



COLORADO
STARTER HOME
INITIATIVE

DRAFT



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Starter Home Zoning Template for Freestanding Single Unit Dwellings With or Without Accessory Dwelling Units

COMMON SENSE INSTITUTE

Introduction

This document describes a simple approach to authorizing development of small detached single-family homes that can open up new opportunities for affordable homeownership through construction of types and sizes of homes often prohibited by local zoning codes. Once land is zoned into the proposed R-SH (Residential Starter Home) zone district and land has been subdivided, all aspects of a Starter Home development can be approved administratively and staff are given significant flexibility to approve proposed developments that meet the intent of the R-SH zone district even if the specifics of the development do not exactly meet the development standards in this document.

Optional Elements and Tailoring

This document addresses the construction of freestanding small single-unit detached homes (Starter Homes) on already subdivided lots in rural counties and growing outskirts of municipalities where significant areas of land may be available for these types of small homes. The content may need to be tailored in the following five ways in order to be effective in different contexts. Each type of tailoring that may be needed is indicated in a different way:

1. [Brackets] around a word indicate that a different word may be used for the same thing in the local development code, and the local word should be used. [Brackets] around a number indicate that a different number may be inserted, although the recommended number is the one inside the brackets.
2. The word [OPTION] at the start of a section indicates that the content may be needed in order to ensure that the Starter Home development fits in well with surrounding development or is needed to obtain support for Starter Home development pursuant to this Chapter in a particular community.
3. Text in a gray box indicates how content may need to be reorganized or modified based on the structure of the local development code or the type of zoning (use-based, form-based, or performance-based) used in the local community.
4. Text in a blue box indicates how the text may need to be modified to authorize a different type of Starter Home, such as a duplex, triplex, or cottage development.
5. Text in a green box indicates how the text may need to be modified to work in a more difficult development context, such as an urban or inner suburb or a mountain or resort community.

In order to avoid regulatory gaps and inconsistencies, wherever possible, the content in this document should be integrated into those chapters and sections of the existing development code that address the same topic for other types of development, and should be grouped with similar regulations applicable to different types of permitted housing, rather than simply adding this content as a new freestanding chapter of the development code.

1. Purpose

1.1. General

The purpose of this Chapter is to authorize the construction of small, freestanding single-unit dwellings (Starter Homes) on small individual lots, or on parcels of land containing defined areas for multiple Starter Homes, subject only to compliance with objective standards clearly related to the protection of public health and safety, with compliance being confirmed administratively rather than through a discretionary decision-making process, in order to reduce the time, expense, and uncertainty of development approvals.

Modify to address different types of Starter Home if needed.

1.2. Relationship to Other Development Regulations

The following sections of this [development code] shall continue to apply to Starter Home development authorized by this Chapter, unless modified as listed below. In case of direct conflict between any standard in a different Chapter of this [development code] or regulation and the standards in this Chapter, the provisions in this Chapter shall apply.

1.2.1. List of Sections of the Development Code and any exceptions to standards in that Section otherwise applicable to single-unit detached residential development].

2. Single-Family Starter Home (R-SH) Zoning District

As an alternative to creation of a new Starter Home zone district, the availability of Starter Homes meeting the standards in this document can be added to an existing zone district. If that is done, then the content of Sections 2 through 5 below should be added to those sections of the development code where each topic below (e.g. site development standards or building design and development standards) is addressed. Integration of starter home standards into an existing zone district is usually preferable because it reduces the likelihood of internal inconsistencies in the development code and avoids the need for site-by-site zoning map amendments to apply the new zone district.

2.1. Creation

The Single-Family Starter Home Zoning District (R-SH) is hereby created. The provisions of this Chapter shall apply in those areas designated as (R-SH) on the [official zoning map].

If the development code includes a Chapter listing all zone districts and the purposes of those districts, the content of this Section 2.1 and the content of Section 1.1 above should appear in that Chapter.

2.1.1. [OPTION] Maximum Size of a Starter Home Development.

No SH zone district shall include more than [20] gross acres of land unless the land is divided into phases, each of which contains not more than [20] gross acres of land, that are separated from each other by significant natural or man-made features including but not limited to rock outcroppings, landforms, water features, storm drainages, or designated open spaces at least 50 feet in width, or by collector or arterial streets meeting local street standards.

2.2. Permitted Primary Uses of Land

2.2.1. A Starter Home, as defined in Section 6 below.

Modify to address different types of Starter Home if needed.

