



Accessory Dwelling Unit Attachment to Building Permit Application

HOW TO USE THIS ATTACHMENT

[Building an Accessory Dwelling Unit in Boulder](#) is a guide to help you design your accessory dwelling unit (ADU). To ensure your ADU meets the requirements, read it carefully before submitting a building permit application. Effective use of this guide can help you avoid costly revisions to your application later.

[Application Requirements and Checklist](#) contains material that **you are required to fill out and submit with your application**. The Application Submittal Requirements Checklist describes the additional information that needs to be included in your building permit application for an ADU. Your application will not be accepted for review unless all the information is present.

BUILDING AN ACCESSORY DWELLING UNIT IN BOULDER

To obtain approval for the ADU, you must submit a building permit application. [Learn more about the building permit process here](#). ADUs are subject to specific use standards in [Section 9-6-3\(n\)](#) of the Land Use Code. This guide is intended to help explain the various requirements, point you to relevant code language, and identify the additional application materials that will be required with your building permit application. Visit the [City's ADU webpage](#) to view answers to frequently asked questions about ADUs.

1. DETERMINE YOUR ZONING DISTRICT AND LOT SIZE

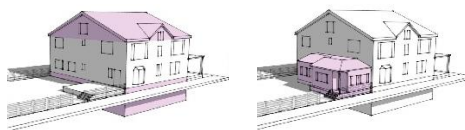
- ▶ **Zoning district:** ADUs are an allowed use by-right on a lot with a detached dwelling unit in the RR-1, RR-2, RE, RL-1, RL-2, RM-2, RMX-1, RMX-2, P, and A zoning districts. First, [check the zoning map here](#) to ensure your property is located in one of these districts.
- ▶ **Lot size:** Properties with ADUs must have a lot size of at least 5,000 square feet. Check the [Boulder County Assessor's property information](#) to confirm your property's lot size. Note that the County Assessor uses an estimated lot area, so lot sizes within 15% of the 5,000 square foot requirement should be [confirmed by a survey document](#) (ISP) or lot area declaration form.

2. DESIGN YOUR ADU

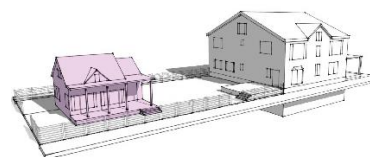
ATTACHED OR DETACHED ADU

There are two types of ADUs allowed in Boulder – **attached** and **detached**. Different rules apply to each type, so it is important to understand which type you will be constructing.

Attached



Detached



AFFORDABLE ADUS

Some standards also differ based on whether the property is being rented at a market rate, or whether it is an **affordable ADU**. Rent for an **affordable ADU** may not exceed 75% of the Area Median Income. The city publishes a table each year of affordable ADU maximum rents [on this page](#). Affordable ADUs can take advantage of certain incentives such as larger size limits and a reduced parking requirement.

DESIGNATED HISTORIC PROPERTIES

Properties with a building designated as an individual landmark or recognized as contributing to a designated historic district are permitted to have larger ADUs and a reduced parking requirement.

SIZE LIMIT

ADUs must comply with the following size limits, based on the type of ADU:

	ADU	Affordable ADU	Designated Historic Property
Attached	1/2 of the total floor area of the principal structure or 1,000 sq. ft. <i>(whichever is less)</i>	2/3 of the total floor area of the principal structure or 1,200 sq. ft. <i>(whichever is less)</i>	
Detached	800 sq. ft.	1,000 sq. ft.	

- ▶ Compliance with the size limits are based on the definition of “floor area” in [Chapter 9-16](#). Floor area is measured to the outside surface of the exterior framing or the exterior walls (if no exterior framing) and must also include:
 - Stairways, except the stairway opening at the top floor
 - Any egress path required by the building code (typically 3 feet) for exterior elevated above-grade corridors, balconies, and walkways
- ▶ Some parts of buildings are not included in floor area. The most common exception applicable to ADUs is “uninhabitable space,” which includes:
 - Areas that are 6 ft or less in ceiling height
 - Rooms solely used for mechanical or electrical equipment for the building
 - Parking facilities that are completely below grade

PARKING

- ▶ **Number:** Properties with ADUs are required to provide the following total number of parking spaces on the site. See [Section 9-9-6](#) and [Section 9-6-3\(n\)\(1\)\(A\)\(iii\)](#) for more details.

Property with ADU	2 spaces
Property with Affordable ADU	1 space
Designated Historic Property	

- ▶ **Location:** Properties with ADUs are given some flexibility on parking location. The required parking spaces may be located in a required landscaped setback.
- ▶ **Size:** Each required parking space must meet at least the size requirements for small cars listed in Table 9-6 of the Land Use Code (typically 7.75 feet by 15 feet, but depends on the parking angle). See [Section 9-9-6](#). Note that tandem parking does not meet aisle width (backing) requirements and do not count towards required spaces.

