

Accessory Dwelling Units – Code Amendment DRAFT 2-2019

CHAPTER 3—ZONE DISTRICT REGULATIONS 3-07-01 USE CHART

USE CATEGORIES	ZONE DISTRICT					
	A-1	A-2	A-3	RE	R-1-C	R-2
RESIDENTIAL USES						
Accessory Dwelling Unit	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

USE CATEGORIES	ZONE DISTRICT						
	R-3	R-4	MH	C-0	C-1	C-2	C-3
COMMERCIAL USES							
Accessory Dwelling Unit	<u>P</u>	<u>P</u>	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

USE CATEGORIES	ZONE DISTRICT						
	C-4	C-5	I-1	I-2	I-3	CO	P-L
INDUSTRIAL USES							
Accessory Dwelling Unit	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

3-07-02 SUMMARY OF DIMENSIONAL REQUIREMENTS

ZONE DISTRICT	RESIDENTIAL ESTATE (R-E)	RESIDENTIAL-1-A & RESIDENTIAL-1-C (R-1-A and R-1-C)	RESIDENTIAL TWO-FAMILY (R-2)	RESIDENTIAL MODERATE DENSITY (R-3)	RESIDENTIAL HIGH DENSITY (R-4)
MINIMUM FLOOR AREA OF DWELLING					
Single Family	1,800-square feet	1,250-square feet	1,250-square feet	—	—
Two-family	—	—	1,000 square feet per dwelling unit	—	—
Efficiency Unit	—	—	—	450-square feet	
One Bedroom	—	—	—	600-square feet	
Two Bedroom	—	—	—	750-square feet	
Three Bedroom	—	—	—	900-square feet	
Four Bedroom	—	—	—	1000-square feet	

CHAPTER 4—DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

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ACCESSORY USES AND PERFORMANCE STANDARDS

4-03-02 ACCESSORY USES, AGRICULTURAL

4-03-02-01 GENERAL ACCESSORY USES PERMITTED

[24. Accessory Dwelling Unit \(see Section 4-03-04 Accessory Uses, Commercial for Performance Standards\)](#)

~~24.~~25. Other accessory uses approved by the Director of Community and Economic Development. The Director of Community and Economic Development may require the accessory use meet performance standards for similar uses permitted by these standards and regulations.

4-03-03 ACCESSORY USES, RESIDENTIAL

4-03-03-01 GENERAL ACCESSORY USES PERMITTED

The following general accessory uses are permitted in Residential Districts:

[23. Accessory Dwelling Unit \(see Section 4-03-04 Accessory Uses, Commercial for Performance Standards\)](#)

~~23.~~24. Other accessory uses approved by the Director of Community and Economic Development. The Director of Community and Economic Development may require the accessory use meet performance standards for similar uses permitted by these standards and regulations.

4-03-04 ACCESSORY USES, COMMERCIAL

4-03-04-01 GENERAL ACCESSORY USES PERMITTED

The following general accessory uses are permitted in Commercial Districts:

1. ~~Caretaker Dwelling (see Section 4-03-04-02-01 Accessory Uses, Commercial for detailed performance standards)~~ [Accessory Dwelling Unit \(see Section 4-03-04 Accessory Uses, Commercial for Performance Standards\)](#)

4-03-04-02 PERFORMANCE STANDARDS

4-03-04-02-01 ~~CARETAKER DWELLING~~[ACCESSORY DWELLING UNIT \(ADU\)](#)

~~1.—Permitted Dwelling Types: An apartment, detached single family dwelling or mobile home may be established as a caretaker dwelling provided the following design standards are met.~~

~~2.—Minimum Dwelling Size: Seven hundred fifty (750) square feet~~

~~3.—Number of Accessory Dwellings: Only one (1) accessory dwelling is allowed per lot.~~

~~4.—Mobile Home as a Caretaker Dwelling~~

~~a.—Permit Required: A Special Use permit shall be required for the use of a mobile home as a caretaker dwelling.~~

~~b.—Condition: All mobile homes shall be provided with potable water meeting the pressure requirements of the 1997 Uniform Building Code, as amended and meeting the minimum drinking water quality standards established by the Colorado Department of Public Health and Environment. All homes shall be provided with sanitary sewer or an individual sewage disposal system meeting the requirements of the Tri-County Health Department. Mobile homes shall be in sound condition and shall be placed on a concrete pad, blocked, and properly anchored and skirted.~~

~~c.—Setbacks: All mobile homes shall meet the setbacks for accessory structures. Mobile homes shall be placed so as to protect them from noise, vibration, heat, and other potential negative impacts of the commercial use.~~

~~5.—Permanent Structures as a Caretaker Dwelling~~

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- ~~a. Permit Required: A Conditional Use Permit approval shall be required for the use of an additional single family or multiple family dwelling as a caretaker dwelling.~~
- ~~b. Compliance: A single family dwelling intended as such a dwelling must comply with the minimum requirements of the R-1-C District. All permanent structures shall meet the setbacks for accessory structures and the requirements of the 1997 Uniform Building Code, as amended.~~
- ~~c. Provision of Water and Sewer: Proof of adequate provisions for water, sewer, fire protection, other utilities and access shall be provided.~~
- ~~d. Conformance to Subdivision and Zoning Code: No commercial farm employee dwelling shall be deeded, leased, or rented without conforming to these standards and regulations.~~