2.2.2. Park or open space.

2.2.3. [OPTION] Community garden.

2.2.4. [OPTION] Community center.

2.2.5. [OPTION] Recreation facility.

2.3. Permitted Accessory Uses of Land

2.3.1. One internal Accessory Dwelling Unit containing between 500 and 800 square feet of gross floor area, located within the exterior walls of each Starter Home, and subject only to those standards permitted by C.R.S. 29-35-101 et. seq.

2.3.2. [OPTION] One external Accessory Dwelling Unit containing between 500 and 800 square feet of gross floor area, located outside the exterior walls of each Starter Home, and subject only to those standards permitted by C.R.S. 29-35-101 et. seq.

If the development code includes permitted use table listing all permitted primary and accessory uses for each zone district, and the conditions and limitations on those uses, then the content of Sections 2.2 and 2.3 should appear in that table.

Colorado law requiring allowance of Accessory Dwelling Units only applies single-family detached dwellings. If additional forms of Starter Homes are included in this Chapter, then the above text needs to be revised to clarify that only single-family detached homes need to be allowed to include ADUs.

3. Site Location and Dimensional Standards

3.1. Site Location Standards

A Starter Home development may not be located in the following areas as shown on a map adopted by [Community]:

3.1.1. Flood risk areas as shown on adopted maps of the Federal Emergency Management Agency (FEMA).

3.1.2. Wildfire hazard areas as shown on the most recent Wildfire Risk Map or the Wildland Urban Interface Risk maps maintained by the Colorado State Forest Service.

3.1.3. Any map of steep slope areas, geologic hazard areas, seismic hazard areas, or other areas on which single-family detached development is prohibited.

In mountain and resort communities, there may be additional areas on which residential development needs to be limited or prohibited due to unique terrain or environmental conditions.

3.2. Minimum Lot Dimensions

Each lot containing a Starter Home, with or without an ADU, shall contain at least [1,000] ft. of gross lot area, plus any additional lot area required to meet the minimum on-site open space requirements of Section 3.2 and the minimum building location and separation requirements of Section 4.1.¹

Modify to address different types of Starter Home if needed; additional dwelling units may require additional lot area.

¹ Note: Colorado law does not permit local governments to require a larger lot size for single-family dwelling units that have an external or detached ADU compared to the minimum lot size for a single-family dwelling without an ADU.

3.2.1. [OPTION] Up to [5] Starter Homes may be located on a single platted residential development lot, provided that a separate Starter Home Development Site is identified for each home in an administrative document acceptable to [Community], and each Starter Home Development Site is adequate to meet the minimum size requirements of Section 3.1, the minimum on-site open space requirements of Section 3.2, and the building separation requirements of Section 4.1.

3.2.2. [OPTION] One or more residential development lots or Starter Home Development Sites within a Starter Home development may contain a gross area up to 20 percent smaller than that required by Section 3.1, provided that at least an equal or greater number of lots within the same Starter Home development contain gross floor areas up to 20 percent larger than that required by Section 3.1, so that the total gross area of all residential development lots in that Starter Home development is not reduced.

If the development code includes a table of minimum lot sizes and dimensions for each zone district, then the content of Section 3.1 should appear in that table.

3.3. Minimum On-Site Open Space

Each lot containing a Starter Home, with or without an ADU, shall contain an open space containing at least [150] square feet of gross lot area, with no dimension of such open space being smaller than [6] feet.

3.3.1. [OPTION] The minimum on-site open space requirements of Section 3.2 may be reduced to [100] sq. ft. for one or more lots in an Starter Home development, provided that each one square foot of the reduction is replaced by at least one square foot of community open space in a park or open space located so that the nearest corner of the community open space is within [660] feet of the nearest corner of each lot where the on-site open space has been reduced.

If the development code includes a table of minimum on-site open space requirements for each zone district, then the content of Section 3.2 should appear in that table.

4. Building Design and Development Standards

4.1. Building Location and Separation

4.1.1. The minimum front setback of a Starter Home with a front-access garage shall be [5] feet, provided that the front setback of any portion of the lot designed or designated for parking of vehicles in front of the garage shall be [15] feet.

4.1.2. The minimum side and rear setbacks of a Starter Home shall be those required by the adopted fire safety code or the adopted on-site storm drainage design requirements, whichever are larger, provided that the side and rear setbacks for an external ADU shall not exceed those permitted by C.R.S. 29-35-102(18).

