

# Application Packet

## Accessory Dwelling Unit



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

**Important: Private neighborhood covenants may apply and restrict your ability to construct an Accessory Dwelling Unit. The Town requires written approval from said association prior as part of the ADU Application materials. 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 Town is not liable for any action that a property owner takes in contradiction to applicable neighborhood covenants.**

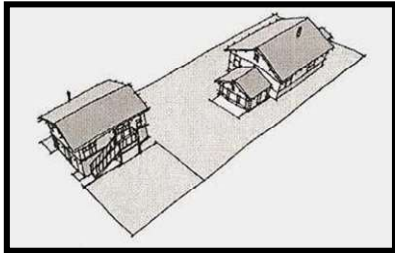
Please follow these steps in making your application:

1. Complete the ADU permit application packet, including all required documentation.
2. Attach all Site Plan Submittal Documents (see page 7 of this packet for submittal requirements).
  - a. All submittal documents shall be formatted to either letter (8½"x11") or ledger(11"x17") sizes.
  - b. Site Plan drawings shall be drawn to scale (typically 1" = 20'), with an accurate north arrow. Any elevation drawings shall be at a legible scale.
  - c. All documents shall be submitted in pdf format, please contact the Planning Department with any questions.
  - d. Type I ADU proposals, as depicted in this packet, shall have the site plan prepared and signed by a Colorado Licensed Surveyor or Engineer
3. Submit the completed ADU packet and required information electronically (PDF) to [planningtechs@windsorgov.com](mailto:planningtechs@windsorgov.com).
4. Once the above items are completed and submitted, the Planning Department will review the materials for completeness and distribute to the Town's Development Review Committee (DRC). The DRC is comprised of staff from all reviewing departments.
5. DRC staff will review the plans by the established review deadline and provide any comments or questions to the applicant to address.
6. Prior to final approval by Town staff, the applicant shall complete, have recorded with the clerk and recorder of the applicable county, and submit to the Planning Department the Declaration of Covenants (attached to this packet). Staff will notify the applicant when to execute said document.
7. When staff review is complete and all conditions are satisfied, the Planning Department will notify the applicant when the ADU application is approved.
8. Once an ADU application is approved, the Town may issue a Building Permit.

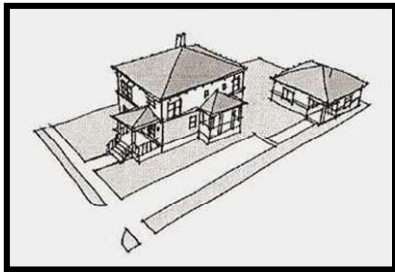
## Accessory Dwelling Units Types

### **Type I**

An Accessory Dwelling Unit which is detached from the principal dwelling



**Type I** – detached ADU with alley access



**Type I** – detached ADU with front loaded access off the street

### **Type II**

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.
- Typically have a separate access from the principal dwelling.
- Is locked off from the principal dwelling.

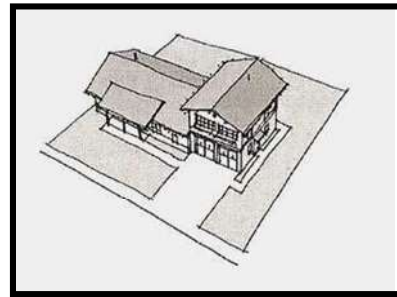
***Both Type I and II Accessory Dwelling Units are considered a separate dwelling unit under the building code. All ADUs shall be required to meet all building and fire codes.***

### **Type III**

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.
- Is not locked off from the principal dwelling.

