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# Citywide Accessory Dwelling Units

Text & Map Amendments

Date: 10.08.2024

Presenter: Justin Montgomery, AICP

# Presentation Agenda



- Requests



- Citywide ADUs



- Process



- Review Criteria





# Requests

- 1) Text Amendment to the Denver Zoning Code to allow Accessory Dwelling Units (ADUs) in all zone districts that allow residential.
- 2) Denver Revised Municipal Code (DRMC) Amendment to allow ADUs in Former Chapter 59 zone districts.
- 3) Map Amendment to rezone properties located within zone districts proposed to be deleted by the DZC text amendment.

# Agenda



- Requests



- Citywide ADUs



- Process

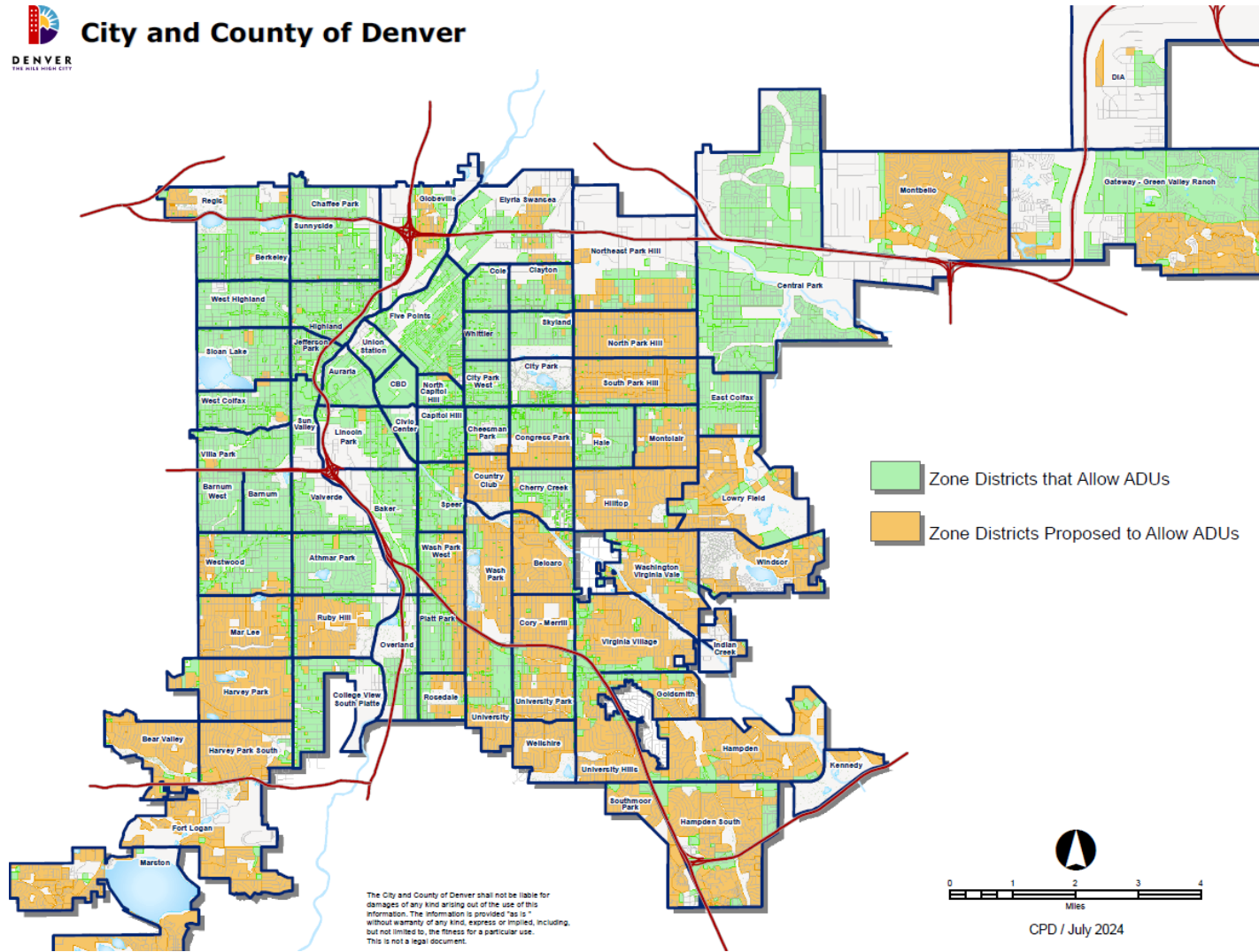


- Review Criteria



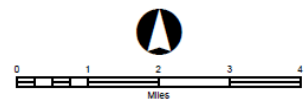


# City and County of Denver



- Zone Districts that Allow ADUs
- Zone Districts Proposed to Allow ADUs

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SUBURBAN NEIGHBORHOOD CONTEXT		URBAN EDGE NEIGHBORHOOD CONTEXT		URBAN NEIGHBORHOOD CONTEXT	
S-SU-A	Single Unit A	E-SU-A	Single Unit A	U-SU-A	Single Unit A
<del>S-SU-A†</del>	<del>Single Unit A†</del>	<del>E-SU-A†</del>	<del>Single Unit A†</del>	<del>U-SU-A†</del>	<del>Single Unit A†</del>
S-SU-D	Single Unit D	E-SU-B	Single Unit B	U-SU-A2	Single Unit A2
<del>S-SU-D†</del>	<del>Single Unit D†</del>	<del>E-SU-B†</del>	<del>Single Unit B†</del>	U-SU-B	Single Unit B
S-SU-Fx	Single Unit Fx	E-SU-D	Single Unit D	<del>U-SU-B†</del>	<del>Single Unit B†</del>
S-SU-F	Single Unit F	E-SU-Dx	Single Unit Dx	U-SU-B2	Single Unit B2
S-SU-F†A	Single Unit F†A	<del>E-SU-D†</del>	<del>Single Unit D†</del>	U-SU-C	Single Unit C
