



TOWN BOARD WORK SESSION

September 23, 2013 – 6:00 P.M.

301 Walnut Street, Town Board Room, Windsor, CO 80550

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.

GOAL of this Work Session is to have the Town Board receive information on topics of Town business from the Town Manager, Town Attorney and Town staff in order to exchange ideas and opinions regarding these topics.

Members of the public in attendance who have a question related to an agenda item are requested to allow the Town Board to discuss the topic and then be recognized by the Mayor prior to asking their question.

AGENDA

1. 6:00 p.m. Update and discussion regarding annexation of enclaves (unincorporated properties surrounded by the Town) – S. Ballstadt
2. 6:20 p.m. Update and discussion regarding research into Accessory Dwelling Unit (ADU) regulations – S. Ballstadt
3. 6:55 p.m. Future Town Board meetings



MEMORANDUM

Date: September 23, 2013
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
Joseph P. Plummer, AICP, Director of Planning
From: Scott Ballstadt, AICP, Chief Planner
Subject: Update and discussion regarding annexation of enclaves (unincorporated properties surrounded by the Town)
Item #s: Work Session Item #1

Discussion:

At the July 22, 2013 joint work session of the Town Board and Planning Commission, staff was directed to bring back an inventory of enclaves (unincorporated properties completely surrounded by the Town) and information regarding each of them. The enclosed inventory and information was subsequently discussed by the Planning Commission at a September 18, 2013 work session.

The Planning Commission originally raised the question of potential annexation of enclave properties during the review of a recent Weld County referral proposing outdoor RV storage on an enclave property northeast of the Windshire Park Subdivision. During the Planning Commission discussion of the referral staff explained that previous boards and commissions had directed staff to have discussions with respective owners of enclave properties to encourage voluntary annexation (most recently in 2009), however, those discussions revealed little interest in annexation. While the Planning Commission agreed that voluntary annexation is always preferable, they also indicated that the Town may want to consider "ordinance annexation" in order to have more control over the use of these properties since these properties are utilizing the Town's streets and other services. In accordance with § 31-12-106(1) of the Colorado Revised Statutes, when an unincorporated area has been entirely contained within the boundaries of a municipality for more than three (3) years, the municipality may annex those areas by ordinance, or "ordinance annexation".

September 18, 2013 Planning Commission Work Session

At their September 18, 2013 work session, the Planning Commission reviewed and discussed the inventory and information prepared by staff. Based on that discussion, the consensus of the Planning Commission was that they would recommend that the Town Board direct staff to send letters to all enclave property owners encouraging voluntary annexation. The Planning Commission further recommends that the letters outline the benefits of having the Town annex their property by ordinance versus the standard annexation process i.e. the savings the property owner would realize if they were not required to prepare an annexation application or pay application fees.

Conformance with Comprehensive Plan: Annexation of enclave properties is consistent with the Annexation Goal of the Comprehensive Plan: "Ensure the logical extension of the Town boundaries so that Windsor may expand in a directed, logical and fiscally responsible manner."

Conformance with Vision 2025: Annexation of enclave properties is consistent with Vision 2025 Infrastructure Goal 1: “Infrastructure Goal 1: “Create and adopt growth management policies and procedures that will enhance and maximize the Town’s infrastructure for the future benefit of the Town and its end users”, and Strategy: “Limit the practice of flagpole annexations that encourage development beyond the boundaries of existing infrastructure.”

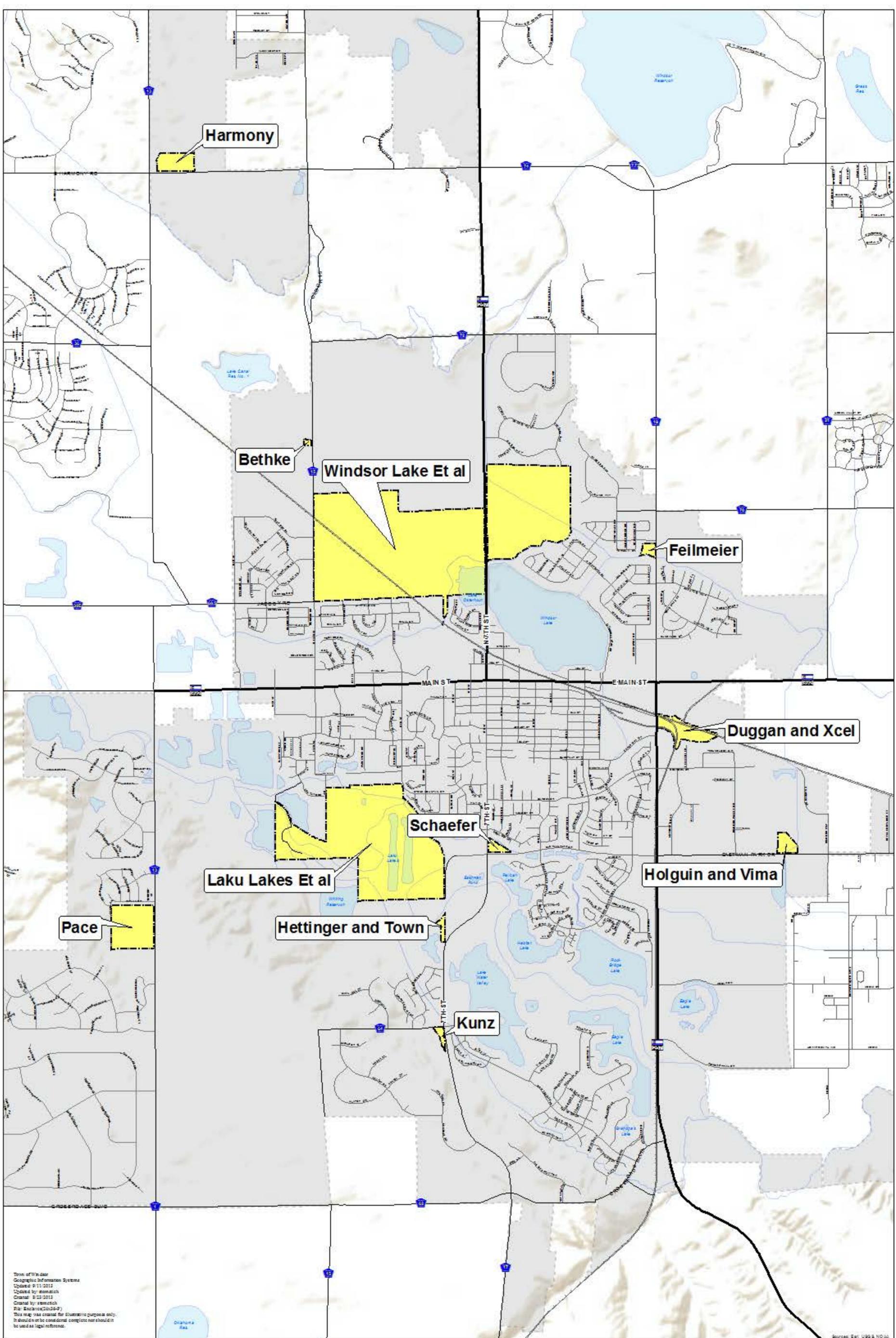
Relationship to Strategic Plan: Annexation of enclave properties is consistent with Strategic Plan Vision #4: “Windsor promotes quality development through managed growth”

Recommendation:

Staff recommends that the Town Board provide staff with direction regarding annexation of unincorporated enclave properties so that staff may proceed accordingly.

Attachments: PowerPoint slides and map of enclave properties

Mr. Gale Schick, Chairman, Windsor Planning Commission



Town of Windsor
 Geographic Information Systems
 Created: 9/11/2012
 Updated by: smc
 Created: 8/22/2013
 File: Enclaves(201309)
 This map was created for illustrative purposes only.
 It should not be considered complete nor should it
 be used as legal reference.

