



Accessory Dwelling Units (ADUs) in Denver

June 5, 2023

Overview

- Project overview
- Community engagement
- Key recommendations
- Zoning Criteria
- Staff Recommendation

WHY ADUs?

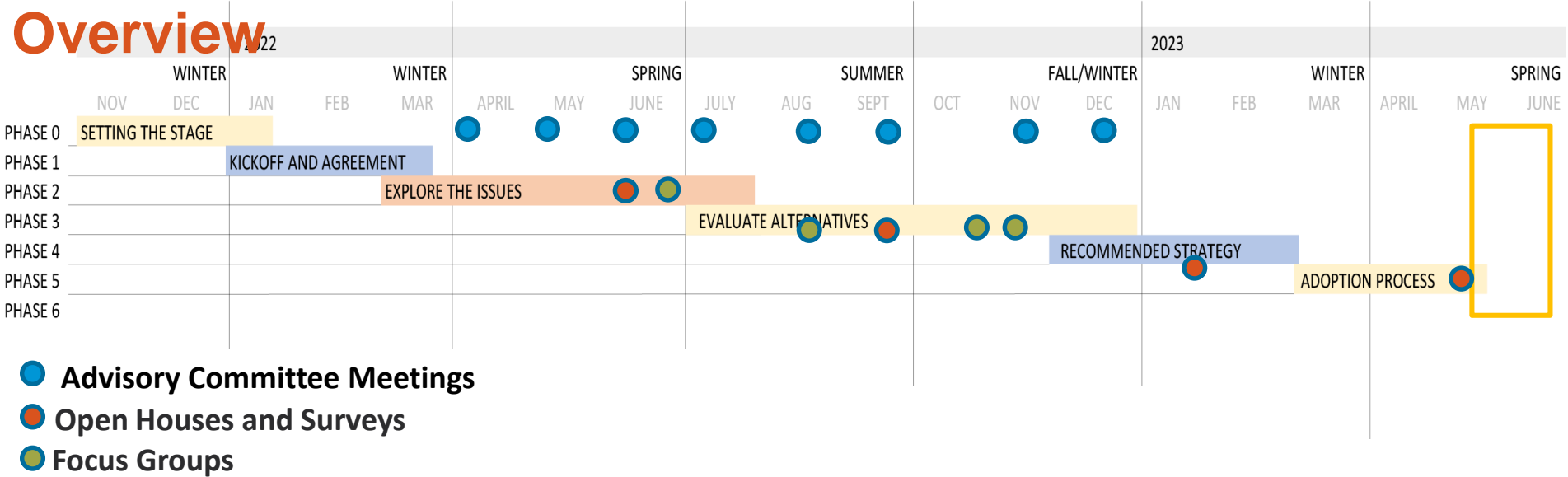


Project Overview

- This project is **NOT** rezoning any properties.
- **It IS** looking at how ADUs fit in with different neighborhoods and block patterns, like suburban lots without alleys (context-sensitive form standards), and how updates to the zoning code may reduce barriers to creating ADUs.
- **Outcomes include** revisions to the Denver Zoning Code regarding the size, shape, and location of ADUs on a lot + a related amendment to remove barriers to ADU construction in Former Chapter 59 zone districts



Process Overview



- Advisory Committee Meetings
- Open Houses and Surveys
- Focus Groups

Community Outreach to Date

This project builds on extensive public input to address context remove barriers to ADUs through Blueprint Denver

Project-specific outreach:

1. Advisory committee
2. Focus groups
3. Public feedback at major project milestones
 - A. Surveys
 - B. Open houses (6x in person, 2x virtual)
4. Neighborhood presentations
5. Council and Planning Board updates (4x)



ADUS IN DENVER
 August 25, 2022 Open House Survey Activity Worksheet

Thank you for coming to the ADUs in Denver Open House! The project began in fall 2021 to examine how the Denver Zoning Code regulates ADUs (secondary dwelling units).

The basis for this project is Blueprint Denver, the city's long-range land use and transportation plan that based its recommendations on input from thousands of Denver residents. Blueprint Denver includes recommendations to remove barriers to constructing accessory dwelling units and consider how they can fit better into different neighborhoods.

Project Objectives:

- Make it easier to create ADUs as an additional housing option
- Make sure new ADUs fit into different types of neighborhoods and block patterns, such as neighborhoods without alleys or neighborhoods with lower scale primary structures.

The open house has several groupings of presentation boards providing general background and information about key issues identified as far and potential solutions for further discussion. We appreciate your feedback!



Open House Participant worksheets

Considerations for Suburban Neighborhoods

LEADERSHIP **ISSUES**

ISSUE We've heard that the lack of alleys and proximity to neighboring backyards in suburban neighborhoods create privacy concerns when a detached ADU is taller than a house.

POTENTIAL SOLUTION Based on discussion data, the city is exploring reducing the height allowance to 1-story for detached ADUs in suburban neighborhoods.

QUESTION 10. Do you support reducing the detached ADU height allowance to 1-story and 17' to match the current garage allowance in suburban neighborhoods?

ISSUE The zoning code requires the same minimum setbacks for detached ADUs in suburban neighborhoods. Some have heard that certain required setbacks may not be enough to protect the suburban neighborhood character without other detached ADUs available relatively close to neighboring backyards.

POTENTIAL SOLUTION The city is exploring whether required setbacks for detached ADUs in suburban neighborhoods. Some that require no setbacks would be addressed by reducing allowed ADU height as described.

QUESTION 11. Do you support requiring minimum rear setbacks for detached ADUs in suburban neighborhoods?

QUESTION 12. Do you have other comments about ADUs in suburban neighborhoods?

SUBURBAN NEIGHBORHOOD CONTEXT MAP
 See the Background boards for a larger map.

ADUs in Denver Survey Activity Worksheet

Latest Community Outreach

Jan. 24th – Feb. 2nd

- Talk to a city planner / office hours
- In-person open houses
 - 5 locations throughout the city
- Virtual open house



121 Participants, 36 Virtual

May 15th – 17th

GVR specific outreach around FC59 changes

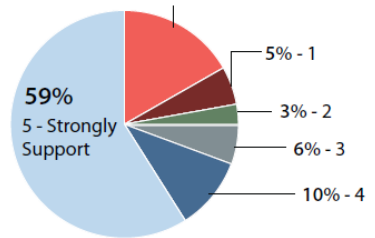
mailed over 4,500 properties

two in person office hours

Citywide Policy Alternatives

Minimum Lot Size

Do you support removing minimum lot sizes to allow detached ADUs to be built on a wider range of lots in areas already zoned for ADUs?



