



# City of Florence

Florence Municipal Center  
600 W.3<sup>rd</sup> Street, Florence, Colorado 81226  
(719) 784-4848 Fax (719) 784-0228  
Email: [wbroadhead@florencecolorado.org](mailto:wbroadhead@florencecolorado.org)  
[www.florencecolorado.org](http://www.florencecolorado.org)

CITY OF FLORENCE  
HOUSING COMMITTEE MEETING  
FLORENCE MUNICIPAL CENTER, CITY COUNCIL CHAMBERS  
TUESDAY, OCTOBER 6, 2020, 5:30 PM

## AGENDA

- I. Welcome and Introductions
- II. Approval of the Minutes from the August 4, 2020 Meeting
- III. Continuing Efforts
  - a. ADU Discussion (continued)
  - b. St. Joseph Manor Update
  - c. Single-Family Housing Update
- IV. Next Meeting Date and Time: Tuesday, November 3, 2020 at 5:30 p.m.

FLORENCE HOUSING COMMITTEE MEETING

CITY HALL

TUESDAY, AUGUST 4, 2020

4:00 P.M.

(Pending Approval)

Councilwoman Kristal Wood called the regular meeting of the Florence Housing Committee to order at 4:03 p.m.

**Present:** Planning Director Wade Broadhead, Councilwoman Kristal Wood, City Manager Mike Patterson, City Clerk Jessica Griffith, Planning Administrative Assistant Janelle Dodd, Barna Kasa, Wyatt Reed, Fran Black, Susan Frushour, Morrie Aves, Laurie Aves, Gary Sankot, Brad Rowland

**I. Welcome and Introductions** – Councilwoman Wood welcomed everyone and reviewed meeting norms.

**II. Continuing Efforts**

- a. ADU Discussion (continued)** Mr. Broadhead gave an overview of Accessory Dwelling Units (ADUs) and explained the different types. He stated that they will have restrictions and certain requirements before they can be approved. He mentioned that Colorado Springs put a lot of work into their ADU code and held several public hearings on the topic to gather input from the community. They were able to proactively address the concerns of the community while creating their code. He stated that he and Mrs. Dodd watched one of these hearings online and taken these concerns into consideration while discussing potential ADU implementation in Florence. Mr. Duncan asked if ADUs would be allowed in the Central Historic Business (CHB) and Central Business (CB) Districts. Mr. Broadhead stated that they would probably be allowed in the residential districts rather than commercial districts. Mr. Duncan commented that the financial burden of constructing an ADU may outweigh the benefit and that someone could buy a house with those funds instead. Mr. Kasa stated that if it were a rental property, the owner could quickly recover the cost. Mr. Aves asked why the committee hadn't invited realtors to the meetings, and he stated that he wants owners to pull building permits and wants the work be completed by a licensed contractor. Mrs. Aves added that the existing units need to be brought into compliance with building codes. Mr. Broadhead informed everyone who hadn't previously attended Housing Committee meetings that realtors had been present in previous meetings and are aware of the proposed ADU implementation. Mr. Broadhead also stated that the plan has always been for owners to pull building permits and for the proposed ADUs to be compliant with building codes, including existing structures. Mr. Rowland stated that some families want to legally build units for their families who want to return home or live on the same properties together. He added that even if ADUs are not used as rentals, they could at least solve housing issues for families who have no desire to operate their ADUs as rental properties. Mr. Duncan feels that it may be difficult to track ADU use with property transfers, particularly if there are restrictions on rental units vs. units for family members. Mr. Broadhead mentioned that the code would need to specify whether they are a use by right or use by review. Use by right refers to a property owner's ability to use their

