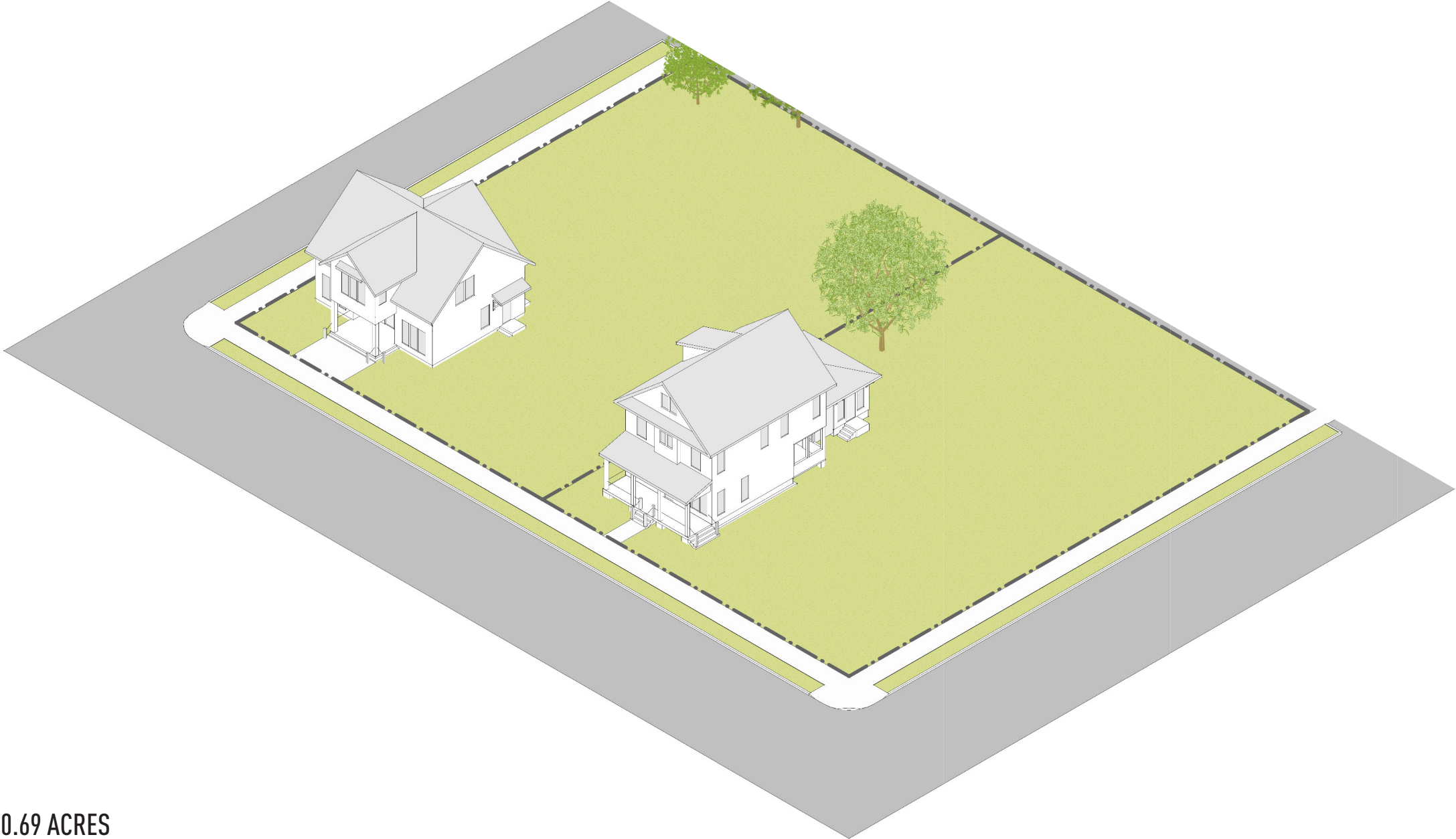
# **LOW DENSITY DEVELOPMENT PATTERNS ARE BANKRUPTING YOUR PLACE**







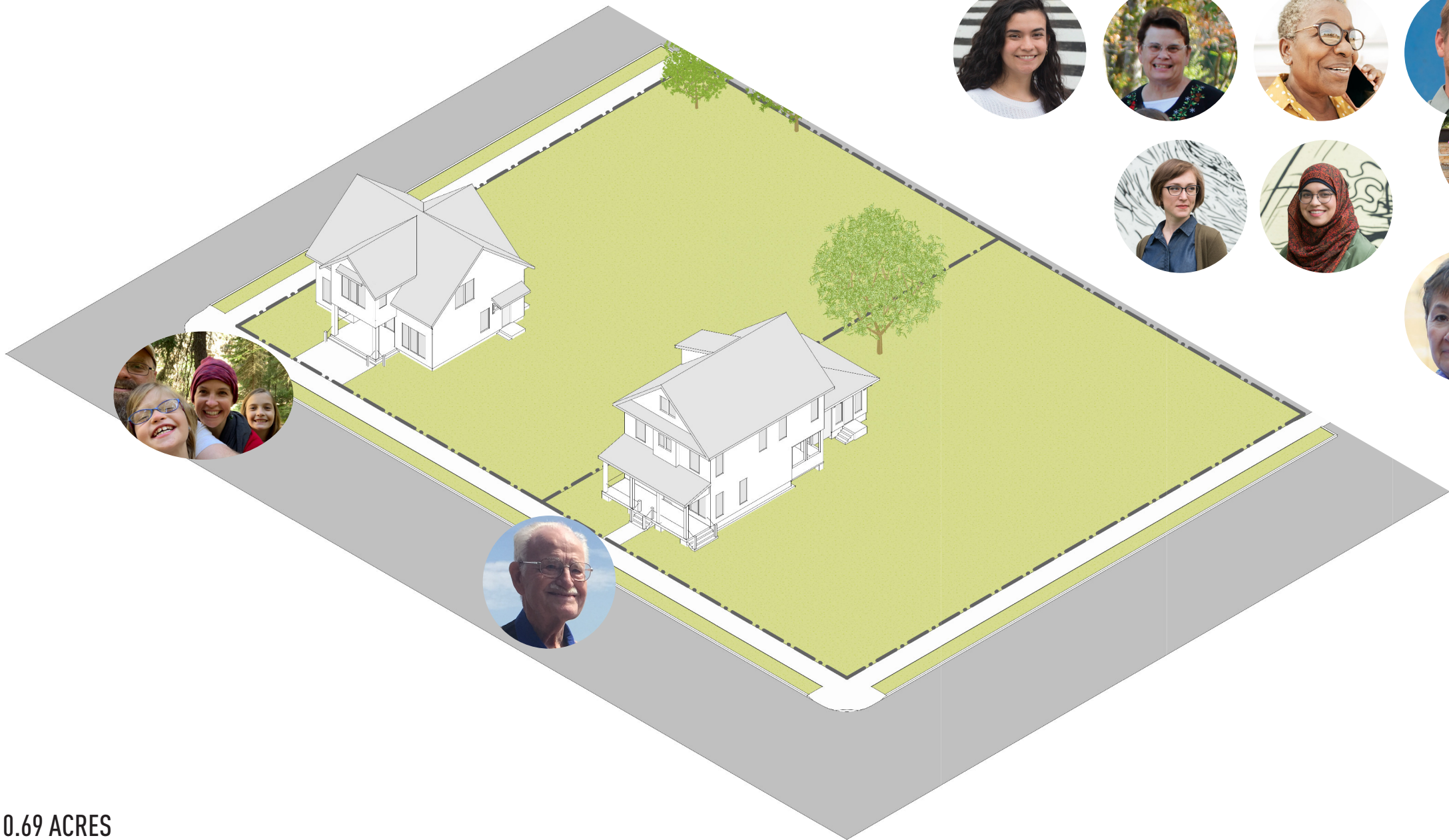
# HOUSING & INFRASTRUCTURE NEEDS



0.69 ACRES  
2 UNITS  
2.9 UNITS/ACRE

# HOUSING & PEOPLE NEEDS

????



0.69 ACRES  
2 UNITS  
2.9 UNITS/ACRE



# SINGLE FAMILY ZONING IS LOW VARIETY



**WE'RE ROOMMATES LOOKING FOR AN AFFORDABLE PLACE WE CAN SHARE NEAR SCHOOL.**



**I'M A SINGLE YOUNG PROFESSIONAL LOOKING FOR MY FIRST HOUSE!**



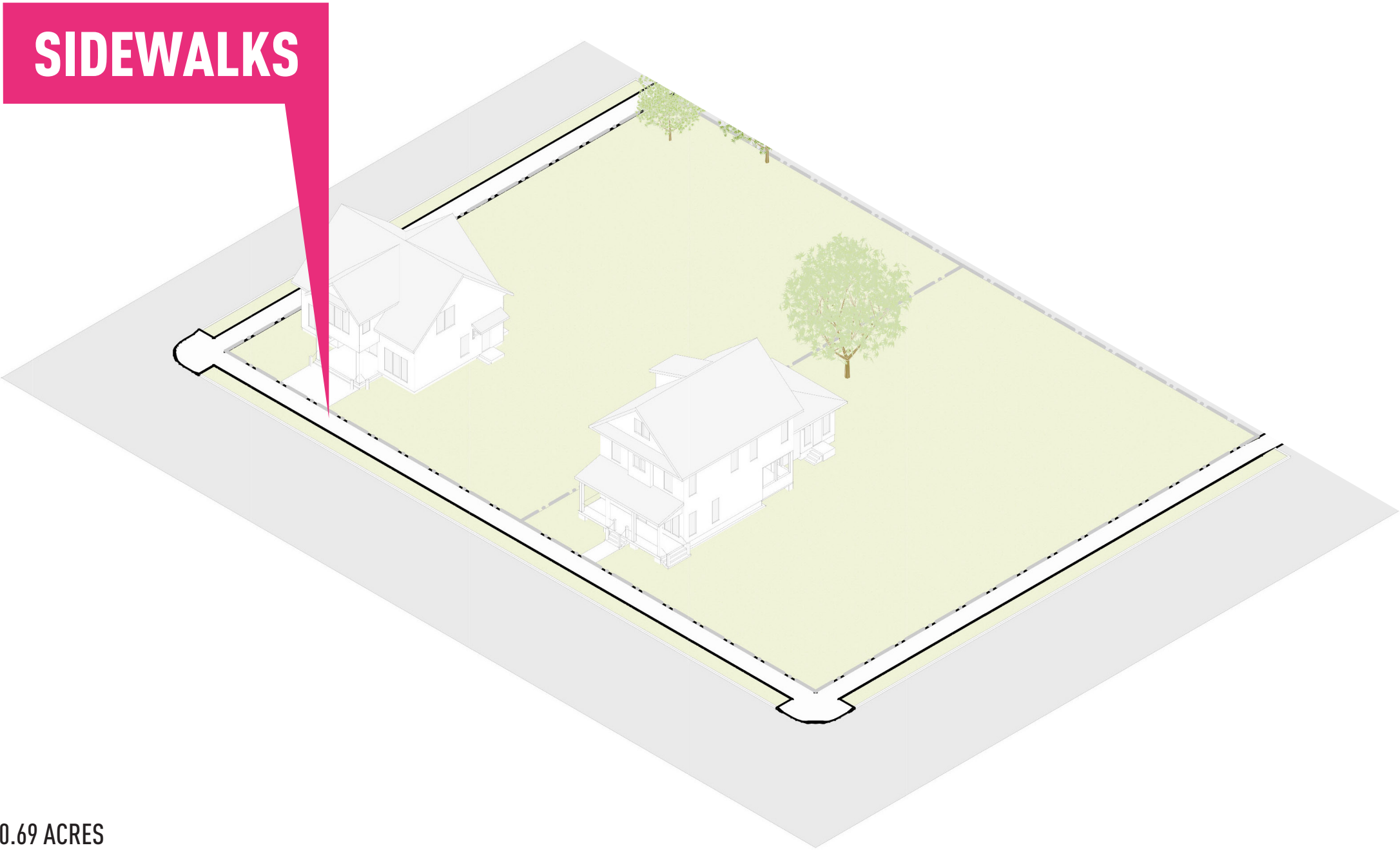
**I LOVE MY HOUSE, IT GIVES ME THE SPACE AND PRIVACY I NEED. I'M NEVER MOVING.**



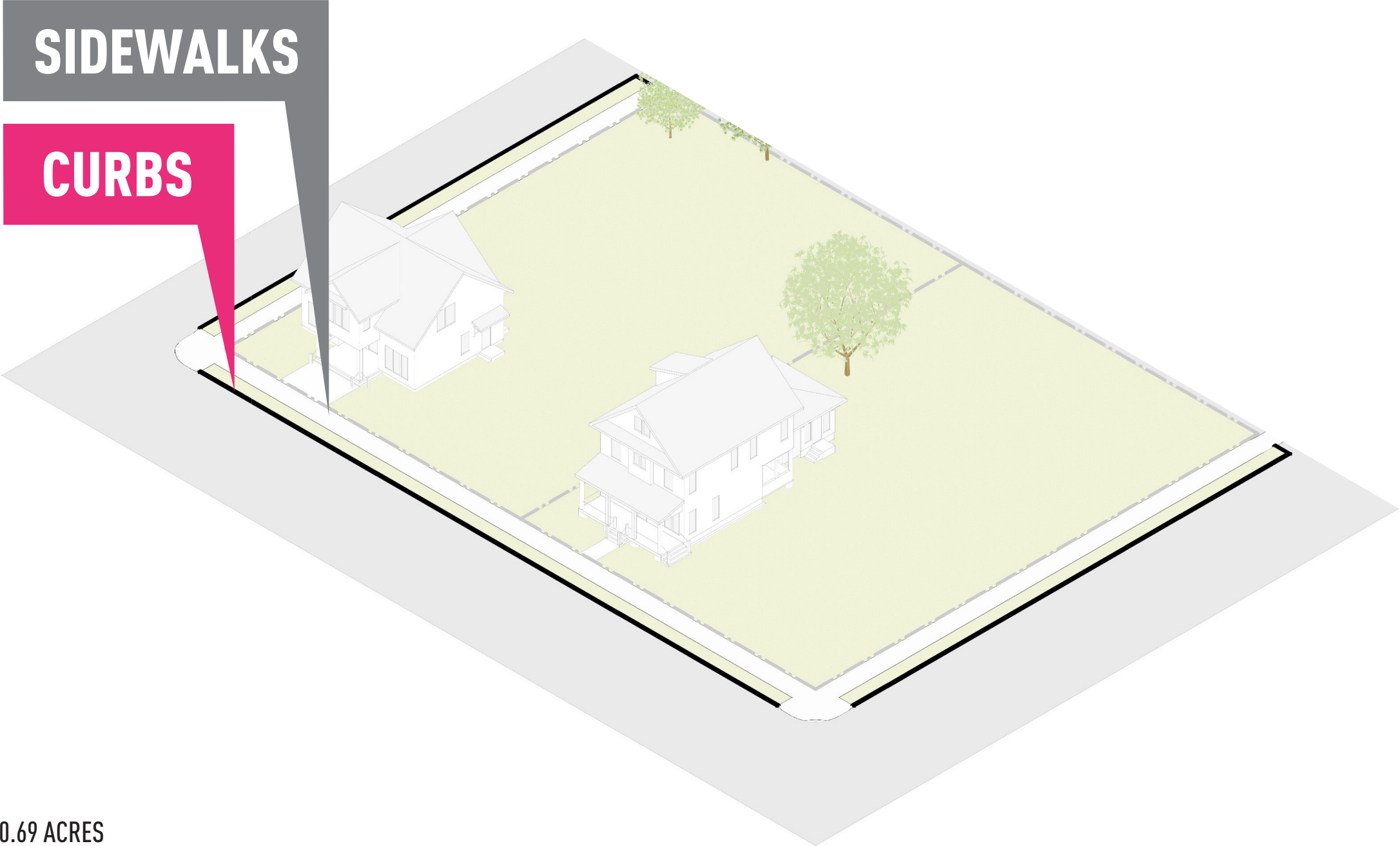
**I'M READY TO DOWNSIZE. I NEED A LOW MAINTENANCE PLACE WHERE I CAN WALK.**



**I'VE GOT A GROWING FAMILY; WE NEED A PLACE WE CAN GROW INTO.**



0.69 ACRES  
2 UNITS  
2.9 UNITS/ACRE



0.69 ACRES  
2 UNITS  
2.9 UNITS/ACRE

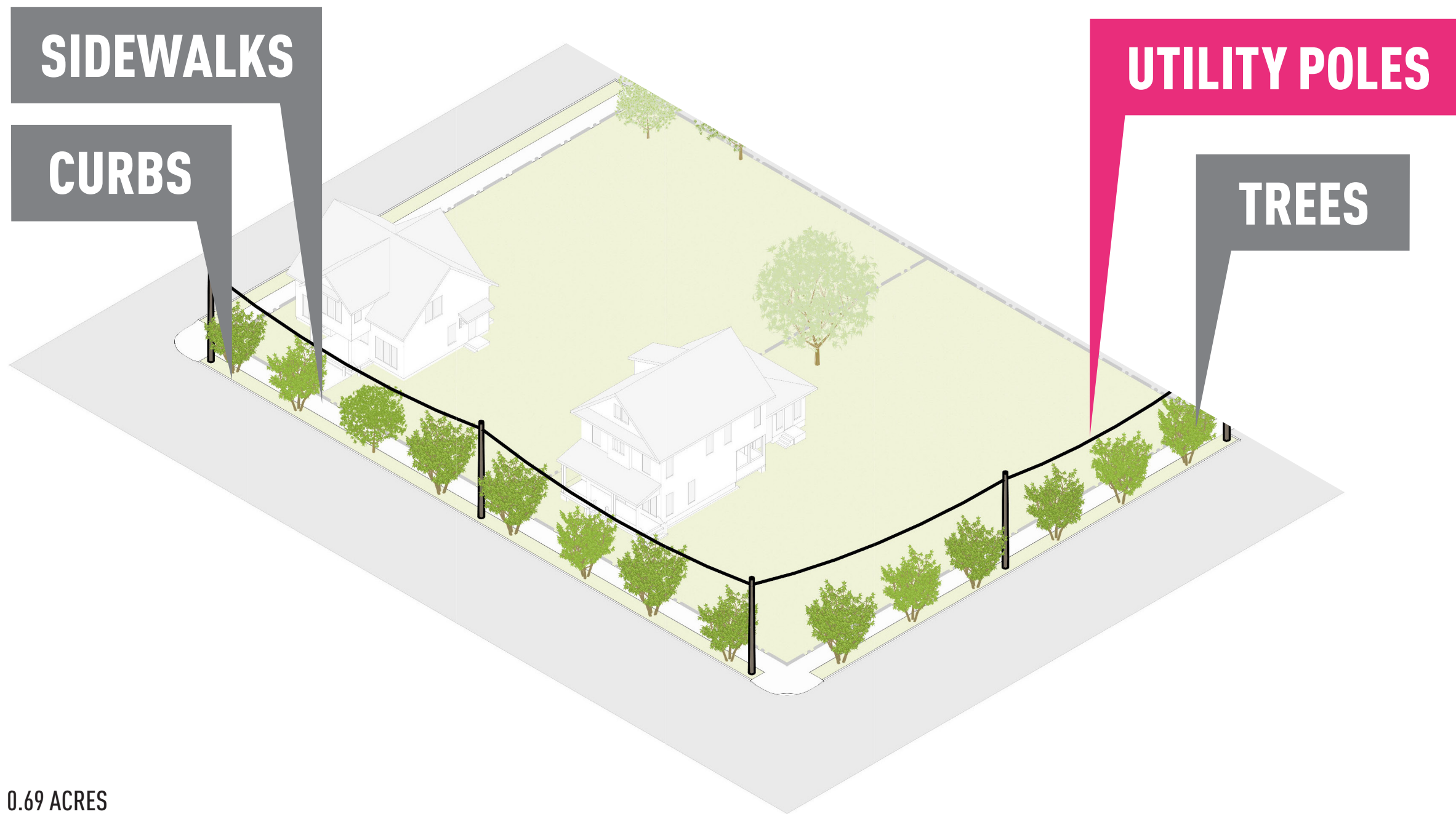


# HOUSING & INFRASTRUCTURE NEEDS



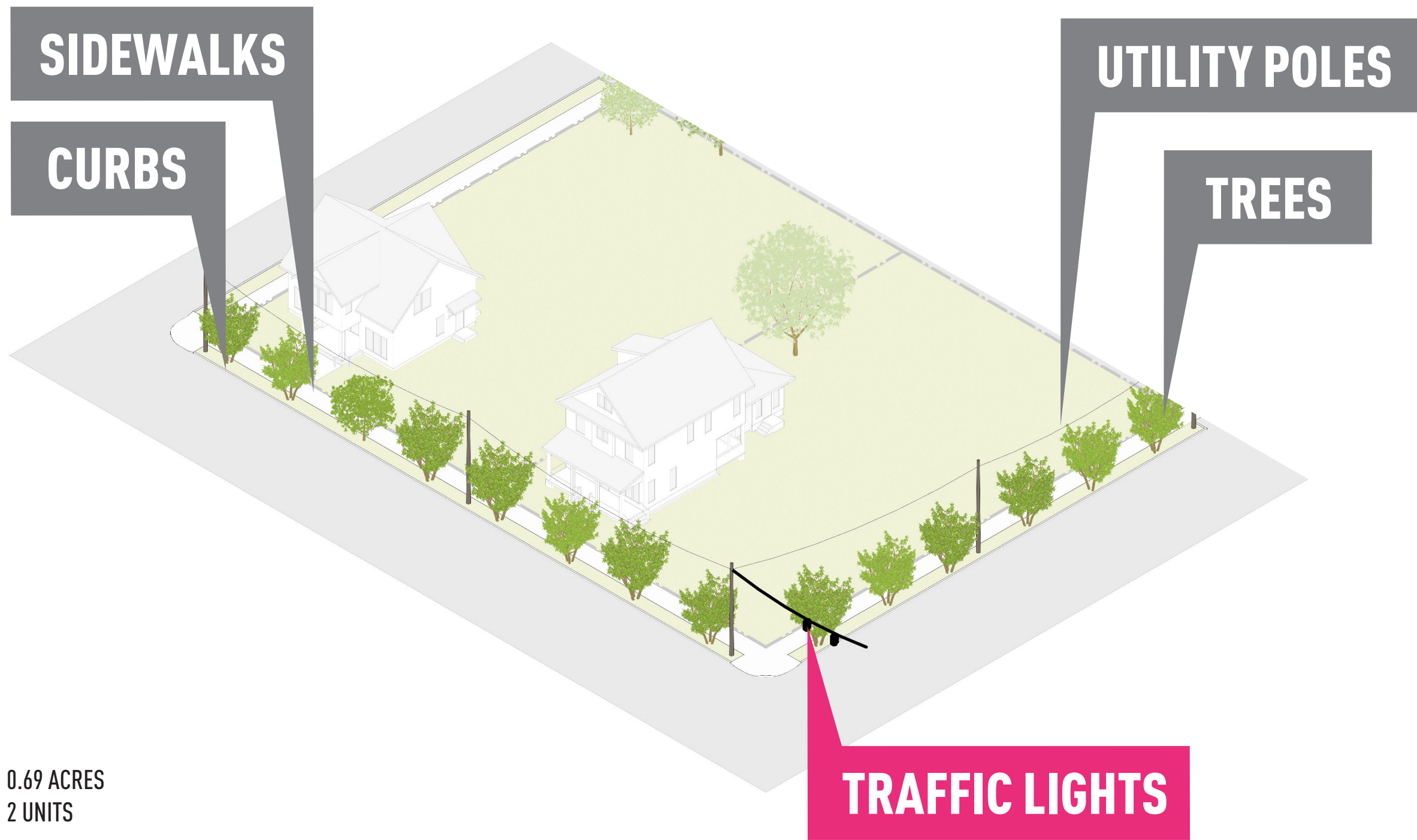
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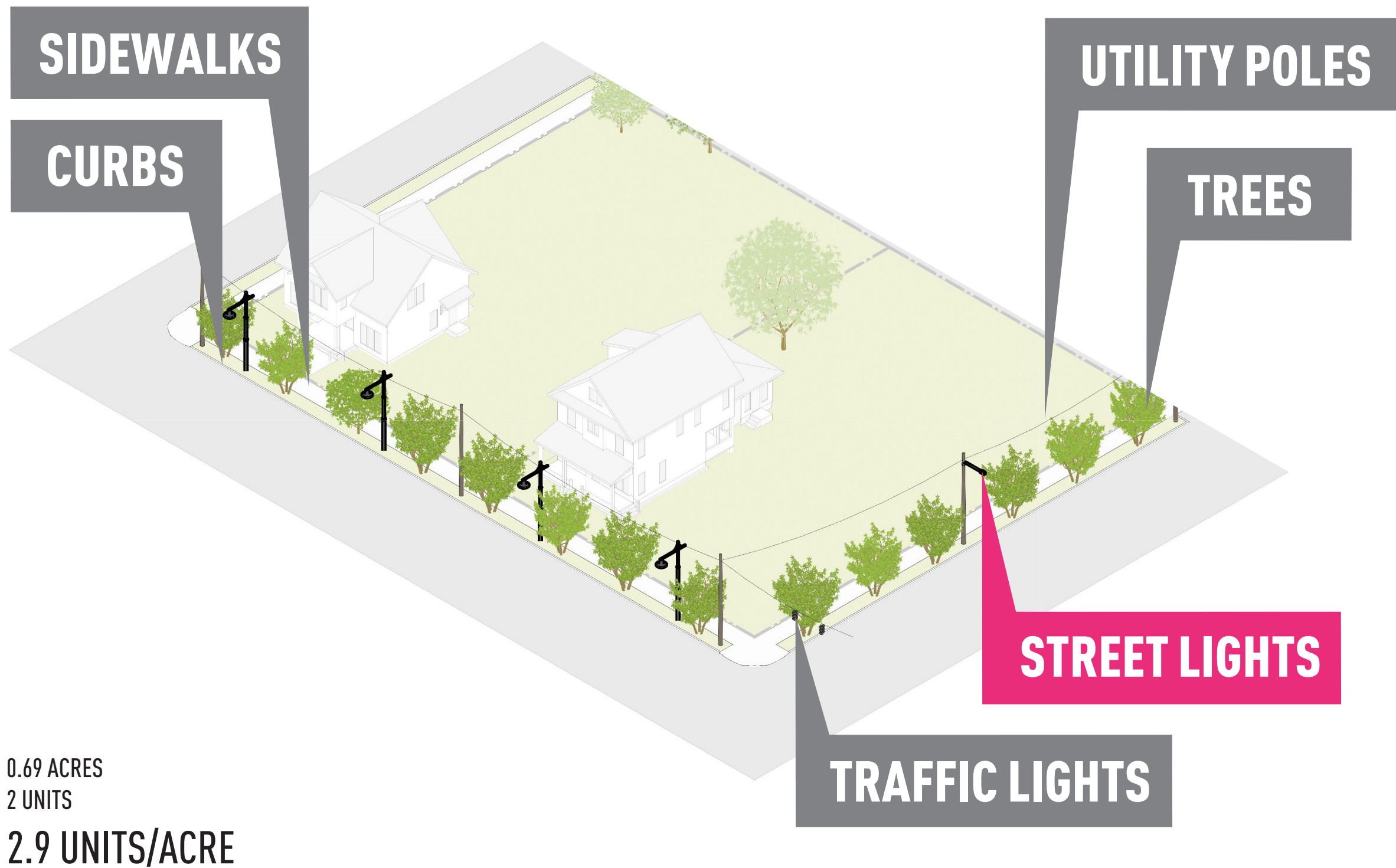
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# HOUSING & INFRASTRUCTURE NEEDS