Source: Esri, USGS, NOAA



ENCLAVES

 Enclaves  Town Limits



1:15,000

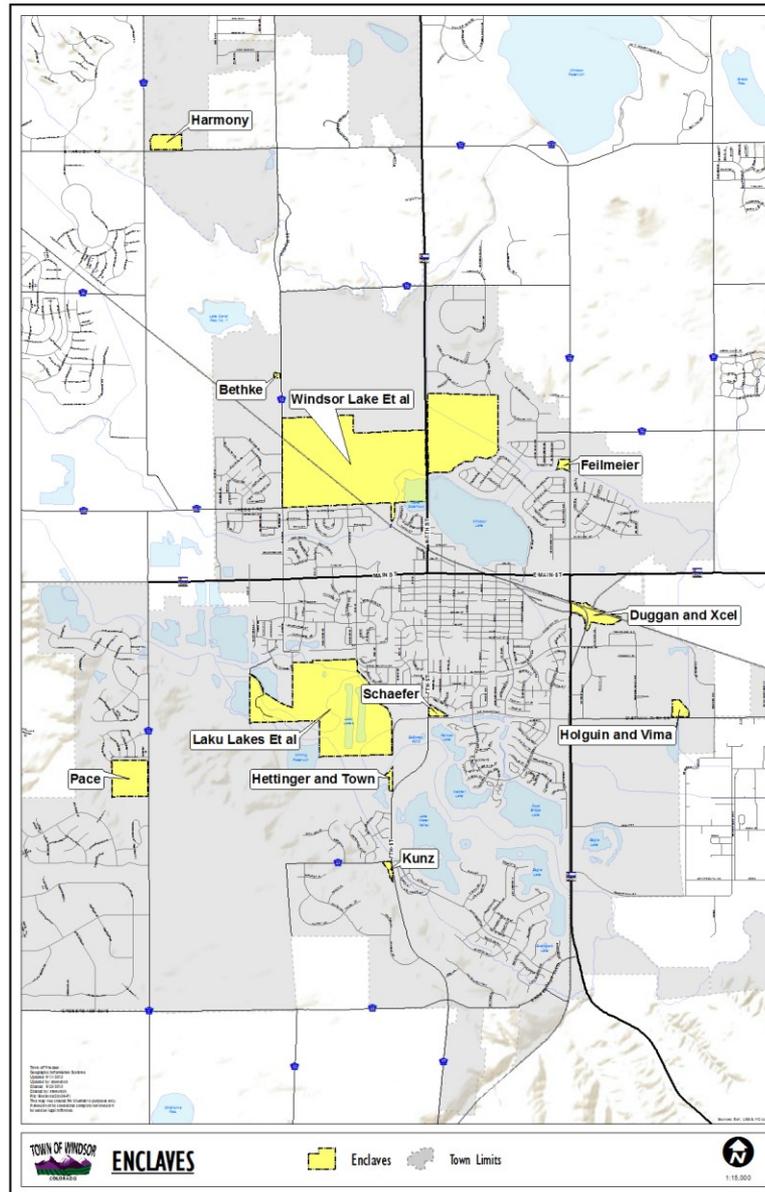


Unincorporated County Enclave Properties

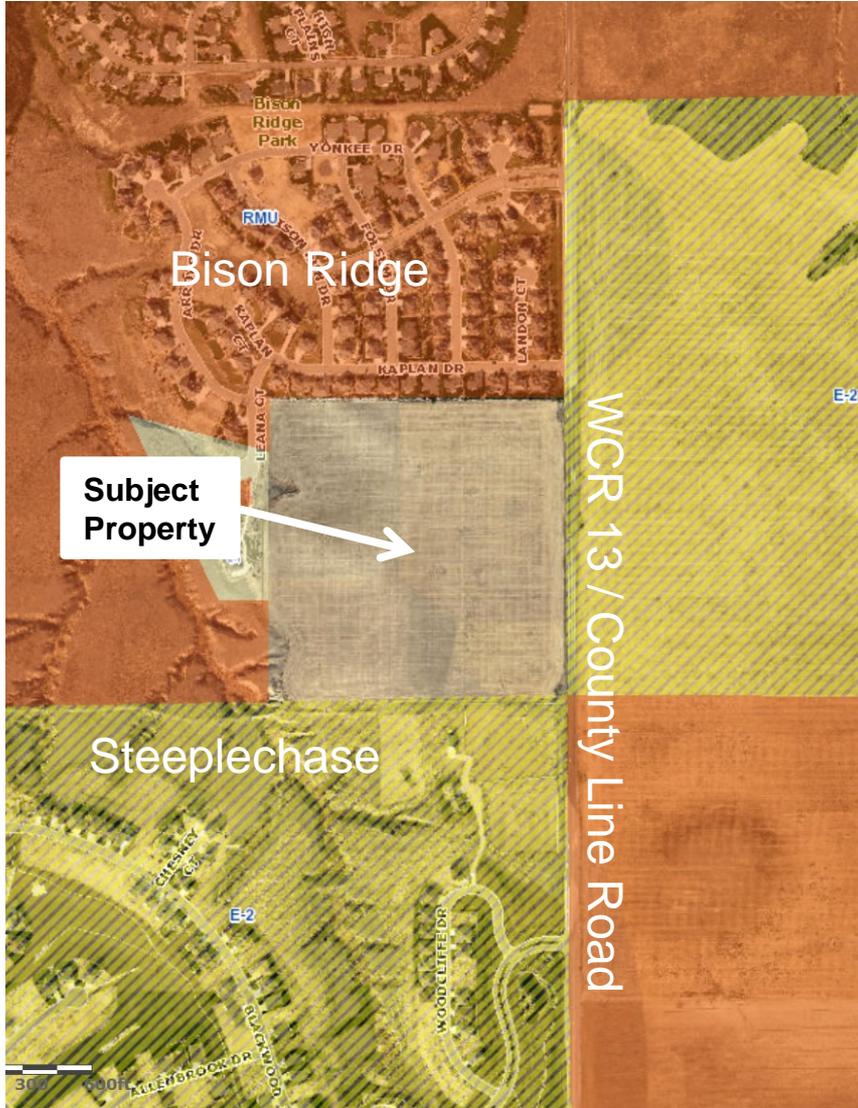
**Scott Ballstadt, AICP
September 23, 2013**

Town Board Work Session

Unincorporated Enclaves

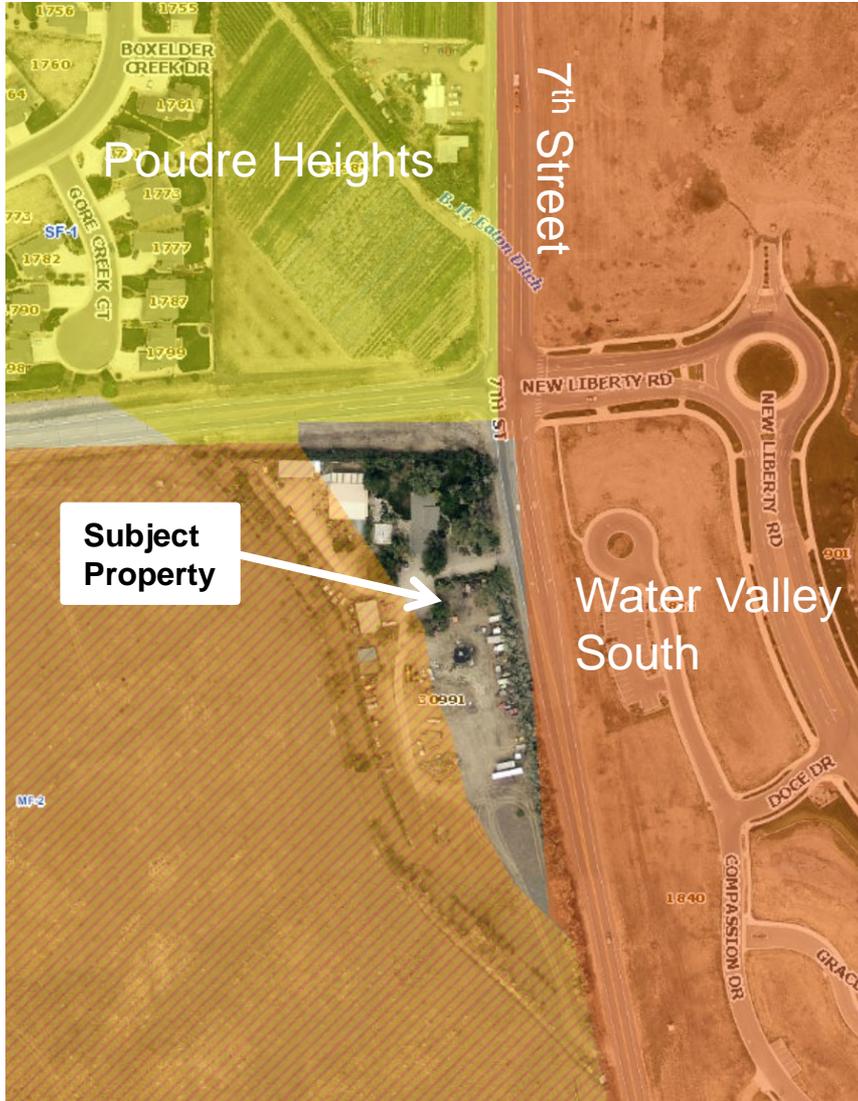


Pace Enclave



- Owner: Noel & Joanne Pace
- Created: 2/11/02 with Highpointe Annexation Ord. 2002-110
- 39 acres
- Improvements: none
- Infrastructure: there is no existing infrastructure requiring Town maintenance
- No recent county referrals received

Kunz Enclave



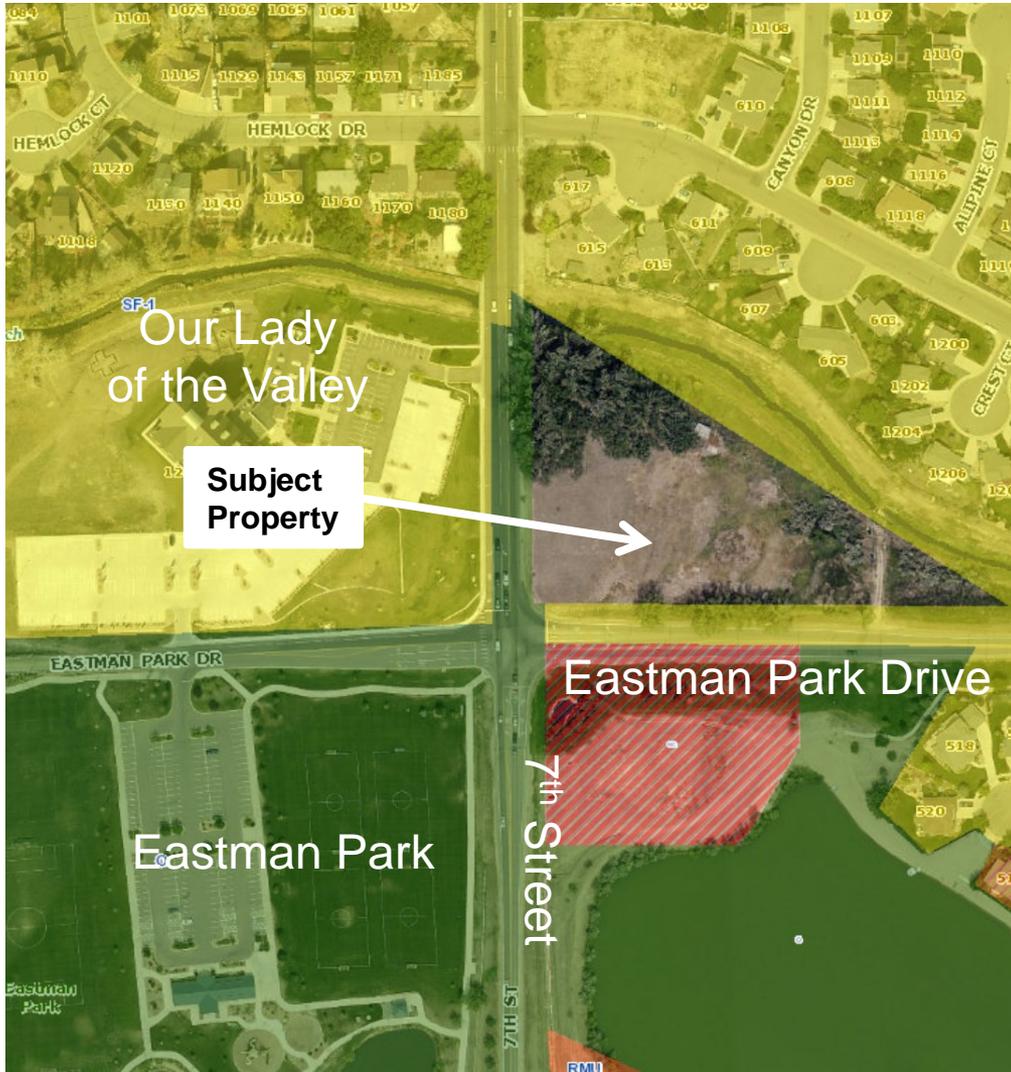
- Owner: Karen Kunz
- Created 9/24/90 with Poudre Tech Center Annexation Ord. 1990-791
- 5.53 acres
- Improvements: SF residence & accessory structures
- Infrastructure: there is no existing infrastructure requiring Town maintenance
- Referrals: no recent county referrals received

