

SUMMARY OF ORDINANCE 8256

ACCESSORY DWELLING UNIT UPDATE

- Dec. 4, 2018: Adoption date
- Jan. 3, 2019: Cutoff date for accepting short-term rental license applications for properties with an approved ADU
- Feb. 1, 2019: Implementation date when applications will be accepted under the new regulations

The amended ordinance creates a new type of ADU called an affordable ADU. Affordable ADUs can be a larger size and not provide the required additional parking (see #1, #5 and #7 below) in exchange for agreeing to limit rent to 75 percent of the Area Median Income based on the number of bedrooms. There is also a historic landmarking incentive with similar provisions.

Ordinance 8256 makes the following changes to the ADU standards:

1. Parking

- Allow parking in the front setback for all types of ADUs.
- Not require the one additional parking space for an affordable ADU, or if the property is landmarked, or is a contributing structure in a historic district.
- Remove the requirement for paved parking.

2. Saturation

- Increase the saturation rate from 10 to 20% citywide. Allow up to 30% if the property is landmarked or is a contributing structure in a historic district.
- Include co-ops when calculating the saturation rate.
- Saturation calculation – only ADUs, co-op and non-conforming structures are counted within the RL zones.

3. Legal Non-conforming Structures (Saturation Rule)

- No change. Continue to include legal non-conforming structures in the saturation calculation.

4. Allowed Zones

- Allow, with approval, Attached and Detached ADUs in all the same zoning districts (RR, RE, RL, RMX, A and P).
- Rename OAU and ADUs to Detached ADUs and Attached ADUs, respectively.

5. Lot Size

- Lower the minimum lot size from 6,000 to 5,000 sq. ft. for all types of ADUs.

6. Attached ADU Size

- Allow affordable Attached ADUs to be 1/2 the size of the principal dwelling or 1,000 sq. ft., whichever is less.
- Market rate Attached ADUs will continue to be limited to 1/3 the size of the principal dwelling or 1,000 sq. ft., whichever is less.

7. Detached ADU Size

- Increase the size limit for a Detached ADU from 450 to 550 sq. ft.
- Remove the 1/3 percentage limitation.
- Allow up to 800 sq. ft. for affordable Detached ADUs.
- Allow up to 1,000 sq. ft. for a Detached ADU that is landmarked or is a contributing structure in a historic district.

8. Detached ADU Design

- Remove the design requirements related to garage doors, roof pitches, and expansion of building coverage for Detached ADUs and rely on the compatible development standards.
- The requirements for setbacks, height, consistent architecture/materials and open space remain.

9. Five-Year Requirement

- Remove the 5-year minimum age requirement for the primary home to create an ADU.
- Add a definition of primary residence / owner occupancy.

10. Accessory Unit Permit Renewal

- Remove the accessory unit permit transfer system.
- Continue to require a declaration of use and add specific language for affordable ADUs that clearly states the rent restriction provisions and the penalties for not renting at or below the limits.

11. Short-Term Rentals

- Prohibit short-term rentals for newly created ADUs.
- Allow owners with a current ADU and a current short-term rental license for the ADU (as of Jan. 3, 2019) to continue renting short-term until they either fail to renew the permit or there is a change of ownership.
- Owners that wish to create an ADU must forfeit a short-term rental license for the principal dwelling.

12. Accessory Unit Occupancy Limits

- Remove the 2-person occupancy limit for the ADU.
- Allow roomers in the principal dwelling.
- Modify the current occupancy limit for a property with an ADU to NOT include the owner's or renter's dependents in the occupancy count.

Other provisions:

- Additional amendments are shown in the adopted ordinance in underline and strikethrough format as shown [here](#).
- The city publishes [rent limits](#) for Affordable ADUs annually based on the Colorado Housing and Finance Authority affordable rent calculations (75% of Area Median Income). The rent limits for Affordable ADUs are established in the city rent table according to the number of bedrooms.
- Penalties for renting above the maximum rents will require the owner to repay the tenant for the amount charged over the maximum rent plus 12% interest. In addition, the city may impose civil penalties equivalent to special areas [\(10-3-16\(a\)\(1\)\(A\)\)](#).