



# Accessory Dwelling Unit (ADU) Ordinance

CITY COUNCIL

WORK SESSION – 3/24/2025



# 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



## TAKEAWAYS WE HEARD

- Change the off-street parking requirement to one (1) space per ADU;
- Modify the maximum building height for detached ADUs to consider standards for single-story and garage conversions;
- Incorporate some measure for public notice;
- Adjust language to refine when owner's residency on the property is demonstrated;
- Evaluate avenues for appeal; and
- Evaluate allowances for ADUs in the Wildland Urban Interface Overlay (WUI-O) district.

# Accessory Dwelling Unit Ordinance Update



## TABLE OF PROPOSED CHANGES – 3/24/2025

|                              | CURRENT CODE   | PROPOSED CODE – 3/11/2025   | CURRENTLY PROPOSED CODE – 3/24/2025  |
|------------------------------|--|---|--|
| <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 one (1) ADU shall 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, <b>except in the Wildfire Resiliency Area</b></li> <li>- No more than one (1) ADU shall 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 50% of the primary structure or 1,250 sq. ft., whichever is less</li> <li>- If the primary structure is less than 1,500 sq. ft., the ADU may be 750 sq. ft.</li> <li>- ADUs are not counted towards the total gross floor area of accessory structures</li> </ul> | <u>No change from proposed code presented on 3/11/2025</u>   |
| <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>   | <u>No change from proposed code presented on 3/11/2025</u>   |
| <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>- The maximum height of a detached ADU, or other accessory structure containing an ADU, shall not exceed twenty-five (25) feet</li> <li>- Maximum height of attached/integrated shall not exceed the maximum building height for the principal building</li> </ul>             | <ul style="list-style-type: none"> <li>- Maximum height of a detached ADU:                             <ul style="list-style-type: none"> <li>o <b>Single-story shall not exceed sixteen (16) feet</b></li> <li>o <b>Garage conversion shall not exceed twenty-five (25) feet</b></li> </ul> </li> <li>- Maximum height of attached/integrated shall not exceed the maximum building height of the principal building</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>   | <ul style="list-style-type: none"> <li>- <b>One (1) off-street parking space required</b></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>  | <u>No change from proposed code presented on 3/11/2025</u>   |
| <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>   | <ul style="list-style-type: none"> <li>- ADUs are not permitted to be used as short-term rentals</li> <li>- <b>At time of permit owner residing on the property demonstrated</b></li> <li>- <b>Appeals per UDC</b></li> <li>- <b>Public notice poster required</b></li> </ul>  |