Hettinger & Town Enclave



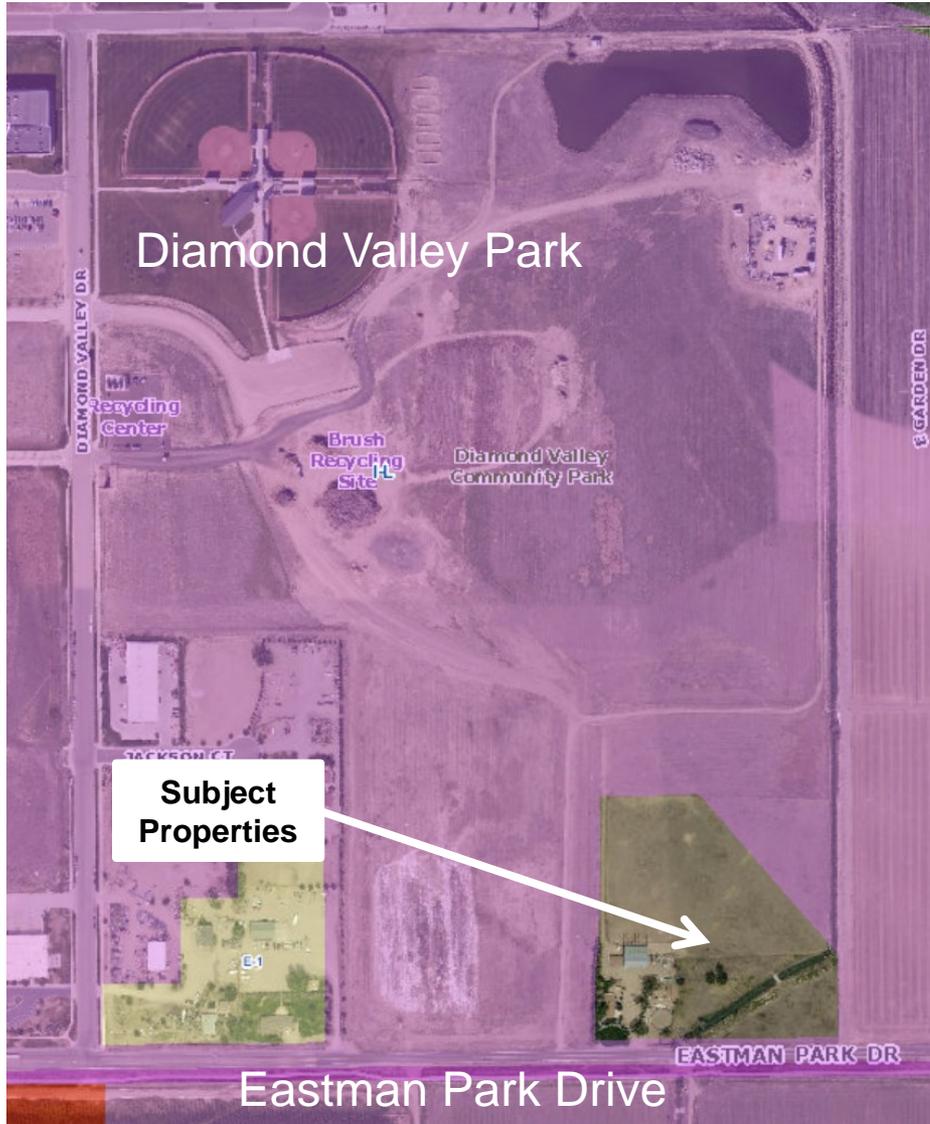
- Owners: Ronald Hettinger & Town of Windsor
- Created 9/24/90 with Poudre Tech Center Annexation Ord. 1990-791
- 3 acres total (1 acre privately owned & 2 acres owned by Town)
- Improvements: SF residence & accessory structures
- Infrastructure: the Town already owns and maintains the former WCR 17 right-of-way
- Referrals: no recent county referrals received

Schaefer Enclave



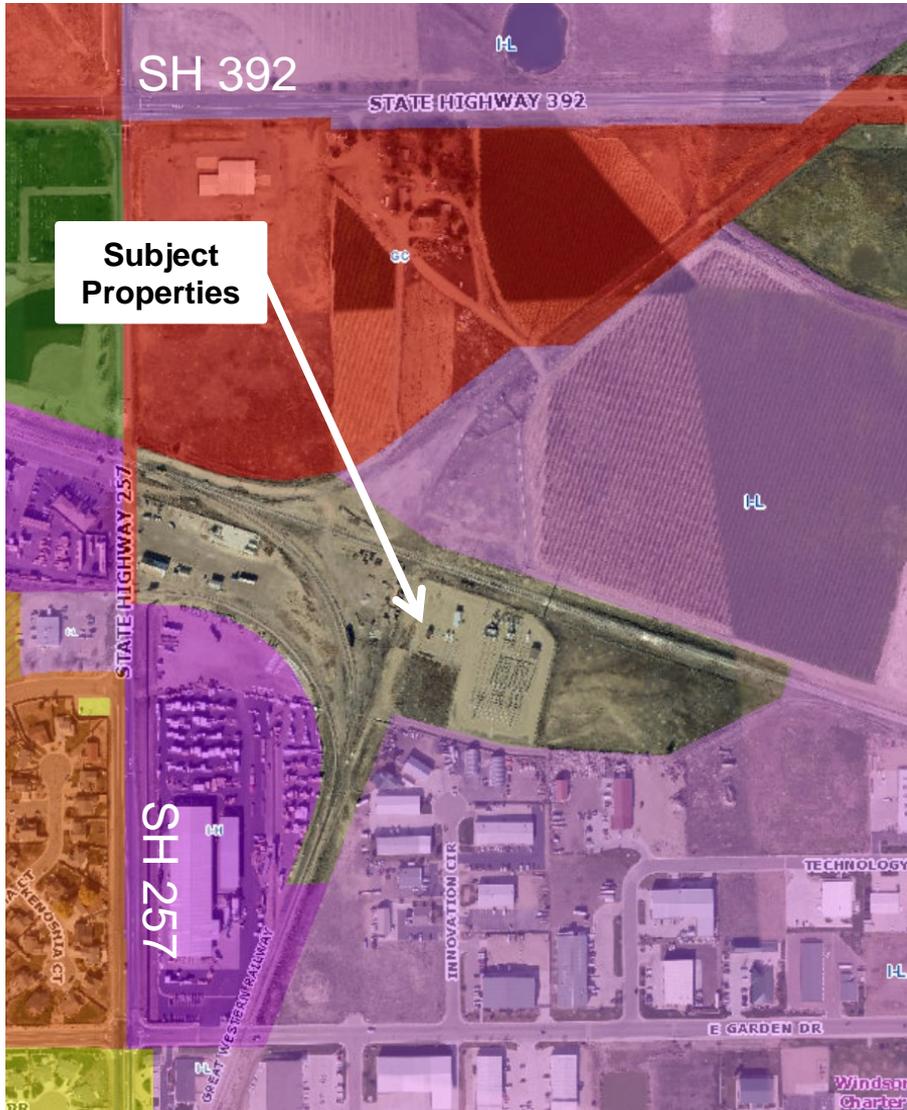
- Owner: Betty Schaefer
- Created 9/24/90 with Poudre Tech Center Annexation Ord. 1990-791
- 3.92 acres
- Improvements: minimal agricultural structures
- Infrastructure: there is no existing infrastructure requiring Town maintenance
- Referrals: no recent county referrals received

Holguin & Vima Enclave



- Owners: Gaudencio Holguin & Vima Partners LLC
- Created 11/24/97 with Great Western 2nd, 3rd & 4th Annexations Ord. 2006-1261
- 6.639 acres
- Improvements: SF residence & accessory structures
- Infrastructure: there is no existing infrastructure requiring Town maintenance
- Referrals: no recent county referrals received

Duggan & Xcel Enclave



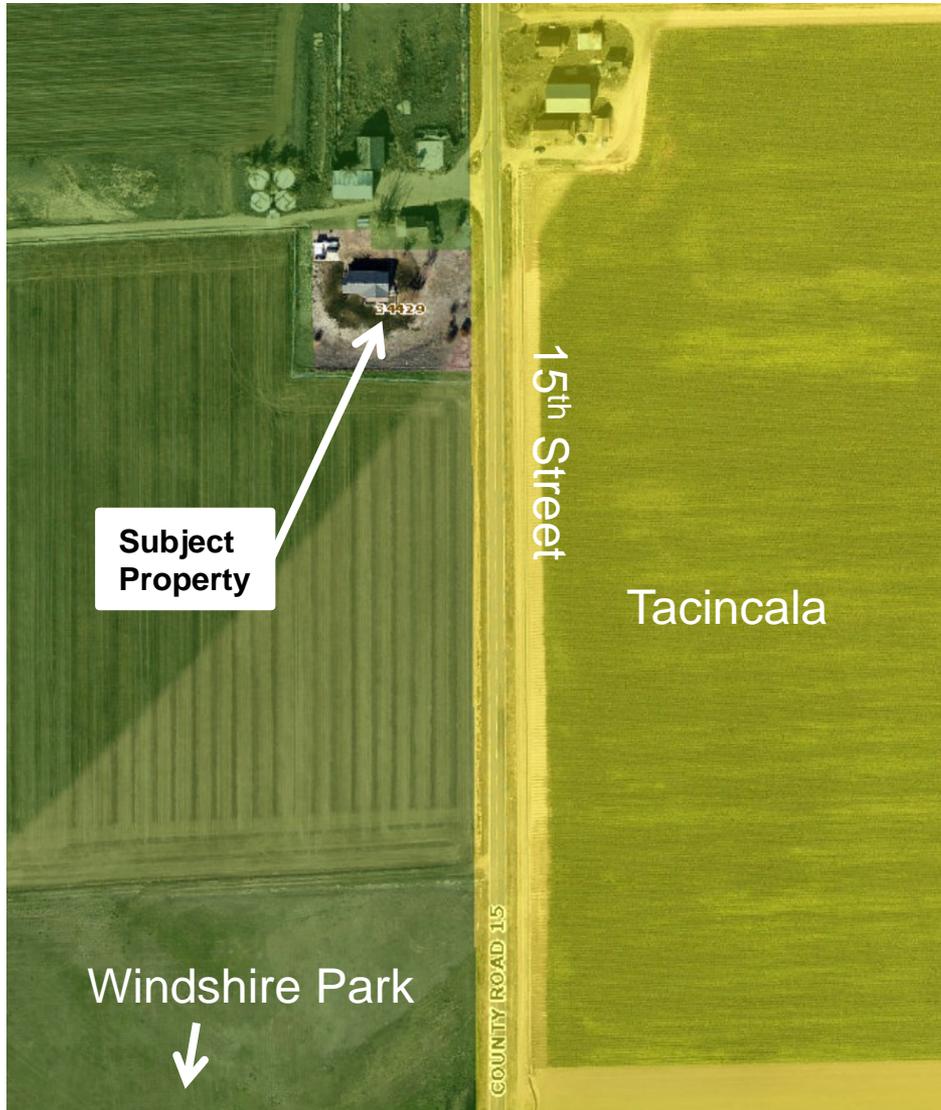
- Owners: Ed Duggan & Public Service Company of Colorado
- Created 4/9/07 with Ruff 3rd Annexation Ord. 2007-1286
- 10.342 acres
- Improvements: Public Service Company substation, railroad right-of-way & commercial warehouses
- Infrastructure: there is no existing infrastructure requiring Town maintenance
- Referrals: no recent county referrals received