4.1.2.1. [OPTION] The minimum side lot line setback required by Section 4.1.2 do not need to be satisfied on each individual platted lot, but may instead be treated as minimum building separation standards that can be met by providing the required distance entirely or partially on one of two contiguous lots, provided that each lot owner is provided an easement at least [5] feet in width to maintain any portion of a primary or accessory building located less than [5] feet from a side or rear lot line or the side or rear of a Starter Home Development Site.

If the development code includes a table of minimum (and/or maximum) building setbacks for each zone district, then the content of Section 4.2 should appear in that table.

In mountain and resort communities, there may be additional areas where additional building separation between Starter Homes or between Starter Home developments and other areas is needed due to unique terrain or environmental conditions.

4.2. Maximum Building Heights

The maximum height for Starter Home shall be [38] feet.

Modify to address different types of Starter Home if needed. Additional dwelling units in a structure may require additional building height. If building heights over 38 feet (the typical height of a 2.5 story home with a pitched roof) are permitted, a step-down provision should be included requiring that building heights not exceed 38 feet on those lots immediately adjacent to residential zone districts with a maximum building height of 38 feet or less.

4.3. [OPTION] Building Design Standards

No more than [3] Starter Homes with the same façade design shall appear on contiguous lots along the same block frontage. At least every [4th] Starter Home located on each block frontage shall differ from the adjacent Starter Homes in design or appearance. The difference in design or appearance may be achieved through changes in façade design or articulation, window or door location or orientation, primary or accent colors or materials, the use of a different façade appearance option offered by the applicant for that model of dwelling, at the option of the applicant, or through any other form of differentiation approved by the Director pursuant to Section DD.

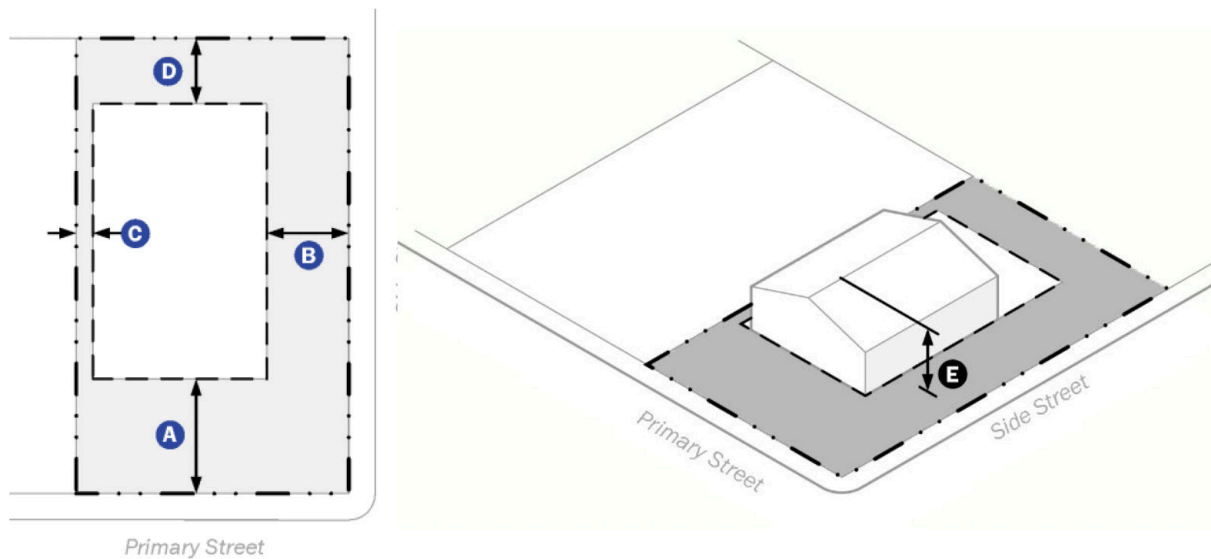
If the development code includes a section in which building design standards are consolidated for different types of buildings, then the content of Section 4.4 should appear in that section.

Modify to address different types of Starter Home if needed. The more units permitted in a single building, the less likely that the community will apply building variety standards to those buildings.

4.4. [OPTION] Starter Home Building Form

To be used if the community has adopted a form-based code applicable to low-density residential zone district, in which case this content can replace Sections 4.1, 4.2, and 4.3 above. The style and details of the defined form should be refined to match the style of other defined building forms.

Each single-family detached dwelling shall comply with the Starter Home building form shown below.



