

ADUS IN DENVER

# STRATEGY REPORT



*APRIL 3, 2023*

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# INTRODUCTION TO THIS STRATEGY REPORT

Denver's population has grown, and we need to make it easier to provide a range of housing options that fit in with existing neighborhoods. The ADUs in Denver project builds on adopted city policy to evaluate how ADUs are designed, how they fit in with different types of neighborhoods, and how updates to the zoning code may reduce barriers to creating ADUs. The project will **not** rezone any properties.

After a year of work with an Advisory Committee, focus groups, and the public through surveys and open houses, this strategy report document provides background information on ADUs in Denver as a foundation to explore related issues and alternatives. It then presents a recommended strategy to inform a proposed zoning code amendment.

Following this introductory page, the report is divided into the following chapters:

- **Project Background.** This chapter summarizes the citywide policy that is the foundation for the ADUs in Denver project, describes the project's community engagement process, summarizes benefits that ADUs can provide and describes Denver current zoning requirements for ADUs.
- **Issues & Alternatives.** This chapter describes issues identified through the project's community engagement process and presents a series of alternative solutions that could address each identified issue.
- **Recommended Strategy.** This chapter builds on the complete project process to recommend updates to specific zoning requirements that are intended to inform a proposed zoning code text amendment for City Council consideration following community review of the recommended strategy.

Following community review of the recommendations summarized in the draft ADUs in Denver Strategy Report posted on January 25, 2023, the city has proposed a Denver Zoning Code text amendment to revise ADU requirements to be consistent with the recommendations included in this updated strategy report. The proposed zoning code text amendment has been posted for community review and revised prior to starting an adoption process that includes public hearings with the Denver City Council and Planning Board. The City Council must approve adoption of any proposed zoning code amendment.



## WHAT IS AN "ADU"?

Accessory dwelling units, or ADUs, are self-contained, smaller living spaces that are an extension of an existing property. They are often called mother-in-law suites, granny flats, casitas, backyard cottages, garage apartments or basement apartments. An ADU has its own kitchen, bath and sleeping area, but is not considered a separate property that could be sold on its own. ADUs can be 'attached' (part of the primary home, like a basement or attic unit) or 'detached' (located in a separate accessory structure like a backyard cottage).



# PROJECT BACKGROUND

# BACKGROUND CHAPTER INTRODUCTION

This chapter summarizes the citywide policy that is the foundation for the ADUs in Denver project, describes the project's community engagement process, summarizes benefits that ADUs can provide and describes Denver current zoning requirements for ADUs. This background information informed the evaluation of the issues and alternatives described in the next chapter.

## POLICY FOUNDATION

The foundation for this project is Blueprint Denver, a citywide land use plan that was adopted by Denver City Council in 2019 after three years of public outreach. Thousands of residents helped create the policy recommendations in Blueprint Denver, which included these recommendations for ADUs:

- that barriers to ADU construction be removed,
- that zoning rules be reviewed and adjusted so ADUs fit into a variety of neighborhood contexts.

## BLUEPRINT DENVER



This project aims to implement the Blueprint Denver recommendations through a community-driven update to the Denver Zoning Code. This project will not change where in the city ADUs are allowed, but will look at how they are designed, how they fit in with different types of neighborhoods and block patterns, and how updates to the zoning code may reduce barriers to creating ADUs.

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Remove barriers to constructing accessory dwelling units and create context-sensitive form standards.

**GOALS: 1, 6**

*The zoning code already allows ADUs in some areas of the city. ADUs can be attached to the main home, such as a basement unit, or detached. ADUs offer a housing option for residents looking for something smaller than a home, such as seniors who want to age in place. There are opportunities to remove barriers—especially since the cost of constructing a detached ADU is high—and to better calibrate form standards for detached ADUs by neighborhood context.*

- A. Evaluate existing barriers to ADU permitting and construction and revise codes and/or fees to remove or lessen barriers for homeowners. Consider programs and resources to help reduce barriers to ADUs for homeowners, especially in neighborhoods that score high in Reducing Vulnerability to Displacement.
- B. Revise the zoning code to allow ADUs as accessory to more uses than only single-unit homes.
- C. Revise detached ADU form standards to be more context-sensitive, including standards for height, mass and setbacks.
- D. Establish context-specific patterns or templates to facilitate the approval process of detached ADUs.

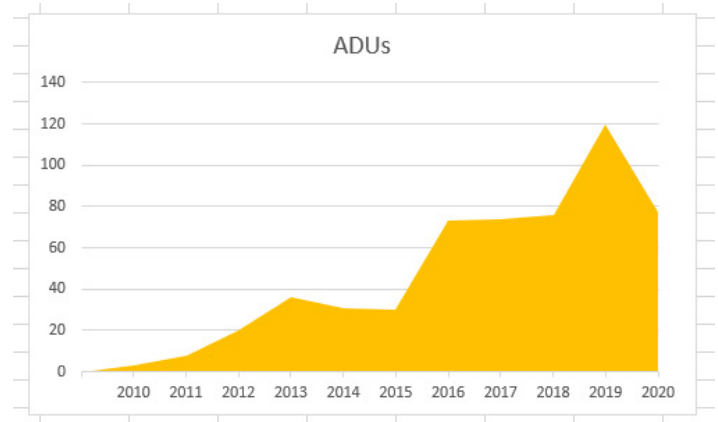
*Blueprint Denver 2019 identifies several policies and strategies to make it easier to build ADUs.*



## WHY NOW?

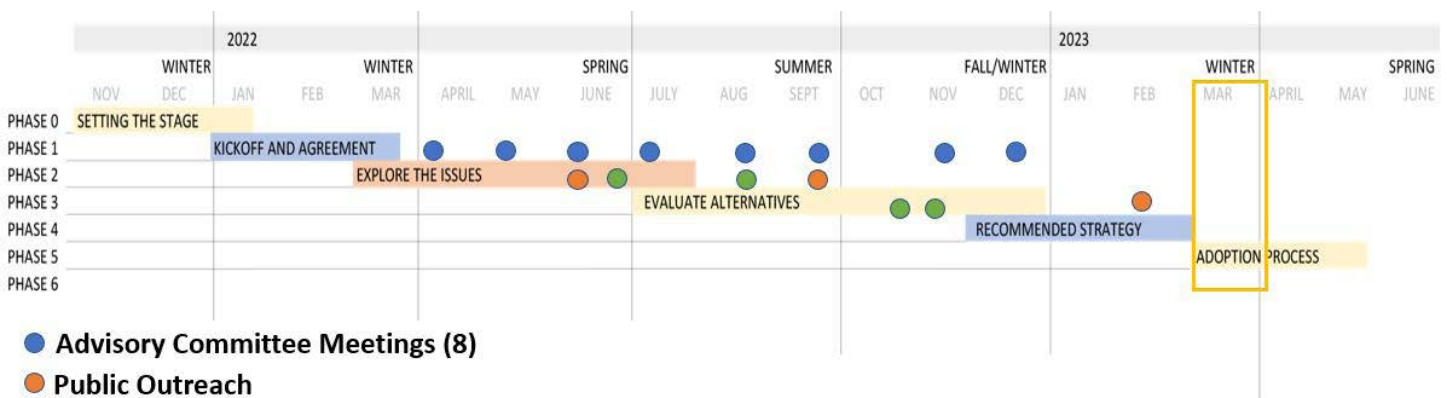
Denver’s population has grown, and we need to make it easier to provide a range of housing options. ADUs are part of the solution. ADUs are becoming increasingly popular throughout Denver, as rezoning requests suggest, and more people are becoming interested in figuring out ways to add housing to their property. Whether it’s for distant in-laws to visit, as a rental property, or an expanded family arrangement; the need for accessible housing is more pressing than ever. With the plan guidance in Blueprint Denver 2019, many single-unit residential properties are now eligible for a rezoning to allow ADUs on their property. However, rezoning is only the first hurdle. Once your property is zoned for an ADU, you then must go through the process of design, permitting, and construction. **This project is intended to make those processes as simple and as cost effective as**

**possible.** The building form standards for a detached ADU are restrictive and may impose many cost implications that make for difficult design decisions in building an ADU. This project will look at which restrictions can be lifted or alleviated, while creating ‘context sensitive’ outcomes.



## SCOPE AND TIMELINE

The ADUs in Denver project will remain relatively narrow in scope, focusing on removing barriers to ADUs where they are currently allowed. By focusing exclusively on the built outcomes of ADUs, city staff is able to quickly implement and accomplish some of Blueprint Denver’s goals, with emphasis on a one-year timeline.



### ● Advisory Committee Meetings (8)

### ● Public Outreach

- May 2022: Survey on issues (377 responses)
- August-September 2022: Survey and open house on alternative solutions (400+ responses)
- January-February 2023: Six public open houses on the recommended strategy

### ● Focus Groups (4)

- Explored topics like suburban context, design/build issues, renter concerns

*Note that more information on public process and feedback received is available on the [project web page](#)*

# COMMUNITY ENGAGEMENT PROCESS

Community outreach for the ADUs in Denver project included an advisory committee, community open houses, focus groups, on-line surveys, presentations to neighborhood groups, and a range of other opportunities.

## GOALS FOR ENGAGEMENT

### Project and Process Understanding



- Help community members understand the purpose of the ADUs in Denver Project, how it fits into the goals of existing comprehensive plans, the importance of participation and engagement, the process for decision making, and the impacts of project outcomes on their families, neighborhoods, and broader community.

### Diverse and Targeted Engagement



- Create a diverse range of engagement opportunities intentionally accessible to all community members. This requires intentional outreach and providing access in appropriate languages and venues.
- Organize an advisory committee representing a diverse range of stakeholders from across Denver to meet regularly throughout the process.

### Foster Open & Honest Communication



- Create a space to listen and address questions and concerns through honest conversation and collaboration.

### Create a Feedback Loop



- Inform the community by distributing accurate, objective, and timely information that is accessible and understandable.
- Foster an understanding of land use regulations like the zoning process and criteria for changing it.
- Solicit input and feedback to ensure key issues, interests, and needs are integrated into the process and project outcomes and build awareness of how feedback is used to inform outcomes.

## ADUS IN DENVER ADVISORY COMMITTEE

This project included an advisory committee made up of a diverse group of community representatives and knowledgeable ADU experts to help guide staff in making decisions on zoning code updates to ADUs. Eight advisory committee meetings were held during the ADUs in Denver project. Earlier meetings focused on better defining barriers to constructing ADUs while subsequent meetings explored alternative design solutions and recommended strategies.

## OPEN HOUSES

The project included six in-person open houses at locations around the city, as well as two virtual open houses. The open houses included project updates and opportunities for participants to provide feedback that was used to determine and refine project recommendations.

## FOCUS GROUPS

Focus groups were convened at critical points in the project to dive into a particular interest area or concern, or connect with a specific collection of residents during the process. Advisory committee members, city council members, and existing organizations helped identify participants for smaller group engagement sessions throughout the project. Focus groups held included:

- American Institute of Architects focus group
- Suburban context residents focus groups
- Urban Edge context residents focus group



*Residents provide feedback at an open house in Montbello.*

## OTHER OPPORTUNITIES FOR PARTICIPATION

### Presentations to Industry Organizations and Neighborhood Groups

City staff attended scheduled neighborhood meetings and presented to other industry organizations to receive feedback on key project considerations.

### On-line Survey

The ADUs in Denver Team conducted two on-line surveys to gather information on the community's experience with ADUs, what concerns and challenges are associated with building them, how they fit into different neighborhoods, and what might make them easier to build.

### Office Hours

City staff held virtual office hours to discuss and answer questions about policy alternatives under consideration.

### Website and Newsletter

A [project website](#) provided updated information on project events, community feedback, and proposed strategies. The [Project Archive](#) section of the web page includes summaries of community participation opportunities and feedback received in each phase of the ADUs in Denver project.



*Libby Kaiser, Principal City Planner, explains barriers to ADU construction to open house participants at the Carla Madison Recreation Center.*



*Genna Morton, Marketing and Communications Specialist, welcomes open house participants to an open house in the City Park Neighborhood.*

# ADU BENEFITS AND CONCERNS

## ADU BENEFITS

Many organizations have researched the benefits of ADUs, some of which are provided below from AARP:

### ADUs are able to house people of all ages.

- An individual's housing needs change over time, and an ADUs use can be adapted for different household types, income levels, employment situations and stages of life.
- ADUs offer young people entry-level housing choices.
- ADUs enable families to expand beyond their primary home.
- ADUs provide empty nesters and others with the option of moving into a smaller space while renting out their larger house or letting an adult child and his or her family reside in it.

### ADUs are community compatible.

- ADUs offer a way to include smaller, relatively affordable homes in established neighborhoods with minimal visual impact and without adding to an area's sprawl.
- ADUs provide a more dispersed and incremental way of adding homes to a neighborhood than other options, such as multistory apartment buildings. As a result, it's often easier to get community support for ADUs than for other housing types.

### ADUs are good for the environment.

- ADUs require fewer resources to build and maintain than full-sized homes.
- ADUs use significantly less energy for heating and cooling. (Of all the ADU types, internal ones tend to have the lowest building and operating costs.)

### ADUs are just the right size.

- Generally measuring between 600 and 1,000 square feet, ADUs work well for the one and two-bedroom homes needed by today's smaller, childless households, which now account for nearly two-thirds of all households in the United States. The table below shows how the average square footage of single-family homes has changed over time.

### Big houses are being built, small houses are needed

Do we really need more than three times as much living space per person as we did in 1950? Can we afford to buy or rent, heat, cool and care for such large homes?

YEAR	1950	2017
Average square footage of new single-family homes	983	2,571
Number of people per household	3.8	2.5
Square feet of living space per person	292	1,012

Source: National Association of Home Builders and U.S. Census Bureau (Average Household Size)



ADUs are community compatible and appropriately sized for smaller households.

Source: CPD

## ADU CONCERNS

Some residents are worried that a nearby ADU could impact their quality of life and these concerns are summarized below.