***A Type III Accessory Dwelling Unit and principal dwelling shall be considered part of one dwelling unit under the building code.***



**Type II or III** – attached ADU addition over a garage

## Accessory Dwelling Unit Checklist

The following checklist is intended to provide an outline for applicants to ensure a complete submittal and to avoid processing delays due to inadequate information. Accessory Dwelling Unit (ADU) applications shall include all items listed in the following checklist. If an item is not checked as included in the submittal, a detailed narrative statement outlining reasons why the item has not been submitted shall be included. Lack of such statement or required item shall constitute an incomplete submittal and shall be rejected by the Town. Please review Chapter 14 of the Town of Windsor [Municipal Code](#) for complete application requirements.

### Application Submittal Requirements:

1

Planning Department Checklist	Applicant Checklist	
_____	_____	Completed checklist. Items not checked are explained in the narrative
_____	_____	Conformance to the Town of Windsor Municipal Code.
_____	_____	Narrative. A detailed narrative description for the ADU.
_____	_____	A completed Accessory Dwelling Unit application with all applicable signatures. If signed by the authorized representative, written evidence of such authorization signed by the property owner shall also be submitted.
_____	_____	Application fee consistent with the Town of Windsor <a href="#">Fee Schedule</a>
_____	_____	Deed Restriction. A copy of the current recorded deed.
_____	_____	All required drawings and supportive information per the Municipal Code

### Accessory Dwelling Unit Requirements:

2

Planning Department Checklist	Applicant Checklist	
_____	_____	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.
_____	_____	Complete Site Plan. (Reference the attached Site Plan Submittal Requirements on page 7 of this packet)
_____	_____	Design. ADUs shall be compatible with the design of the principal dwelling unit. Photos of the principal home shall be provided along with proposed elevations of the ADU (front and side elevations).
_____	_____	If the parcel upon which the ADU is proposed falls within the jurisdiction of a homeowners' association or similar covenant-based property owners' association, this application shall include written approval of the ADU from said association. If the parcel upon which the ADU is proposed does not fall within the jurisdiction of such an association, the application shall include a written statement verifying such.

## Accessory Dwelling Unit Application

Accessory Dwelling Unit applications shall include all items listed in the application submittal checklist and the Town of Windsor Municipal Code (Code). The Town of Windsor Planning Department reserves the right to reject incomplete submittals. Please see the Code for submittal requirements.

3	<b>Owner:</b>
	Name(s)*: _____
	Company: _____
	Address*: _____
	Phone #*: _____ Email*: _____
	<b><u>Authorized Representative:</u></b>
	Name: _____
	Company: _____
	Address: _____
	Phone #: _____ Email: _____

All correspondence will only be sent to the owner's authorized representative. It is the sole responsibility of the representative to distribute correspondence to the owner and other applicable parties, i.e. engineers, architects, surveyors, attorneys, consultants, etc.

I hereby depose and state under the penalties of perjury that all statements, proposals, and/or plans submitted with or contained within the application are true and correct to the best of my knowledge.

\*Submitted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Applicant (please print) \*

\_\_\_\_\_  
Applicant's Representative (if any) \*

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Applicant's Representative Signature

**To Be Completed by Applicant**

**(Type or print in black ink)**

Detached ADU\*: \_\_\_\_\_ Attached ADU\*: \_\_\_\_\_

Principle Dwelling Unit Address\*: \_\_\_\_\_

Property Zoning: \_\_\_\_\_

Lot\*: \_\_\_\_\_ Block\*: \_\_\_\_\_ Subdivision\*: \_\_\_\_\_ Filing\* \_\_\_\_\_

Owner\*: \_\_\_\_\_

Address\*: \_\_\_\_\_

Phone\*: \_\_\_\_\_ County\*: \_\_\_\_\_

Contractor\*: \_\_\_\_\_ License Number\*: \_\_\_\_\_

Lot Width\*: \_\_\_\_\_ Depth\*: \_\_\_\_\_ Area\*: \_\_\_\_\_ Lot Coverage (%)\*: \_\_\_\_\_