Feilmeier Enclave



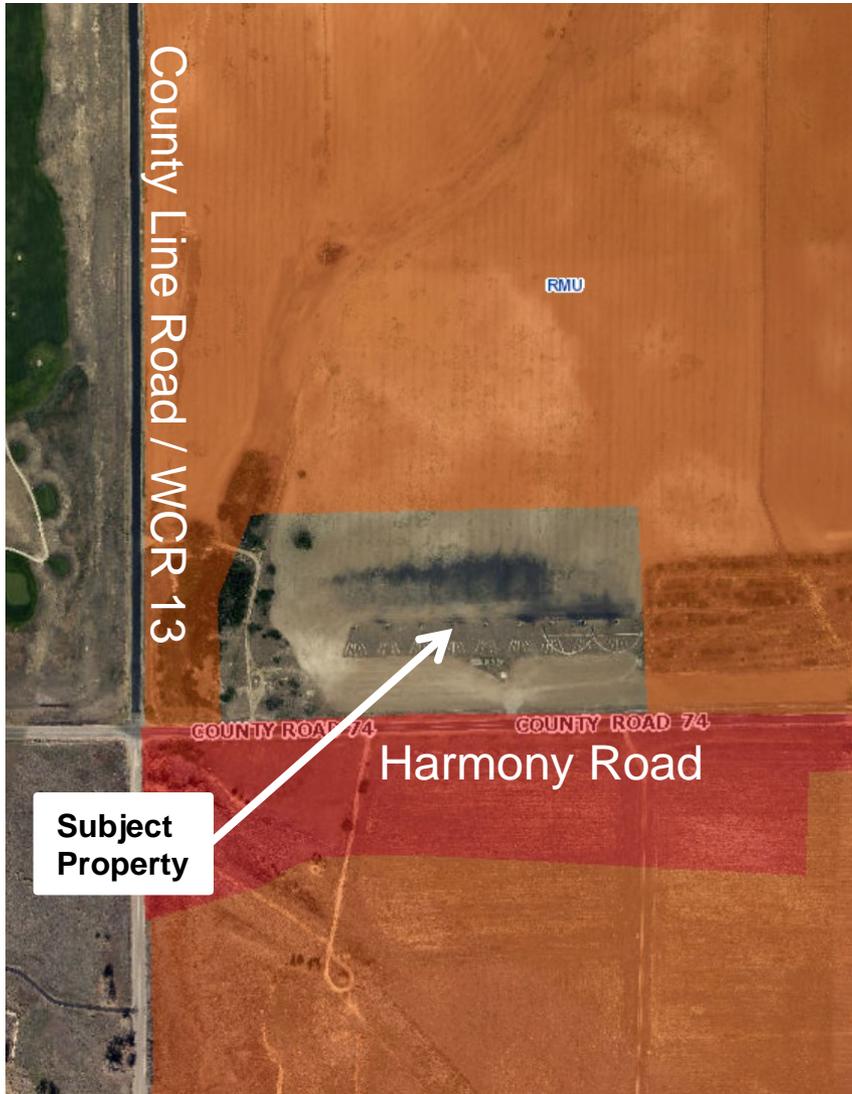
- Owner: Daniel & Bonnie Feilmeier
- Created 7/10/00 with Winter Farm Annexation Ord. 2000-1065
- 2.6 acres
- Improvements: SF residence & accessory structures
- Infrastructure: there is no existing infrastructure requiring Town maintenance
- Referrals: no recent county referrals received

Beethe Enclave



- Owner: Douglas & Terese Beethe
- Created 11/13/06 with Tacincala Annexation Ord. 2006-1266
- 1 acre
- Improvements: SF residence & accessory structures
- Infrastructure: there is no existing infrastructure requiring Town maintenance
- Referrals: no recent county referrals received

Harmony Enclave



- Owner: HR Exchange LLC
- Created 1/8/07 with Harmony 2nd Annexation Ord. 2006-1275
- 10.4 acres
- Improvements: none – former shooting range
- Infrastructure: there is no existing infrastructure requiring Town maintenance
- Referrals: no recent county referrals received

Laku Lakes et al Enclave

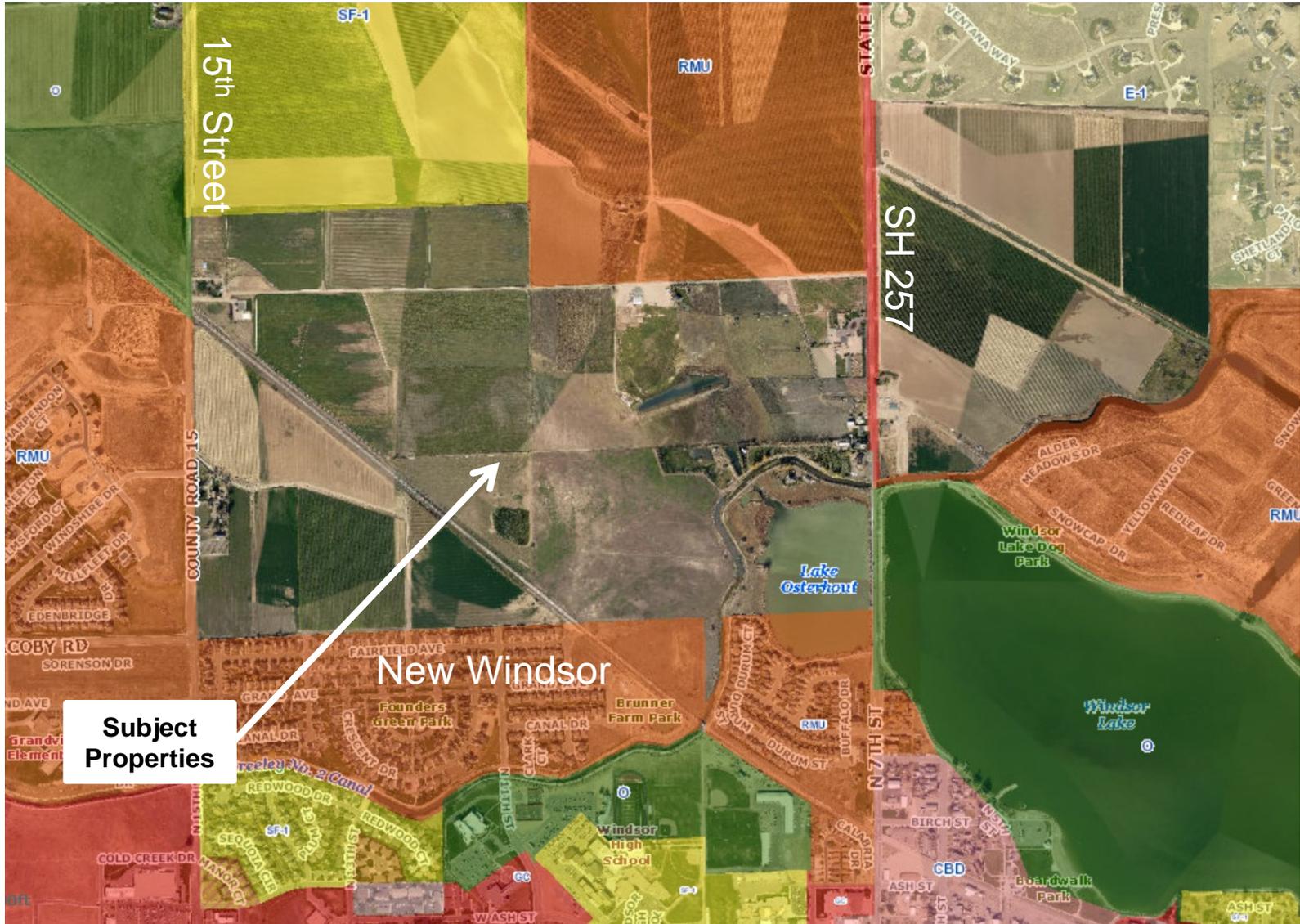




Laku Lakes et al Enclave

- Owners:
 - Randall Hocking (12.44 acres)
 - Philip Yastrow (120.16 acres)
 - Linda Francis (20.94 + 9.86 = 30.8 acres)
 - Stan Everitt (50.33 + 4.58 + 29.683 = 84.593 acres)
 - Mary Lou Koswan (7.5 acres)
 - Jackes LLC (7.86 acres)
- Approximately 263 acres (9 parcels)
- Created 6/24/96 with Windsor Highlands Second Annexation Ord. 1996-936
- Improvements: Residential improvements, agriculture, Laku ski lakes, H-Y oil & gas pad, private road to ski lakes and oil & gas pad
- Infrastructure: there is currently no existing infrastructure requiring Town maintenance
- Recent county referrals:
 - Weld County Recorded Exemption RECX-0003 to split property
 - H-Y oil & gas wells (Weld County Use by Right)
 - Use by Special Review USR for ski lakes

Windsor Lake et al Enclave





Windsor Lake et al Enclave

- Owners:
 - Breniman Farms LLC (72 + 71 = 143 acres)
 - Lake Osterhout (part), Windsor Lake owner (15.5 acres)
 - Roger Bellendir (7.5 acres)
 - Ryan Scallon (0.72 acre)
 - John Windsor Jr. (7.83 acres)
 - Robert Ausenhus (42.84 acres)
 - Ronald Schnell (0.2 + 2.69 = 2.89 acres)
 - Janet Lind (0.5 acre)
 - Kirk Starck (4.87 acres)
 - Zada Steidl Trust (15.17 + 51.569 = 66.739 acres)
 - Florence Spratt Trust (34.4 + 23.45 + 47.8 = 105.65 acres)
 - Murdoff Holdings LLC (2.04 + 1.18 = 3.22 acres)
 - Dorian Sanders (74.43 acres)
 - Robert Folbrecht (1.46 acres)
 - Jeffrey Chamberlin (1.14 acres)
 - Northern Colorado Church of Brethren (0.97 acre)
 - Robert Benson (1.5 acres)



Windsor Lake et al Enclave

- Approximately 481 acres (23 parcels)
- Created 11/13/06 with Tacincala Annexation Ord. 2006-1266
- Improvements: Residential improvements, agriculture
- Infrastructure: there is currently no existing infrastructure requiring Town maintenance
- Recent county referrals:
 - Weld County Use by Special Review USR12-0063 for RV Storage



MEMORANDUM

Date: September 23, 2013
To: Mayor and Town Board
Via: Kelly Arnold, Town Manager
Joseph P. Plummer, AICP, Director of Planning
From: Scott Ballstadt, AICP, Chief Planner
Subject: Discussion regarding research into Accessory Dwelling Unit (ADU) regulations
Item #s: Work Session Item #2

Discussion:

At the direction of the Planning Commission, staff prepared the attached information regarding Accessory Dwelling Units (ADUs) for preliminary discussion. The Planning Commission discussed the topic at their June 6, 2013 work session and again at the July 22, 2013 joint work session with Town Board, and staff was directed to bring back a draft ordinance for further discussion.