### Short-term Rentals

- ADUs may be rented out as a short-term rental as long as the owner of the ADU lives on the property and maintains permanent residence there. This means that only one of the units, the ADU or the primary unit, may be short-term rented out.
- Short-term rental income can help offset construction costs of an ADU. But a short-term rental is sometimes seen as a negative by neighbors, who aren't sure who is coming and going from the neighboring property.
- In our brief surveys of ADU owners, many of them did short-term rent out their unit for a few years, just after construction, but eventually became tired of the requirements and turned their unit into a long-term rental.

### Safety Concerns

- Some neighbors fear that adding ADUs to their alley will increase automobile traffic and crime.
- Studies have shown, the additional traffic is minimal and adding ADUs to alleys can increase their safety by adding more eyes on the alley which helps to prevent crimes of opportunity and deter loitering.

*An example of an alley improvement due to ADU development.*

*Source: CPD*

### ADUs Without Alley Access

- Concerns about allowing ADUs on lots without alley access are growing as ADU interest begins to spread away from our urban center.
- Most of Denver's urban neighborhoods have alley access to the rear of their lot, but in our more suburban neighborhoods, alleys are less common.
- Special consideration should be given to the zoning regulations in this context, especially rear setbacks which abut a neighboring property.

### Parking Availability

- Some residents are concerned about ADUs exacerbating parking demand.
- Currently there is no off-street parking requirement for single unit dwellings or ADUs.

### Loss of Privacy

- Many neighbors fear the loss of privacy in their backyards due to an ADU next door.
- The zoning code regulates side setbacks and a 'bulk plane' that help encourage windows to face the alley and the primary structure to prevent infringement on neighboring properties.

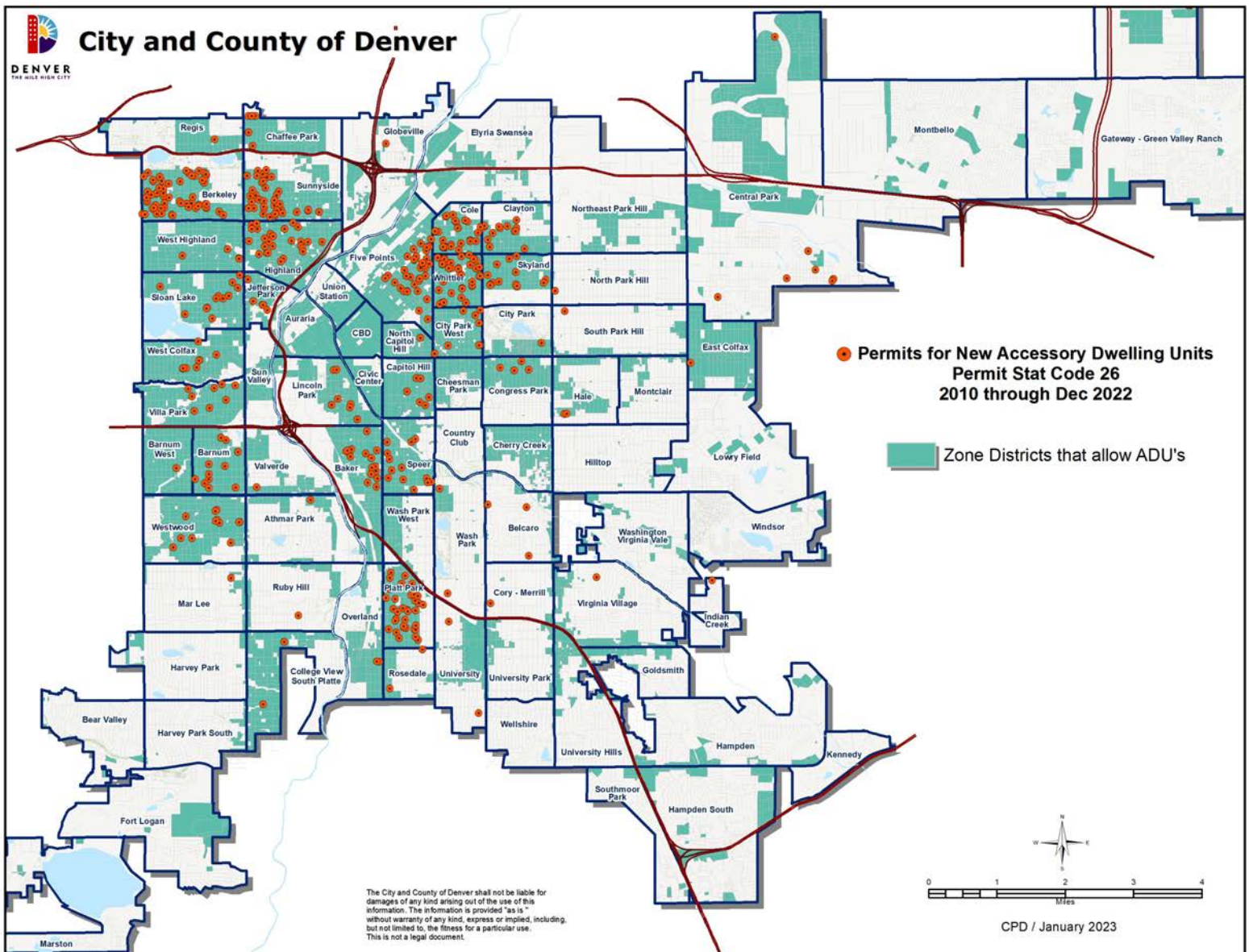


# CURRENT ADU ALLOWANCES

The Denver Zoning Code regulates where detached and attached ADUs are allowed. It also includes building form standards regarding height, minimum lot size and depth, setbacks, parking, floor area, and structure length. The zoning code also includes limitations on when ADUs can be built that further define the circumstances under which they can be built. The regulations are summarized below and should be re-evaluated to consider more context sensitive standards that could help reduce barriers to

ADU construction. Besides zoning requirements, ADUs must meet all building and fire code standards for new construction.

In order to rezone a property to allow an ADU, a property owner must submit an application and pay a minimum \$1,000 review fee. Some property owners, intimidated by the process, pay additional fees to hire a consultant to administer the application for them. The rezoning process takes 4-6 months and includes staff analysis of the rezoning's consistency with zoning code criteria and involves public hearings.



The map above shows areas where ADUs are zoned to be allowed in the city (teal) and where ADU construction permits have been issued (red dot). Source: CPD

## Zone Districts

The zoning code defines numerous residential zones specifying allowed building forms and minimum lot sizes, which are categorized based on their neighborhood context. Many of these residential districts, particularly single-unit and two-unit districts, allow urban and suburban house forms and have a counterpart district that also allows ADUs. For example, the U-SU-A district allows urban houses on a minimum zone lot area of 3,000 square feet, while the U-SU-A1 district includes similar standards as U-SU-A but also allows ADUs. A few row-house and multi-unit zone districts also allow ADUs, however, an ADU is permitted as ‘accessory only to a primary single unit dwelling’. Additionally, no more than one ADU is allowed per zone lot and ADUs are not permitted when there is more than one primary structure on the same zone lot.

## Height & Bulk Plane

Detached ADUs are limited to a maximum height of 1.5 stories and 24'. A bulk plane that rises 10 feet vertically from the side interior or side street zone lot line, then slopes 45 degrees, also applies to detached ADUs, which essentially requires a sloped roof form on smaller lots. The height limit allows ADUs to be built above garages while the bulk plane limits their mass and the amount of shade they cast. However, the bulk plane requirements can also limit the design of ADUs and can increase the cost of their construction.

## Lot Size & Depth

The minimum lot size and depth for ADUs are defined by the zone districts where they are allowed. The Urban and Urban Edge zone districts that allow detached ADUs range in size from 3,000 to 10,000 square feet and do not specify a minimum lot depth required for detached ADUs. However, the S-SU-F1 zone district, which is the only Suburban district that allows ADUs, requires a minimum zone lot area of 8,500 square feet and only allows detached ADUs on lots that are at least 150' deep.

Furthermore, ADUs are only allowed on lots that meet the minimum lot size required by the detached ADU building form standards that apply to a particular zone district. This means that a property owner can't build a detached ADU if their property is smaller than the minimum lot size required even if they are in a zone district that allows ADUs. For example, if a property is zoned U-SU-H1, which requires a minimum lot size of 10,000 square feet, and the lot is 9,500 square feet, a detached ADU is not allowed.

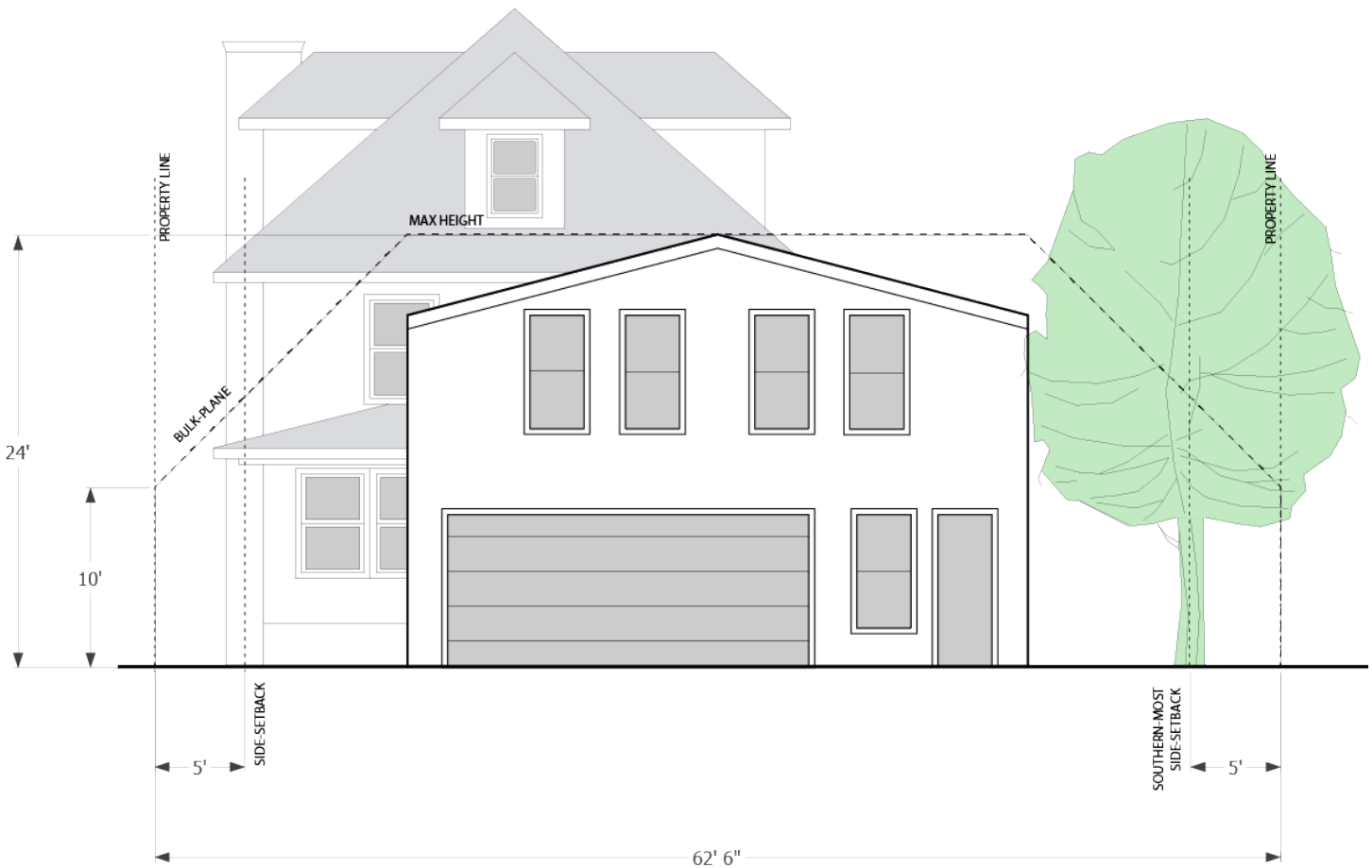
## Setbacks

The zoning code requires detached ADUs be located in the rear 35% of the zone lot depth with 3- to 5-foot side setbacks, depending on lot width, and 5-foot rear setbacks. Increasing the setbacks on larger lots and/or lots without alleys could help create a more context sensitive ADU. However, increasing the setbacks could reduce the develop-able area for a detached ADU to less than the maximum size allowed.

## RULES THAT DISCOURAGE ADUS

- **Complex design compatibility criteria and approval steps**
- **Off-street parking requirements beyond those required for the primary dwelling**
- **Restrictions that limit ADUs to certain geographic areas, particular zoning categories, or large lots**
- **Caps on square footage relative to the primary house that make it easy to add an ADU to a large home but hard or impossible to add an ADU to a small home.**
- **ADU-specific regulations that don't also apply to primary dwellings (e.g., owner-occupancy requirements)**

*Source: The ABCs of ADUs, AARP*



Elevation drawing of an ADU, showing the bulk plane, height, and setback dimensions. Source: CPD

### Off-street Parking Requirements

Similar to single unit dwellings that don't require a minimum of off-street parking spaces, ADUs also don't require parking. However, if an alley is present, the zoning code requires any off-street parking for an ADU to be located off the alley, with street access to parking only allowed if there is no alley. However, an additional driveway from the street, separate from a driveway serving the main house, is not allowed. Alleys are prominent in many Denver neighborhoods, and the majority of ADU rezonings thus far approved have been on alleys. While parking availability is often a concern with added density, requiring off-street parking for ADUs can result in additional costs and site constraints that inhibit ADU construction. ADUs are also subject to rules regarding the maximum number of cars allowed per property.

### ADU Floor Area

The maximum floor area allowed for an ADU depends on the size of the lot in addition to other standards. Limiting the size of a detached ADU can help ensure it is smaller than the main house and doesn't overwhelm or shadow neighboring houses, but it can also limit the diversity of households that can live in an ADU. Detached ADUs are also limited to a maximum building length of 36 feet regardless of lot size.