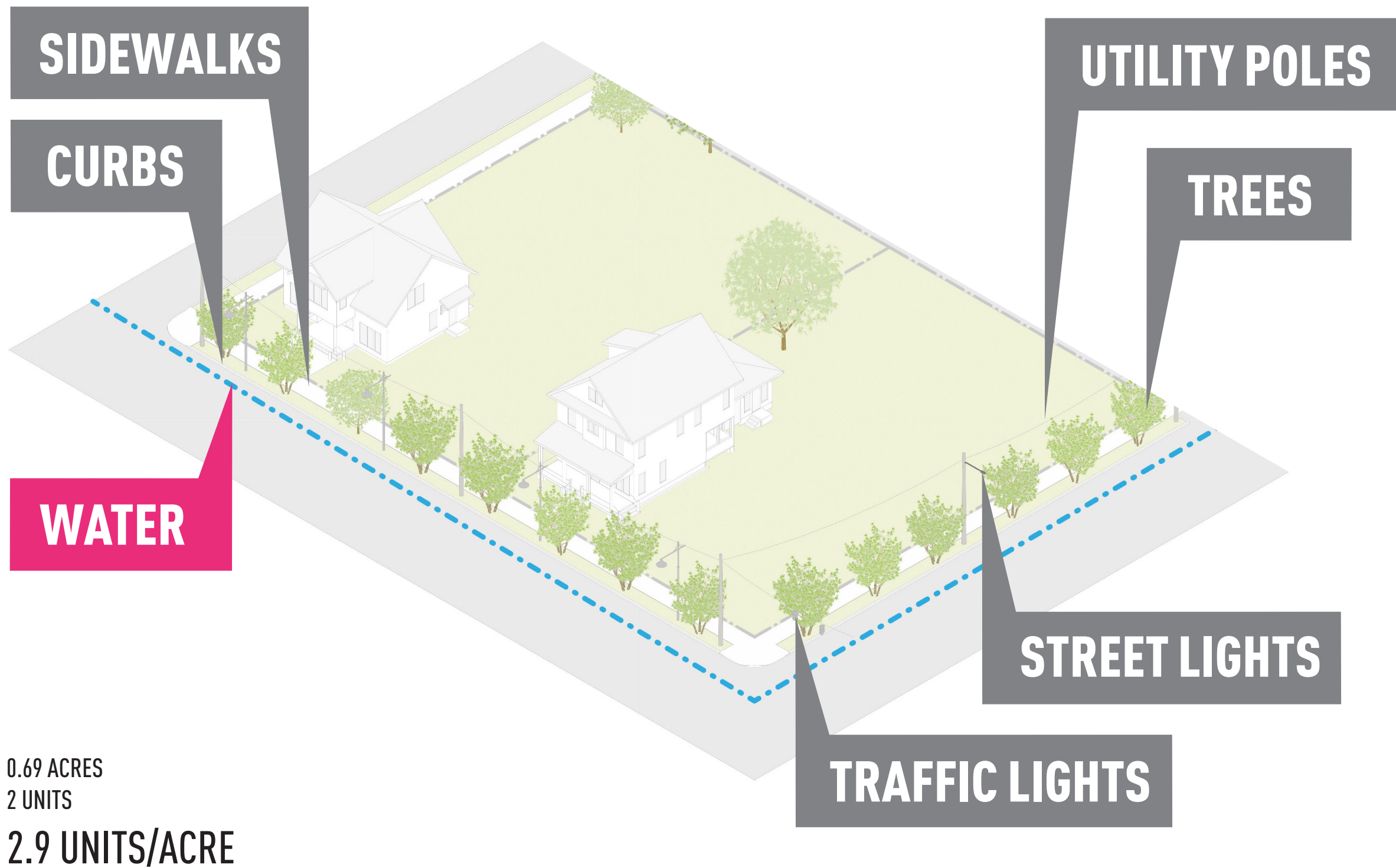




# HOUSING & INFRASTRUCTURE NEEDS

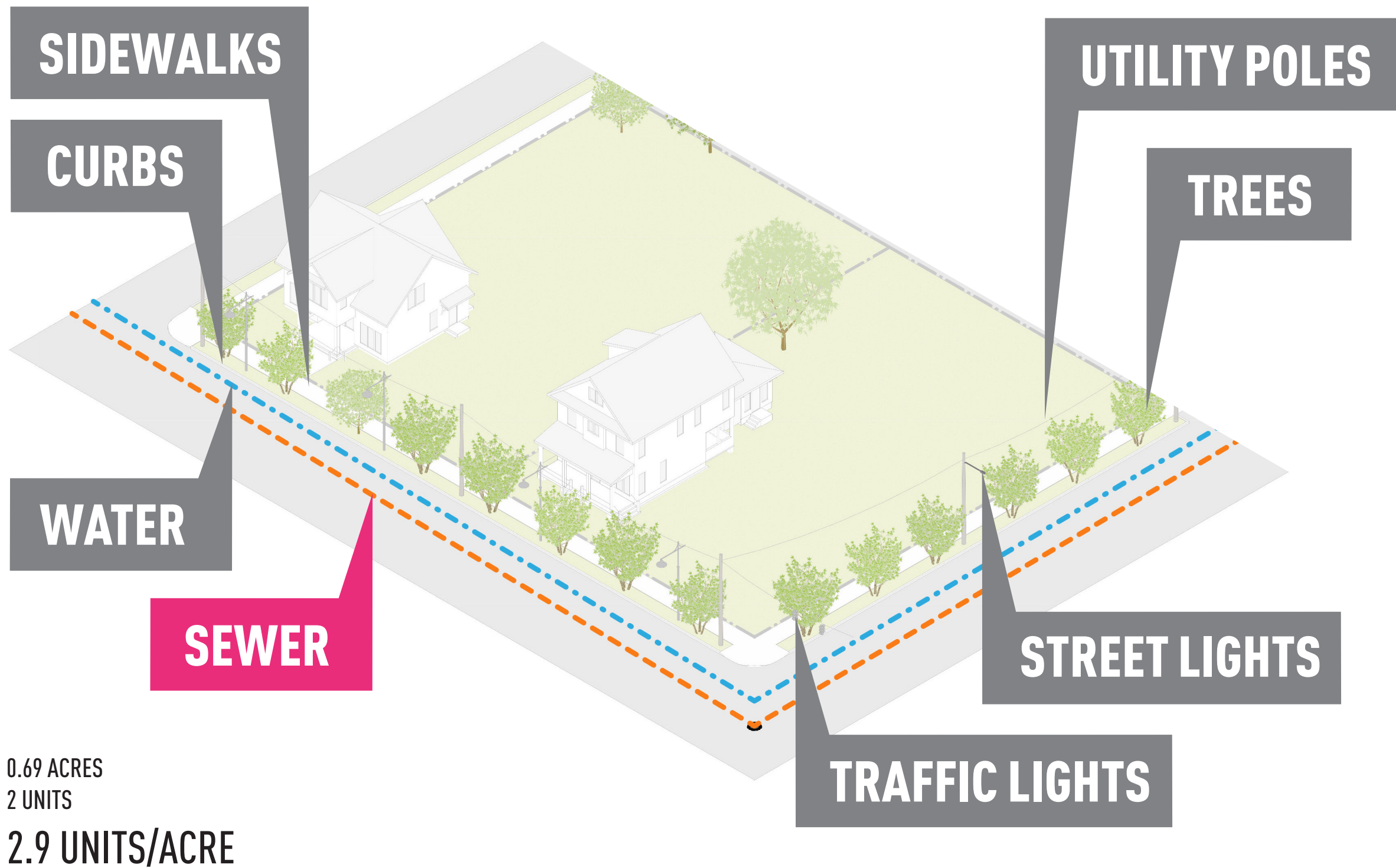


# HOUSING & INFRASTRUCTURE NEEDS

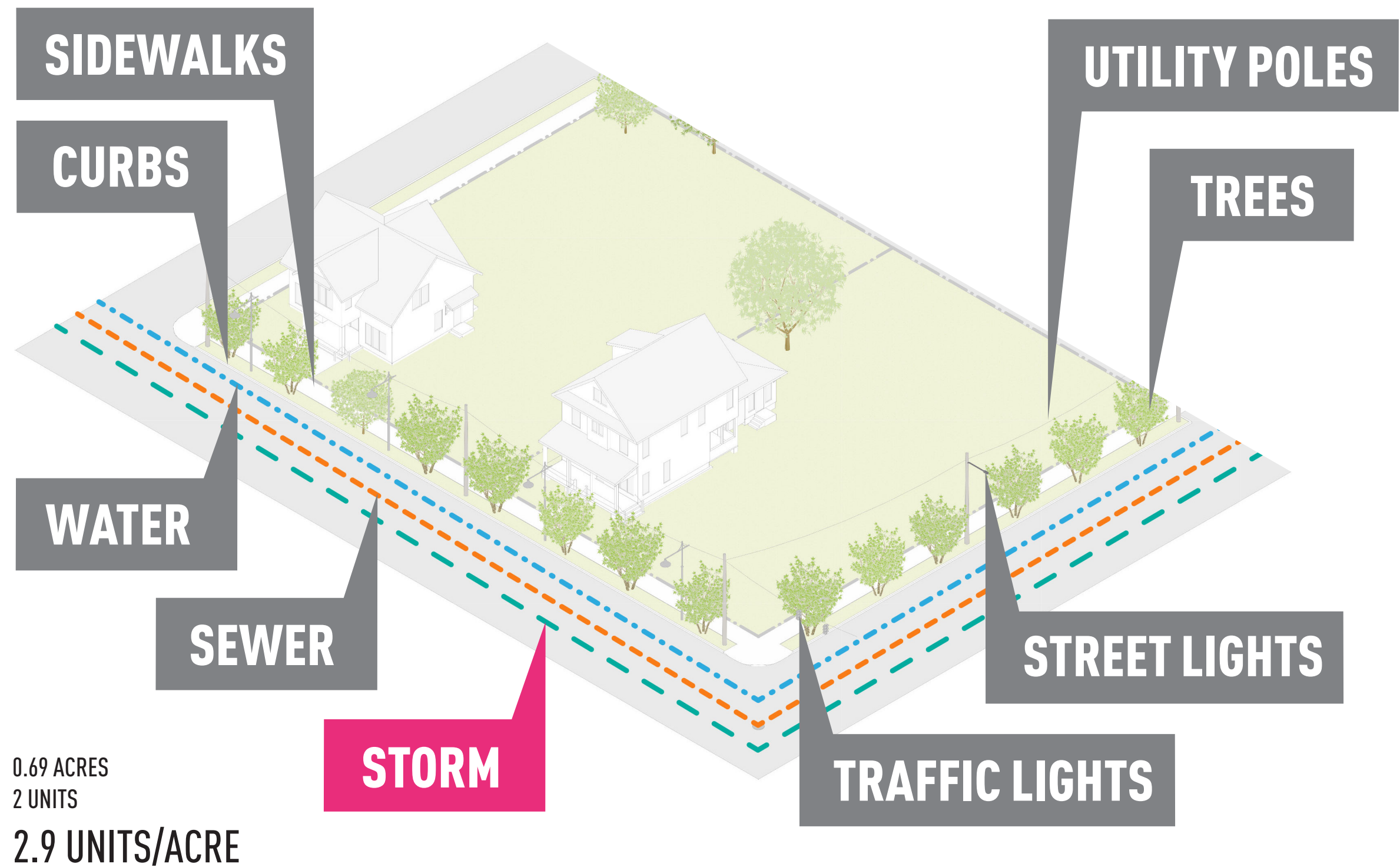




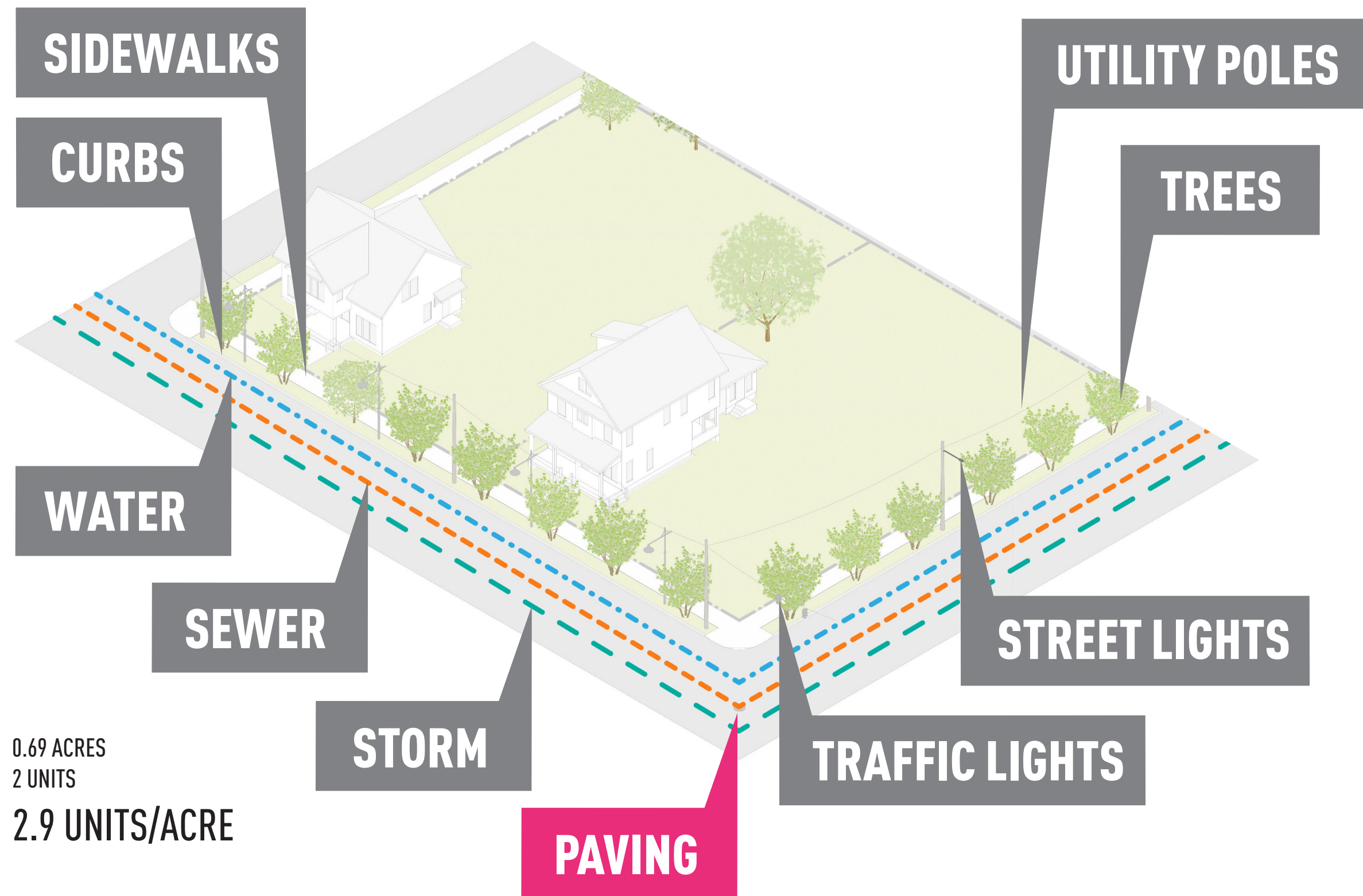
# HOUSING & INFRASTRUCTURE NEEDS



# HOUSING & INFRASTRUCTURE NEEDS

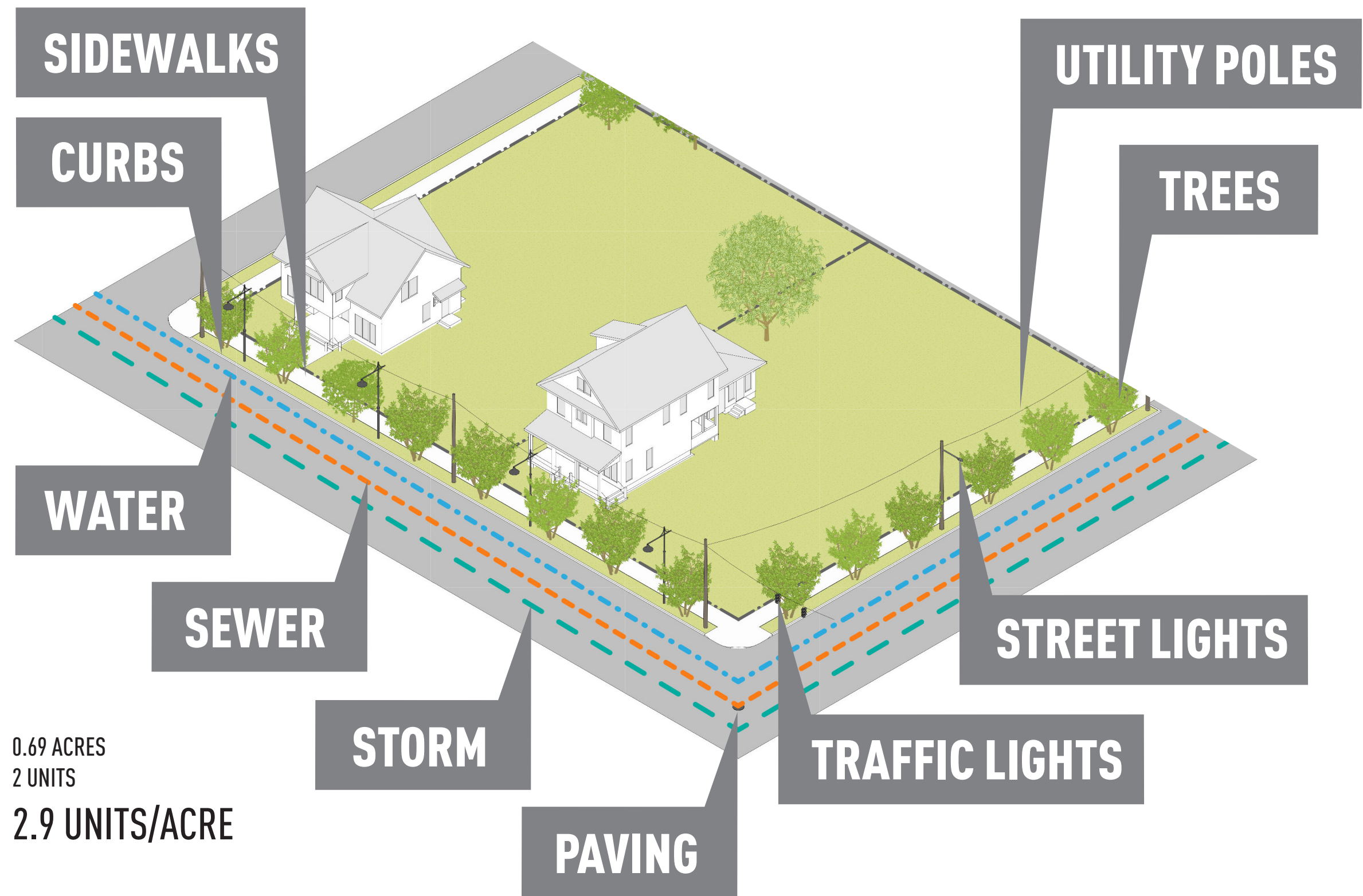


# HOUSING & INFRASTRUCTURE NEEDS





# HOUSING & INFRASTRUCTURE NEEDS



# HOUSING & SERVICE NEEDS



0.69 ACRES  
2 UNITS  
2.9 UNITS/ACRE

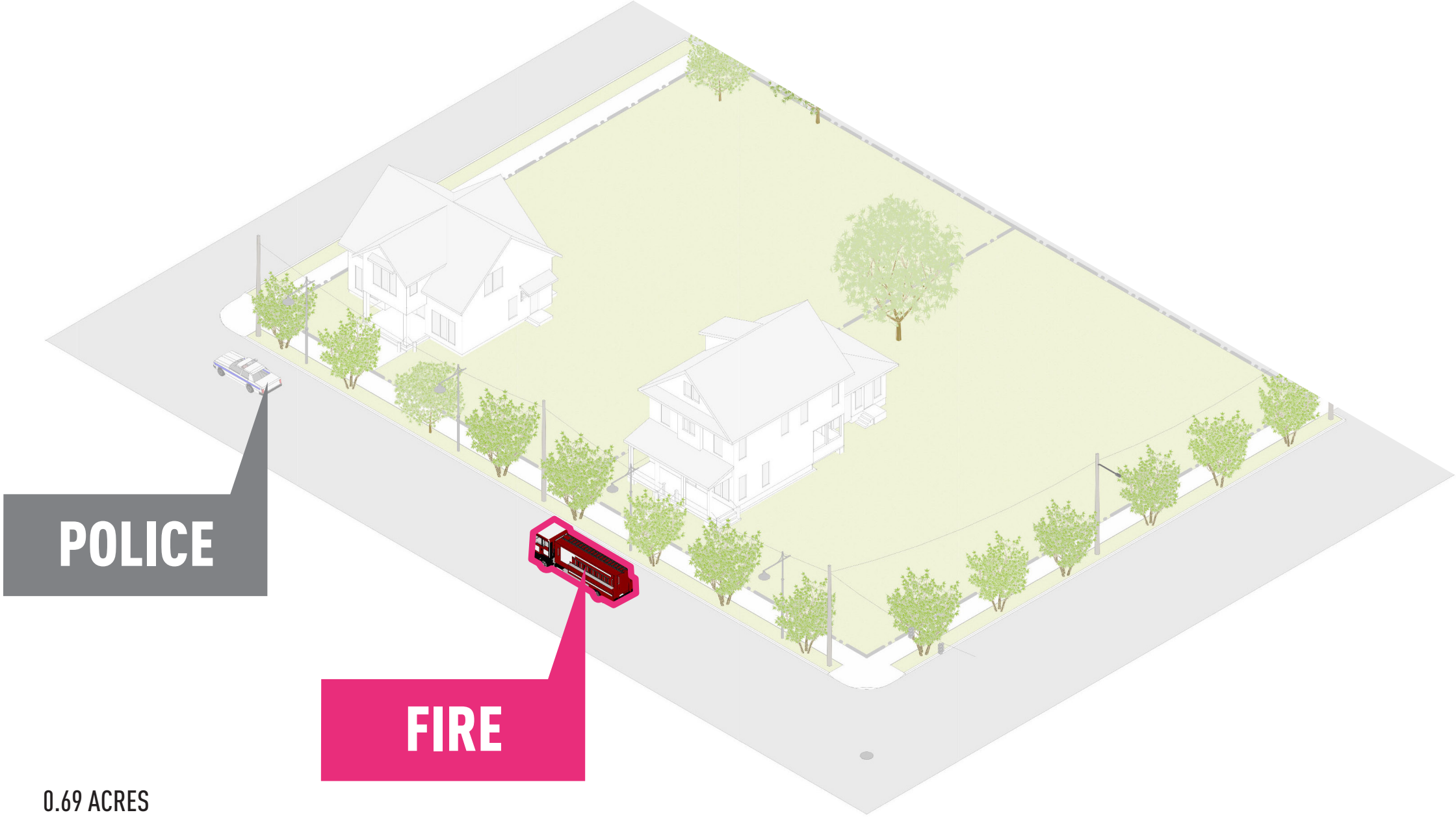




POLICE

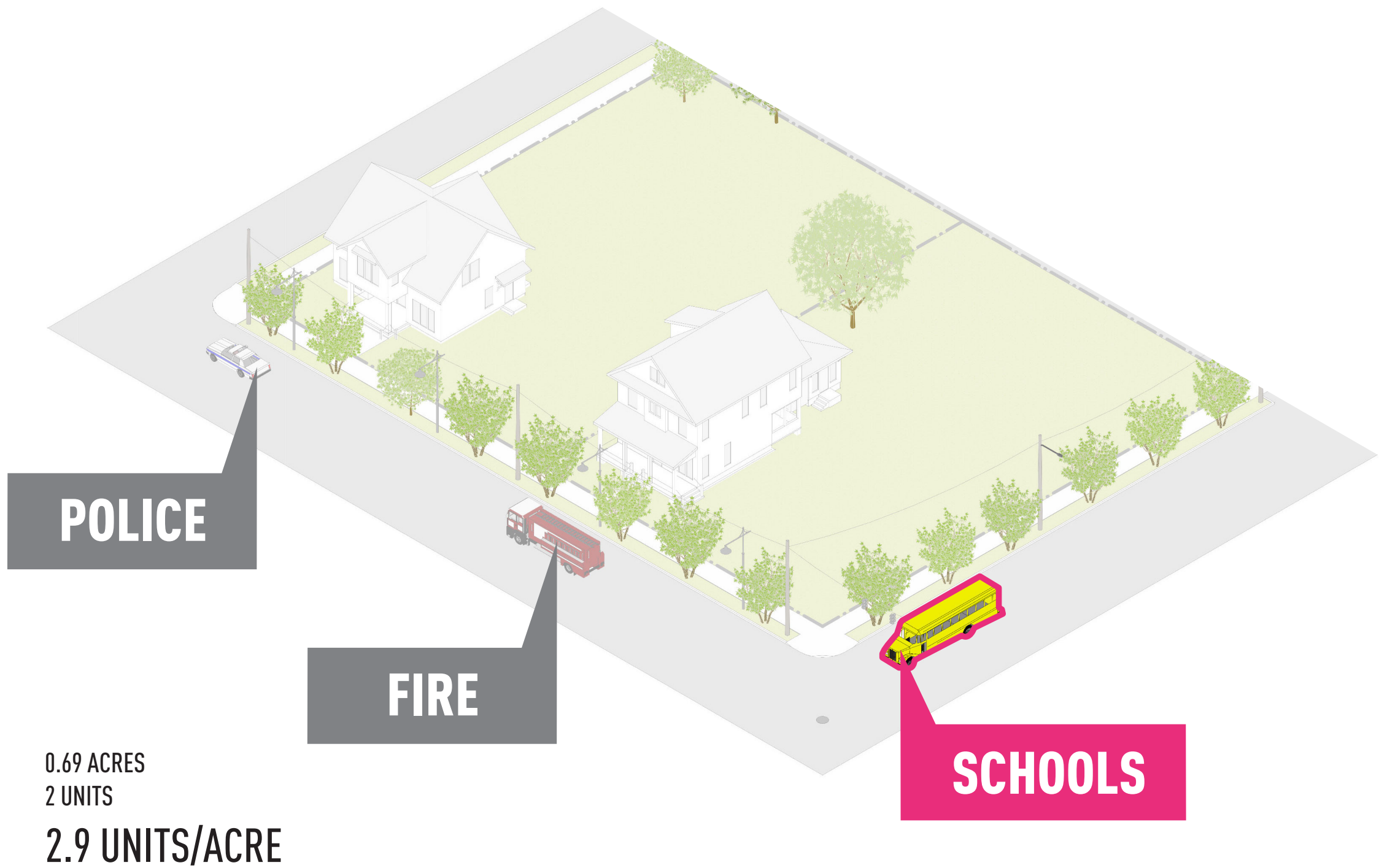
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# HOUSING & SERVICE NEEDS



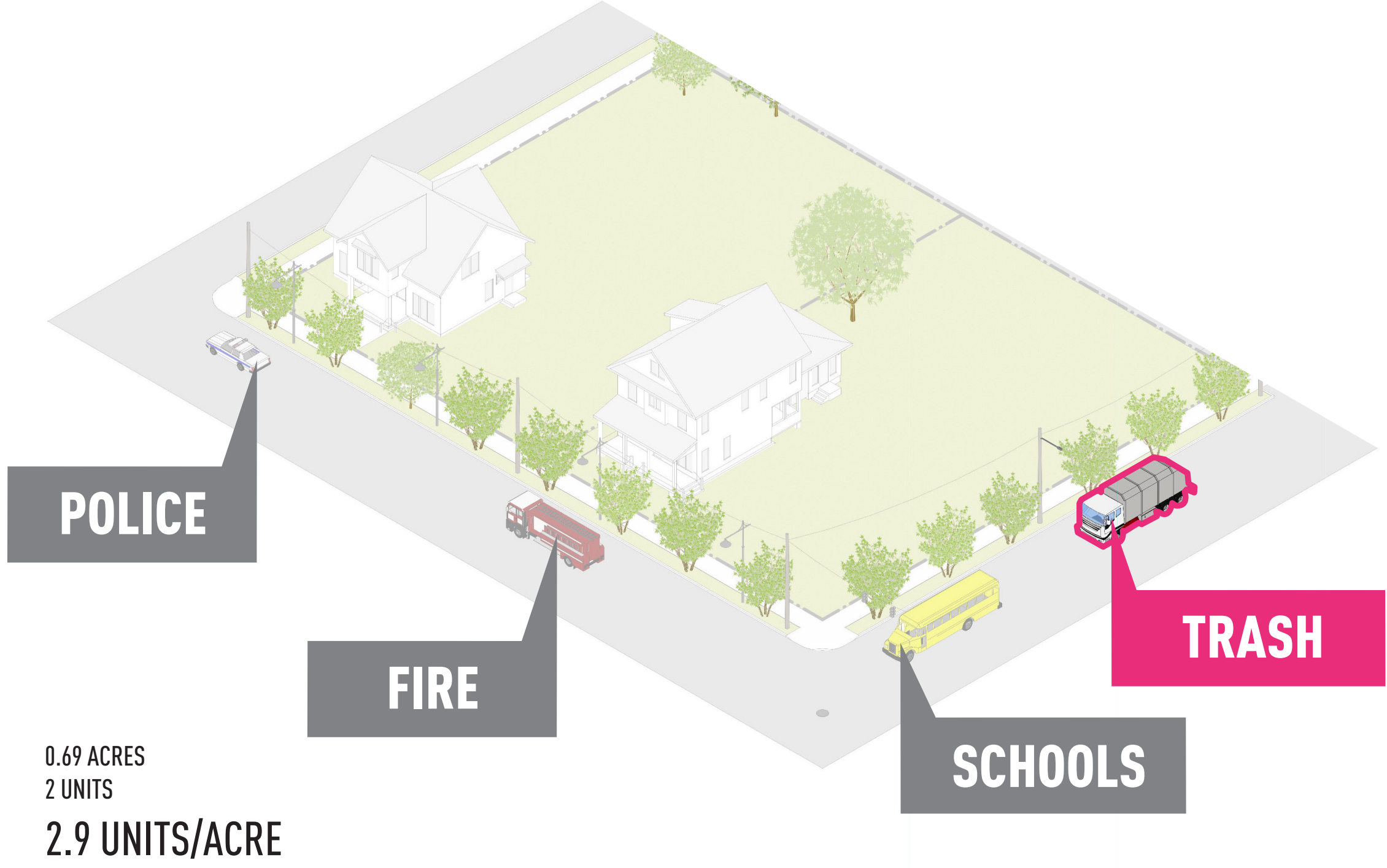
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# HOUSING & SERVICE NEEDS