ATTACHED ADU DESIGN STANDARDS

- ▶ **Interior connections and lockable separation:** All attached ADUs must be physically separated from the principal unit by either a wall or a lockable door. In an existing building, if there is an interior connection between the ADU and the principal unit, the connection has to be maintained.
- ▶ **Side entrances:** If a new entrance for an attached ADU will face the street, it must be screened.
- ▶ **Height:** Building height for attached ADUs must comply with the maximum height for principal buildings in Table 7-1 in [Section 9-7-1](#). For all zoning districts that allow ADUs, the maximum height is 35 feet.

DETACHED ADU DESIGN STANDARDS

- ▶ **Private open space:** Detached ADUs must have at least 60 square feet of private open space provided exclusively for the ADU. This can include porches, balconies, or patio areas.
- ▶ **Height:** While the maximum height of accessory structures is 20 feet, detached ADUs with a roof pitch of 8:12 or greater may be up to 25 feet. Detached ADUs being converted from an existing structure may exceed 20 feet, as long as no changes are proposed to the building's height, floor area, or roof form for the conversion.
- ▶ **Building separation:** Detached ADUs must have at least 6 feet of separation from any other building, measured between the two nearest points. See Table 7-1 in [Section 9-7-1](#).

3. CONFIRM THAT THE DESIGN MEETS OTHER ZONING STANDARDS

- ▶ **Height:** See height requirements for attached and detached ADUs in the section above. Additional information on building height can be found in [Section 9-7-5](#).
- ▶ **Setbacks:** ADUs must comply with required setbacks for the zoning district. See Table 7-1 in [Section 9-7-1](#) and [Section 9-7-2](#).
- ▶ **Floor area ratio:** Properties with ADUs must comply with the maximum total floor area ratio in Table 8-2 or Table 8-3 in [Section 9-8-2](#). [Review this handout](#) to learn more.
- ▶ **Solar access:** The solar access requirements in [Section 9-9-17](#) apply to most properties with ADUs. [Review the solar access guide](#) for more information or visit [this webpage](#).
- ▶ **Building coverage:** In most zoning districts, properties with ADUs must comply with maximum building coverage requirements in [Section 9-7-11](#). [Review this handout](#) to learn more.
- ▶ **Side yard bulk plane:** ADUs in many zoning districts must comply with the side yard bulk plane requirements in [Section 9-7-9](#). [Review this handout](#) to learn more.
- ▶ **Side yard wall articulation:** In many zoning districts, ADUs must comply with the side yard wall articulation requirements in [Section 9-7-10](#). [Review this handout](#) to learn more.
- ▶ **Landscaping:** Depending on the scope of the project, landscaping improvements may be required. See [Section 9-9-2\(b\)](#).

4. UNDERSTAND IMPORTANT REQUIREMENTS RELATED TO ADUS

Aside from design standards, ADUs also have several additional requirements. Review the summary below, or go to [Section 9-6-3\(n\)](#) to learn more.

OWNER OCCUPANCY

- ▶ At least one owner of the property must reside in either the principal dwelling unit or ADU as their **principal residence**. This owner must either:
 - Have at least 50% fee simple ownership interest
 - Have an estate for life
 - Be the trustor of a revocable living trust
 - Be the member/partner that owns at least 50% of a LLC, LLP, or similar entity

- ▶ For the property to be the owner's **principal residence** the owner must reside there for more than half the year. The city may not recognize the property as your principal residence if the Boulder County Assessor lists a different mailing address, or if your driver's license, voter registration, or school registration shows a different address, or if your spouse or domestic partner has a different principal residence, or if you own another home that does not have a long-term rental license.

- ▶ To prove owner occupancy, you will need to submit proof of ownership and principal residence information with the building permit application. The ownership documents required will depend on the ownership type of the property. Examples of accepted documents include:
 - Recorded Deed
 - Title Commitment
 - Articles of Organization
 - Declaration of Trust
 - Operating Agreement
 - Partnership Agreement
 - Statement of Authority
 - Attorney Memorandum

DECLARATION OF USE

- ▶ Properties with approved ADUs will have a Declaration of Use recorded with the Boulder County Clerk and Recorder to provide notice to all future owners of the ADU approval, and as a record that the property will comply with all requirements related to ADUs. This Declaration of Use must be signed by the property owner(s) and submitted with the building permit application. City staff will record the Declaration of Use upon building permit approval.

SHORT TERM RENTAL

- ▶ Short term rental (less than 30 days) of either the ADU or the main house is prohibited, unless the ADU and rental license were established prior to February 1, 2019.

