

COUNCIL BILL NO. 07- _____
ORDINANCE NO. _____

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE ARVADA LAND DEVELOPMENT CODE TO PROVIDE FOR ACCESSORY DWELLING UNITS

WHEREAS, Arvada's population is aging, its average household size is dropping, the number of single-person households is increasing, and "baby boomers" are beginning to retire; and

WHEREAS, increasing costs of housing and health care affect living patterns, manifested by both in-home senior care arrangements and young adult offspring continuing to live with parents after high school and college; and

WHEREAS, accessory dwelling units may provide housing options that are more affordable; allow, through income generation, seniors and others on a fixed income to retain their homes or fund maintenance expenses; and create affordable options for the care of senior parents or relatives; and

WHEREAS, such outcomes are consistent with the Arvada Comprehensive Plan, by fostering a diverse mix of housing in the community, increasing the opportunity for affordable housing, and encouraging infill development that is compatible with the City's single-family housing stock;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. The "Household Living" subcategory of the "Residential Uses" Use Classification of Subsection 5.1.2 ("Summary table of allowed and conditional principal uses by zoning district") of Section 5.1 ("Allowed and Conditional Uses by Zoning District") of Article 5 ("Use Regulations") of the Arvada Land Development Code is hereby amended by: (1) recaptioning the Specific Use Type heretofore captioned as "Accessory dwelling units in conjunction with commercial uses (including "live/work" unit)" to "Accessory Dwelling Unit, Live/Work;" and (2) adding a new Specific Use Type captioned "Accessory Dwelling Unit, Residential; all as set forth in Exhibit A attached hereto and incorporated herein.

Section 2. Subparagraph B ("Accessory Dwelling Units") of Subsection 5.3.3 ("Uses/Structures Permitted as Accessory to Principal Residential Uses") of Section 5.3 ("Accessory Uses And Structures (Including Home Occupations)") of Article 5 of the Arvada Land Development Code is hereby amended to read as follows:

- B. *Accessory Dwelling Unit, Residential.* Accessory Dwelling Units are allowed in conjunction with all single-family detached dwellings in residential zone districts, subject to the following conditions:

1. Conformance to Development Standards. Any Accessory Dwelling Unit must meet the same development standards required for the principal dwelling unit;
2. Parking. One on-site parking space shall be required for an Accessory Dwelling Unit. Parking for the Accessory Dwelling Unit is in addition to the required parking for the principal dwelling unit. The required parking space may be in tandem with other required spaces;
3. Unit Size and Configuration. For a principal dwelling unit of 1000 square feet or more of living space, the Accessory Dwelling Unit shall be no larger than 40% of the living space of such principal dwelling unit, or 800 square feet, whichever is smaller. For a principal dwelling unit of less than 1000 square feet of living space, the Accessory Dwelling Unit shall be no larger than 400 square feet. No Accessory Dwelling Unit shall be less than 200 square feet, and all Accessory Dwelling Units shall be designed and configured as either studio or one bedroom units. Square-footage calculations, as contained herein, exclude any related garage, porch or similar areas.
4. Unit Occupancy. No more than two persons shall occupy an Accessory Dwelling Unit of less than 600 square feet, and no more than three persons shall occupy an Accessory Dwelling Unit ranging from 600 to 800 square feet.
5. Existing Development on Lot. A single-family dwelling must exist as a principal dwelling unit on the lot or be constructed in conjunction with the Accessory Dwelling Unit. A certificate of occupancy will only be granted to an Accessory Dwelling Unit after it has been granted to the principal dwelling unit;
6. Number of Accessory Dwelling Units per Parcel. Only one Accessory Dwelling Unit shall be allowed for each parcel;
7. Owner Occupancy. The property owner, as reflected in title records and evidenced by voter registration, vehicle registration or other similar means, must occupy either the principal dwelling unit or Accessory Dwelling Unit. The Director may waive this requirement for temporary absences of less than one (1) year provided that the owner has maintained the permitted use for a minimum of two years and submits proof of the temporary absence. Prior to a building permit being issued for an Accessory Dwelling Unit, the property owner shall record a deed restriction running with the land, in a form acceptable to the Director, prohibiting renting out both the principal dwelling unit and the Accessory Dwelling Unit, and requiring the property owner to reside in either the principal dwelling unit or the Accessory Dwelling Unit as the owner's principal place of abode.
8. Design. To preserve the appearance of the single-family dwelling, Accessory Dwelling Units shall be designed in the following manner:
 - a. The design of the Accessory Dwelling Unit shall be compatible with the design of the principal dwelling unit by use of similar exterior wall