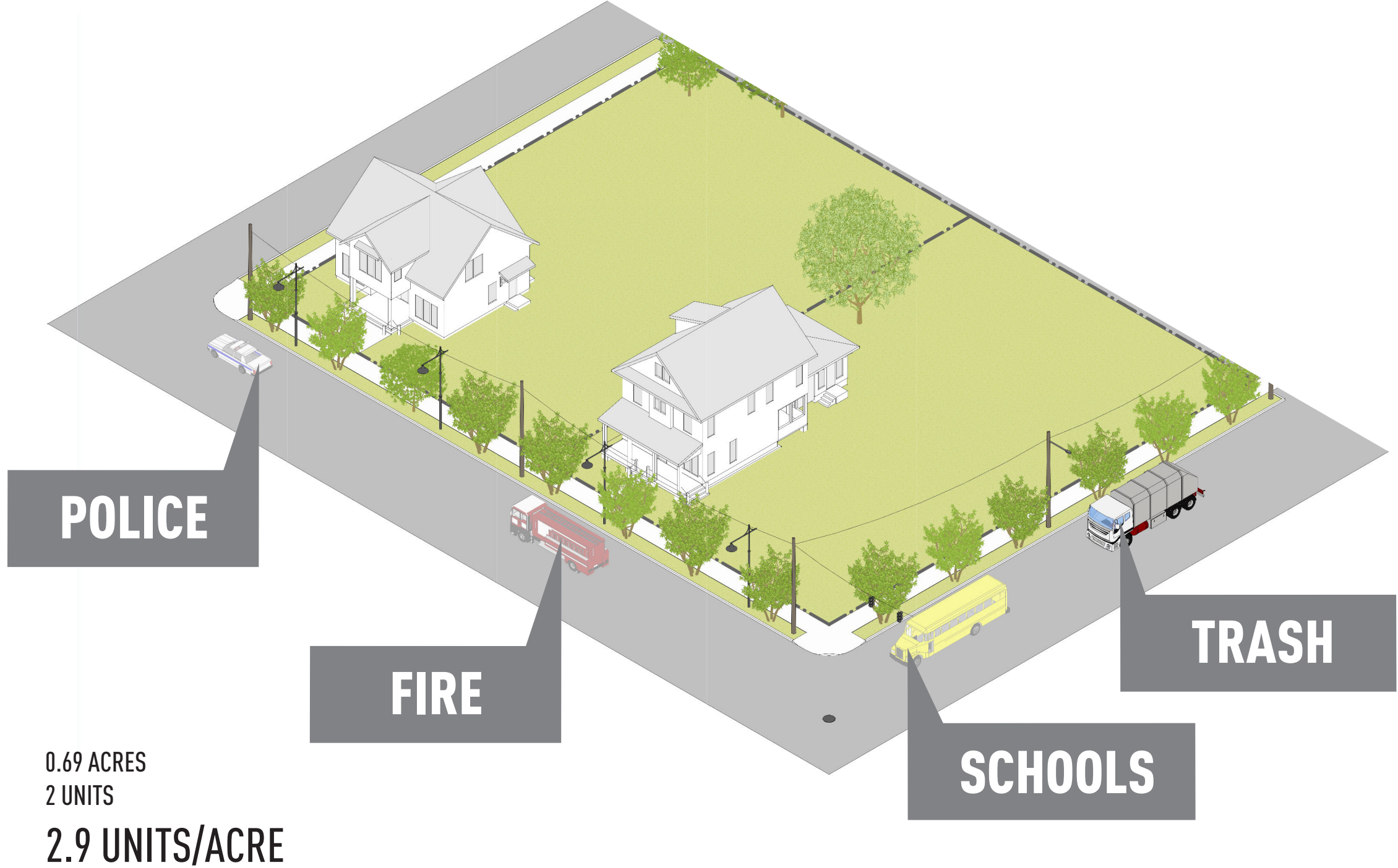




# HOUSING & SERVICE NEEDS

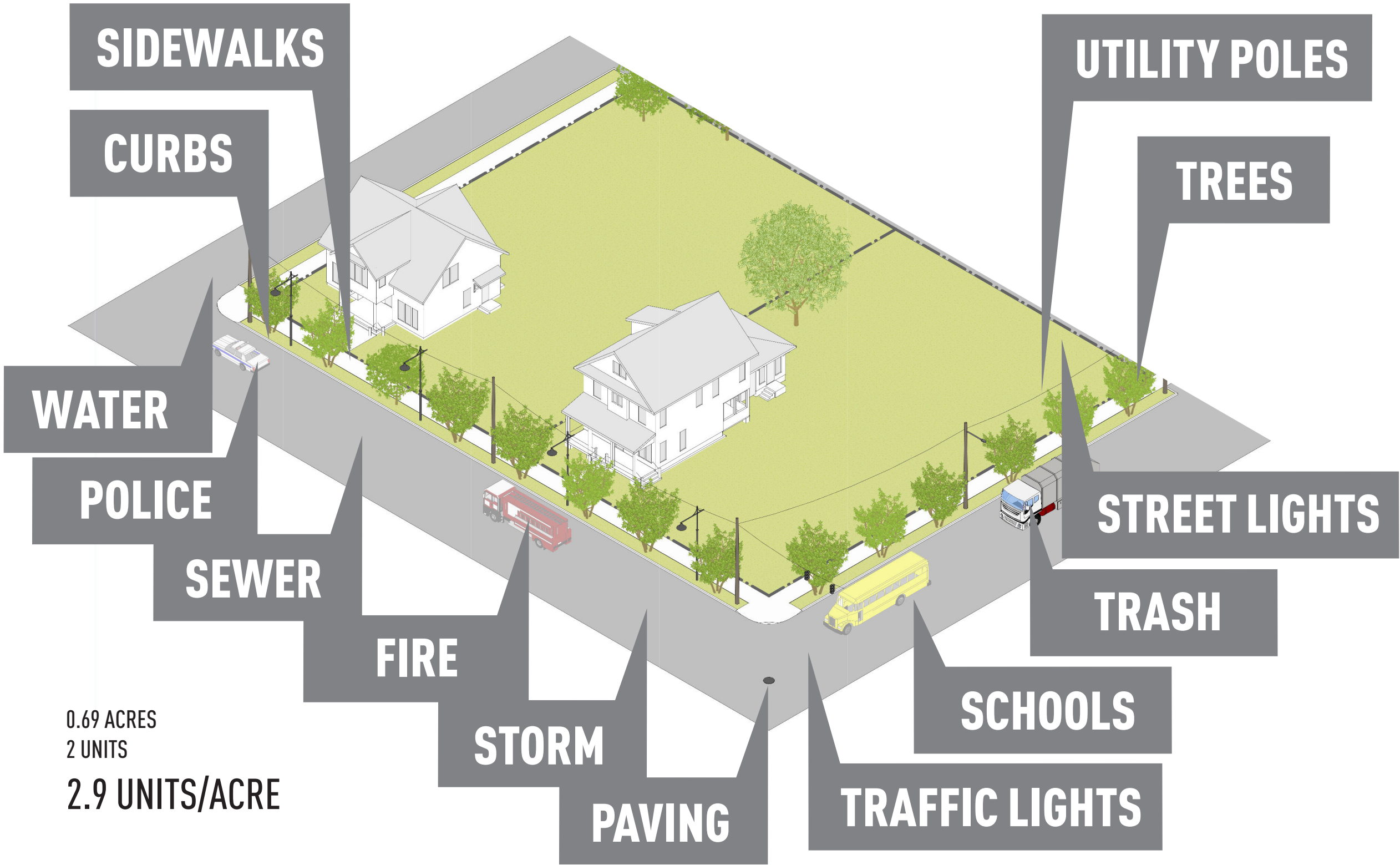


# HOUSING & SERVICE NEEDS

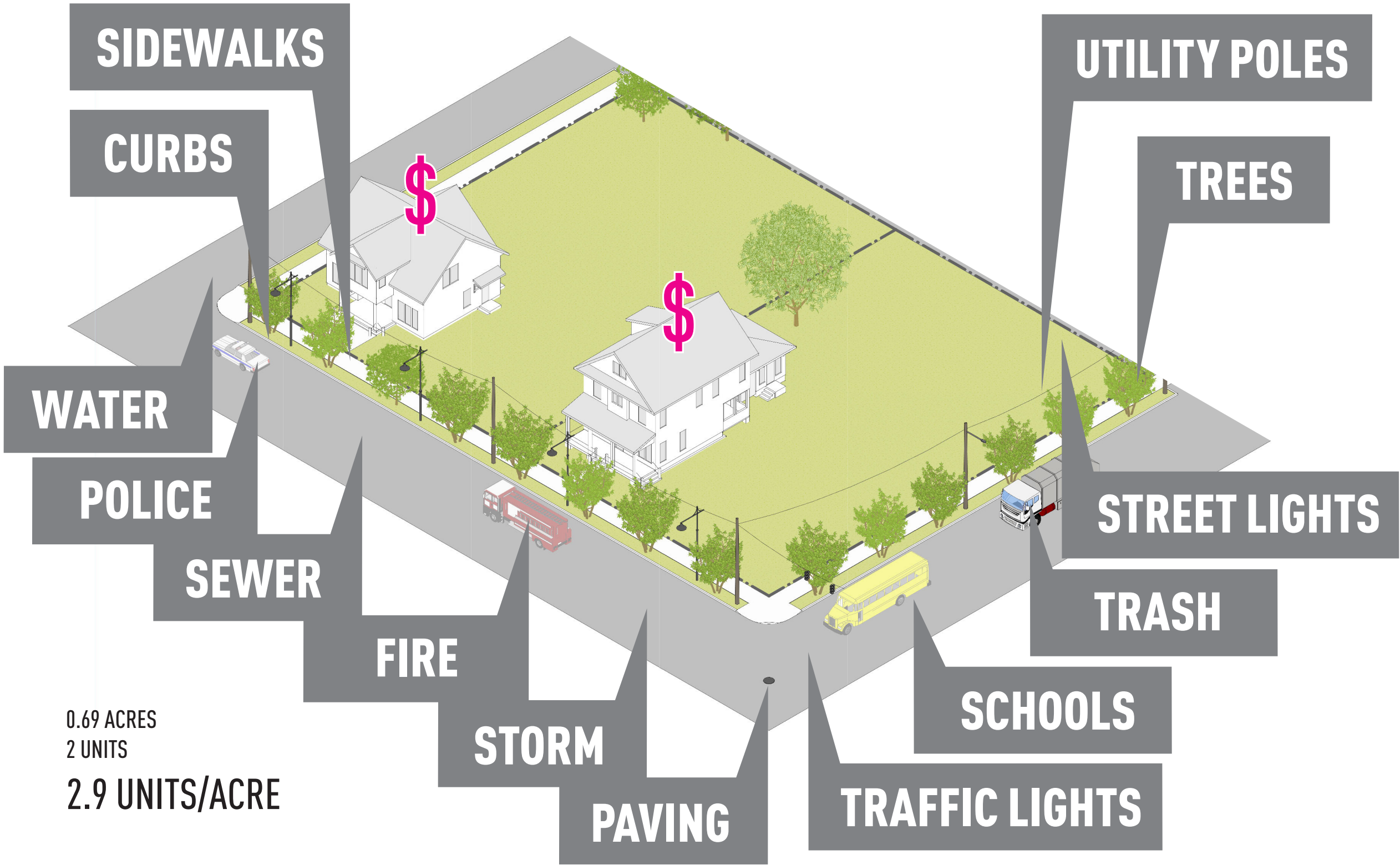




# HOUSING CHOICE & INFRASTRUCTURE + SERVICE NEEDS

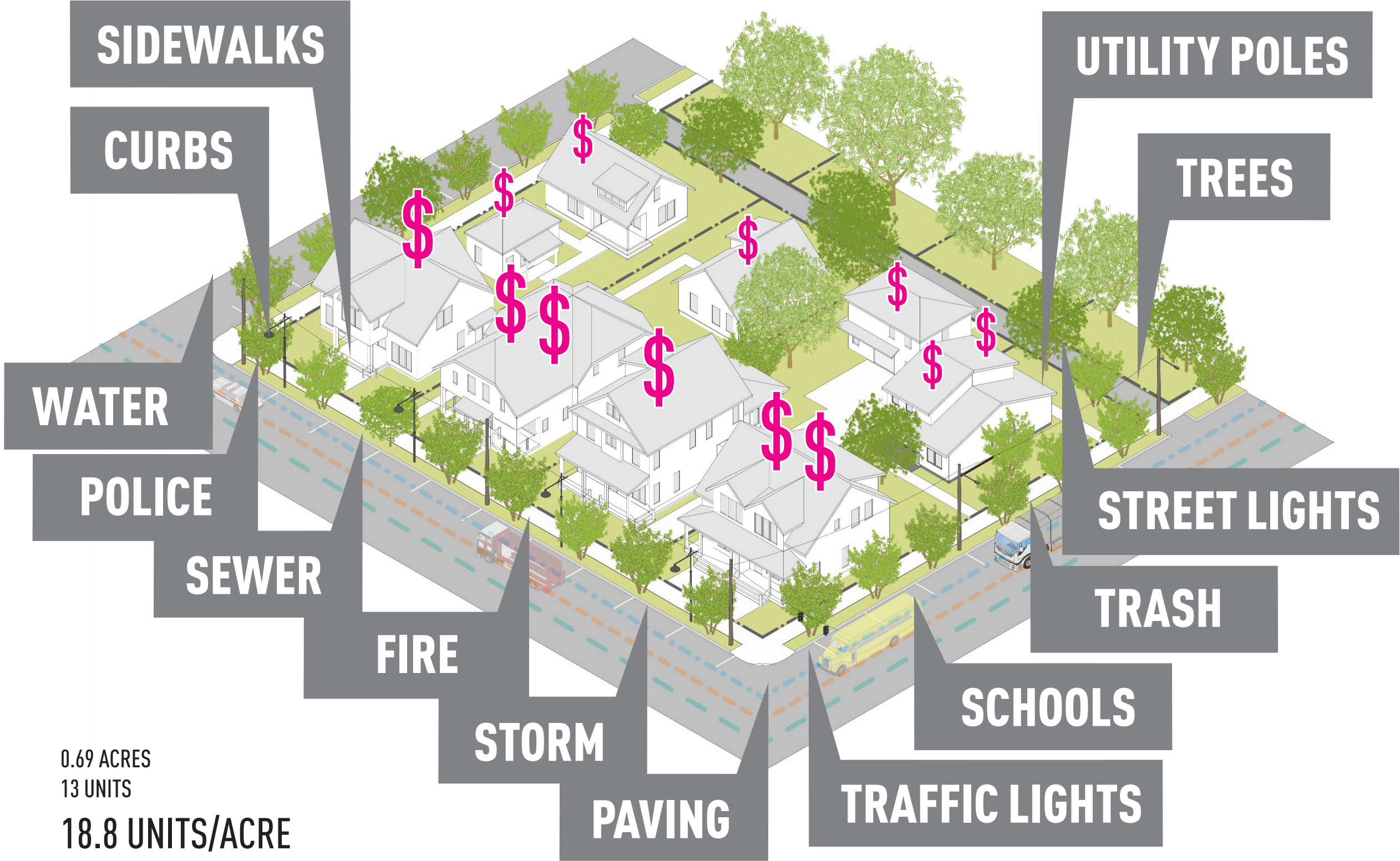


# HOUSING & INFRASTRUCTURE + SERVICE NEEDS



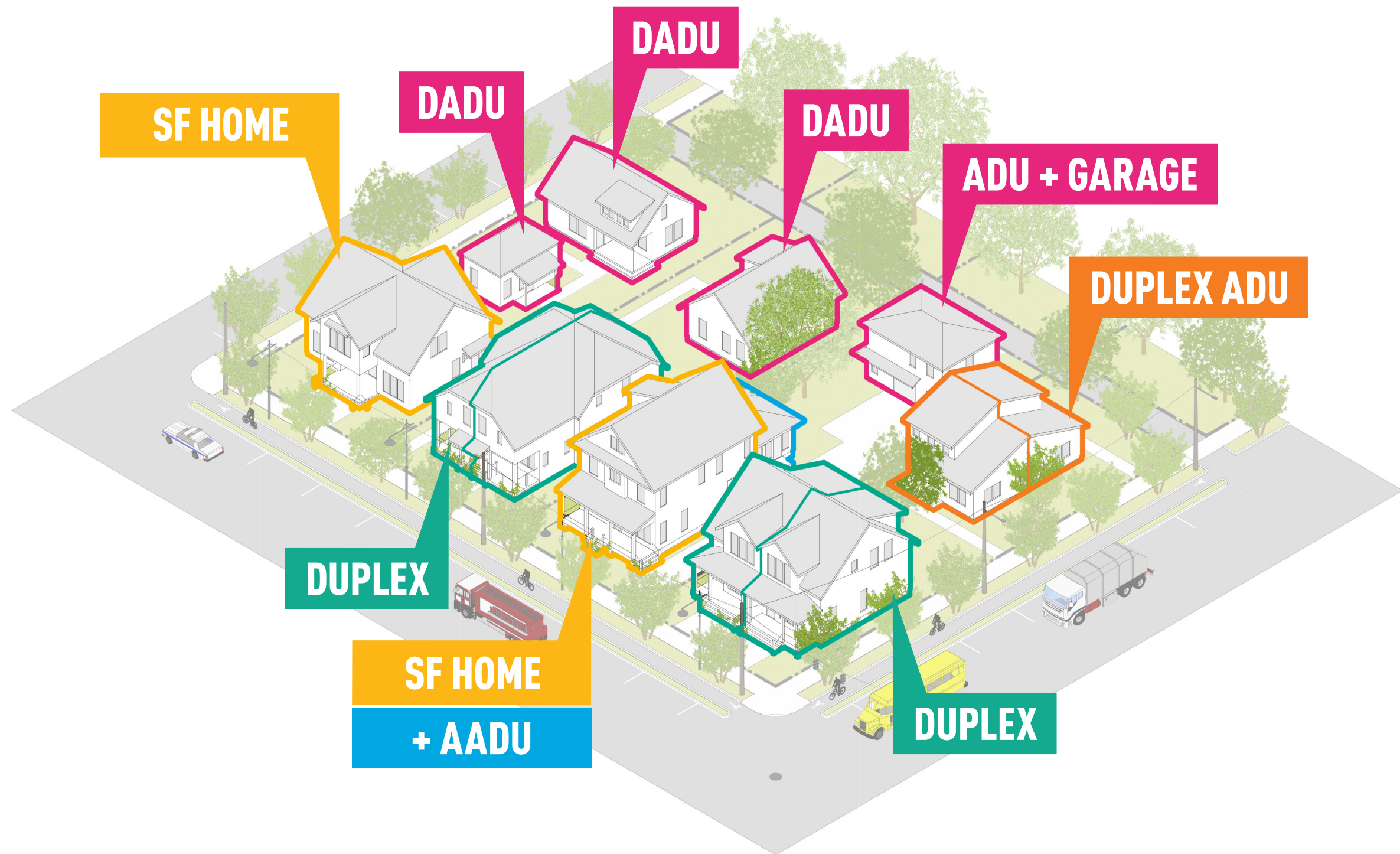


# HOUSING CHOICE & INFRASTRUCTURE + SERVICE NEEDS





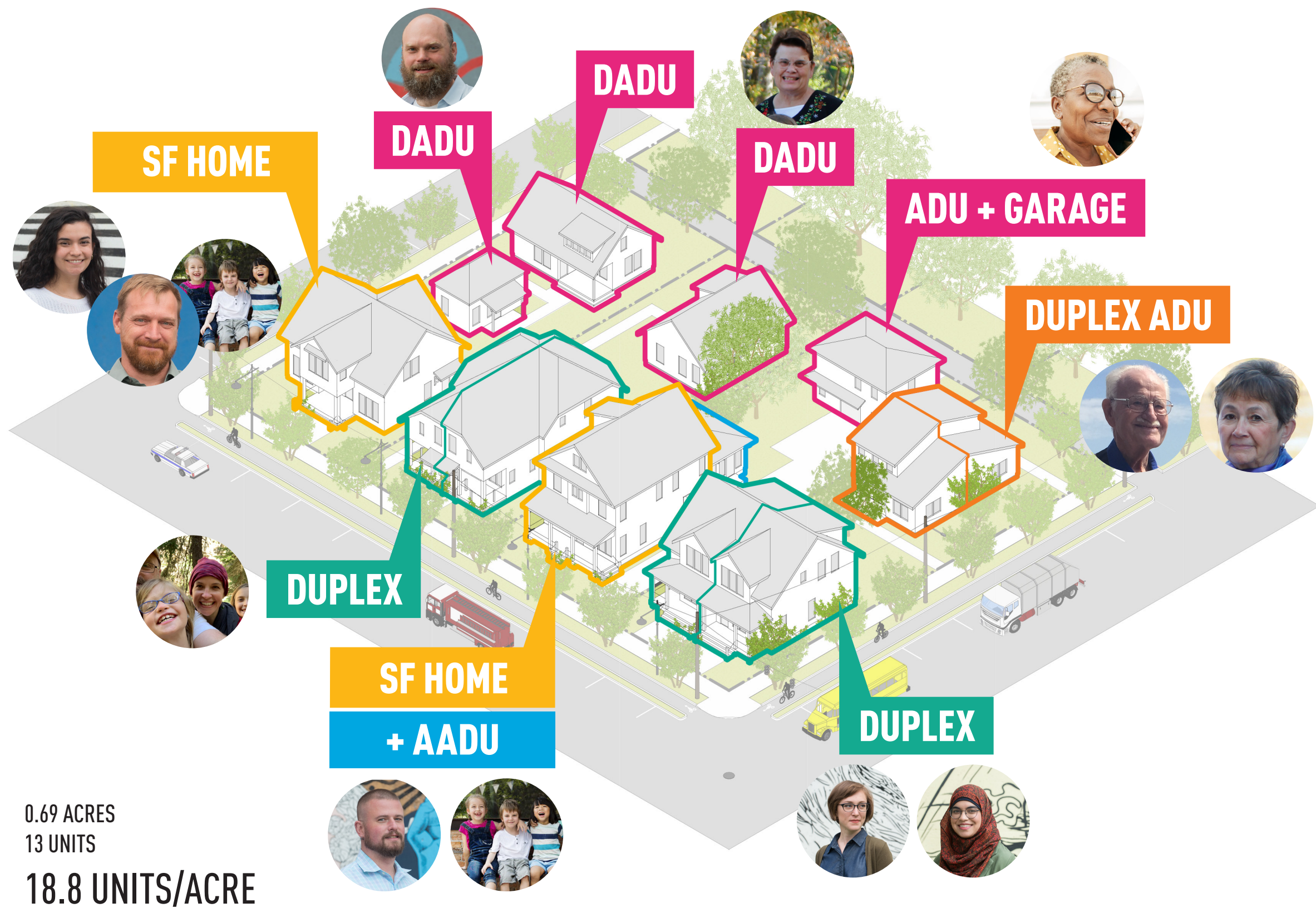
# HOUSING CHOICE & INFRASTRUCTURE + SERVICE NEEDS



**6.5x NUMBER OF UNITS TO SPREAD  
INFRASTRUCTURE COSTS ACROSS.**



# HOUSING & PEOPLE NEEDS





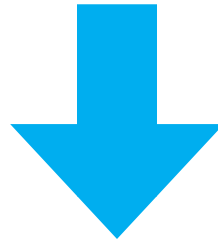
2.

# MOBILITY RICH PLACES

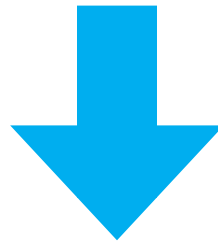
# WHERE TO FOCUS EFFORTS?

# FOCUS ON YOUR FABRIC

**NEIGHBORHOOD**



**BLOCK**



**LOT**

**BIG CITY**

**SMALL TOWN**

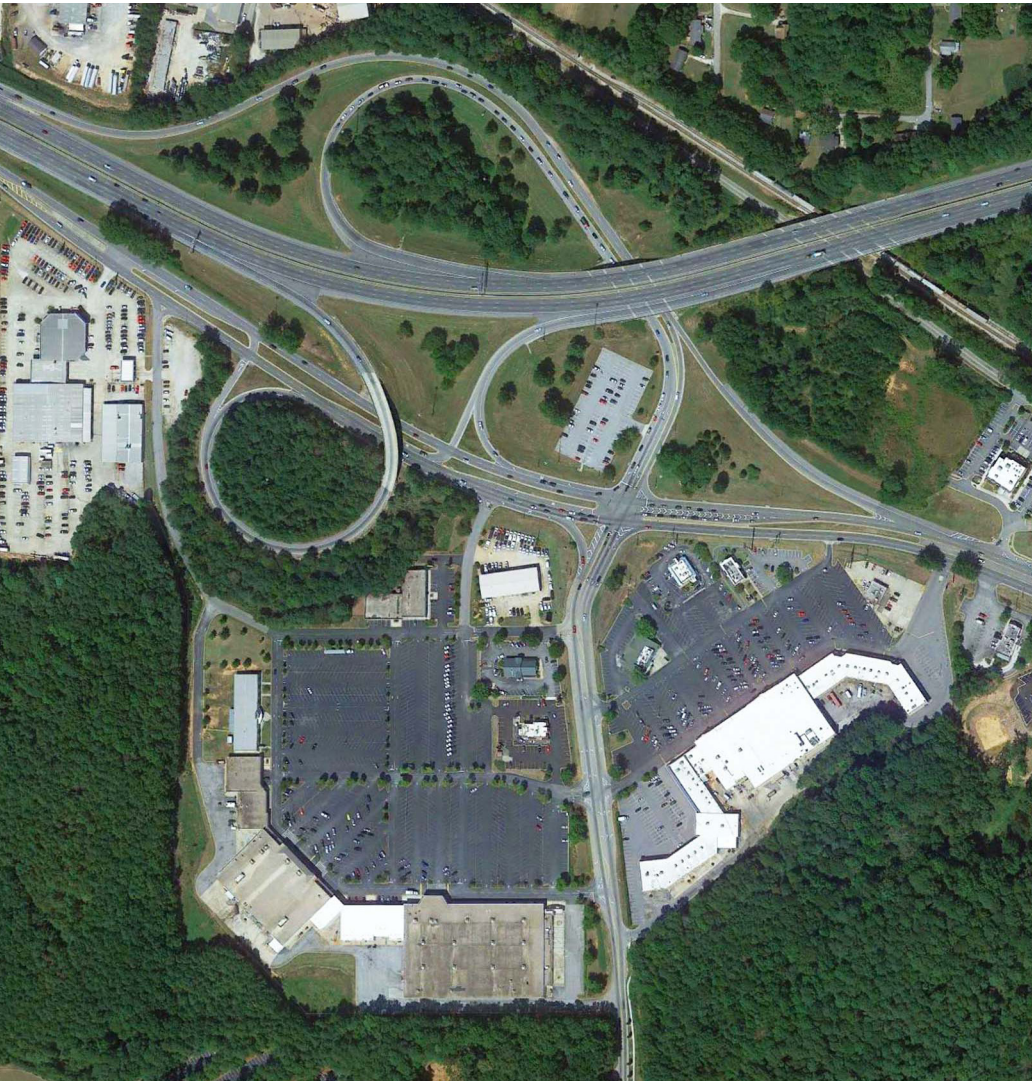


# A TALE OF TWO URBANISMS

KRONBERG  
URBANISTS  
ARCHITECTS

## SUBURBAN EUCLIDEAN ZONING

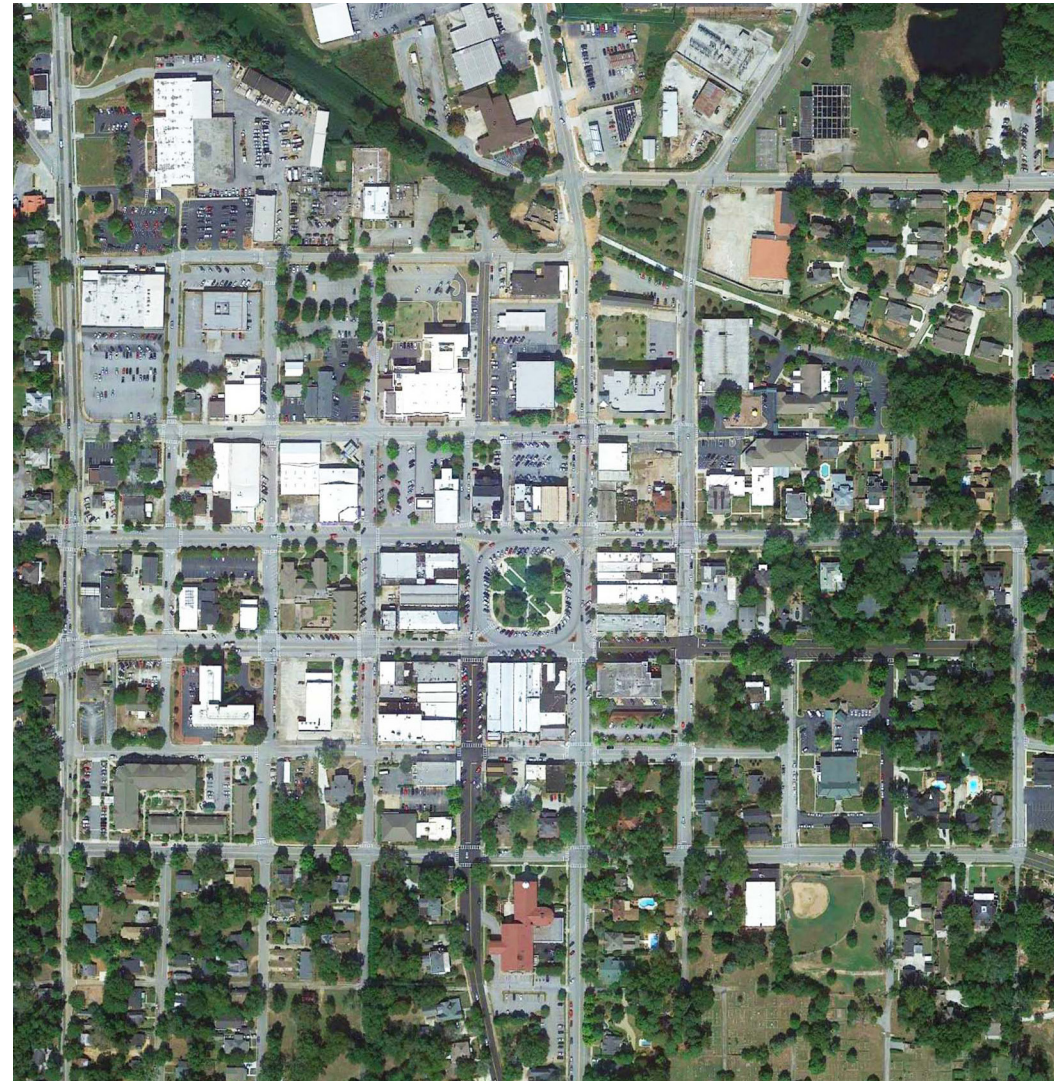
LINEAR, RIGID RULES



600 FT

## HISTORIC, INCREMENTAL DEVELOPMENT

DYNAMIC SYSTEM RESPONSES WITH LIMITED GUIDELINES



600 FT

COVINGTON, GEORGIA

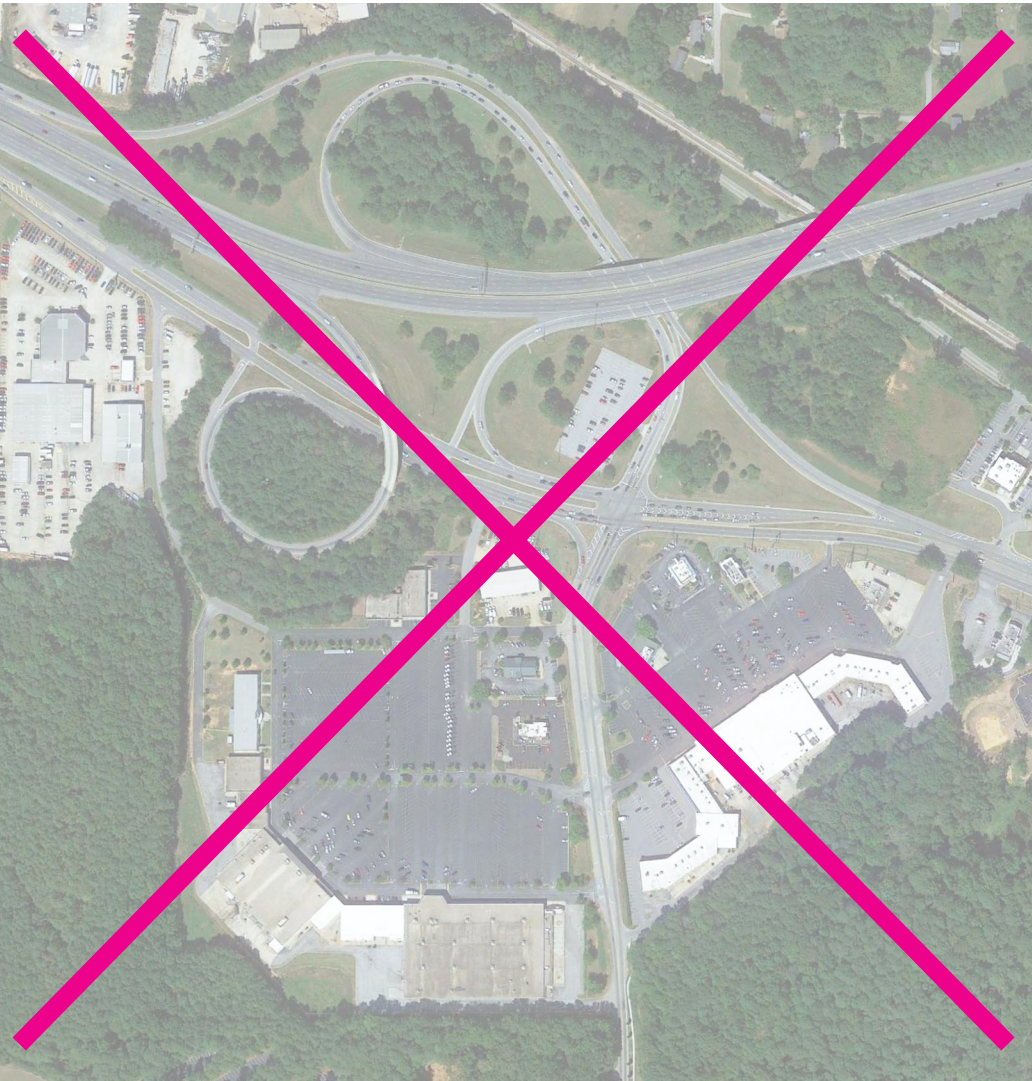


# A TALE OF TWO URBANISMS

KRONBERG  
URBANISTS  
ARCHITECTS

## SUBURBAN EUCLIDEAN ZONING

LINEAR, RIGID RULES



600 FT

## HISTORIC, INCREMENTAL DEVELOPMENT

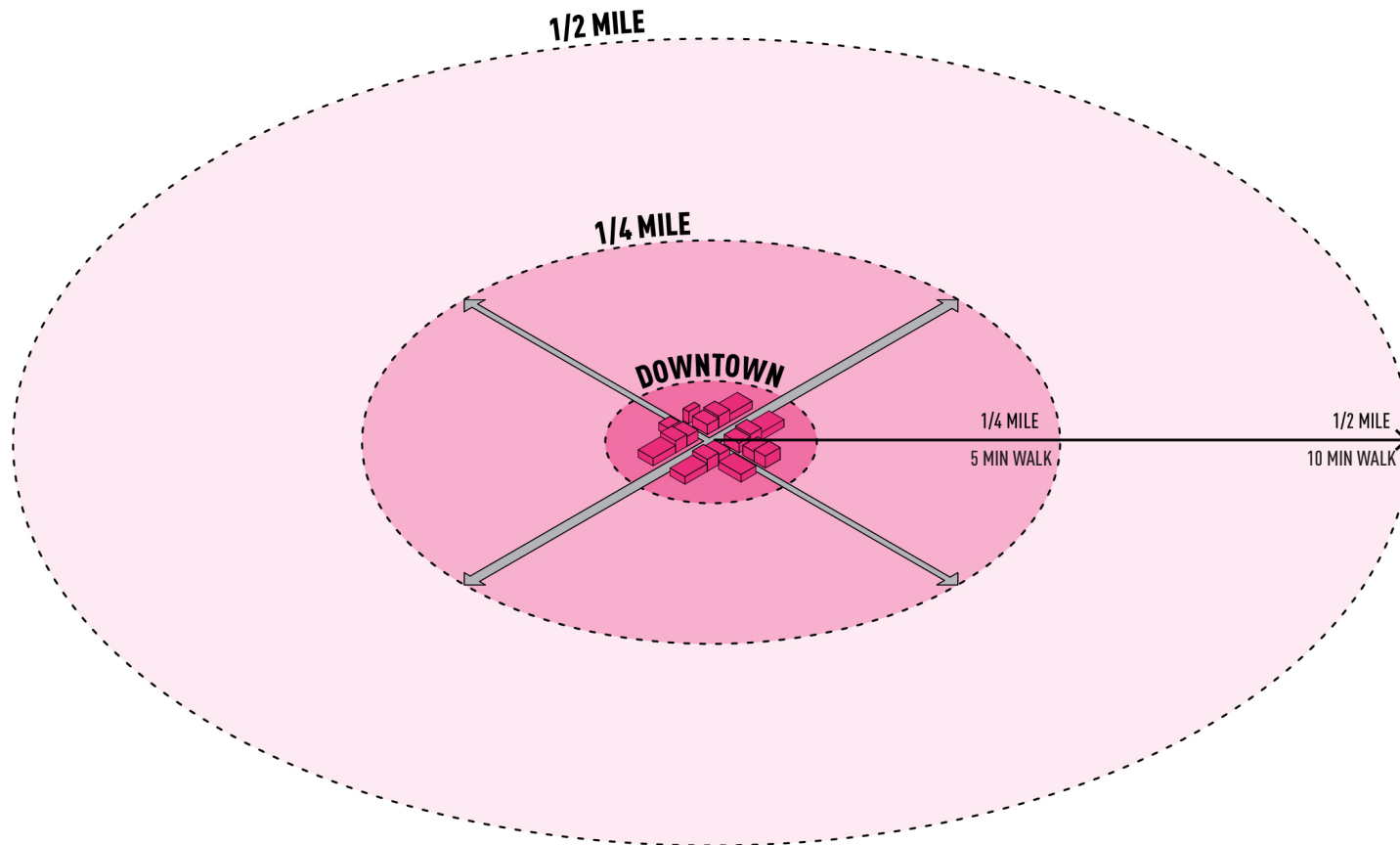
DYNAMIC SYSTEM RESPONSES WITH LIMITED GUIDELINES