Average Support

3.6/5

Outreach summaries on the [ADUs in Denver web page](#) describe feedback opportunities and summarize results

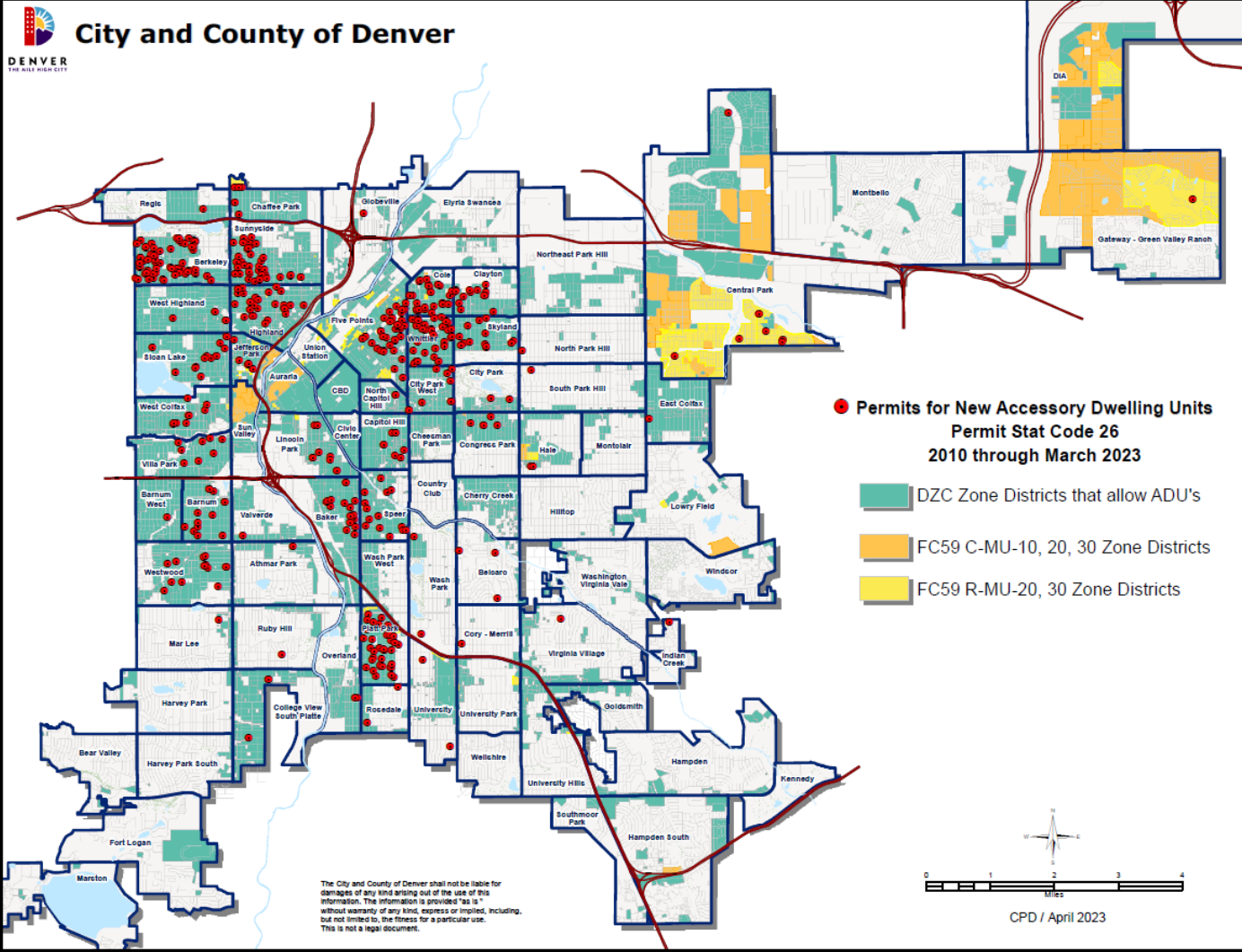


ADUs to date

Only 450 ADUs permitted since 2010

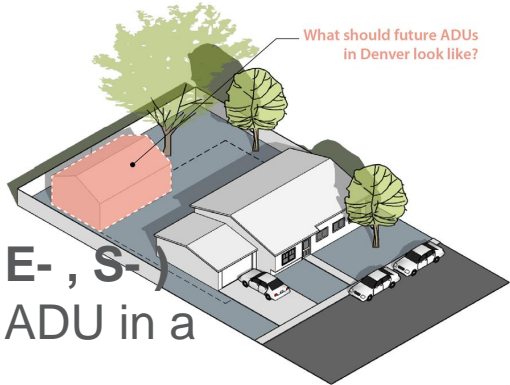
About 30% of the city allows ADUs today

100,000 SU parcels citywide



Overview of Recommended Strategy

- **Primarily address detached (rather than attached) ADUs**
- **Many updates should vary by neighborhood context (U- , E- , S-)**
 - Especially related to the location and height of a detached ADU in a suburban vs. urban environment
 - **Setbacks, building height, bulk plane, design elements like dormers and balconies**
- **Some updates apply everywhere (citywide)**
 - Detached ADUs should be feasible on a wider variety of lots already zoned for ADUs
 - One-story ADUs should be easier to build
 - **Lot size, coverage, sq. ft., existing structures, non-SU uses, owner-occupancy**



Key issues addressed:

ISSUES	Impact on Neighborhood & Community	Design, Construction & Build-ability	Cost & Afford-ability	Use Allowances & Restrictions
Setbacks	✓	✓		
Building Height	✓	✓	✓	
Bulk Plane	✓	✓	✓	
Minimum Lot Size Requirement	✓	✓		✓
Maximum Building Coverage	✓	✓		✓
Maximum Square Footage	✓	✓	✓	✓
Reuse of Existing Accessory Structure		✓	✓	
Accessory to Non-SU Uses		✓		✓
Owner Occupancy	✓		✓	✓

Context Based

Citywide

Citywide Building Form Recommendations

Topic	Recommendation
Minimum lot size	Remove the min lot size requirement to allow all lots zoned for ADUs to at least be eligible for a detached ADU.
Building coverage exemption	Extend the building coverage exemption from garages to include detached ADUs, which will make it easier to build single-story ADUs and convert existing garages

Citywide USE Recommendations

Topic	Recommendation
Minimum ADU size allowance	Increase the max floor area from 650sf to 864sf to help improve the cost efficiency of building an ADU. Remove the overall structure length max to create more flexibility on narrow lots.
Re-use of existing structures	Allow garages that do not meet the min setbacks for a detached ADU to be converted to reduce the cost of construction, promote sustainability, and prioritize housing over parking
Accessory to non-single unit uses	Allow only Detached ADUs as accessory to TU + MU, as to not confuse the building code requirements vs the zoning code. For Row/Town House development, an SDP would be required.