**Questions?**



# Accessory Dwelling Unit Ordinance Update



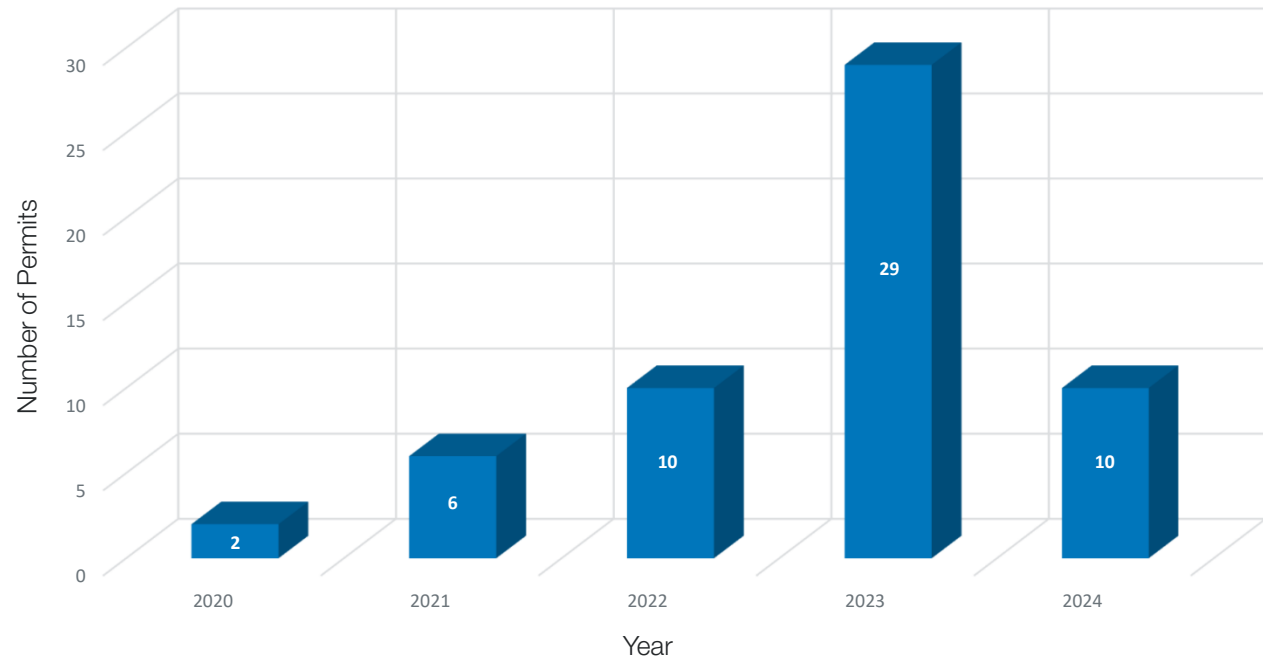
## PROJECT SUMMARY

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



## 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 Impute

- 50+ Written Comments
- Infavor and Opposition

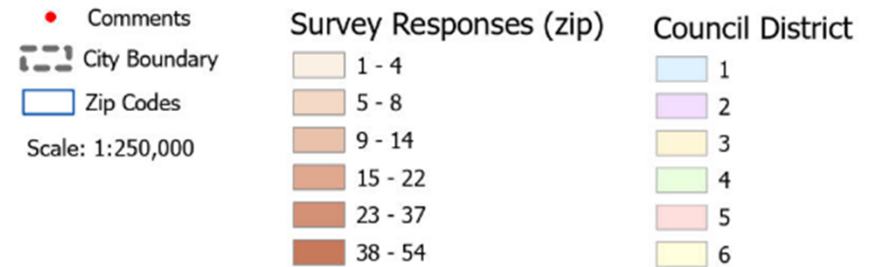
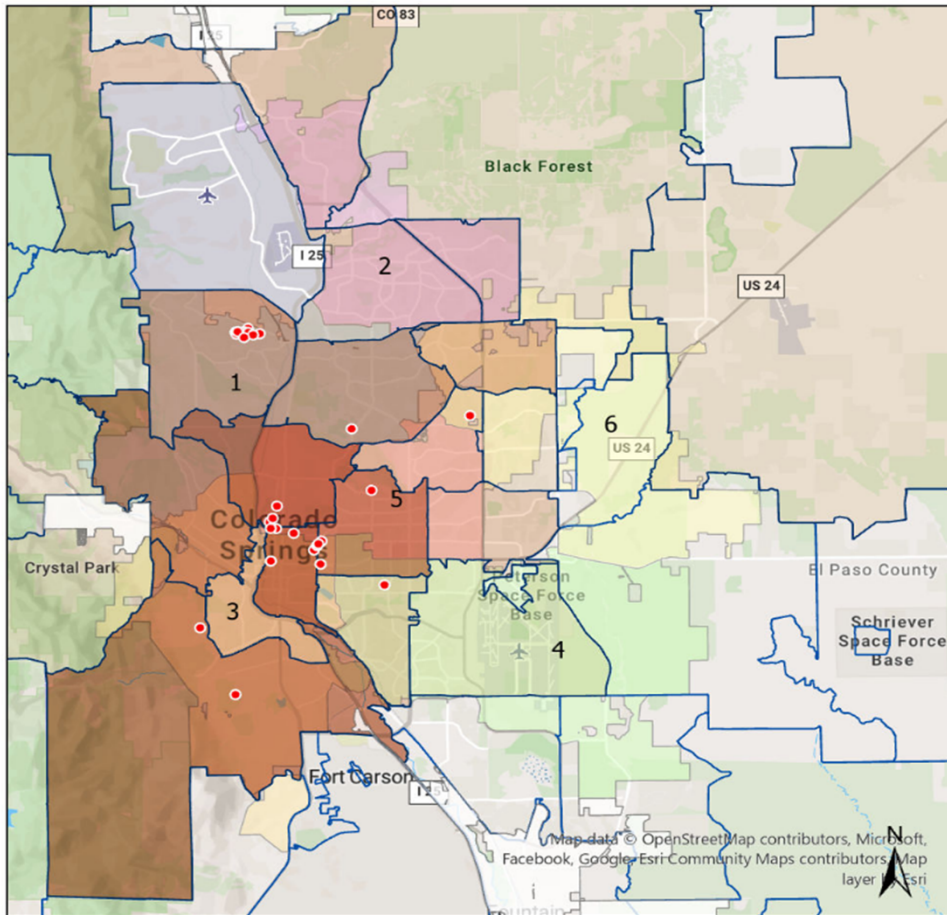
## SURVEY QUESTIONS