600 FT

COVINGTON, GEORGIA

# FOCUS ON YOUR CORE



- FOCUS ON WALKABLE AREAS WITH EXISTING INFRASTRUCTURE
- A “20 MINUTE NEIGHBORHOOD” IS A GOOD RULE OF THUMB



# WALKABILITY SUPPORTS YOUR CORE



- **MOST PEOPLE WILL WALK OR BIKE 5 -10 MINUTES FOR DAILY GOODS AND SERVICES**
- **PROVIDING HOUSING CHOICE NEAR YOUR DOWNTOWN HELPS SUPPORT YOUR DOWNTOWN**
- **IF SOMEONE HAS TO GET IN A CAR TO GO 1/4 MILE, THEY CAN KEEP GOING 4 MORE MILES**



# **1. SANBORN SCAN: THINK ABOUT YOUR FAVORITE PART OF YOUR TOWN**

**CHANCES ARE, IT WAS BUILT  
BEFORE OCTOBER 28TH, 1929  
(BLACK MONDAY)**

# BEFORE 1929...

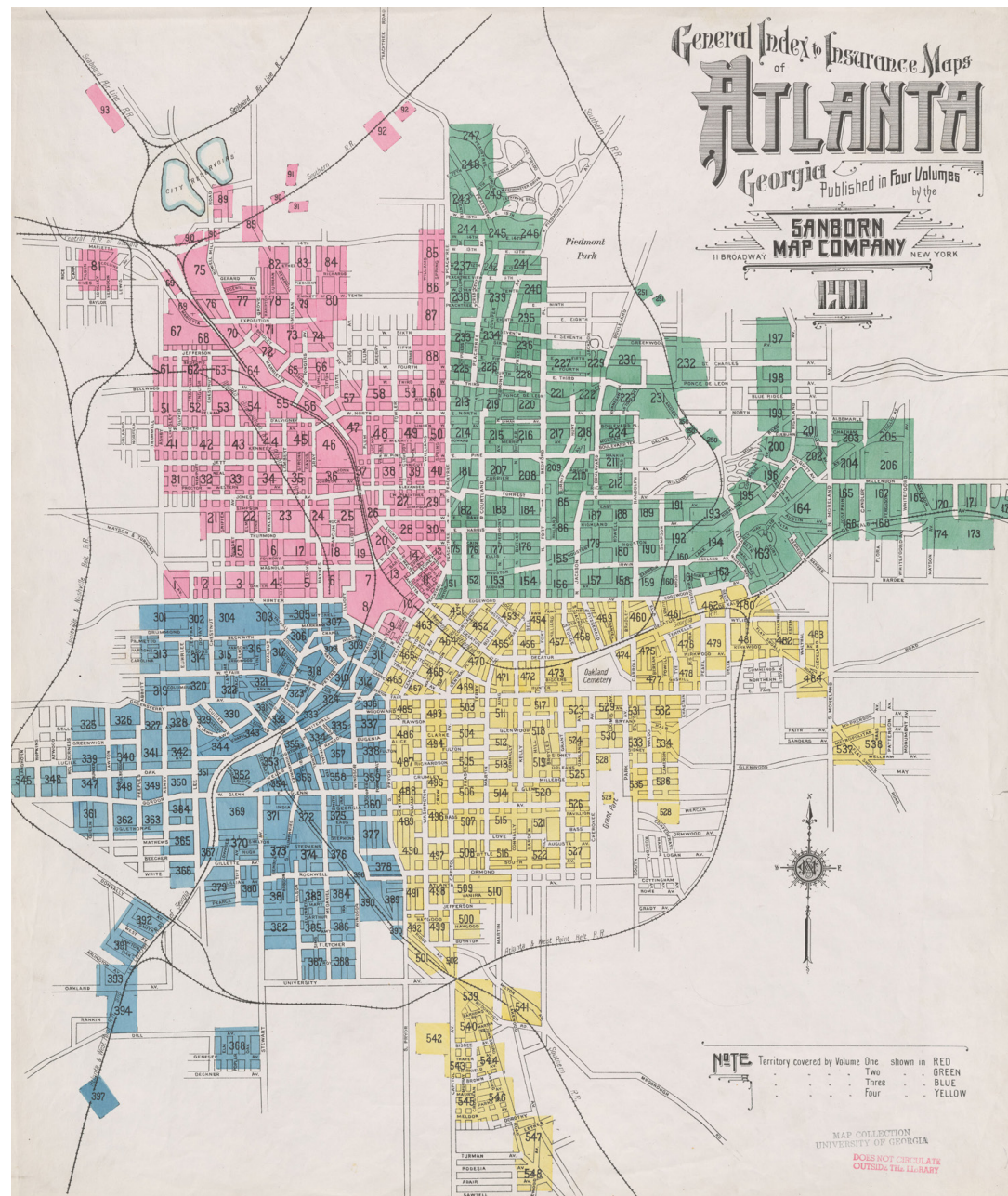
- **CAR LITE**
- **NO ZONING**
- **NO SUBSIDY**

- **CAR LITE = MOBILITY FLEXIBLE**
- **NO ZONING = USE FLEXIBLE**
- **NO SUBSIDY = COST CONSCIOUS**



**HISTORICALLY, WE  
INCREMENTALLY BUILT  
WALKABLE, MIXED-USE PLACES**

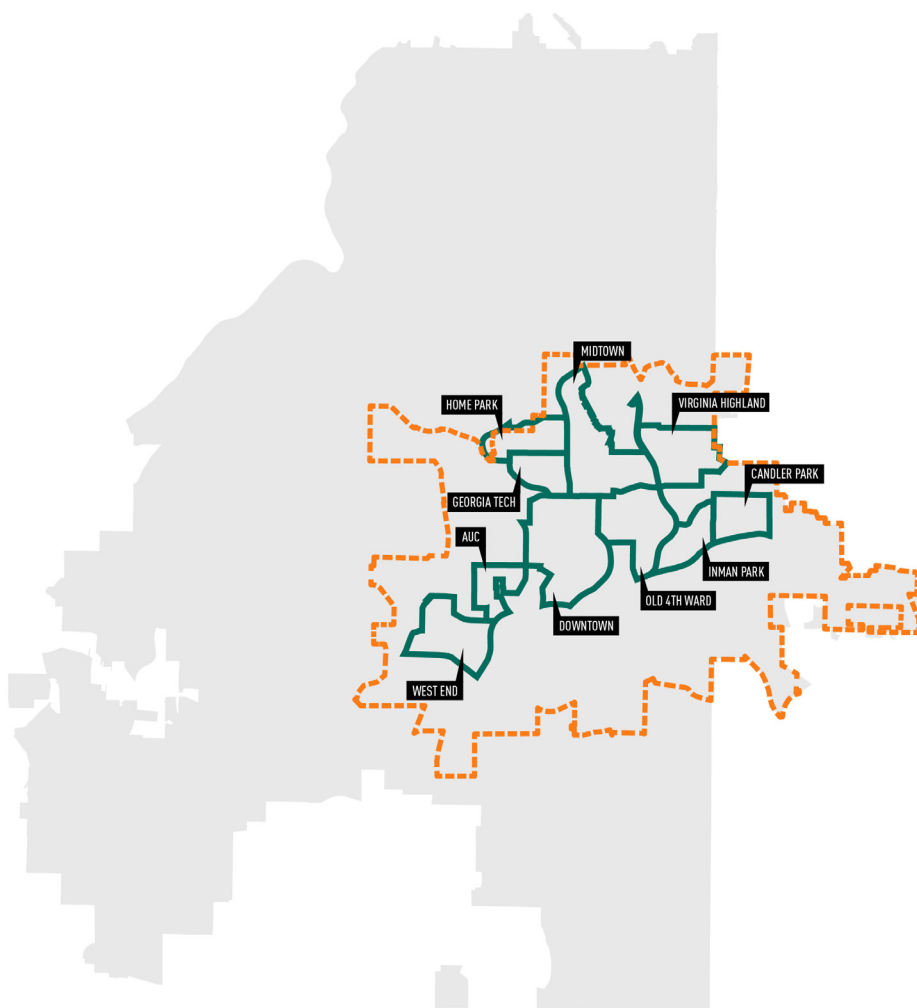
# HISTORIC SANBORN MAPS - ATLANTA, GA



# ATLANTA HISTORIC CORE



# ATLANTA IN 1929: NEIGHBORHOODS



ATLANTA'S

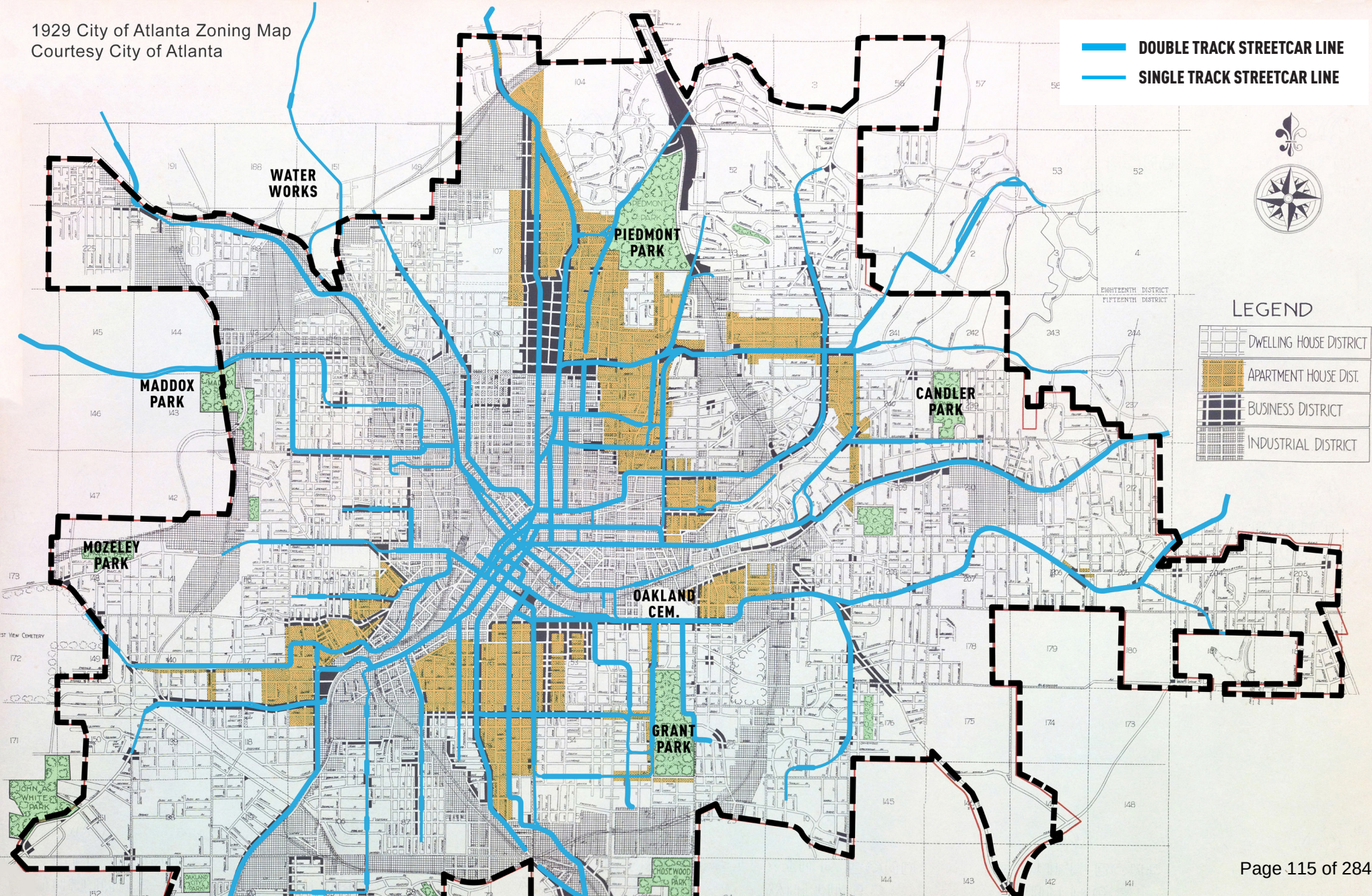
**TOP 10**

**MOST WALKABLE  
NEIGHBORHOODS**



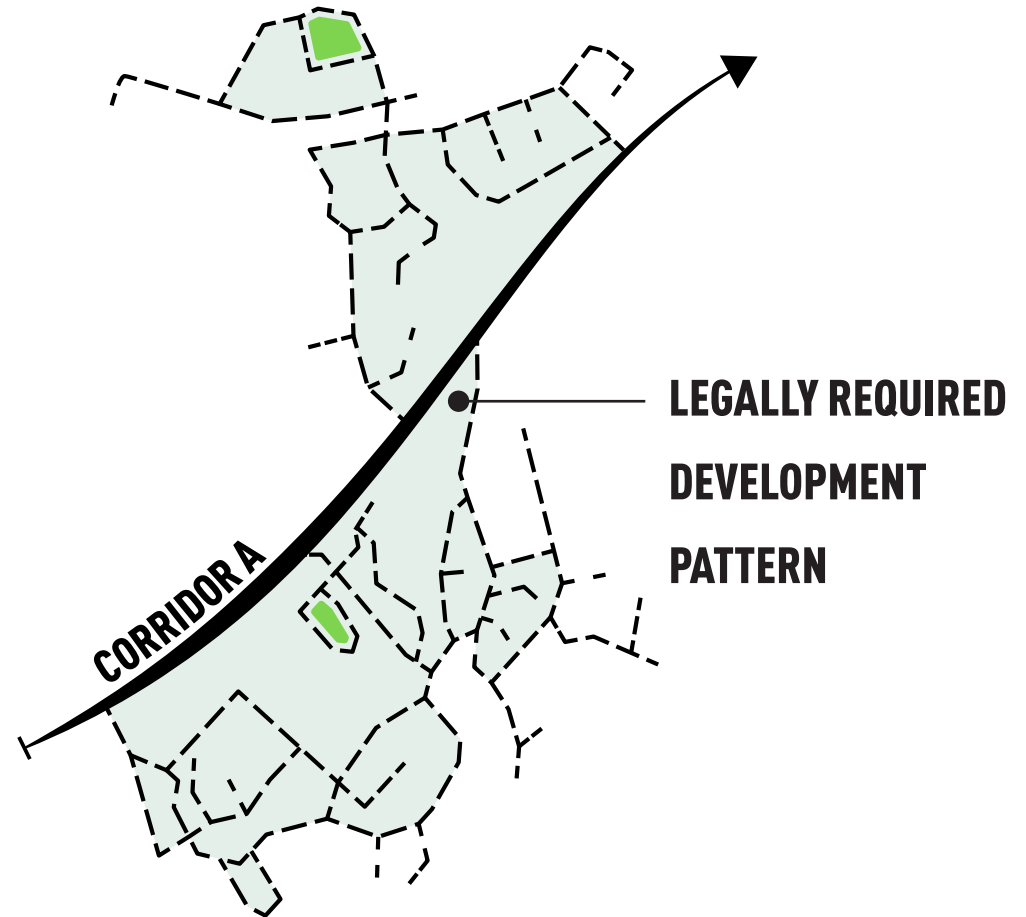
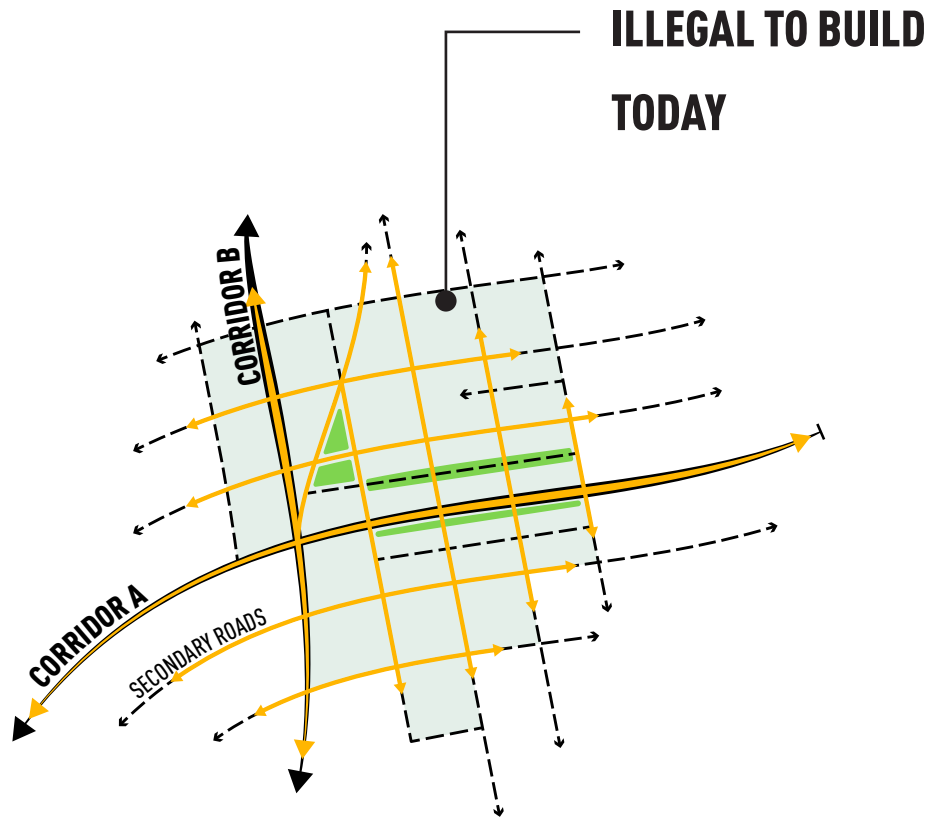
# ATLANTA IN 1929: THE ORIGINAL TOD

1929 City of Atlanta Zoning Map  
Courtesy City of Atlanta





# FOCUS ON YOUR FABRIC



- FOCUS ON WALKABLE AREAS WITH EXISTING INFRASTRUCTURE
- A “15 MINUTE NEIGHBORHOOD” IS A GOOD RULE OF THUMB

**THE REGULATIONS THAT  
CREATED SPRAWL ARE NOT  
APPROPRIATE FOR FABRIC.**

3.

# RIGHTSIZING SOLUTIONS



## INTERNATIONAL BUILDING CODE

The International Building Code (IBC) covers multifamily and commercial buildings, and increases project costs and timelines.

- » Includes all multifamily, starting with a triplex
- » Requires sprinklers
- » Commercial stormwater requirements
- » Commercial permitting requirements
- » Complex engineering requirements



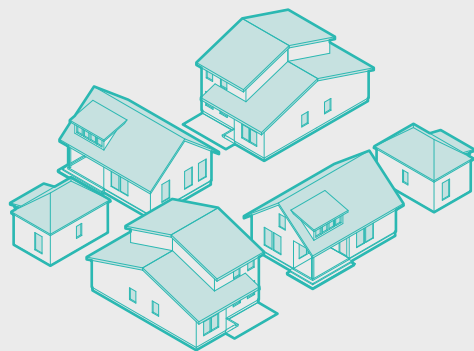
**Triplex**



## INTERNATIONAL RESIDENTIAL CODE

The International Residential Code (IRC) covers single-family buildings, and is generally less expensive than IBC projects.

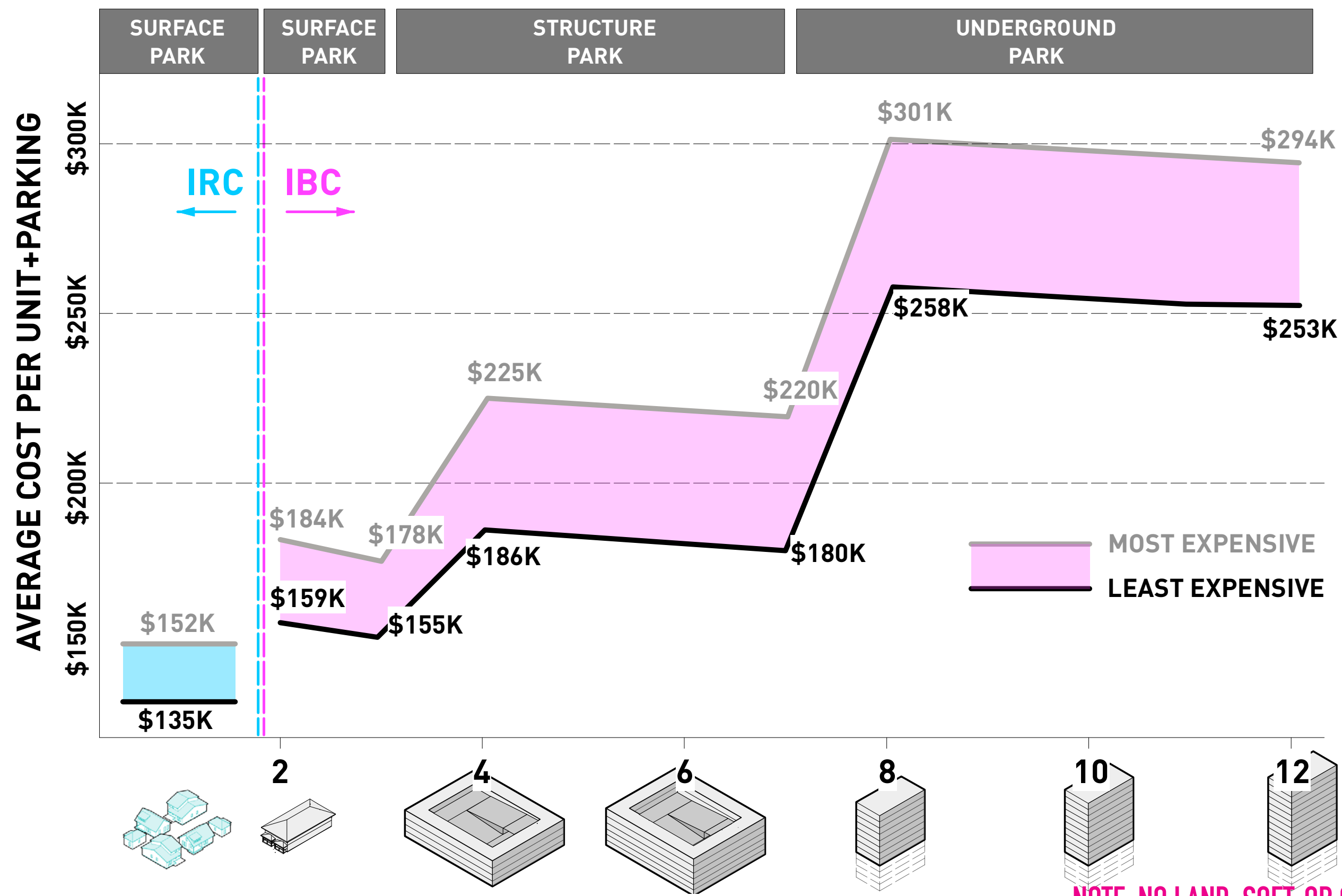
- » Includes single-family, duplexes, townhomes, and accessory structures not more than 3 stories above grade
- » Does not require sprinklers
- » Residential stormwater requirements
- » Simpler permitting for building and site
- » Simpler engineering requirements



**Duplex + DADU**



# AVERAGE BUILDING COST PER STORY- 800 SF UNIT + 1 PARKING SPACE



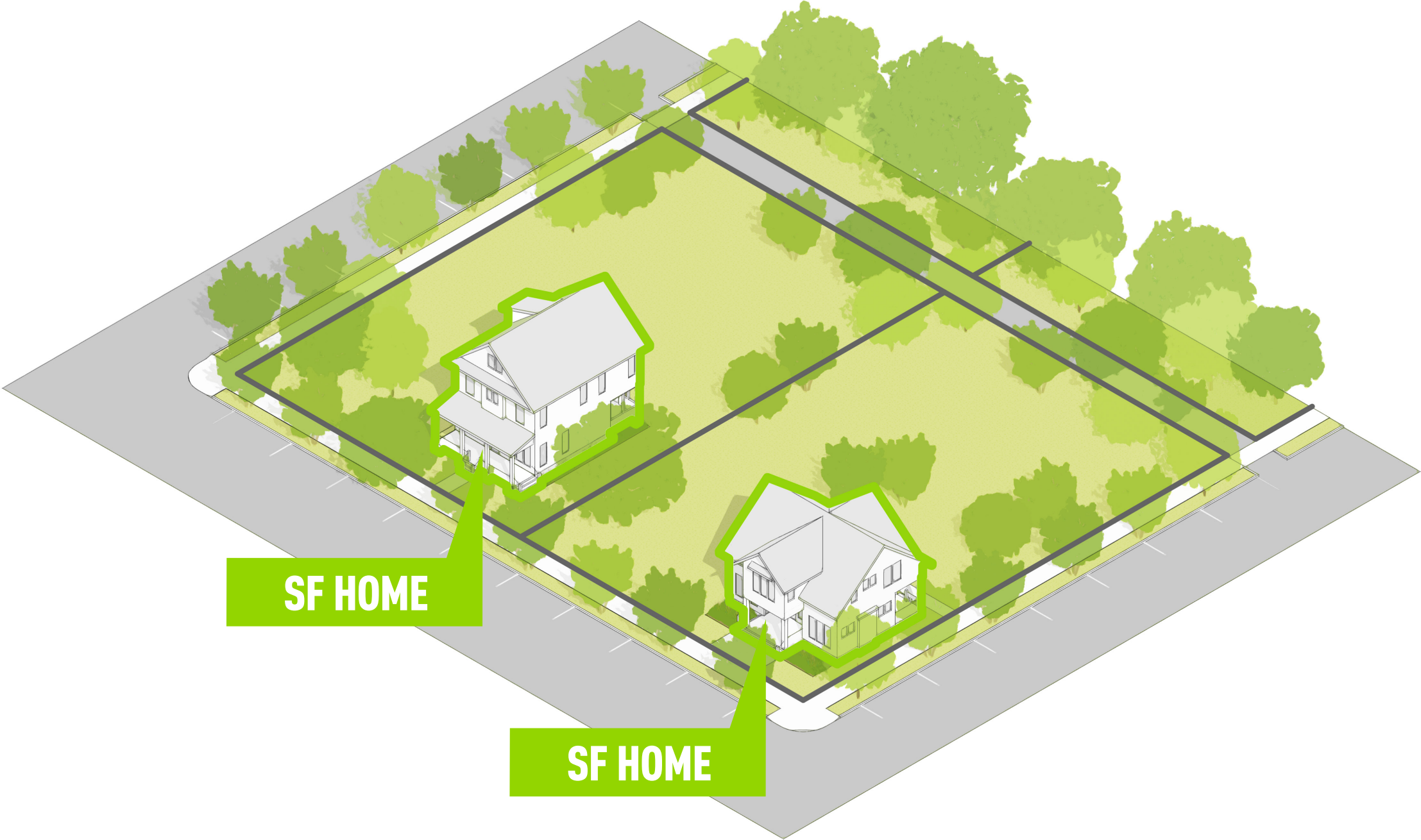
NOTE: NO LAND, SOFT, OR OTHER HORIZONTAL COSTS INCLUDED IN THESES NUMBERS!!!!

