



Legislation Details (With Text)

File #: CODE-24-0006 **Version:** 3 **Name:** ADU Code Amendment

Type: Ordinance **Status:** Mayor's Office

File created: 11/14/2024 **In control:** City Council

On agenda: 4/8/2025 **Final action:** 4/8/2025

Title: Ordinance No. 25-45 amending Chapter 7 (Unified Development Code (UDC)) of the Code of the City of Colorado Springs 2001, as amended, as related to accessory dwelling units. (Legislative)

Related Files: CODE-24-0006
Located in All Council Districts

Presenter:
Daniel Sexton, DRE Planning Manager, Planning Department
Kevin Walker, Director, Planning Department

Sponsors: Planning Department

Indexes:

Code sections:

Attachments: 1. UDC-Accessory Dwelling Units Ord - 3.25.2025 - Parking WUI-O Appeal Owner and Height v3_clean.pdf, 2. ADU Ordinance_CC Work Session_3.24.2025_Staff Presentation_Final, 3. ADU Ordinance - Table of Proposed Changes - 3.24.2025, 4. UDC-Accessory Dwelling Units Ord_2025.02.19 - Final, 5. Staff Report ADU Ordinance vf, 6. 1 - ADU Ordinance, 7. 2 - Ordinance No. 20-39, 8. 3 - Ordinance No. 20-37, 9. 4 - House Bill 24-1007, 10. 5 - House Bill 24-1152, 11. 6 - Senate Bill 24-174, 12. 7 - Public Comments, 13. 7.5.702 AMENDMENT TO UDC TEXT, 14. PublicComments_Combined_1262024, 15. PublicComment_Combined_12102024, 16. ADU Ordinance Preliminary Survey Results 1292024, 17. ADU Ordinance_CC Work Session_Staff Presentation_Final, 18. 8 - ADU Ordinance - Table of Proposed Changes, 19. Public Comments_1102025, 20. HNP Topic Papers-Matrix_1122025, 21. ADU Ordinance_CC Public Hearing_Staff Presentation_Final, 22. ADU Ordinance - Table of Proposed Changes - 02-18-2025_rev, 23. Fire Code Appendix K, 24. RodStambaugh_212025, 25. ADU Ordinance_CC Public Hearing_Staff Presentation_Final, 26. UDC-Accessory Dwelling Units Ord - 3.19.2025 - Parking, Wildfire Resiliency Area, Appeal, Owner, and Height v2_redlines, 27. UDC-Accessory Dwelling Units Ord - 3.19.2025 - Parking, Wildfire Resiliency Area, Appeal, Owner, and Height v2_clean, 28. Signed Ordinance No. 25-45.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|---------------------------|----------------------------|--------|
| 4/8/2025 | 3 | City Council | finally passed | Pass |
| 3/25/2025 | 3 | City Council | postponed indefinitely | Fail |
| 3/25/2025 | 3 | City Council | amended | Fail |
| 3/25/2025 | 3 | City Council | approved on first reading | Pass |
| 3/25/2025 | 3 | City Council | amended | Pass |
| 3/24/2025 | 3 | City Council Work Session | referred | |
| 3/11/2025 | 3 | City Council | postpone to a date certain | Pass |
| 1/13/2025 | 2 | City Council Work Session | referred | |

12/11/2024 1 City Planning Commission approved Pass

Ordinance No. 25-45 amending Chapter 7 (Unified Development Code (UDC)) of the Code of the City of Colorado Springs 2001, as amended, as related to accessory dwelling units.
(Legislative)

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Presenter:

Daniel Sexton, DRE Planning Manager, Planning Department
Kevin Walker, Director, Planning Department

Summary:

Owner: City of Colorado Springs
Initiating Agency: Planning Department
Location: City-wide

The City of Colorado Springs' Accessory Dwelling Unit (ADU) Ordinance (See UDC-Accessory Dwelling Units Ord_2024.12.30) is part of the city's effort to ensure smart, equitable, and diversified housing solutions that allow our neighborhoods to grow in a way that is appropriate. Recent state legislation recommends the City allow ADUs in any location where a single-family detached home is permitted, and prohibits the City from enacting or enforcing local laws that would unduly restrict ADUs. The City's ADU Ordinance proposes updates to the Unified Development Code (UDC) based on state-mandated legislation as well as to support the citywide strategic priorities of housing availability and choice for city residents. As part of City Councils consideration of this item an updated version of the draft ADU Ordinance has been attached and is entitled: "UDC-Accessory Dwelling Units Ord_2025.02.19 - Final". A copy of the previous version presented to CPC has also been provided.