Lot Size	Maximum Size of ADU
6,000 sq ft or less	650 sq ft
6,001-7,000 sq ft	864 sq ft
7,000 sq ft or larger	1,000 sq ft

ADU Use Allowance, Denver Zoning Code Sec. 11.8.2.2  
Source: CPD



## Building Coverage

Building coverage per zone lot is defined by the primary building form standards and includes all accessory structures. The smallest lots, allow a maximum 50% building coverage while most lots are limited to 37.5% coverage. The detached ADU form allows an exception from the 37.5% building coverage standard that allows the lesser of 50% or 500 square feet if:

- a minimum of 80% of the street level gross floor area of the detached ADU is used for vehicle storage and parking; and
- there is a at least 15 feet between the ADU and the main house.

## Owner-Occupancy Regulations

In single-unit zone districts, the zoning code requires owners of properties with an ADU to maintain permanent residency in either the primary or accessory dwelling unit. This prevents property owners from renting out both units and can help ensure a sense of ownership and maintenance, but it can also

be an inflexible constraint preventing someone from maintaining ownership of the property as a rental if they move elsewhere or inherit the property while living in a different jurisdiction, for example.

Denver further requires a minimum of 200sf of gross floor area per occupant in ADUs to prevent overcrowding, which means 1-5 residents could occupy an ADU, depending on its max allowed size. This conflicts with recently adopted legislation, in 2020 Denver amended the zoning code to increase the number of people who could occupy a dwelling unit, and now the city generally defines a Household as any number of related persons; up to 5 adults of any relation plus related children and domestic employees; 8 “handicapped” adults; or 8 adults 55+ years of age. These numbers apply to all primary dwelling units, including apartments, regardless of size. The per-person square footage requirement for ADUs, vs. primary residences, may unnecessarily restrict the household types that can rent ADUs.



*An example of a primary house and ADU on a 6,270 sf lot in the E-SU-D1x zone district. Source: CPD*



*Most detached ADUs are built above garages, but off-street parking isn't required. Source: CPD*



*Owners of ADUs must reside in either the primary house or the ADU and can't rent out both units. Source: CPD*



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ISSUES AND

**ALTERNATIVES**

# ISSUES & ALTERNATIVES CHAPTER INTRODUCTION

This chapter describes issues identified through the ADUs in Denver project’s community engagement process and presents a series of alternative solutions that could address each identified issue. These issues and alternatives informed the recommended strategy described in the next chapter.

## APPROACH TO IDENTIFYING ISSUES

City staff, the ADUs in Denver Advisory Committee, and the general public helped identify key zoning-related issues hindering ADU construction.

### City Staff Evaluation

At the beginning of this project, staff identified all zoning regulations affecting ADUs and also considered common public perceptions of ADUs based on comments received during rezoning processes as summarized in the Project Background chapter of this report.

### Advisory Committee Review

To further understand the issues, the city formed an Advisory Committee comprised of 23 members of the Denver community, including residents and property owners from various neighborhoods, City Council representatives, and professionals in ADU design/construction, real estate, historic preservation, and/or affordable housing. The city convened eight Advisory Committee meetings to introduce the project and explore the issues via on-line presentation, discussion, and surveys. Staff plans to continue meeting with the Advisory Committee on a monthly basis for the project duration to help evaluate alternatives and develop recommendations to address the issues.

### Community Review

City staff has also provided project information and solicited input from the general public on the project website, through an e-newsletter, and via social media. They city also conducted public surveys and open houses (the survey results are available on the [project web page](#)) and convened several focus group meetings to delve further into issues related to ADU construction techniques, ADUs in suburban neighborhoods, ADUs in urban edge neighborhoods and ADUs on properties without alleys.

### PUBLIC SURVEY INPUT

**“Please make sure design requirements for ADUs in suburban zones fit appropriately within neighborhood context.”**

**“Many people, me included, bought in my neighborhood because it is primarily single family homes. ADUs would change the nature of the neighborhood.”**

**“My concern is that all homeowners who can benefit from an ADU either to provide living space for family members, such as our daughter, or who can benefit from additional income are treated equally wherever the property is located.”**

**“The zoning as of now in regards to bulk plane requirements and allowable square footage of the floor area above the garage is quite limiting from a design perspective.”**

**“I live in a neighborhood where ADUs are allowed. I wanted to turn an existing garage from 1940 into an ADU without changing the footprint. I was told I’d have to apply for 5 different variances to keep the existing structure and change the use.”**

# ISSUE IDENTIFICATION STATEMENT

The zoning code sets one-size-fits-all ADU rules that don't recognize the variety of neighborhood conditions in Denver and create unnecessary barriers to constructing ADUs where they are allowed. The ADUs in Denver project, working with the Advisory Committee and responding to feedback from the public, has summarized the main issues into four general categories and nine inter-related subcategories as summarized in the table below. Specific issues are described in more detail on the following pages.



## IMPACT ON NEIGHBORHOOD AND COMMUNITY

Impact of ADUs on surrounding properties, the neighborhood and community.



## DESIGN, CONSTRUCTION, AND BUILDABILITY

Existing zoning requirements that can make ADUs difficult to build and restrict their habitable space.



## COST AND AFFORDABILITY

Existing zoning requirements that can increase the cost of building ADUs.



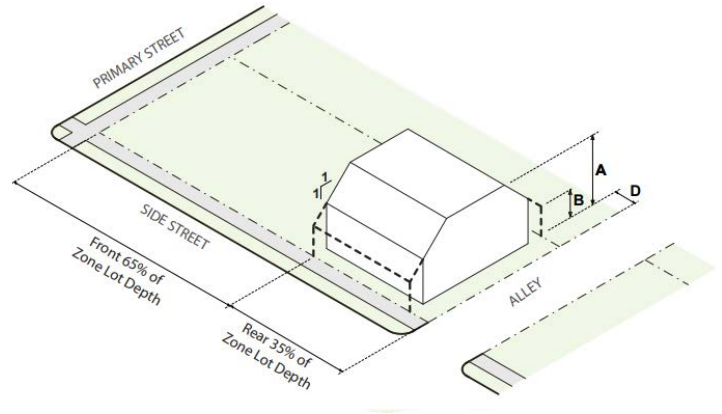
## USE ALLOWANCES AND RESTRICTIONS

Use requirements that can restrict where ADUs are built, how big they can be, and who can live in them

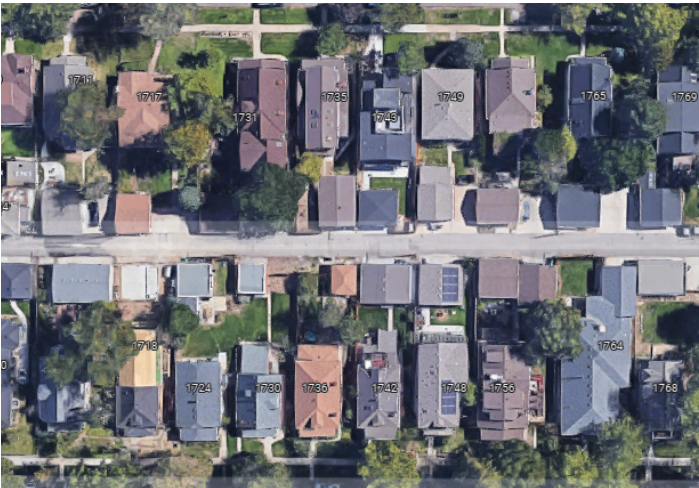
ISSUES	Impact on Neighborhood & Community	Design, Construction & Build-ability	Cost & Afford-ability	Use Allowances & Restrictions
Setbacks	✓	✓		
Building Height	✓	✓	✓	
Bulk Plane	✓	✓	✓	
Minimum Lot Size Requirement	✓	✓		✓
Maximum Building Coverage	✓	✓		✓
Maximum Square Footage	✓	✓	✓	✓
Reuse of Existing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

## KEY ISSUES

The zoning code currently contains only one set of siting and building form standards for all ADUs in the city, as shown in the graphic to the right. Yet the city's neighborhoods include a variety of characteristics that set them apart. For example, urban neighborhoods tend to have rectangular blocks with alleys and detached garages while suburban neighborhoods tend to have irregular-shaped lots with abutting rear yards, as shown in the images to the right. These building form standards could better match the varying character of existing residential areas while enhancing design outcomes, improving build-ability, and reducing the cost of construction. The issues described below were informed by the Advisory Committee and the general public.



*Current ADU building form standards are the same citywide and do not vary based on neighborhood context. As labeled above, these standards include, but are not limited to: A) Height, B) Bulk Plane, and D) Rear Setback.*



*Urban Neighborhood Context*



*Suburban Neighborhood Context*

## SETBACKS

### Current Rule

The zoning code requires detached ADUs to be located in the rear 35% of the lot with 3 feet (3') to 5' side setbacks (from neighboring properties), depending on lot width, and 5' rear setbacks regardless if an alley is present or not.

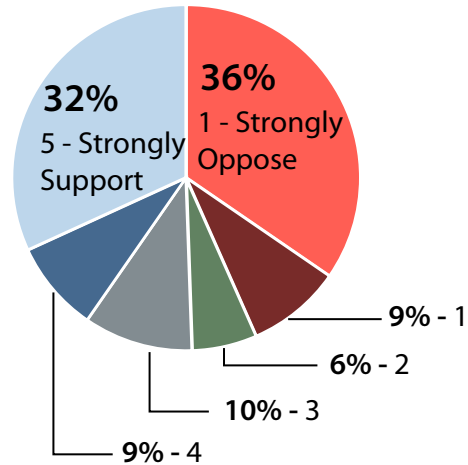
### The Issue

The zoning code requires detached ADUs be located in the rear 35% of the zone lot with 3' to 5' side setbacks, depending on lot width, and 5' rear setbacks. In urban neighborhoods with 20'-wide alleys, an ADU would be at least 25' from the property across the alley. However, in suburban neighborhoods or other areas without alleys, the ADU would be only 5' from the adjacent rear yard and could cast shade on the adjacent yard and affect the neighbor's sense of privacy.

## What We've Heard

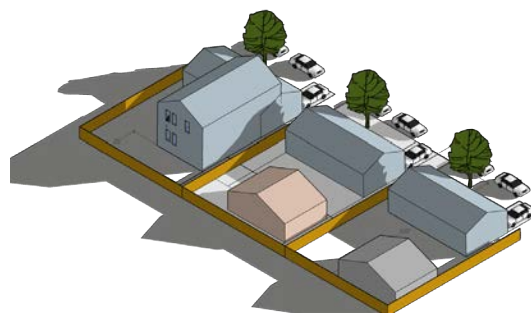
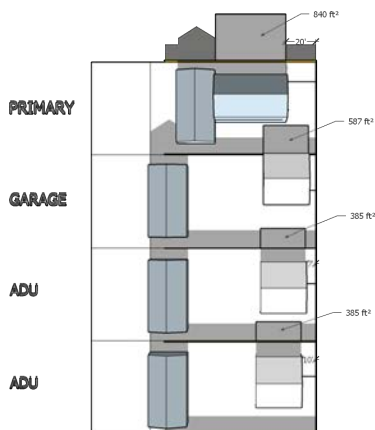
- In the Suburban context, the issue of setbacks is closely related to the height allowance of the ADU.
- In a suburban focus group meeting held in June, participants generally agreed that increasing the rear yard setback from 5' to 7' or 10' was not as impactful as lowering the height allowance of the ADU in terms of protecting access to sunlight and privacy.
- The suburban focus group also generally agreed that a 7' rear setback would provide more room to plant foliage, which would help alleviate privacy concerns.

## Do you support expanding minimum rear setbacks in suburban neighborhoods?



## Policy Alternatives Considered

Alternative	Pros	Cons
<b>Keep the existing minimum 5' rear and 3'-5' side setbacks in all zone districts where an ADU is allowed.</b>	Provides the most flexibility for ADU placement; easy to administer.	Does not address concerns that ADUs can be too close to neighboring yards when there is no alley.
<b>Increase the minimum rear setback in the suburban context/ other areas without alleys (7'-10' rear setback considered).</b>	Provides some flexibility in ADU placement while decreasing shade and privacy impacts.	Decreases flexibility in ADU placement, particularly on irregular lots.
<b>Make minimum setback requirements dependent on the height of the ADU.</b>	Moves taller ADUs away from neighboring yards; could vary by context.	Would reduce flexibility for taller ADUs; results in more complex rules.
<b>Make minimum setback requirements dependent on the existence of an alley.</b>	Addresses concerns that ADUs have different impacts depending on whether there is an alley.	Would reduce flexibility for ADUs on lots with no alley access; results in more complex rules.



The figure at left shows the shadow impacts for different types of structures on a typical neighborhood lot, comparing the rear setbacks of a primary Structure (20'), garage (5'), and potential ADUs (7.5' and 10').

## BUILDING HEIGHT

### Current Rule

The height maximum for a detached ADU citywide is 24' and 1.5 stories.

### The Issue

In all zone districts where ADUs are allowed, current standards set a maximum detached ADU height of 24' and 1.5 stories, which means the gross floor area of the second story of an ADU can be no greater than 75 percent of the gross floor area of the first story. The fact that the percentage of floor area for the ADU is dependent on the square footage of the garage below can encourage building the largest garage allowed, which increases the cost of an ADU and can conflict with city sustainability goals. For example, a typical two-car garage measuring 24'x30' provides 720 square feet of gross floor area, such that an ADU above the garage could be only 540 square feet. This is less than the maximum 650 to 1,000 square feet allowed for an ADU, depending on lot size. In order to build a larger

ADU above a garage today, it is necessary to build a larger garage.

In addition, while allowing a second story above a garage is necessary on smaller lots in urban neighborhoods that wouldn't have enough space for a garage and a single-story ADU, a two-story ADU may not be appropriate in suburban areas, especially those without alleys.

### What We've Heard

- Several members of the Advisory Committee and participants of the architecture focus group said the 1.5 story rule reduces habitable space, increases design complexity, and adds cost.
- There is general support for ADUs to be a full two stories, especially in the Urban and Urban Edge contexts.
- There is support from Suburban focus group participants and residents that detached ADUs be limited to one story in the Suburban context.