RENTAL LICENSE

- ▶ Long-term rental (30 days or more) of either the ADU or the principal unit on the property is permitted. If you intend to rent either the ADU or principal dwelling unit on the property, a rental license is required. Learn more on the [city's Rental Licensing webpage](#).

OCCUPANCY

- ▶ ADUs are required to meet occupancy requirements, with some flexibility on the number of dependents. See [Section 9-8-5](#) of the Land Use Code.

INDEPENDENT CONVEYANCE

- ▶ ADUs may not be conveyed, or sold, separately from the principal dwelling unit.

APPLICATION REQUIREMENTS AND CHECKLIST

In addition to the required materials for your building permit application, the following are required for a building permit with an ADU. All required materials must be included in order for an application to be accepted by Planning and Development Services staff. Incomplete applications will not be accepted and will be returned to the applicant.

ADU INFORMATION

Fill out the following information about your ADU:

ADU Design Type	ADU Affordability	Designated Historic Property?	Amending Prior ADU Approval?
<input type="checkbox"/> Attached	<input type="checkbox"/> Market Rate	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="checkbox"/> Detached	<input type="checkbox"/> Affordable	<input type="checkbox"/> No	<input type="checkbox"/> No

ADU CHECKLIST

- Supplemental ADU Site or Floor Plan Information.** In addition to the required site plan or floor plan information listed on the building permit application, the relevant site or floor plans for an ADU must also indicate:

*For **Attached** ADUs*

- Lockable separation between ADU and principal unit if connected internally
- Location and size of required parking spaces for the principal unit and ADU
- Floor plans at each level of the principal unit to confirm floor area

*For **Detached** ADUs*

- Roof pitch of the ADU
- Location and size of required parking spaces for the principal unit and ADU
- Location of 60 sq. ft. of private open space for the ADU

- Proof of Owner Occupancy.** Submit documentation that the property is the principal residence of at least one owner of record who either:

- Has 50% fee simple ownership interest
- Has an estate for life
- Is the trustor of a revocable living trust
- Is the member/partner that owns at least 50% of a LLC, LLP, or similar entity

Check which type of document you are including:

- | | | |
|---|---|---------------------------------------|
| <input type="checkbox"/> Recorded Deed | <input type="checkbox"/> Operating Agreement | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Title Commitment | <input type="checkbox"/> Partnership Agreement | |
| <input type="checkbox"/> Articles of Organization | <input type="checkbox"/> Statement of Authority | |
| <input type="checkbox"/> Declaration of Trust | <input type="checkbox"/> Attorney Memorandum | |

- Completed and signed Declaration of Use (attached).** Be sure to fill out the appropriate Market Rate or Affordable ADU Declaration of Use based on the affordability rate of your ADU. If you are amending a prior approval related to an ADU, fill out the Amended Declaration of Use.

Check which type of Declaration of Use you are including:

- Market Rate ADU Declaration of Use
- Affordable ADU Declaration of Use
- Amended ADU Declaration of Use

Property Owner Name(s):	_____
Property Address:	_____
Legal Description:	_____
Building Permit:	_____
Approved Date:	_____

**ACCESSORY DWELLING UNIT
DECLARATION OF USE**

On the approved date above, the property owner received building permit approval for an accessory dwelling unit. The standards of the Boulder Revised Code applicable to accessory dwelling units apply to all current and future owners and occupants of the property. This Declaration of Use serves to notify any future owners of the property of the intent and legal status of the property.

I am the current owner of the property and covenant, acknowledge, and agree that the following standards apply to the use of the property:

1. **Compliance with Boulder Revised Code:** The property owner and any occupant will comply with all provisions of the Boulder Revised Code regarding accessory dwelling units, including Chapter 9-6, "Use Standards," B.R.C. 1981.
2. **Compliance with City Approval:** The property owner and any occupant will maintain the floor area, parking spaces, affordability status, and other design features approved by the city manager on the building permit plans. Any modifications must be reviewed and approved by the city manager pursuant to the applicable requirements in the Boulder Revised Code.
3. **Owner Occupancy:** The principal dwelling unit or the accessory dwelling unit must be owner-occupied as the principal residence, as defined in Section 9-16-1, "General Definitions," B.R.C. 1981, of at least one owner of record of the property.
4. **Rental License:** If the principal dwelling unit or accessory dwelling unit is or will be offered for rent, the owner must obtain and maintain a valid rental license for the rented unit, issued by the city manager consistent with the requirements of Chapter 10-3, "Rental Licenses," B.R.C. 1981.
5. **Occupancy:** The occupancy of the property shall not exceed the occupancy requirements set forth in Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981.
6. **Short-Term Rental Prohibited:** Short-term rental of the accessory dwelling unit and short-term rental of a principal dwelling unit on the property are prohibited.