**Square Footage Of:**

Lot\*: \_\_\_\_\_ Principal Home\*: \_\_\_\_\_ Fronts on (N/S/E/W)\*: \_\_\_\_\_

Proposed ADU\*: \_\_\_\_\_ Remaining Open Space\*: \_\_\_\_\_

Garage(s)\*: \_\_\_\_\_ Decks &/or Patios\*: \_\_\_\_\_

Proposed ADU Maximum Residents\*: \_\_\_\_\_

**Set Backs from Property Line (Circle Front):**

Corner Lot\*? \_\_\_\_\_

North\* \_\_\_\_\_ \*South \_\_\_\_\_ \*East \_\_\_\_\_ \*West \_\_\_\_\_

Corridor Plan if applicable: \_\_\_\_\_

Historic Landmark (National, State or Local) if applicable: \_\_\_\_\_

Historic District if applicable: \_\_\_\_\_

As the property owner(s), I (we) do hereby affirm that the information provided for this application is correct and meets the Town's requirements for issuance of a permit for an Accessory Dwelling Unit.

\_\_\_\_\_  
Owner \*

\_\_\_\_\_  
Date \*

\_\_\_\_\_  
Owner (if more than one owner)

\_\_\_\_\_  
Date

STATE OF COLORADO            )  
  ) SS  
COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

by \_\_\_\_\_ as \_\_\_\_\_, of a Colorado

\_\_\_\_\_

(type of company, e.g. limited liability company)

\_\_\_\_\_  
Notary

My Commission Expires: \_\_\_\_\_

**For Office Use Only**

Town of Windsor Approvals

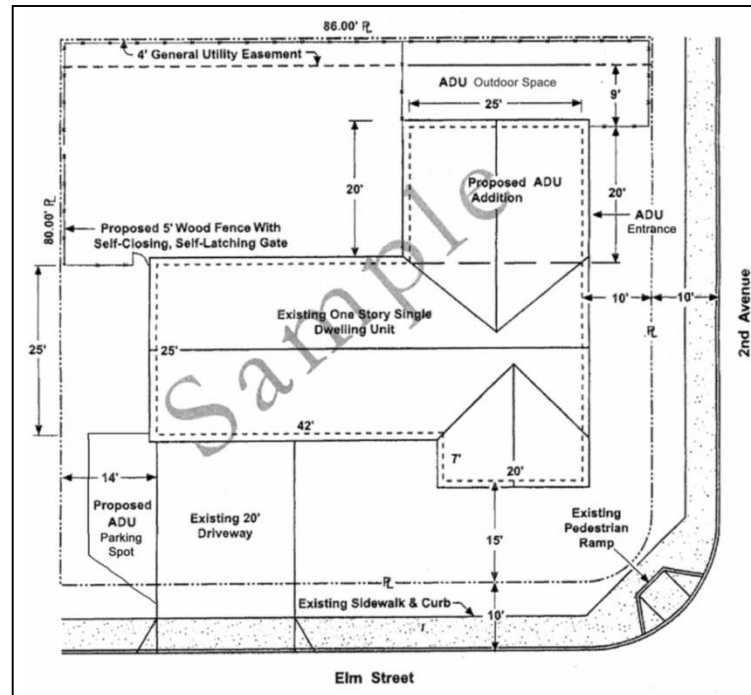
\_\_\_\_\_  
Planning Department

\_\_\_\_\_  
Date

\_\_\_\_\_  
Engineering Department

\_\_\_\_\_  
Date

## Site Plan Submittal Requirements



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 ADU each dwelling unit shall comply with the minimum life safety requirements adopted by the Town at the time of application. Both units shall comply with the all current adopted ordinances and Building Code.