### Policy Alternatives Considered

Alternative	Pros	Cons
<b>Keep the existing maximum 1.5 story/24' height rule in all zone districts where an ADU is allowed.</b>	Reduces the building mass and potential shading and privacy impacts; easy to administer.	Creates inhabitable space in ADUs on smaller lots and presents design challenges; Does not address concerns in suburban contexts or other areas without alleys.
<b>Raise the height allowance to two full stories and 24'.</b>	Increases design flexibility, habitable space, and cost efficiency; easy to administer.	Increases building mass; could slightly increase shading on neighboring properties.
<b>Reduce the height allowance to one story and 17' in the suburban context/other areas without alleys (could still consider two stories where allowed for a primary structure).</b>	Reduces the building mass and potential shading and privacy impacts, fits better into the neighborhood context.	Limits design flexibility.
<b>Make maximum height requirements dependent on the existence of an alley.</b>	Addresses concerns that ADUs have different impacts depending on whether there is an alley.	Would reduce flexibility for ADUs on lots with no alley access; results in more complex rules.

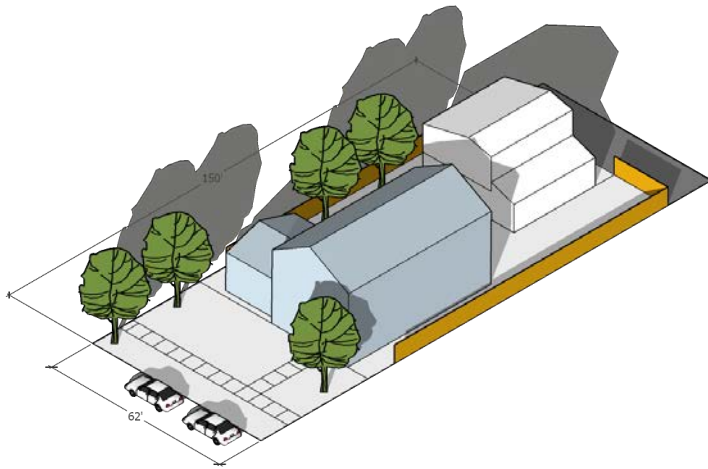


City staff created 3D models to understand the potential shadow impacts of policy alternatives, like changing the building height maximum. Examples of these models are shown below.

## Urban and Urban Edge Neighborhoods

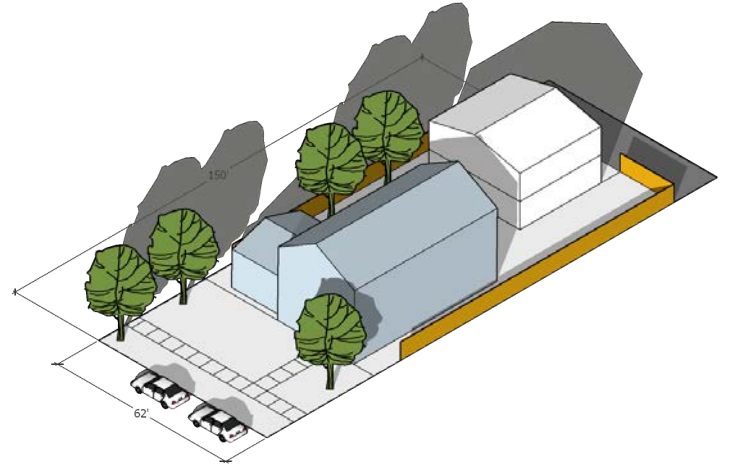
### Existing Allowance

1.5 stories and 24' max height



### Potential Allowance

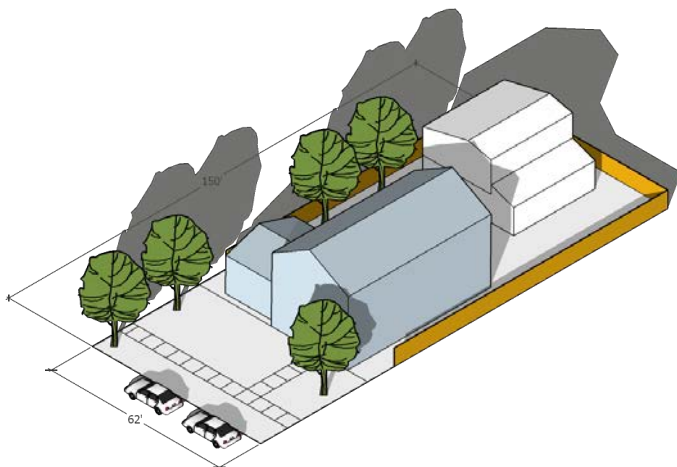
2 stories and 24' max height



## Suburban Neighborhoods

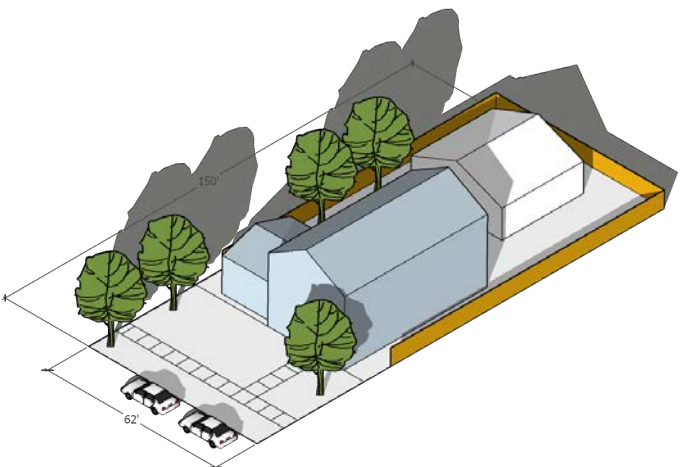
### Existing Allowance

1.5 stories and 24' max height



### Potential Allowance

1 story and 17' max height



# BULK PLANE

## Current Rule

The bulk plane vertical height starts at 10' at the property line and then slopes 45 degrees.

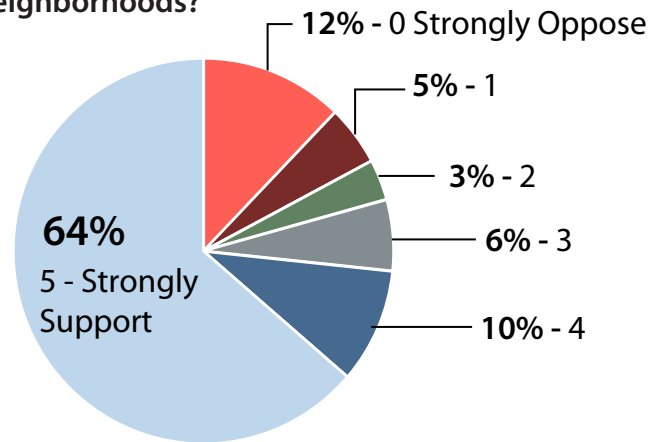
## The Issue

The zoning code uses bulk plane regulations to shape building forms by tapering the taller portion of ADUs, thus reducing the amount of shade they cast on neighboring properties. A bulk plane that rises 10 feet vertically from the property lines, then slopes 45 degrees, applies to detached ADUs, resulting in a design shown in the graphic to the right. This bulk plane requirement can limit the design outcomes of ADUs, increase the cost of their construction, and reduce the amount of habitable space. Unlike gross floor area, habitable space is defined by the amount of square footage beneath ceilings that are at least 6' high. On smaller lots, the bulk plane often causes a sloped roof that reduces the ceiling height to less than 6' feet on the sides of the ADU, further restricting livable space and reducing cost effectiveness.

## What We've Heard

- Particularly in the Urban and Urban Edge contexts, several members of the Advisory Committee and participants of the architecture focus group generally support adding flexibility to the bulk plane. This could take the form of raising the bulk plane height, allowing dormers to pierce the bulk plane, or removing the bulk plane requirement entirely or under certain conditions.
- There is concern that raising the bulk plane height may increase shade on neighboring properties.

## Do you support increasing the bulk-plane height by up to 2 feet in order to allow for more habitable and economical ADU outcomes in urban neighborhoods?



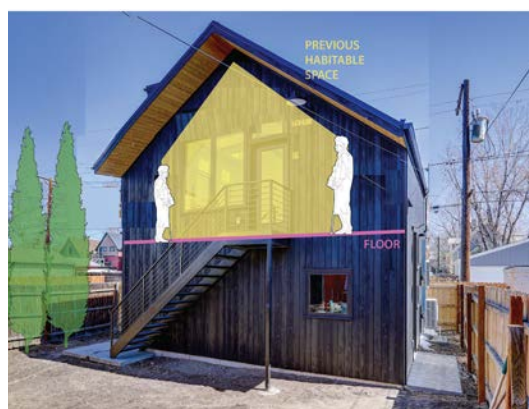
## Policy Alternatives Considered

Alternative	Pros	Cons
<b>Keep the existing 10' bulk plane starting height in all zone districts where an ADU is allowed.</b>	Reduces the building mass and minimizes the amount of potential shade on neighboring properties; easy to administer.	Reduces habitable space and may increase the cost to build a detached ADU on a narrow lot.
<b>Raise the bulk plane starting height on narrower lots in the urban and urban edge contexts</b> (11'-12' rear starting height considered).	Increases habitable space on the second story of a two-story ADU; provides flexibility by neighborhood context.	May slightly increase shading on neighboring properties.
<b>Remove the bulk plane requirement</b> (at least in urban and urban edge neighborhoods).	Increases habitable space; Reduces design complexity and allows regulations regarding setbacks, building height, and maximum square footage to determine ADU size and mass.	Allows maximum ADU height at the minimum setback which does not address concerns with privacy and shading on neighboring properties.

### Existing bulk plane height: 10'



### Proposed bulk plane height: 12'



*Raising the bulk plane height on narrower lots increases the habitable space in a second story ADU.*

## MINIMUM LOT SIZE

### Current Rule

To build a detached ADU, a property owner's lot must meet or exceed a minimum zone lot size based on the zone district.

### The Issue

Detached ADUs are only allowed on lots that meet the minimum lot size required by the detached ADU building form standards that apply to a particular zone district. This means that a property owner can't build a detached ADU if their property is smaller than the minimum lot size required even if they are in a zone district that allows ADUs. For example, if a property is zoned U-SU-H1, which requires a minimum lot size of 10,000 square feet, but the lot is 9,500 square feet, a detached ADU is not allowed. Citywide, there are approximately 21,500 lots that are smaller than the required minimum lot size and thus prohibit ADUs,

including 14% of single-unit zone districts and 51% of two-unit districts.

### What We've Heard

- There is general support for removing the minimum lot size requirement as it is an inequitable barrier to ADU construction. When Denver rezoned much of the city in 2010, many properties were categorized into a zone district that required a minimum lot size larger than what existed in that neighborhood.
- Several city council members have legislatively rezoned entire neighborhoods to allow ADUs, but many property owners are still excluded from building them because they don't meet the minimum lot size.

### Policy Alternatives Considered

Alternative	Pros	Cons
<b>Keep existing minimum lot size requirements.</b>	Addresses concerns that detached ADUs may not be well suited for small lots.	Prevents owners of smaller lots from building ADUs even if neighbors build them.
<b>Remove the minimum lot size requirement.</b>	Removes a significant barrier to ADU construction while allowing other code requirements, like setbacks and building coverage, to guide the size and placement of the ADU.	Neighbors may be surprised if ADUs are constructed on smaller lots if the existing minimum lot size requirement is removed.

# MAXIMUM BUILDING COVERAGE

## Current Rule

The zoning code defines the maximum percentage of a zone lot that can be covered by all primary and accessory structures. The smallest lots allow a maximum 50% building coverage while most lots are limited to 37.5% coverage. If a lot has a detached ADU, the total coverage can exceed 37.5% only if at least 80% of the gross floor area on the ground level of the ADU is used for vehicle storage.

## The Issue

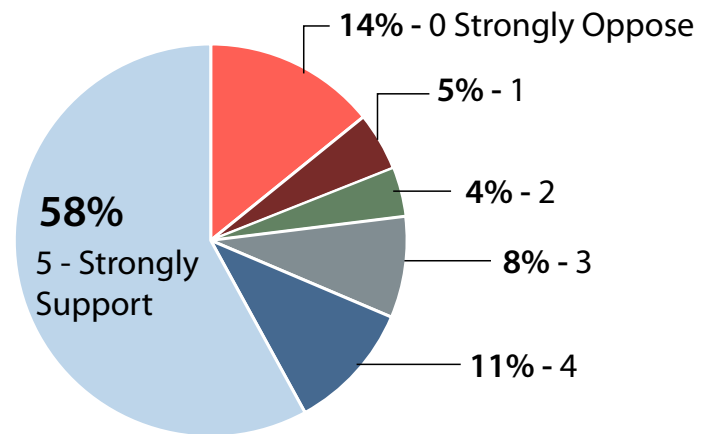
The zoning code defines the maximum percentage of a zone lot that can be covered by all primary and accessory structures. The smallest lots allow a maximum 50% building coverage while most lots are limited to 37.5% coverage. The detached ADU form allows the total coverage to exceed 37.5% only if at least 80% of the gross floor area on the ground level of the detached ADU is used for vehicle storage. In this case, the building coverage could be increased by up to 500 square feet. This requirement encourages the construction of large garages, prioritizes parking over housing, and increases costs.

## What We've Heard

- There is general agreement that building garages and parking cars should be subordinate to the city's interest of creating more housing and livable space.

- There is general support for extending the building coverage exemption to ADUs – meaning that if a detached ADU is present on the lot then building coverage can exceed 37.5%.
- Some Advisory Committee members suggested aligning detached garage and ADU building form standards to enable conversions from garages to ADUs more easily.
- There are concerns about loss of green space and privacy, increasing density in areas where it may not be appropriate, a lack of parking, and noise.