- A: [5] feet, provided that the front setback of any portion of the lot designed or designated for parking of vehicles in front of the garage shall be [15] feet.
- B: Except as stated in note C, the minimum side setbacks of a Starter Home shall be those required by the applicable fire safety code or the applicable on-site storm drainage design requirements, whichever are larger, provided that the side setbacks for an external ADU shall not exceed those permitted by C.R.S. 29-35-102(18).
- C: The minimum side lot line setback required by Note B do not need to be satisfied on each individual platted lot, but may instead be treated as minimum building separation standards that can be met by providing the required distance entirely or partially on one of two contiguous lots, provided that each lot owner is provided an easement at least [5] feet in width to maintain any portion of a primary or accessory building located less than [5] feet from a side or rear lot line or the side or rear of a designated development area.
- D: The minimum rear setbacks of a Starter Home shall be those required by the applicable fire safety code or the applicable on-site storm drainage design requirements, whichever are larger, provided that the rear setbacks for an external ADU shall not exceed those permitted by C.R.S. 29-35-102(18).
- E: [38] feet.

Modify to address different types of Starter Home if needed. If additional building forms are defined, they should be kept as general as possible and should avoid requiring specific architectural design elements. Overly detailed building form requirements are often a contributor to poor performance of form-based zoning standards.

4.5. Dwelling Unit Size

4.5.1. The minimum size of each Starter Home shall be that required by the adopted version of the International Residential Code, based on the types of rooms and the number of bedrooms included in that dwelling.

4.5.1.1. [OPTION] If [Community] has not adopted any version of the International Residential Code, the minimum size of each Starter Home shall be that required by the applicable building code applied by the Office of the Colorado State Architect for manufactured, modular, or tiny homes. If no such building code is applicable to the proposed type of Starter Home structure, then the minimum size of each Starter Home shall be that adopted by the nearest Colorado county or municipal government that has adopted a residential building code with a minimum size requirement for a detached single-unit dwelling.

4.5.2. The maximum size of a Starter Home is 1,000 square feet of gross floor area.

4.6. Parking

No on-site parking shall be required on individual Starter Home lots, and no shared off-site parking areas shall be required to provide parking for Starter Homes.

4.7. [OPTION] Landscaping

4.7.1. Each block frontage shall contain at least one street tree for every [35] feet of street frontage. Each such tree shall be selected from [Community's] adopted list of approved tree species, or if there is no such list, then of a very low to moderate water use species acceptable for the region, as defined by a regionally specific plant list.

4.7.2. No landscaping shall be required on individual Starter Home lots.

4.8. [OPTION] Maximum Occupancy

The maximum occupancy of each Starter Home shall be as shown in the following table.

Maximum Occupancy of Dwelling Unit	Minimum size of rooms			
	Living Room (if a separate room)	Dining Room (if a separate room)	Combined Living/Dining Room [1]	Bedrooms [2]
One or Two	120 sq. ft.	No requirement	120 sq. ft.	70 sq. ft. plus 50 sq. ft. for each bedroom occupant after the first one
Three to Five	120 sq. ft.	80 sq. ft.	200 sq. ft.	
Six or More	150 sq. ft.	100 sq. ft.	250 sq. ft.	

Notes

[1] Applies only if the room is designed to function as a combination living room/ dining room

[2] Living, dining, and combined living/dining room areas that exceed the minimums required may not be used to compensate for shortages in minimum bedroom areas. Each dwelling unit shall comply with minimum size requirements for each bedroom and the occupancy of that bedroom regardless of whether the size of living, dining, and combined living/dining room areas exceed required minimums.

This table uses standards in the International Property Maintenance Code and can address concerns that small homes may become overcrowded. It appears to comply with the requirements of HB24-1007 requiring that residential occupancy limits be based on health and safety standards rather than familial relationships.

5. Administrative Approval Procedures for SH Developments

Following rezoning of land into the R-SH zone district, and the approval of subdivision plat reflecting the Site Dimensional Standards in Section 3, all approvals of Starter Home development shall be administrative and shall not require additional public hearings or approvals from an appointed or elected body.

If the development code includes a section in which all development review and approval procedures are consolidated, then the provisions of this Section 5 should be integrated with the content of those Sections. Doing so will significantly reduce the chance of disagreements as to which standard application review, decision, and appeal procedures apply in the R-SH district, and which do not.