The enclosed draft ordinance is modeled after the City of Arvada's ordinance pertaining to ADUs, and it incorporates several of the common standards found in the enclosed matrix. The draft ordinance is intended to ensure that the ADU is compatible with the surrounding neighborhood and to mitigate potential issues such as:

- Size limit - 800 square feet or less with specific exceptions
- Parking - 1 parking space per ADU is required
- Occupancy – 2 person maximum occupancy
- Number of ADUs – Only one (1) ADU allowed per property
- Owner Occupancy – The owner of the property is required to occupy either the principal residence or the ADU
- Utilities – The ADU would be required to be served by the same water and sewer services as the principal dwelling
- Prohibited ADUs – Mobile homes, travel trailers and RVs cannot be utilized as ADUs
- Lot size/open space – As the draft is currently written, a minimum lot size of 6,000 square feet is required. However, one way that the City of Fort Collins controls neighborhood density is by requiring that each dwelling unit on a property be required to comply with minimum lot size requirement (for example, a 6,000 square foot minimum lot size would require a 12,000 square foot lot to support both a principal residence and an ADU).
- Design standards – Each ADU would require site plan approval from the Town. The ADU would be required to complement the style, materials, colors, etc. of the principal residence on the property

September 18, 2013 Planning Commission Work Session

The Planning Commission reviewed the draft ordinance at their September 18, 2013 work session and the consensus was that they would recommend that the Town Board direct staff to move the ADU ordinance forward, subject to further refinement regarding:

- Existing ADUs – The ordinance should address the treatment of any ADUs that may currently be in existence. Subject to discussion with the Town Attorney, the draft ordinance could possibly be revised to declare existing ADUs as legal nonconforming uses in existence prior to the adoption of the code.
- Home Occupations in the ADU – Although the Arvada example and the current draft ordinance prohibit home occupations from taking place in the ADU, there may be some low-impact home occupations that are appropriate to include as allowed uses.
- Utilities serving the ADU – The Planning Commission directed staff to research and confirm that the ADU can utilize the same water and sewer service lines as the principal dwelling. Per the draft ordinance, each and every ADU will require approval of a site plan which will verify compliance with all codes, including building and fire codes.
- Minimum size of the ADU – The minimum square footage of the ADU as defined in the draft ordinance has been increased from a minimum of 200 square feet to 500 square feet per the direction of the Planning Commission.

Current Windsor Municipal Code

Chapter 16 (Zoning) of the Windsor Municipal Code defines *dwelling unit* as “a housekeeping unit designed and used for occupancy by a single individual or a family containing cooking, living, sleeping and sanitary facilities and having a separate entrance” and Section 16-8-40(b) of the code only allows for one principal residential structure on a lot.

Chapter 16 currently only allows for dwelling units as accessory uses in the commercial and industrial zoning districts. Those dwelling units are limited to residential quarters for the owner, proprietor, commercial tenant, employee or caretaker, located in the same building as the business in the commercial zoning districts and for residential quarters for guards and caretakers in the industrial zones. Accessory dwelling units are not allowed in residential zones.

Existing Windsor Goals and Policies

While accessory dwelling units would require adoption of regulations in order to address parking, lot size, neighborhood compatibility, building/fire code and other potential impacts, the concept is supported by several of the Town’s goals.

Conformance with Comprehensive Plan: Accessory dwelling units are consistent with the following Housing Goals and Policies of the Comprehensive Plan:

Goals:

1. Promote an adequate supply and variety of safe and economically achievable housing products to meet the current and future needs of the community.
2. Maintain housing that represents a diversity of style, density and price to meet the needs of Windsor residents.

Policies:

10. Encourage infill development of suitable vacant lots within the Town while considering density, zoning, and compatibility of surrounding land uses.
11. Encourage and facilitate the development of housing which offers alternative choices in lifestyle such as townhouses, apartments and condominiums.

Conformance with Vision 2025: Accessory dwelling units are consistent with Vision 2025 Housing Quality and Diversity Goal 1: “Provide choices for housing in town, not just single family homes.”

Relationship to Strategic Plan: Accessory dwelling units are consistent with Strategic Plan Vision #5: “Windsor residents enjoy a friendly community with housing opportunities, choices for leisure, cultural activities, recreation and mobility for all”

Recommendation:

Staff recommends that the Town Board provide staff with direction regarding accessory dwelling units so that staff may proceed accordingly.

Attachments:

Matrix of example language from Colorado communities
Draft ordinance
Example City of Arvada ADU application packet

pc: Mr. Gale Schick, Chairman, Windsor Planning Commission

Comparison of Various Accessory Dwelling Unit (ADU) Requirements

ADU Requirement	Fort Collins	Loveland	Boulder	Arvada	Denver	Golden	Grand Junction
Square Footage of ADU	Maximum 600 SF in Old Town region Other zones pursuant to the regulations within that zoning district*	Minimum 500 SF Maximum 750 SF	Minimum 300 SF Maximum 1/3 of total floor area of principle dwelling unit	Principal dwelling unit 1,000 SF or more, detached ADU no larger than 40% or 800 SF; Principal dwelling unit less than 1,000 SF, detached ADU no larger than 400 SF; Limited to 50% if located within the footprint of the principal dwelling unit	Principal dwelling unit 6,000 SF or less, ADU no larger than 650 SF; Principal dwelling unit 6,001 – 7,000 SF, ADU no larger than 864 SF; Principal dwelling unit more than 7,000 SF, ADU no larger than 1,000 SF; Minimum 200 SF/ occupant	For principal dwelling unit 1,000 SF or more, ADU no larger than 50% or 800 SF; For principal dwelling unit less than 1,000 SF, ADU no larger than 500 SF	700 SF or 50% of primary residence floor area
Minimum Lot Size necessary for an ADU	N/A Meets minimum lot size of applicable zone districts and type of ADU*	10,000 SF unless approved through special review	6,000 SF or greater	N/A Meets minimum lot size of applicable zone districts	N/A Meets minimum lot size of applicable zone districts	7,000 SF 5,000-7,000 through special planning review Less than 5,000 through variance	3,000 SF
Parking Required	Defers to the zone and type of dwelling unit*	None where street is 28' or greater in width	One off-street space/unit	One on site dedicated to ADU	None	One on site dedicated to ADU	One off-street space/unit
Architecture Required	N/A	Same architectural style, materials & color as principal residence	Same architectural style, materials & color as principal residence	Same architectural style, materials & color as principal residence	Comparable architectural style, materials & color as principal residence	Same architectural style, materials & color as principal residence	Same architectural style, materials & color as principal residence
Zoning Allowing ADUs	Residential Districts	Residential Districts Through Approval of Special Review	The following single-family zones: RL-1; RL-2; RE; RR-1; RR-2; A; P	All single-family detached dwelling in residential zone districts	The following single-family zones: S-SU-F1; S-TH-2.5; S-MU-3,-5,-8,-12,-20; E-SU-D1; E-SU-D1x, -G1; E-TU-B, -C;E-TH-2.5; E-MU-2.5; U-SU-A1, -B1, -C1, -E1, -H1; U-SU-A2, -B2, -C2; U-TU-B, -C; U-TU-B2; U-RH-2.5; U-RH-3A; G-RH-3; G-MU-3, -5; G-MU-8, -12, -20; G-RO-3, -5	The following single-household detached dwellings: R-E; R-1; R-1A; R-2; R-3	The following residential and mixed use districts: R-R; R-E; R-1; R-2; R-4; R-5; R-8; R-12; R-O; B-2
Owner Occupancy	N/A	Required	Required	Required	Required	Required	Required, except in the R-8; R-12; R-O; B-2 zones
Occupancy Limit	Per the City's definition of family and Building/Fire Code	N/A	Maximum 2 persons	Maximum 2 persons in 600 SF or less; Maximum 3 persons 600 SF or more	Per the City's definition of family and Building/Fire Code	Maximum 3 persons	Per the City's definition of family and Building/Fire Code
Recorded Document	N/A	N/A Special Review	Declaration of Use required to be recorded prior to issuance of building permit	Declaration of Covenants, Deed to be recorded prior to issuance of building permit Conditions & Restrictions to be recorded prior to issuance of building permit	None	ADU Deed Restriction to be recorded prior to issuance of building permit	None
Public Notice Required	Yes, if detached in rear of lot in Old Town region and any new duplex	Yes Nbhd Meeting	Yes	N/A	No	No Use by Right	No
Removal of ADU	Treated as a typical single family dwelling unit that requires demolition permit	Rescind the Special Review	Upon permit expiration or revocation, portions of ADU can be required to be removed	N/A	N/A	It is determined to no longer be a living unit (removal of stove) Remove Deed Restriction	N/A

ADU Requirement	Fort Collins	Loveland	Boulder	Arvada	Denver	Golden	Grand Junction
Detached ADU Allowed	Yes*	Yes	Yes	Yes	Yes	Yes	Yes
Attached ADU Allowed	Yes*	Yes	Yes	Yes	Yes	Yes	Yes
Age Restrictions	None	None	None	None	None	None	None
Familial Restrictions	None	Yes	None	None	None	None	None

*Fort Collins does not use the term ADU. Two detached units may be allowed in all detached single family zones, pursuant to the zoning code regulations for that specific zone (ex. If a 6,000 SF Lot is required for a single family dwelling unit, then a 12,000 SF Lot is required for two single family dwelling units). Two attached units are considered a duplex and must meet the requirements in the code for a duplex dwelling unit.

