Accessory Dwelling Units

City of Boulder Regulations Beginning February 1, 2019
What are Accessory Dwelling Units (ADUs)?

Also known as:
- Mother-in-law apartment
- Accessory Apartment
- Secondary Suite

City of Boulder Definition:
Separate, complete single housekeeping unit either within a detached dwelling unit or in detached accessory structure
Tonight's Content

- General Requirements
- Types of ADUs
- Affordable ADUs & ADUs on Historic Properties
- Application Materials & Review Process
- Rental Licensing & Occupancy
- Q & A
# General ADU Requirements

<table>
<thead>
<tr>
<th>Requirement</th>
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<tbody>
<tr>
<td>Owner Occupied</td>
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<tr>
<td>Located on a lot with an existing single-family dwelling unit</td>
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<tr>
<td>Minimum lot size of 5,000 square feet</td>
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<tr>
<td>Must have a valid rental license to rent an ADU</td>
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<tr>
<td>Properties with newly established ADUs are not eligible for short-term rental licenses</td>
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<td>Public Notice Required</td>
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<td>Declaration of Use</td>
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</table>
Where are ADUs allowed?

- Residential - Rural (RR)
- Residential - Estate (RE)
- Residential – Low (RL)
- Residential – Mixed (RMX)
- Agricultural (A)
- Public (P)
Saturation

The maximum number of ADUs is limited in the **RL-1 and RL-2** zoning districts.

No more than 20%* of the parcels within a 300 foot radius can contain ADUs, legally nonconforming structures (i.e. duplexes on a single-family lot), or cooperative housing units**

*Increased to 30% for Designated Historic properties

**Only ADUs, nonconforming structures and co-ops in the **RL-1 and RL-2 zoning districts** contribute to the saturation

If the neighborhood area is at capacity, applicant placed on a waiting list
What does the saturation calculation look like?

- **Proposed ADU**
- **300-foot Radius**
- **Parcels within 300-foot Radius**
- **Legal Nonconforming Structures**
- **Accessory Dwelling Unit**

Total: **8%**

*Proposed ADU is included in calculation*
What does the saturation calculation look like?

- Proposed ADU
- 300-foot Radius
- Parcels within 300-foot Radius
- Legal Nonconforming Structures
- Cooperative Housing Unit

Total: 6%

Only 3 properties contributing to saturation
Parking Requirements

- One off-street parking space for the principal dwelling unit
- One off-street parking space for the ADU
- Parking spaces cannot be located in the public right-of-way
- *Affordable ADUs: Second off-street parking space for ADU is not required*
Attached ADUs (Market Rate)

- Located within the existing single-family dwelling structure
- Meets the lot size, parking and saturation requirements
- Size: 1/3 of existing floor area or 1,000 sf which ever is less.
- Interior connections must be maintained
- Additional entrances must be screened if facing the street
  - Must still look like a single-family home
Detached ADUs (Market Rate)

- Located in an accessory structure on the same property as the single-family dwelling. (Garage studio, conditioned backyard office)
- Meets the lot size, parking and saturation requirements
- Size: 550 sf
- Height: Max 20’ unless roof has a specific pitch, then 25’
- 60 sf of private open space
- Architecturally consistent with existing residence and neighboring properties
- Must meet Accessory Building Setbacks
What is an Affordable ADU?

Applicant elects to create an Affordable ADU

Rent cannot exceed the maximum rent established for households earning 75% of AMI

<table>
<thead>
<tr>
<th>Area Median Income</th>
<th>0 BR</th>
<th>1 BR</th>
<th>2 BR</th>
</tr>
</thead>
<tbody>
<tr>
<td>75%</td>
<td>$1,427</td>
<td>$1,528</td>
<td>$1,834</td>
</tr>
</tbody>
</table>
Affordable ADUs

**ATTACHED ADUs:**

Parking: Do not have to provide second parking space

Size: 1/2 of existing floor area or 1,000 sf which ever is less.

**DETACHED ADUs:**

Parking: Do not have to provide second parking space

Size: Up to 800 sf
**ADUs and Historic Properties**

*Additions and exterior changes must be approved through a landmarks process prior to ADU application*

<table>
<thead>
<tr>
<th>ATTACHED ADUs:</th>
<th>DETACHED ADUs:</th>
</tr>
</thead>
<tbody>
<tr>
<td>If principal structure is a designated individual landmark or a contributing building in an historic district:</td>
<td>If accessory structure OR principal structure are designated individual landmarks, or contributing buildings in an historic district:</td>
</tr>
<tr>
<td>Saturation: In RL zone districts saturation is 30%</td>
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</tr>
<tr>
<td>Parking: Do not have to provide second parking space</td>
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</tr>
<tr>
<td>Size: 1/2 of existing floor area or 1,000 sf which ever is less.</td>
<td>Size: Up to 1,000 sf</td>
</tr>
</tbody>
</table>
Application Materials
# Administrative Review Application

**CITY OF BOULDER**
Planning & Development Services Center
1739 Broadway, third floor • P.O. Box 791 • Boulder, Colorado 80306 Phone: 303-441-1800 • Fax: 303-441-4241 • Web: boulderco.gov/developers

**ADMINISTRATIVE REVIEW**
APPLICATION FORM

**APPLICATION DEADLINE IS 10 A.M. ON MONDAYS.**

This type of reviews for which this form is used and a fee schedule is outlined on page 2. Application requirements and required separate attachments for each review type begin on page 3. Inaccurate or incomplete information will result in rejection of the application.

