



# Accessory Dwelling Unit (ADU) Ordinance

CITY COUNCIL

WORK SESSION MEETING – 1/13/2025





# Accessory Dwelling Unit Ordinance Update

## QUICK FACTS

### File Number

CODE-24-0006

### Application Type

UDC Text Amendment

### Decision Type

Legislative

### Applicable Code

UDC provisions affected by the ordinance include: 7.2.101, 7.2.204, 7.2.205, 7.2.206, 7.2.207, 7.2.307, 7.2.605, 7.2.704, 7.3.201, 7.3.202, 7.3.304, 7.4.201, 7.4.203, 7.4.1003, 7.4.1006, 7.4.1011, 7.4.1404, 7.5.515, 7.6.206, and 7.6.301

### Impact

City-wide

## WHAT IS AN ADU?



**Detached**



**Integrated**



**Attached**

An accessory dwelling unit, usually called an ADU, is a secondary housing unit on a single-family residential lot. ADUs are also known as mother-in-law suites, granny flats or backyard cottages.

# Accessory Dwelling Unit Ordinance Update

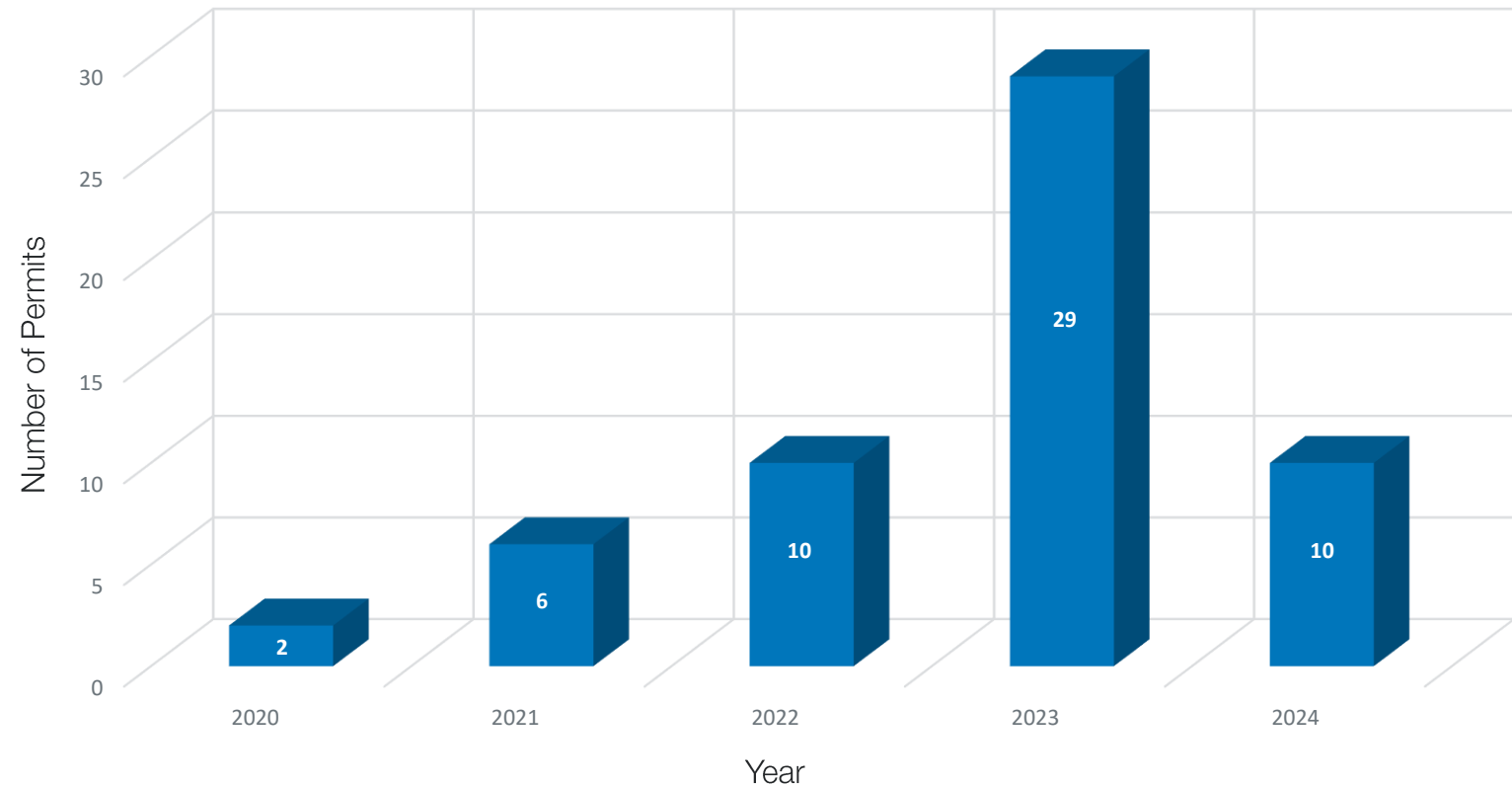
## PROJECT SUMMARY

The ADU Ordinance is part of the City's PlanCOS implementation effort to ensure smart, equitable, and diversified housing solutions that allow our neighborhoods to grow in a way that is appropriate. While we update our ordinance to improve our local housing options, we also are aware that the state-mandated legislation recommends:

- the City allow ADUs in any location where a single-family detached home is permitted, and
- prohibits the City from enacting local laws that would unduly restrict ADUs.

## QUICK FACTS

### Permitted Accessory Dwelling Units



# Accessory Dwelling Unit Ordinance Update

Standard	Current Code	City Planning Commission	City Planning Staff
<b>ALLOWABILITY</b>	<ul style="list-style-type: none"> <li>– Attached and detached ADUs limited by zone district</li> <li>– No more than one (1) per lot</li> </ul>	<ul style="list-style-type: none"> <li>– Allowed in all zones where single-family home is permitted</li> <li>– Now more than one (1) per lot</li> </ul>	<ul style="list-style-type: none"> <li>– Allowed in all zones where single-family home is permitted</li> <li>– Now more than one (1) per lot</li> </ul>
<b>SIZE</b>	<ul style="list-style-type: none"> <li>– Limited to 50% of primary structure or 1,250 sq. ft.</li> <li>– If primary structure is less than 1,500 sq. ft. than limited to 750 sq. ft.</li> </ul>	<ul style="list-style-type: none"> <li>– Limited to the gross floor area of principal structure</li> <li>– If principal structure is 1,500 sq. ft. or less, the size may not to exceed 1,500 sq. ft.</li> </ul>	<ul style="list-style-type: none"> <li>– Limited to 75% of primary structure or a maximum of 1,000 sq. ft., whichever is greater</li> </ul>