## Do you support extending the building coverage exception to all detached ADUs?



## Policy Alternatives Considered

Alternative	Pros	Cons
<b>Keep the existing building coverage exception in place</b> (limited to structures containing vehicle parking).	Incentivizes off-street parking which is a priority for some neighborhoods.	Prioritizes vehicle parking ahead of the provision of housing.
<b>Keep a version of the existing exception, but modify to also allow a detached ADU to receive the exception.</b>	Prioritizes housing ahead of the provision of vehicle parking; removes a barriers to building a single-story detached ADU.	Allows a wider range of options to increase lot coverage, which relates to environmental factors, such as drainage and heat island effect (although would not technically increase the total allowance).

## MAXIMUM ADU SIZE (SQUARE FOOTAGE AND LENGTH)

### Current Rule

In single-unit zone districts, the zoning code limits the square footage/floor area of a detached ADU based on the size of the lot and also limits the maximum length of a detached ADU.

### The Issue

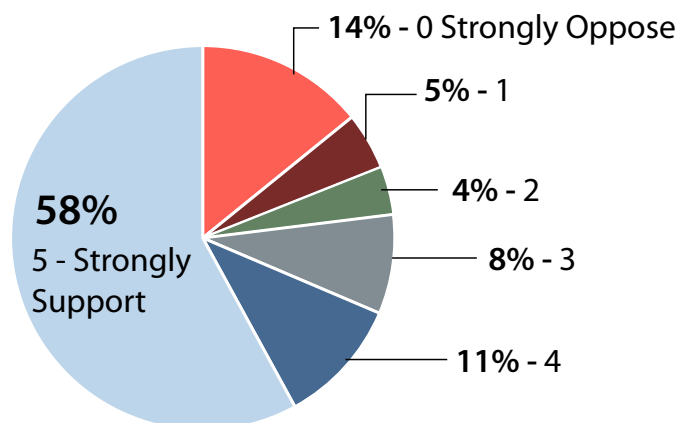
Besides the building form standards (such as setbacks, height, and bulk plane), that affect the square footage of an ADU, the zoning code also limits the square footage based on the size of the lot (for detached and attached ADUs) and limits the maximum length of a detached ADU to help ensure they are accessory to, and don't overwhelm the primary use. However, limiting the floor area can also limit the diversity of households that can live in an ADU and maximum length rules overlap with other form standards and may limit affordable construction options.

### What We've Heard

- Some people have suggested that the square footage of ADUs should be a certain, lesser percentage of the size of the primary dwelling. However, Advisory Committee members have expressed concern that tying the size of an ADU to the size of the primary dwelling is inequitable since property owners with smaller primary dwellings wouldn't be able to build ADUs on par with those who own larger dwellings.

- Cost-wise, there is not much difference between building a 400 square foot ADU and a 1,000 square foot ADU, due to the cost of infrastructure, like foundations and utility hook ups. This means that every square foot counts in terms of affordability.
- Increasing the allowed floor area would expand who can live in ADUs.
- The fact that detached ADUs must reside in the rear 35% of a zone lot makes them subordinate to the primary dwelling regardless of the square footage.

### Do you support increasing the maximum ADU square footage allowance to allow for more economical and habitable housing options as ADUs, particularly in urban neighborhoods?



### Policy Alternatives Considered

Alternative	Pros	Cons
<b>Keep the existing maximum square footage and length rules.</b>	Maintains existing expectations regarding ADU size.	Limits the diversity of households who can live in an ADU; may not allow for more affordable prefabricated construction methods; may limit installation of accessibility features.
<b>Increase the smallest maximum floor area from 650 sf to 864 sf.</b>	Creates a more diverse range of housing options and increases cost efficiency of building an ADU	Could increase concerns regarding ADUs that feel too large for the neighborhood or do not feel accessory to the primary dwelling
<b>Remove the maximum building length requirement.</b>	Creates more flexibility on narrow lots; could increase the diversity of housing options; may support more prefab housing options.	Could allow a longer ADU with less separation of building mass between the ADU and primary structure.

# REUSE OF EXISTING ACCESSORY STRUCTURES

## Current Rule

The building form standards for detached garages and detached ADUs are different, especially in terms of setbacks.

## The Issue

Some property owners would like to reuse existing structures as ADUs, but current standards get in the way. Allowing for conversion of existing structures like garages would encourage sustainability and lessen material costs. However, many garages have been built right on property lines, while ADUs must provide side setbacks of 3' to 5'.

## What We've Heard

- Allowing flexibility in reusing existing buildings is important for the city's environmental and sustainability goals.
- There is general support for allowing garages that do not meet the detached ADU minimum rear setback to be converted, especially when there are alleys.
- Windows placed in an existing wall with a 0' setback could infringe on a neighbor's sense of privacy, however, the fire code would not allow this outcome.

## Policy Alternatives Considered

Alternative	Pros	Cons
<b>Keep the existing rule that does not allow structures that do not meet ADU building form requirements to be converted into an ADU.</b>	Maintains existing expectations regarding use of accessory structures; aligns with other barriers to conversion of existing buildings, such as building code rules.	May promote negative environmental and cost impacts if existing accessory structures are removed to make room for construction of ADUs that meet all current rules.
<b>Allow garages or other accessory structures that do not meet the minimum setbacks for a detached ADU to be converted.</b>	Reduces the cost of ADU construction; allows for the sustainable reuse of an existing structure; prioritizes housing over parking.	Could reduce privacy; would likely require expensive improvements to the existing foundation.



*Under the current regulations, the red garage in the photo on the left could not be converted to an ADU, as it does not have a 5' rear setback. Allowing flexibility in this requirement would allow for more sustainable and less expensive ADU construction.*

# ACCESSORY TO NON-SINGLE-UNIT USES

## Current Rule

ADUs are allowed in a variety of zone districts but are only permitted as accessory to a primary single unit dwelling – meaning they cannot be built on lots with duplexes, row-houses, etc.

## The Issue

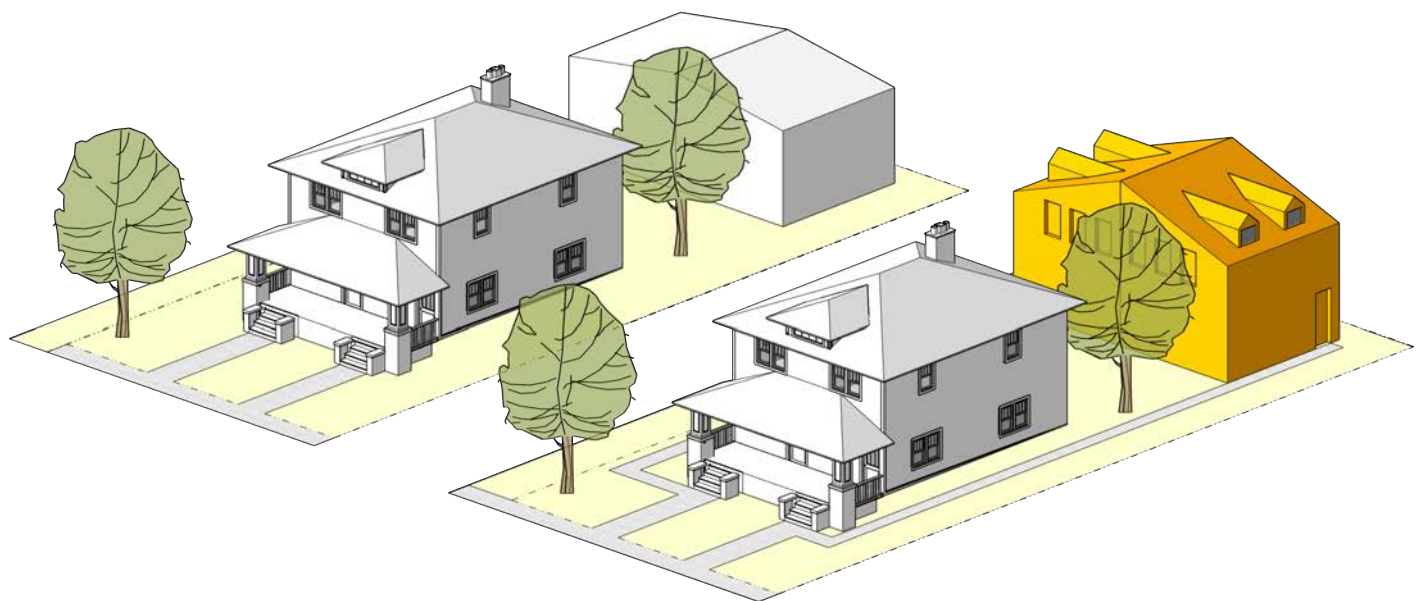
ADUs are allowed in a variety of zone districts, but are only permitted as accessory to a primary single unit dwelling. Blueprint Denver recommends allowing ADUs as accessory to more uses than single-unit homes, such as two unit uses in duplexes or multi-unit in row houses.

## What We've Heard

- There is general agreement that ADUs are appropriate as accessory to two-unit and multi-unit forms, especially considering that they are already allowed in the same zone districts when built as accessory to a single-unit home.
- There is concern that ADUs attached to duplexes are too similar to slot homes. Others felt that this issue would not be a concern, as the massing would be different due to building form standards.

## Policy Alternatives Considered

Alternative	Pros	Cons
<b>Keep the existing rule that allows ADUs only as accessory to a single-unit primary use.</b>	Maintains existing expectations regarding when an ADU can be built.	Restricts diversity in housing options.
<b>Allow an ADU use to be accessory to two-unit and multi-unit uses in Duplex, Tandem House and Row House forms.</b>	Promotes diversity of housing options.	Could increase parking demand; could increase impervious surface area; could conflict with building code provisions if an ADU was added to a primary structure containing non-single unit uses



 *Detached ADUs accessory to a Duplex building form*

# OWNER OCCUPANCY REQUIREMENT

## Current Rule

The zoning code currently requires the owner of a property with an ADU in a single-unit zone district to live on that property. The rule only applies to properties with ADUs. Other types of properties, such as duplexes and tandem houses, can rent out both units.

## The Issue

If a property owner moves or inherits a property but does not live there, the ADU is not an allowed use and would have to be removed or modified so that it no longer serves as a dwelling unit. This could mean removing the kitchen or bathroom or disconnecting the utilities.

The owner occupancy requirement can make the financing of ADUs more difficult, because it restricts the use of the property, which lowers the appraisal value. This hinders the ability of homeowners to get sufficient construction loans and recover their costs.

## What We've Heard

- The majority of Advisory Committee members supported removing the owner occupancy requirement or making it more flexible.
- Some members of the public and City Councilmembers expressed concern that removing or changing owner occupancy requirements could decrease public support for potential future legislative rezonings to allow ADUs in more neighborhoods.
- There concern that allowing both the primary unit and ADU to be rented could increase investment pressure and/or result in a lack of maintenance.
- Others expressed concern that removing the requirement would increase opportunities for short term rentals. The city believes that existing short-term rental rules, which exist outside of the zoning code, already address and prevent this issue by requiring the operator to live in the dwelling unit and only allow for one of the dwelling units, the primary home or the ADU, to be rented out short-term.

## Peer City/State Research

Cities around the country vary in their approach to owner-occupancy requirements for ADUs. Key takeaways are summarized below.

- Oregon state law does not allow owner-occupancy requirements for ADUs, but the Oregon Department of Environmental Quality determined that more than two-thirds of properties with ADUs have owners residing on the property.
- California state law does not allow owner-occupancy 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 owner-occupancy requirement to reduce inequity between owners and renters in housing stock and decrease financial barriers to building ADUs. An environmental study preceding the decision determined that removing the requirement wouldn't increase speculation as it would discourage demolishing existing single-unit homes prior to redevelopment, instead incentivizing homeowners to maintain the existing housing stock while building ADUs.
- Fayetteville, Arkansas first adopted an ADU ordinance in 2008, which limited ADUs to 600 sq. ft. and required owner occupancy. Since then, the city has increased the size allowance to 1,200 sq. ft. and dropped parking and owner occupancy requirements. It is now seeing more ADU construction.
- In Colorado, Fort Collins, Littleton and Salida don't regulate occupancy for any ADUs, while Colorado Springs and Lakewood require owner occupancy in attached ADUs, but not detached ADUs.



## Policy Alternatives Considered

Alternative	Pros	Cons
<p><b>Keep the existing rule that requires the owner of a property with an ADU in a single-unit zone district to live on their property.</b></p>	<p>Addresses concerns that investors will buy properties to build ADUs and/or that a house and associated ADU will be rented to separate households.</p>	<p>May discourage homeowners from building an ADU due to financing/permitting issues if they no longer live on their property; assumes that renters are not good neighbors; may cause displacement of ADU residents if the property owner moves; difficult to enforce.</p>
<p><b>Continue to require owner to live on property to obtain an ADU permit, but modify the existing rule to ensure that homeowners do not have to remove an ADU if they move in the future</b> (permit remains valid if the owner moves to another property).</p>	<p>Addresses concerns that investors will buy properties to build ADUs, but allows homeowners who previously built an ADU to move to another home without permitting issues; allows for more equitable treatment of renters; may reduce enforcement issues.</p>	<p>May not fully address concerns regarding rental of both a house and an ADU if an on-site owner moved to another location after permitting and building an ADU; would not allow construction of an ADU alongside construction of a new house where no owner lived on the property; difficult to enforce.</p>
<p><b>Keep a version of the existing rule, but modify to clarify that an ADU does not need to be decommissioned if owner moves off site</b> (as long as ADU is not operated as a rental).</p>	<p>Addresses concerns that investors will buy properties to build ADUs and/or that a house and associated ADU will be rented to separate households, but allows homeowners who built an ADU to move to another home without permitting issues.</p>	<p>May still discourage homeowners from building an ADU or impact financing options; assumes renters are not good neighbors; may cause displacement of ADU residents if the property owner moves; difficult to enforce.</p>
<p><b>Keep a version of the existing rule, but modify to only apply the for 5 years after the ADU is permitted.</b></p>	<p>Addresses concerns that investors will buy properties to build ADUs, but allows homeowners who previously built an ADU to move to another home after 5 years without permitting issues.</p>	<p>May still discourage homeowners from building an ADU or impact financing options; assumes renters are not good neighbors; may cause displacement of existing ADU residents if the property owner moves within the 5 years; may introduce a confusing/difficult-to-administer process.</p>
<p><b>Keep a version of the existing rule, but modify to exempt ADUs dedicated as affordable.</b></p>	<p>Addresses concerns that investors will buy properties to build ADUs but exempts affordable housing providers so they are able to finance and build ADUs without permitting issues; could be combined with other alternatives.</p>	<p>May discourage homeowners from building an ADU due to financing/permitting issues if they no longer live on their property; may cause displacement of residents of ADUs that are not dedicated as affordable if the property owner moves; difficult to enforce.</p>
<p><b>Remove the existing rule and monitor impacts annually after adoption</b> (3 to 5 years).</p>	<p>Allows homeowners to build an ADU without future permitting issues if they no longer live on the property; allows for more equitable treatment of renters; simplifies enforcement; existing rule could be reinstated if there are substantial negative impacts.</p>	<p>May not fully address concerns that investors will buy properties to build ADUs and rent the house and the ADU to separate households (note that tools could be adjusted in annual reporting indicates that issues are arising as a result of widespread rental of ADUs).</p>



RECOMMENDED  
**STRATEGY**

## RECOMMENDED STRATEGY CHAPTER INTRODUCTION

This chapter builds on the complete project process to recommend updates to specific zoning requirements that are intended to inform a proposed zoning code text amendment for City Council consideration following community review of the recommended strategy.