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

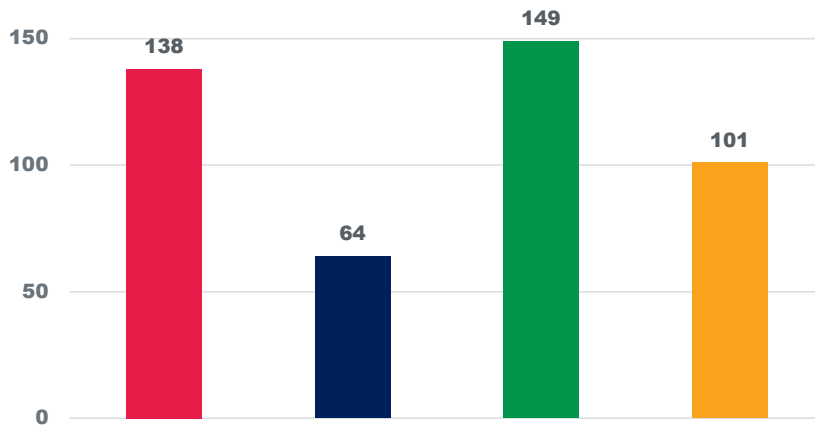
# Accessory Dwelling Unit Ordinance Update





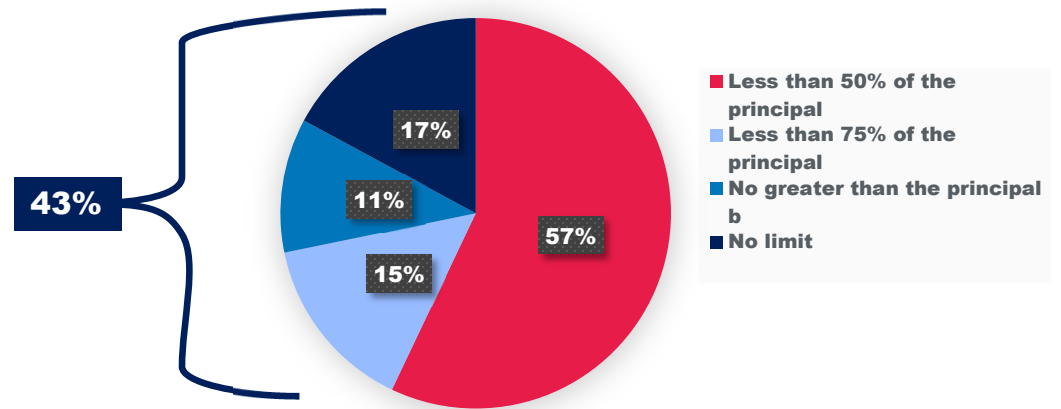
# Analysis of Survey Questions

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



- Limited to rear yards
- Limited to side and rear yards
- Prohibited in front yards
- Within any yard if minimum setbacks are met

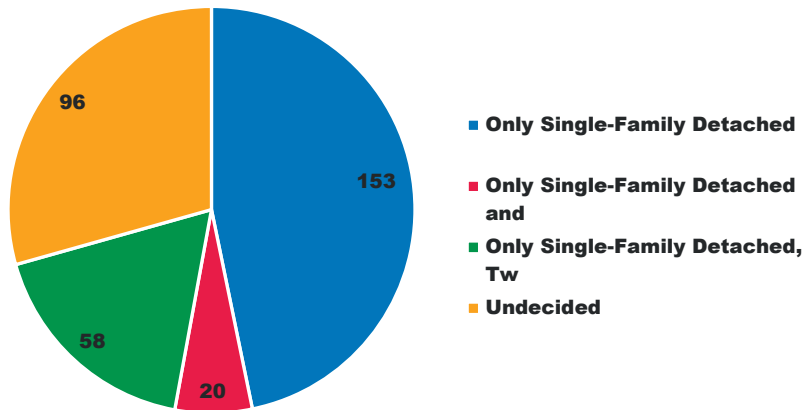
## WHAT IS THE MAXIMUM SIZE NEW ADUS SHOULD BE?



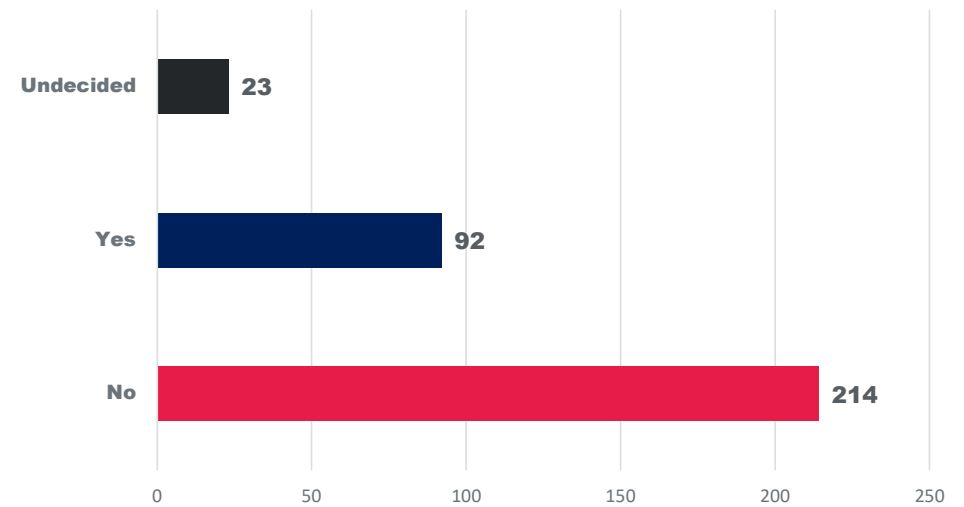
- Less than 50% of the principal
- Less than 75% of the principal
- No greater than the principal
- No limit