<b>SETBACKS / YARDS</b>	<ul style="list-style-type: none"> <li>– 5 ft side and rear, or 10 ft rear if ADU is above a garage</li> <li>– Front setback consistent with principal structure</li> <li>– No detached ADUs in front yards</li> </ul>	<ul style="list-style-type: none"> <li>– Front and side setbacks shall not be greater than principal structure</li> <li>– 5 ft. rear setback</li> <li>– No detached ADUs in front yards</li> </ul>	<ul style="list-style-type: none"> <li>– Front and side setbacks shall not be greater than principal structure</li> <li>– 5 ft. rear setback</li> <li>– No detached ADUs in front yards</li> </ul>
<b>HEIGHT</b>	<ul style="list-style-type: none"> <li>– Detached ADUs limited to 25 ft. with a flat roof or pitch less than 6:12; or 28 ft. if pitch greater than 6:12</li> <li>– Attached ADUs follow principal structure standard</li> </ul>	<ul style="list-style-type: none"> <li>– Detached ADUs limited to 25 ft. with a flat roof or pitch less than 6:12; or 28 ft. if pitch greater than 6:12</li> <li>– Attached ADUs follow principal structure standard</li> </ul>	<ul style="list-style-type: none"> <li>– Detached ADUs limited to 28 ft. regardless of roof type or pitch</li> <li>– Attached ADUs follow principal structure standard</li> </ul>
<b>PARKING</b>	<ul style="list-style-type: none"> <li>– Minimum one (1) off-street parking space</li> </ul>	<ul style="list-style-type: none"> <li>– No off-street parking space required</li> </ul>	<ul style="list-style-type: none"> <li>– No off-street parking space required</li> </ul>
<b>DESIGN</b>	<ul style="list-style-type: none"> <li>– In certain zones, attached ADUs followed architectural compatibility parameters (design, colors, and materials).</li> </ul>	<ul style="list-style-type: none"> <li>– Architectural compatibility (design, colors, and materials) evaluated for all ADUs regardless of zone district</li> </ul>	<ul style="list-style-type: none"> <li>– Architectural compatibility (design, colors, and materials) evaluated for all ADUs regardless of zone district</li> </ul>

