

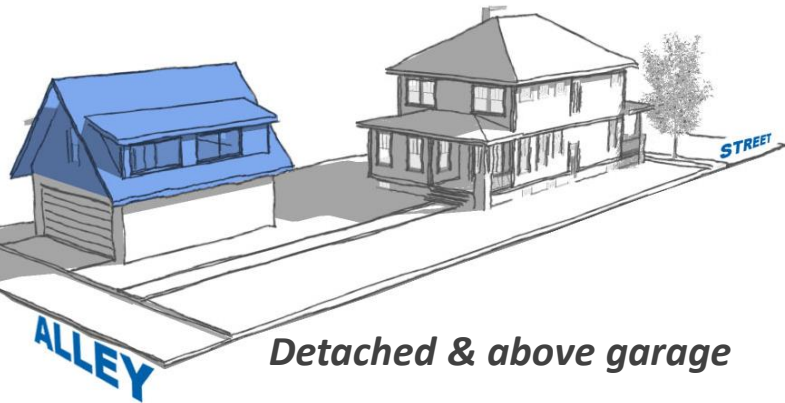
# Accessory Dwelling Units

City Council Work Session  
June 10, 2019

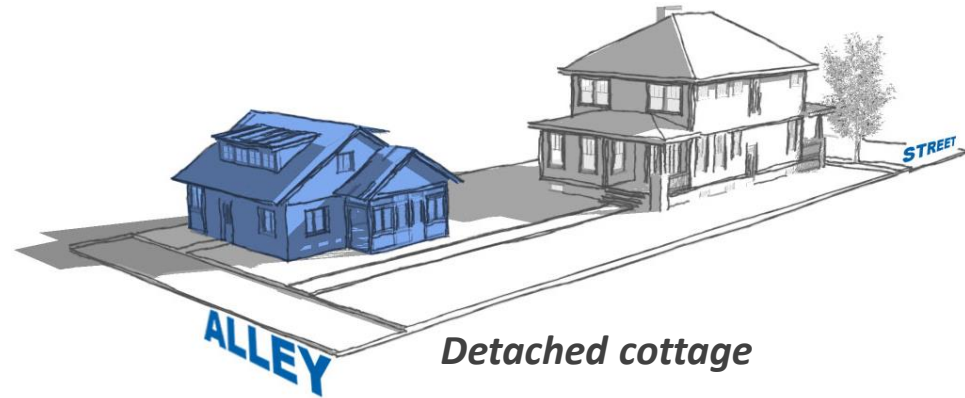
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Hannah Van Nimwegen, Senior Planner