Citywide USE Recommendations (continued):

Topic	Recommendation
Owner Occupancy	<p>Remove or modify the Owner Occupancy requirement for more flexibility and to help get more ADUs built.</p> <p>No changes to the owner-occupancy requirement are recommended at this time.</p>

- Currently in SU districts an ADU is only allowed when the property owner lives on site, in perpetuity.
- Many agree that the owner occupancy requirement should be made more flexible, but concerns remain about owners living off-site:
 - Advisory Committee
 - Public Surveys
 - Latest feedback from Open Houses was split, 60/40 in favor of removing but,
No changes to the owner-occupancy requirement are recommended at this time.

Context-based Recommendations (*not citywide*)

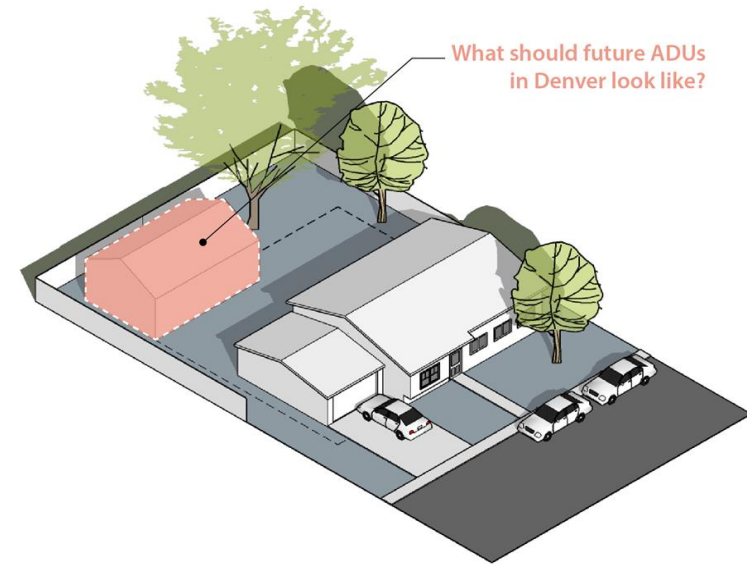
- Greater allowances in **URBAN** neighborhoods with flexibility where ADUs most easily fit in



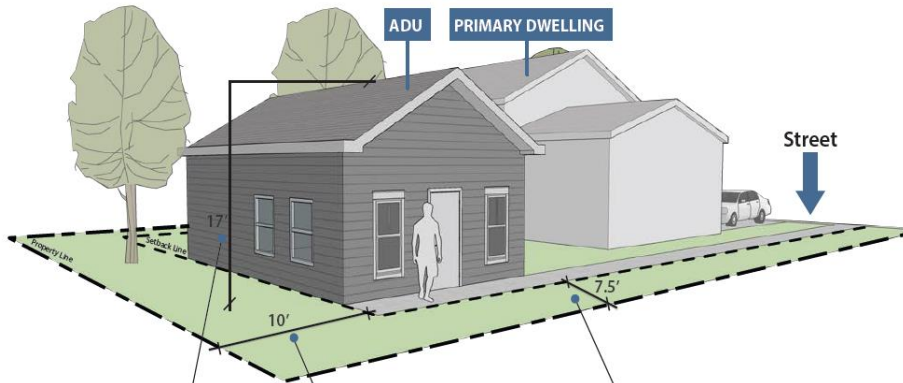
- Allowances for **URBAN EDGE** neighborhoods that recognize the unique balance of Urban and Suburban conditions



- Sensitive location and form standards in **SUBURBAN** neighborhoods



Draft Recommendations Summary



A MAXIMUM HEIGHT

One-story and 17' if setback 10'
Two-stories and 24' if setback 20'

