

Accessory Dwelling Units Accessory Family Suites ADU Overlay Zone

City Council Work Session
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Background



Hearings:

- The City Planning Commission heard ADUs on March 21, 2019, and then on April 30, 2020
- City Council voiced concerns with some of the proposed concepts
- Held several work session meetings to discuss other avenues

Public Involvement:

- Consistent social media posts to Facebook and NextDoor
- Public open houses occurred February 20, 25, and 26 of 2019 to present ADU ordinances, answer questions, and receive feedback from residents
- Meetings with CONO and presentations at CONO sponsored events
- Meetings with specific neighborhood groups including the Old North End
- Presentations to the Commission on Aging, Human Relations Commission, the Historic Preservation Board, and the Colorado Springs Rotary Club
- Two City Council held town hall meetings scheduled in late 2019

- Pikes Peak Regional Building Department currently utilizes the 2015 International Residential Code (IRC).
- Requirements for an ADU:
 - Integrated units:
 - Units must be separated by 1-hour fire rated assemblies (includes all supporting construction)
 - Units must have independent mechanical, electrical, air, and plumbing systems
 - Detached units:
 - Units must provide a 1-hour fire rated assembly when it is located closer than 10 feet from a property line or within 10 feet of the primary structure

****An existing home may require considerable retrofitting to accommodate an ADU particularly if the unit was an attic or basement conversion requiring all supporting construction to become fire rated.****

Summary of Ordinances



Ordinance 1.1 – Accessory Family Suites:

- Introduces accessory family suites as secondary living areas (which may contain a full kitchen) integrated within and with a connection to the principal residence. No more than one family may live on the property.

Ordinance 1.2 – Definitions & Accessory Dwelling Units:

- Existing definitions are being adjusted and new definitions are being added.
- Introduces ADUs into single-family zones through the Conditional Use process allowing two families to occupy the property. In single-family zones, only integrated ADUs are permitted.
- Relaxes requirements for detached ADUs in two-family, multi-family, and some commercial zone districts.

Ordinance 1.3 – ADU Overlay Zone:

- Introduces an overlay zone intended to be used in conjunction with new residential development.

Ordinance 1.1

Accessory Family Suites



Highlights:

- Creates a new definition which allows full living facilities but states that these are not considered “dwelling units”
 - Does not allow a second family—only one family on the entire property. Requires affidavit.
- Permitted in all zone districts where a detached single-family home is also allowed (including PUD zones)
- No owner-occupancy requirement
- Must have an internal connection
- No fire separation requirements. May use the same mechanical, electrical, and plumbing systems
- Prohibits subdivision from main home (restrictive covenant)
- Architectural requirements
- One off-street parking space

Ordinance 1.2

Definitions & Accessory Dwelling Units



Highlights:

- Adjusts the definition of an ADU; establishes a difference between “integrated” and “detached.” Other definitions adjusted to be more consistent with the IRC
- ADUs allow an independent family unit to occupy—two families per property
- One off-street parking space
- In single-family zones:
 - Must receive approval of a Conditional Use
 - May not be subdivided (restrictive covenant)
 - The property owner must occupy one of the two units (restrictive covenant)
 - Integrated only with requirements for fire separation, and separate mechanical, electrical, and plumbing systems.
- In two-family, multi-family, and select commercial zones:
 - Restrictions which apply to detached ADUs are relaxed according to what was recommended by the ADU Steering Committee

Ordinance 1.3

Accessory Dwelling Unit Overlay Zone



Highlights:

- The purpose is to provide flexible housing options while ensuring the overall character of the development is consistent with the base zone.
- May be used in conjunction with the zoning of new residential development or a development containing a mix of residential and other land uses. The intent of creating an ADU overlay zone is to provide a developer an additional avenue for allowing accessory dwelling units.
- All ADU development standards shall be met unless otherwise established within a Planned Unit Development (PUD) zone.
- ADUs within the overlay zone shall be considered permitted by right and shall not be subject to the conditional use process.
- Additionally, properties zoned with the overlay shall not be subject to the owner occupancy requirement or the limitation to one family occupying the entire property unless otherwise stated in a PUD zone.