<del>S-SU-F1A</del>	<del>Single Unit F1A</del>	<del>E-SU-D1x</del>	<del>Single Unit D1x</del>	<del>U-SU-C†</del>	<del>Single Unit C†</del>
<del>S-SU-F1x</del>	<del>Single Unit F1x</del>	E-SU-G	Single Unit G	U-SU-C2	Single Unit C2
S-SU-lx	Single Unit lx	<del>E-SU-G†</del>	<del>Single Unit G†</del>	U-SU-E	Single Unit E
S-SU-l	Single Unit l	E-TU-B	Two Unit B	<del>U-SU-E†</del>	<del>Single Unit E†</del>
<del>S-SU-l†</del>	<del>Single Unit l†</del>	E-TU-C	Two Unit C	U-SU-H	Single Unit H
<del>S-SU-l1x</del>	<del>Single Unit l1x</del>	E-RH-2.5	Row House 2.5	<del>U-SU-H†</del>	<del>Single Unit H†</del>

The proposed text Amendment will remove 16 obsolete zone districts from the code



# Citywide ADUs

- This amendment includes provisions that make it easier for homeowners within Site Development Plans to add ADUs to previously approved plans







# Current ADU Zoning Standards

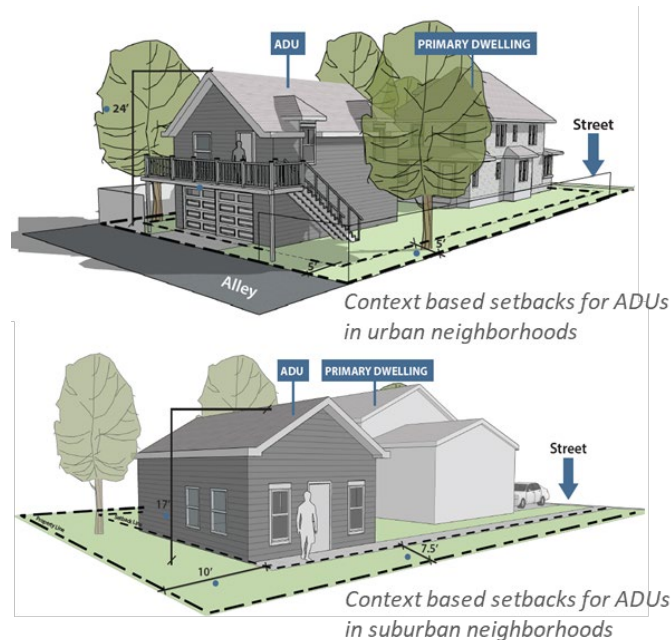
- Greater allowances in **URBAN** neighborhoods with flexibility where ADUs most easily fit in



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



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







## State ADU Law (HB24-1152)

- Colorado cities must allow ADUs where single-unit homes are allowed
- No 'restrictive' design standards for ADUs
- HOAs can no longer prohibit ADUs
- Only at the time of permit can the city require the primary unit or ADU be owner occupied



# Citywide ADUs

- State Law: Only at the time of permit can the city require the primary unit or ADU be owner occupied
- The proposed amendment adjusts Denver's rules for single-unit zone districts to match state law. An owner could keep their ADU even if they no longer live on the property.