# INTERNATIONAL RESIDENTIAL CODE (1-2 FAMILY)

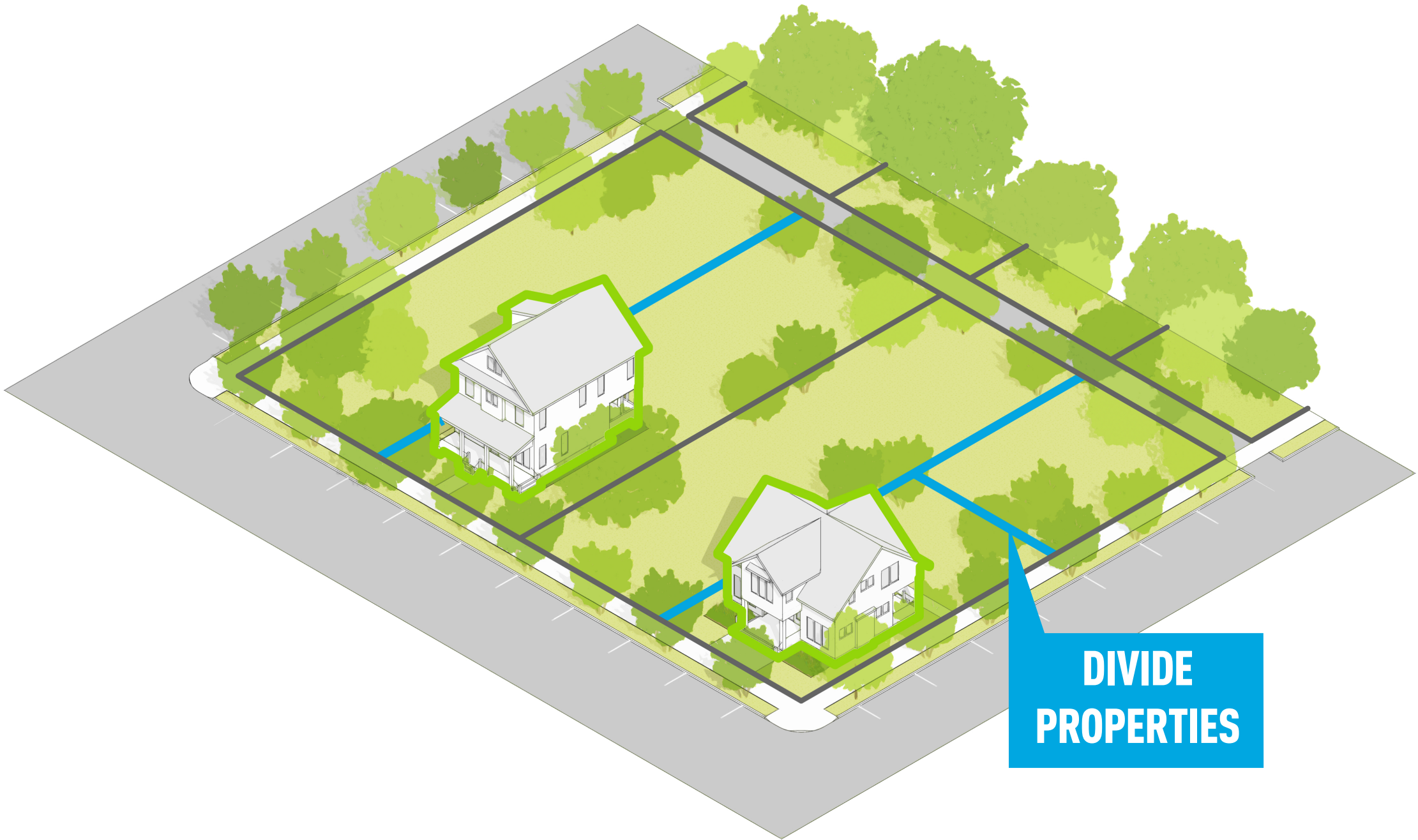




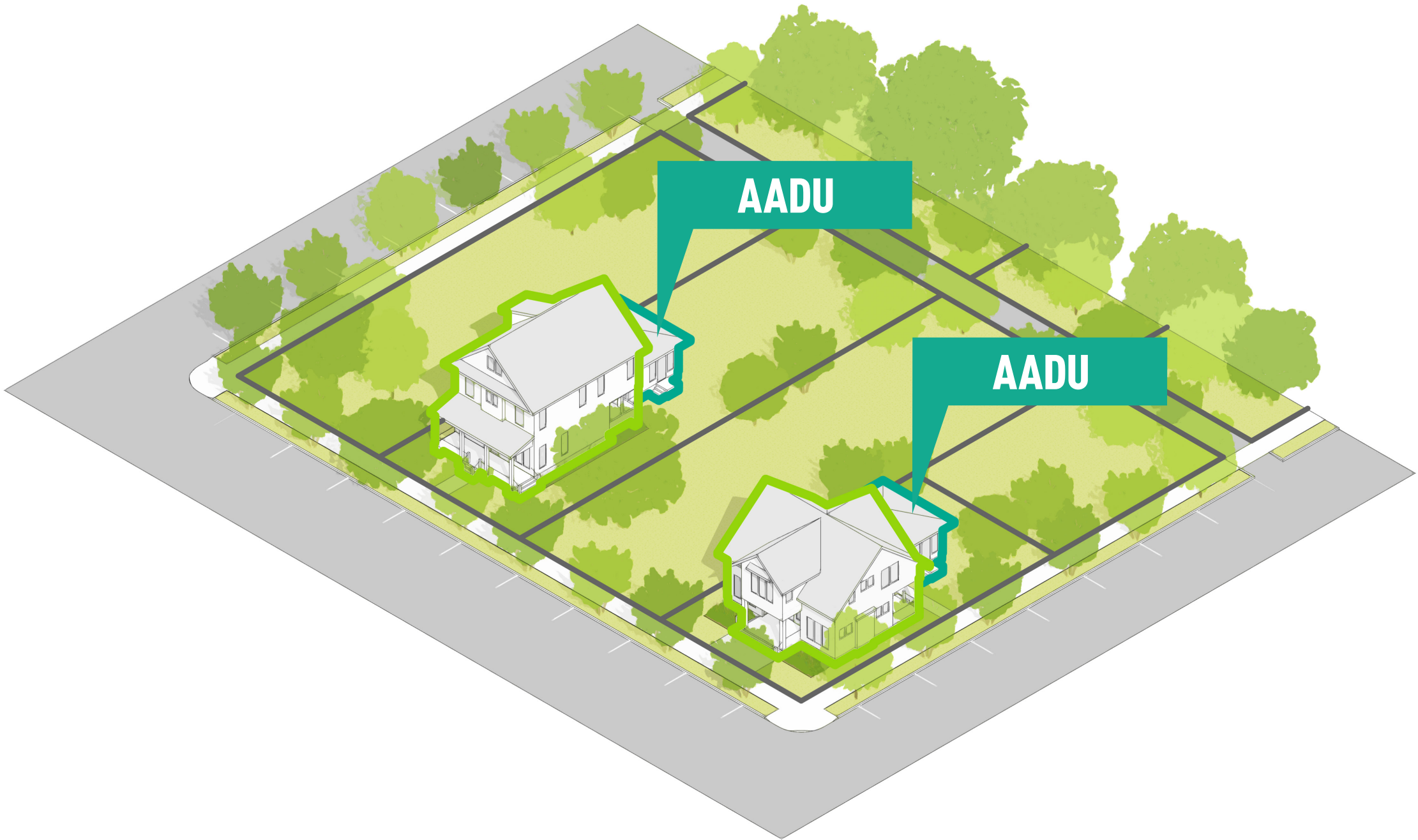
# WHY WE LIKE IRC INCREMENTALISM



# WHY WE LIKE IRC INCREMENTALISM

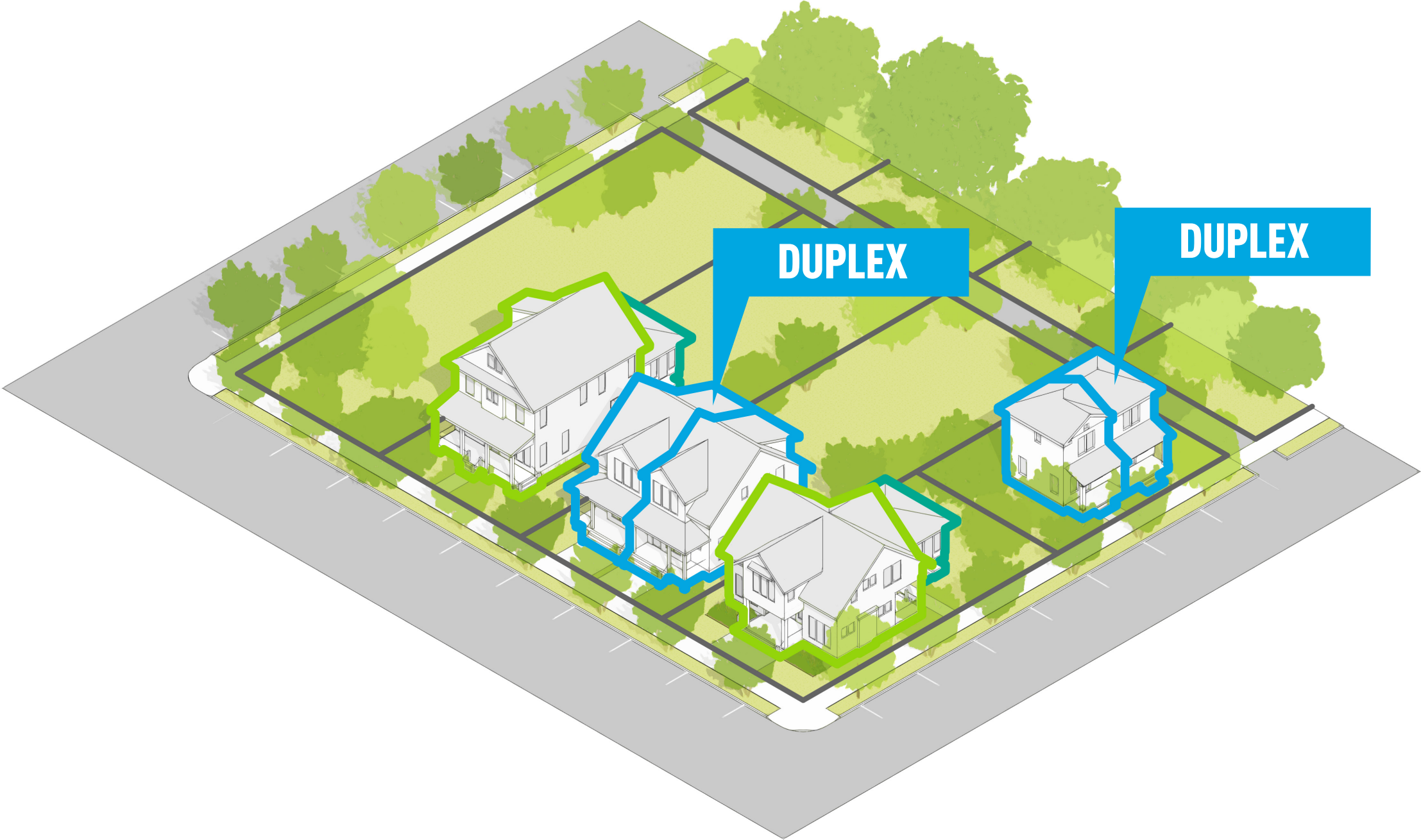


# WHY WE LIKE IRC INCREMENTALISM



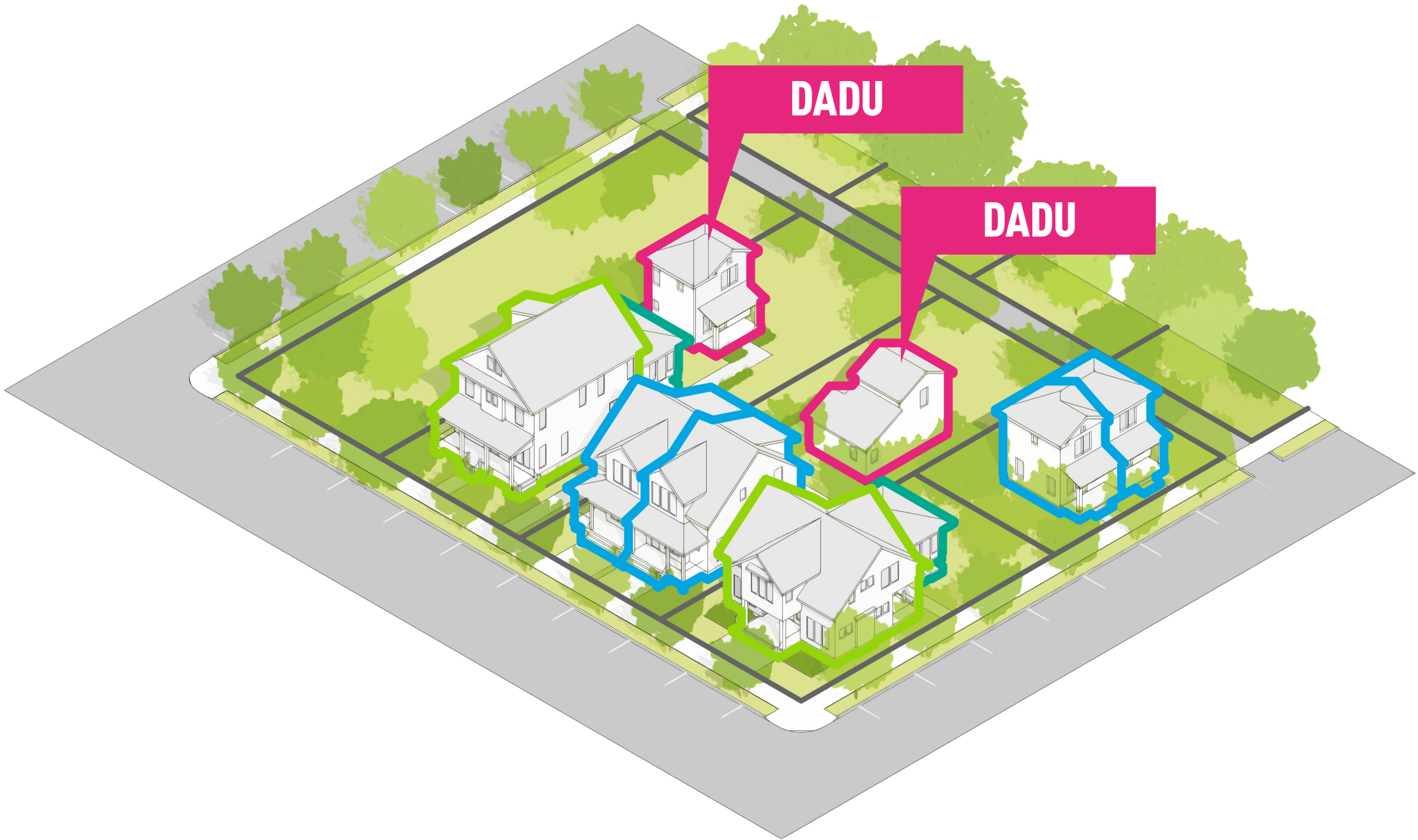


# WHY WE LIKE IRC INCREMENTALISM

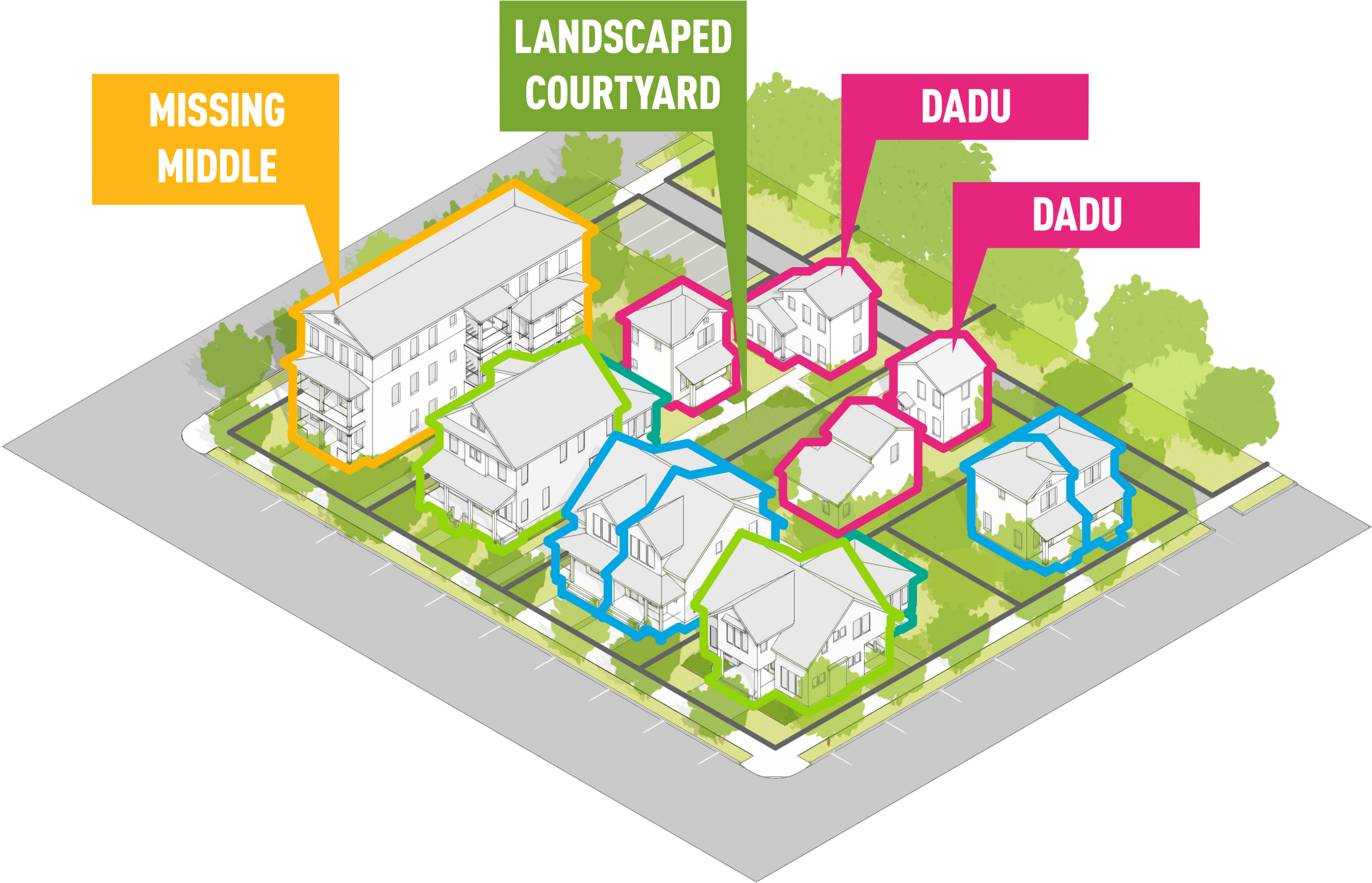




# WHY WE LIKE IRC INCREMENTALISM



# WHY WE LIKE IRC INCREMENTALISM





# ADU STRATEGIES

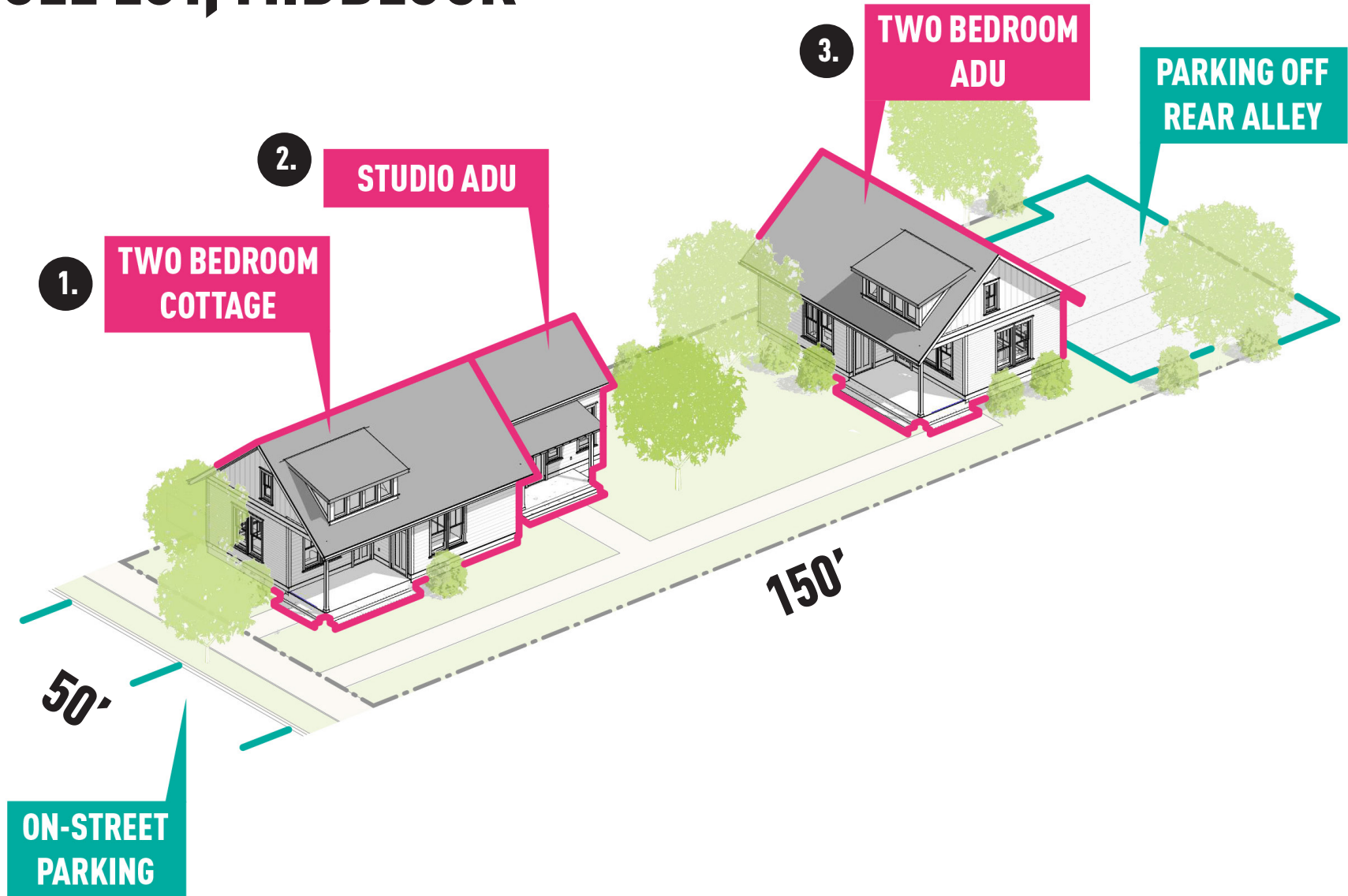
**ADUS**  
(ACCESSORY DWELLING UNITS)

**DETACHED (DADU)**

**ATTACHED (AADU)**



# SINGLE LOT, MIDBLOCK



- SMALLEST INCREMENT OF IRC INFILL
- ALLEY & ON-STREET PARKING REALLY HELP ADDRESS VEHICLE STORAGE

# CHALLENGES ADUS FACE AS VIABLE HOUSING OPTIONS FOR INDIVIDUALS

# DEVELOPMENT CHALLENGES

- 1. FINDING AN ARCHITECT THAT UNDERSTANDS ZONING**
- 2. FINDING A CONTRACTOR**
- 3. FINDING TIME IN YOUR LIFE TO LEARN ZONING AND PERMITTING**
- 4. FINDING TIME IN YOUR LIFE TO BECOME A PROJECT MANAGER**

**HOW MUCH OF THIS IS ADDRESSED BY PRE-APPROVED PLANS?**

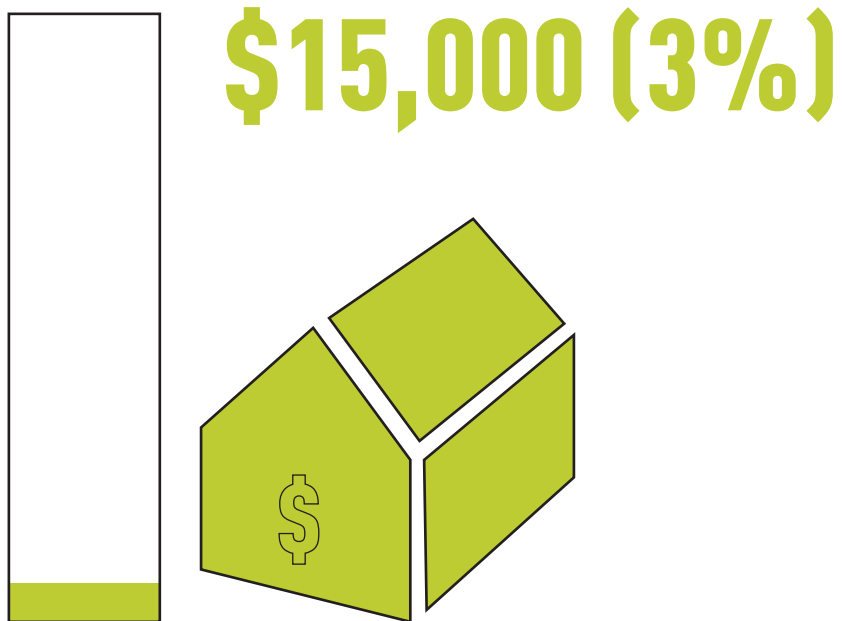
# FINANCING CHALLENGES

- 1. SECURING FINANCING IF CASH OR HELOC ARE NOT AN OPTION**
- 2. HARD TO CAPTURE RENTAL INCOME VALUE FOR UNBUILT STRUCTURES**
- 3. APPRAISERS STRUGGLE TO DEFINE VALUE**



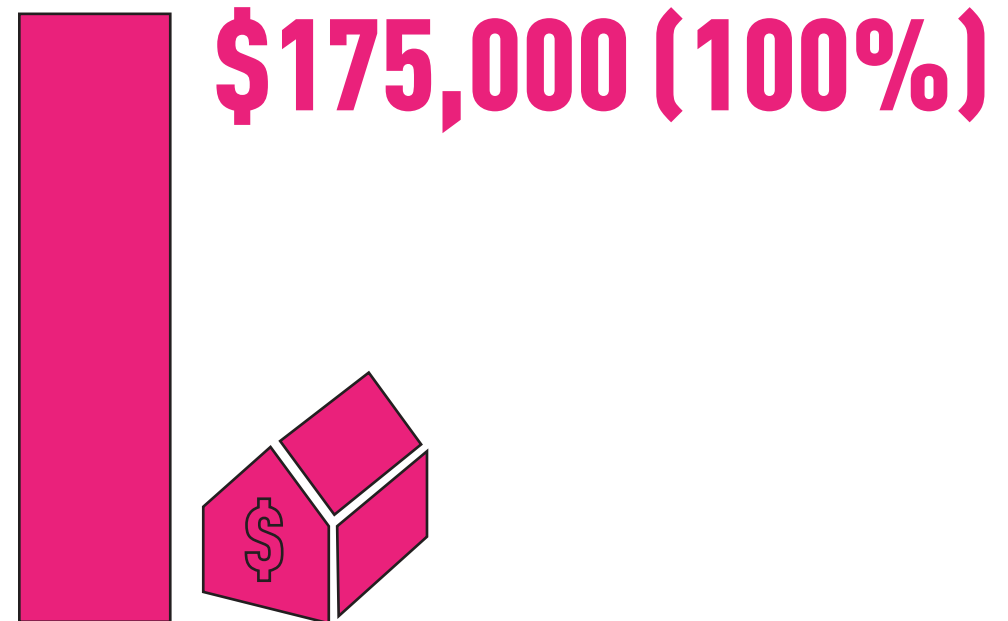
# FINANCING CHALLENGES: SHOW ME THE MONEY

HOW MUCH EQUITY TO FINANCE  
A \$500,000 HOUSE?



FINANCE OPTIONS: FANNIE MAE

HOW MUCH EQUITY TO FINANCE  
A \$175,000 ADU?



FINANCE OPTIONS: HELOC, CASH

# **ACCESSORY STRUCTURES IN ATLANTA (ADUS+)**

# ACCESSORY STRUCTURES TYPES IN ATLANTA

## 1. Accessory Dwelling Units (ADUs):

A detached dwelling unit meeting the height requirement and having a floor area of 750 square feet or less on the same lot as a primary dwelling. Accessory dwelling units are distinct dwelling units with independent kitchen facilities. **Long term occupancy permitted.**

## 2. Guest Houses:

A lodging unit for **temporary guests** in an accessory building. No such lodging unit shall contain independent kitchen facilities.

## 3. Servant's Quarters:

A lodging unit for domestic **servants employed on the property**. No such lodging unit shall contain independent kitchen facilities. May be located in a Guest House for long term occupation (during term of employment).

## WAIT, WE STILL LEGALLY DEFINE SERVANT'S QUARTERS? IN 2024?

WHY ARE WE EVEN RESTRICTING OCCUPANCY  
IN GUEST HOUSES TO JUST SERVANTS?



# ACCESSORY STRUCTURES RULES & REGS

## Accessory Structures

- 20 feet max Height (midpoint of roof)
- Shall not cover more than 25 percent of the area of the rear yard
- Must be detached from Primary Structure
- No additional Parking requirements
- **ADUs** may not exceed 750 SF (including covered porches)
- **Guest Houses** shall not contain a total floor area greater than 30 percent of the main structure. This includes covered porches of GH.