On March 11, 2025, City Council held a public hearing on this item and postponed it for further discussion at the regularly scheduled City Council Work Session on March 24, 2025. The latest version of the proposed ADU ordinance is entitled: "UDC-Accessory Dwelling Units Ord - 3.19.2025 - Parking, Wildfire Resiliency Area, Appeal, Owner, and Height v2_clean". Copies of previous versions and supporting documents have been retained as part of the public record.

Background:

The City's zoning and subdivision codes, including the recently adopted Unified Development Code, have contained iterations of regulations that govern the development of ADUs. The most recent iteration of ADU regulations were adopted by City Council in June 2020, which was accompanied by regulations for Accessory Family Suites (AFS). Both secondary residential unit options were envisioned to enhance housing flexibility and opportunity throughout the city, although limited by zone district. The utilization and development of these accessory residential options have been minimal, averaging less than 30 ADU/AFSs annually for the past four years.

During the Seventy-Fourth Session of the Colorado General Assembly, legislation was passed that sought to affect change in residential occupancy limits (See Attachment 4 - House Bill 24-1007), increase the number of accessory dwelling units (See Attachment 5 - House Bill 24-1152), and

support affordable housing (See Attachment 6 - Senate Bill 24-174). Within the legislation, direction was provided to subject jurisdictions which is best summarized by the following:

- Modifies the definition of “family” used to regulate residential occupancy.
- Requires allowing one (1) accessory dwelling unit as a use accessory to a single-unit detached dwelling where a single-unit detached dwelling is permitted.
- Cannot require construction of a new off-street parking space in connection with an accessory dwelling unit.
- Cannot require owner occupancy on the property.
- May not apply a restrictive design or dimensional standard to an accessory dwelling unit.
- Prevents unit owners’ associations or common interest communities from prohibiting or unreasonably restricting the construction of accessory dwelling units.

To better understand the legislative declaration or intent, one doesn’t have to go far from the purpose statements of the bills. The following are 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...”

In general, the state-mandated legislation gives limited opportunities for communities to deviate from the declared directives. As a “home rule city” the City of Colorado Springs is more able to control matters of local significance, which these legislative measures do not change. Alternatively, the City sees the state-mandated legislation as an opportunity to rethink the shortcomings within current city code and to better align with the direction of the housing market while encouraging affordability in the markets, housing choice and opportunity for residents.

This Amendment to UDC Text application proposes new regulations and development standards that will govern the establishment of ADUs city-wide. (See UDC-Accessory Dwelling Units Ord_2025.02.19 - Final) The proposed ADU ordinance as drafted is in general alignment with the recent state-mandated legislation, which prohibits the City from enacting or enforcing local laws that would unduly restrict ADUs. The regulatory environment proposed under the ADU ordinance would allow ADUs as a use accessory to a single-unit detached dwelling where a single-unit detached dwelling is permitted. The proposed ADU ordinance is also seen by the City as an opportunity to rethink the shortcomings within current city code and better align with the direction of the housing market, all the while ensuring housing choice and opportunity for residents. In short, the proposed ordinance would create a regulatory environment where ADUs could occur in a manner that may aid in the City’s efforts to address the current housing affordability and attainability crises while also support housing solutions that allow our neighborhoods to grow in a way that is appropriate.

The proposed ADU ordinance adds and adjusts language in multiple sections of the UDC related to accessory dwelling units. All proposed changes have been structured to ensure the City is not establishing a more restrictive design or dimensional standard to an accessory dwelling unit than

what current exists for a single-family detached unit or similar accessory structure of the same building type, which is a requirement of the state legislation. Within the proposed ADU ordinance, the convention for changes is indicated by the following rules: added language is **BOLD** and language to be removed from city code is indicated by a ~~STRIKETHROUGH~~.