- materials, window types, door and window trims, roofing materials and roof pitch and colors;
- b. The exterior finish material must be the same or visually match in type, size and placement of the exterior finish of the primary residence;
 - c. The roof pitch must be substantially the same as the predominant roof pitch of the primary residence;
 - d. Eaves must project from the building walls at substantially the same distance as the eaves on the primary residence;
 - e. Windows must substantially match those in the primary residence in proportion (width and height) and orientation (horizontal and vertical);
 - f. Trim must be substantially the same in type, size and location as the trim used on the primary residence;
 - g. The entrance to an Accessory Dwelling Unit shall not face the front of the lot, and not be directly visible to the public, unless it can be demonstrated that no other reasonable alternative exists. In such a case, only one Accessory Dwelling Unit entrance may be located on each front or street side of the principal dwelling unit and shall be located in such a manner as to be set back a minimum of 3 feet from the same view of the building which encompasses the entrance to the principal dwelling unit. In addition to being set back from the entrance to the principal dwelling unit, this secondary entrance shall be treated architecturally in such a way as to be de-emphasized in comparison to the principal dwelling unit. Uses of relatively smaller porches, overhangs or trim for the Accessory Dwelling Unit entrance are examples for creating this architectural hierarchy;
 - h. Windows which face an adjoining residential property shall be designed to protect the privacy of neighbors unless fencing or landscaping is provided which adequately accomplishes the same purpose.
9. Outdoor Areas. The site plan shall provide accessible outdoor space and landscaping for both the Accessory Dwelling Unit and the principal dwelling unit.
 10. Utility Service Requirements. Accessory Dwelling Units must be connected to the utilities (except telephone, television and internet) of the principal dwelling unit and may not have separate services.
 11. Garage space dedicated for use in conjunction with an ADU shall not exceed 250 square feet;
 12. Home Occupations. Home occupations shall be allowed, subject to existing regulations, in the principal dwelling unit but not in the Accessory Dwelling Unit.
 13. Mobile homes, travel trailers and recreational vehicles shall be prohibited for use as an Accessory Dwelling Unit.
 14. Deed Restriction. Before obtaining a building permit for an Accessory Dwelling Unit, the property owner shall file with the County Clerk and Recorder, in a form acceptable to the Director, a declaration of restrictions in

reference to the deed under which the property was acquired by the present owner stating that:

- a. The Accessory Dwelling Unit shall not be sold separately from the principle dwelling unit, nor shall the lot on which it is situated be subdivided unless such subdivision can be accomplished in accordance with all provisions of the Arvada Land Development Code;
- b. The Accessory Dwelling Unit shall be restricted to the approved size;
- c. The Certificate of Occupancy for the Accessory Dwelling Unit shall be in effect only so long as either the principal dwelling unit or the Accessory Dwelling Unit is occupied by the owner of record as the owner's principal place of abode, subject to any temporary waiver granted pursuant subsection 5.3.3 B.7;
- d. The above restrictions are binding upon any successor in ownership of the property;
- e. Lack of compliance with deed restrictions may subject the owner of the property to any and all penalties provided for in the Arvada Land Development Code;
- f. The deed restrictions shall lapse upon removal of the Accessory Dwelling Unit. To effect this intent, and upon verification of such removal, the City shall record appropriate documentation releasing such encumbrance. The property owner shall pay all required recording fees, and it shall be the applicant's responsibility to ensure that such recording was successfully completed.