5.1. [OPTION] Pre-Application Meeting

The applicant shall attend one pre-application meeting with the Director or designated staff to review the proposed location, layout, and proposed land uses in the Starter Home development. If the design(s) of the proposed Starter Homes is known, this meeting can also discuss the compliance of those proposed designs with the Building Design and Development Standards in Section 4 and the need for any administrative amendments of those standards pursuant to Section 5.3.2.

5.2. Application

5.2.1. The applicant shall file a complete application with the Department, including all required documentation necessary to review compliance with all applicable development standards, together with all application review fees and adopted development impact fees.

5.2.2. [OPTION] At the applicant's option, the application may cover all of a proposed Starter Home development or only a portion or phased of the proposed development. If the applicant discloses the full extent of the proposed development but chooses to submit an application for only a portion of the development, the zoning standards applicable to later phases disclosed at the time of the first application shall be those applicable in this Chapter.

5.2.3. The Director shall promptly review the application and shall notify the applicant of any missing or inadequate materials within [7] days after receipt. This [7] day review and notification procedure shall apply each time the applicant submits additional or revised materials until the Director notifies the applicant that all required materials have been submitted.

5.3. Review, Revision, and Final Decision

5.3.1. Once the Director has confirmed that the application is complete, the application will be reviewed for compliance with the standards in this Chapter and with all applicable standards for Starter Home development, as those standards are modified by Section 1.2.

5.3.2. If the Director determines that the application does not meet some or all of the requirements of Sections 3.2 (Minimum On-Site Open Space), 4.1 (Building Location), 4.3 (Building Design Standards), 4.4 (Starter Home Building Form), or 4.7 (Landscaping), the Director may adjust those standards to accommodate an alternative included in the application provided that the Director determines that the proposed alternative:

5.3.2.1. Is consistent with the purposes of this Chapter;

5.3.2.2. Provides equal or superior visual appearance of the dwellings, or the development as a whole, when viewed from public rights-of-way and adjacent public parks or open spaces;

5.3.2.3. Provides equal or superior privacy and buffering of any impacts on each dwelling of activities on adjacent residential properties;

5.3.2.4. Provides equal or superior quality of parks or open spaces or access for residents to those parks or open spaces; and

5.3.2.5. [OPTION] Provides equal or superior variation in the appearance of Starter Homes viewed from within the development.

5.3.3. A final decision of approval, conditional, or denial shall be made within [90] days after receipt of a complete application. Any conditions attached to the approval shall only be those required to bring the proposed development into compliance with the standards in this Chapter and other adopted and applicable development standards, as those standards may have been modified pursuant to Sections 2 and 5.3.2 above. An application shall only be denied if the application fails to comply with the standards in this Chapter and other adopted and applicable development standards and cannot be made to comply with those standards through the approval of alternatives permitted by Section 5.3.2 and acceptable to the Director.

6. Definitions

These definitions should be integrated alphabetically with other definitions in the development code. Where the development code already includes a definition of the same term, the existing definition should be used unless it is inconsistent with the purposes or standards in this Chapter, in which a second definition of the same term (applicable only to Starter Home development) may be needed.

6.1. Accessory Dwelling Unit

A dwelling unit that is located internal to, or attached to, or separated from the primary dwelling unit on a property, that (a) provides complete independent living facilities for one or more individuals; (b) is located on the same lot or designated development area as the primary dwelling unit, and (c) includes facilities for living, sleeping, eating, cooking, and sanitation.

6.2. Community Center

A building, together with accessory structures and uses, used for recreational, social, educational, or cultural activities by and for the benefit of community groups and individuals, and that is not operated for profit.

6.3. Community Garden

A public or not-for-profit area for the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family, who share the crops.

6.4. Department

The [Community Planning Department].

6.5. Designated Starter Home Site

A portion of a platted lot or parcel whose boundaries are shown on a document in form and substance acceptable to [Community] and designated for (a) construction of a Starter Home, and (b) if the Starter Home footprint does not contain an Accessory Dwelling Unit, then an attached or freestanding Accessory Dwelling Unit. Up to [5] individual Designated Starter Home Sites may be shown on a single subdivided lot or parcel.

6.6. Director

The person responsible for managing or directing the activities of the [Community Planning Department].

6.7. Recreation Center

A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, and that is not operated for a profit.

6.8. Starter Home

A single-unit detached dwelling containing not more than 1,000 square feet of gross square area, which may at the developer or owner's option include an Accessory Dwelling Unit within the footprint of the primary structure. This definition includes homes built entirely or partially in an off-site facility and installed or assembled on site, as well as homes constructed on site.

Modify to address different types of Starter Home if needed.