Examples

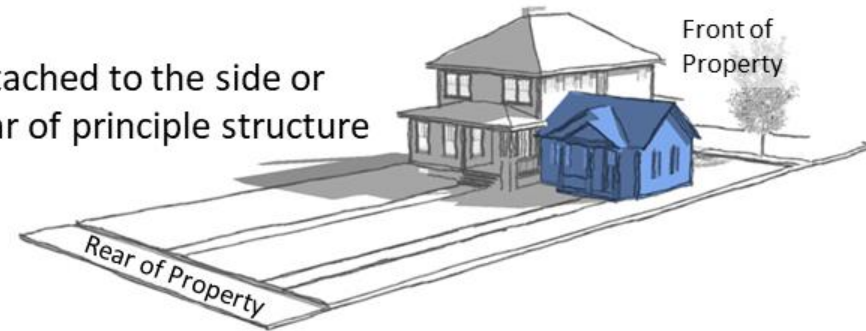


Accessory Family Suite

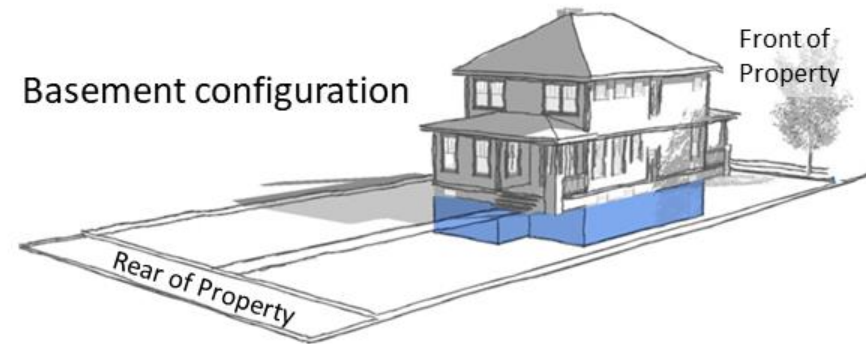
(See Ordinance 1.1 for more information)

- **Permitted Zones:** All zones where detached single-family homes are an allowed use
- **Families Allowed:** 1 (defined in Chapter 7 of City Code)
- **Owner Occupied:** Not Required
- **Parking:** 2 off-street stalls
- **Architecture:**
 - Must be an architecturally integrated with the primary structure
 - Entrance on the side or rear of the primary home
 - Exterior staircases to a second floor must have a deck
 - Must have an internal connection between the primary residence and the AFS
 - Other configurations other than the three presented to the right are permissible

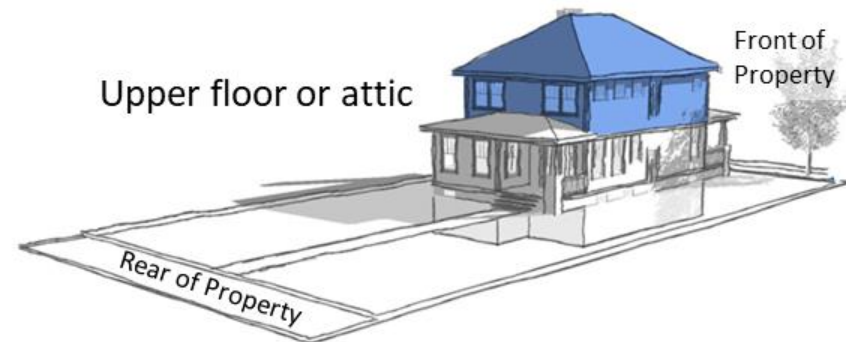
Attached to the side or rear of principle structure



Basement configuration



Upper floor or attic



Examples

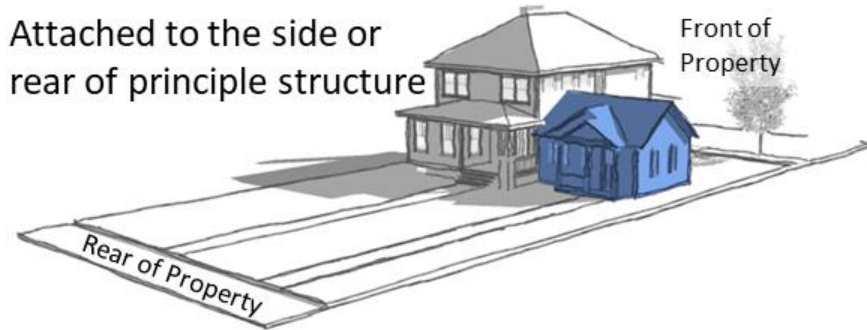


Integrated Accessory Dwelling Unit

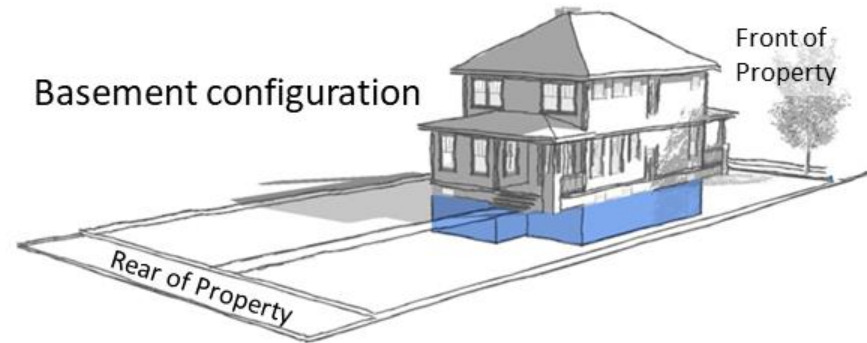
(See Ordinance 1.2 for more information)

- **Permitted Zones:**
 - **Single Family:** Conditional Use Required
 - **Two-Family & Multi-Family:** Permitted by right as a duplex
- **Families Allowed:** 2 (defined in Chapter 7 of City Code)
- **Owner Occupied:**
 - **Single Family: Yes** - requires a notarized and recorded covenant
 - **Two-Family & Multi-Family: Not Required**
- **Parking:** 2 off-street stalls
- **Architecture:**
 - Must be within, or an addition to, the main structure
 - Entrance on the side or rear of the primary home
 - Exterior staircases to a second floor must have a deck
 - Other configurations other than the three presented are permissible
- **HOAs:** Code does not supersede private covenants

