

# Accessory Dwelling Unit

## Attachment to *Administrative Review Application*



**City of Boulder Planning and Development Services Center**

1739 Broadway, third floor

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103.pdf

## ACCESSORY DWELLING UNIT (ADU)

An accessory dwelling unit (ADU) is a separate and complete housekeeping unit within a single family detached dwelling unit which complies with the city code provisions of Section 9-6-3, B.R.C. 1981. Accessory dwelling units are allowed, with approval, in the following zoning districts: RL-1, RL-2, RE, RR-1, RR-2, A or P. A single family dwelling unit with an ADU is not a duplex nor a multi-family dwelling. The ADU must be located within an owner-occupied residence; the owner may reside in either the principal dwelling or the ADU. In addition, the number of ADU permits which may be issued for a given area is limited (see attached city code excerpt for more information). **Proposals for accessory dwelling units must be considered through an administrative review application.** This application must include a completed application form. The ADU application requirements are listed below. Applications for accessory dwelling units are submitted to Planning and Development Services.

### Application Requirements for a New ADU

The following information must be included as part of an administrative review application for an Accessory Dwelling Unit Permit:

- 1) Improvement Survey by a Registered Surveyor, showing existing structures and parking areas (**3 copies**).
- 2) Site Plan showing (**3 copies** folded to 9" x 12"):
  - a. Existing buildings, structures and improvements with dimension
  - b. Proposed buildings, structures, improvements, screening or landscaping with location and dimensions, including setbacks (2 above may be used as a base)
  - c. Off street parking area, showing size and location, with dimensions including setbacks
  - d. Plans should be drawn at a scale of no less than 1" = 30' and should show a north arrow, street name(s), owner name(s), and address of the property.
- 3) Floor Plan showing: (**3 copies** folded to 9" x 12")
  - a. Proposed interior plan, showing rooms, dimensions and the separation of the accessory unit from the rest of the dwelling
  - b. Interior plans should be drawn at a scale of no less than 1/8" = 1' (1/4" = 1' preferable) and should show a north arrow, street name(s), owner name(s), and address of the property
- 4) Proof of ownership in the form of a recorded deed (a copy) showing current ownership or current ownership verification by a title insurance company.  
  
\*NOTE: The dwelling unit or ADU must be physically occupied by the owner.
- 5) A completed Project Information Form (see attached).
- 6) Plumbing fixture count (see attached form).
- 7) If a variance was granted, a copy of the disposition granting a variance request. If a variance is needed and has not been obtained at the time of application, the application cannot be accepted.
- 8) Application fee due at time of application submission. (In addition, the applicant will be required to pay rental license fees.)  
  
\*NOTE: If the ADU application is approved, a Declaration of Use must be signed by the owner(s) and submitted prior to obtaining the ADU permit.
- 9) Additional plans may be requested at the time of review.
10. A signed "**SIGN POSTING REQUIREMENTS APPLICANT'S ACKNOWLEDGMENT FORM**"

## Application Requirements for Transfer of an Approved ADU to a New Property Owner

The following information must be included as part of an administrative review application for an Accessory Dwelling Unit Permit:

1. Proof that this application for transfer has been made within thirty (30) days of purchase of the dwelling unit.
2. Proof of ownership in the form of a recorded deed (a copy) showing current ownership or current ownership verification by a title insurance company.  
  
\*NOTE: The dwelling unit or ADU must be physically occupied by the owner.
3. Proof that the accessory dwelling unit has been rented or occupied in the year prior to this application for transfer.
4. An application fee due at time of application submission.
5. **3 copies** of the approved floor plan showing the principle and accessory units.
6. **3 copies** of an ILC (improvement location certificate).