TOWN OF WINDSOR, COLORADO

ORDINANCE NO. 2013 - _____

AN ORDINANCE AMENDING CHAPTER 16 OF THE WINDSOR MUNICIPAL CODE FOR THE PURPOSE OF ADOPTING REGULATIONS FOR ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONING DISTRICTS WITHIN THE TOWN OF WINDSOR, COLORADO

[RECITALS HERE]

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

Section 1. Chapter 16 of the Windsor Municipal Code shall be amended by the addition of a new Article [Roman numerals here], which shall read as follows:

**ARTICLE [Roman numerals here]
ACCESSORY DWELLING UNITS**

Sec. 16-##-10. Statement of Intent.

The intent of this Article is to provide for additional accessory dwelling uses within areas zoned for residential use, while protecting the public health, safety and welfare through reasonable limitations on size, occupancy, density, and parking associated with such uses.

Sec. 16-##-20. General provisions.

Accessory Dwelling Units shall be permitted as an accessory use in conjunction with all single-family detached dwellings in single-family residential zone districts, subject to the following conditions:

1. **Compliance with Development Standards and Building Codes.** Every Accessory Dwelling Unit shall meet the same development standards applicable to the principal dwelling unit. In addition, every Accessory Dwelling Unit shall meet all applicable residential codes, fire codes, and property maintenance codes.
2. **Parking.** One (1) off-street parking space shall be required for an Accessory Dwelling Unit, which parking space shall be in addition to any parking otherwise required for the principle dwelling unit. The parking space required under this Section may be established in tandem with other required parking spaces.

3. **Accessory Dwelling Unit Size and Configuration.** Except as modified in **sub-section 4** below, the living space of the Accessory Dwelling Unit shall be no larger than the living space of the principal dwelling unit on the lot or parcel in question, and shall not in any event exceed 800 square feet. No Accessory Dwelling Unit shall be less than 500 square feet, and all Accessory Dwelling Units shall be designed and configured as either studio, or one bedroom, or two bedroom units. Square footage calculations, as contained herein, exclude any related garage, porch or similar area.
4. **Unit Size Exception.** The limitations of **sub-section 3 above** shall not apply to Accessory Dwelling Units located within the footprint of an existing home as long as the living space of the Accessory Dwelling Unit is not larger than 50% of the entire principal dwelling unit, including the basement. For example, if a home has a 1,000 square foot of living space within the basement, an Accessory Dwelling Unit could be established in this space if the principal dwelling also contains at least 1,000 square feet of living space.
5. **Unit Occupancy.** No more than two (2) persons shall occupy an Accessory Dwelling Unit.
6. **Number of Accessory Dwelling Units per Lot or Parcel.** Only one Accessory Dwelling Unit shall be allowed for each lot or parcel.
7. **Owner Occupancy.** The property owner, as reflected in the books and records of the County Clerk and Recorder, must occupy either the principal dwelling unit or Accessory Dwelling Unit. In the case of a corporation, limited liability company, trust or other owner entity, owner occupancy by a natural person shall be established by resolution or other formal declaration by the entity.
8. **Existing Development on Lot.** A single-family dwelling shall exist as the principal use on the lot or parcel, or shall be constructed in conjunction with the Accessory Dwelling Unit. A certificate of occupancy for an Accessory Dwelling Unit will only be granted after a certificate of occupancy has been granted to the principal dwelling unit on the lot or parcel.
9. **Utility Service Requirements.** With the exception of telephone, television, electrical and internet service, Accessory Dwelling Units must be served through the utility services of the principal dwelling unit and shall not have separate services.
10. **Limitations on Garage-space Accessory Dwelling Units.** Garage space dedicated for use in conjunction with an ADU shall not exceed 250 square feet.

11. **Prohibited Accessory Dwelling Units.** Mobile homes, travel trailers and recreational vehicles shall be prohibited for use as an Accessory Dwelling Unit.
12. **Minimum Lot Size.** No Accessory Dwelling Unit shall be permitted on a lot or parcel consisting of less than six-thousand (6,000) square feet.

Sec. 16-##-30. Types of Accessory Dwelling Units.

The following designations shall identify three (3) distinct types of Accessory Dwelling Units:

1. **Type I:** An Accessory Dwelling Unit which is detached from the principal dwelling unit and considered a separate dwelling unit under the Residential Code.
2. **Type II:** An Accessory Dwelling Unit located inside a single family dwelling whose occupants and the occupants of the principal dwelling unit do not live together as a single household unit, and which is available for rent. Type II Accessory Dwelling Units typically have a separate access from the principal dwelling unit. In this case, both the Accessory Dwelling Unit and the principal dwelling unit to which it is accessory are considered separate dwelling units under the Residential Code.
3. **Type III:** An Accessory Dwelling Unit located inside a single family dwelling whose occupants and the occupants of the principal dwelling unit live together as a single household unit and which is neither rented nor locked off from the principal dwelling unit. In this case, the Accessory Dwelling Unit and principal dwelling unit shall be considered part of one dwelling unit under the Residential Code.

Sec. 16-##-40. Design-related limitations, provisions.

Each Accessory Dwelling Unit proposed for any location shall be approved in the form of a site plan, which shall, in addition to any other required contents, contain the following:

1. **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 style, exterior wall materials, window types, door and window trims, roofing materials and roof pitch and colors.

- b. If the entrance to the Accessory Dwelling Unit is visible from an adjacent street, it shall be designed in a manner as to be clearly subordinate to the entrance of the principal dwelling.
 - c. Windows which face an adjoining residential property shall be designed to protect the privacy of neighbors.
2. **Outdoor Areas.** The site plan shall provide accessible outdoor space and landscaping for both the Accessory Dwelling Unit and the principal dwelling unit.

Sec. 16-##-50. Home Occupations Prohibited.

Home occupations shall not take place in an Accessory Dwelling Unit. However, subject to the regulations found in Chapter 16 of this Code with respect to home occupations, home occupations may be undertaken in the principle dwelling unit to which an Accessory Dwelling Unit is attached.

Section 16-##-60. Recorded Deed Restriction Required.

As a condition of Accessory Dwelling Unit approval and prior to issuance of 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 Zoning Official, a declaration of restrictions in reference to the deed under which the property was acquired by the present owner stating that:

1. Ownership of the Accessory Dwelling Unit shall not be transferred separately from the principal dwelling unit, nor shall the lot or parcel upon which the Accessory Dwelling Unit is situated be subdivided.
2. The Accessory Dwelling Unit shall be restricted to the approved size, and shall not be expanded. Any modification of the approved Accessory Dwelling Unit site plan shall first be approved by the Town of Windsor.
3. The Certificate of Occupancy for the Accessory Dwelling Unit shall be in effect only so long as either the main residence, or the Accessory Dwelling Unit, is occupied by the owner of record as their principal dwelling unit as required by **Section 16-##-20 (7)** above.
4. If the Accessory Dwelling Unit is approved as Type III, the Accessory Dwelling Unit shall neither be rented nor locked off from the principal dwelling unit unless, prior to such action, the property owner has applied for and received approval for a change of designation to a Type II Accessory Dwelling Unit.

5. The above restrictions are binding upon any successor in ownership of the property.
6. Lack of compliance with deed restrictions may subject both the owner of the property and any Accessory Dwelling Unit occupant(s) to criminal prosecution and civil remedies, including but not limited to injunctive relief.
7. The deed restrictions shall lapse upon removal of the Accessory Dwelling Unit. To effect this intent, and upon verification of such removal, the Town shall execute documentation confirming release of the deed restriction. The property owner shall record the Town-executed documentation releasing the deed restriction. The property owner shall pay all required recording fees, and shall provide satisfactory written evidence that such recording was successfully completed.

Sec. 16-##-70. Procedure for Accessory Dwelling Unit Approval.

The approval of each Accessory Dwelling Unit shall be governed by the following procedures:

1. The property owner shall file an application for approval with the Planning Department upon such forms as may be approved by the Zoning Official. Upon completion of Planning Department review, the Zoning Official shall either approve the application as presented, deny the application as presented or approve the application with conditions. The Zoning Official shall base the determination and any conditions upon the express requirements and limitations of this Article.
2. Any applicant aggrieved by the Zoning Official's determination pursuant to this Section shall have a right to appeal to the Board of Adjustment as provided in Sections 16-6-40 and 16-6-50 of this Code.
3. The determination of the Board of Adjustment pursuant to this Section shall be deemed final agency action for purposes of judicial review.

[signature blanks for first reading & second reading]



**ACCESSORY DWELLING UNIT
TYPE A – DETACHED
TYPE B- ATTACHED
(Rentable and Lockable Unit)**

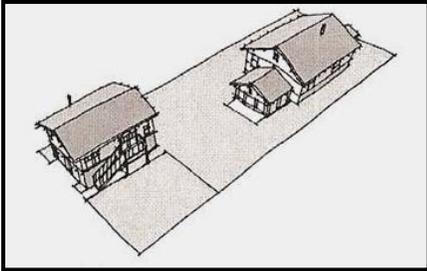
**Community Development Department
8101 Ralston Road
Arvada, Colorado 80002**

July 26, 2010

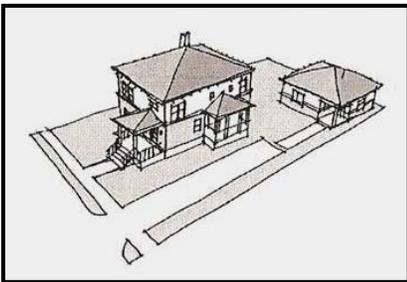
Accessory Dwelling Unit Types

Type A

Accessory Dwelling Unit which is detached from the principal dwelling



Type A - detached ADU with alley access



Type A - detached ADU with front loaded access off the street

Type B

An Accessory Dwelling Unit with the following characteristics:

- Located inside a single family dwelling, or
- Attached to a single family dwelling
- Whose occupants and the occupants of the principal dwelling do not live together as a single household unit and which is rented.
- Typically have a separate access from the principal dwelling.
- Which is locked off from the principal dwelling.

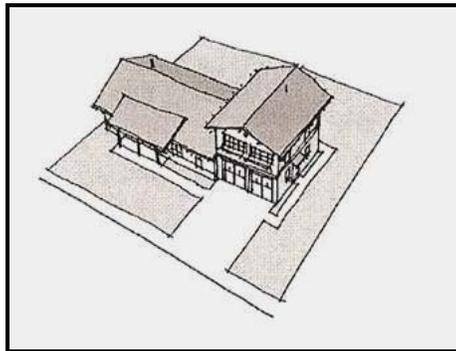
Both Type A and B Accessory Dwelling Units are considered a separate dwelling unit under the building code. Fire separation and a separate HVAC system are required.

Type C

An Accessory Dwelling Unit with the following characteristics:

- Located inside a single family dwelling, or
- Attached to a single family dwelling
- Whose occupants and the occupants of the principal dwelling live together as a single household unit and which is neither rented nor locked off from the principal dwelling.