Section 3. Subparagraph B ("Accessory Dwelling Unit") of Subsection 5.3.5 ("Uses/Structures Permitted as Accessory to Principal Non-Residential Uses") of Section 5.3 of Article 5 of the Arvada Land Development Code is hereby amended to read as follows:

B. Accessory Dwelling Unit, Live/Work.

1. Design. To preserve the appearance of the principal unit, Accessory Dwelling Units shall be designed in the following manner:
 - a. The design of the Accessory Dwelling Unit shall relate to the design of the principal unit by use of similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch and colors;
 - b. The entrance to an Accessory Dwelling Unit shall face the interior of the lot, and not be directly visible to the public, unless it can be demonstrated that no other reasonable alternative exists. In such a case, only one Accessory Dwelling Unit entrance may be located on each front or street side of the principal unit and shall be located in such a manner as to be set back from the same view of the building which encompasses the entrance to the principal unit. In addition to being set back from the entrance to the principal unit, this secondary entrance shall be treated architecturally in such a way as to be de-emphasized in comparison to the primary entrance. Uses of relatively smaller porches, overhangs or trim for the Accessory

Dwelling Unit entrance are examples for creating this architectural hierarchy;

- c. The exterior finish material must be the same as, or visually match in type, size and placement, that of the exterior finish of the principle unit;
 - d. The roof pitch must be substantially the same as the predominant roof pitch of the principle unit;
 - e. Eaves must project from the building walls at substantially the same distance as the eaves on the principle unit;
 - f. Windows must correspond to those in the principle unit in proportion (width and height) and orientation (horizontal and vertical);
 - g. Trim must be substantially the same in type, size and location as the trim used on the principle unit.
2. Utility Service Requirements. Accessory Dwelling Units must be connected to the utilities (except telephone, television and internet) of the principal unit and may not have separate services.
 3. Garage space dedicated for use in conjunction with an ADU shall not exceed 250 square feet;
 4. Deed restriction. Before obtaining a building permit for an Accessory Dwelling Unit the property owner shall file with the County Clerk and Recorder, in a form acceptable to the Director, a declaration of restrictions in reference to the deed under which the property was acquired by the present owner stating that:
 - a. The Accessory Dwelling Unit shall not be sold separately from the principle unit, nor shall the lot on which it is situated be subdivided;
 - b. The Accessory Dwelling Unit shall be restricted to the approved size;
 - c. The above restrictions are binding upon any successor in ownership of the property;
 - d. Lack of compliance with deed restrictions may subject the owner of the property to any and all penalties provided for in the Arvada Land Development Code;
 - e. The deed restrictions shall lapse upon removal of the Accessory Dwelling Unit. To effect this intent, and upon verification of such removal, the City shall record appropriate documentation releasing such encumbrance. The property owner shall pay all required recording fees, and it shall be the applicant's responsibility to ensure that such recording was successfully completed.

Section 4. Section 10.3 ("Definitions of Words, Terms, and Phrases") of Article 10 ("Rules For Measurement And Definitions") of the Arvada Land Development Code is hereby amended by: (1) deleting, in its entirety, the term "Dwelling, Accessory," and the definition associated therewith; and (2) adding the following terms and associated definitions:

ACCESSORY DWELLING UNIT, LIVE/WORK

A dwelling unit that is either within or added to a principal non-residential structure, or in a separate accessory structure on the same lot as the principal non-residential structure, for use only to house the owner, operator, caretaker, or an employee of the principal use, together with his or her immediate family, if applicable.

ACCESSORY DWELLING UNIT, RESIDENTIAL

A secondary dwelling unit either within or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a dwelling unit, as defined by the Land Development Code.

Section 5. This ordinance shall take effect five (5) days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this ____ day of _____, 2007.

PASSED, ADOPTED, AND APPROVED this ____ day of _____, 2007.

ATTEST:

City Clerk

Ken Fellman, Mayor

APPROVED AS TO FORM:

Christopher K. Daly, City Attorney

EXHIBIT A

5.1.2 Summary Table of Allowed and Conditional Principal Uses by Zoning District

RESIDENTIAL USES																													
Group Living Facilities	Assisted Living Facility																												
	Boarding, Lodging, or Rooming Houses																												
	Group Homes																												
	Group Homes for Juvenile Offenders																												
	Group Homes for Developmentally Disabled Persons	A	C	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
	Group Homes for Elderly Persons	A	C	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
	Group Homes for Mentally Ill Persons	A	C	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
	Nursing Homes																												
Household Living	Accessory Dwelling Unit, Live/Work	C	C																										
	Accessory Dwelling Unit, Residential	A	C	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
	Multi-family dwelling																												
	Single-family detached dwelling	A	C	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
	Two-family dwelling																												

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