B MINIMUM REAR SETBACK

Larger rear setback allows room for landscaping buffers

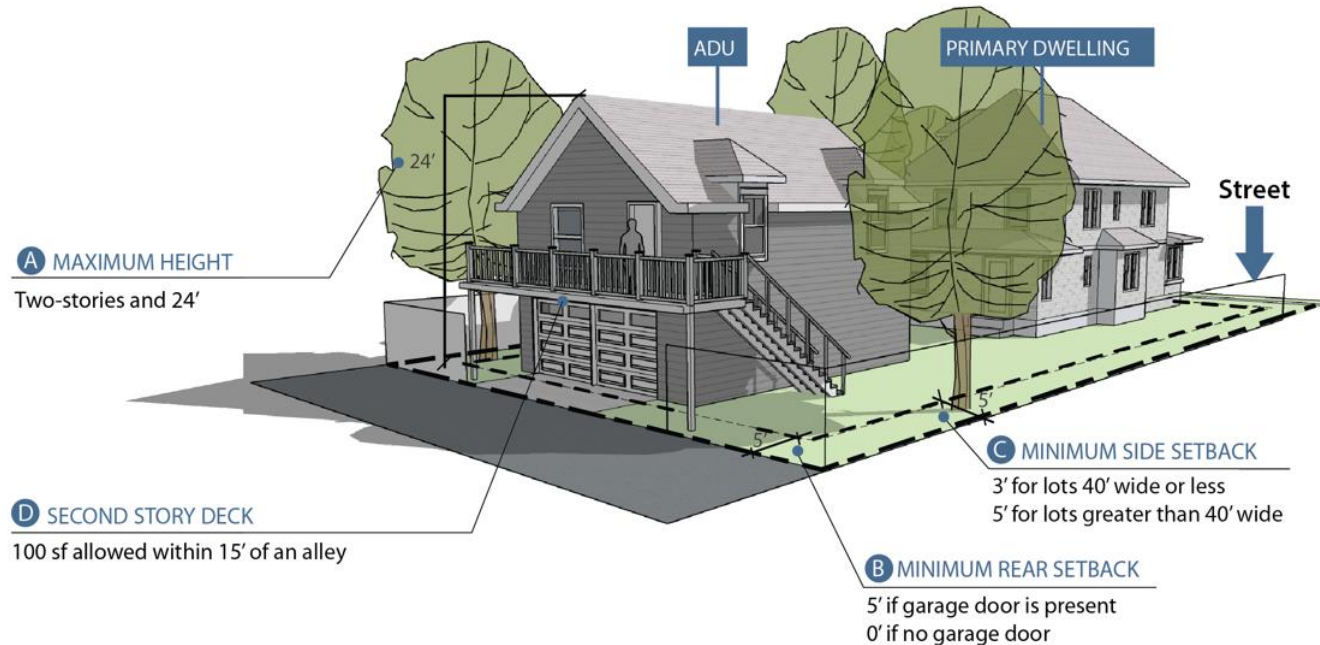
C MINIMUM SIDE SETBACK

Side setbacks match requirement for primary dwelling

Neighborhood Context	Existing	Suburban (S-)	Urban Edge (E-)	Urban (U-)
Form Standards:				
A Height (in Stories/feet)	1.5 / 24'	1 / 17'	Reduced to 1/17' or Increased to 2/24' per rear setback distance	Increased to 2 / 24'
B Bulk-Plane (Vertical Height at Side Lot Line)	10'	10'	Increased to 12' on lots 40' or less in width	Increased to 12' on lots 40' or less in width
B Rear Setback Distance	5'	10'	Increased to 12' for two-story ADUs with no alley	Removed if no garage door
C Side Setback Distance	Lots 30' wide or less: 3' Lots greater than 30' wide: 5'	Same as required setback for the primary structure	Same as required setback for the primary structure	Same as required setback for the primary structure
Balcony Encroachments	Not permitted	Not permitted	35sf max allowance when an alley is present	35sf max allowance when an alley is present
Dormer Encroachments	Not permitted	Not permitted	Conditionally allowed to penetrate the Bulk Plan	Conditionally allowed to penetrate the Bulk Plane
Minimum Lot Size Requirement	3,000 - 10,000 sf, per district	N/A	Removed	Removed
Building Coverage Exemption	Not permitted, unless ground floor mostly serves as a garage	Extended to ADUs	Extended to ADUs	Extended to ADUs
Use Standards:				
Maximum Floor Area	On single-unit lots 6,000 sf or less: 650 sf	On single-unit lots 6,000 sf or less: 864 sf	Increased on single-unit lots 6,000 sf or less to 864 sf	Increased on single-unit lots 6,000 sf or less to 864 sf
Maximum Structure Length	36'	N/A	Removed	Removed
Conversions of existing garages	Permitted only if structure meets ADU setback requirements	Permitted	Permitted	Permitted
ADUs accessory to two-unit and multi-unit primary uses	Not permitted	Permitted	Permitted	Permitted
Owner Occupancy of primary or secondary structure	Required at all times	NO change	NO change	NO change

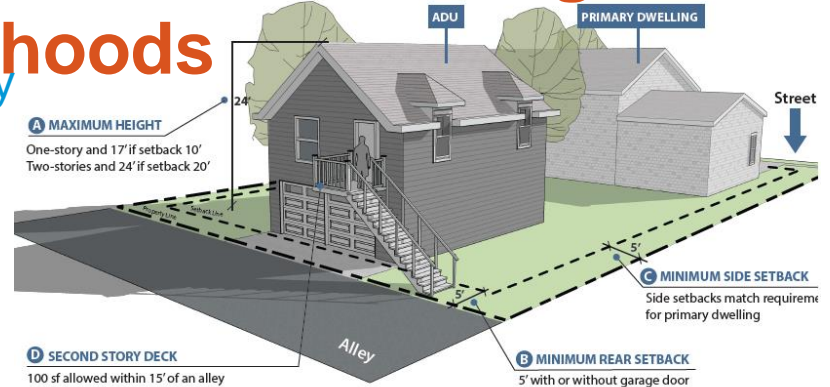
Draft Recommendations for Urban Neighborhoods

- Allow for a full two stories
- Added flexibility for small/narrow lots
lots <40' in width
- Make single-story/re-use easier
- Allow for additional design elements like, balconies and dormers



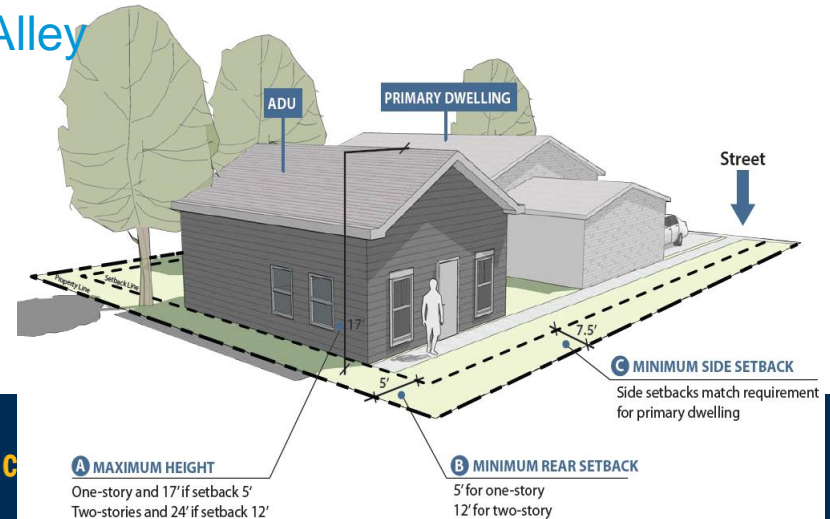
Draft Recommendations for Urban Edge Neighborhoods

Alley



- Allow for a full two stories on an alley
Single-story without alley, unless setback 12'min
- Added flexibility for small/narrow lots, lots <40' in width
- Make single-story/re-use easier
- Allow for some additional design elements