# WHAT IS AN “INDEPENDENT KITCHEN FACILITY”?



**KITCHEN:** includes a stove or cooktop

- Not allowed in Guest House
- Allowed in ADUs

# NOT AN “INDEPENDENT KITCHEN FACILITY”



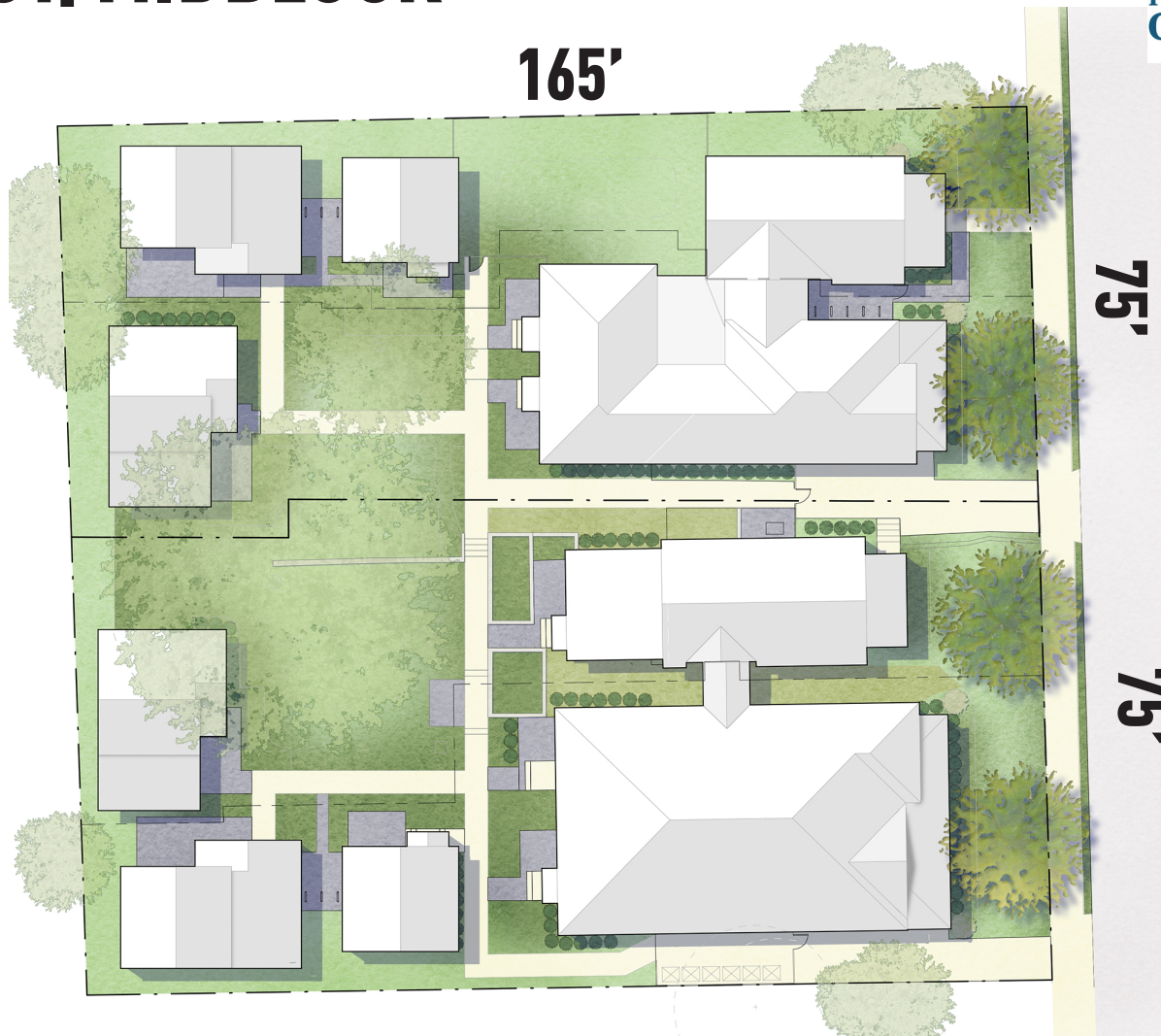
**KITCHENETTE:** no stove or cooktop

- Allowed in Guest House
- Allowed in ADUs

# **ADUS AS SELF-DEVELOPMENT PILOT**

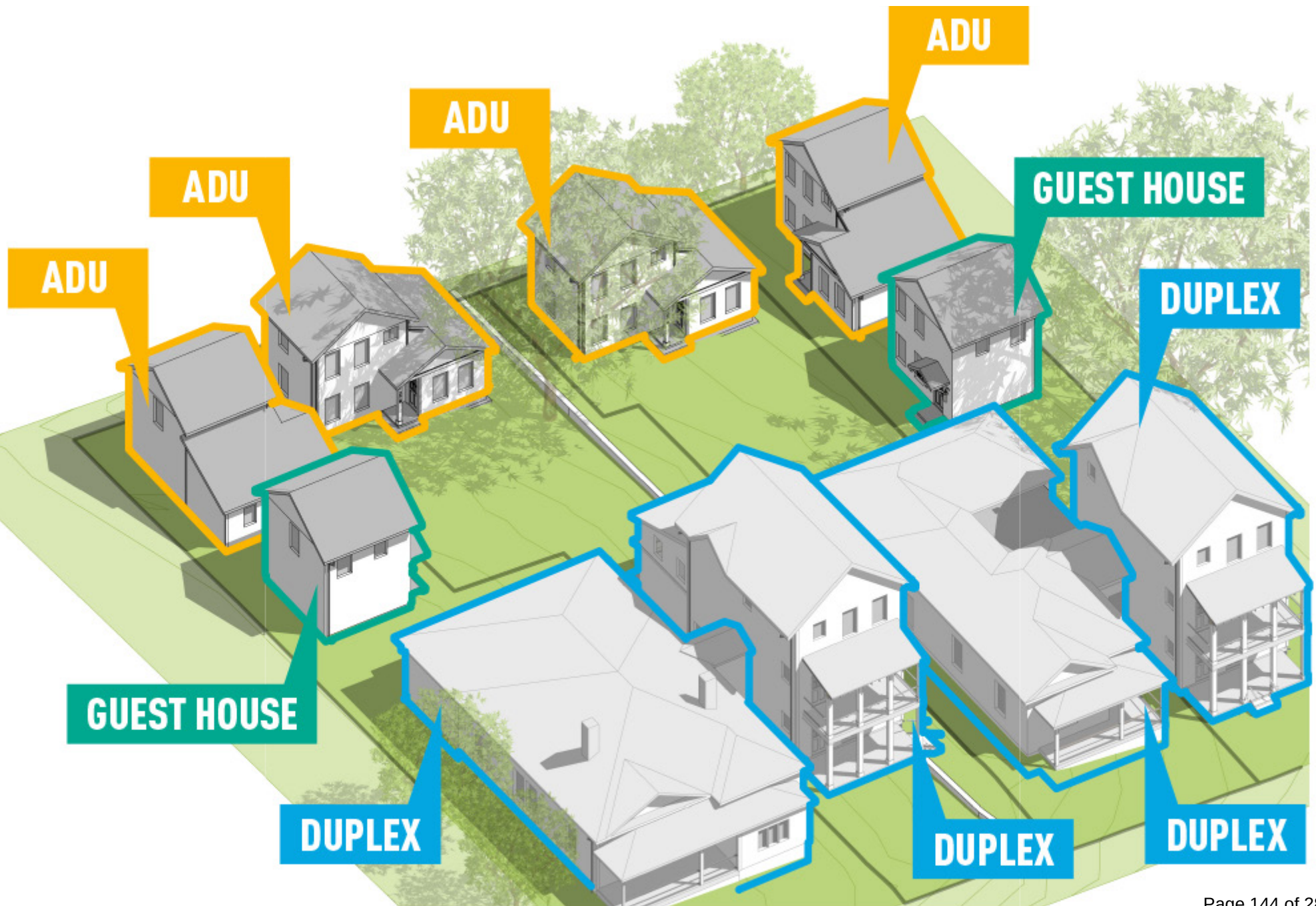


# MULTI-LOT, MIDBLOCK



- **DUPLEX + ADUS + GUEST HOUSES**
- **NO ALLEYS, BUT CLOSE TO TRANSIT, ONLY ON-STREET PARKING & SIGNIFICANT COVERED BIKE PARKING.**

# MULTI-LOT, MIDBLOCK





# MULTI-LOT, MIDBLOCK- SELF DEVELOPED



KRONBERG  
URBANISTS  
ARCHITECTS





# MULTI-LOT, MIDBLOCK- SELF DEVELOPED



KRONBERG  
URBANISTS  
ARCHITECTS



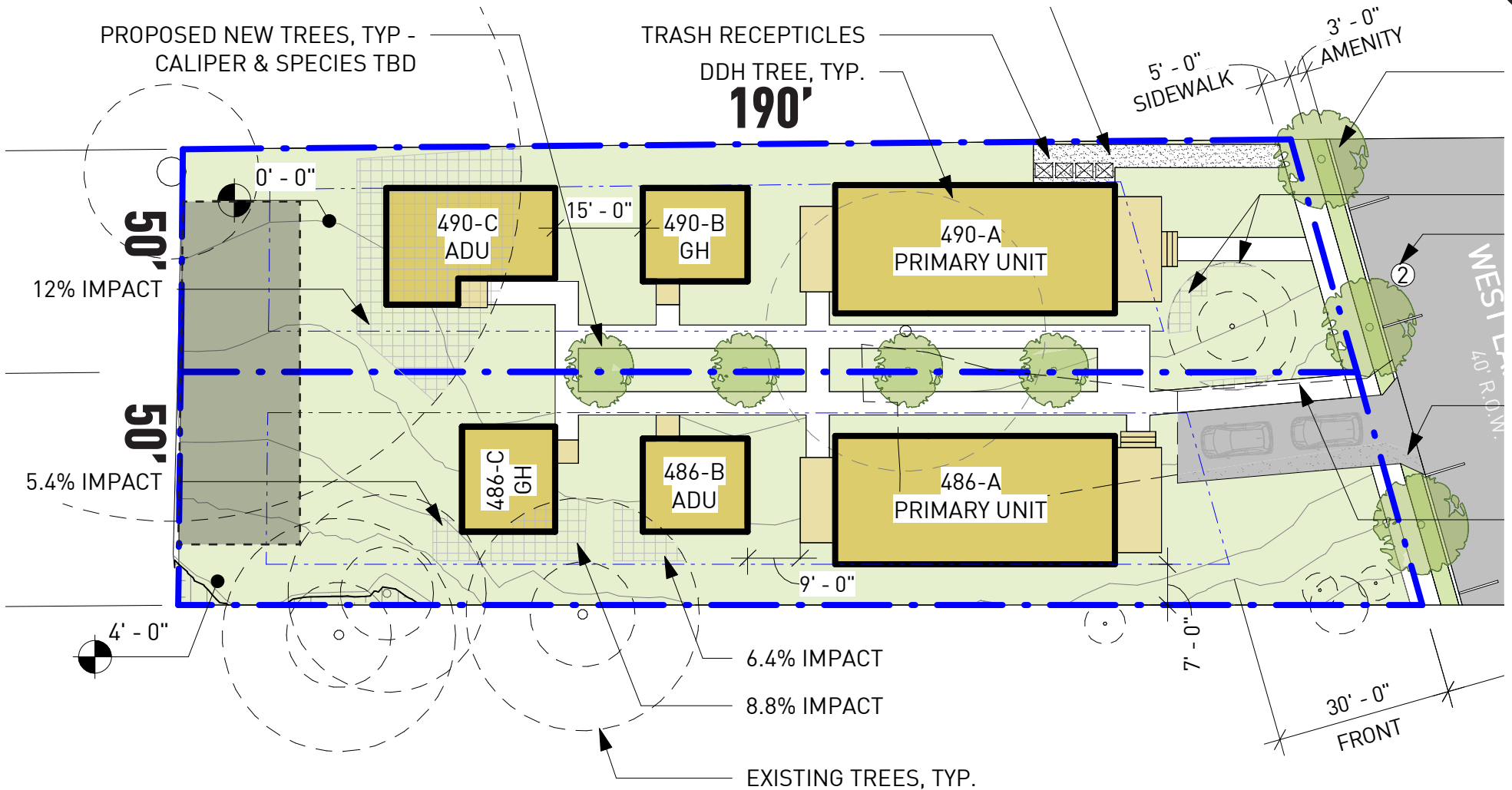


**HALF OF UNITS @  
100% AMI OR LESS  
NO SUBSIDY**

# **ADUS AS NON-PROFIT INFILL HOUSING TOOL**

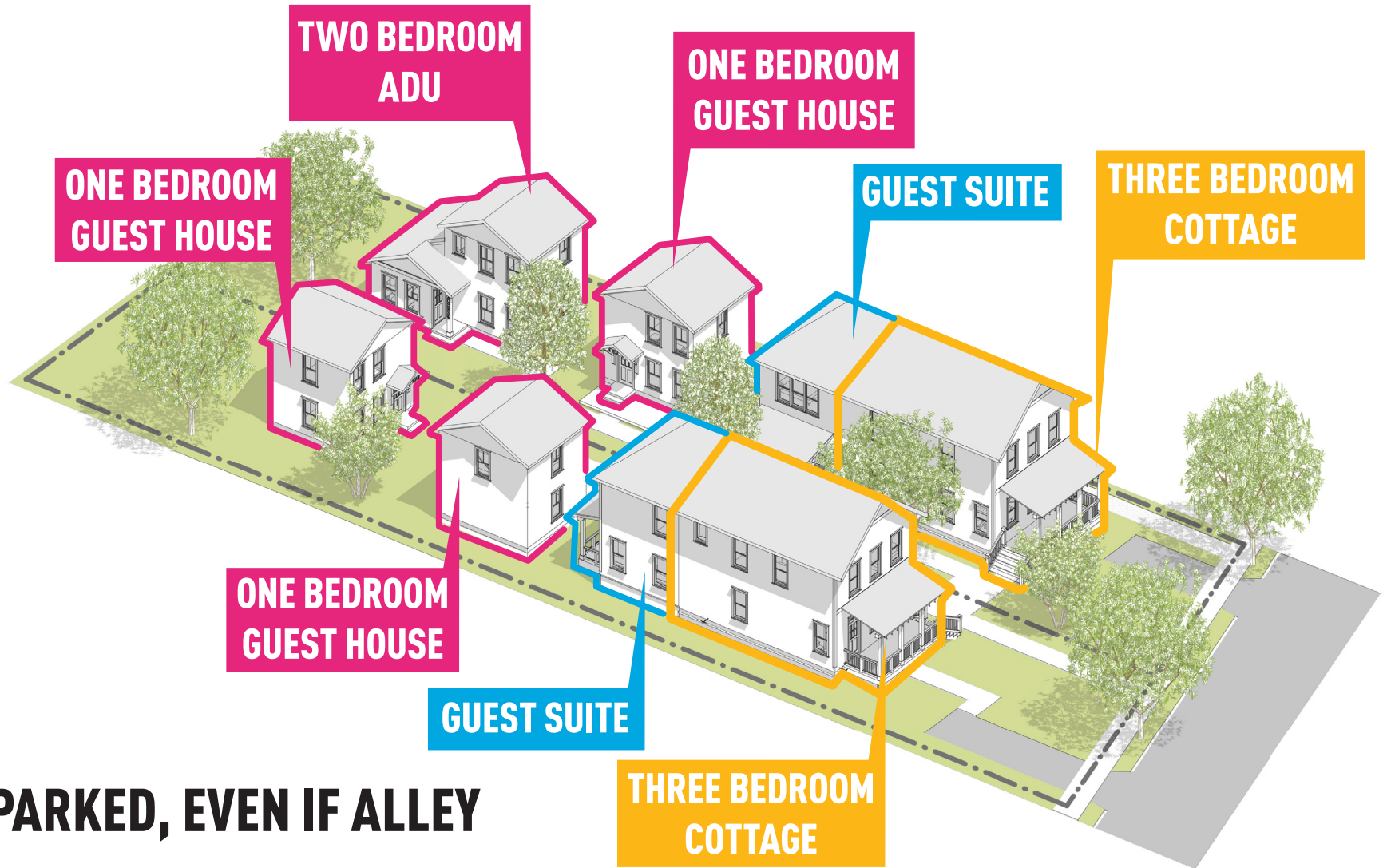
# MULTI-LOT, MIDBLOCK

KRONBERG  
URBANISTS  
ARCHITECTS



- INCREMENTAL COTTAGE COURT- INWARD ATTENTION TO GREEN HELPS
- MULTI-ADU PERMISSIONS INCREASE HOUSING, ALLOW FLEXIBILITY WITH TREES

# MULTI-LOT, MIDBLOCK



- **LOW PARKED, EVEN IF ALLEY AVAILABLE**



**UNITS @  
30%-100% AMI**

**LOCAL SUBSIDY**

# ADU HOUSING MATH

# THE LOT



- **VACANT CORNER LOT**
- **8,250 SF (0.19 ACRES)**
- **LARGE TREES**
- **WALKABLE, MIXED-USE BLOCK**

# **WE'LL START WITH SOME BASIC ASSUMPTIONS:**



# **COST ASSUMPTIONS**

**LAND COST:**

**MARKET COST OF VACANT LOT**

**HARD COST:**

**CONSTRUCTION COST**

**SOFT COST:**

**DESIGN FEE, PERMITS, LOAN  
FEES, TAP FEES, ETC.**

**CONTINGENCY:**

**SET ASIDE FOR UNEXPECTED  
DEVELOPMENT CHALLENGES**

**CLOSING COSTS:**

**REALTOR FEES, ATTORNEY FEES**

# COST ASSUMPTIONS

**LAND COST:**

**\$125,000** (FOR ENTIRE LOT)

**\$175 / SF** (LARGE UNIT)

**HARD COST:**

**\$200 / SF** (SMALL UNITS)

**SOFT COST:**

**\$25 / SF**

**CONTINGENCY:**

**15%**

**CLOSING COSTS:**

**7%**

# LOAN ASSUMPTIONS

**INTEREST RATE:** 8.5%

**PAY PERIOD:** 12 MONTHS

**AMORTIZATION:** 30 YEARS

**TAXES:** +/- 0.0077\*

**PMI:** \$100  
(avg. for loans with less than 20% down)

**\*ESTIMATED FULTON COUNTY TAX RATE W/ HOMESTEAD EXEMPTION**

# OWNER COST ASSUMPTIONS

**DOWN PAYMENT:** 10% FOR SINGLE UNIT  
20% FOR HOUSE + ADU

**DOWN PAYMENT**

**ASSISTANCE:** \$10,000 PER BUYER

**MAINTENANCE:** \$100 - \$300 / MONTH

**INSURANCE:** \$100 - \$150/ MONTH



# LET'S START WITH TYPICAL SINGLE FAMILY ONLY ZONING

# **SCENARIO ONE: SINGLE FAMILY ONLY ZONING**

# SCENARIO ONE: SINGLE FAMILY ONLY



- ONE SINGLE-FAMILY HOME
- NO ACCESSORY UNITS
- NO SUBDIVISION (7500 SF MIN. LOT SIZE)



# SCENARIO ONE: SINGLE FAMILY ONLY



**LAND COST:**  
• \$125,000



# SCENARIO ONE: SINGLE FAMILY ONLY



**UNIT SIZE:**

- **1,120 SF (\$175/SF)**



# SCENARIO ONE: SINGLE FAMILY ONLY



## HARD COSTS:

- $1,120 * 175 =$
- **\$196,000**

## SOFT COSTS:

- $1,120 * 25 =$
- **\$28,000**



# SCENARIO ONE: SINGLE FAMILY ONLY



## HARD + SOFT COSTS:

- $\$196,000 + \$28,000 =$

**\$224,000**



# SCENARIO ONE: SINGLE FAMILY ONLY



## CONTINGENCY:

- $\$224,000 * 15\% =$

**\$33,600**



# SCENARIO ONE: SINGLE FAMILY ONLY



## CLOSING COSTS:

- $\$125,000 + \$224,000 + \$33,600 =$
- $\$382,600 * 7\% =$

**\$26,782**



# SCENARIO ONE: SINGLE FAMILY ONLY



## TOTAL COSTS:

$$\bullet \$125,000 + \$224,000 + \$33,600 + \$18,032 =$$

**\$409,382**



# SCENARIO ONE: SINGLE FAMILY ONLY



## DOWN PAYMENT:

- $\$409,382 * 10\% =$   
 $\$40,938 - \$10,000^* =$

**\$30,938**

**\*DENOTES \$10,000 DOWN PAYMENT ASSISTANCE**



# SCENARIO ONE: SINGLE FAMILY ONLY



**LOAN AMOUNT:**

• \$409,382 - \$40,938 =

**\$368,444**



# SCENARIO ONE: SINGLE FAMILY ONLY



## MONTHLY PAYMENTS:

- MORTGAGE: \$2,933
- TAXES: \$262
- MAINTENANCE: \$200
- INSURANCE: \$100

**\$3,495**



# SCENARIO ONE: SINGLE FAMILY ONLY



## COST BREAKDOWN:

- TOTAL COSTS: \$409,382
- DOWN PAYMENT: \$40,938
- MONTHLY PAY: \$3,495

**145% AMI**

# SCENARIO ONE: SINGLE FAMILY ONLY

- **REQUIRES DECENT DOWN PAYMENT / ACCESS TO CAPITAL:  
\$40,938**
- **MODERATELY AFFORDABLE MONTHLY PAYMENTS FOR HOMEOWNER  
@ 145% OF AMI: \$100K + ANNUAL HOUSEHOLD INCOME**
- **PROVIDES ONE UNIT OF HOUSING, LIKELY NOT AFFORDABLE TO  
CURRENT NEIGHBORHOOD RESIDENTS**
- **AVG. HOME SALE PRICE IN ENGLISH AVE IS APPROX. \$250-  
\$350,000; PROJECT WILL FACE APPRAISAL CHALLENGES**

# WHAT HAPPENS IF WE ALLOW SOME HOUSING CHOICE?



# **1. SINGLE FAMILY ONLY ZONING**

**STATUS QUO**

---

**HOUSING CHOICE**

**2. ADU**

**3. SUBDIVISION + ADUS**

**4. SMALL LOT SUBDIVISION**

# SCENARIO TWO: ADU

# SCENARIO TWO: ADU



- ONE SINGLE-FAMILY HOME
- ONE ADU
- NO SUBDIVISION (7500 SF MIN. LOT SIZE)



# SCENARIO TWO: ADU



**LAND COST:**  
• \$125,000



# SCENARIO TWO: ADU



## UNIT SIZE:

- HOUSE: 1,120 SF  
(\$175/SF)
- ADU: 560 SF  
(\$200/SF)



# SCENARIO TWO: ADU



1 LOT

ADU

SF HOME

FOX ST NW

GRIFFIN ST NW

## HARD COSTS:

- $1,120 * 175 =$
- **\$196,000 (HOUSE)**
- $560 * 200 =$
- **\$112,000 (ADU)**

**\$308,000**



# SCENARIO TWO: ADU



## SOFT COSTS:

- $1,120 * 25 =$
- **\$28,000 (HOUSE)**
- $560 * 25 =$
- **\$14,000 (ADU)**

**\$42,000**



# SCENARIO TWO: ADU



1 LOT

ADU

SF HOME

GRIFFIN ST NW

FOX ST NW

**HARD + SOFT COSTS:**

• \$308,000 + \$42,000 =

**\$350,000**



# SCENARIO TWO: ADU



## CONTINGENCY:

• \$350,000 \* 15% =

**\$52,500**



# SCENARIO TWO: ADU



1 LOT

SF HOME

ADU

FOX ST NW

GRIFFIN ST NW

## CLOSING COSTS:

- $\$125,000 + \$350,000 + \$52,500 =$
- $\$527,500 * 7\% =$

# \$36,925



# SCENARIO TWO: ADU



1 LOT

SF HOME

ADU

FOX ST NW

GRIFFIN ST NW

## TOTAL COSTS:

$$\bullet \$125,000 + \$350,000 + \$52,500 + \$36,925 =$$

**\$564,425**



# SCENARIO TWO: ADU



## DOWN PAYMENT:

$$\bullet \$564,425 * 20\% = \\ \$112,885 - \$10,000^*$$

**\$102,885**

**\*DENOTES \$10,000 DOWN PAYMENT ASSISTANCE**

**NOTE: 20% DOWN PAYMENT TYPICALLY REQUIRED FOR MORE COMPLICATED LOAN PRODUCT WITH RENTAL UNIT**



# SCENARIO TWO: ADU



## LOAN AMOUNT:

$$\bullet \$564,425 - \$102,885 =$$

**\$451,540**



# SCENARIO TWO: ADU



1 LOT

SF HOME

ADU

FOX ST NW

GRIFFIN ST NW

## MONTHLY PAYMENTS:

- MORTGAGE: \$3,472
- TAXES: \$362
- MAINTENANCE: \$300
- INSURANCE: \$150
- ADU INCOME: -\$1,150

# \$3,134



# SCENARIO TWO: ADU



## COST BREAKDOWN

### (OWNER):

- TOTAL COSTS: \$564,425
- DOWN PAYMENT: \$102,885
- MONTHLY PAY: \$3,534

# 130% AMI

BASED ON MONTHLY PAYMENTS



# SCENARIO TWO: ADU



## COST BREAKDOWN (RENTER):

- MONTHLY PAY: \$1,150

**60% AMI**

# SCENARIO TWO: ADU

- **AFFORDABLE MONTHLY PAYMENTS FOR HOMEOWNER @ 130% AMI (IF THEY CAN AFFORD DOWN PAYMENT): \$112,885**
- **ALLOWS WEALTH BUILDING FOR HOMEOWNER**
- **PROVIDES AFFORDABLE (?) RENTAL @ 60% AMI: \$1,150 / MONTH**
- **PROVIDES TWO UNITS OF HOUSING, WITH ONLY THE RENTAL POSSIBLY AFFORDABLE TO CURRENT NEIGHBORHOOD RESIDENTS**
- **REQUIRES SIGNIFICANT DOWN PAYMENT / ACCESS TO CAPITAL**
- **ADUS ARE HARD TO FINANCE BECAUSE APPRAISERS STRUGGLE TO ASSIGN A VALUE – ODDS OF GETTING A LOAN FOR \$500K IN ENGLISH AVE IS LOW**

# **SCENARIO TWO: SUBDIVISION + ADU**

## **CURRENT ZONING IN ENGLISH AVE**



# SCENARIO THREE: SUBDIVISION + ADU



- TWO SINGLE-FAMILY HOMES
- TWO ADUS
- SUBDIVIDE TO TWO LOTS (3,000 SF MIN. LOT SIZE)



# SCENARIO THREE: SUBDIVISION + ADU



## LAND COST:

- $\$125,000 / 2 =$
- **\$62,500 (PER LOT)**



# SCENARIO THREE: SUBDIVISION + ADU



## UNIT SIZE LOT 1:

- HOUSE 1: 1,120 SF  
(\$180/SF)
- ADU 1: 560 SF  
(\$200/SF)

## UNIT SIZE LOT 2:

- HOUSE 2: 560 SF  
(\$200/SF)
- ADU 2: 560 SF  
(\$200/SF)



# SCENARIO THREE: SUBDIVISION + ADU



## HARD COSTS LOT 1:

- $1,120 * 180 =$
- \$196,000 (HOUSE 1)
- $560 * 200 =$
- \$112,000 (ADU 1)

**\$308,000**



# SCENARIO THREE: SUBDIVISION + ADU



## HARD COSTS LOT 2:

- $560 * 200 =$
- \$112,000 (HOUSE 2)
- $560 * 200 =$
- \$112,000 (ADU 2)

**\$224,000**



# SCENARIO THREE: SUBDIVISION + ADU



## SOFT COSTS LOT 1:

- $1,120 * 25 =$
- \$28,000 (HOUSE)
- $560 * 25 =$
- \$14,000 (ADU)

**\$42,000**



# SCENARIO THREE: SUBDIVISION + ADU



## SOFT COSTS LOT 2:

- $560 * 25 =$
- \$14,000 (HOUSE)
- $560 * 25 =$
- \$14,000 (ADU)

**\$28,000**



# SCENARIO THREE: SUBDIVISION + ADU



## HARD + SOFT COSTS LOT 1:

- $\$308,000 + \$42,000 =$

**\$350,000**

## HARD + SOFT COSTS LOT 2:

- $\$224,000 + \$28,000 =$

**\$252,000**



# SCENARIO THREE: SUBDIVISION + ADU



## CONTINGENCY LOT 1:

- $\$350,000 * 15\% =$

**\$52,500**

## CONTINGENCY LOT 2:

- $\$252,000 * 15\% =$

**\$37,800**



# SCENARIO THREE: SUBDIVISION + ADU



## CLOSING COSTS LOT 1:

- $\$62,500 + \$350,000 + \$52,500 =$
- $\$590,000 * 7\% =$

**\$32,550**

## CLOSING COSTS LOT 2:

- $\$62,500 + \$252,000 + \$18,900 =$
- $\$352,300 * 7\% =$

**\$24,661**



# SCENARIO THREE: SUBDIVISION + ADU



## TOTAL COSTS LOT 1:

$$\bullet \$62,500 + \$465,000 + \$52,500 + \$36,225 =$$

**\$501,225**

## TOTAL COSTS LOT 2:

$$\bullet \$62,500 + \$252,000 + \$37,800 + \$24,661 =$$

**\$376,961**



# SCENARIO THREE: SUBDIVISION + ADU



## DOWN PAYMENT LOT 1:

- $\$501,225 * 20\% =$

**\$90,245\***

## DOWN PAYMENT LOT 2:

- $\$376,961 * 20\% =$

**\$65,392\***

**\*NOTE:** \$10,000 TO BE SOURCED FROM  
DOWN PAYMENT ASSISTANCE PROGRAM



# SCENARIO THREE: SUBDIVISION + ADU



## LOAN AMOUNT LOT 1:

$$\bullet \$501,225 - \$100,245 =$$

**\$400,980**

## LOAN AMOUNT LOT 2:

$$\bullet \$376,961 - \$75,392 =$$

**\$301,569**



# SCENARIO THREE: SUBDIVISION + ADU



## MONTHLY PAYMENTS

### LOT 1:

- MORTGAGE: \$3,083
- TAXES: \$321
- MAINTENANCE: \$300
- INSURANCE: \$150
- ADU INCOME: -\$1,150

**\$2,704**



# SCENARIO THREE: SUBDIVISION + ADU



## COST BREAKDOWN

### (LOT 1 OWNER):

- TOTAL COSTS: \$501,225
- DOWN PAYMENT: \$90,245\*
- MONTHLY PAY: \$2,704

# 125% AMI

BASED ON MONTHLY PAYMENTS\*\*

#### NOTE:

\* ASSUMES \$10,000 DOWN PAYMENT ASSISTANCE



# SCENARIO THREE: SUBDIVISION + ADU



## COST BREAKDOWN

(LOT 1 RENTER):

- MONTHLY PAY: \$1,150

**60% AMI**



# SCENARIO THREE: SUBDIVISION + ADU



## MONTHLY PAYMENTS

### LOT 2:

- MORTGAGE: \$2,319
- TAXES: \$242
- MAINTENANCE: \$100
- INSURANCE: \$100
- ADU INCOME: -\$1,150

**\$1610**



# SCENARIO THREE: SUBDIVISION + ADU



## COST BREAKDOWN

### (LOT 2 OWNER):

- TOTAL COSTS: \$376,961
- DOWN PAYMENT: \$65,392\*
- MONTHLY PAY: \$1,610

## 90% AMI

BASED ON MONTHLY PAYMENTS\*\*

### NOTE:

\* ASSUMES \$10,000 DOWN PAYMENT ASSISTANCE



# SCENARIO THREE: SUBDIVISION + ADU



## COST BREAKDOWN (LOT 2 RENTER):

- MONTHLY PAY: \$1,150

**60% AMI**

# SCENARIO THREE: SUBDIVISION + ADU

## LOT 1

### HOUSE

- TOTAL COSTS: \$501,225
- DOWN PAYMENT: \$90,245\*
- MONTHLY PAY: \$2,704

## 125% AMI

### ADU

- MONTHLY PAY: \$1,150

## 60% AMI

#### NOTE:

\* ASSUMES \$10,000 DOWN PAYMENT ASSISTANCE

## LOT 2

### HOUSE

- TOTAL COSTS: \$376,961
- DOWN PAYMENT: \$65,392\*
- MONTHLY PAY: \$1,610

## 90% AMI

### ADU

- MONTHLY PAY: \$1,150

## 60% AMI

# SCENARIO THREE: SUBDIVISION + ADU

- **AFFORDABLE MONTHLY PAYMENTS FOR HOMEOWNERS  
@ 125% & 90% AMI**
- **ALLOWS WEALTH BUILDING FOR HOMEOWNER**
- **PROVIDES AFFORDABLE RENTALS @ 60% AMI**
- **STILL REQUIRES SIGNIFICANT DOWN PAYMENT /  
ACCESS TO CAPITAL**
- **PROVIDES FOUR UNITS OF HOUSING, WITH ONLY  
THE RENTALS POSSIBLY ATTAINABLE TO CURRENT  
NEIGHBORHOOD RESIDENTS**



# **SCENARIO FOUR: REZONING + SUBDIVISION**

# SCENARIO FOUR: REZONING + SUBDIVISION



- **FOUR SINGLE-FAMILY HOMES**
- **SUBDIVIDE TO FOUR LOTS (2,000 SF MIN. LOT SIZE)**



# SCENARIO FOUR: REZONING + SUBDIVISION



## LAND COST:

- $\$125,000 / 4 =$
- **\$31,250 (PER LOT)**



# SCENARIO FOUR: REZONING + SUBDIVISION



## UNIT SIZE LOT 1:

- HOUSE 1: 1,120 SF  
(\$180/SF)