[SIGNATURE AND NOTARY BLOCK FOLLOW]

**ACCESSORY DWELLING UNIT
DECLARATION OF USE**

Dated this _____ day of _____, 20_____.

OWNER:

By: Signature: _____

Print Name: _____

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me, a notary public,

This _____ day of _____ 20_____, by _____.
(Print owner name)

Witness my hand and official Seal.

Notary Public

My commission expires: _____

Property Owner Name(s):	_____
Property Address:	_____
Legal Description:	_____
Building Permit:	_____
Approved Date:	_____

**AFFORDABLE ACCESSORY DWELLING UNIT
DECLARATION OF USE**

On the approved date above, the property owner received building permit approval for an **affordable accessory dwelling unit**. The standards of the Boulder Revised Code applicable to accessory dwelling units apply to all current and future owners and occupants of the property. This Declaration of Use serves to notify any future owners of the property of the intent and legal status of the property.

I am the current owner of the property and covenant, acknowledge, and agree that the following standards apply to the use of the property:

1. **Compliance with Boulder Revised Code:** The property owner and any occupant will comply with all provisions of the Boulder Revised Code regarding accessory dwelling units, including Chapter 9-6, "Use Standards," B.R.C. 1981.
2. **Affordable Accessory Dwelling Unit:** The accessory dwelling unit is an affordable accessory dwelling unit, as defined in Section 9-16-1, "General Definitions," B.R.C. 1981. The accessory dwelling unit shall include _____ bedroom(s). Rents for the accessory dwelling unit shall not exceed the maximum rents established by the Colorado Housing and Finance Authority, or similar agency, for households earning no more than seventy-five percent of the area median income, as published by the city manager.
3. **Compliance with City Approval:** The property owner and any occupant will maintain the floor area, parking spaces, affordability status, and other design features approved by the city manager on the building permit plans. Any modifications must be reviewed and approved by the city manager pursuant to the applicable requirements in the Boulder Revised Code.
4. **Owner Occupancy:** The principal dwelling unit or the accessory dwelling unit must be owner-occupied as the principal residence, as defined in Section 9-16-1, "General Definitions," B.R.C. 1981, of at least one owner of record of the property.
5. **Rental License:** If the principal dwelling unit or accessory dwelling unit is or will be offered for rent, the owner must obtain and maintain a valid rental license for the rented unit, issued by the city manager consistent with the requirements of Chapter 10-3, "Rental Licenses," B.R.C. 1981.
6. **Occupancy:** The occupancy of the property shall not exceed the occupancy requirements set forth in Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981.
7. **Short-Term Rental Prohibited:** Short-term rental of the accessory dwelling unit and short-term rental of a principal dwelling unit on the property are prohibited.

[SIGNATURE AND NOTARY BLOCK FOLLOW]

Property Owner Name(s):	_____
Property Address:	_____
Legal Description:	_____
Building Permit:	_____
Approved Date:	_____

**AMENDED ACCESSORY DWELLING UNIT
DECLARATION OF USE**

On the approved date above, the property owner received building permit approval for an accessory dwelling unit. The standards of the Boulder Revised Code applicable to accessory dwelling units apply to all current and future owners and occupants of the property. This Declaration of Use serves to notify any future owners of the property of the intent and legal status of the property.

The building permit amended a previous approval for an accessory dwelling unit. This Declaration of Use replaces all previously recorded Declarations of Use for accessory dwelling units.

I am the current owner of the property and covenant, acknowledge, and agree that the following standards apply to the use of the property:

1. **Compliance with Boulder Revised Code:** The property owner and any occupant will comply with all provisions of the Boulder Revised Code regarding accessory dwelling units, including Chapter 9-6, "Use Standards," B.R.C. 1981.
2. **Compliance with City Approval:** The property owner and any occupant will maintain the floor area, parking spaces, affordability status, and other design features approved by the city manager on the building permit plans. Any modifications must be reviewed and approved by the city manager pursuant to the applicable requirements in the Boulder Revised Code.
3. **Owner Occupancy:** The principal dwelling unit or the accessory dwelling unit must be owner-occupied as the principal residence, as defined in Section 9-16-1, "General Definitions," B.R.C. 1981, of at least one owner of record of the property.
4. **Rental License:** If the principal dwelling unit or accessory dwelling unit is or will be offered for rent, the owner must obtain and maintain a valid rental license for the rented unit, issued by the city manager consistent with the requirements of Chapter 10-3, "Rental Licenses," B.R.C. 1981.
5. **Occupancy:** The occupancy of the property shall not exceed the occupancy requirements set forth in Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981.
6. **Short-Term Rental Prohibited:** Short-term rental of the accessory dwelling unit and short-term rental of a principal dwelling unit on the property are prohibited.

[SIGNATURE AND NOTARY BLOCK FOLLOW]