No Alley

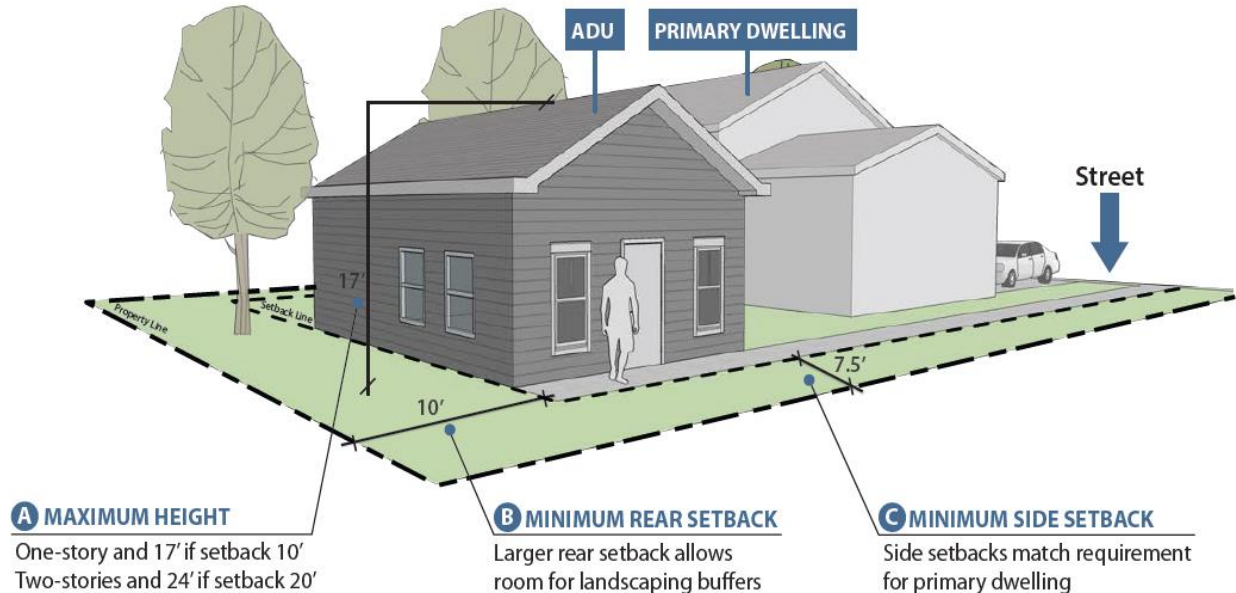


Draft Recommendations for Suburban Context

- Add new Suburban ADU zone districts with context-sensitive form standards

- Single-Story – 17' tall with 10' rear setback unless it fits in the 'primary envelope'

- Make single-story/re-use easier



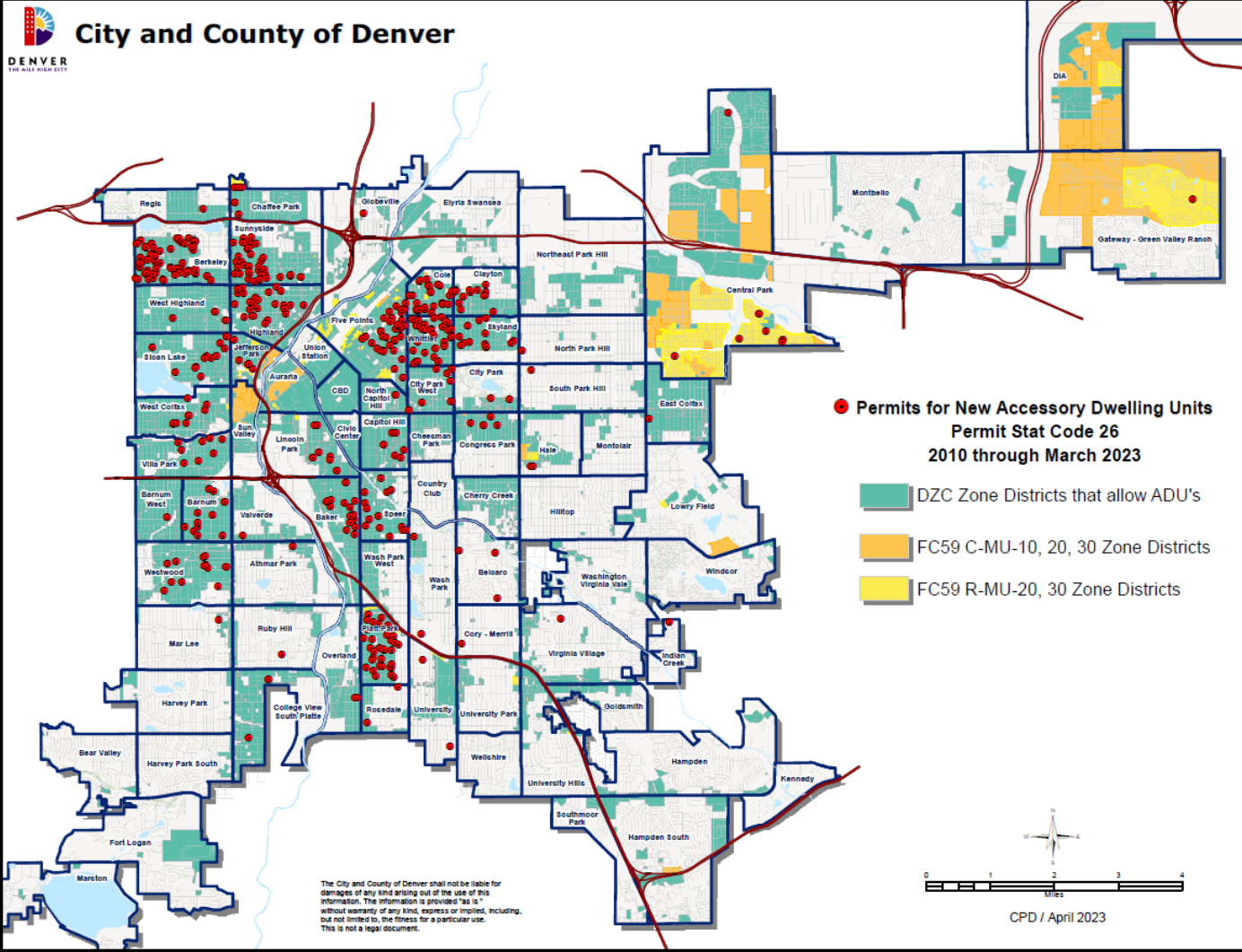


Former CH 59 Approach

ADUs are allowed in FC 59 zoned districts, that are zoned MU Multi-Use

Limited in Square-footage, based on the Primary Structure SF.