## ACCESSORY DWELLING UNIT APPLICATION AND REVIEW SUMMARY

1. **Preliminary Meeting (optional)** - Owner of the property meets with Planning and Development Services representative to discuss the possibility of installing an Accessory Dwelling Unit ADU.
2. **Variance Application** - If a variance is necessary, application must be made to the Board of Zoning Adjustment. Applications are available in the Planning and Development Services Center and a non-refundable fee is required.
3. **ADU Application** - An administrative review application is made for an ADU permit. Administrative review application forms are available in and are received by the Planning and Development Services Center. There is an application fee which is refundable only if the application is denied because of the "10% rule."
4. **Public Notice** - After receipt of an ADU application, a sign is posted on the property (visible from the street) for a period of at least ten days. Planning and Development Services sends out notice to adjacent property owners that an application has been received for an ADU.
5. **Preliminary Inspection** - Before the ADU is approved, an on-site inspection is made by a representative of Planning and Development. The purpose of the inspection is to identify any problems the ADU may have complying with city code.
6. **Disposition of Approval** - If all Planning and Development Services requirements are met, staff issues a Disposition of Approval, indicating code requirements that must be maintained and directing the applicant to apply for an ADU rental license from the city of Boulder Rental Housing Inspection and Licensing Program.
7. **Declaration of Use and ADU Permit** - After a Disposition of Approval is issued, a Declaration of Use and ADU permit document is prepared. The Declaration of Use includes the conditions of approval. The owner must sign the Declaration of Use document before an ADU rental license can be issued.
8. **Completion of Work** - The applicant has 180 days from the date of the Disposition of Approval to initiate and receive an ADU rental license from the city of Boulder Rental Housing Inspection and Licensing Program. (An extension may be applied for if there is a justifiable cause.)
9. **Reinspection** - The ADU is inspected to verify compliance with the conditions of approval.
10. **Appeal** - If the application is found not to meet the requirements of the code, the owner is notified that the application has been denied. If the reason for the denial is failure to comply with the "10% rule," the application fee is returned to the owner. If the application is denied for any other reason, the application fee is not refundable. The owner may appeal staff's decision to deny an application to the Planning Board.
11. **Rental License** - If all the conditions of approval are met, a rental license is issued to the owner. The rental license must be renewed every four years. The renewal includes an on-site inspection and there is a charge for the license renewal.
12. **Expiration of Permit** - The ADU permit expires if the owner moves or upon sale, conveyance, or transfer of the property unless a new owner applies for a transfer within thirty days of purchase of the property.

# ACCESSORY DWELLING UNIT REFERENCE INFORMATION - CITY CODE EXCERPT

## CITY CODE EXCERPT OF SECTION 9-6-3, B.R.C. 1981.

### 9-6-3 SPECIFIC USE STANDARDS – RESIDENTIAL USES

#### (a) ACCESSORY UNITS

(1) **General Requirements:** Three types of accessory units are permitted: Accessory Dwelling Units, Owner's Accessory Units, and Limited Accessory Units. The following standards apply to all three types of accessory units:

#### (A) **Standards:**

- (i) Owner Occupied: The owner of the property must reside in one of the permitted dwelling units on the site.
- (ii) Occupancy Requirement: The occupancy of any accessory unit must not exceed two persons. The occupancy of the owner occupied dwelling unit does not exceed the occupancy requirements set forth in Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981, for one dwelling unit.
- (iii) Additional Roomers Prohibited: The accessory unit is not also used for the renting of rooms pursuant to Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981.

(B) **Application:** All applicants shall apply on forms provided by the city manager showing how and in what manner the criteria of of this Section are met, provide a statement of current ownership and a legal description of the property, pay the application fee prescribed by Section 4-20-43, "Development Application Fees," B.R.C. 1981 and submit plans as may be required by the city manager.

(C) **Public Notice:** Notice of the application shall be provided consistent with "Public Notice Type 4," as defined by Section 9-4-3(a).

(D) **Review and Approval:** All applications for accessory units shall be reviewed under the procedures of Section 9-2-2, "Administrative Review Procedures."

(E) **Declaration of Use Required:** Before receiving the permit, all owners shall sign a declaration of use, including all the conditions for continued use, to be recorded in the office of the Boulder County Clerk and Recorder to serve as actual and constructive notice of the legal status of the owners' property.