# 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)?**



# Accessory Dwelling Unit Ordinance Update

## HIGHLIGHTED PROPOSED 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

### 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 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.
- 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-five (25) 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, which may be appealed, 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

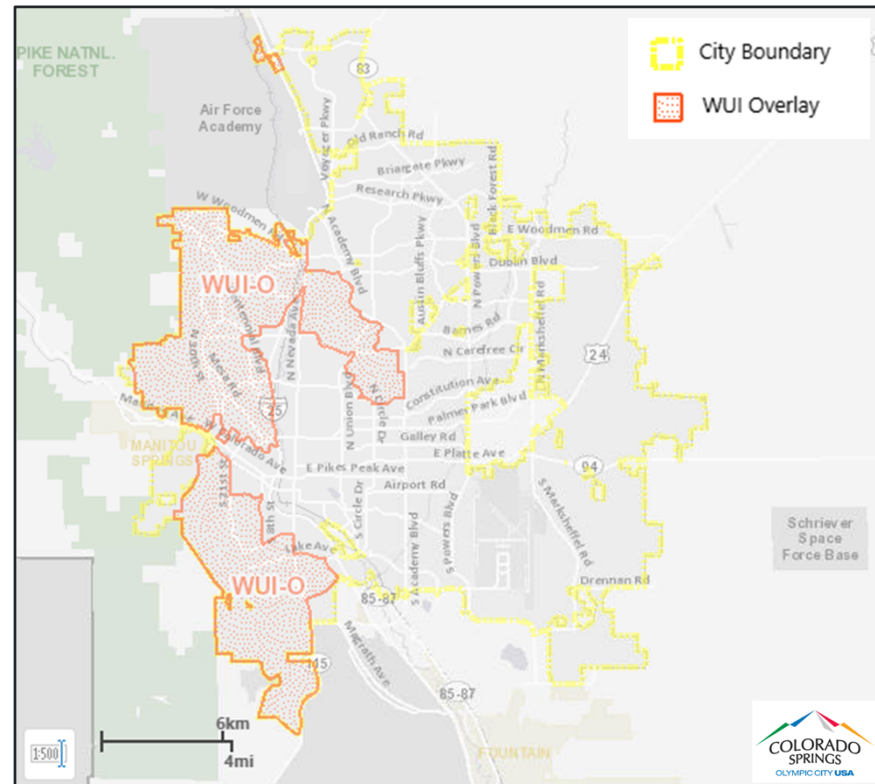
| Standard                | Current Code  | City Planning Commission  | City Planning Staff   |
|-------------------------|---|---|---|
| <b>ALLOWABILITY</b>     | <ul style="list-style-type: none"> <li>- Attached and detached ADUs limited by zone district</li> <li>- No more than one (1) per lot</li> </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 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.</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 and 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 25 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

## WILDLAND URBAN INTERFACE OVERLAY (WUI-O)

- ADU's are already allowed in the WUI.
- All new construction must meet the Fire Code, especially Schedule K which applies more rigid standards in the WUI-O.
- Landscaping and fuels management restrictions are also considered during building permit review today.
- If there is a need to create special restrictions in the WUI-O, then we will work on the WUI-O issue as a whole and change the ADU requirements accordingly.
- The State established Wildfire Resiliency Code Board is actively considering model wildfire resiliency codes.



# APPLICATION REVIEW CRITERIA

## 7.5.702 AMENDMENTS TO UNIFIED DEVELOPMENT CODE

### 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.

### Statement of Compliance

#### **CODE-24-0006**

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

# Accessory Dwelling Unit Ordinance Update



## OPTIONAL MOTIONS

### **CODE-24-0006 – Accessory Dwelling Unit Ordinance**

Should the City Council wish to approve the UDC Text Amendment application, the following motion is suggested:

Adopt 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.

Should the City Council wish to deny the UDC Text Amendment application, the following motion is suggested.

Deny 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.

# 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



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# 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

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