## UNIT SIZE LOT 2,3,4:

- HOUSE 2,3,4: 560 SF  
(\$200/SF)



# SCENARIO FOUR: REZONING + SUBDIVISION



## HARD COSTS LOT 1:

- $1,120 * 180 =$

**\$196,000**

## HARD COSTS LOT 2,3,4:

- $560 * 200 =$

**\$112,000**



# SCENARIO FOUR: REZONING + SUBDIVISION



## SOFT COSTS LOT 1:

- $1,120 * 25 =$

**\$28,000**

## SOFT COSTS LOT 2,3,4:

- $560 * 25 =$

**\$14,000**



# SCENARIO FOUR: REZONING + SUBDIVISION



## HARD + SOFT COSTS

### LOT 1:

- $\$196,000 + \$28,000 =$

**\$224,000**

## HARD + SOFT COSTS

### LOT 2, 3, 4:

- $\$112,000 + \$14,000 =$

**\$126,000**



# SCENARIO FOUR: REZONING + SUBDIVISION



## CONTINGENCY LOT 1:

- $\$224,000 * 15\% =$

**\$33,600**

## CONTINGENCY LOT 2,3,4:

- $\$126,000 * 15\% =$

**\$18,900**



# SCENARIO FOUR: REZONING + SUBDIVISION



## CLOSING COSTS LOT 1:

- $\$31,250 + \$224,000 + \$33,600 =$
- $\$288,850 * 7\% =$

**\$20,220**

## CLOSING COSTS LOT 2,3,4:

- $\$31,250 + \$126,000 + \$18,900 =$
- $\$176,150 * 7\% =$

**\$12,331**



# SCENARIO FOUR: REZONING + SUBDIVISION



## TOTAL COSTS LOT 1:

- $\$31,250 + \$224,000 + \$28,000 + \$20,220 =$

**\$309,070**

## TOTAL COSTS LOT 2,3,4:

- $\$31,250 + \$126,000 + \$18,900 + \$12,331 =$

**\$188,481**



# SCENARIO FOUR: REZONING + SUBDIVISION



## DOWN PAYMENT LOT 1:

- $\$309,070 * 10\% =$

**\$20,907\***

## DOWN PAYMENT LOT 2,3,4:

- $\$188,471 * 10\% =$

**\$8,848\***

**\*NOTE:** \$10,000 TO BE SOURCED FROM  
DOWN PAYMENT ASSISTANCE PROGRAM



# SCENARIO FOUR: REZONING + SUBDIVISION



## LOAN AMOUNT LOT 1:

$$\bullet \$309,070 - \$30,907 =$$

**\$278,163**

## LOAN AMOUNT LOT 2,3,4:

$$\bullet \$188,481 - \$18,848 =$$

**\$169,632**



# SCENARIO FOUR: REZONING + SUBDIVISION



## MONTHLY PAYMENTS

### LOT 1:

- MORTGAGE: \$2,239
- TAXES: \$198
- MAINTENANCE: \$200
- INSURANCE: \$100

# \$2,737



# SCENARIO FOUR: REZONING + SUBDIVISION



## COST BREAKDOWN

### LOT 1:

- TOTAL COSTS: \$309,070
- DOWN PAYMENT: \$20,907\*
- MONTHLY PAY: \$2,737

**110% AMI**

#### NOTE:

\* ASSUMES \$10,000 DOWN PAYMENT ASSISTANCE



# SCENARIO FOUR: REZONING + SUBDIVISION



## MONTHLY PAYMENTS

### LOT 2,3,4:

- MORTGAGE: \$1404
- TAXES: \$121
- MAINTENANCE: \$100
- INSURANCE: \$50

**\$1,675**



# SCENARIO FOUR: REZONING + SUBDIVISION



## COST BREAKDOWN

### LOT 2,3,4:

- TOTAL COSTS: \$188,481
- DOWN PAYMENT: \$8,848\*
- MONTHLY PAY: \$1,675

**85% AMI**

#### NOTE:

\* ASSUMES \$10,000 DOWN PAYMENT ASSISTANCE

# SCENARIO FOUR: REZONING + SUBDIVISION

## LOT 1

### HOUSE 1

- TOTAL COSTS: **\$309,070**
- DOWN PAYMENT: **\$20,907\***
- MONTHLY PAY: **\$2,737**

**110% AMI**

## LOT 2,3,4

### HOUSE 2, 3, 4

- TOTAL COSTS: **\$188,481**
- DOWN PAYMENT: **\$8,848\***
- MONTHLY PAY: **\$1,675**

**85% AMI**

#### NOTE:

\* ASSUMES \$10,000 DOWN PAYMENT ASSISTANCE

# SCENARIO FOUR: REZONING + SUBDIVISION

- **AFFORDABLE DOWN PAYMENTS – ESPECIALLY WITH DOWN PAYMENT ASSISTANCE PROGRAMS**
- **AFFORDABLE MONTHLY PAYMENTS FOR HOMEOWNERS @ 110% & 85% AMI**
- **PROVIDES FOUR UNITS OF FOR-SALE HOUSING, WITH ALL UNITS SOMEWHAT ATTAINABLE TO NEIGHBORHOOD RESIDENTS**



**DOES ANYONE KNOW OF  
ANY NEW HOMES FOR SALE  
FOR <\$200K?**

# **FEE-SIMPLE ADUS AS A BUILDER TOOL**



# SMITH ST: SINGLE LOT, CORNER

KRONBERG  
URBANISTS  
ARCHITECTS





## **(3) 1-BED HOMES:**

- **640 SF EACH**
- **900 SF LOTS**
- **\$189,000 SALE PRICE**
- **IN ATLANTA**

# SMALL LOTS & SMALL HOUSES

# **DURHAM EXPANDING HOUSING CHOICE (EHC)**



# ZONING REFORMS // DURHAM, NC

“[Expanding Housing Choices] is a way to incrementally increase affordable housing in Durham.”

**Steve Schewel, Mayor**  
City of Durham, NC

**DURHAM, NC  
HAS MADE THIS LEGAL  
AND MORE SINCE 2019**



# DURHAM EXPANDING HOUSING CHOICES

## LEARN ABOUT DURHAM.

## CHECK OUT EHC

[https://durhamnc.gov/DocumentCenter/View/27597/CC\\_EXPANDING-HOUSING-CHOICES-MEMO?bidId=](https://durhamnc.gov/DocumentCenter/View/27597/CC_EXPANDING-HOUSING-CHOICES-MEMO?bidId=)

**“WHEREAS, IT IS RECOGNIZED THAT  
ZONING HAS HAD A HISTORICAL ROLE  
IN THE PERPETUATION OF ECONOMIC  
EXCLUSION AND THE DISPARITY OF  
OUTCOMES FOR MULTIPLE GENERATIONS  
OF DURHAM RESIDENTS...THE UDO IS  
HEREBY AMENDED.”**

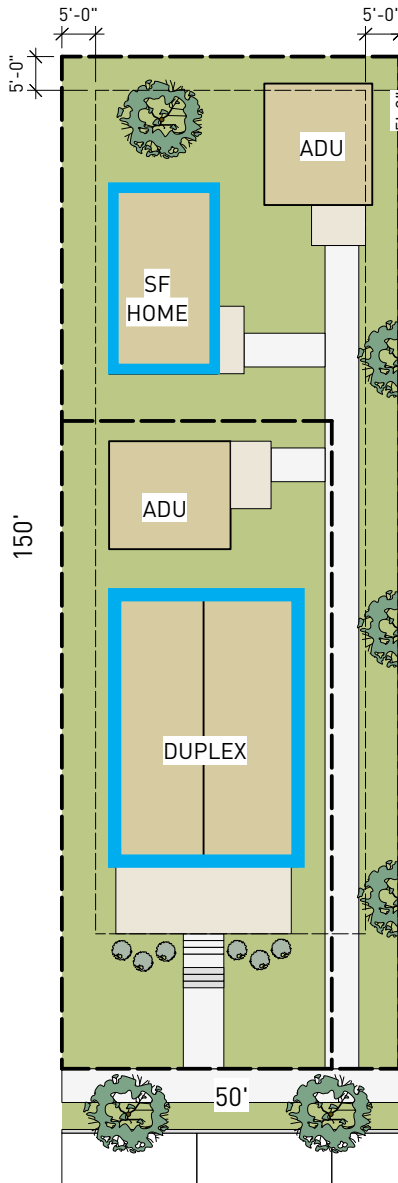


# DURHAM HOUSING CHOICE

## DURHAM:

- DUPLEX
- ADU
- COTTAGE
- ADU

- 2 FEE SIMPLE
- 2-3 RENTAL
- 5 UNITS



DURHAM EHC

# CASE STUDY // DURHAM, NORTH CAROLINA

## ADUS

- ALLOWED IN ALL RESIDENTIAL CATEGORIES, AND ON NON-CONFORMING LOTS BY RIGHT
- 800 SF MAX, 25' MAX HEIGHT

## DUPLEXES

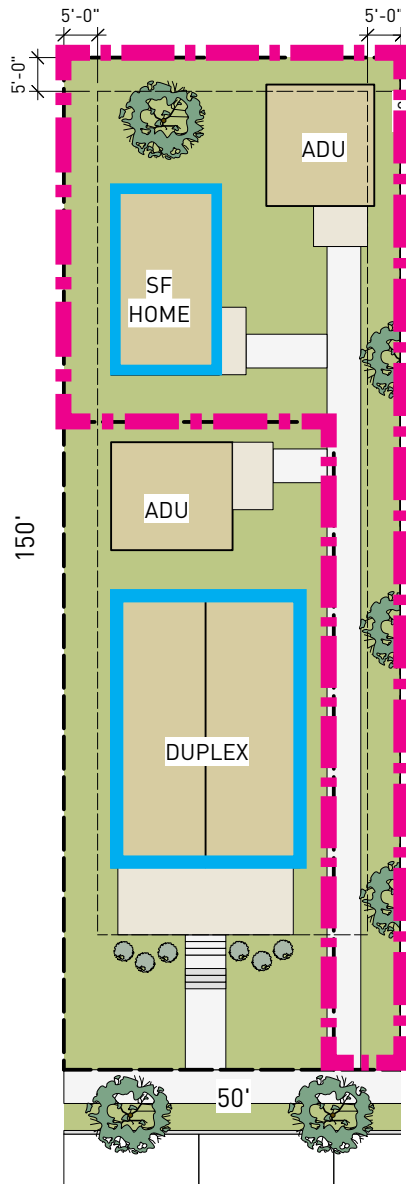
- ALLOWED IN ALL RESIDENTIAL CATEGORIES, WITH SAME MINIMUM LOT SIZE REQUIREMENTS AS SINGLE FAMILY

# CASE STUDY // DURHAM, NORTH CAROLINA

## 2,000 SF SMALL LOT:

- MINIMUM LOT SIZE AMENDED TO 2,000 SF
- ALLOWS A SINGLE FAMILY HOME + ADU OR A DUPLEX + ADU



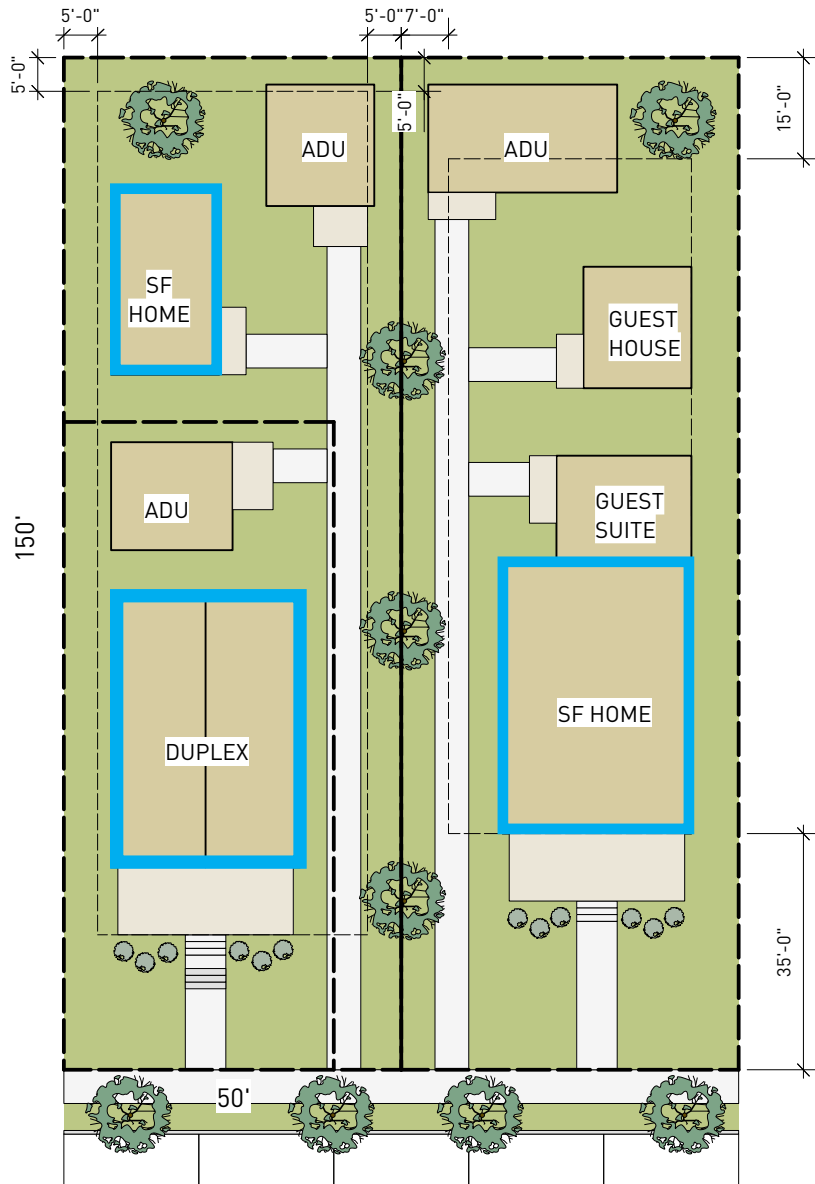


DURHAM EHC

## NARROW POLE FLAG LOT

- ALLOWS FOR SUBDIVIDING LARGER LOTS INTO FRONT AND REAR LOTS (THE PARENT LOT MUST MAINTAIN 35')
- ALLOWS HOMEOWNERS AN OPTION TO SELL PART OF THEIR PROPERTY TO HELP FINANCE THEIR MORTGAGE AND CREATES SMALLER, MORE AFFORDABLE LOTS
- ALLOWS A 1,200 SF MAXIMUM HOME + ADU

# DURHAM V. ATLANTA COMPARISON



DURHAM EHC

CURRENT R4/R4A

## DURHAM:

- DUPLEX
- ADU
- COTTAGE
- ADU

## ATLANTA:

- SINGLE FAM.
- GUEST SUITE
- GUEST HOUSE
- ADU

• 2-3 FEE SIMPLE

• 2-3 RENTAL

• 5 UNITS

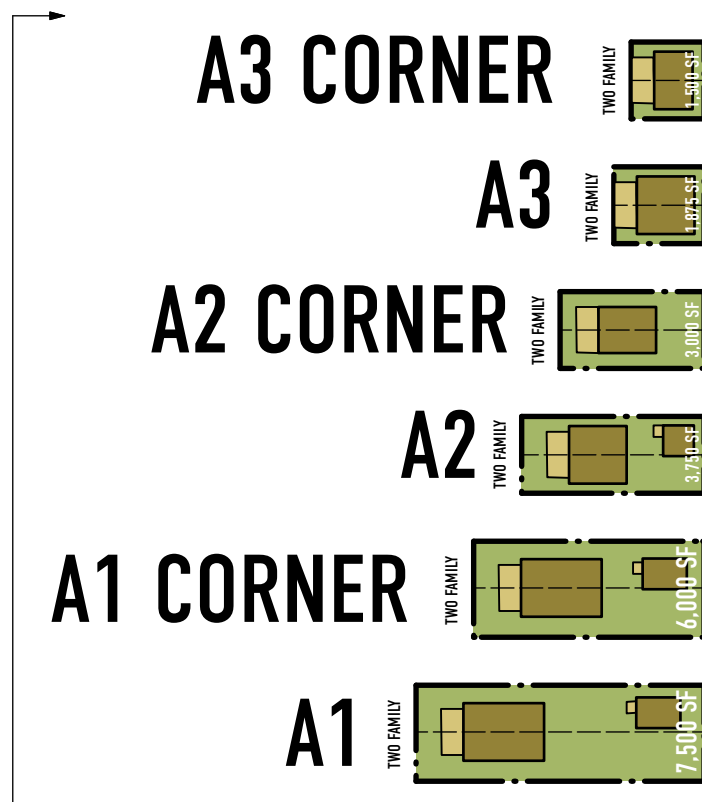
• 1 FEE SIMPLE

• 3 RENTAL

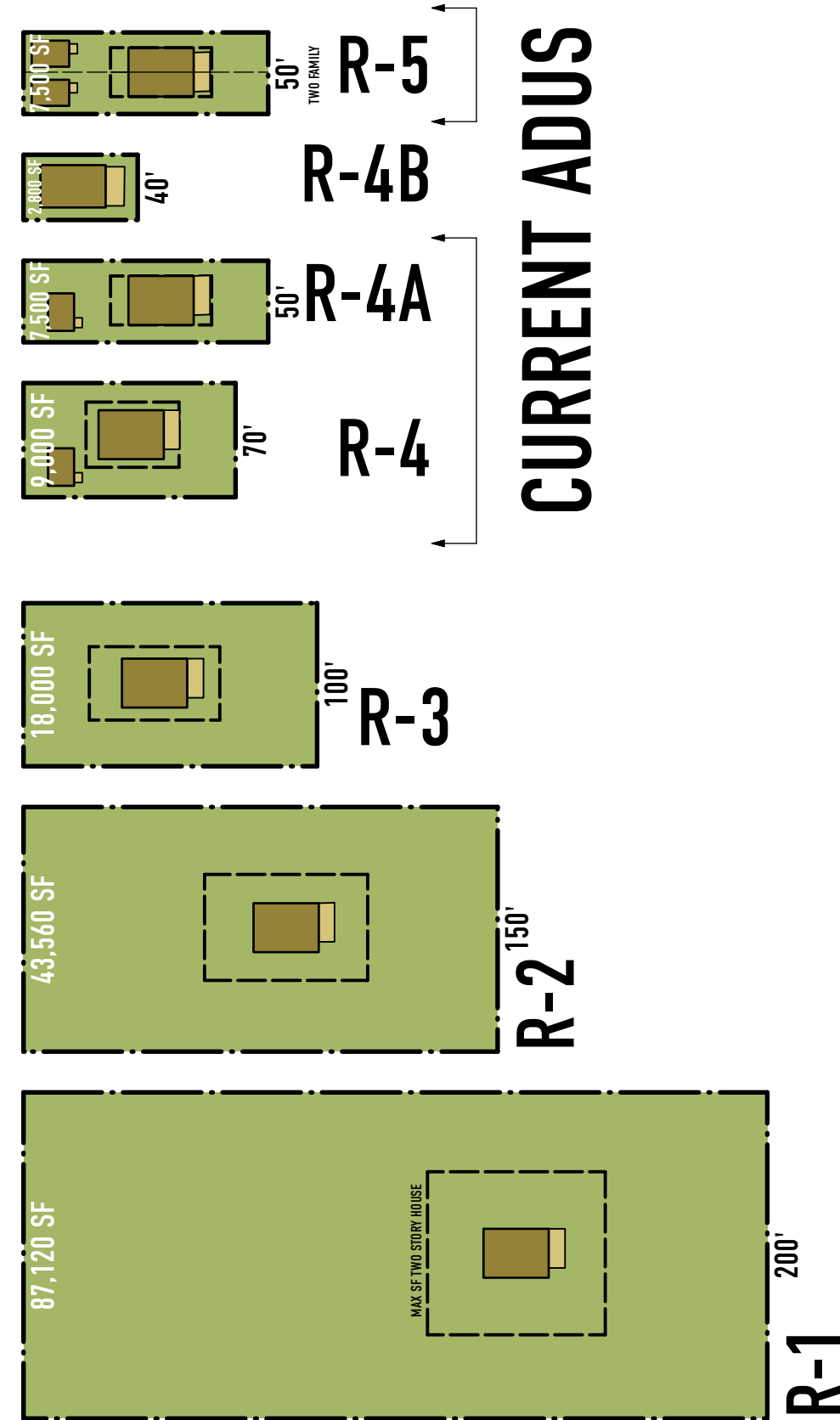
• 4 UNITS

# HISTORIC MIN LOT SIZES

TWO-FAMILY  
+ ADUS



# CURRENT MIN LOT SIZES





# **DURHAM SIMPLIFYING CODES FOR AFFORDABLE DEVELOPMENT (SCAD)**

# DURHAM // SCAD ZONING REFORMS

- AFFORDABLE PATH PROGRAM
- GEOMETRIES & BUFFERS
- SMALL LOTS & FLAGS
- ACCESSORY DWELLING UNITS
- PARKING
- NEIGHBORHOOD COMMERCIAL ZONES
- TOWNHOMES
- NON-CONFORMITIES



[bit.ly/DurhamSCAD](https://bit.ly/DurhamSCAD)

## 6 Accessory Dwellings

Expand maximum ADU size from 800 to 1200 sf

Allow ADUs to be built prior to primary dwellings

Expand Civic ADU - permit churches to build unlimited # + ADUs permitted as accessories to non-residential uses in non-residential zones (mill-house model)

Where adjacent property owners mutually agree, 0' ADU setback (shared wall) is permitted.

Allow duplex ADUs if primary is SFR, capped at 1200sf

- San Diego 1200sf
- Fayetteville, AR 1200sf
- LA 1200sf or 50% of primary





## 6 Accessory Dwellings

Expand maximum ADU size from 800 to 1200 sf

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Where adjacent property owners mutually agree, 0' ADU setback (shared wall) is permitted.

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- San Diego 1200sf
- Fayetteville, AR 1200sf
- LA 1200sf or 50% of primary



# YIGBY

# DURHAM // SCAD ZONING REFORMS



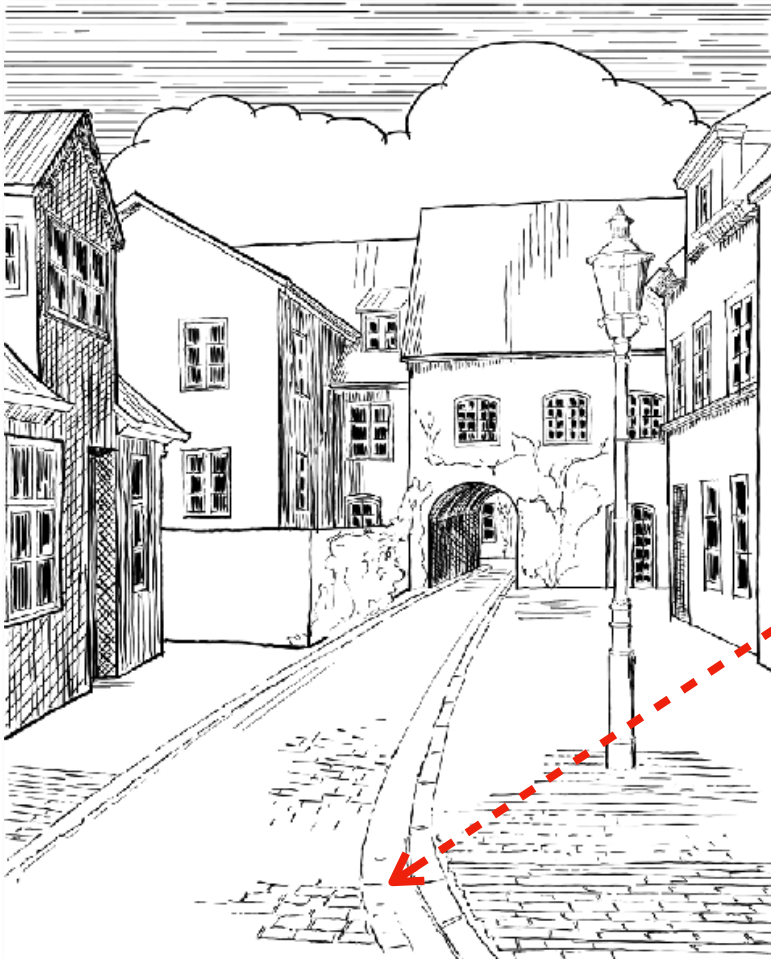


# DURHAM // SCAD ZONING REFORMS

## Bethany United Methodist Church

The Bethany Church Community explored the possibilities of creating attainable housing through the development of equitable community space shaping.

They envisioned Bethany Lane to be the new pedestrian scaled armature for the development. With that in place, they explored the possibility of multiple human scaled courtyards opening onto Lane.



*Intimate garden courtyards formed by ADU sized houses: Inspired by the godshuis courtyards in Bruges.*



Godshuizen Zorghe & van het Schippersambacht, Bruges 1924

*A courtyard formed by single story ADA accessible buildings*



*A courtyard suitable for families with a shared courtyard green with playground.*

## The Rich Complexity Possible at 1200sf

This design iteration of one of the Bethany Courtyards explores the rich variety of building design and space shaping that is possible with 1200sf ADUs.

**WHAT LEVEL OF CRISIS  
DOES IT TAKE TO IMPROVE  
THE STATUS QUO?**

**HOW DO YOU HELP  
POLITICIANS LIMP  
TOWARDS DOING THE  
RIGHT THING?**





**887 Wylie St, Atlanta, GA 30316 • 404-653 -0553**

**[www.kronbergua.com](http://www.kronbergua.com)**

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0454.03 Pierce Lively x2059

HOUSE BILL 24-1152

---

HOUSE SPONSORSHIP

Amabile and Weinberg,

SENATE SPONSORSHIP

Mullica and Exum,

---

House Committees

Transportation, Housing & Local Government

Senate Committees

---

A BILL FOR AN ACT

101 CONCERNING INCREASING THE NUMBER OF ACCESSORY DWELLING  
102 UNITS.

---

Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

**Section 1** of the bill creates a series of requirements related to accessory dwelling units. The bill establishes unique requirements for subject jurisdictions and for qualifying as an accessory dwelling unit supportive jurisdiction (supportive jurisdiction).

As established in the bill, a subject jurisdiction is either:

- A municipality that has a population of 1,000 or more and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.

that is within the area of a metropolitan planning organization; or

- The portion of a county that is both within a census designated place with a population of ten thousand or more, as reported in the most recent decennial census, and within the area of a metropolitan planning organization.

The bill requires a subject jurisdiction to 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 subject jurisdiction allows single-unit detached dwellings. The bill also prohibits subject jurisdictions from enacting or enforcing certain local laws that would restrict the construction or conversion of an accessory dwelling unit.

In order to qualify as a supportive jurisdiction, a jurisdiction must submit a report to the division of local government in the department of local affairs (the division) demonstrating that the jurisdiction:

- Has complied with the accessory dwelling unit requirements the bill imposes on subject jurisdictions; and
- Has implemented one or more strategies to encourage and facilitate the construction or conversion of accessory dwelling units.

**Section 1** also creates the accessory dwelling unit fee reduction and encouragement grant program within the division. The purpose of this grant program is for the division to provide grants to supportive jurisdictions for 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 or reducing accessory dwelling unit associated fees and other required costs.

**Section 2** grants the Colorado economic development commission the power to expend \$8 million to contract with the Colorado housing and finance authority to operate and establish the following programs to benefit the residents of supportive jurisdictions:

- An accessory dwelling unit loss reserve program that offers affordable loans for the construction or conversion of accessory dwelling units;
- A program that allows for the buying down of interest rates on loans made in connection with the construction or conversion of accessory dwelling units;
- A program that offers down payment assistance in connection with accessory dwelling units; and
- A program through which the Colorado housing and finance authority offers direct loans in connection with the construction or conversion of accessory dwelling units.

**Section 3** prohibits a planned unit development resolution or



ordinance for a planned unit development from restricting the permitting of an accessory dwelling unit more than the local law that applies to accessory dwelling units outside of the planned unit development.

**Section 4** states that any prohibition on accessory dwelling units or the implementation of restrictive design or dimension standards by a unit owners' association in a supportive jurisdiction is void as a matter of public policy.

---

*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 Affordable Housing**

#### **PART 1**

#### **ACCESSORY DWELLING UNITS**

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

(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

1 AARP FOUND THAT APPROXIMATELY SEVENTY-FIVE PERCENT OF PEOPLE  
2 FIFTY YEARS OF AGE OR OLDER WANT TO STAY IN THEIR HOMES OR  
3 COMMUNITIES FOR AS LONG AS THEY CAN. ACCORDING TO A 2018 STUDY  
4 BY THE CENTER FOR AMERICAN PROGRESS, FIFTY-ONE PERCENT OF  
5 COLORADANS LIVE IN A CHILD CARE DESERT-A COMMUNITY WHERE THERE  
6 ARE NO CHILD CARE PROVIDERS OR SO FEW OPTIONS THAT THERE ARE  
7 MORE THAN THREE TIMES AS MANY CHILDREN AS THERE ARE LICENSED  
8 CHILD CARE SLOTS. THESE CHILD CARE DESERTS ARE SITUATED WITHIN  
9 RURAL, SUBURBAN, AND URBAN COMMUNITIES AND ARE A MAJOR REASON  
10 FOR WORKING PARENTS TO LEAVE THE WORKFORCE.

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

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

21 (VI) ACCESSORY DWELLING UNITS ENABLE SENIORS TO DOWNSIZE,  
22 MOVE INTO ACCESSIBLE UNITS, OR LIVE WITH FAMILY OR A CAREGIVER  
23 WHILE REMAINING IN THEIR COMMUNITIES. A 2018 AARP SURVEY FOUND  
24 THAT SIXTY-SEVEN PERCENT OF ADULTS WOULD CONSIDER LIVING IN AN  
25 ACCESSORY DWELLING UNIT TO BE CLOSE TO SOMEONE BUT STILL HAVE A  
26 SEPARATE SPACE. MOST SENIORS DO NOT LIVE IN HOMES THAT ARE  
27 ACCESSIBLE, EVEN THOUGH DISABILITY IS PREVALENT AMONG THE SENIOR

1 POPULATION AND INCREASES WITH AGE. LESS THAN FOUR PERCENT OF  
2 EXISTING HOUSING UNITS IN THE UNITED STATES ARE ESTIMATED TO BE  
3 LIVABLE FOR PEOPLE WITH MODERATE MOBILITY DIFFICULTIES,  
4 ACCORDING TO "HOUSING FOR AN AGING POPULATION" IN THE JOURNAL  
5 HOUSING POLICY DEBATE.

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

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

25 (IX) COMPACT INFILL DEVELOPMENT REDUCES WATER DEMAND  
26 AND INFRASTRUCTURE COSTS BY USING LESS PIPING, WHICH REDUCES  
27 WATER LOSS; INCLUDES LESS LANDSCAPED SPACE PER UNIT; AND MAKES



1 BETTER USE OF EXISTING INFRASTRUCTURE. COMPARED TO A SINGLE-UNIT  
2 DETACHED DWELLING, ACCESSORY DWELLING UNITS USE TWENTY-TWO  
3 PERCENT LESS WATER, BASED ON DATA FROM DENVER AND AURORA  
4 WATER USERS ANALYZED FOR THE "COLORADO WATER AND GROWTH  
5 DIALOGUE FINAL REPORT" IN 2018.