(F) **Expiration and Revocation of Permit:** An accessory unit permit granted by the city manager or planning board automatically expires one hundred eighty days after the date on which it is granted unless a rental license for the unit is obtained within such period. The manager may grant an extension of this period for good cause shown, but only if application therefore is made prior to the expiration of the period. After revocation or expiration of the accessory unit permit, the city manager will inspect the property to ensure that the accessory unit has been removed.

- (i) Expiration: An accessory unit permit expires upon the failure of the permittee to satisfy any condition prescribed by Subsection (a) of this Section or upon the sale, conveyance, or transfer of the property upon which the unit is located.
- (ii) Revocation: An accessory unit permit may be revoked by the city manager upon the permittee's or the permittee's tenant's conviction of a violation of this ordinance or any provision of Chapters 6-2, "Weed Control," 6-3, "Garbage," or 10-11, "Signs on Private Property" or Sections 6-1-21, "Animals as Nuisance Prohibited," or 5-6-2, "Excessive Sound Levels," B.R.C. 1981.
- (iii) Removal Required: Upon notification of permit expiration or revocation, the permittee may request a hearing as provided in Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981. Within 30 days of revocation or expiration of a permit, no owner shall fail to remove the accessory unit and return the property to its single-family use status as a single dwelling unit. The applicant shall either:
  - (a) Remove the kitchen within the accessory unit and any physical separation between the accessory unit and the balance of the unit; or

- (b) Remove any physical separation between the accessory unit and the balance of the unit and sign a declaration of use in a form acceptable to the city manager, which will be recorded with the Boulder County Clerk and Recorder, stating the property will remain owner occupied for so long as the accessory unit kitchen remains and that the dwelling unit is used by the owner and the owner's family in a manner consistent with Section 9-8-5, "Occupancy of Dwelling Units," B.R.C. 1981. No person shall fail to remove the additional kitchen installed pursuant to this Section if the dwelling unit is no longer owner occupied and if the dwelling unit requires a rental license under Chapter 10-3, "Rental Licenses," B.R.C. 1981.

(G) **Limitations on Re-Application after Revocation:** Upon revocation of a permit, the owner may not reapply for an accessory dwelling unit permit for any location in the city for a period of three years following the date of revocation or conviction.

(2) **Accessory Dwelling Units:** In addition to the general accessory unit standards in paragraph (1) above, the following standards apply to accessory dwelling units. The owner or the owners of a lot or parcel with an existing single-family dwelling unit may establish and maintain an accessory dwelling unit within the principal structure of a detached dwelling unit in the RL-2, RL-1, RE, RR-1, RR-2, A, or P districts if all of the following conditions are met and continue to be met during the life of the accessory dwelling unit:

(A) **Neighborhood Area:** In the RL-2, RL-1, RE, RR-1, RR-2, A, or P zoning districts, no more than ten percent of the single-family lots or parcels in a neighborhood area contain an accessory dwelling unit. For the purpose of this paragraph:

- (i) The "neighborhood area" in RL-1, RL-2, and P zoning districts is the area circumscribed by a line three hundred feet from the perimeter of the lot line within which any accessory dwelling unit will be located.
- (ii) The "neighborhood area" in RE, RR-1, RR-2, and A zoning districts is the area circumscribed by a line six hundred feet from the perimeter of the lot line within which any accessory dwelling unit will be located.
- (iii) For the purpose of calculating the ten percent limitation factor, a legal, non-conforming structure containing two or more units is counted as an accessory dwelling unit. The city manager may promulgate regulations defining additional methods to be used in calculating the ten percent limitation factor and the neighborhood area.
- (iv) If an application for an accessory dwelling unit exceeds the ten percent requirement set forth in this paragraph (A), the city manager will place the applicant on a waiting list for the neighborhood area. At such time as there is room for an additional accessory dwelling unit within a neighborhood area, the city manager will notify the first eligible person on the waiting list. Such person on the waiting list shall be required to provide notice of intent to file an application within 30 days and file an application within 60 days of such notice.

(B) **Parking:** In addition to the parking required in each district, one off-street parking space is provided on the lot upon which the detached dwelling unit is located meeting the setback requirements of Section 9-7-1, "Schedule of Form and Bulk Standards," B.R.C. 1981, unless a variance to the setback is granted pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981.