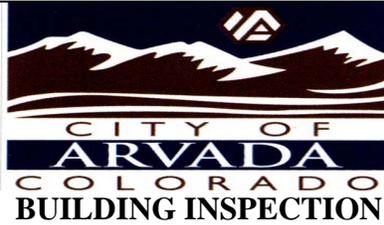
A Type C Accessory Dwelling Unit and principal dwelling shall be considered part of one dwelling unit under the building code. The HVAC system may be shared and fire separation requirements are treated differently.



Type B or C ADU - addition over garage



Type B or C- ADU located inside an existing dwelling



ADU
PERMIT NUMBER

Main Number: 720-898-7620/Inspection Request: www.arvadabuild.org
OR 720-898-7630/Fax: 720-898-7630
City Website: www.arvada.org

Type "A" or "B" Accessory Dwelling Unit Packet

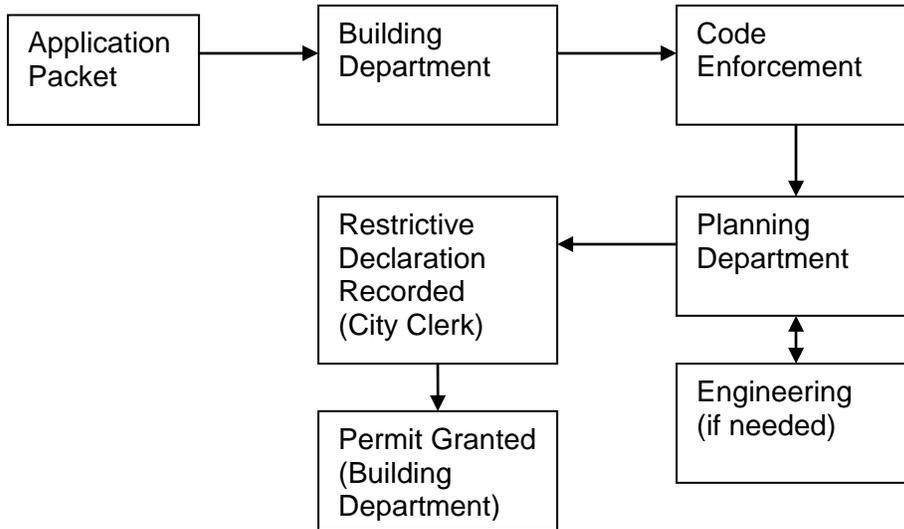
Attached is an application form for an Accessory Dwelling Unit (ADU) permit. It is used to apply for an ADU in a residential district on a single family home lot, and requires full compliance with the conditions of the city's ADU ordinance, as well as all applicable building codes. **Please allow a period of 2-4 weeks for processing.**

IMPORTANT: Neighborhood covenants may apply and restrict your ability to construct an Accessory Dwelling Unit. The issuance of a city permit for an Accessory Dwelling Unit does not eliminate the responsibility of a property owner to comply with applicable covenant restrictions. It is the responsibility of the property owner to determine if there are any covenants that may apply to and/or restrict an Accessory Dwelling Unit. The city is not liable for any action that a property owner takes in contradiction to applicable neighborhood covenants.

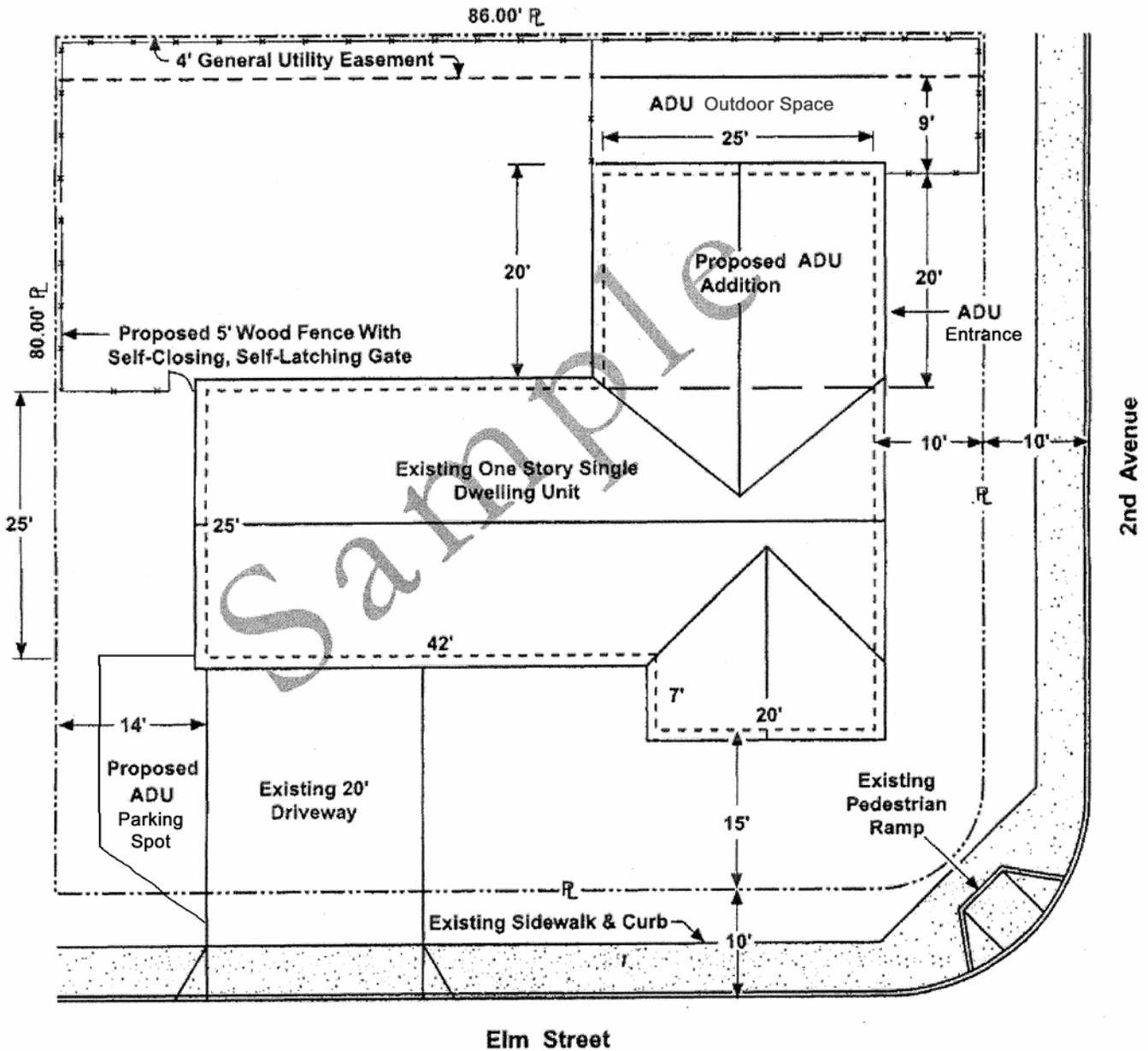
Please follow these steps in making your application:

1. Complete the ADU permit application packet, including: ADU application; building permit application; restrictive declaration form.
2. Attach a site plan (see example in packet) showing:
 - Existing zoning and all uses adjacent to property
 - Location of proposed ADU, the entrance and outdoor space
 - Location and measurements of existing house and garage
 - Lot size and lot coverage
 - Front, rear and side setbacks
 - Designated off street parking space for ADU
 - Square footage of the home, garage and the ADU (separately)
 - Maximum number of people to reside in the ADU
3. If the proposed ADU will be inside an existing dwelling or attached to an existing dwelling, include photos of the existing dwelling and building elevations of the proposed ADU.
4. Submit the completed ADU packet to the Building Department.
5. Once the above items are completed and submitted, Community Development, Engineering, Code Enforcement and Building Inspection will review plans and contact you with any questions or comments. See diagram below.
6. When staff review is complete and all conditions are met, the Building Department will notify you when your ADU permit is available.

Diagram of ADU Processing Steps:



Sample Site Plan for ADU



Primary Residence Address: 5500 Elm Street
 Proposed New Address: 5500 A Elm Street
 Proposed ADU Address: 5500 B Elm Street

Proposed ADU Maximum Residents: 2

Zoning: R-L
 Lot SF: 6,800
 House SF: 1,640
 Living SF: 1,140
 Garage SF: 500
 ADU SF: 500
 Lot Cov: 2,140 SF (31%)

Accessory Dwelling Unit Permit Application

An ADU permit can only be granted after all conditions, listed below, are checked and initialed by a City Planner. Please reference Section 5.3.3 of the LDC for a full description of each item.

Owner's Name: _____

Owner's Address: _____

Building Department Review:

___ 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 ADU. A certificate of occupancy will only be granted to an ADU after it has been granted to the principal dwelling unit;

___ Utility Service Requirements. ADU's must be connected to the sewer and water of the principal dwelling unit and may not have separate services;

Code Enforcement Review:

___ Conformance to Land Development Code. An ADU must meet the same development standards required for the principal dwelling unit, and a building permit is required;

___ Parking. One on-site (hard surface) parking space shall be required for an ADU. Parking for the ADU is in addition to the required parking for the principal dwelling unit. The required parking space may be in tandem with other required spaces;

___ Unit Size and Configuration. ADU's are subject to the following size requirements (square footage does not include garage, porch or similar areas):

- For ADU's constructed as an addition or as a detached structure and associated with a principal dwelling unit of 1000 square feet or more of living space, the ADU shall be no larger than 40% of the living space of such principal dwelling unit, or 800 square feet, whichever is smaller.
- For ADU's constructed as an addition or as a detached structure and associated with a principal dwelling unit of less than 1000 square feet of living space, the ADU shall be no larger than 400 square feet.
- Where an ADU is to be located within the footprint of an existing home, the size limitations are no more than 50% of the principal dwelling.
- No ADU shall be less than 200 square feet, and
- All ADU's shall be designed and configured as either studio or one bedroom units.

___ Unit Occupancy. No more than two persons shall occupy an ADU of less than 600 square feet, and no more than three persons shall occupy an ADU ranging from 600 to 800 square feet. The maximum number of persons allowed to reside in the proposed ADU is ____.