The draft strategy seeks to make it easier to build ADUs as an additional housing option in zone districts where they are currently allowed while also making sure new ADUs fit in well in different types of neighborhoods and block patterns. This is consistent with Blueprint Denver recommendations. The strategy addresses the

issues identified in the previous section with a package of recommended alternatives based on the strategy development process described below.

The draft strategy includes a set of recommended zoning updates that would apply wherever ADUs are allowed, as well as requirements that would vary by context to assure that ADUs fit into different neighborhoods. Finally, the draft strategy includes recommendations for a variety of more technical updates to streamline zoning standards for ADU development, as well as recommendations for future actions once recommended zoning updates are complete.

## STRATEGY DEVELOPMENT PROCESS

The draft strategies described on the following pages were developed by evaluating which alternatives described in the previous chapter would best address community feedback received through advisory committee discussion, focus groups and other opportunities for community review.

- **Advisory Committee Review.** The ADUs in Denver Advisory Committee met several times during the summer and fall of 2022 to review and comment on potential alternatives to address project objectives and identified issues.
- **Community Review.** Denver residents weighed in on potential issues relating to ADUs as well as potential alternatives through two citywide surveys, an in person open house and several neighborhood context-specific focus groups.
- **Forthcoming: Community Review of Draft Strategy.** Prior to development of a final proposed zoning amendment, city staff will host several public open houses around the city to obtain feedback on this draft strategy.
- **Forthcoming: Technical Review.** Prior to development of a final proposed zoning amendment, city staff will work with Denver architects and builders to test the recommendations. Testing will help determine where zoning recommendations could allow building forms that do not fit in to some context or where recommendations could create unnecessary barriers to ADU construction.

# RECOMMENDATIONS FOR WHEREVER ADUS ARE ALLOWED (CITYWIDE)

Several recommendations apply wherever ADUs are allowed citywide in Urban, Urban Edge, and Suburban neighborhoods. The recommendations range from removing existing minimum lot size standards for detached ADUs to allowing existing accessory structures that do not meet all current standards to be converted into an ADU.

In some cases, these recommendations would still vary by lot size or according to other considerations. For example, the maximum square footage for an ADU would still be greater on larger lots, and ADUs would only be allowed as accessory to non single unit uses in zone districts that already allow duplexes and row houses.

## RECOMMENDATIONS

Topic	Recommendation
<b>Form Standards</b>	
<b>Minimum lot size</b>	Remove the minimum lot size requirement to allow all lots zoned for ADUs to have detached ADU eligibility.
<b>Building coverage exemption</b>	Extend the building coverage exemption (from garages) to detached ADUs to help prioritize housing and remove barriers to building a single-story ADU.
<b>Use Standards</b>	
<b>Maximum square footage and building length</b>	Increase the smallest maximum floor area from 650 sf to 864 sf to create a more diverse range of housing options and improve the cost efficiency of building an ADU. Remove the overall structure length requirement to create more flexibility on narrow lots.
<b>Reuse of existing accessory structures</b>	Allow garages that do not meet the minimum setbacks for a detached ADU to be converted to reduce the cost of construction, promote sustainability, and prioritize housing over parking.
<b>Accessory to non-single unit uses</b>	Allow the ADU use to be accessory to two-unit and multi-unit uses when built in a Detached Accessory Dwelling Unit building form associated with a Primary Duplex, Tandem House, Row House or Town House building form to promote diversity in housing options. Note that: <ul style="list-style-type: none"> <li>Attached ADUs would not be allowed accessory to non-single unit uses to avoid conflicts with building code provisions that could require significant building upgrades if an ADU could be added to a primary structure.</li> <li>The addition of an ADU to a development with an existing, approved, Site Development Plan (SDP) would require an SDP amendment involving participation of all owners within the SDP. This would impact the addition of an ADU/ADUs to a Row House or Town House development, and the addition of an ADU/ADUs to many Duplexes.</li> </ul>
<b>Owner occupancy</b>	Keep the existing rule that requires the owner of a property with an ADU in a single-unit zone district to live on their property to address uncertainty from the public about what a change in the requirement could mean for neighborhoods.

# RECOMMENDATIONS FOR URBAN NEIGHBORHOODS

The Urban strategy is the result of Advisory Committee input, Architecture Focus Group discussions, and public feedback. The Urban context has seen the majority (77%) of the ADUs built to date, even though these are some of the smallest lots in the city with an average lot size of 5,800 sf. Added flexibility is needed on the smallest lots, those that are less than 40' in width, to help reach a feasible and livable square footage of an ADU while also accommodating space for parking in a garage. Larger lots have enough width to accommodate comfortably sized ADUs, and the new regulations won't differ much from what is allowed today. The Urban Context will allow for a full two stories at 24' in height, which will allow the second story to have the same square footage as the first story.

The rear setback is 5' when a garage door is present on the alley or 0' without a garage door, which is the same as the current garage allowance. On lots greater than 40' wide, the side setback is 5'. On narrower lots, side setbacks are more flexible at 3', and the bulk-plane starting point will be raised to 12'. These changes will allow for more habitable space in the ADU where ceilings are at least 6' high.

**ADUs located outside of single-unit zone districts.** ADUs are currently permitted in all non-single unit zone districts that permit primary residential uses. Where existing bulk plane, setback or other rules for detached ADUs are more flexible than the single-unit recommendations for Urban neighborhoods below, existing rules should be retained.

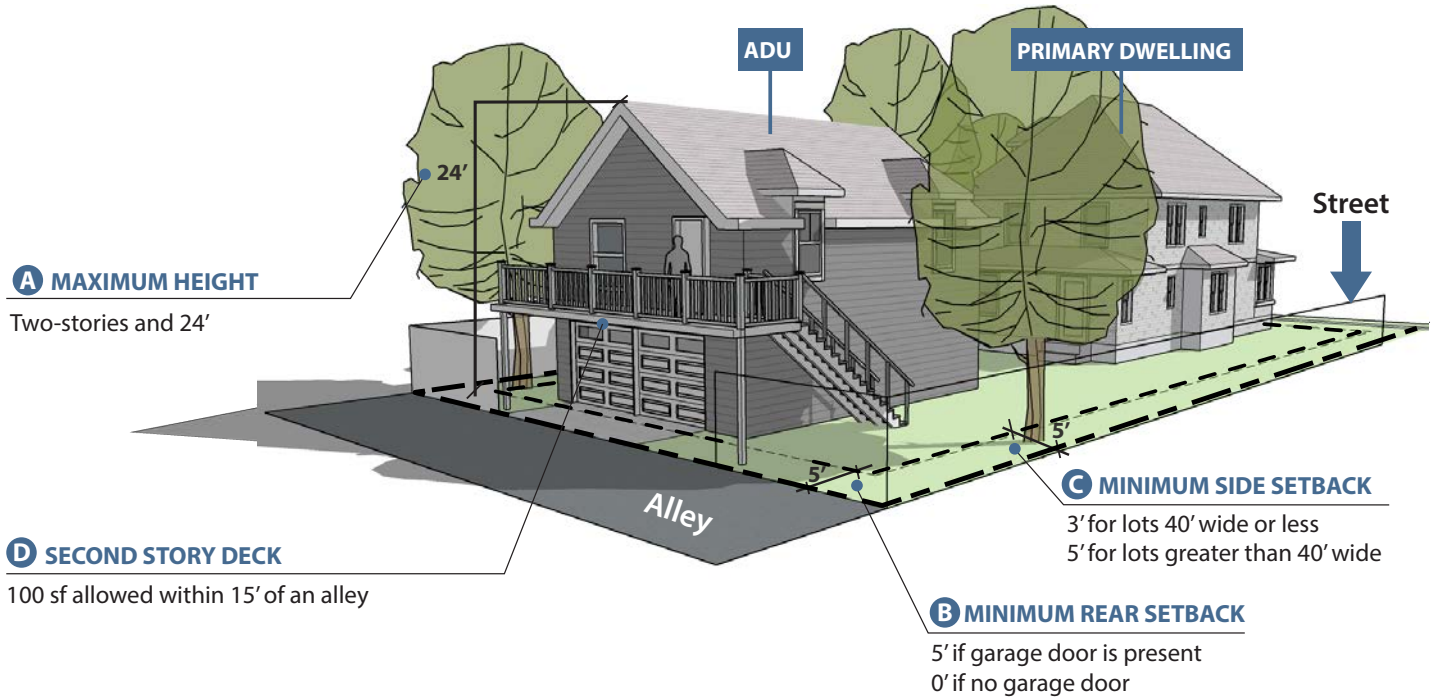
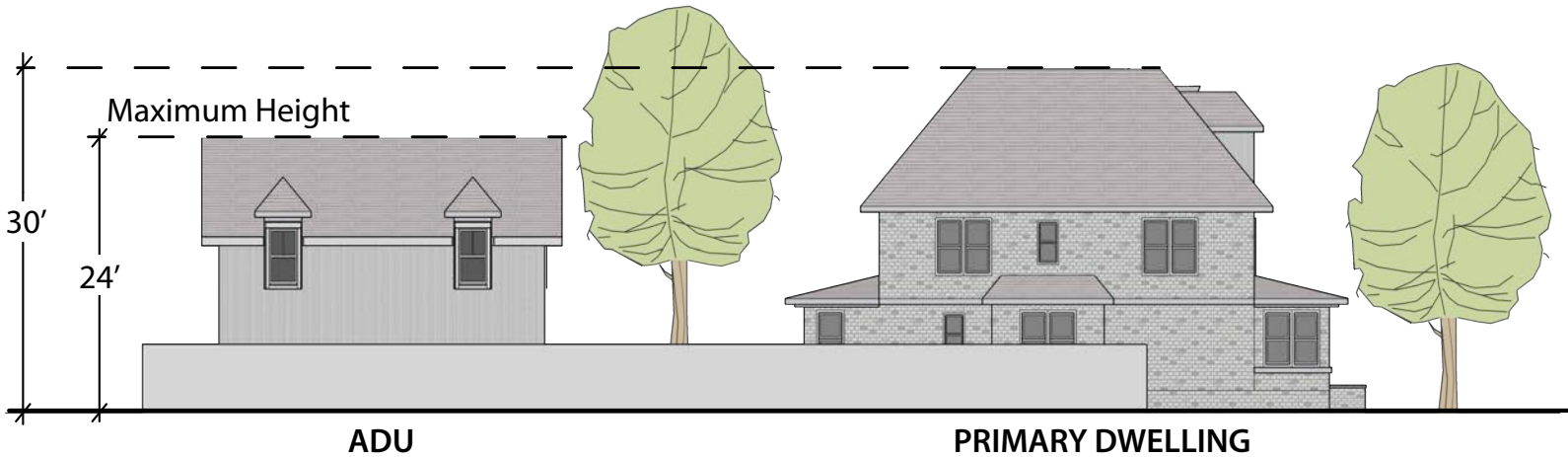
## RECOMMENDATIONS FOR URBAN SINGLE UNIT DISTRICTS

Height	
<b>A</b> Maximum Height	Two-stories (24')*
Bulk Plane	For most lots, starts at 10' above the side property line and continues toward the center of the lot at a 45 degree angle. (same as existing requirement for detached ADUs) For the narrowest lots, starts 12' above the side property line and continues toward the center of the lot at a 45 degree angle.*
Setbacks	
<b>B</b> Minimum Rear Setback	No public alley - 5', With public alley - 5' when garage door is present, 0' if no garage door is present*
<b>C</b> Minimum Side Interior and Side Street Setback	3' for lots 40' wide or less*, 5' for lots greater than 40' wide
Design Elements	
<b>D</b> Second Story Decks	100sf max allowance within 15' of an a rear zone lot line abutting a public alley (not allowed for lots without public alley access) to provide outdoor space for ADU residents while minimizing impacts to neighbors*
Dormer	Dormers allowed to penetrate the Bulk Plane*

\* Indicates a standard that is different than the existing regulations  
Note that properties accessed by private rear driveways or privately-owned alleys would follow the standards for 'no public alley'

# RECOMMENDATIONS ILLUSTRATED ON A 6,250SF LOT W/ ALLEY

## VIEW FROM SIDE OF LOT



# RECOMMENDATIONS FOR URBAN EDGE NEIGHBORHOODS

The Urban Edge strategy is the result of Advisory Committee input, Urban Edge Focus Group discussions, Urban Edge Council member input, and public survey results. The Urban Edge context is essentially a mix of Urban and Suburban lot conditions. This context has a unique approach for lots with public alleys and lots without public alleys with different regulations for each.