The following are highlights of the proposed changes suggested by the City's Planning Commission and Planning Department:

What is new:

1. The elimination of Accessory Family Suites (AFSs);
2. Detached and attached (includes "integrated") ADUs are permitted in all zone districts where a single-family detached unit is permitted;
3. Owner occupancy is no longer required;
4. The size of the ADU is limited to 50% percent of the primary structure or 1,250) square feet, whichever is less; except where the principal structure is less than 1,500 square feet, the maximum size of the accessory dwelling shall be 750 square feet;
5. The minimum front and side setbacks are the same as the primary structure or five (5) feet for side and rear setbacks for a detached ADU;
6. The maximum height of a detached ADU shall not exceed twenty-five (25) feet regardless of roof type and attached/integrated ADUs shall not exceed the maximum building height for the principal building in the zone district;
7. No off-street parking for the ADU shall be required;
8. Decision-making procedures are structured at the administrative level with few exceptions;
9. Opportunities for legislative appeals is limited to associated applications for relief of dimensional standards, such as applications for Administrative Relief; and
10. ADUs and properties containing ADUs are not permitted to be used as Short-Term Rentals (STRs).

What is not changing or has been carried forward from the current ordinance:

1. No more than one (1) ADU per property
2. The prohibited separate sale and/or subdivision of an ADU from the primary structure;
3. Detached ADUs are not allowed forward of the primary structure;
4. Exterior access for the ADU may not be gained from the front; and
5. A 36" wide access path from the front property line is required.

According to the legislation, there are regulatory parameters that the proposed ADU ordinance must follow, whereas other measures are more generically stated thus affording opportunity for modification. Of the aspects of the proposed ADU ordinance that have changed, it is also important to recognize that the City is concurrently seeking to be certified under the legislation as an "Accessory Dwelling Unit Supportive Jurisdiction". As such, certain regulatory requirements that seem to have flexible "guardrail" become firmer.

During City Planning Staff's development of the proposed ADU ordinance, extensive conversations were had with agency partners to assess potential impacts and/or mitigation measures that should be considered with respect to the development of ADUs across the city. Specific to existing infrastructure and systems, such as Colorado Springs Utilities (CSU) utility services and the City's roadways, no formal impact analysis was conducted of these systems. Agency partners, however, noted that most existing infrastructure and systems were sufficiently sized to accommodate the development of additional ADUs. Agency partners also noted existing codes and regulations were adequate to

ensure improvements could be required should deficiencies be identified during permitting. In the Wildland Urban Interface Overlay zone district specifically, conversations were had with the City's Division of the Fire Marshal to ensure current Building and Fire codes were sufficient to regulate additional development in the WUI-O. As outlined in Appendix K of the City's Fire Code, all new construction within the WUI-O is subject to more restrictive construction and fuels management requirements. (See Attachment 7 - Fire Code Appendix K)

Please see the attached City Planning Commission Staff Report for a complete analysis of the proposed application.

Review Criteria:

The subject Amendment to UDC Text application was initiated by the City of Colorado Springs Planning Department at the request of the City Administration and City Council after the implementation date (06/05/2023) of the City's Unified Development Code. Per UDC Section 7.5.702 *Amendment to UDC Text*, this section establishes standards and provides a mechanism for the City to review and decide on an application to amend the text of this UDC.

An application for an Amendment to UDC Text shall be subject to the following criteria for approval:

1. *The Colorado Springs Comprehensive Plan and other plans adopted by City Council.*
2. *The current conditions and character of current structures and uses in each zone district.*
3. *The most desirable use of land in each zone district.*
4. *The conservation of sensitive environmental features.*
5. *Promotion of responsible development and growth.*

After evaluation of the UDC Text Amendment application for the Accessory Dwelling Unit Ordinance City Planning staff finds that the application meets the approval criteria as set forth under City Code Section 7.5.702.D *Approval Considerations*.

Previous Council Action:

City Council previously took action on the affected provisions of the Unified Development Code through the adoption of the UDC in 2023 (Ordinance No. 23-03) and in June 2020 with the adoption of the Accessory Dwelling Unit (See Attachment 2 - Ordinance No. 20-39) and Accessory Family Suites (See Attachment 3 - Ordinance No. 20-37). A discussion with City Council also occurred on January 14, 2025 at a regularly scheduled Work Session meeting.

Financial Implications:

Enter N/A if not applicable.

City Council Appointed Board/Commission/Committee Recommendation:

City Planning Commission, at their regularly scheduled meeting on December 11, 2024, deliberated and issued an advisory recommendation to adopt the ordinance amending Chapter 7 (Unified Development Code (UDC)) of the Code of the City of Colorado Springs 2001, as amended, as related to accessory dwelling units. City Planning Commission voted 7-0-1 (Commission Vice Chair Foos was absent) to approve with modifications the UDC Text Amendment application.

Proposed Motions:

Adopt Ordinance No. 25-45 amending Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, as related to accessory dwelling units.

An Ordinance amending Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, as related to accessory dwelling units.