# Accessory Dwelling Unit Ordinance Update

## ENGAGEMENT FACTS

Public participation process has been responsive to the desired ordinance development timeline and included:

### Press Releases/Articles

### Stakeholder Meetings

### Open House

- 60+ Attendees

### Community Survey

- 343 Respondents

### Public Input

- 50+ Written Comments
- In favor and Opposition

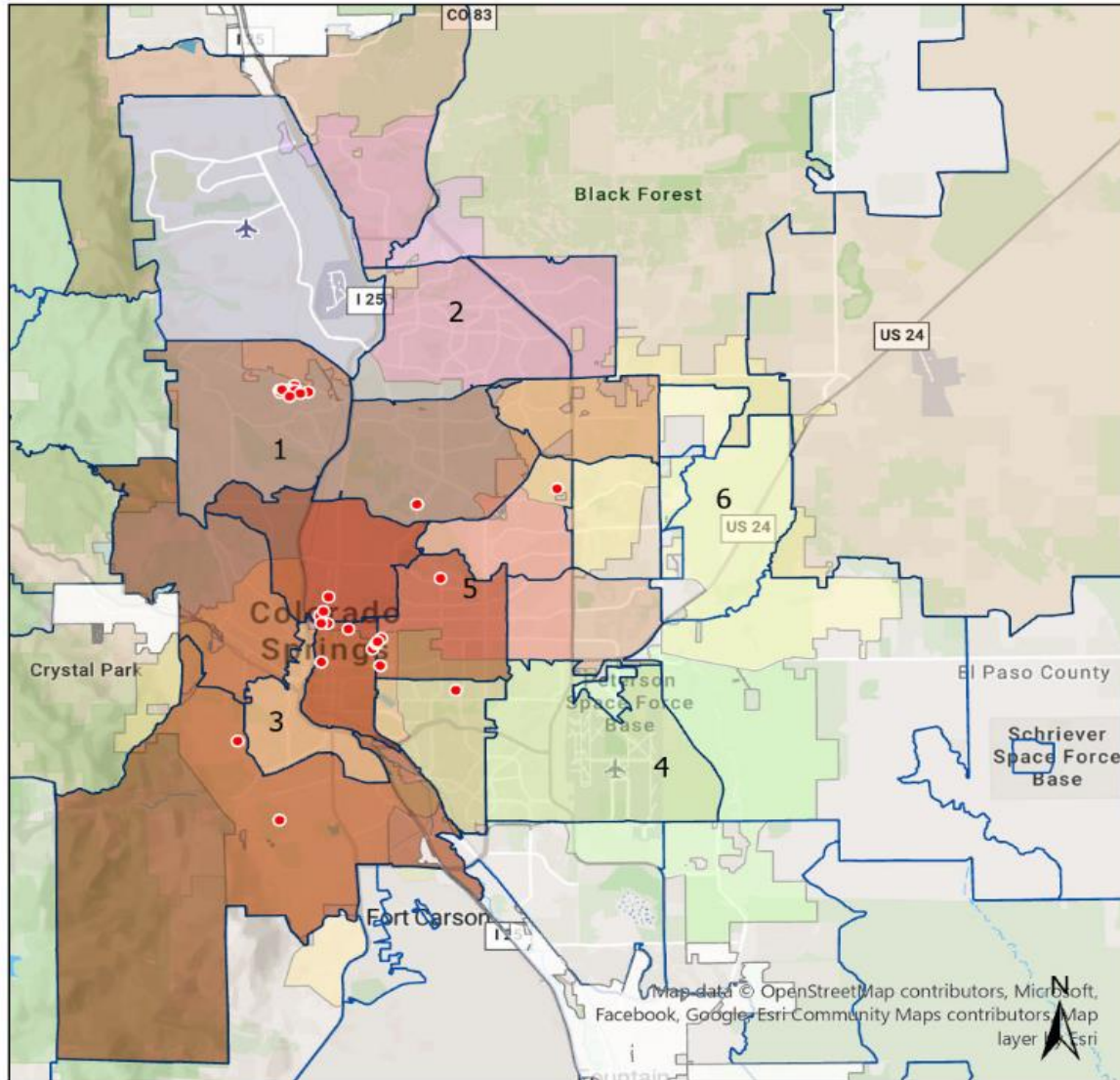
## SURVEY QUESTIONS

1. What is the maximum size new ADUs should be?
2. How many bedrooms should the ADU be allowed?
3. Should the ADU be attached to or detached from the home?
4. Where on the lot should the ADU be allowed to locate?
5. Should the ADU be allowed as an accessory use to other residential use types?
6. Should the ADU be allowed to also be a Short-Term Rental (STR)?
7. Any additional comments or ideas regarding ADUs for the City to consider?