# ADUs in Various Forms



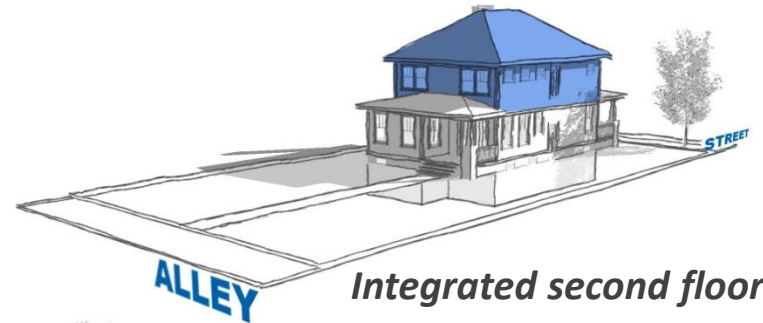
*Detached & above garage*



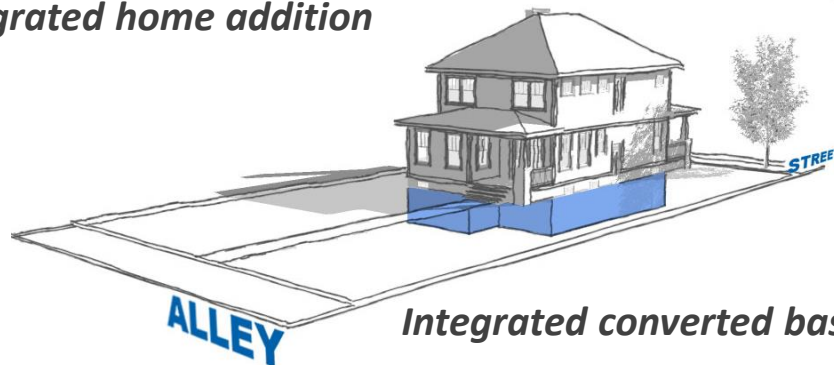
*Detached cottage*



*Integrated home addition*



*Integrated second floor*



*Integrated converted basement*



# Process To Date

- Began researching ADUs in February 2018

- 4 meetings with the Code Scrub Committee:
  - 5/23/18, 7/25/18, 12/8/18, 3/4/19
- 5 meetings with the ADU Steering Committee:
  - 8/9/18, 8/30/18, 9/17/18, 12/8/18, 3/4/19
- 5 meetings with City Planning Commission:
  - 5/17/18, 1/10/19, 3/14/19, 3/21/19, 5/9/19
- 6 meetings with other City Boards & Commissions:
  - 6/6/18, 11/13/18, 2/6/19, 3/4/19, 5/6/19, 6/3/19
- 3 meetings with CONO:
  - 7/6/18, 2/14/19, 5/9/19
- 6 meetings with neighborhoods & town hall:
  - 2/2/19, 2/25/19, 2/26/19, 3/7/19, 3/21/19, 4/4/19

- Webpage posted on 2/6/19, City Communications news release 2/7/19
- First City Council Work Session 3/11/19
- City Planning Commission meeting 3/21/19



# Previous Council Questions

## Questions from the 3/11/19 Work Session:

1. How many permits were pulled following the adoption of ADU changes?
  - i. Castle Rock = seven since 2018
  - ii. Durango = roughly 25 since 2014, approximately 300 pre-existing ADUs
  - iii. Lakewood = 20 applications
  - iv. Aurora = one since 2018
  - v. Denver = 200 building permits had been issued since 2010.
  
2. How many cities with updated ADU regulations also regulate STRs?
  - i. Of the five responding communities, four regulate.



# Previous Council Questions

3. Potential impacts to their Police and Fire Departments?
  - i. Castle Rock reported that their Police and Fire Departments did not have any concerns with the potential increase in density.
4. Has City Planning considered limiting occupancy to family members?
  - i. This regulation is very difficult to enforce and there may be other legal ramifications to this type of limit.
5. Ordinance enforcement?
  - i. Any violation of chapter 7 is subject to zoning enforcement actions outlined in same Chapter, which may include an agreement to abate, a notice and order, appeal to Planning Commission, or judicial action.



# Decision Point 1:

## Should ADUs be allowed in single-family districts?

The recommendation from the Code Scrub Committee and the City Planning Commission is to allow detached and integrated ADUs in single-family zone districts.



# Decision Point 1:

## Should ADUs be allowed in single-family districts?

1. If yes, should both detached and integrated units be allowed?
  - a. If allowing detached units, can they be built on any property in single-family zone districts or with additional criteria?
2. If yes, should the property owner be required to occupy one of the two units?
  - a. Should "owner occupied" also include a requirement to live on site a certain number of months of the year?



# Decision Point 2:

## What should be the maximum square footage of a detached and integrated ADU?

The recommendation from the Code Scrub Committee and the City Planning Commission is detached ADUs should not to exceed 50% of the floor area of the principal structure up to a maximum of 1,250 sqft.

An integrated unit should be a maximum size of 40% of the floor area of the principal structure in single-family zones and 50% in the two-family, multi-family, and commercial zones.





# Decision Point 2:

## What should be the maximum sq ft of a detached and integrated ADU?

1. What is an appropriate size? Should the maximum size be:
  - a. A percentage or ratio of the main home's square footage?
    - i. Should there be a size cap? A minimum right-to-build size?
  - b. A percentage or ratio of the lot size?
    - i. Should there be a size cap? A minimum right-to-build size?
  - c. A flat number?
2. Should that size be different for integrated and detached ADU maximums?



# Decision Point 3:

## What should the minimum lot size be in the R, R-1 6000 and R-1 9000 to allow an ADU?

The recommendation from the Code Scrub Committee and the City Planning Commission is that the minimum lot size be that as dictated by the zone; 20,000 square feet for R, 6,000 square feet for R-1 6000 and 9,000 square feet for R-1 9000.

If a lot is considered "legal nonconforming" at a size less than the zone minimum it would currently be allowed to add an ADU.



# Decision Point 3:

What should the minimum lot size be in the R, R-1 6000 and R-1 9000 to allow an ADU?

1. Should the minimum lot size be different based on the zone district?
2. Should the minimum lot size be different for an integrated ADU and a detached ADU?
3. Should the lot size be based on the minimums in each individual zone district?
4. Should language be added that ANY lot that is deficient in size not be allowed an ADU and specifying no ADU for legal non-conforming lots in the single-family zone districts?



# Decision Point 4:

## What should be the maximum building height of a detached ADU?

The recommendation from the Code Scrub Committee and the City Planning Commission is that with a roof pitch 6:12 or greater the maximum height is 28 feet, and shallower than 6:12 the maximum height is 25 feet.

For properties in the R-1 6000 and R-1 9000 zone districts not adjacent to an alley, the maximum height is 20 feet.