property for a particular purpose without the need to obtain permission from the City. Use by review means that the owner proposes to use the property for something that requires permission from the City. Mr. Duncan asked if ADUs are worth our time if few units are projected to be constructed and stated that four-plexes are more affordable to construct. Mr. Broadhead stated that ADUs are not the long-term solution to Florence's housing shortage, but they are one piece of the puzzle in providing housing. If they are approved, the private sector will run them. Mr. Reed added that ADUs will mitigate illegal backyard living and RV living. He suggested selecting a zone to test for a small number of applications by review to see how many individuals are interested. He said that the number of applications accepted could be a percentage of the number of new builds in the previous year. Mr. Broadhead commented that the R-2 District, Low-Medium Density Residential (one to four units), could be a good place to allow ADUs. Mr. Aves expressed concerns about sewer lines. Mr. Broadhead will contact Fremont Sanitation to get their opinions on the cost of sewer lines. Mr. Sankot commented that even though ADUs will mitigate RV living, people will eventually resume living in RVs. Mr. Broadhead said that ADUs will at least serve as a solution for some people. Mr. Aves commented that he has a garage with no water or sewer ERU (equivalent residential unit) and that it wouldn't be financially worth it to install them to convert it into an ADU. Councilwoman Wood responded that just because it is not worth it to some individuals, that doesn't mean it won't be worth it to someone else who would like to create housing for a family member.

There was a discussion on water tap requirements and whether an ADU can share a tap with the principal structure. Mr. Rowland pointed out that a large house would probably need an additional or larger tap for an ADU, but a small, one-bedroom house would probably not need an additional or larger water tap for an ADU. He suggested looking at the total combined occupancy rather than just that of the ADU alone when making this decision. Mr. Aves commented that if taps will be discounted or combined for ADUs, he wants discounted tap/ERU prices for his four buildings. Councilwoman Wood thanked everyone for expressing their opinions and stated that it seems that if ADUs are allowed in Florence, citizens want regulations to maintain the integrity of the city.

- b. Affordable Housing Discussion** – Mr. Broadhead has recently spoken with several developers who are interested in creating housing in Florence. Land, improvement, and construction costs tend to add up quickly, and developers frequently request some sort of discount or fee waiver, which could make it difficult to get someone to construct a large apartment complex or multiple houses. Mr. Duncan asked if there was Section 8 money available. Mr. Rowland stated that there are currently no vouchers, and the waiting list currently has about 300 people on it. He also asked what a new police officer makes per year and compared their salaries to a housing cost chart created by the National Low Income Housing Coalition. He stated that it is difficult for a new officer to rent a home in Fremont County. Mr. Duncan stated that patio homes/duplexes are the most affordable to construct due to shared walls and lack of fire suppression system requirements, unlike an apartment building. He added that the construction costs are the same in larger cities as they are here, but it is easier to recover costs more quickly in larger cities due to the higher cost of living. Mr. Reed stated that ADUs are just one of several options that could help address the need for

Florence Housing Committee Meeting  
August 4, 2020

affordable housing. The committee also discussed different building materials, including concrete foam construction homes. Mr. Broadhead will contact the Department of Local Affairs (DOLA) representative for more information on housing incentives.

Councilwoman Wood asked if anyone had any suggestions to modify the minutes of the previous meeting on July 21, 2020. No revisions were suggested, and the minutes were approved.

**III. Next Meeting Date and Time** – The next meeting will occur on Wednesday, September 9, 2020, at 4:00 p.m.

**IV. Adjourn** – There being no further business, the meeting adjourned at 5:11 p.m.

# City of Florence ADU Draft Regulations

8/21/2020 Version 1.0

## ACCESSORY DWELLING UNITS

(ADUs)

Section:

- 17.15.010 Purpose and intent
- 17.15.020 Definition
- 17.15.030 Criteria for approving an accessory dwelling unit
- 17.15.040 Approval process
- 17.15.050 Non-conforming accessory dwelling units

### **17.15.010 Purpose and intent.**

The purpose of this Chapter is to provide for the creation of an additional living quarters on lots within a single-family oriented neighborhood to help residents provide care and support for family members, provide security and companionship for property owners, and address the rising costs of homeownership, while ensuring that such arrangements are both compatible with the character of the neighborhood.

### **17.15.020 Definition.**

An Accessory Dwelling Unit (ADU) shall mean a secondary dwelling unit established in conjunction with, but clearly subordinate to, a single-family dwelling that is the principal structure on the lot. The ADU may be attached to the principal structure or it may be a separate accessory structure or portion thereof on the same lot. An ADU may also be erected over or in addition to a normally permitted accessory structure.

### **17.15.30 Criteria for approving an accessory dwelling unit.**

#### A. Zone Districts.

1. ADUs shall be allowed in the R-1, R-2, and R-E zone districts, subject to compliance with the standards for ADUs provided in this Chapter and then only after Special Review use approval (pursuant to Chapter 17.24 of this Code) is granted by the City Council.
2. ADUs can only be erected on lots in platted subdivisions containing non-vacated alleyways to allow increased access and parking opportunities.
3. An ADU shall count as one of the allowable accessory buildings permitted per lot.
4. ADUs shall be allowed in Planned Unit Developments and Planned Development Districts only when specifically designated as a permitted or special use and appropriate compliance standards for ADUs are established in the development plan approved by the City Council.

#### B. Compliance with Zone District Regulations. The erection of an ADU will not allow

the property to exceed yard and bulk requirements set forth for the zone district it is located within.

C. Setbacks. An ADU shall comply with the setback requirements for accessory dwelling unit in zone districts in which the ADU will be located.

D. Minimum Lot Size. The minimum size of a lot on which an ADU may be established shall be the minimum lot size for the zone district in which the ADU will be located (minimum 5000 square feet) I recommend 5000 sq ft after measuring lots in the older part of town.

E. Unit Size Requirements. Each ADU shall contain at least 210 square feet. The maximum size of an ADU shall be 75% of the first floor footprint of the primary structure, up to a maximum of 1,000 square feet. All areas within a structure, including interior storage areas, closets, living areas and bathrooms, and interior and exterior walls shall be included in the calculation of floor area of a structure. ADUs erected over a garage shall not exceed the first floor footprint of the garage and not exceed 1000 sq. ft.

F. Height: the height of the ADU shall not exceed the height of the home unless the ADU is being erected with first floor parking to meet the parking requirement and then may not exceed the maximum height of the zone district.

G. Occupancy. The owner of property containing an ADU must reside in either the ADU or the principal dwelling unit on the lot for a minimum of six (6) months each calendar year.

H. Parking Requirement. Each ADU shall be provided at least one off-street parking space, in addition to those parking spaces required for the principal dwelling unit. The required parking space can be incorporated into the existing accessory building containing the ADU.

I. Number of Pets. The occupants of an ADU may keep up to two household pets that are commonly let outdoors for exercise or elimination. The total number of household pets commonly let outdoors for exercise or elimination kept on any property containing a principal dwelling unit and an ADU may number no more than four.

J. Special Building and Design Standards. An ADU must comply with the following building and design standards:

1. An ADU shall be designed to architecturally complement the principal dwelling unit in terms of quality of building materials, roof forms, the design and placement of windows, and other architectural features. Applicants may ask for variations to the architecturally guidelines from the zoning board of adjustment when conformance with this standard would be against historic district guidelines or be economically difficult due to the unique nature of the primary building.

2. A recreational vehicle or travel trailer may not be used as an ADU in any configuration.

3. No exterior stairways may be constructed on the front of the principal dwelling unit to serve as access to an ADU unless the ADU, in proximity to the principal dwelling unit, is situated at the front of the lot. Access must be added to the side or rear elevations of the building. In rare circumstances where this is not possible, applicants can appeal to the Zoning Board of Appeals for a waiver and a design that ensures the proposes exist will not negatively impact the surrounding values.

4. The ADU shall be sited, to the maximum extent possible, to maintain the privacy

of residents in the principal dwelling unit and dwelling units on adjoining lots by the use of landscape screening, fencing, window placement, and orientation of access.

**K. Public Health**

1. New ADUs shall comply with all applicable municipal code provisions; the provisions of all fire, building, occupancy and other secondary codes adopted by the City for the protection of public health, safety and welfare; and all applicable electrical and plumbing code requirements set forth in the State of Colorado.

2. Existing ADUs shall comply with current code requirements for: (1) dwelling unit separation, (2) smoke alarm and carbon monoxide detector requirements, (3) electrical and plumbing, and (4) the most current edition of the Uniform Housing Code Chapter 10 "Substandard Buildings." Electrical and plumbing systems shall be inspected by a certified home inspector approved by the City of Florence or a State of Colorado licensed electrician or plumber, who shall provide a letter report(s) to the Building Official certifying that the electrical and plumbing systems are safe and suitable for occupancy of the unit.

3. Every ADU shall have an exterior entrance separate from the principal dwelling unit.

4. Every ADU shall contain a cooking appliance, sink and refrigerator/freezer, sleeping area and sanitary facility separate from the principal dwelling unit.

5. Prior to issuance of a building permit or certificate of occupancy for an ADU, the property owner shall provide proof that the water and sanitary sewer facilities are adequate for the size of the unit and the projected number of residents

6. Only one water tap/meter and one sewer tap shall be allowed to serve the combined principal dwelling unit and ADU. Evidence of payment of all water and sewer tap fees shall be required.

L. Ownership. The ownership of the ADU may not be legally severed from the ownership of the associated lot and any other structures on such lot. Any attempt to create a separate ownership of the ADU shall be invalid.

**17.15.40 Approval process. (Public process but not special use)**

A. With the exception of existing non-conforming ADUs that do not comply with the specific standards and limitations set forth herein, each application for an ADU shall be processed in accordance with a public hearing to determine if the proposed unit meets the requirements set forth in this section. The applicant will submit an application as well as an interior floorplan. The applicant will also submit an exterior site plan of the entire lot with all buildings and setbacks shown on the plan as well as parking spaces provided and any other pertinent information requested by City staff. Finally, the applicant will submit a request letter outlining the project and discussing utility requirements and how they will be fulfilled. The project will be deemed to be approved when the Planning Commission finds that the proposed ADU will not:

a. Complies with the all requirements set forth in this section.

b. Does not create a nuisance or hazard from any land use issues not covered by this code but disclosed during the review process.

B. Application fees for Special Review consideration of an ADU shall be as set forth in **Section 17.44.040, Schedule of Fees, of the Municipal Code.**

**17.15.50 Non-conforming accessory dwelling units.**

A. A non-conforming ADU that can be demonstrated to: (a) have existed prior to the adoption this ordinance may be legalized as an ADU as set forth in this Section without further Special Review. The City and applicant may use utility records or any other records to demonstrate its operation prior to the adoption of this code. **MAYBE we have a date so we don't let nefarious recent ones slip in say prior to 2000 or 1993, when we kept better records.**

B. The owner of any such ADU may make application to the City, on forms approved by the Community Development Director, to document the size, location and proximity to other structures, height and other essential characteristics of the ADU and allow for inspection and certification. If, but only if, the ADU is deemed by the Building Official to be in compliance with the "Public Health" standards set forth in **Subsection 17.15.030(J)**, the Zoning Administrator shall issue a certificate of compliance.

C. A certificate of compliance shall mean an ADU will be treated by the City as a legal non-conforming use/structure in the zone district within which it is located.

D. The Zoning Administrator is authorized to issue a "rebuild letter" in accordance with Subsection **17.32.070(C)** for an ADU previously granted a certificate of compliance and otherwise meeting the conditions and requirements set forth in **subsection E** of this section.

E. Notwithstanding the requirements of Section **17.32.070**, an ADU previously granted a certificate of compliance that is damaged or destroyed by any means may be restored or rebuilt and its use as an ADU continued without regard to the extent of damage or destruction provided that:

1. The size and location on the lot, setbacks, and building height of the reconstructed ADU shall not exceed the conditions existing immediately prior to the event that caused the damage or destruction, with the exception that any ADU that was less than 350 square feet in size may be rebuilt to the minimum square feet allowed for an ADU, provided that all other essential characteristics identified in Subsection B above shall be maintained.

2. A building permit for the repair or replacement of such damaged or destroyed ADU is issued within one year following the loss and repair or reconstruction of such ADU is commenced within eighteen (18) months of the loss and is diligently pursued to completion.

F. Any ADU that is deemed by the Building Official to be in noncompliance with the "Public Health" standards set forth in Subsection 17.15.030(J) herein shall also be deemed to be in violation of Title 17.