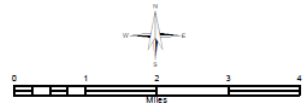
Follows same location standards as the Primary



● Permits for New Accessory Dwelling Units
 Permit Stat Code 26
 2010 through March 2023

- DZC Zone Districts that allow ADU's
- FC59 C-MU-10, 20, 30 Zone Districts
- FC59 R-MU-20, 30 Zone Districts

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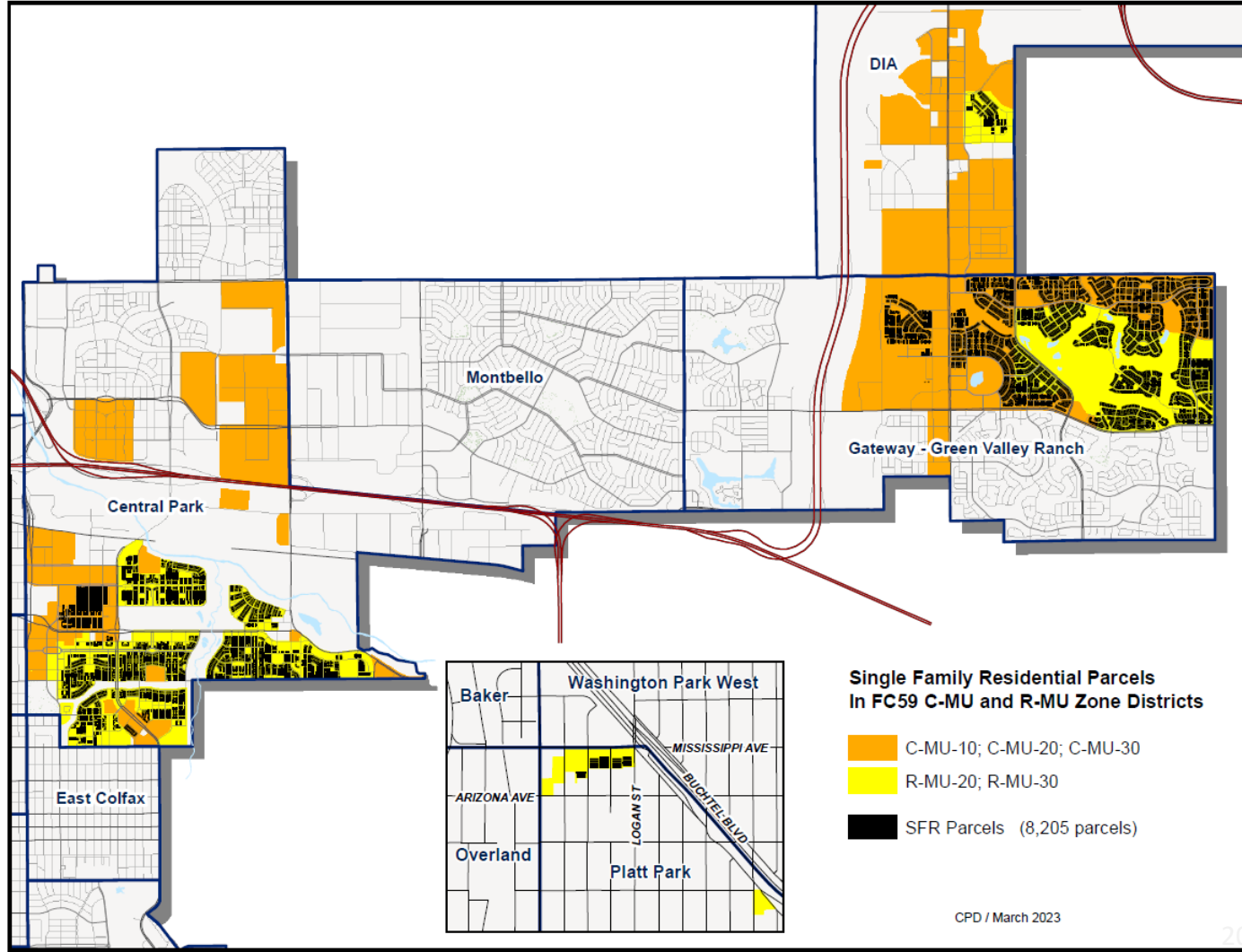


Former CH 59 Approach

ADUs are allowed in FC 59 zoned districts, that are zoned MU - Multi-Use

Limited in Square-footage, based on the Primary Structure SF.

Follows same location standards as the Primary



Former CH 59 DRMC Bridge Amendment

Topic	Recommendation
Minimum ADU size allowance	Increase the max floor area allowance for ADUs to match that of the Denver Zoning Code allowance, up to 1,000sf, regardless of primary structure size.
Remove 'difficult to enforce' additional building standards	Remove the architectural requirement to 'match the materials' of the primary structure, and Remove the occupancy limit of 200sf per person.

Zoning Criteria

Review Criteria and CPD Staff Evaluation

The criteria for review of a proposed text amendment are found in Section 12.4.11.4 of the DZC. CPD analyzed the proposed text amendment for compliance with the review criteria stated below and finds that the proposed text amendment satisfies each of the review criteria:

- 1. Consistency With Adopted Plans**
- 2. Public Health, Safety and Welfare**
- 3. Uniformity of District Regulations and Restrictions**

Zoning Criteria

1. Consistency With Adopted Plans

Denver Comprehensive Plan 2040

The proposed text amendment is consistent with many of the adopted *Denver Comprehensive Plan 2040* strategies, which are organized by vision element.

Blueprint Denver (2019)

The proposed text amendment is consistent with many of the adopted *Blueprint Denver* policies providing guidance specific to removing barriers to ADU construction and creating context sensitive ADU building form standards.

2. Public Health, Safety and Welfare

3. Uniformity of District Regulations and Restrictions

Zoning Criteria

1. Consistency With Adopted Plans

2. Public Health, Safety and Welfare

The text amendment furthers the public health, safety and welfare of Denver residents, land-owners, and community members by implementing the city's adopted plans through regulations that are responsive to current community needs.

Uniformity of District Regulations and Restrictions

Zoning Criteria

1. Consistency With Adopted Plans
2. Public Health, Safety and Welfare
- 3. Uniformity of District Regulations and Restrictions**

This text amendment will result in regulations for ADUs that are uniform within each zone district in which the Accessory Dwelling use will be allowed.

Staff Recommendation

Based on the review criteria for text amendments stated in the Denver Zoning Code, Section 12.4.11 (Text Amendment), staff recommends that Denver City Council approve of the ADUs in Denver text amendment to the Denver Zoning Code with the condition that the CC Review Draft be edited for clarity, correctness, illustrative graphics, section references, and other non-substantive matters as well as any other changes to the CC Review Draft made necessary by such edits. Staff also recommend Denver City Council approve of the companion amendment to the Denver Revised Municipal Code.

Planning Board Recommendation

At a public hearing on April 5, 2023, the Planning Board unanimously recommended approval of the ADUs in Denver text amendment. Planning Board also forwarded documentation of their deliberation to City Council.

This documentation records Planning Board discussion concerning the on-going requirement in single-unit (SU) zone districts that either the primary residence or the ADU must be owner-occupied. Note that this ADUs in Denver amendment does not propose to remove the existing requirement.