## KEY TAKEAWAYS

- Density
- Maximum Number of ADUs Allowed
- Design Compatibility
- Size
- Height
- Parking

# Accessory Dwelling Unit Ordinance Update



- Comments
  - City Boundary
  - Zip Codes
- Scale: 1:250,000

## Survey Responses (zip)

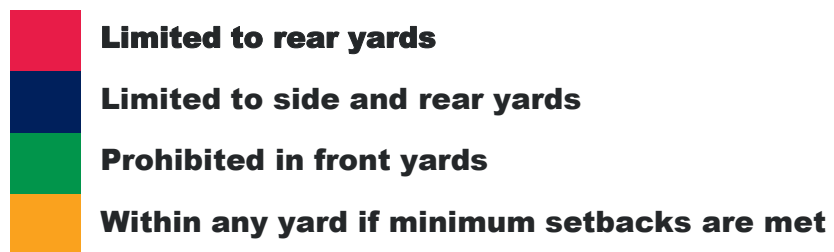
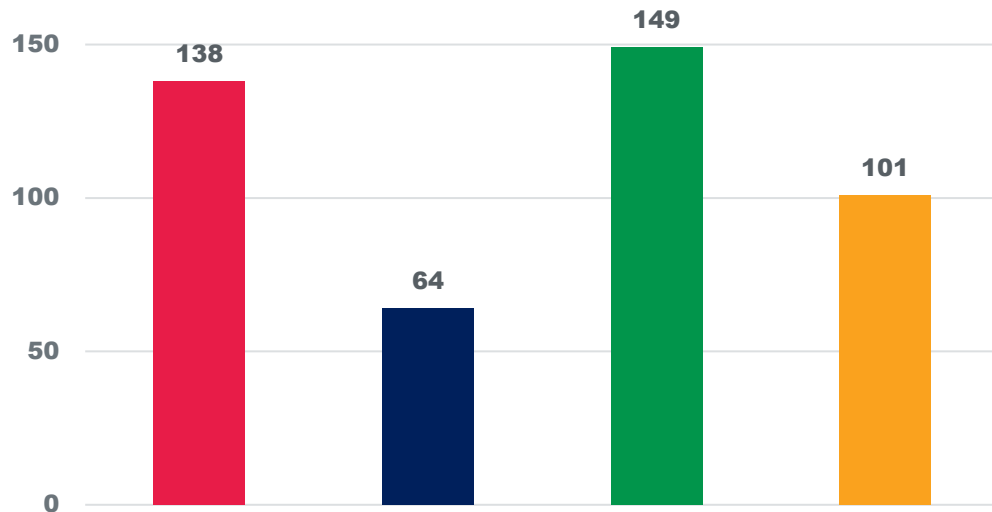
- 1 - 4
- 5 - 8
- 9 - 14
- 15 - 22
- 23 - 37
- 38 - 54

## Council District

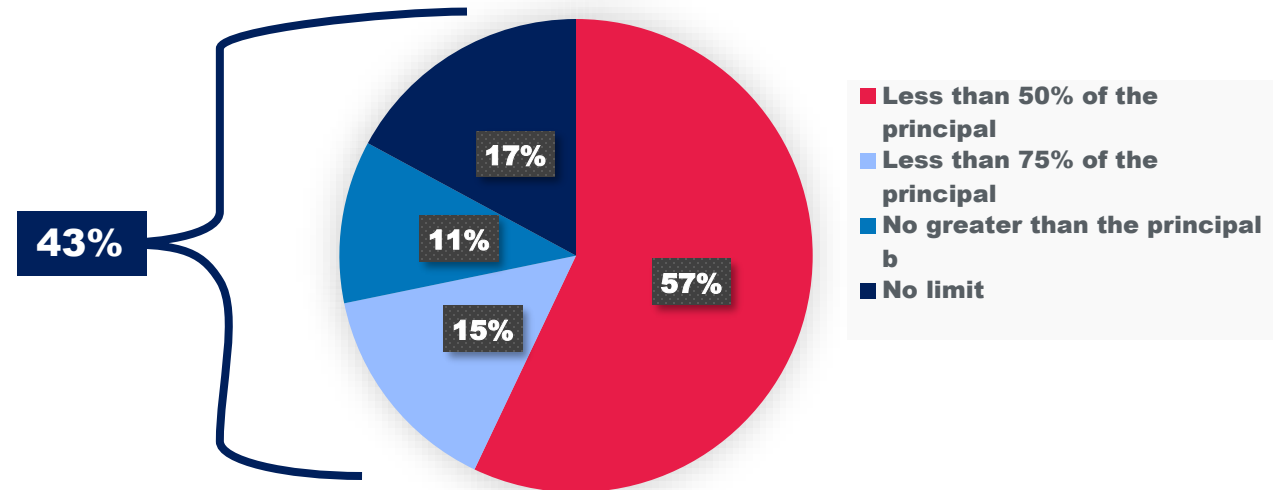
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# Analysis of Survey Questions