(C) **Criteria:** The accessory dwelling unit is clearly incidental to the principal dwelling unit and meets the following criteria:

- (i) The accessory dwelling unit is created only in a single-family detached dwelling unit on a lot of 6,000 square feet or more.
- (ii) The accessory dwelling unit is a minimum of 300 square feet, and does not exceed one-third of the total floor area of the principal structure, unless a variance is granted pursuant to Section 9-2-3, "Variances and Interpretations," B.R.C. 1981, or 1,000 square feet, whichever is less.

- (iii) The accessory dwelling unit utilizes only those utility hookups and meters allotted to the detached dwelling unit.
  - (iv) The accessory dwelling unit is created only through internal conversion of the principal structure. Minor exterior changes may be made on the building, however, if the square footage added constitutes no more than five percent of the principal structure's existing foundation area.
  - (v) If there is an interior connection between the accessory dwelling unit and the principal dwelling prior to the creation of the accessory dwelling unit, the connection shall be maintained during the life of the accessory dwelling unit. Any additional entrance resulting from the creation of an accessory dwelling unit may face the side of the lot fronting on the street only if such entrance is adequately and appropriately screened in a manner that does not detract from the single-family appearance of the principal dwelling.
- (D) **Permits for Existing Units:** No permit for an accessory dwelling unit shall be granted for a detached dwelling that is not at least five years old.
- (E) **Transfer:** An accessory dwelling unit permit may be transferred to the new owner of a dwelling unit that has an existing, approved accessory unit, if there is no person on the waiting list within the dwelling unit's neighborhood area. A new property owner may apply to transfer an accessory unit permit into its name if the following standards are met:
- (i) Proof of Ownership: The transfer applicant shall provide proof of ownership or of pending ownership of the dwelling unit.
  - (ii) Declaration of Use Required: The transfer applicant shall sign a declaration of use, that will be recorded with the Boulder County Clerk and Recorder acknowledging that the accessory dwelling unit is not automatically transferable to subsequent purchasers, that no vested right to duplex status arises by virtue of the city's granting of the accessory dwelling unit permit or a building permit to construct the same, and that lists all the conditions for the continued use of the accessory dwelling unit.
  - (iii) Rented or Occupied: The transfer applicant shall provide proof that the accessory dwelling unit has been rented or occupied in the year prior to the application for the transfer.
  - (iv) Expiration: If a new owner fails to apply for a transfer of the permit within 30 days of the purchase of the dwelling unit, the permit shall automatically expire and the re-establishment of an accessory dwelling unit will require a new application.
  - (v) Fees: The applicant shall pay the fee required by Section 4-20-43, "Development Application Fees," B.R.C. 1981, and all necessary fees for recording documents with the Boulder County Clerk and Recorder.
  - (vi) Transfer of Rental License Required: The new owner shall apply for a transfer of the rental license after the transfer of the accessory dwelling unit has been approved.
- (F) **Accessory Unit Will Not Become a Non-Conforming Use:** If the provisions of this Subsection are repealed by this or any future city council, the legal use of an accessory unit must be terminated within five years from the date of repeal, and the accessory unit will not become a non-conforming use.

# ACCESSORY DWELLING UNIT APPLICATION PROJECT INFORMATION

Submit with your application.

1. Property Address: \_\_\_\_\_ Zoning District: \_\_\_\_\_
2. Total area of lot (in square feet): \_\_\_\_\_
3. Gross floor area of house, including ADU: \_\_\_\_\_ square feet.
4. Gross floor area of the accessory dwelling unit: \_\_\_\_\_ square feet. Please note: If this number exceeds 1,000 square feet or one third (1/3) of the gross floor area of the single family dwelling unit, whichever is less, a variance must be applied for and granted prior to submitting an administrative review application for an Accessory Dwelling Unit Permit.
4. Number of paved off-street parking spaces:  
a) Existing \_\_\_\_\_ b) Proposed \_\_\_\_\_
5. Is a new entrance being added to the exterior of the home to provide access to the accessory unit?  
\_\_\_\_\_ YES \_\_\_\_\_ NO
6. If yes, does this entrance face onto the street fronting the property?  
\_\_\_\_\_ YES \_\_\_\_\_ NO
7. If yes, describe how the new entrance is screened from the street, including the design and materials to be used (attach sheets if more space is needed):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that the information and exhibits herewith submitted are true and correct to the best of my knowledge, that I have my permanent residence and currently live at the property for which this application is being made, and that I have at least a 50 percent fee simple ownership interest in the property.