Appendix

Outreach Events to Date

Advisory Committee Meetings

- Meeting #1 – March 3, 2022
- Meeting #2 – April 7, 2022
- Meeting #3 – May 5, 2022
- Meeting #4 - June 9, 2022
- Meeting #5 - August 4, 2022
- Meeting #6 – September 8, 2022
- Meeting #7 – November 3, 2022
- Meeting #8 – December 15, 2022

Focus Groups

- Suburban Context focus Group – June 16, 2022
- AIA Focus Group - July 27, 2022
- Urban Edge Context focus group – October 2022
- Suburban Context focus group – October 2022
- AIA focus group – November 2022

Public Meetings

- Public Survey – ADUs issues/concerns – May 2022
- In Person Open House – August 25, 2022
- Online Open House – August 25-September 16, 2022
- In Person Open House – Swansea – January 25, 2023
- In Person Open House –La Alma Lincoln Park – January 26, 2023
- Office Hours – January 30 - February 2, 2023
- In Person Open House – Montbello – February 1, 2023
- In Person Open House – Virginia Village – February 2, 2023
- Online Open House – February 7, 2023
- In Person Open House – Bear Valley- February 9, 2023

Planning Board and City Council

- Planning Board info item - May 4, 2022
- City Council Budget and Policy Committee update - May 9, 2022
- City Council LUTI update – August 16, 2022
- City Council Briefings – November 2022
- City Council Budget and Policy Committee update – January 2023

Presentations to Neighborhood Groups (by request)

- INC ZAP – April 23, 2022
- University Park RNO – May 4, 2022
- East Wash Park RNO – May 11, 2022
- Bellevue-Hale Neighborhood Association – May 31, 2022
- Harvey Park RNO - Aug 27, 2022
- INC ZAP – September 24, 2022
- Wash Park East Neighborhood Association – Nov 8, 2022
- West Highlands Neighborhood Association – Jan 3, 2023

Presentations to Industry Organizations

- Presentation to AARP – April 20, 2022
- Panel discussion on ADUs for Mile High Hosts – April 28, 2022
- Presentation to Near SE Plan Steering Committee – May 12, 2022
- Presentation to CNU Colorado – May 12, 2022
- Presentation to ULI Housing Committee – June 7, 2022

DRAFT FOLLOW UP ACTIONS

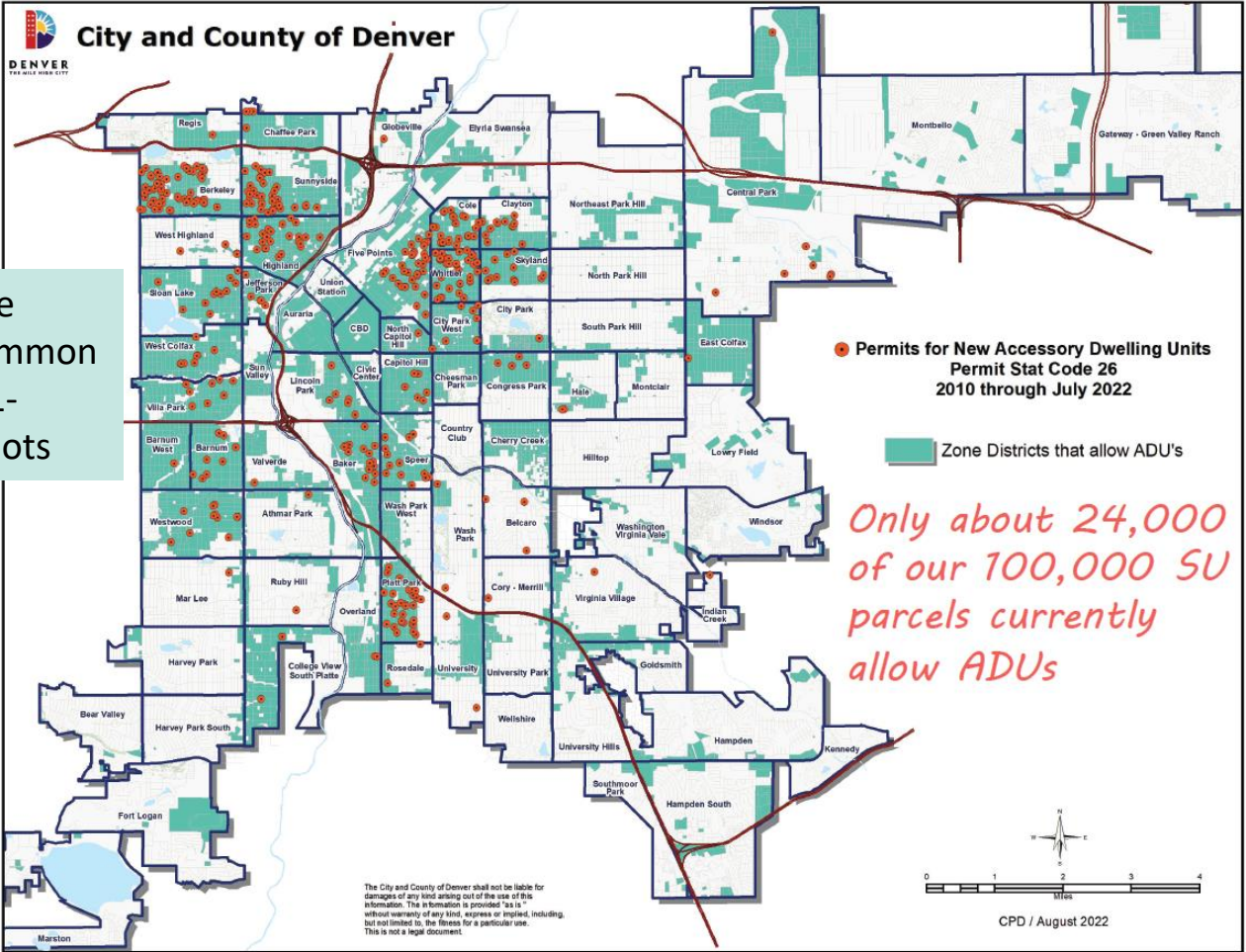
Topic	Recommendation
City of Denver Actions	
Permit Processes and Related Fees (fees charged by the City of Denver)	Continue to review overall permitting processes to promote a streamlined process for adding housing options in Denver, including ADUs. This should include review of permitting fees based on project cost to ensure that such fees do not create an unnecessary barrier to ADU construction.
Denver Building and Fire Code (establishes the minimum, mandatory standards for building construction in Denver based on international standards for safe, habitable structures)	Consider impacts on ADUs in future building code updates, including thresholds for review of project using the Residential Building Code vs. the International Building Code, as well as standards related to the conversion of existing structures, like detached garages into habitable dwelling units.
Required Public Improvements (off-site improvements sometimes required in conjunction with a development project)	Continue to review whether if or when construction of an ADU may trigger required public improvements, such as sidewalk reconstruction to ensure that the benefits of adding housing options in Denver are balanced with community benefits resulting from public improvements.
Other (Non-City) Actions	
Water and Sewer Tap Fees (fees for connecting new development to public infrastructure)	Continue to work with Denver Water (a public utility separate from the City of Denver) on when and how tap fees are applied to new ADUs and whether ADUs may use an existing water tap to reduce costs associated with building and ADU.