**Lots without public alley access.** For lots without public alleys, the regulations will be closer to the Suburban context standards but adjusted to better fit the Urban Edge context. In this context, the lot sizes are smaller than Suburban lots at a citywide average of 7,300 sf. Primary structures tend to sit closer to the center of the lot depth with deeper front setbacks, and the maximum building coverage allowed is less than that of the Suburban context at 37.5%. All of these site constraints require a bit more flexibility for detached ADUs. The strategy moving forward is to allow a single-story ADU at 17' tall, with 5' rear setbacks, and side setbacks that match the minimum setbacks required for the primary structure. A two-story, 24' tall ADU is allowed with a 12' rear setback, and side setbacks that match the minimum setbacks required for the primary structure.

**Lots with alley public access.** For lots with alleys, the regulations will be closer to the Urban context standards. The maximum height is two stories and 24' with a 5' rear setback and side setbacks that match the minimum setbacks required for the primary structure. On narrower lots, the bulk plane starting point will be raised to 12' to allow for more habitable space in the ADU where ceilings are at least 6' high.

Note that properties accessed by private rear driveways or privately-owned alleys would follow the standards for lots without public alley access.

**ADUs located outside of single-unit zone districts.** ADUs are currently permitted in all non-single unit zone districts that permit primary residential uses. Where existing bulk plane, setback or other rules for detached ADUs are more flexible than the single-unit recommendations for Urban Edge neighborhoods in the tables on the following pages, existing rules should be retained.



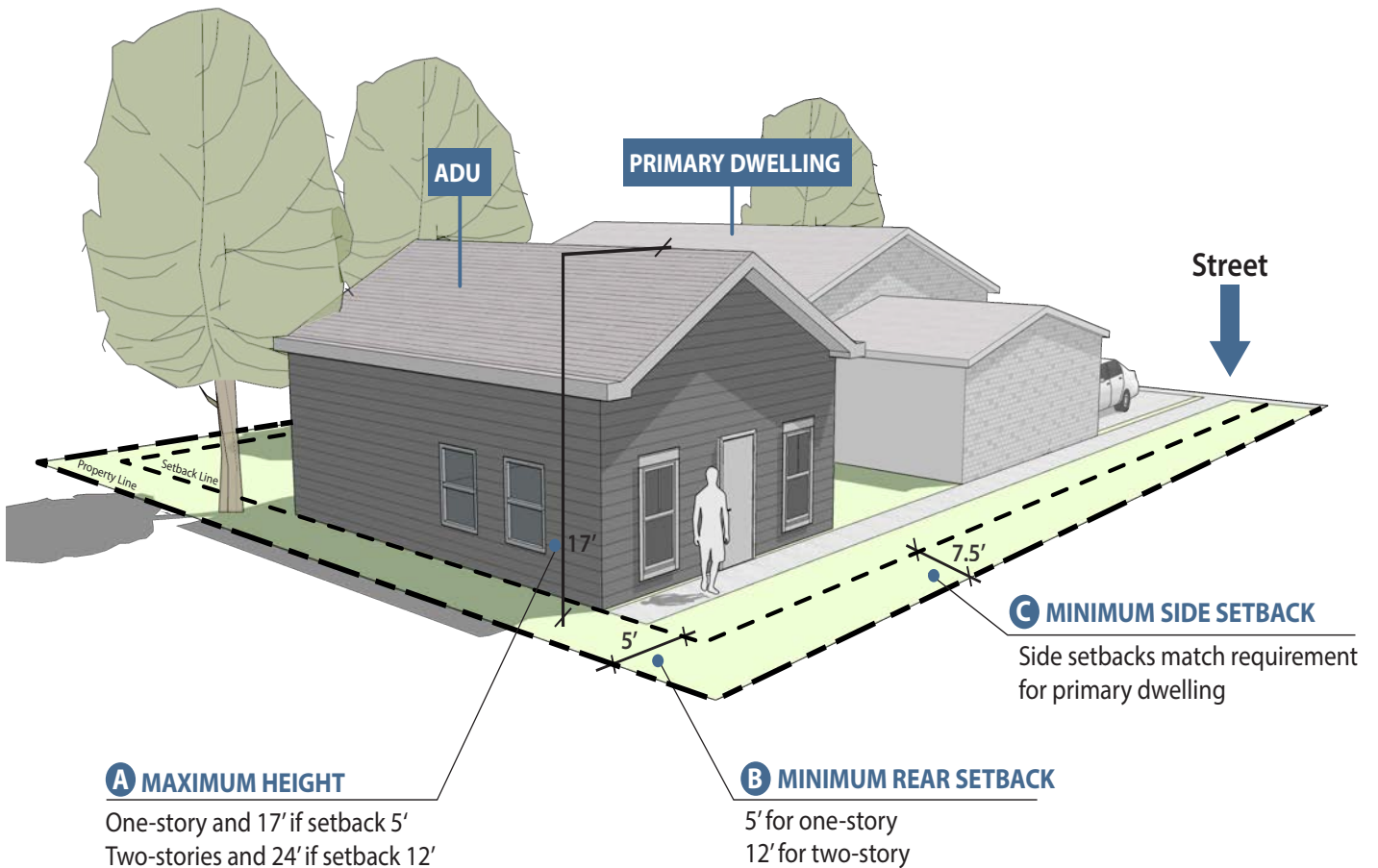
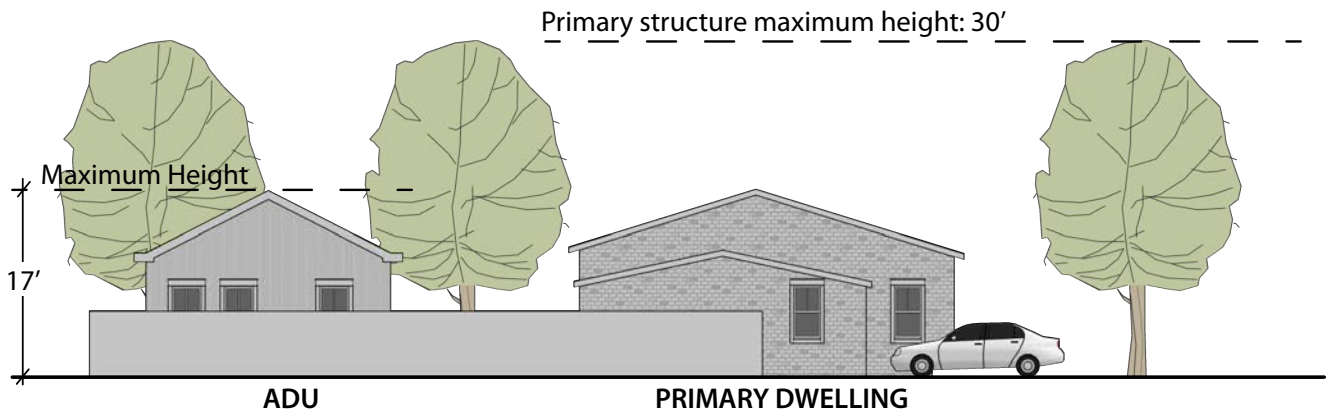
## RECOMMENDATIONS FOR SINGLE UNIT DISTRICTS

	Without Public Alley	With Public Alley
<b>Height</b>		
<b>A</b> Maximum Height	One-story (17') if set back at least 5' from rear property line Two-stories (24') if set back at least 12' from rear property line	Two-stories (24')
Bulk Plane	For most lots, starts 10' above the side property line and continues toward the center of the lot at a 45 degree angle, same as existing requirement for detached ADUs For the narrowest lots (40' wide or less), starts 12' above the side property line * to ensure that a two story ADU can be built.	
<b>Setbacks</b>		
<b>B</b> Minimum Rear Setback	5' for one-story, 12' for two-story	5', same as existing setback for ADUs
<b>C</b> Minimum Side Interior and Side Street Setback	5' for the most common lot sizes, 3' for the narrowest lots (same as required setbacks for the primary house)	
<b>Design Elements</b>		
<b>D</b> Second Story Decks	100sf max allowance within 15' of an a rear zone lot line abutting a public alley (not allowed for lots without public alley access) to provide outdoor space for ADU residents while minimizing impacts to neighbors*	
Dormer	Dormers allowed to penetrate the Bulk Plane*	

\* Indicates a standard that is different than the existing regulations

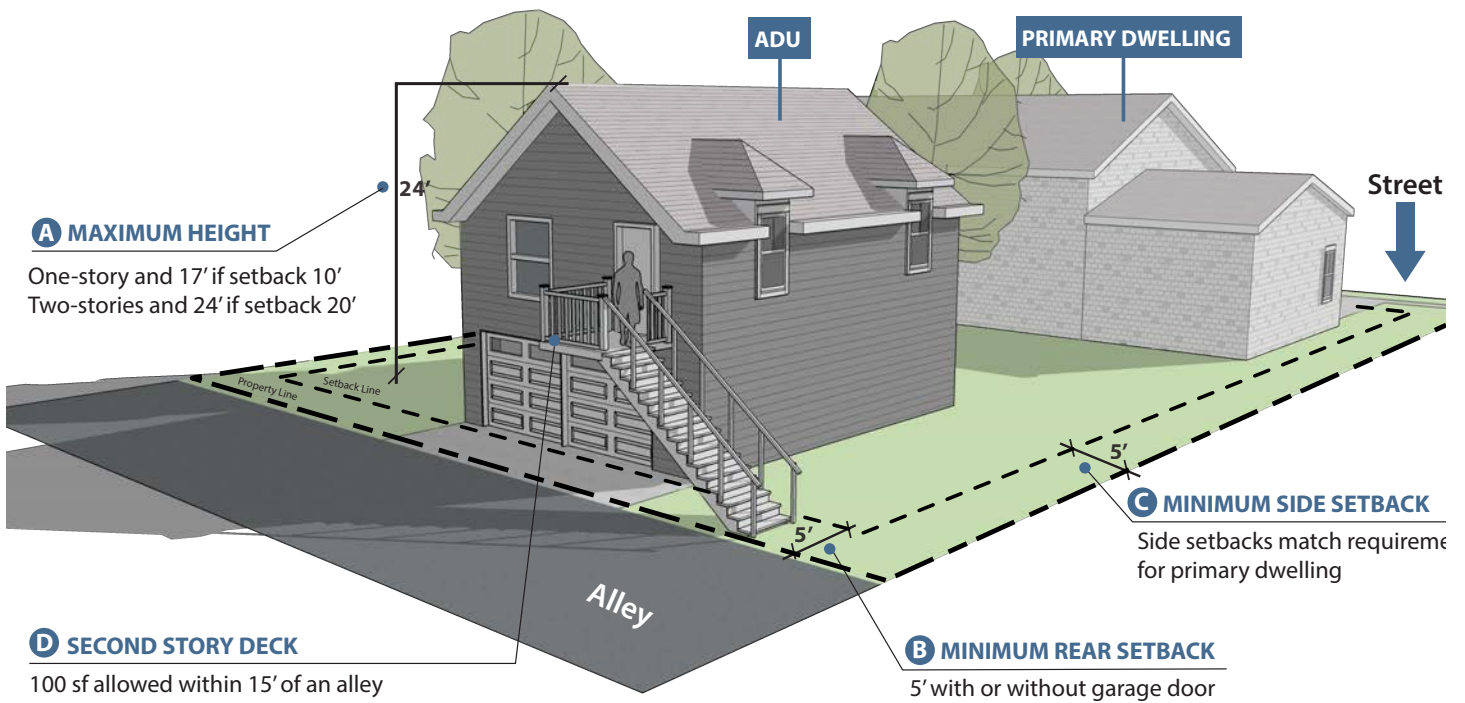
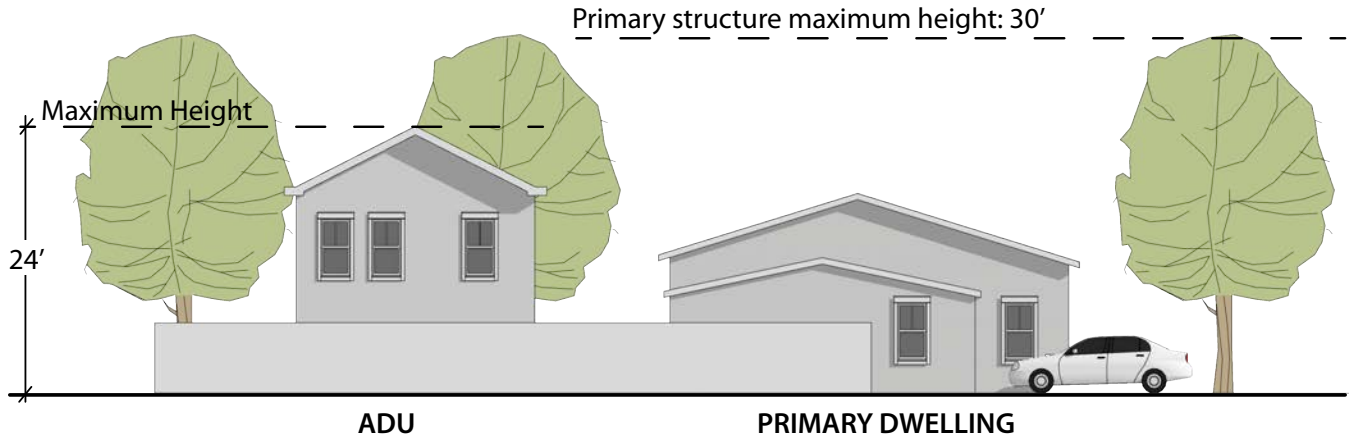
# RECOMMENDATIONS ILLUSTRATED ON A 7,500 SF LOT W/O ALLEY

VIEW FROM SIDE OF LOT



# RECOMMENDATIONS ILLUSTRATED ON A 7,500 SF LOT W/ ALLEY

## VIEW FROM SIDE OF LOT



# RECOMMENDATIONS FOR SUBURBAN NEIGHBORHOODS

The Suburban strategy is the result of Advisory Committee input, Suburban Focus Group discussions, input from City Council members representing suburban neighborhoods and public survey input. The Suburban context has the largest lot sizes in the city, up to 12,000 sf in some cases, with an average lot size of 9,500 sf citywide. This lot size and 50% building coverage allowance on a lot can more easily accommodate a single-story detached ADU and a detached garage, each in separate structures.