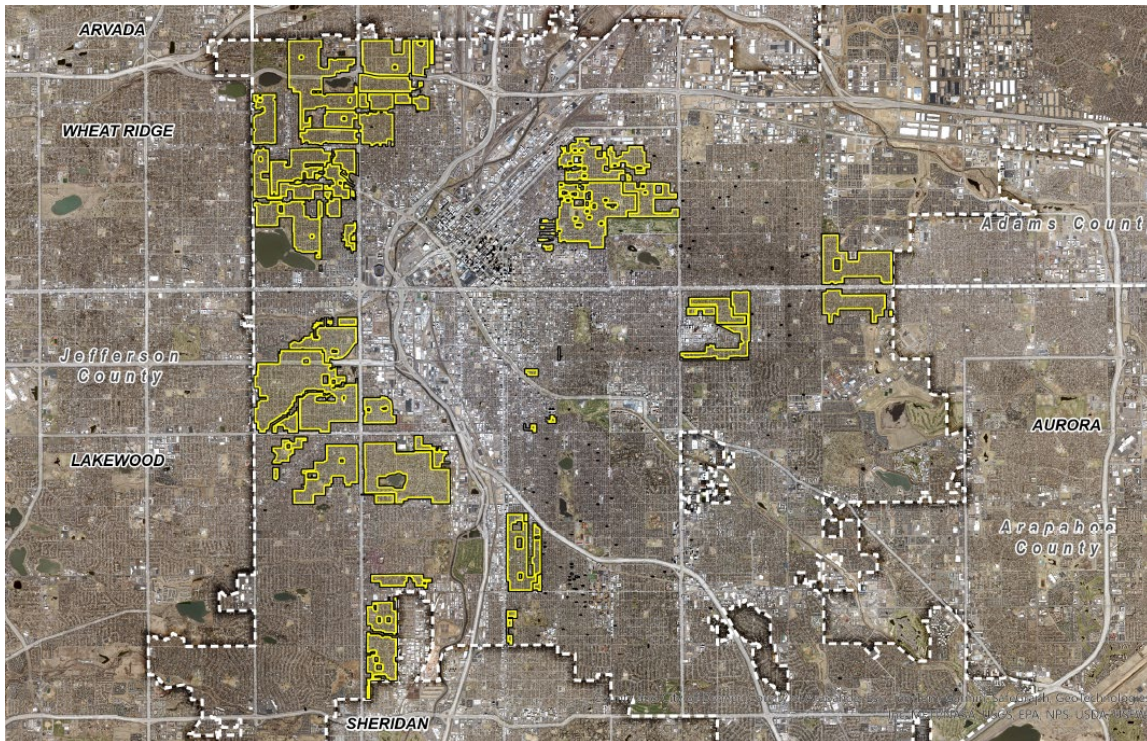
# Citywide ADUs – DRMC Amendment

- Residential properties with Former Chapter 59 zoning are proposed to allow ADUs
- Bridge amendment specifies the zoning standards to apply





# Citywide ADUs – Map Amendment



Proposed by city council sponsors to follow the Charter process.

Rezoning the zone districts proposed for deletion.



# Citywide ADUs – Map Amendment

## Denver Zoning Code Rezoning Process

1. Pre-Application
2. Application
3. Review & Referral
4. Planning Board
5. Ordinance Request
6. LUTI
7. Mayor Council
8. Bill Filing
9. First Reading
10. City Council hearing

**3-4  
months**

## Charter Rezoning Process

*Must be initiated by a City Council Member*

1. Ordinance Request
2. LUTI
3. Mayor Council
4. Bill Filing
5. First Reading
6. City Council hearing

**2 months**



# Agenda



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# »»» Process


- Notice of Text Amendment Public Review & Proposed DRMC Amendment: 7/26/2024
- Informational Mailers Sent: 7/26/2024
- Planning Board Info Item: 8/7/2024
- Planning Board Notice: 8/20/2024
- Planning Board Public Hearing: 9/4/2024
- Sponsors Proposed Map Amendment: 9/26/2024
- LUTI Committee: **10/8/2024\***
- City Council Public Hearing: **11/18/2024\***

\* Anticipated dates are confirmed during the legislative review process



# Public Comments

- All RNOs received written notice
- Property owners obtaining ADU entitlement mailed postcard
- Two virtual town halls in August
- 716 comments received through the webform and email



**Proposed Zoning Code Change to Allow ADUs**  
**Cambio propuesto en el código de zonificación para permitir ADU**

Denver's Department of Community Planning and Development, in partnership with City Council members, is proposing an update to zoning regulations that would allow accessory dwelling units (ADUs) on all single-unit residential properties in the city. This proposal would change zoning regulations that apply to your property.