6 (X) ACCESSORY DWELLING UNITS REDUCE GOVERNMENT CAPITAL  
7 AND MAINTENANCE COSTS FOR INFRASTRUCTURE SINCE ACCESSORY  
8 DWELLING UNITS ARE BUILT IN EXISTING NEIGHBORHOODS AND HAVE A  
9 RELATIVELY SMALL IMPACT ON EXISTING INFRASTRUCTURE. NATIONAL  
10 STUDIES SUCH AS "RELATIONSHIPS BETWEEN DENSITY AND PER CAPITA  
11 MUNICIPAL SPENDING IN THE UNITED STATES", PUBLISHED IN URBAN  
12 SCIENCE, HAVE FOUND THAT LOWER DENSITY COMMUNITIES HAVE HIGHER  
13 GOVERNMENT CAPITAL AND MAINTENANCE COSTS FOR WATER, SEWER,  
14 AND TRANSPORTATION INFRASTRUCTURE AND LOWER PROPERTY AND  
15 SALES TAX REVENUE. THESE INCREASED COSTS ARE OFTEN BORNE BY  
16 BOTH STATE AND LOCAL GOVERNMENTS.

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

21 (XII) A NUMBER OF MUNICIPALITIES HAVE REMOVED BARRIERS TO  
22 ACCESSORY DWELLING UNIT CONSTRUCTION SUCH AS PARKING  
23 REQUIREMENTS, OWNER OCCUPANCY REQUIREMENTS, AND RESTRICTIVE  
24 SIZE AND DESIGN LIMITATIONS, WHICH HAS RESULTED IN ACCESSORY  
25 DWELLING UNIT PERMITS INCREASING TO TEN TO TWENTY PERCENT OF  
26 TOTAL NEW HOUSING PERMITS AND AN OVERALL INCREASE IN THE TOTAL  
27 HOUSING SUPPLY. SINCE CALIFORNIA IMPLEMENTED VARIOUS REFORMS TO

1 ENCOURAGE ACCESSORY DWELLING UNIT CONSTRUCTION, INCLUDING  
2 REQUIRING CITIES TO ALLOW ACCESSORY DWELLING UNITS AS A USE BY  
3 RIGHT, PREVENTING THE IMPOSITION OF PARKING REQUIREMENTS, AND  
4 PREVENTING OWNER OCCUPANCY REQUIREMENTS, ACCESSORY DWELLING  
5 UNIT CONSTRUCTION HAS INCREASED SIGNIFICANTLY IN CALIFORNIA.  
6 FOLLOWING REFORMS TO CALIFORNIA'S ACCESSORY DWELLING UNIT LAW  
7 IN 2016, ACCESSORY DWELLING UNIT DEVELOPMENT HAS INCREASED  
8 RAPIDLY FROM AROUND ONE THOUSAND ACCESSORY DWELLING UNITS  
9 PERMITTED IN 2016 TO OVER TWENTY-FOUR THOUSAND IN 2022, OR ABOUT  
10 TWENTY PERCENT OF NEW HOUSING PERMITS STATEWIDE, ACCORDING TO  
11 DATA FROM THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY  
12 DEVELOPMENT AND ANALYSIS BY THE BIPARTISAN POLICY CENTER.

13 (XIII) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY, AND  
14 HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING SUPPLY IS  
15 RESTRICTED BY LOCAL LAND USE REGULATIONS IN A METROPOLITAN  
16 REGION, ACCORDING TO THE NATIONAL BUREAU OF ECONOMIC RESEARCH  
17 IN WORKING PAPERS SUCH AS "REGULATION AND HOUSING SUPPLY", "THE  
18 IMPACT OF ZONING ON HOUSING AFFORDABILITY", AND "THE IMPACT OF  
19 LOCAL RESIDENTIAL LAND USE RESTRICTIONS ON LAND VALUES ACROSS  
20 AND WITHIN SINGLE FAMILY HOUSING MARKETS";

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

27 (XV) ACADEMIC RESEARCH SUCH AS "THE IMPACT OF BUILDING

1 RESTRICTIONS ON HOUSING AFFORDABILITY" IN THE FEDERAL RESERVE  
2 BANK OF NEW YORK ECONOMIC POLICY REVIEW HAS IDENTIFIED ZONING  
3 AND OTHER LAND USE CONTROLS AS A PRIMARY DRIVER OF RISING  
4 HOUSING COSTS IN THE MOST EXPENSIVE HOUSING MARKETS;

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

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



1 ACROSS JURISDICTIONS".

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

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

13 **29-35-102. Definitions.** AS USED IN THIS PART 1, UNLESS THE  
14 CONTEXT OTHERWISE REQUIRES:

15 (1) "ACCESSIBLE UNIT" MEANS A HOUSING UNIT THAT SATISFIES  
16 THE REQUIREMENTS OF THE FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC.  
17 3601 ET SEQ., AS AMENDED, AND INCORPORATES UNIVERSAL DESIGN.

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

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

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

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

26 (3) "ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION"  
27 MEANS A LOCAL GOVERNMENT THAT THE DIVISION HAS CERTIFIED

1 PURSUANT TO SECTION 29-35-104 AS AN ACCESSORY DWELLING UNIT  
2 SUPPORTIVE JURISDICTION.

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

7 (5) (a) (I) "ADMINISTRATIVE APPROVAL PROCESS" MEANS A  
8 PROCESS:

9 (A) IN WHICH A DEVELOPMENT APPLICATION IS APPROVED,  
10 APPROVED WITH CONDITIONS, OR DENIED BY LOCAL GOVERNMENT  
11 ADMINISTRATIVE STAFF BASED SOLELY ON ITS COMPLIANCE WITH  
12 OBJECTIVE STANDARDS SET FORTH IN ZONING OR OTHER LOCAL LAWS; AND

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

16 (II) NOTWITHSTANDING SUBSECTION (19)(a)(I) OF THIS SECTION,  
17 AN ADMINISTRATIVE APPROVAL PROCESS MAY REQUIRE AN APPOINTED  
18 HISTORIC PRESERVATION COMMISSION TO MAKE A DECISION, OR TO MAKE  
19 A RECOMMENDATION TO LOCAL GOVERNMENT ADMINISTRATIVE STAFF,  
20 REGARDING A DEVELOPMENT APPLICATION INVOLVING A HISTORIC  
21 PROPERTY LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES, THE  
22 COLORADO STATE REGISTER OF HISTORIC PROPERTIES, OR DESIGNATED BY  
23 THE LOCAL GOVERNMENT, PROVIDED THAT:

24 (A) THE LOCAL GOVERNMENT HAS BEEN DESIGNATED AS A  
25 CERTIFIED LOCAL GOVERNMENT BY THE STATE HISTORIC PRESERVATION  
26 OFFICE; AND

27 (B) THE DECISION OR RECOMMENDATION IS BASED ON STANDARDS

1 SET FORTH IN LOCAL LAW OR ESTABLISHED BY THE SECRETARY OF THE  
2 INTERIOR OF THE UNITED STATES.

3 (b) AS USED IN THIS SUBSECTION (1), "OBJECTIVE STANDARD"  
4 MEANS A STANDARD THAT:

5 (I) IS UNIFORMLY VERIFIABLE AND ASCERTAINABLE BY REFERENCE  
6 TO AN AVAILABLE EXTERNAL OR UNIFORM BENCHMARK OR CRITERION BY  
7 THE DEVELOPMENT APPLICANT OR PROPONENT AND THE PUBLIC BODY OR  
8 OFFICIAL PRIOR TO THE DEVELOPMENT APPLICANT'S OR PROPONENT'S  
9 FILING OF A DEVELOPMENT PROPOSAL; AND

10 (II) DOES NOT REQUIRE THE DECISION-MAKER TO MAKE ONE OR  
11 MORE SUBJECTIVE DETERMINATIONS CONCERNING A DEVELOPMENT  
12 APPLICATION, INCLUDING BUT NOT LIMITED TO WHETHER THE  
13 APPLICATION:

14 (A) IS CONSISTENT WITH LOCAL DEVELOPMENT PLANS;

15 (B) IS OR CAN BE COMPATIBLE WITH THE LAND USE OR  
16 DEVELOPMENT OF THE AREA SURROUNDING THE AREA DESCRIBED IN THE  
17 APPLICATION;

18 (C) REQUIRES INDIVIDUALIZED EVALUATIONS RELATING TO  
19 MITIGATION OF IMPACTS; OR

20 (D) IS CONSISTENT WITH PUBLIC WELFARE, COMMUNITY, OR  
21 NEIGHBORHOOD CHARACTER.

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

24 (7) "DIVISION" MEANS THE DIVISION OF LOCAL GOVERNMENT  
25 CREATED IN SECTION 24-32-103.

26 (8) "DWELLING UNIT" MEANS A SINGLE UNIT PROVIDING COMPLETE  
27 INDEPENDENT LIVING FACILITIES FOR ONE OR MORE INDIVIDUALS,



1 INCLUDING PERMANENT FACILITIES FOR COOKING, EATING, LIVING,  
2 SANITATION, AND SLEEPING.

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

4 (a) NOT SERVED BY A DOMESTIC WATER AND SEWAGE TREATMENT  
5 SYSTEM, AS DEFINED IN SECTION 24-65.1-104 (5);

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

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

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

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

14 (a) ON THE NATIONAL REGISTER OF HISTORIC PLACES;

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

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

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

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

26 (14) "LOW- AND MODERATE-INCOME HOUSEHOLD" MEANS A  
27 HOUSEHOLD THAT IS CONSIDERED LOW-, MODERATE-, OR MEDIUM-INCOME,

1 AS DETERMINED BY THE FEDERAL DEPARTMENT OF HOUSING AND URBAN  
2 DEVELOPMENT.

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

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

8 (17) "RESTRICTIVE DESIGN OR DIMENSION STANDARD" MEANS A  
9 STANDARD IN A LOCAL LAW THAT:

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

14 (b) DOES NOT ALLOW FOR ACCESSORY DWELLING UNIT SIZES  
15 BETWEEN FIVE HUNDRED AND EIGHT HUNDRED SQUARE FEET;

16 (c) REQUIRES SIDE OR REAR SETBACKS FOR AN ACCESSORY  
17 DWELLING UNIT GREATER THAN THE SETBACKS REQUIRED FOR AN  
18 ACCESSORY BUILDING IN THE SAME ZONING DISTRICT, OR IF IT IS NOT  
19 CLEARLY ESTABLISHED IN THE SAME ZONING DISTRICT, IN THE CASE OF AN  
20 ACCESSORY DWELLING UNIT WITH A SINGLE STORY, REQUIRES SIDE OR  
21 REAR SETBACKS GREATER THAN FIVE FEET;

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

25 (e) APPLIES MORE RESTRICTIVE AESTHETIC DESIGN OR  
26 DIMENSIONAL STANDARDS TO ACCESSORY DWELLING UNITS THAT ARE  
27 FACTORY-BUILT RESIDENTIAL STRUCTURES, AS DEFINED IN SECTION

1 24-32-3302 (10), THAN OTHER ACCESSORY DWELLING UNITS.

2 (18)(a) "SHORT-TERM RENTAL" MEANS THE RENTAL OF A LODGING  
3 UNIT FOR LESS THAN THIRTY DAYS. AS USED IN THIS SUBSECTION (18),  
4 "LODGING UNIT" MEANS ANY PROPERTY OR PORTION OF A PROPERTY THAT  
5 IS AVAILABLE FOR LODGING; EXCEPT THAT THE TERM EXCLUDES A HOTEL  
6 OR MOTEL UNIT.

7 (b) NOTWITHSTANDING SUBSECTION (15)(a) OF THIS SECTION, A  
8 LOCAL GOVERNMENT MAY APPLY ITS OWN DEFINITION OF "SHORT-TERM  
9 RENTAL" FOR PURPOSES OF THIS PART 1.

10 (19) "SINGLE-UNIT DETACHED DWELLING" MEANS A DETACHED  
11 BUILDING WITH A SINGLE DWELLING UNIT ON A SINGLE LOT.

12 (20) "SUBJECT JURISDICTION" MEANS EITHER:

13 (a) A MUNICIPALITY THAT BOTH HAS A POPULATION OF ONE  
14 THOUSAND OR MORE, AS REPORTED BY THE STATE DEMOGRAPHY OFFICE,  
15 AND IS WITHIN A METROPOLITAN PLANNING ORGANIZATION; OR

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

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

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

26 **29-35-103. Accessory dwelling unit requirements for a subject**  
27 **jurisdiction.** (1) A SUBJECT JURISDICTION SHALL ALLOW, SUBJECT TO AN



1 ADMINISTRATIVE APPROVAL PROCESS, ONE ACCESSORY DWELLING UNIT AS  
2 AN ACCESSORY USE TO A SINGLE-UNIT DETACHED DWELLING IN ANY PART  
3 OF THE SUBJECT JURISDICTION WHERE THE JURISDICTION ALLOWS  
4 SINGLE-UNIT DETACHED DWELLINGS.

5 (2) A SUBJECT JURISDICTION SHALL NOT:

6 (a) REQUIRE NEW PARKING IN CONNECTION WITH THE  
7 CONSTRUCTION OR CONVERSION OF AN ACCESSORY DWELLING UNIT;

8 (b) REQUIRE AN ACCESSORY DWELLING UNIT, OR ANY OTHER  
9 DWELLING ON THE SAME LOT AS AN ACCESSORY DWELLING UNIT, TO BE  
10 OWNER-OCCUPIED; OR

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

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

15 (a) ALLOWING THE CONSTRUCTION OR CONVERSION OF AN  
16 ACCESSORY DWELLING UNIT THAT IS SMALLER THAN FIVE HUNDRED  
17 SQUARE FEET OR GREATER THAN EIGHT HUNDRED SQUARE FEET, OR  
18 RESTRICTING THE SIZE OF AN ACCESSORY DWELLING UNIT SO THAT IT IS NO  
19 LARGER THAN THE SIZE OF THE PRINCIPAL DWELLING UNIT ON THE SAME  
20 LOT AS THE ACCESSORY DWELLING UNIT;

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

23 (c) APPLYING A DESIGN OR DIMENSION STANDARD TO AN  
24 ACCESSORY DWELLING UNIT THAT IS NOT A RESTRICTIVE DESIGN OR  
25 DIMENSION STANDARD;

26 (d) ADOPTING OR ENFORCING A GENERALLY APPLICABLE  
27 REQUIREMENT FOR:

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

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

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

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

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

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

18 (i) ENCOURAGING THE CONSTRUCTION OF ACCESSORY DWELLING  
19 UNITS THAT ARE, THROUGH THE APPLICATION OF LOCAL LAWS OR  
20 PROGRAMS, MADE AFFORDABLE TO HOUSEHOLDS UNDER CERTAIN INCOME  
21 LIMITS OR USED PRIMARILY TO HOUSE THE LOCAL WORKFORCE.

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

24 **29-35-104. Accessory dwelling unit supportive jurisdiction**  
25 **report - certification of a jurisdiction as an accessory dwelling unit**  
26 **supportive jurisdiction. (1) (a) IN ORDER TO BE CERTIFIED AS AN**  
27 **ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION BY THE DIVISION,**

1 A LOCAL GOVERNMENT MUST SUBMIT TO THE DIVISION, IN A FORM AND  
2 MANNER DETERMINED BY THE DIVISION, A REPORT DEMONSTRATING  
3 EVIDENCE OF THE LOCAL GOVERNMENT:

4 (I) COMPLYING WITH SECTION 29-35-103; AND

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

6 (A) WAIVING OR REDUCING ACCESSORY DWELLING UNIT-RELATED  
7 FEES THAT ARE INCURRED BY LOW- AND MODERATE-INCOME HOUSEHOLDS;

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

12 (C) PRE-APPROVING PLANS FOR THE CONSTRUCTION OF ACCESSORY  
13 DWELLING UNITS;

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

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

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

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

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

26 (I) ENACTING LOCAL LAWS THAT ENCOURAGE THE CONSTRUCTION  
27 OF ACCESSORY DWELLING UNITS THAT ARE FACTORY-BUILT RESIDENTIAL



1 STRUCTURES, AS DEFINED IN SECTION 24-32-3302 (10); OR

2 (J) ANY OTHER STRATEGY THAT IS APPROVED BY THE DIVISION

3 AND THAT ENCOURAGES THE CONSTRUCTION, CONVERSION, OR USE OF

4 ACCESSORY DWELLING UNITS.

5 (b) (I) ON OR BEFORE JUNE 30, 2025, DECEMBER 31, 2029, AND

6 DECEMBER 31 OF EVERY THIRD YEAR THEREAFTER, A SUBJECT

7 JURISDICTION SHALL SUBMIT THE REPORT DESCRIBED IN SUBSECTION (1)(a)

8 OF THIS SECTION.

9 (II) NOTWITHSTANDING SUBSECTION (1)(b)(I) OF THIS SECTION,

10 THE DIVISION MAY ALLOW A SUBJECT JURISDICTION TO SUBMIT THE

11 REPORT DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION NO MORE THAN

12 SIX MONTHS AFTER THE DEADLINES DESCRIBED IN SUBSECTION (1)(b)(I) OF

13 THIS SECTION IF THE SUBJECT JURISDICTION DEMONSTRATES, IN A FORM

14 AND MANNER DETERMINED BY THE DIVISION, THAT THE SUBJECT

15 JURISDICTION HAS:

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

17 NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THE REPORT

18 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION;

19 (B) A PLAN AND TIMELINE TO UPDATE ITS LOCAL LAWS AS

20 NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THE REPORT

21 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION; AND

22 (C) PROVIDED AN EXPLANATION FOR NOT BEING ABLE TO MEET

23 THE DEADLINES DESCRIBED IN SUBSECTION (1)(b)(I) OF THIS SECTION.

24 (c) IF A LOCAL GOVERNMENT THAT IS NOT A SUBJECT JURISDICTION

25 SUBMITS A REPORT PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION,

26 THAT LOCAL GOVERNMENT SHALL, AS PART OF THE REPORT, SUBMIT

27 EVIDENCE OF COMPLYING WITH THE REQUIREMENTS FOR A SUBJECT

1 JURISDICTION DESCRIBED IN SECTION 29-35-103.

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

7 (b) IF THE DIVISION APPROVES A LOCAL GOVERNMENT'S REPORT  
8 SUBMITTED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THE  
9 DIVISION SHALL ISSUE TO THAT LOCAL GOVERNMENT A CERTIFICATE  
10 INDICATING THAT THE LOCAL GOVERNMENT QUALIFIES AS AN ACCESSORY  
11 DWELLING UNIT SUPPORTIVE JURISDICTION UNTIL THREE YEARS FROM  
12 WHEN THE LOCAL GOVERNMENT SUBMITTED THE REPORT.

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

21 (3) THE DIVISION, IN CONSULTATION WITH THE DEPARTMENT OF  
22 TRANSPORTATION, THE COLORADO ENERGY OFFICE, AND THE COLORADO  
23 OFFICE OF ECONOMIC DEVELOPMENT, MAY DEVELOP POLICIES AND  
24 PROCEDURES AS NECESSARY TO IMPLEMENT THIS SECTION.

25 **29-35-105. Accessory dwelling unit fee reduction and**  
26 **encouragement grant program - created - application - criteria -**  
27 **awards - fund - reporting requirements - rules - definitions - repeal.**

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

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

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

22 (3) THE DIVISION SHALL ADMINISTER THE GRANT PROGRAM AND,  
23 SUBJECT TO AVAILABLE APPROPRIATIONS, PROVIDE TECHNICAL  
24 ASSISTANCE, RECEIVE GRANT APPLICATIONS AND AWARD GRANTS AS  
25 PROVIDED IN THIS SECTION.

26 (4) TO RECEIVE A GRANT, AN ACCESSORY DWELLING UNIT  
27 SUPPORTIVE JURISDICTION MUST SUBMIT AN APPLICATION TO THE DIVISION



1 IN ACCORDANCE WITH THE POLICIES AND PROCEDURES DEVELOPED BY THE  
2 DIVISION PURSUANT TO SUBSECTION (9) OF THIS SECTION. AT A MINIMUM,  
3 THE APPLICATION MUST INCLUDE THE FOLLOWING:

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

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

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

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

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

26 (5) THE DIVISION SHALL REVIEW THE APPLICATIONS RECEIVED  
27 PURSUANT TO SUBSECTION (4) OF THIS SECTION. IN AWARDING GRANTS,

1 THE DIVISION SHALL GIVE PRIORITY TO LOCAL GOVERNMENTS THAT:

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

4 (b) HAVE DEMONSTRATED A SIGNIFICANT COMMITMENT TO  
5 FURTHER CONSTRUCTION AND CONVERSION OF ACCESSORY DWELLING  
6 UNITS THROUGH THE ADOPTION OF STRATEGIES DESCRIBED IN SECTION  
7 29-35-104 (1)(a)(II).

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

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

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

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

25 (8) IN ACCORDANCE WITH THE POLICIES AND PROCEDURES  
26 DEVELOPED BY THE DIVISION PURSUANT TO SUBSECTION (9) OF THIS  
27 SECTION, EACH LOCAL GOVERNMENT THAT RECEIVES A GRANT THROUGH

1 THE GRANT PROGRAM SHALL SUBMIT A REPORT TO THE DIVISION. AT A  
2 MINIMUM, THE REPORT MUST INCLUDE THE FOLLOWING INFORMATION:

3 (a) THE NUMBER OF ACCESSORY DWELLING UNITS WITH  
4 ACCESSORY DWELLING UNIT FEES OR COSTS THAT LOCAL GOVERNMENTS  
5 REDUCED OR WAIVED IN THE PAST YEAR IN CONNECTION WITH THE GRANT  
6 PROGRAM;

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

11 (c) THE NUMBER OF THE ACCESSORY DWELLING UNITS DESCRIBED  
12 IN SUBSECTION (8)(a) OF THIS SECTION THAT WERE BUILT IN THE PAST  
13 YEAR THAT WERE BUILT BY LOW- AND MODERATE-INCOME HOUSEHOLDS,  
14 THAT ARE AFFORDABLE ACCESSORY DWELLING UNITS, THAT ARE  
15 VISITABLE OR ACCESSIBLE ACCESSORY DWELLING UNITS, OR THAT ARE  
16 ACCESSORY DWELLING UNITS USED AS LONG-TERM RENTALS FOR MEMBERS  
17 OF THE LOCAL WORKFORCE;

18 (d) THE NUMBER OF ACCESSORY DWELLING UNITS THAT ARE  
19 FACTORY-BUILT RESIDENTIAL STRUCTURES, AS DEFINED IN SECTION  
20 24-32-3302 (10); AND

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

24 (9) THE DIVISION SHALL IMPLEMENT THE GRANT PROGRAM IN  
25 ACCORDANCE WITH THIS SECTION. THE DIVISION SHALL DEVELOP, IN  
26 CONSULTATION WITH THE DEPARTMENT OF TRANSPORTATION, THE  
27 COLORADO ENERGY OFFICE, AND THE COLORADO OFFICE OF ECONOMIC



1 DEVELOPMENT, POLICIES AND PROCEDURES BOTH AS REQUIRED IN THIS  
2 SECTION AND AS MAY BE NECESSARY TO IMPLEMENT THE GRANT  
3 PROGRAM.

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

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

10 (b) (I) "ELIGIBLE COSTS" MEANS COSTS INCURRED BY A LOCAL  
11 GOVERNMENT AND DETERMINED BY THE DIVISION TO BE INCURRED IN  
12 CONNECTION WITH DEVELOPING PRE-APPROVED ACCESSORY DWELLING  
13 UNIT PLANS, PROVIDING TECHNICAL ASSISTANCE TO PERSONS CONVERTING  
14 OR CONSTRUCTING ACCESSORY DWELLING UNITS, OR OTHER REASONABLE  
15 AND NECESSARY FEES LEVIED BY OR COSTS BORNE BY THE LOCAL  
16 GOVERNMENT FOR THE CONSTRUCTION OR CONVERSION OF AN ACCESSORY  
17 DWELLING UNIT.

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

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

27 (d) "GRANT PROGRAM" MEANS THE ACCESSORY DWELLING UNIT

1 FEE REDUCTION AND ENCOURAGEMENT GRANT PROGRAM CREATED IN THIS  
2 SECTION.

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

4 **SECTION 2.** In Colorado Revised Statutes, 24-46-104, **add**  
5 (1)(q) as follows:

6 **24-46-104. Powers and duties of commission - repeal.** (1) The  
7 commission has the following powers and duties:

8 (q) TO EXPEND EIGHT MILLION DOLLARS TO CONTRACT WITH THE  
9 COLORADO HOUSING AND FINANCE AUTHORITY, CREATED IN PART 7 OF  
10 ARTICLE 4 OF TITLE 29, FOR THE OPERATION OF ONE OR MORE OF THE  
11 FOLLOWING PROGRAMS TO BENEFIT RESIDENTS OF LOCAL GOVERNMENTS  
12 THAT HAVE BEEN CERTIFIED AS ACCESSORY DWELLING UNIT SUPPORTIVE  
13 JURISDICTIONS BY THE DIVISION OF LOCAL GOVERNMENT PURSUANT TO  
14 SECTION 29-35-104:

15 (I) AN ACCESSORY DWELLING UNIT LOSS RESERVE PROGRAM THAT  
16 OFFERS AFFORDABLE LOANS FOR THE CONSTRUCTION OR CONVERSION OF  
17 ACCESSORY DWELLING UNITS;

18 (II) A PROGRAM THAT ALLOWS FOR THE BUYING DOWN OF  
19 INTEREST RATES ON LOANS MADE IN CONNECTION WITH THE  
20 CONSTRUCTION OR CONVERSION OF ACCESSORY DWELLING UNITS;

21 (III) A PROGRAM THAT OFFERS DOWN PAYMENT ASSISTANCE IN  
22 CONNECTION WITH ACCESSORY DWELLING UNITS; AND

23 (IV) A PROGRAM IN WHICH THE COLORADO HOUSING AND FINANCE  
24 AUTHORITY OFFERS DIRECT LOANS IN CONNECTION WITH THE  
25 CONSTRUCTION OR CONVERSION OF ACCESSORY DWELLING UNITS.

26 **SECTION 3.** In Colorado Revised Statutes, 24-67-105, **add** (5.5)  
27 as follows:

1           **24-67-105. Standards and conditions for planned unit**  
2   **development - definitions.** (5.5) (a) IN A SUBJECT JURISDICTION, ANY  
3   PLANNED UNIT DEVELOPMENT RESOLUTION OR ORDINANCE THAT IS  
4   ADOPTED OR APPROVED ON OR AFTER THE EFFECTIVE DATE OF THIS  
5   SUBSECTION (5.5), AND THAT ALLOWS THE CONSTRUCTION OF ONE OR  
6   MORE SINGLE-UNIT DETACHED DWELLINGS, MUST NOT RESTRICT THE  
7   CREATION OF AN ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO  
8   ANY SINGLE-UNIT DETACHED DWELLING MORE THAN THE LOCAL LAW THAT  
9   APPLIES TO ACCESSORY DWELLING UNIT DEVELOPMENT OUTSIDE OF A  
10   PLANNED UNIT DEVELOPMENT OR IN ANY WAY THAT IS PROHIBITED BY  
11   SECTION 29-35-103.

12           (b) IN A SUBJECT JURISDICTION, ANY PLANNED UNIT DEVELOPMENT  
13   RESOLUTION OR ORDINANCE THAT WAS ADOPTED OR APPROVED BEFORE  
14   THE EFFECTIVE DATE OF THIS SUBSECTION (5.5), THAT ALLOWS THE  
15   CONSTRUCTION OF ONE OR MORE SINGLE-UNIT DETACHED DWELLINGS,  
16   AND THAT RESTRICTS THE CONSTRUCTION OF AN ACCESSORY DWELLING  
17   UNIT AS AN ACCESSORY USE TO ANY SINGLE-UNIT DETACHED DWELLING  
18   MORE THAN THE LOCAL LAW THAT APPLIES TO ACCESSORY DWELLING UNIT  
19   DEVELOPMENT OUTSIDE OF A PLANNED UNIT DEVELOPMENT:

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

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

26           (c) NOTWITHSTANDING SUBSECTION (5.5)(b) OF THIS SECTION, A  
27   LOCAL GOVERNMENT MAY ADOPT CONFORMING AMENDMENTS TO ANY



1 SUCH PLANNED UNIT DEVELOPMENT.

2 (d) AS USED IN THIS SUBSECTION (5.5), UNLESS THE CONTEXT  
3 OTHERWISE REQUIRES:

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

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

8 (III) "SUBJECT JURISDICTION" HAS THE SAME MEANING AS SET  
9 FORTH IN SECTION 29-35-102 (20).

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

12 **38-33.3-106.5. Prohibitions contrary to public policy -**  
13 **patriotic, political, or religious expression - public rights-of-way - fire**  
14 **prevention - renewable energy generation devices - affordable**  
15 **housing - drought prevention measures - child care - definitions.**

16 (3) (a) IN A SUBJECT JURISDICTION OR AN ACCESSORY DWELLING UNIT  
17 SUPPORTIVE JURISDICTION, NO PROVISION OF A DECLARATION, BYLAW, OR  
18 RULE OF AN ASSOCIATION THAT IS ADOPTED ON OR AFTER THE EFFECTIVE  
19 DATE OF THIS SUBSECTION (3) MAY RESTRICT THE CREATION OF AN  
20 ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO ANY SINGLE-UNIT  
21 DETACHED DWELLING IN ANY WAY THAT IS PROHIBITED BY SECTION  
22 29-35-103, AND ANY PROVISION OF A DECLARATION, BYLAW, OR RULE  
23 THAT INCLUDES SUCH A RESTRICTION IS VOID AS A MATTER OF PUBLIC  
24 POLICY.

25 (b) IN A SUBJECT JURISDICTION OR AN ACCESSORY DWELLING UNIT  
26 SUPPORTIVE JURISDICTION, NO PROVISION OF A DECLARATION, BYLAW, OR  
27 RULE OF AN ASSOCIATION THAT IS ADOPTED BEFORE THE EFFECTIVE DATE

1 OF THIS SUBSECTION (3) MAY RESTRICT THE CREATION OF AN ACCESSORY  
2 DWELLING UNIT AS AN ACCESSORY USE TO ANY SINGLE-UNIT DETACHED  
3 DWELLING IN ANY WAY THAT IS PROHIBITED BY SECTION 29-35-103, AND  
4 ANY PROVISION OF A DECLARATION, BYLAW, OR RULE THAT INCLUDES  
5 SUCH A RESTRICTION IS VOID AS A MATTER OF PUBLIC POLICY.

6 (c) AS USED IN THIS SUBSECTION (3), UNLESS THE CONTEXT  
7 OTHERWISE REQUIRES:

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

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

12 (III) "SUBJECT JURISDICTION" HAS THE SAME MEANING AS SET  
13 FORTH IN SECTION 29-35-102 (20).

14 **SECTION 5. Safety clause.** The general assembly finds,  
15 determines, and declares that this act is necessary for the immediate  
16 preservation of the public peace, health, or safety or for appropriations for  
17 the support and maintenance of the departments of the state and state  
18 institutions.