___ Number of ADU's per Parcel. Only one ADU shall be allowed for each parcel;

___ 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 ADU;

___ Outdoor Areas. The site plan shall provide accessible outdoor space and landscaping for both the ADU and the principal dwelling unit;

___ Garage or carport space. If covered parking is to be dedicated for use in conjunction with an ADU it shall not exceed 250 square feet;

___ Home Occupations. Home occupations shall not be allowed in an ADU;

___ Mobile homes, travel trailers and recreational vehicles shall be prohibited for use as an ADU;

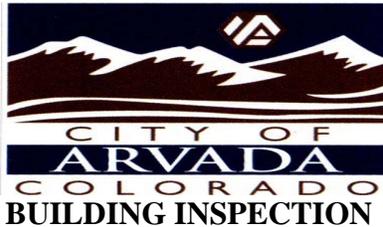
___ Deed Restriction. Before obtaining a building permit for an ADU, the property owner shall file with the County Clerk and Recorder, in a form acceptable to the Director, a declaration of restrictions in reference to the deed under which the property was acquired by the present owner (see Sec 5.3.3);

___ Site Plan. A completed site plan showing ADU location, setbacks, parking, square footage, percent lot coverage, entrance location, maximum number of residents. If property is comprised of two or more lots, then all related legal descriptions shall be provided;

Planning Review:

___ Design. To preserve the appearance of the single-family dwelling, ADUs 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 (see Sec. 5.3.3). Photos of the principle home shall be provided along with proposed elevations (front and side view sketches)

ACCESSORY DWELLING UNIT



ADU
PERMIT NUMBER

Main Number: 720-898-7620/Inspection Request: www.arvadabuild.org
OR 720-898-7630/Fax:720-898-7630
City Website: www.arvada.org

DETACHED _____ ATTACHED _____

JOB ADDRESS _____

PROPERTY ZONING _____

LOT _____ BLOCK _____ SUBDIVISION _____ FILING _____

OWNER _____

ADDRESS _____ PHONE _____

CONTRACTOR _____ LICENSE NUMBER _____

ADDRESS _____ CITY _____ STATE _____

PHONE _____

CONTRACTOR _____ LICENSE NUMBER _____

COUNTY _____ LOT SQUARE FOOTAGE _____

LOT WIDTH _____ DEPTH _____ AREA _____ LOT COVERAGE (%) _____

FRONTS ON (N/S/E/W): _____

SET BACKS FROM PROPERTY LINE (Circle front)

NORTH ____ SOUTH ____ EAST ____ WEST ____ CORNER LOT? ____

SQUARE FOOTAGE(SQUARE FEET OF)

FINISHED _____ GARAGE _____ DECK _____ PATIO COVER _____

HEATING SYSTEM BTU _____ EFF % _____

TYPE OF HEATING SYSTEM: FORCED AIR ____ HOT WATER ____ RADIANT ____ OTHER ____

STATE CONTRACT BID OR VALUATION/COST OF CONSTRUCTION \$ _____

DESCRIBE PROJECT IN DETAIL: _____

OFFICE USE ONLY

PLANNING DEPARTMENT APPROVAL: INITIALS _____ DATE: _____

ENGINEERING DIVISION APPROVAL: INITIALS _____ DATE: _____

FLOOD PLAIN APPROVED BY _____ DATE _____

NOTES _____

PLOT PLAN APPROVED BY _____ DATE _____

NOTES _____

PERMIT CONDITIONS: _____

VALUATION _____
PERMIT FEE..... _____
ASSESSMENTS _____
PLAN REVIEW..... _____
OTHER..... _____
TOTAL FEES _____

THE ISSUANCE OF A PERMIT, INSPECTIONS, OR CERTIFICATE OF OCCUPANCY SHALL NOT BE CONSTRUED TO BE A PERMIT FOR, NOR AN APPROVAL OF, ANY VIOLATION OF THE UNIFORM BUILDING OR OTHER CODE OR ORDINANCE ADOPTED BY THE CITY OF ARVADA. I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE ABOVE IS CORRECT AND AGREE NOT TO START THIS PROJECT UNTIL THIS APPLICATION IS APPROVED AND VALIDATED, AND SHALL COMPLY WITH THE LAWS OF THE STATE OF COLORADO AND TO THE ZONING REGULATIONS AND INTERNATIONAL BUILDING CODE AS ADOPTED BY THE CITY OF ARVADA. ANY VIOLATION OF THE ABOVE NOTED TERMS WILL CAUSE IMMEDIATE REVOCATION OF THIS PERMIT.

PLANNING DEPT. APPROVAL **DATE**

CODE ENFORCEMENT APPROVAL **DATE** **PRINT NAME**

BUILDING DEPT APPROVAL **DATE** **APPLICANT SIGNATURE** **DATE**

Single Family to Duplex Conversion

When there is a change of use for a building, it is treated as a new building and must be upgraded to current code requirements for the proposed use, and a Certificate of Occupancy must be obtained. For an Accessory Dwelling Unit/ADU each dwelling unit shall comply with the minimum life safety requirements adopted by the City of Arvada at the time of application.

Building, Electrical, Mechanical, Plumbing and Energy Requirements:

Both units shall comply with the all current adopted ordinances and International Residential Code.

Detached Unit

Detached units shall comply with all current adopted ordinances and the International Residential Code.

Submittal Documents

- 2 - Plans & elevations (including existing building) with structurals and floor plans
- 2 - Plot plans – 8 ½" x 11" or 8 ½" x 14" max (on separate sheet from plans)
- 2 - Basement structural floor design and ventilation if needed
- 2 - Foundation plans, wet stamped by Colorado Engineer
- 1 - Permit application signed by applicant
- 1 - Heat calculations - one for each unit ACCA compliant Manual J and D
- 1 - RES check www.energycodes.gov
- 1 - Fixture count sheet
- 1 - Subcontractor form
- 2 - Soils report

**Declaration of Covenants, Conditions, and Restrictions
Pertaining to Accessory Dwelling Unit**

This Declaration of Covenants, Conditions, and Restrictions (the "Declaration") is made on the date hereinafter set forth by the undersigned (whether one or more, the "Declarant").

WHEREAS, Declarant is the owner of certain real property (the "Property") located in the City of Arvada, County of Jefferson, State of Colorado as follows: (Insert **legal** description or, if lengthy, reference Exhibit A and attach Exhibit A. A street address alone is insufficient.)

_____ ; and

WHEREAS, Declarant has applied to the City of Arvada Community Development Department for an Accessory Dwelling Unit ("ADU") pursuant to the Arvada Land Development Code, Section 5.3; and

WHEREAS, Declarant desires to enhance the quality, value, desirability and attractiveness of the Property, and to ensure compliance with all provisions of the Arvada Land Development Code pertaining to Accessory Dwelling Units;

NOW THEREFORE, Declarant hereby declares that the Property shall be owned, held, transferred, conveyed, sold, leased, rented, hypothecated, encumbered, used, occupied, maintained, altered and improved subject to the following covenants, conditions, restrictions, and other provisions set forth herein, all of which shall run with the title to such right, title or interest in the Property, or any part thereof:

1. The Declarant (at least one, if more than one) shall reside on the Property and such Property shall be the primary and permanent dwelling place of Declarant, excluding temporary absences and temporary stays elsewhere, and said Property shall be Declarant's legal residence.
2. Any Accessory Dwelling Unit placed on the Property shall not be sold separately from the principal dwelling unit, nor shall the portion of the Property on which the ADU is situated be subdivided from the portion on the Property on which the principal dwelling unit is situated, unless such subdivision can be accomplished in accordance with all provisions of the Arvada Land Development Code.
3. The Certificate of Occupancy for the Accessory Dwelling Unit shall be in effect only so long as either the principal dwelling unit or the ADU 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 of the Arvada Land Development Code.
4. A lack of compliance with any of the provisions of this Declaration may subject the owner of the Property to any and all penalties provided for in the Arvada Land Development Code.
5. The City of Arvada shall have the right to enforce all covenants, conditions, restrictions, and other provisions of this Declaration, but failure to so enforce shall in no event be deemed a waiver of the right to do so thereafter.

6. This Declaration may be terminated only upon removal of the Accessory Dwelling Unit and the City of Arvada's confirmation thereof. To effectuate this intent, upon the request of the owner of the Property, and upon verification of such removal, the City shall execute appropriate documentation in order to facilitate the release of such encumbrance. The owner of the Property shall pay all required recording fees, and it shall be the owner's responsibility to ensure that any recording of such release is successfully completed.

7. The Accessory Dwelling Unit shall be restricted to the approved size.

8. This Declaration, and the Covenants, Conditions and Restrictions herein, shall be perpetual and constitute covenants running with the land and shall be binding upon the Declarant, and the heirs, successors and assigns of the Declarant, and all persons claiming under them.

9. Neither this Declaration, nor the Covenants, Conditions and Restrictions herein, shall be amended, terminated, or modified in any way without the consent of the City of Arvada, filed with the County Clerk and Recorder of Jefferson County Colorado.

Declarant:

Date:

Declarant:

Date:

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by _____.

Witness my hand and official seal.

(SEAL)

Notary Public

My commission expires: _____



FUTURE TOWN BOARD MEETINGS

Work Sessions & Regular Meetings will be held in the Board Chambers unless otherwise noted.

September 30, 2013	Fifth Monday
October 7, 2013 6:00 p.m.	Town Board Work Session CRC – Expansion Center Operations & Rate Structure
October 14, 2013 5:30 p.m./First floor conference room	Board/Manager/Attorney Monthly Meeting Review of redistricting information - Tentative
October 14, 2013 7:00 p.m.	Town Board Meeting
October 21, 2013 6:00 p.m.	Town Board Work Session CRC – Financing & Potential Resources to Construct Expansion Center
October 28, 2013 6:00 p.m.	Town Board Work Session Joint meeting with DDA/review of DDA budget
October 28, 2013 7:00 p.m.	Town Board Meeting
November 4, 2013 6:00 p.m.	Town Board Work Session CRC – Wrap Up Discussion & Determine Future
November 11, 2013	Veteran's Day – Town Hall closed
November 12, 2013 (Tuesday) 5:30 p.m.	Board/Manager/Attorney Monthly Meeting
November 12, 2013 (Tuesday) 7:00 p.m.	Town Board Meeting Kern Board Meeting
November 18, 2013 6:00 p.m.	Town Board Work Session
November 25, 2013 6:00 p.m.	Town Board Work Session
November 25, 2013 7:00 p.m.	Town Board Meeting
December 2, 2013 6:00 p.m.	Town Board Work session
December 9, 2013 5:30 p.m./First floor conference room	Board/Manager/Attorney Monthly Meeting
December 9, 2013 7:00 p.m.	Town Board Meeting
December 16, 2013 6:00 p.m.	Town Board Work Session
December 23, 2013 6:00 p.m.	Town Board Work Session
December 23, 2013 7:00 p.m.	Town Board Meeting

December 30, 2013

Fifth Monday

Additional Events

Postponed
October 12, 2013

CML Fall District Meeting – TBD
Budget work session

Future Work Session Topics

Discussion of uses in General Commercial districts