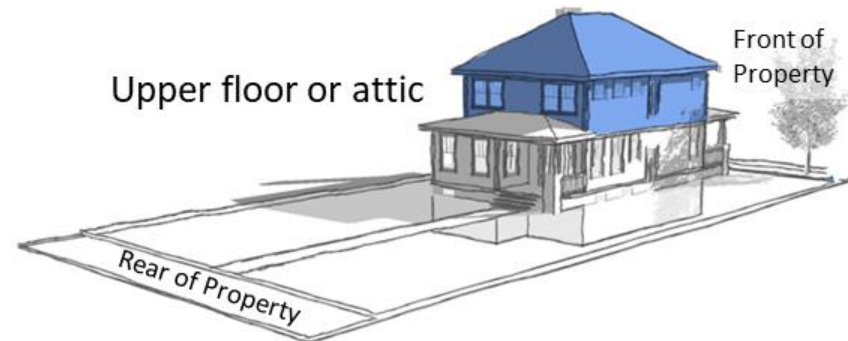
Attached to the side or rear of principle structure



Basement configuration



Upper floor or attic



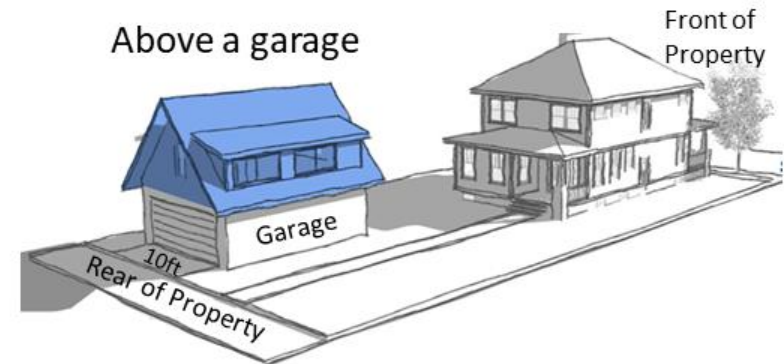
Examples



Detached Accessory Dwelling Unit

(See Ordinance 1.2 for more information)

- **Permitted Zones:**
 - **Two-Family & Multi-Family:** Permitted with requirements
- **Families Allowed:** 2 (defined in Chapter 7 of City Code)
- **Owner Occupied:** Not Required
- **Parking:** 2 off-street stalls
- **Architecture:** No proposed requirements other than height limitations
- **Height Maximums:**
 - 25 feet – 6:12 roof pitch or steeper
 - 28 feet - with roof pitch less than 6:12
- **Lot Size:** Same size required for a single-family home in the zone district
- **Separation From Main Structure:** No minimum separation requirement (fire code requirements apply)
- **HOAs:** Code does not supersede private covenants



Affidavits & Covenants



Affidavit (Figure 4):

- Required only for Accessory Family Suites
- Notarized acknowledgement of the current property owner. Recorded onto the property's title as warning to future property owners.

Covenant Prohibiting Subdivision & Separate Sale (Figure 5):

- Required for Accessory Family Suites and for Integrated Accessory Dwelling Units
- Notarized promise to not sell the AFS or ADU separately from the principal dwelling unit, or to subdivide the AFS or ADU. Recorded onto the property's title as a warning to future property owners.

Covenant Requiring Property Owner Occupancy (Figure 6):

- Required for Integrated Accessory Dwelling Units in single-family zones which have received Conditional Use approval.

Owner Occupancy Waiver:

- The owner-occupancy requirement may be waived for temporary absences of up to two years, if the requirement creates an unreasonable hardship such as:
 1. Enforcement of the requirement would create an economic hardship;
 2. The property is listed and actively marketed for sale; or
 3. The occupancy requirement is unreasonable due to temporary relocation by the owner for employment (including temporary relocation for military service members) or medical treatment, death of the owner, divorce or legal separation of the owner and a non-owner spouse or similar circumstances.
- An additional one year extension to the original waiver upon the expiration of the original waiver.

Enforcement of codes in Chapter 7:

- If a property owner were to violate owner occupancy, a condition of approval, subdivision, etc., they would be liable for potential code enforcement actions as outlined in Code Sections 7.5.1001 through 7.5.1012.
- Code Section 7.5.707 states, "If a conditional use is not in compliance with the terms of the approval, the conditional use shall be subject to enforcement pursuant to part 10 of this article."
- As written in the ordinance, enforcement actions could not be brought against a tenant for the property owner's failure to occupy one of the two dwelling units.

Alternative Construction Types



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

Recommendation



CPC CA 20-00006 - CODE AMENDMENT

Recommend adoption of ordinances amending Chapter 7 (Planning, Development and Building) City Code defining and establishing standards for accessory dwelling units, accessory family suites, and an accessory dwelling unit overlay zone.