To balance concerns around privacy, shadows, and spacing in Suburban neighborhoods, the recommended strategy includes a single-story ADU up to 17' tall, with a 10' rear setback, and side setbacks that match the minimum setbacks required for the primary structure. In addition, a two-story ADU up to 24' tall would be allowed with a rear setback of 20', which would place the ADU within the same building envelope that is allowed for the primary unit, Suburban House building form. The result is an ADU that is tailored to this context and allows Suburban neighborhood homeowners to invest in their properties while creating additional housing options.

Because the Denver Zoning Code currently provides only one Suburban zone district that allows ADUs (the specialty S-SU-F1 district for areas with especially deep lots), implementing the draft strategy for Suburban neighborhoods will require the creation of several new zone districts to include the recommendations in the table below. The ADUs in Denver project will not propose to rezone properties to these new zone districts. However, property owners or City Council members could propose to use the new zone districts for future rezonings. See "Recommendations for technical Code Adjustments to Support the Strategy" on page 46 for more information.

**ADUs located outside of single-unit zone districts.** ADUs are currently permitted in all non-single unit zone districts that permit primary residential uses. Where existing bulk plane, setback or other rules for detached ADUs are more flexible than the single-unit recommendations for Suburban neighborhoods in the table below, existing rules should be retained.

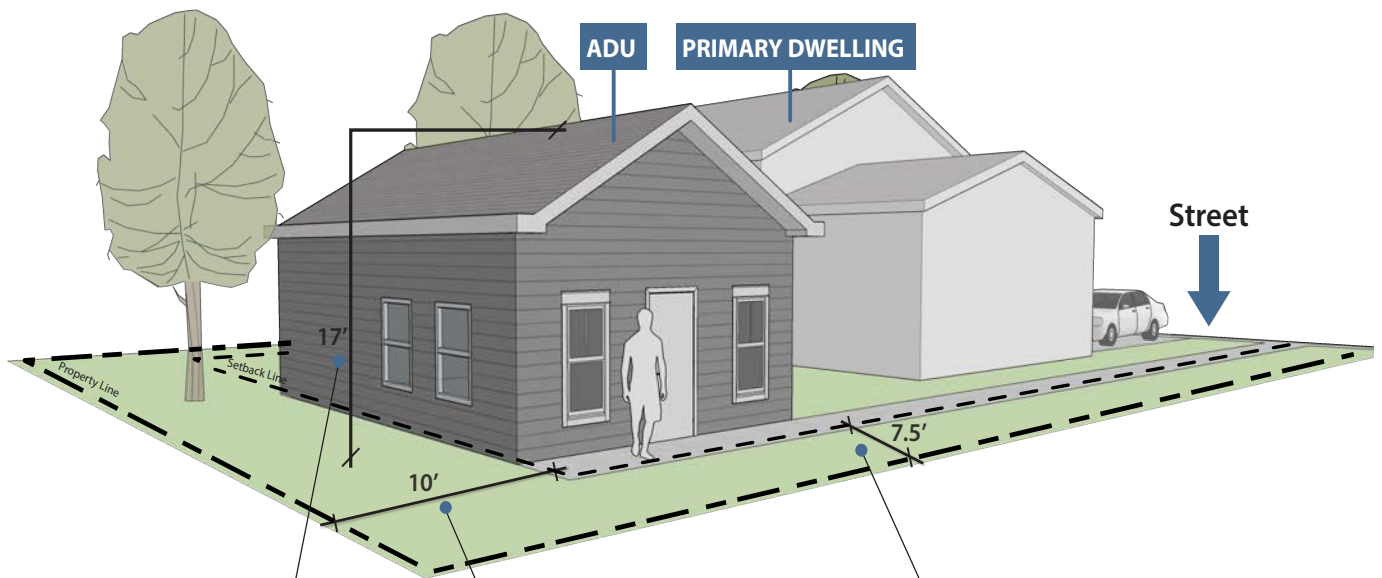
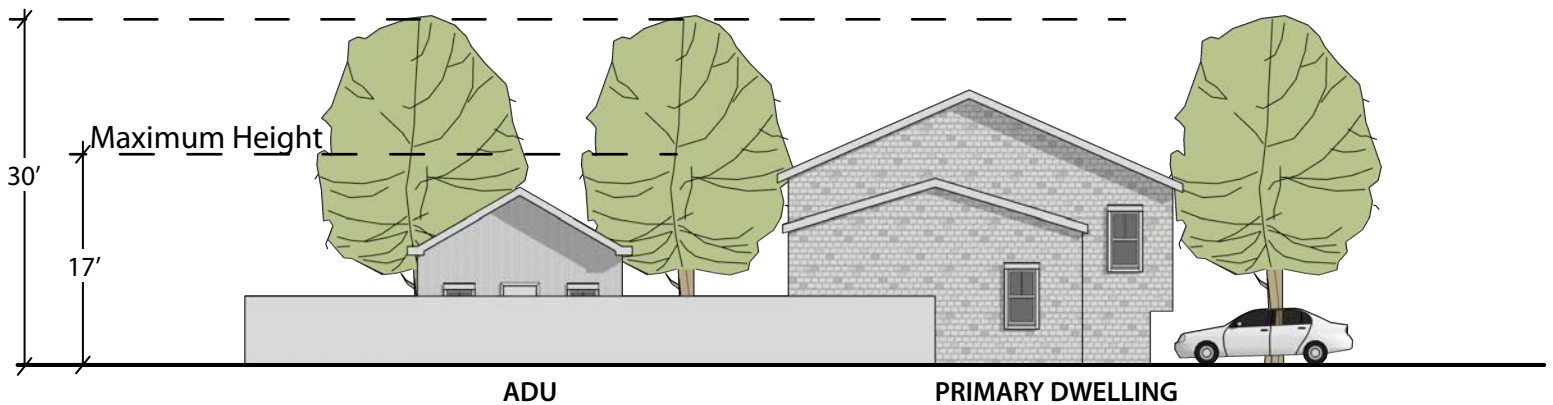
## RECOMMENDATIONS FOR SINGLE UNIT DISTRICTS

Height	
<b>A</b> Maximum Height	One-story (17') if set back at least 10' from rear property line* Two-stories (24') if set back at least 20' from rear property line (same as the rear setback for the primary house)*
Bulk Plane	Starts 10' above the side property line and continues toward the center of the lot at a 45 degree angle, same as existing requirement for detached ADUs
Setbacks	
<b>B</b> Minimum Rear Setback	10' for a one-story ADU or 20' for a two-story ADU* (20' is the rear setback for the primary house, so this means a two-story ADU could only be built in the same part of the lot where a 2+ story house could be built)
<b>C</b> Minimum Side Interior and Side Street Setback	Match the minimum setback requirements of the Primary Structure, 7.5' for the most common lot sizes,* 5' or 3' for the narrowest lots.

\* Indicates a standard that is different than the existing regulations

# RECOMMENDATIONS ILLUSTRATED ON A 9,000 SF LOT

## VIEW FROM SIDE OF LOT



### 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

# RECOMMENDATIONS FOR TECHNICAL CODE ADJUSTMENTS TO SUPPORT THE STRATEGY

As summarized in the table below, staff recommend several technical Denver Zoning Code revisions to support the substantive recommendations on the previous pages.

## TECHNICAL RECOMMENDATIONS

Topic	Recommendation
<p><b>New Suburban zone districts that would implement strategy recommendations</b></p>	<p>As noted in the “Recommendations for Suburban Neighborhoods” on page 44, the creation of several new Suburban zone districts is recommended to allow requirements to vary appropriately across a variety of lots in Suburban neighborhoods. <b>The ADUs in Denver project will not propose to rezone properties to these new zone districts.</b> However, property owners or City Council members could propose to use the new zone districts for future rezonings. The following new zone districts are recommended:</p> <ul style="list-style-type: none"> <li>• S-SU-A1 to create a potential future opportunity for ADUs in Suburban neighborhoods where a minimum zone lot area of 3,000 square feet is appropriate</li> <li>• S-SU-D1 to create a potential future opportunity for ADUs in Suburban neighborhoods where a minimum zone lot area of 6,000 square feet is appropriate</li> <li>• Add a new S-SU-F1x to create a version of the S-SU-F1 zone district with the same home occupations limits as the existing S-SU-Fx district</li> <li>• Add S-SU-I1 to create a potential future opportunity for ADUs in Suburban neighborhoods where a minimum zone lot area of 12,000 square feet is appropriate</li> <li>• Add a new S-SU-I1x zone district to create a version of the S-SU-I1 zone district with the same home occupations limits as the existing S-SU-Ix district</li> <li>• S-SU-F1 to create a potential future opportunity for ADUs in Suburban neighborhoods where a minimum zone lot area of 8,500 square feet is appropriate (note that the existing S-SU-F1 district would become S-SU-F2 per below)</li> </ul> <p>Changing the name/designation of the current S-SU-F1 zone district to S-SU-F2 is also proposed to acknowledge that the existing district allows both ADUs and Tandem Houses (allowances that are most often associated with a “2” district).</p>
<p><b>Addition of detached ADU building form</b></p>	<p>The Denver Zoning Code does not currently allow use of the detached ADU building form in all zone districts where an ADU use is allowed, such as Urban Center (C-) and Industrial Mixed Use (I-MX) zone districts. To add clarity and remove barriers to ADU construction, all zone districts that permit an ADU use should allow use of the detached ADU form.</p>
<p><b>Setback exceptions</b></p>	<p>Setback exceptions should be available to allow a permitted Rooftop and/or Second Story Deck located on a detached ADU to encroach into a minimum side street setback or rear setback abutting an alley. This would allow ADU residents to have an outdoor use area while minimizing impacts to neighbors.</p>

# RECOMMENDATIONS FOR UPDATES OUTSIDE THE DENVER ZONING CODE

As summarized in the tables below, staff recommend several near-term actions to support the Denver Zoning Code amendment described in this report. These actions would be undertaken within the scope of the ADUs in Denver project.

## RECOMMENDATIONS OUTSIDE THE DENVER ZONING CODE

Topic	Recommendation
<p><b>Denver Revised Municipal Code 'Bridge Amendment' for Former Chapter 59 Zone Districts</b></p>	<p>Some areas of the city remain zoned within 'Former Chapter 59' (FC59) zone districts that predate the adoption of the Denver Zoning Code in 2010. The Denver Zoning Code text amendment described in this strategy will not directly impact FC59 districts. However, to ensure that residents of the FC59 zone districts can benefit from this strategy, the city intends to propose a 'bridge amendment' to amend Section 59-2 of the Denver Revised Municipal Code. The bridge amendment would regulate ADUs already allowed in FC59 districts according to the key requirements proposed for Denver Zoning Code (DZC) districts:</p> <ul style="list-style-type: none"> <li>• Allow the same size ADUs in FC59 districts as the ADUs in Denver project proposes for DZC districts</li> <li>• Limit maximum detached ADU 'building footprint' (the area of the lot covered by a detached ADU) according to the same 'building footprint' maximums proposed for DZC districts</li> <li>• Remove difficult-to-enforce standards regarding matching building materials for ADUs and primary structures from FC59 districts consistent with removal of such standards from DZC districts proposed by ADUs in Denver</li> </ul> <p>ADUs are currently allowed in the following FC59 zone districts:</p> <ul style="list-style-type: none"> <li>• R-MU-20</li> <li>• R-MU-30</li> <li>• C-MU-10</li> <li>• C-MU-20</li> <li>• C-MU-30</li> </ul> <p>A 'bridge amendment' would not allow ADUs in FC59 zone districts where they are not already allowed, but would ensure that neighborhoods like Green Valley Ranch are subject to the same requirements as similar neighborhoods in DZC districts.</p>
<p><b>Customer Materials and Web Page</b></p>	<p>The city will develop improved customer materials to explain ADU requirements to residents and homeowners who wish to build ADUs. This will include development of an improved customer web page, information sheets, applications and other information to help customers understand both the zoning requirements and how they interact with other requirements and processes.</p>

# RECOMMENDATIONS FOR FUTURE ACTION OUTSIDE THE SCOPE OF THIS PROJECT

To align with the scope of the ADUs in Denver project, the draft strategy recommends specific Denver Zoning Code (zoning code) changes to remove barriers to ADU construction and ensure that they fit in to a variety of neighborhoods. However, throughout the project process, city staff heard about a number of barriers to ADU construction that are not directly related to zoning code regulations.

Therefore, staff recommend a number of follow up actions to occur after City Council consideration of the zoning recommendations included in this report. Note that the recommended follow up actions are not scoped or scheduled as part of the ADUs in Denver project and will require coordination with a variety of city departments and other agencies.

## RECOMMENDED FOLLOW UP ACTIONS

Topic	Recommendation
<b>City of Denver Actions</b>	
<b>Zoning Updates Consistent with State Mandates</b>	If future state legislation mandates specific ADU allowances/requirements, the city will consider additional zoning updates to ensure compliance.
<b>Permit Processes and Related Fees</b> (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.
<b>Denver Building and Fire Code</b> (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.
<b>Required Public Improvements</b> (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.
<b>Infrastructure/Traffic Impacts</b> (impacts of adding dwelling units to existing neighborhoods)	Continue to assess infrastructure impacts if/when additional neighborhoods or areas are proposed for rezoning to allow ADUs. If on-street parking is highly utilized in a neighborhood, consider a future parking study to determine whether on-street parking permits or similar programs are needed.
<b>Other (Non-City) Actions</b>	
<b>Water and Sewer Tap Fees</b> (fees for connecting new development to public infrastructure)	Continue to work with Denver Water and Metro Water Recovery (public utilities 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.