1. Purpose: The purpose of the accessory dwelling unit (ADU) provisions are to: (1) provide homeowners with an opportunity for companionship and security; (2) better utilize existing infrastructure and community resources; (3) provide a housing type that responds to changing needs and lifestyles (e.g., small families, retirees, caretakers); (4) add to the County's stock of affordable dwelling units; and (5) protect neighborhood character and stability by ensuring that visible ADUs are compatible with surrounding land uses.
2. Applicability: One ADU on an existing legal lot is permitted as an accessory use to single family residential uses in any zoning districts, in addition to legal nonconforming single family structures in those zones as allowed by these regulations.
3. Process:
 - a. New ADU. Subject to review, public notification and approval through a building permit and shall conform to all of the following standards.
 - b. Existing (Undocumented) ADUs. If an ADU was created without being part of a project for which a building permit was finalized, the County shall require a building permit and public notification to determine if the structure meets the requirements of this section and building code. Adherence to the development standards is required.
4. Public Notification: At time of review of building permit application, the County shall notify by mail residents and property owners directly adjacent to the property for which a complete building permit application has been submitted. Notified parties, and other interested parties, may comment on items concerning the required development and design standards for ADUs. The comment period shall close when the building permit application is resolved in issuance or denial.
5. Development Standards:
 - a. Building Type: ADU building types shall not include mobile or manufactured homes. Site built and modular construction is allowed.
 - b. Number: One ADU shall be allowed in each residential lot as a subordinate use in conjunction with any new or existing detached single-family dwelling unit.
 - c. Size:
 - i. Attached or Internal. ADUs shall not exceed 40% of the principal dwelling unit in addition to the underlying development standards for the lot, including, but not limited to, lot coverage, height and setback requirements for the zone in which they reside.
 - ii. Detached. ADUs shall not exceed 1,500 square feet residential floor area or 40% of the primary dwelling unit's gross floor area, whichever is less.
 - d. Location: The ADU may be added to or included within the primary unit, or located in a detached structure on the same lot as the primary dwelling unit. If detached, the ADU is required to meet all accessory structure setbacks for the zone district.

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- e. Parking: One off-street parking space is required for an ADU in addition to the parking required for the primary dwelling unit. Parking spaces must be paved and may include private garages, carports, or all weather-surfaced, off-street areas reserved for vehicles. Tandem parking is allowed.
- f. Home Occupations: The ADU and/or primary residence may contain a home occupation if the home occupation is reviewed and approved per these regulations.
- g. Other development standards:
 - i. Accessory Dwelling Units shall meet all other development standards (e.g. setbacks, lot coverage etc.) for buildings in the zoning district, except in the following circumstances:
 - 1. The gross floor area of the ADU shall not count towards the maximum accessory building coverage, but rather the maximum principal structure.
 - 2. The ADU height shall not exceed twenty-five (25) feet.
 - 3. If detached the ADU shall be setback at least 10' to the rear of the front structure line of the principal dwelling unit.
 - 4. The gross floor area of the ADU shall count towards the minimum floor area of the primary dwelling.
 - ii. For legal nonconforming situations, ADUs shall also adhere to the following requirements:
 - 1. Legal Nonconforming Primary Single Family Uses:
 - a. It is recognized that in some zones, an existing primary single family use may be considered legal nonconforming. In the event that an existing, legal nonconforming single family use requests an ADU per these standards, it shall be an allowed accessory use to the legal nonconforming use. If the legal nonconforming primary use ceases to exist, the ADU, shall also cease to exist.
 - b. Conformance with Section 4-24-03 Extension or Enlargement of Nonconforming Conditions applies to the primary use.
 - 2. ADUs in Existence Prior to these Regulations:
 - a. Existing ADUs shall meet the requirements of these regulations.
 - b. A building permit is required for the Building Official to determine if the structure meets the adopted building code requirements. As-built information about the existing structure shall be required as part of the building permit submittal.
 - c. Additional improvements may be required by the applicant in order for the ADU to meet adopted building codes.
 - 3. Exterior Modifications, Alterations or Additions to Legal Nonconforming Structures:
 - a. Portions of existing buildings that undergo a change of use are required to meet building codes for new construction in compliance with the adopted building code.
 - 4. Previously approved Caretaker Dwelling Units may be extended in accordance with Section 2-02-08 Conditional Use Permit.
- 6. Design Standards.
 - a. New Detached Structures, Exterior Alterations and Additions to Existing Structures: The development of a newly constructed detached ADU and exterior alterations and additions to existing structures for ADU development shall be designed consistent with the existing color, façade treatment, roof pitch, siding, lighting, and windows of the primary dwelling unit.

CHAPTER 11—DEFINITIONS

11-02-157 DWELLING UNIT, ACCESSORY (ADU)

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A subordinate dwelling unit added to, created within, or detached from a single family structure with a separate entrance that provides basic requirements for living, sleeping, eating, cooking and sanitation. A single family structure with an accessory dwelling unit is not considered to be a two-family dwelling or duplex. If the ADU is adjoined to or placed atop an unoccupied structure, such as a garage or covered porch, the garage or covered porch shall not be included in the gross floor area counted towards the ADU. Storage and mechanical space, including utility rooms and closet space, associated with the ADU shall be counted towards the floor area calculation. ~~Living quarters provided for the sole use of persons (and their families) employed on the premises where a principal use exists.~~

11-02-163 DWELLING, TWO-FAMILY

A residence designed, arranged or used exclusively by two (2) families living independently of each other in a single structure, excluding Accessory Dwelling Units.

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