

**SUBJECT:**           **ORDINANCE NO. 1892, SERIES 2025 – AN ORDINANCE  
AMENDING TITLE 17 AND TITLE 3 OF THE LOUISVILLE  
MUNICIPAL CODE CONCERNING THE REGULATION OF  
ACCESSORY DWELLING UNITS IN THE CITY OF LOUISVILLE –  
2<sup>ND</sup> READING PUBLIC HEARING – *CONTINUED FROM APRIL 15,  
2025* (advertised City of Louisville Website 03/21/2025)**

**DATE:**               **MAY 20, 2025**

**PRESENTED BY:**   **JEFF HIRT, PLANNING MANAGER  
ROB ZUCCARO, COMMUNITY DEVELOPMENT DIRECTOR**

**SUMMARY:**

Attached is a proposed ordinance to comply with [Colorado House Bill 24-1152](#) that requires the City of Louisville to allow Accessory Dwelling Units (ADUs) in all single family residential zone districts by June 30, 2025. This item also implements several [Housing Plan](#) policies and is on the City Council 2025 Work Plan. City Council continued this item from the [April 15, 2025 council meeting](#) where changes were requested to the subject ordinance.

**BACKGROUND / PRIOR DISCUSSIONS:**

At the June 4, 2024 meeting council had discussion/direction on compliance with HB 24-1152 regarding [Accessory Dwelling Units](#).

Planning Commission addressed the zoning code amendment at their February 13, 2025 [meeting](#).

City Council requested the following changes to the ordinance at the April 15 meeting that are reflected in Attachment 1:

- Allow detached ADUs to be up to 25 feet tall citywide, not just in the Old Town overlay district.
- Allow with both single family detached and attached units. Such attached units include duplexes, townhomes, and rowhomes but do not include multifamily “stacked” units.
- Allow ADUs to be up to 75% of the size of the primary unit, whereas the April 15 ordinance only allowed up to 49%.
- Allow ADUs in basements to not count towards the maximum square footage allowed for ADUs.
- Allow attached ADUs in front of the primary single family unit citywide, and allow detached ADUs in front of the primary single family unit in Old Town.
- Allow front porches that are attached to ADUs to encroach into the front or street side setback in Old Town like they would be able to for the primary single family unit.
- Exempt the first 500 square feet of all ADUs from maximum lot coverage or floor area ratio requirements.

- Removed any provisions that address how ADUs relate to satisfying the 12% set aside requirement in the City's Inclusionary Housing Ordinance.

[Attachment/Link 3](#) is the April 15, 2025, City Council staff report that includes more background on accessory dwelling units, including a summary of HB 24-1152 and related prior City Council discussions.

### **PROPOSAL**

The ordinance in Attachment 1 addresses City Council's requested changes from the April 15 meeting summarized in the Background section above and is the ordinance that staff are recommending that City Council approve. Attachment 2 is a redlined version of the same ordinance as Attachment 1 that highlights the changes from the version provided in the April 15 meeting packet.

The [April 15, 2025](#) City Council staff report includes the full summary of the ADU ordinance, excluding the changes described in the Background section above. City Council also discussed tap fees assessed on ADUs at the April 15 meeting, and staff indicated that would be addressed in a forthcoming, separate City Council discussion with the Public Works department.

### **ANALYSIS:**

The [April 15, 2025](#) City Council staff report includes analysis of the proposed accessory dwelling unit ordinance. The following is additional analysis addressing City Council's requested changes to the ordinance from April 15.

- **Areas Where ADUs Allowed** - Related to the allowance for ADUs with attached units, the April 15 staff report included a map of all single family zone districts – i.e., areas where ADUs would be allowed under the proposed ordinance. Since nearly all zone districts that allow single family *attached* units as defined by this ordinance also allow single family *detached* units, that map is still valid with a limited exception. The only place where a duplex, townhouse, or rowhouse is allowed by right and a single family detached residential use is prohibited is the Mixed Use Residential (MU-R) zone district. The only areas of the city with MU-R zoning are concentrated in the DELO area between Highway 42 and the railroad tracks downtown, and between South Boulder Road and South Street. Therefore, those areas could see some ADUs as accessory to townhomes or rowhomes, but not for any multifamily stacked units.
- **ADU Size Relative to Primary Unit** - Related to the increase in allowable ADU size from 49% to 75% of the primary single family unit, the maximum size of an ADU will still typically be capped at the maximum ADU size limit (e.g., 800 square feet for a detached ADU/1,000 square feet for an attached ADU). This increase will address scenarios with smaller primary single family units as highlighted in the table below.

| Example Scenarios of ADU Size Limitations Under Proposed Ordinance |                            |                            |                                                                                                     |
|--------------------------------------------------------------------|----------------------------|----------------------------|-----------------------------------------------------------------------------------------------------|
| Size of Principal Unit (SF)                                        | 49% of Principal Unit (SF) | 75% of Principal Unit (SF) | Allowable ADU Size                                                                                  |
| 800                                                                | 392                        | 600                        | Attached/Detached ADU size max. – 600 SF                                                            |
| 1,200                                                              | 588                        | 900                        | Detached ADU size max. - 800 SF<br>Attached ADU size max. – 900 SF                                  |
| 1,800                                                              | 882                        | 1,350                      | Detached ADU size max. - 800 SF<br>Attached ADU size max. – 1,000 SF (up to 1,200 for certain ADUs) |

- **ADUs in Basements** - Related to ADU square footage in basements, the proposed ordinance exempts any such square footage from the maximum allowable size for an ADU, except for ADUs in walk out basements. The intent is to focus on the visual impacts of the ADU square footage to align with City Council's direction on April 15. A walk out basement typically has similar visual impacts to an additional story on a house.
- **ADUs in Front of Primary Units** - Related to the allowance for ADUs in front of the primary single family unit, the April 15 ordinance prohibited such ADUs. At City Council's direction, the proposed ordinance in Attachment 1 allows attached ADUs in front of the primary unit citywide but only allows detached ADUs in front of the primary unit in the Old Town overlay district. The April 15 City Council discussion and stakeholder input on this topic was primarily related to the potential, unintended consequence of encouraging the demolition of existing, smaller dwelling units on Old Town properties where larger primary units may be located behind the existing, smaller dwelling unit. The proposed ordinance addresses this by tying the allowance for detached ADUs in front of the primary dwelling unit to whether it is in an existing building in Old Town.
- **Lot Coverage and Floor Area Ratio Flexibility for ADUs** - These standards govern the bulk and massing of buildings by setting forth the maximum building envelope. At City Council's direction, the ordinance allows the first 500 square feet of the ADU to be excluded from such lot coverage or floor area ratio calculations. Staff conducted a cursory analysis of single family lots relative to their lot coverage requirements and found that as many as 20-30% of single family lots are either at or above their current maximum lot coverage. Therefore, this change will provide significantly more flexibility for ADUs on such lots.

**2025 COUNCIL WORK PLAN:**

The accessory dwelling unit ordinance is on the 2025 Council Work Plan under the Housing priority topic. This ordinance implements the Louisville Housing Plan that included an Equity, Diveristy, and Inclusion and Environmental Sustainability lens summarized on page 2.

**FISCAL IMPACT:**

Implementation and administration of the ADU Ordinance will take additional staff time and City resources but will also include revenues from permit fees.

**ALTERNATIVE(S):**

City staff discussed alternatives for how to address ADUs with City Council in June 2024 and with Planning Commission in February 2025. Such alternatives included whether to focus solely on compliance with HB 24-1152 and whether and what type of Louisville-specific additional regulations would be appropriate. The ordinance reflects the discussions and direction provided at these meetings.

Inaction by City Council by June 30, 2025 will result in the City of Louisville being out of compliance with HB 24-1152.

**RECOMMENDATION:**

Staff recommends approval of Ordinance 1892, Series 2025 to amend Title 17 and Title 3 to allow Accessory Dwelling Units for the following reasons:

- To comply with Colorado HB 24-1152 that requires the City to allow ADUs on all single family lots with other specific standards;
- To implement the Housing Plan goals to Increase Residential Development Opportunities in Louisville, Expand and Maintain Access to Affordable Housing, and Diversify Louisville's Housing Stock. Allowing ADUs will provide a currently lacking housing option in Louisville that can address housing affordability challenges as set forth in HB 24-1152; and
- To implement Housing Plan Action Item 1.4.

**ATTACHMENT(S)/LINK(S):**

1. Ordinance No. 1892, Series 2025 – 2nd Reading Amendments
2. [April 15 City Council Packet Link](#)
3. Presentation

## Second Reading Amendments

Ordinance No. 1892, Series 2025 is revised to read as follows (second reading amendments are shown in **bold underline** and ~~**bold strikeout**~~):

### **ORDINANCE NO. 1892 SERIES 2025**

#### **AN ORDINANCE AMENDING TITLE 17 AND TITLE 3 OF THE LOUISVILLE MUNICIPAL CODE CONCERNING THE REGULATION OF ACCESSORY DWELLING UNITS IN THE CITY OF LOUISVILLE**

**WHEREAS**, the City of Louisville (the “City”), is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City of Louisville Home Rule Charter (the “City Charter”);

**WHEREAS**, the State of Colorado House Bill 24-1152 requires the City of Louisville to allow accessory dwelling units on all single family residential lots by June 30, 2025 and comply with detailed supplemental standards related to accessory dwelling units;

**WHEREAS**, allowing accessory dwelling units is consistent with the Louisville Housing Plan goals to increase residential development opportunities in Louisville, expand and maintain access to affordable housing, and diversify Louisville’s housing stock;

**WHEREAS**, allowing accessory dwelling units is consistent with the Louisville Housing Plan Action Item 1.4 to remove barriers to and promote accessory dwelling units to help increase housing supply and diversity;

**WHEREAS**, after a duly noticed public hearing held February 13, 2025, where evidence and testimony were entered into the record, including the Louisville Planning Commission Staff Report dated February 13, 2025, the Louisville Planning Commission has recommended the City Council adopt the amendments to the LMC set forth in this ordinance; and

**WHEREAS**, City Council has provided notice of a public hearing on said ordinance by publication as provided by law and held a public hearing as provided in said notice.

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

**Section 1.** Chapter 17.08 of the Louisville Municipal Code (Definitions) is hereby amended by the addition of new Sections 17.08.011 to 17.08.013 to read as follows (words to be deleted ~~stricken~~; words to be added underlined):

**Sec. 17.08.011. Accessory dwelling unit**

*Accessory dwelling unit* means an internal, attached, or detached dwelling unit that is (i) subordinate in size and purpose to the principal single-family dwelling unit; (ii) provides complete independent living facilities for one or more individuals; (iii) is located on the same lot as a proposed or existing principal single-family dwelling unit; and (iv) includes facilities for living, sleeping, eating, cooking, and sanitation.

**Sec. 17.08.012. Accessory dwelling unit, detached**

**Accessory dwelling unit, detached means an** ~~An~~ accessory dwelling unit that is located within an accessory structure on the same lot as the principal single-family dwelling unit.

**Sec. 17.08.013. – Accessory dwelling unit, attached**

**Accessory dwelling unit, attached means an** ~~An~~ accessory dwelling unit that is a distinctly separate unit from the principal single-family dwelling unit but is physically attached to or is integrated within the same structure as the principal single-family dwelling unit, including a basement, addition, floor, or portion of a floor.

**Section 2.** Section 17.12.030 of the Louisville Municipal Code is hereby amended by the addition of a new line 42a to read as follows (words to be deleted ~~stricken~~; words to be added underlined):

**Sec. 17.12.030 – Use groups.**

| Use Groups |                         | Districts |     |     |      |      |      |      |                   |                         |     |     |     |     |     |    |      |      |    |
|------------|-------------------------|-----------|-----|-----|------|------|------|------|-------------------|-------------------------|-----|-----|-----|-----|-----|----|------|------|----|
|            |                         | A         | A-O | B-O | A-OT | R-RR | SF-R | SF-E | R-R<br>R-E<br>R-L | SF-LD<br>SF-MD<br>SF-HD | R-M | R-H | C-N | C-C | C-B | I  | PCZD | MU-R | OS |
|            |                         | * * *     |     |     |      |      |      |      |                   |                         |     |     |     |     |     |    |      |      |    |
| 4.         | Single-family dwellings | Yes       | No  | No  |      | Yes  | Yes  | Yes  | Yes               | Yes                     | Yes | Yes | R   | No  | No  | No |      |      |    |
| 42a        | Accessory dwelling unit | Yes       | No  | No  |      | Yes  | Yes  | Yes  | Yes               | Yes                     | Yes | Yes | R   | No  | No  | No |      |      |    |

**Section 3.** The table set forth in Section 17.12.040 of the Louisville Municipal Code is hereby amended by the addition of a footnote 12 to read as follows (words to be added are underlined):

**Sec. 17.12.040 – Yard and bulk requirements.**

|    |                                                                     | Zoning Districts and Requirements |     |       |                     |                     |        |        |        |       |        |        |       |       |       |       |       |       |    |
|----|---------------------------------------------------------------------|-----------------------------------|-----|-------|---------------------|---------------------|--------|--------|--------|-------|--------|--------|-------|-------|-------|-------|-------|-------|----|
|    | Yard and Bulk Item                                                  | A                                 | A-O | B-O   | R-RR                | SF-R                | SF-E   | R-R    | R-E    | R-L   | SF-LD  | SF-MD  | SF-HD | R-M   | R-H   | C-N   | C-C   | C-B   | I  |
| 3. | Minimum lot area per dwelling unit (sq. ft.) <sup>12</sup>          | 5 acres                           | —   | 1,750 | 20,000 <sup>8</sup> | 1 acre <sup>8</sup> | 1 acre | 20,000 | 12,000 | 7,000 | 21,780 | 12,000 | 7,000 | 3,500 | 2,500 | 1,750 | 1,750 | 1,750 | —  |
| 8. | Minimum rear yard setback for principal uses (ft.) <sup>3, 12</sup> | 25                                | 20  | 20    | 30                  | 30                  | 30     | 25     | 25     | 25    | 25     | 25     | 25    | 25    | 25    | 20    | 20    | 20    | 20 |
| 9. | Maximum height principal uses (ft.)                                 | 27                                | 25  | 40    | 27                  | 27                  | 27     | 35     | 35     | 35    | 27     | 27     | 27    | 35    | 50    |       |       |       |    |
|    | Accessory use (ft.)                                                 | 45 <sup>12</sup>                  | 20  | 20    | 25                  | 27                  | 27     | 25     | 20     | 20    | 16     | 16     | 16    | 20    | 20    | 20    | 20    | 20    | 25 |

**FOOTNOTES**

12. See Sec. 17.16.035 for supplemental regulations applicable to accessory dwelling units.

**Section 4.** Louisville Municipal Code Chapter 17.16 – General Regulations, is hereby amended to include a new Section 17.16.035 to read as follows:

**Sec. 17.16.035. – Accessory dwelling units.**

Accessory dwelling units shall comply with the following regulations:

*A. Maximum Number:*

- 1.** A maximum of one accessory dwelling unit shall be permitted ~~per lot~~ as an accessory use ~~to~~ per principal single-family dwelling. Accessory dwelling units are allowed only on lots used or developed as single family dwelling units.
- 2.** For the purposes of this Sec. 17.16.035, a principal single-family dwelling shall include any detached dwelling unit, dwelling unit in a duplex building, or dwelling unit in a series of dwelling units, attached in a row, separated from each other by an unpierced wall extending from basement to roof.

*B. Accessory Dwelling Unit Development Standards:*

1. Detached accessory dwelling units shall comply with all applicable development standards for accessory structures and uses set forth in Sec. 17.12.040 – Yard and Bulk Requirements, Sec. 17.16.030 – Accessory Uses, ~~and~~ yard and bulk requirements for the Old Town overlay district, and yard and bulk requirements for Planned Unit Developments, General Development Plans, and other city approved plans except as provided herein.
2. Attached accessory dwelling units shall comply with all applicable development standards for principal uses set forth in Sec. 17.12.040 – Yard and Bulk Requirements, Sec. 17.16.030 – Accessory Uses, ~~and~~ yard and bulk requirements for the Old Town overlay district, and yard and bulk requirements for Planned Unit Developments, General Development Plans, and other city approved plans except as provided herein.
3. *Maximum Size:*
  - a. Accessory dwelling units shall not exceed ~~4975~~% of the square footage of the principal single-family dwelling unit or

the maximum square footage in this subsection, whichever is less. However, accessory dwelling units ~~between at least~~ 500 square feet ~~and 750 square feet~~ in size shall be allowed in all cases, provided all other requirements in this Sec. 17.16.035 are met.

b. Detached accessory dwelling units shall not exceed 800 square feet in size.

c. Attached accessory dwelling units shall not exceed 1,000 square feet in size.

d. Attached accessory dwelling units located in below-grade basements shall not count towards the maximum size limitations in this subsection 3. However, attached accessory dwelling units located in walkout basements shall be subject to the maximum size limitations in this subsection 3. For the purposes of this Sec. 17.16.035, a walkout basement is any basement having an exterior door, where the finished ground at the exterior door is lower than the finished floor of the basement.

~~de.~~ Garage areas shall not be included as part of the maximum size square footage calculation of an accessory dwelling unit.

4. *Maximum Height:* the maximum height of detached accessory dwelling units shall be 25 feet.

~~a. The maximum height of detached accessory dwelling units in the Agricultural zone district shall be 20 feet.~~

~~b. The maximum height of detached accessory dwelling units in the Old Town overlay district shall be 25 feet.~~

5. *Setbacks:* ~~the~~

a. The minimum rear setback for an attached accessory dwelling unit shall be ten feet.

b. Detached accessory dwelling units shall not be permitted in front of the primary single-family dwelling unit in the front yard setback except for in the Old Town overlay district as provided herein.

- Ordinance No. 1892, Series 2025  
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~~may exceed the minimum lot coverage requirements in Sec. 17.12.040 by 20 percent,~~ provided all other requirements in this Sec. 17.16.035 are met.

2. *Affordable Housing Incentives* =

~~a. Accessory dwelling units shall not be considered a dwelling unit for the purposes of complying with the inclusionary housing requirements set forth in Chapter 17.76.~~

~~b.~~ Accessory dwelling units that are deed restricted as affordable housing in accordance with Chapter 17.76 may be up to 1,000 square feet in size for detached accessory dwelling units and up to 1,200 square feet in size for attached accessory dwelling units, provided all other requirements in this Sec. 17.16.035 are met.

3. *Historic Preservation Incentives* – an accessory dwelling unit, or portion thereof, that is a designated landmark in accordance with Chapter 15.36 – Historic Preservation may be up to 1,000 square feet in size for detached accessory dwelling units and up to 1,200 square feet in size for attached accessory dwelling units, provided all other requirements in this Sec. 17.16.035 are met.

EF. *Accessory Dwelling Units in Planned Unit Developments, **General Development Plans, or Other City Approved Plans***

1. A maximum of one accessory dwelling unit shall be permitted per ~~lot~~ ~~as an accessory use to a~~ principal single-family dwelling in all Planned Unit Developments, General Development Plans, or other City approved plans.

~~2. No Planned Unit Development, General Development Plan, or other City approved plan may restrict the size of an accessory dwelling unit to less than 750 square feet.~~

32. Any required amendment to a Planned Unit Development or General Development Plan, to allow an accessory dwelling unit in accordance with this Sec. 17.16.035, is considered a minor change eligible for

administrative approval under Sec. 17.28.210 – Amendments to final plan and Sec. 17.72.060 – Amendment.

F. *Existing or New Principal Unit on Lot.* A single-family dwelling unit must exist as a primary dwelling unit on the lot or be constructed simultaneously with the accessory dwelling unit. A certificate of occupancy or completion for an accessory dwelling unit will only be issued after or coincident with issuance of the same for the primary **single-family** dwelling unit.

G. *Certificate of Exception*

1. Accessory dwelling units constructed prior to the effective date of this ordinance do not qualify as nonconforming uses pursuant to Chapter 17.36 of this Code because accessory dwelling units were not an allowed use in any zone district prior to the adoption of this ordinance.
2. On or before December 31, 2026, any person who has constructed an accessory dwelling unit in any zone district prior to the adoption of this ordinance may apply to the director for a Certificate of Exception, which shall allow such accessory dwelling use to continue, subject to the same requirements and limitations as a nonconforming use and any conditions of approval as may reasonably be imposed by the director. Following that date, and in the absence of City approval of an accessory dwelling unit under this section, unapproved or unpermitted accessory dwelling units shall be subject to enforcement as provided by law.
3. The director shall issue such Certificate of Exception upon a finding the applicant has demonstrated the accessory dwelling unit meets all the requirements of this Sec. 17.16.035. The director may also issue a Certificate of Exception for an accessory dwelling unit that does not fully comply with the requirements of this Sec. 17.16.035 if the director determines the issuance is not detrimental to the public good and will not impair the basic intent of this Section and subject to such conditions as may be imposed by the director.
4. A building permit shall be required for any construction or modification of the accessory dwelling unit to bring the structure into

compliance with applicable building codes, to the extent practical, as determined by the director.

5. Regardless of size, accessory dwelling units with an approved Certificate of Exception shall be exempt from paying impact fees for such units pursuant to Sec. 3.18.040.B.

**Section 5.** Louisville Municipal Code Chapter 17.72 – Planned Community Zone District, is hereby amended as follows (words to be added are underlined):

**Sec. 17.72.080. - Residential.**

- A. *Generally.* It is the intention of this section to promote the development of balanced residential neighborhoods containing a variety of housing types and related recreational and community facilities.
- B. *Uses permitted.* The following uses may be permitted within any planning area designated for residential use by the adopted planned community general development plan:
  1. Single-family detached dwellings;
  2. Single-family attached dwellings;
  3. Multiple-family dwellings;
  4. Churches and synagogues;
  5. Public and private schools;
  6. Municipal recreational areas;
  7. Public libraries;
  8. Golf courses and country clubs;
  9. Institutions for higher education;
  10. Clubs and lodges;
  11. Private, noncommercial, recreational facilities;
  12. Accessory structures and uses necessary and customarily incidental to the uses listed in this section, including accessory dwelling units;
  13. Governmental and public facilities;
  14. Family care home.

**Section 6.** Section 3.18.B.4 of the Louisville Municipal Code is hereby amended to read as follows (words to be added are underlined):

**Sec. 3.18.040. - Development impact fees to be imposed**

- B. *Exemptions.* The following types of development shall be exempted from payment of the impact fees. Any claim for exemption shall be made no later

than the time when the applicant applies for the first building permit. Any claim for exemption not made at or before that time shall be waived. The city planning director or designee shall determine the validity of any claim for exemption pursuant to the standards set forth below.

4. Accessory structures. Construction of unoccupied accessory structures related to a residential unit and the first 500 square feet of an accessory dwelling unit as defined in Chapter 17.08 of this Code.

**Section 7.** If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

**Section 8.** The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

**Section 9.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, PASSED ON FIRST READING AND ORDERED PUBLISHED** this 18<sup>th</sup> day of March 2025.

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Christopher M. Leh, Mayor

ATTEST:

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Genny Kline, Interim City Clerk

APPROVED AS TO FORM:

Kelly PC

\_\_\_\_\_  
Kathleen Kelly, City Attorney

**PASSED AND ADOPTED ON SECOND AND FINAL READING**, this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Christopher M. Leh, Mayor

ATTEST:

\_\_\_\_\_  
Genny Kline, Interim City Clerk



# Accessory Dwelling Units Ordinance

**City Council**

May 20, 2025



## Request

- **Continuation from April 15 public hearing.**
- Consideration of an ordinance amending Title 17 to allow Accessory Dwelling Units (ADUs) in accordance with Colorado House Bill 24-1152, and an ordinance amending Title 3 to address development impact fees for ADUs.
- On 2025 City Council work plan.
- Noticing requirements have been met.



## Topics

1. Brief Recap of April 15 Ordinance
2. Recap of April 15 Requested Changes to Ordinance
3. Analysis of Changes to Ordinance from April 15
4. Ordinance Summary

## What is an ADU?



Attached Above Garage ADU



Interior Converted Garage ADU



Interior Converted Basement or Attic ADU



Attached ADU



Detached ADU

## What is an ADU?



## April 15 Ordinance Abbreviated

- One ADU allowed per detached single family unit.
- Detached ADUs treated like other types of accessory buildings related to yard and bulk requirements, 800 SF max. size.
- Attached ADUs treated like primary building related to yard and bulk requirements, 1,000 SF maximum size.
- ADUs maximum of 49% of size of primary unit.

## April 15 Ordinance Abbreviated

Cont'd

- Detached ADUs up to 25' tall in Old Town.
- Size incentives for “affordable”, “accessible”, and landmarked ADUs.
- Grace period for existing units.
- ADUs treated like other buildings relative to lot coverage, floor area ratio requirements.

## Council Requested Changes (April 15)

- One ADU allowed per single family detached and attached units (townhomes, rowhomes).
- ~~49%~~ **75%** of size of primary building.
- ADUs in basements don't count towards maximum ADU square footage.
- Attached ADUs allowed in front of primary building citywide, detached allowed in Old Town.

## Council Requested Changes (April 15)

Cont'd

- ADU front porches can encroach into setback like the primary building can in Old Town.
- First 500 square feet of ADU doesn't count towards lot coverage/floor area ratio requirements.
- Removal of tie to Inclusionary Housing Ordinance and 12% set aside requirement.

## Analysis of Changes from April 15

- With allowance with ADUs with attached units, will also include the Mixed Use Residential (MU-R) zoned areas in DELO with duplexes/townhomes/rowhomes.
- Allowing ~~49%~~ **75%** allows more ADU size with smaller primary units.
- ADU square footage in basements that doesn't count towards size limit defined by visual impacts at 4 feet above average grade.

## Analysis of Changes from April 15

Cont'd

- Detached ADUs in front of primary units in Old Town for existing buildings only to tie to neighborhood character factors.
- 500 square foot lot coverage encroachment would provide flexibility for up to 30% of residential lots that are maxed out on lot coverage already.

## Planning Commission Recommendation

On February 13, 2025:

- Planning Commission recommended approval with the condition that accessible units get a size and lot coverage bonus.
- Planning Commission requested that City Council consider reduced water tap fees for ADUs to the extent practical.

## **Recommendation**

Staff recommends approval of Ordinance 1892, Series 2025 to amend Title 17 to allow ADUs to comply with HB 24-1152 and Title 3 related to impact fees for ADUs to implement Housing Plan goals and action items.