## WHERE ON THE LOT SHOULD THE ADU BE ALLOWED TO LOCATE?

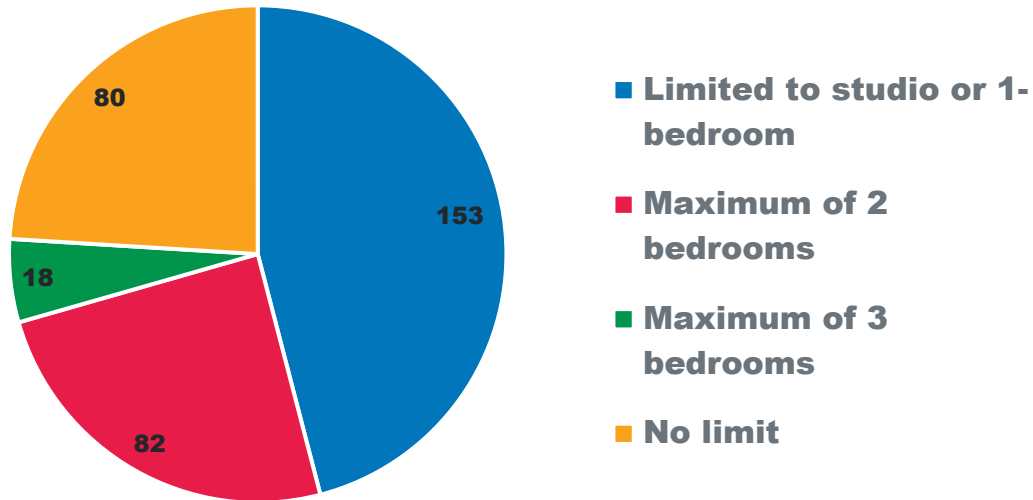


## WHAT IS THE MAXIMUM SIZE NEW ADUS SHOULD BE?

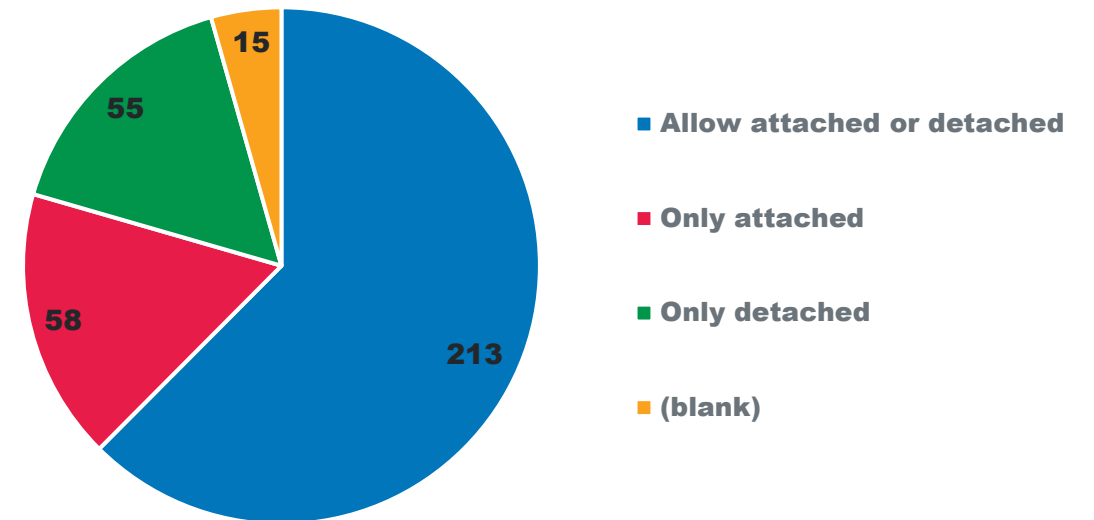


# Analysis of Survey Questions

## How many bedrooms should the ADU be allowed?



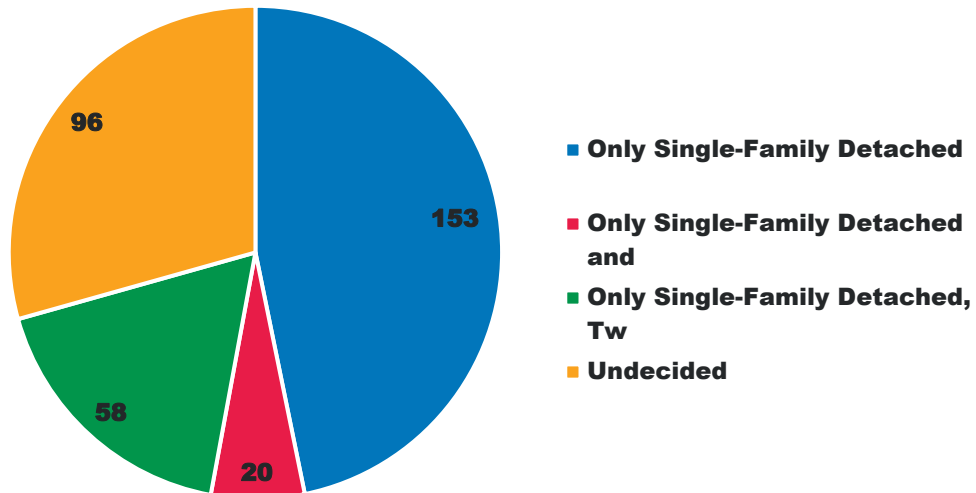
## Should the ADU be attached to or detached from the home?



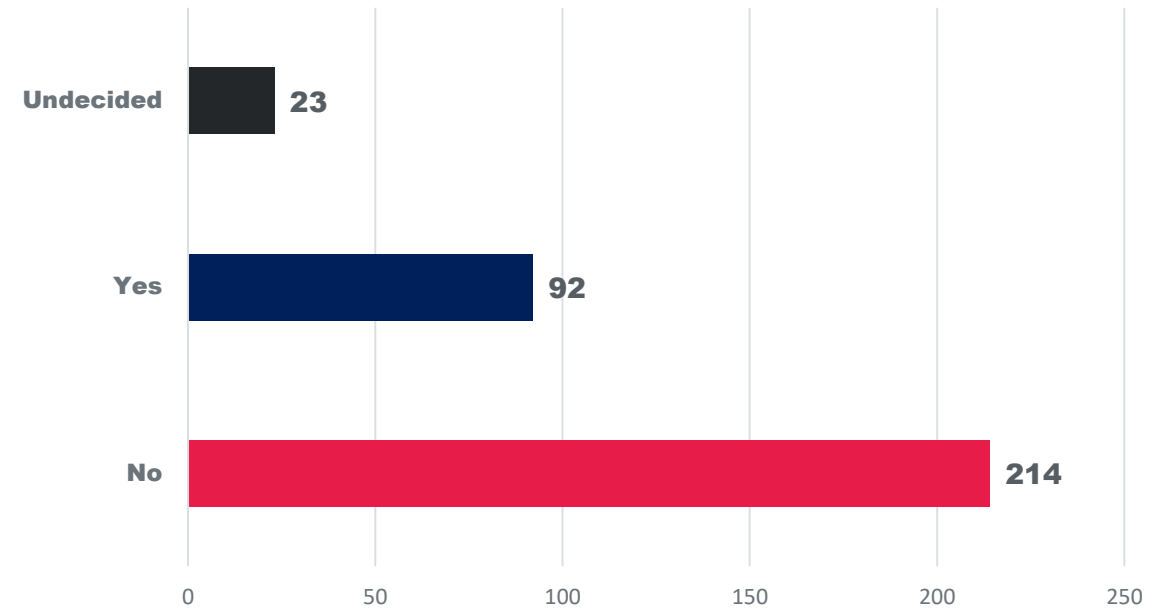


# Analysis of Survey Questions

**Should the ADU be allowed as an accessory use to other residential types?**



**Should the ADU be allowed to also be a short-term rental (STR)?**





# Questions?



# Accessory Dwelling Unit Ordinance Update

## GUIDING LEGISLATION

### House Bills

HB-24-1007

HB-24-1152

### Senate Bill

SB-24-174

## LEGISLATIVE INTENT

Excerpts from HB-24-1152:

*“Accessory Dwelling units offer a way to provide compact, relatively affordable housing in established neighborhoods with minimal impacts to infrastructure and to supply housing opportunities without added dispersed low-density housing.”*

*“Accessory Dwelling Units generate rental income to help homeowners cover mortgage payments or others costs, can be important for a variety of residents, such as older homeowners on fixed incomes and low- and moderate-income homeowners.”*

*“Accessory Dwelling Units provide families with options for intergenerational living...”*

*“More permissive regulations by local governments for accessory dwelling units provides a reasonable chance for homeowners to construct or convert an accessory dwelling unit and thereby increase housing supply, stabilize housing costs, and contribute to affordable and equitable home ownership to adequately meet the needs of a growing Colorado population.*



# Accessory Dwelling Unit Ordinance Update

## LEGISLATIVE PARAMETERS (HB-24-1152)

**Decision-Making:** Limits approvals to administrative (staff-level), except for an appointed Historic Preservation Commission, and prohibits legislative appeals of administrative decisions

### Objective Standards for Decision-Making

#### Unduly Restrictive Design or Dimensional Standards:

- Design: Architectural style, building material, and landscaping standards that are more restrictive than that for a single-family detached dwelling
- Size: No maximum or minimum size restriction to prohibits a certain range
- Setbacks:
  - Side yard setbacks no larger than the single-family detached dwelling
  - Rear yard setbacks consistent with other accessory structures or five (5) feet
- Lot Size: Establish a minimum lot size more restrictive than that for a single-family detached dwelling
- Construction Standards: Factory-built ADUs with more restrictive aesthetic or dimensional standards

**Short-Term Rental:** Allows for local regulation of ADUs for use as Short-Term Rentals

**Off-Street Parking:** Can't require off-street parking, exceptions apply

**Owner Occupancy:** Prevents requiring owner occupancy for ADUs or any other dwelling on a lot with an ADU

**Universal Allowance:** A minimum of one (1) ADU where a single-family detached dwelling is permitted



# Accessory Dwelling Unit Ordinance Update

## OPPORTUNITIES FOR DIFFERING REGULATIONS

**Administrative Decision-Making:** Can allow for administrative relief or variance, just must be an administrative determination

**Multiple ADUs:** Allow for the development of more than one ADU

**Design or Dimensional Standards:**

- Size: A maximum or minimum size restriction may be imposed
- Front Yard Setback: ADUs may be allowed forward of a primary structure
- Building Height: A maximum or minimum building height restriction may be imposed
- Bedroom Limit: May impose a maximum or minimum number of bedrooms

**Impact Fees:** A municipality may impose the payment of fees or other development charges

**Development Mitigation:** The mitigation of development impacts (i.e., deficient sidewalk) in accordance with application requirements and standards

**Short-Term Rental:** Allows for local regulation of ADUs for use as Short-Term Rentals

**Development Incentives:**

- Deed Restrictions
- Affordable Housing with Income Limits or Workforce Housing

**Utility Service Statement:** A municipality may require a determination of service from local utility

# Accessory Dwelling Unit Ordinance Update

## ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION

- Report Demonstrating evidence of compliance with HB-24-1152
- Enact one or more of the strategies listed below
- Certified Accessory Dwelling Supportive Jurisdictions Incentives:
  - Grants, Technical Assistance, Financial Assistance

## SUPPORTIVE JURISDICTION IMPLEMENTATION STRATEGIES

- Waive, reduce or provide financial assistance for ADU related fees
- Enact local regulations to incentive:
  - The affordability of ADUs used for workforce housing
  - The construction of accessible or visitable ADUs
- Provide pre-approved plans for construction
- Enact programs to education and provide technical assistance for homeowners to develop ADUs
- Allow for the ADUs to be used for Short Term Rentals
- Support existing ADUs to become compliant with newly enacted regulations
- Create a pathway for separate sale or ownership

# Accessory Dwelling Unit Ordinance Update

## HIGHLIGHTED CHANGES

**Accessory Family Suites:** The proposed ordinance eliminates the Accessory Family Suites (AFSs) regulations

**ADU Types:** Detached and attached (includes “integrated”) ADUs are permitted in all zone districts where a single-family detached unit is permitted

