

PROPOSED AMENDMENTS TO THE ADAMS COUNTY DEVELOPMENT STANDARDS AND
REGULATIONS TO ALIGN ADU REQUIREMENTS WITH HB24-1152
(additions are underlined and deletions are ~~struck through~~)

CHAPTER 4 – DESIGN REQUIREMENTS AND PERFORMANCE STANDARDS

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4-03-03 ACCESSORY USES, RESIDENTIAL

4-03-03-01 GENERAL ACCESSORY USES PERMITTED

The following general accessory uses are permitted in Residential Districts:

1. Accessory Dwelling Unit (see Section 4-03-03-02-01 Accessory Uses, Residential for detailed performance standards)

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4-03-03-02 PERFORMANCE STANDARDS

4-03-03-02-01 ACCESSORY DWELLING UNIT (ADU)

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 by right as an accessory and subordinate use to single family residential uses in any residential zoning districts, in addition to legal nonconforming single-family structures in those zones as allowed by these regulations. As the purpose of an ADU is to be an accessory use/structure to a principal~~primary~~ dwelling unit, an ADU shall not be platted for individual sale through the condominium platting process or otherwise.
3. *Process:*
 - a. New ADU. Subject to ~~review, public notification and approval through a~~ building and occupancy permits 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~~ and occupancy permits were obtained~~was finalized~~, the County shall require ~~a building~~ and occupancy permits ~~and public notification~~ to determine if the structure meets the requirements of

this section and building codes. Adherence to these 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.~~[RESERVED]
5. *Development Standards:*
 - a. Building Type: ~~ADU building types shall not include mobile or manufactured homes.~~ Site built and modular construction is allowed. Prefabricated homes, such as manufactured homes, are allowed for use as an ADU if placed on a permanent foundation and connected to metered utility services.
 - b. Number: One ADU shall be allowed in each residential lot as a subordinate use ~~to in conjunction with~~ any new or existing detached single-family dwelling unit use of the property.
 - c. Provision of Water and Sewer: Proof of adequate provisions for potable water supply, sewage disposal, solid waste disposal, fire protection meeting the requirements of applicable building and life safety codes, other utility service, ies and access shall be provided.
 - d. Size:
 - i. Attached or Internal. ADUs shall not exceed 40% of the principal dwelling unit's residential floor area 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 of the residential floor area or 40% of the ~~principal~~primary dwelling unit's residential floor area, whichever is less.
 - ~~ii.~~iii. Floor Area Calculation. 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.
 - e. Location: The ADU may be added to or included within the ~~principal dwelling~~primary unit, or located in a detached structure on the same lot as the ~~principal~~primary dwelling unit. If detached, the ADU is required to meet all accessory structure setbacks for the zone district.
 - f. Parking: One off-street parking space is required to be designated for an ADU in addition to the parking required for the ~~principal~~primary dwelling unit if the parking space already exists at the time the ADU is constructed

or converted. The construction of a new off-street parking space for the ADU is required if (i) the ADU is in a zone district that, as of January 1, 2024, required one or more off-street parking spaces for a single-family detached dwelling; and (ii) there is no existing parking space on the lot (including a driveway, garage, or tandem parking space) that could be used for the ADU; and (iii) the ADU is located on a block where on street parking is prohibited. 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.

- g. Home Occupations: The ADU and/or principal dwelling unit~~primary residence~~ may contain a home occupation if the home occupation is reviewed and approved per these regulations.
- h. 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 coverage.
 - 2. The height of a detached ADU 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 single-family dwelling unit.
 - ii. For legal nonconforming situations, ADUs shall also adhere to the following requirements:
 - 1. Legal Nonconforming Principal~~Primary~~ Single-Family Dwelling Uses:
 - a. It is recognized that in some zones, an existing principal~~primary~~ single-family dwelling 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 principal single-family dwelling~~primary~~ use ceases to exist, the ADU, shall also cease to exist.
 - b. Conformance with Section 4-~~2724~~-03, – Extension or Enlargement of Nonconforming Conditions, applies to the principal single-family dwelling~~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. Previously approved Caretaker Dwelling Units may be extended in accordance with Section 2-02-08 Conditional Use Permit.
- i. *Design Standards:*
 - 1. 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 principal single-family~~primary~~ dwelling unit, unless these design standards are more restrictive than those currently required for single-family dwelling units.

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CHAPTER 11—DEFINITIONS

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11-02 WORDS, TERMS, AND PHRASES

The following listed words, terms or phrases are defined as follows.

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11-02-176 DWELLING UNIT

One (1) or more rooms used by one (1) family for living or sleeping purposes, which contains kitchen and bathroom facilities for the sole use of the resident family.

11-02-177 DWELLING UNIT, ACCESSORY (ADU)

A subordinate dwelling unit added to (attached), created within (internal), or detached from a single-family ~~dwelling unit~~structure with a separate entrance that provides basic requirements for living, sleeping, eating, cooking and sanitation. As the purpose of an ADU is to be an accessory use/structure to a ~~principal~~primary ~~single-family~~ dwelling unit, an ADU shall not be separated to a different parcel or conveyed to different ownership from the ~~primary~~principal dwelling ~~unit's~~ parcel/~~or~~ owner. A single-family ~~structure-dwelling unit~~ 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.~~An ADU does not include a “motor home” as defined in C.R.S. § 42-1-102(57), as may be amended; a “multipurpose trailer” as defined in C.R.S. § 42-1-102(60.3), as may be amended; or a “recreational vehicle” as defined in C.R.S. § 24-32-902(9), as may be amended.

11-02-178 EASEMENT

A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.