El Departamento de Planificación y Desarrollo Comunitario de Denver, en asociación con miembros del Concejo Municipal, está proponiendo una actualización de las regulaciones de zonificación que permitiría unidades de vivienda accesorias (ADU) en todas las propiedades residenciales de una sola unidad en la ciudad. Esta propuesta cambiaría las regulaciones de zonificación que se aplican a su propiedad.

A draft of the zoning code proposal will be available for the public to review in the coming days. To learn more about ADUs and additional requirements that may apply to build them, read the draft, submit comments or questions, and find information about public meetings, visit [denvergov.org/citywideadus](http://denvergov.org/citywideadus).

Un borrador de la propuesta del código de zonificación estará disponible para que el público lo revise en los próximos días. Para obtener más información sobre las ADU y los requisitos adicionales que pueden aplicarse para construirlos, leer el borrador, enviar comentarios o preguntas y encontrar información sobre reuniones públicas, visite [denvergov.org/citywideadus](http://denvergov.org/citywideadus).

The City and County of Denver does not regulate homeowners associations (HOAs), or consider HOA regulations when reviewing permit applications. If you live in a metro district, homeowners association, or similar, additional rules on ADUs may apply. Check with your district or association about regulations that apply to ADUs.

La Ciudad y Condado de Denver no regulan las asociaciones de propietarios de viviendas (HOA) ni consideran las regulaciones de las HOA al revisar las solicitudes de permisos. Si vive en un distrito metropolitano, una asociación de propietarios o similar, es posible que se apliquen reglas adicionales sobre las ADU. Consulte con su distrito o asociación sobre las regulaciones que se aplican a las ADU.



# Planning Board

- Planning Board held a hearing on this item on 9/4/2024.
- The board voted unanimously to recommend approval.

# Text Amendment Change After Planning Board

- Added specificity on timing of owner occupancy requirement applicable to single-unit zone districts
  - **Planning Board:** Only an owner who lives on the property can establish an ADU
  - **LUTI:** Only an owner who lives on the property can submit a permit application for an ADU
- Included definition of ‘primary residence’ in Denver Zoning Code rather than cross reference to DRMC
  - Ensures that definition does not change without evaluation

# Agenda



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# Denver Zoning Code Review Criteria

- A. Consistency with Adopted Plans
- B. Further Public Health, Safety and Welfare
- C. Uniformity of District Regulations and Restrictions



# Denver Zoning Code Review Criteria

## A. Consistency with Adopted Plans

- *Comprehensive Plan 2040*
- *Blueprint Denver*

## B. Further Public Health, Safety and Welfare

## C. Uniformity of District Regulations and Restrictions



# Comprehensive Plan 2040



## Equitable, Affordable and Inclusive

Goal 2, Strategy B “Ensure city policies and regulations encourage every neighborhood to provide a complete range of housing options.” (p. 28)

Goal 3, Strategy B “Use land use regulations to enable and encourage the private development of affordable, missing middle and mixed-income housing, especially where close to transit.” (p. 28)

Goal 8, Strategy D “Expand the supply of housing accessible to seniors and people with disabilities, including more housing choices for seniors to age in place” (p. 30).



## Strong and Authentic Neighborhoods

Goal 3, Strategy E to “Support the stewardship and reuse of existing buildings.” (p. 34)







# Blueprint Denver

## Blueprint Denver Contains Three Major Equity Concepts

Integrating these concepts into planning and implementation will help to create a more equitable Denver.





# Blueprint Denver

**Land Use and Built Form: General, Policy 11:** “Implement plan recommendations through city led legislative rezonings and text amendments.”

**Strategy B:** “Text amendments and large legislative rezonings should be guided by the equity concepts and maps in Chapter 2.” (p.79)

**Land Use and Built Form: Housing, Policy 4:** “Diversify housing choice through the expansion of accessory dwelling units throughout all residential areas.” (p. 84)



# Denver Zoning Code Review Criteria

## A. Consistency with Adopted Plans

- *Comprehensive Plan 2040*
- *Blueprint Denver*

## B. Further Public Health, Safety and Welfare

## C. Uniformity of District Regulations and Restrictions



# CPD Recommendation

Based on the criteria for review in the Denver Zoning Code, CPD recommends that the Land Use, Transportation, and Infrastructure (LUTI) Committee move the Citywide ADUs Text Amendment & Map Amendment proposal #2024I-00151 forward for consideration by the full City Council.

CPD also recommends LUTI forward the proposed DRMC amendment for consideration by the full City Council.