**Owner Occupancy:** Owner occupancy is no longer required, but an owner authorization requested at time of permitting

**Proposed Design and Dimensional Standards:**

- Multiple ADUs: No more than one (1) ADU per lot
- Size: The proposed maximum size of the ADU is limited to seventy-five (75) percent of the primary structure or a maximum size of one thousand (1,000) square feet, whichever is greater
- Setbacks:
  - The minimum yard setbacks for attached (includes “integrated”) ADUs are to be the same as the primary structure
  - The minimum side and rear yard setbacks for a detached ADUs are set at five (5) feet
- Building Height: The maximum height of an attached/integrated ADU shall not exceed the maximum building height for the principal building in the zone district and a detached ADU shall not exceed twenty-eight (28) feet regardless of roof type or pitch.
- Parking: No off-street parking for the ADU shall be required

**Decision-Making Procedures:** Allowances for Administrative Adjustments have been built in – No Non-Use Variance

**Short-Term Rentals:** Where an ADU is constructed, the principal structure, ADU and any other building on a property shall **not be used as a Short-Term Rental (STR)**.

# Accessory Dwelling Unit Ordinance Update

## WHAT HASN'T CHANGED?

**Separate Ownership/Sale:** The proposed ordinance still prohibits separate sale and/or subdivision of an ADU from the primary structure

**Design or Dimensional Standards:**

- **Setback:** Detached ADUs continue to be prohibited forward of the single-family dwelling
- **Access:**
  - ADU access shall not be gained from the front
  - A 36" wide access path from the front property line is required

**Decision-Making Procedures:** Development approvals remain administrative through a building permit review

**Zoning Standards:** Legacy zone districts remain with minor adjustments to ensure unduly restricted standards



# Accessory Dwelling Unit Ordinance Update

	CURRENT CODE	PROPOSED CODE
<b>LAND USE ALLOWABILITY</b>	<ul style="list-style-type: none"> <li>- Detached ADUs are not permitted in R-E, R-1 9, and R-1 6 zone districts.</li> <li>- Attached ADUs are not permitted in R-2, R-4, and R-5 zone districts.</li> <li>- No more than one (1) ADU may be located on any lot.</li> </ul>	<ul style="list-style-type: none"> <li>- Detached and attached (aka, "integrated") ADUs are permitted in all zone districts where single-family homes are allowed.</li> <li>- No more than two (2) ADUs may be located on any lot.</li> </ul>
<b>SIZE</b>	<ul style="list-style-type: none"> <li>- Limited to 50% of the primary structure or 1,250 sq. ft.</li> <li>- If the primary structure is less than 1,500 sq. ft., the ADU may be 750 sq. ft.</li> </ul>	<ul style="list-style-type: none"> <li>- Limited to the size of the primary structure.</li> <li>- ADUs are not counted towards the total gross floor area of accessory structures.</li> </ul>
<b>SETBACKS</b>	<ul style="list-style-type: none"> <li>- Minimum Setbacks: 5' side   5' rear, 10' if the dwelling is located above the garage and the overhead door faces the alley.</li> <li>- ADU shall comply with front yard setbacks.</li> </ul>	<ul style="list-style-type: none"> <li>- Minimum Setbacks: Minimum front and side setback is the same as the principal building   5' rear.</li> <li>- Detached ADUs may not be located in front of the principal building.</li> </ul>
<b>HEIGHT</b>	<ul style="list-style-type: none"> <li>- Maximum Height: 25' if the roof pitch of less than 6:12. 28' if the roof pitch is 6:12 or greater.</li> </ul>	<ul style="list-style-type: none"> <li>- Maximum Height: Limited to the height requirement for the principal building within that zone district.</li> </ul>
<b>PARKING</b>	<ul style="list-style-type: none"> <li>- The addition of an ADU requires one (1) additional off-street parking space.</li> </ul>	<ul style="list-style-type: none"> <li>- An off-street parking space is not required.</li> </ul>
<b>ACCESS</b>	<ul style="list-style-type: none"> <li>- Exterior access may not be gained from the front</li> <li>- 36" clear access path from front property line</li> </ul>	<ul style="list-style-type: none"> <li>- Exterior access may not be gained from the front.</li> <li>- 36" wide access path from front property line</li> </ul>
<b>OTHER</b>	<ul style="list-style-type: none"> <li>- Code does not prohibit ADUs to be used as a short-term rental.</li> </ul>	<ul style="list-style-type: none"> <li>- ADUs are not permitted to be used as short-term rentals.</li> </ul>