<table>
<thead>
<tr>
<th>GENERAL DATA</th>
<th>(To be completed by the applicant)</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROPERTY</td>
<td>Street Address (or general location if not addressed):</td>
</tr>
<tr>
<td></td>
<td>Legal Description: Lot ______ Block ______ Subdivision ______ (for attach description)</td>
</tr>
<tr>
<td></td>
<td>Lot Area (in square feet or acres): Existing Zoning:</td>
</tr>
<tr>
<td></td>
<td>Existing Use of Property:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TYPE OF REVIEW (From page 2)</th>
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<tbody>
<tr>
<td>PROPOSAL</td>
<td></td>
</tr>
<tr>
<td>Description of proposal (include proposed use and summarize number and size of units/structure, as applicable):</td>
<td></td>
</tr>
</tbody>
</table>

| Name of Development: | |
| Address: | Phone: |
| City: State: Zip Code: | FAX |
| Contact Person (not applicant): | E-mail: |
| Address: | Phone: |
| City: State: Zip Code: | FAX |

**STAFF USE ONLY**

Application received by:________ Date/Time:________ Review #:________

Case Manager:________ Track #:________ Project Name:________

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# Accessory Dwelling Unit (ADU) Attachment to Administrative Review Application Form

There are two types of accessory dwelling units (ADUs) permitted in the City of Boulder: attached and detached. An attached accessory dwelling unit means a separate and complete single housekeeping unit within a detached single-family home. A detached accessory dwelling unit means a separate and complete single housekeeping unit within an accessory structure on a property on which a detached single family home is located. In addition, specific standards apply to affordable accessory units (i.e., units that meet the affordability standards) and designated historic properties. ADUs are regulated per Section 9-6-303(b), B.R.C. 1981.

ADUs are allowed on lots 5,000 square feet or larger in the RR, RE, RL, RMX, A or P zoning districts. A single family dwelling unit with an accessory dwelling unit is not considered a duplex or a multi-family dwelling. The owner must reside in either the principal dwelling unit or ADU. Depending on zoning district, the number of allowable ADUs that may be issued for a given area is limited (see Subsections 9-6-342(7)(a) and 9-6-342(7)(b), B.R.C. 1981 for more information). Additional complete development restriction standards apply to properties located in the RR, RE, RMX-1, and RL-1 zoning districts.

If the proposed ADU or principal dwelling unit is to be rented, a rental license is required. Short-term rentals (less than 30 days) are not allowed on either the ADU or principal dwelling unit unless the ADU and rental license were established prior to January 3, 2019.

Proposals for ADUs are considered through an administrative review application. This application must include a completed Administrative Review application form. The application requirements are listed below. Applications for accessory dwelling units are submitted to the Planning and Development Services Center.

**Application Requirements**

*If electronic submittal, only 1 hard copy of each document is required*

The following information must be included as part of an administrative review application for an accessory dwelling unit:

1. **Survey** by a registered surveyor, showing existing structures and parking areas (2 copies).
**Required Application Materials:**

- Survey or Improvement Location Certificate (ILC)
  - Detached ADUs: Survey must show topography and low point within 25’
- Floor Plans of all levels of structure
- Building Elevations (Detached ADUs)
- Project Information Form
- Proof Of Ownership
- Plumbing Fixture Count form
- Sign Posting Acknowledgement Form
- Application Fee

**If Applicable:**

- Notice of Disposition of Zoning Variances
- Letter from historic preservation staff verifying eligibility
Application Review Process

1. Preliminary Meeting (Optional meeting with Project Specialist)
2. Variance Application/Historic Designation Verification (if necessary)
3. Apply for ADU (Administrative Review application, $420 fee)
4. ADU application review (approximately 2 weeks)
5. Case Manager provides Declaration of Use (DOU) to applicant for signature
6. Revise plans and/or address staff comments (if necessary)
7. Applicant returns signed DOU to Case Manager
8. Case Manager records DOU and issues a Notice of Disposition of Approval
9. Obtain building permits
10. Obtain rental license (if applicable)
A rental license is required BEFORE offering your ADU for rent.

All building permits must be completed prior to applying for your Rental License.

Short Term Rentals are no longer an approved use for new ADU properties.

A permit Certificate of Occupancy or Letter of Completion is accepted for 90 days to comply with rental license inspections.

A detached ADU must meet SmartRegs Energy Efficiency requirements to secure a rental license.
The principal dwelling unit and accessory unit together are considered one dwelling unit for the purposes of determining occupancy requirements.

The total occupancy of both units shall not exceed the standards set forth in Section 9-8-5, “Occupancy of Dwelling Units,” B.R.C. 1981 for one dwelling unit.

For the purposes of ADUs, any occupant and his or her dependents shall be counted as one person.

*For example, a family may live in the principal home and two unrelated persons may reside in the accessory unit (three unrelated persons in the RMX zoning districts). As mentioned above, any occupant and his or her dependents are considered one person. Therefore, in the example above, a parent with dependent children may occupy the accessory unit plus one unrelated person (two in the RMX zoning districts).*
Questions 😊