### Documents:

- Site Plan drawing set showing the following, but not limited to:
  - Location and all dimensions of the lot boundaries, principal house, garage, proposed ADU and any driveway or parking area;
    - Dimension the shortest distance from the structure to all property lines, meeting Town of Windsor setback and offset requirements;
  - Location of all current and proposed utilities, easement dimensions and existing trees;
  - Location of the ADU entrance, outdoor space and designated off street parking space;
  - A detailed land use table showing the following, but not limited to:
    - Lot size, lot coverage, open space, square footage of the home, garage and ADU;
  - The existing zoning, all uses adjacent to the property, street names and the maximum number of people to reside in the ADU;
  - Elevation drawings of the ADU and photographs of all elevations of the existing principal home;
  - Drainage and Grading information as required by the Town and referenced in the Building Permit Application packet;
  - Foundation plans, wet stamped by a Colorado Engineer;
  - Floor plan, structural plan and basement structural floor design and ventilation, if needed.
- Soils report
- Site Grading Certificate (shall be provided to and approved by the Town prior to receiving the Certificate of Occupancy)
- A listed Horizontal or Vertical 2-Hour Fire rated assembly separating units as required by the IRC
- All required building permit application materials and requirements located in the attached "SAFEbuilt Accessory Dwelling Unit Submittal Checklist"

**Notice: This instrument affects the use and development of  
the real property described herein**

**Declaration of Restrictive Covenants  
Pursuant to Windsor Municipal Code Chapter 16, Article XXXIII**

This Declaration of Restrictive Covenants ("Declaration") is made and presented on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the undersigned Declarant.

WHEREAS, Declarant is the owner of certain real property ("Property") located in the Town of Windsor, County of \_\_\_\_\_, State of Colorado legally described as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and

WHEREAS, Declarant has applied to and received approval from the Town of Windsor Planning Department for an Accessory Dwelling Unit ("ADU") within the Property pursuant to Chapter 16, Article XXXIII of the Windsor Municipal Code; and

WHEREAS, Declarant desires to enhance the quality, value, desirability and attractiveness of the Property, and to ensure compliance with all applicable provisions of the Windsor Municipal Code pertaining to Accessory Dwelling Units.

NOW THEREFORE, Declarant hereby voluntarily declares that the Property shall be owned, held, transferred, conveyed, sold, leased, rented, pledged, 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 and remain Declarant's place of legal residence.
2. Ownership of the ADU shall not be transferred separately from the principal dwelling unit, nor shall the Property be subdivided.
3. The ADU shall be restricted to the approved size, and shall not be expanded. Any modification of the approved ADU site plan shall first be approved by the Town of Windsor.
4. The Certificate of Occupancy for the ADU shall be in effect only so long as either the principal residence, or the ADU, is occupied by the owner of record as a principal dwelling unit as required by Section 16-33-20 (h) of the Windsor Municipal Code.
5. If the ADU is approved as a Type III ADU under Section 16-33-30 of the Windsor Municipal Code, the ADU shall not be 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 ADU.



6. The above restrictions are binding upon any successor in ownership of the Property.
7. Noncompliance with this Declaration may subject both the owner of the Property and any ADU occupant(s), to criminal prosecution and all civil remedies, including but not limited to injunctive relief. The owner of the Property shall be liable for all Town expenses associated with civil remedies sought by the Town in association with this Declaration. The failure of the Town to pursue civil or criminal remedies shall not be deemed a waiver of any violations or noncompliance.
8. This Declaration shall lapse upon removal of the ADU. To affect this intent, and upon verification of such removal, the Town shall execute documentation confirming release of this Declaration. The Property owner shall record the Town-executed documentation releasing this Declaration. The Property owner shall pay all required recording fees, and shall provide satisfactory written evidence that such recording was successfully completed.
9. This Declaration shall be perpetual and constitute covenants running with the land. This Declaration shall be binding upon the Property owner, the heirs, successors and assigns of the Property owner, and all persons claiming under them.
10. Neither this Declaration, nor any of the specifics set forth or incorporated herein, shall be amended, terminated, or modified in any way without the written consent of the Town of Windsor, filed with the Clerk and Recorder of the county in which the Property is located.

**Declarant:**

\_\_\_\_\_  
Printed Name:

\_\_\_\_\_  
Printed Name: