Zoning Restrictions on Shared Housing, Occupancy, and Rentals in Single-Family Neighborhoods

Overview of Legal Issues

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Traditional Zoning Law
Regulating Single-Family Areas

1. May exclude accessory apartments!
2. May exclude duplexes and multi-unit housing!
3. May control shared housing and occupancy!
4. May exclude commercial uses in allowed dwellings
Emerging Problematic Legal Issues

1. Restrictions on shared housing and “functional families”
2. Controls on rental of single-family homes
3. Treating condos, apartments, and timesharing differently
4. Controls on home rentals as “commercial uses”
5. Controls on accessory units - occupancy, parking, and design restrictions, etc.

6. Miscellaneous issues - interpretation, definitions, grandfather provisions, and nonconforming uses

7. Changing neighborhoods and emerging substantive due process and equal protection issues
Zoning Reform
Single-family Districts?

1. Accessory apartments “allowed by right” everywhere
2. No restrictions on identity of occupants
3. No artificial design restrictions
4. No parking restrictions
5. City support for home conversions
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