A home addition containing an integrated unit would be limited to maximum building height of the zone district.



# Decision Point 4:

## What should be the maximum building height of a detached ADU?

1. Should height be based on zone district?
2. Should height be similar to what is allowed for other detached accessory structures?
3. Should it be different where there is alley access (more likely to be above a detached garage)?
4. Should it be based on how far the proposed structure is from the side and rear property lines?
5. Should it be different based on the roof pitch?



# Decision Point 5:

## How should the required number of parking spaces be established for an ADU?

The recommendation from the Code Scrub Committee and the City Planning Commission is that no change be made – existing requirements are one space per single-family unit and one space per ADU. Spaces must be provided in a driveway or garage and there is a maximum driveway coverage in the front yard setback that applies.



# Decision Point 5:

## How should the required number of parking spaces be established for an ADU?

1. Should that minimum number be:
  - a. Based on the ADU's size?
  - b. Based on the number of bedrooms?
  - c. A flat number?
2. If requiring more than 1 off-street parking space, should on-street parking availability be considered?

# Decision Point 6:



## Should there be architectural compatibility standards?

The recommendation from the City Planning Commission was to add architectural standards in the single-family zone districts only.





# Decision Point 6:

## Should there be architectural compatibility standards?

1. Should standards established for all zone districts that allow ADUs or just single-family zone districts?



# Decision Point 7:

## What should be the minimum setbacks of a detached ADU?

The recommendation from the Code Scrub Committee and the City Planning Commission is that the ADU meet the front and side setbacks for the principal dwelling unit as required by the zone district. The rear yard setback is recommended at 5 feet if it is a cottage type unit or over a garage where the garage doors do not face an alley; 10 feet if over a garage with alley-facing doors.



# Decision Point 7:

## What should be the minimum setbacks of a detached ADU?

1. Should setbacks be greater than those required for any another type of detached accessory structure or remain the same?
2. Should setbacks be based on zone district?
3. Should setbacks be based on adjacent land uses?



# Decision Point 8:

Should an integrated ADU be required to maintain an internal connection to the main home?

The recommendation from the Code Scrub Committee and the City Planning Commission is that an integrated ADU maintain an interior connection.



# Decision Point 9:

## Should an integrated ADU be allowed to have a separate exterior access?

The recommendation from the Code Scrub Committee and the City Planning Commission is that an integrated unit may have a separate access restricted to the side or rear of the principal structure.



# Decision Point 9:

Should an integrated ADU be allowed to have a separate exterior access?

1. Should that exterior access point be limited to the side or rear of the existing home as recommended for all zone districts?
2. Should exterior access and location of that access be based on zone district?



# Decision Point 10:

Should a process be established to notify adjacent neighbors if an ADU is proposed?

The current drafts incorporate comments that notice should be required prior to approval of a building permit. This is proposed to be done by the owner signature of an affidavit that states that notice was given to neighbors.



# Decision Point 10:

Should a process be established to notify adjacent neighbors if an ADU is proposed?

1. Should notice be given to surrounding property owners?
2. Is the affidavit of notice sufficient?
3. Should notice be given only upon construction of an ADU in single-family zone districts?



# Other Recommendations:



1. If applicable, require proof of HOA approval as part of required documentation with a building permit application.
2. Adjust the time period allowed with an owner-occupancy waiver from 2 years with a possible 1 year extension to 1 year with a possible 1 year extension.
3. Better define the term "economic hardship," as one of the potential criteria for granting a waiver. Offered "...create an economic hardship which would require the owner to sell his or her primary dwelling on that lot."
4. Expand the description of "active-duty personnel" used in the owner-occupancy section.
5. Limit active-duty personnel to one single-family zoned property with an ADU which is not occupied by themselves.
6. Establish strict architectural standards and firm enforcement mechanisms.



Questions, Comments?



# Decision Point 11:

Should proof of approval by an organization holding covenants be required with a building permit application?

1. Should proof of approval only apply in single-family zone districts?
2. Should provision of approval apply to active State recognized HOA's?
3. Should provision of proof be given if covenants exist but no active State HOA?

# RVs, Tiny, Manufactured, Modular, Mobile Homes

- Any permanent structure that is attached to a foundation and connected to metered utility services may be used as an ADU.
  - This includes tiny homes which are not affixed to wheels. Tiny homes on wheels are considered RVs.
- An RV, outside of a designated campground or mobile home park, cannot be used as dwelling unit.
  - A permanent RV is only allowed within designated mobile home parks

# PUDs

- The proposed ordinance does not expand ADUs in PUD (Planned Unit Development) zoned properties.
  - PUDs are approved per their individual development plan
  - Encouraging Planning staff to discuss the allowance of ADUs in future PUDs.