Background: Where ADUs are allowed and where they have been permitted

ADU permits by lot size

Lot Size	Number of Permits
< or = 3000	3
3001 - 4500	97
4501 - 5500	83
5501 - 6000	17
6001 - 7000	151
7001 - 8500	31
8501 - 9000	8
9001 - 10000	12
10001 - 12000	5
> 12000	8
ADU median size is	647 sf

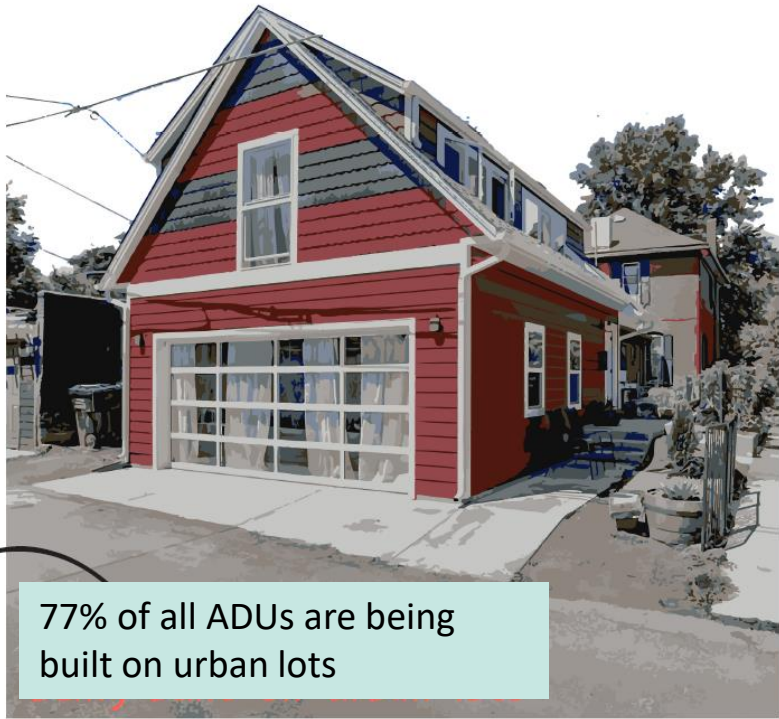
ADUs are most common on 6,001-7,000sf lots




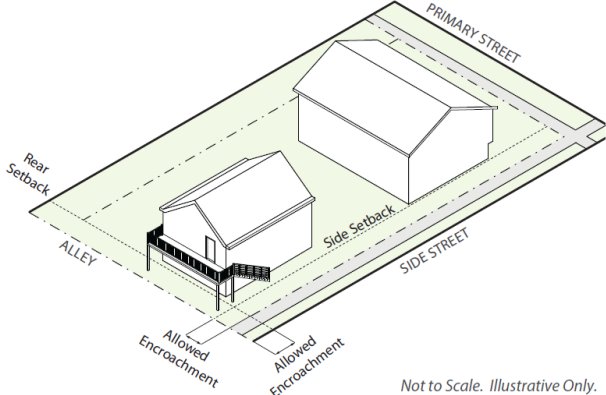
Background: Where ADUs have been permitted

ADU permits by zone district

ZONE_DISTRICT	ADU Permit Count	% of all ADUs	
S-MU-3	1	0.2%	
S-SU-D	2	0.5%	
S-SU-F1	2	0.5%	
SUBURBAN TOTAL	5	1%	
E-SU-B1	1	0.2%	
E-SU-D1	3	1%	
E-SU-D1X	31	7%	
E-SU-DX	2	0.5%	
E-TU-C	8	2%	
URBAN EDGE TOTAL	45	11%	
U-RH-2.5	45	11%	
U-RH-3A	9	2%	
U-SU-A1	40	9%	
U-SU-B1	102	24%	
U-SU-C1	70	16%	
U-TU-B	28	7%	
U-TU-B2	3	1%	
U-TU-C	30	7%	
URBAN TOTAL	327	77%	
Parcel area < 6,000sf	203	48%	
Parcel area > or = 6,000sf	223	52%	
	426		



77% of all ADUs are being built on urban lots

	ZONE DISTRICTS	BUILDING FORMS	PRIMARY STREET	SIDE STREET	SIDE INTERIOR	REAR
<p><u>Rooftop and/or Second Story Decks</u></p> <ul style="list-style-type: none"> All sides shall be at least 50% open except for any side abutting a building facade or fire wall. 	All G- Zone Districts	<u>Detached Accessory Dwelling Unit</u>	<u>Not allowed</u>	5'	<u>Not allowed</u>	5'
<p><u>Intent: To allow for second story exterior building entrances and an outdoor space allowance for detached ADU uses.</u></p>  <p><i>Illustrative only</i></p>	 <p><i>Not to Scale. Illustrative Only.</i></p>					

Peer City/State Owner Occupancy Research

Cities around the country vary in their approach to owner-occupancy (OO) requirements for ADUs.

- Oregon state law does not allow OO requirements for ADUs, but the Oregon DEQ determined that more than 2/3 of properties with ADUs have owners residing on the property.
- California state law does not allow OO requirements for ADUs. However, investors own 17% of the single-family housing rental stock but permit and construct just 8% of its ADUs.
- In 2019, Seattle lifted its OO requirement to reduce inequity between owners and renters in housing stock and decrease financial barriers to building ADUs. An environmental study determined that removing the requirement wouldn't increase speculation as it would discourage demolition of existing SU homes prior to redevelopment, instead incentivizing homeowners to maintain the existing housing stock while building ADUs.
- Fayetteville, Arkansas adopted an ADU ordinance in 2008, limiting ADUs to 600sf and required OO. Since then, the city has increased the size allowance to 1,200sf, dropped parking and OO requirements. It is now seeing more ADU construction.
- In Colorado, Fort Collins, Littleton and Salida don't regulate occupancy for any ADUs, while CO Springs and Lakewood require owner occupancy in attached ADUs, but not detached ADUs.