Owner's Name (print) \_\_\_\_\_ Date \_\_\_\_\_

Owner's Signature \_\_\_\_\_

Owner's Name (print) \_\_\_\_\_ Date \_\_\_\_\_

Owner's Signature \_\_\_\_\_

**SIGN POSTING REQUIREMENTS**  
**APPLICANT'S ACKNOWLEDGMENT FORM**

Required for Accessory Dwelling Unit & Owner's Accessory Unit  
Administrative Review Applications

- (A) The notice shall be on weatherproof signs that have been provided by the city and placed on the subject property.
- (B) All such notice shall be posted no later than three days after the date the application is filed in order to ensure that notice is posted early in the review process.
- (C) The signs shall be placed along each abutting street, perpendicular to the direction of travel, in a manner that makes them clearly visible to neighboring residents and passers-by. At least one sign shall be posted on each street frontage.
- (D) The signs shall remain in place during the period leading up to a decision by the city but not less than 10 days.
- (E) On or before the date that the city is scheduled to make a decision on the application, the city manager will require the applicant to certify, in writing, that notice was posted according to the above requirements.

I, \_\_\_\_\_, am filing an Administrative Review Application for an  
(PRINT NAME OF APPLICANT OR CONTACT PERSON)

Accessory Dwelling Unit or Owner's Accessory Unit on behalf of the property owner(s)

\_\_\_\_\_  
(PRINT NAME OF OWNER(S) IF OTHER THAN APPLICANT/CONTACT)

for property located at \_\_\_\_\_.

I have read the city's sign posting requirements above and acknowledge and agree to the following:

- 1. I understand that I must use the sign(s) that the city will provide to me at the time that I file my application. The sign(s) will include information about my application and property location in order to provide required public notice.
- 2. I am responsible for ensuring that the sign(s) is posted on the property described above in such a way that meets the requirements of Section 9-4-3(c), B.R.C. 1981 (summarized above), including visibility of the sign(s), time and duration of the sign(s) posting, and reposting any signs that are removed, damaged, or otherwise displaced from the site. As necessary, I shall obtain a replacement sign(s) from the city for reposting.
- 3. I understand that certain future changes to my application, including but not limited to, changes to the project description or adding a review type, may require that I post a new sign(s). The city will notify me if such a reposting is required and provide me with a necessary replacement sign(s).
- 4. I understand that failing to provide the public notice by sign posting required by the city's land use regulation may result in a delay in the city's issuing a decision or a legal challenge of any issued decision.

\_\_\_\_\_  
NAME OF APPLICANT OR CONTACT PERSON

\_\_\_\_\_  
DATE

Please keep a copy of this signed form for your reference. If you have any questions about the sign posting requirements or to obtain a replacement sign, please call 303-441-1880.

**PLUMBING FIXTURE COUNT**

Property Address \_\_\_\_\_

Applicant \_\_\_\_\_

Existing Water Meter Size \_\_\_\_\_ Existing Sewer Size \_\_\_\_\_

Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

# New Bathrooms: Full \_\_\_\_\_ 3/4 \_\_\_\_\_ 1/2 \_\_\_\_\_ #Existing Bathrooms: Full \_\_\_\_\_ 3/4 \_\_\_\_\_ 1/2 \_\_\_\_\_

**CIRCLE ONE: RESIDENTIAL / COMMERCIAL**

**ROUGH-INS**

TYPE OF FIXTURE	TOTAL EXISTING PLUMBING	PLUMBING REMOVED	PLUMBING (NEW)	ROUGH-INS	
				NEW	EXISTING
Water Closet (Toilet-Tank)					
Water Closet (Toilet-Flush Value)					
Urinal					
Bathtub/Bathtub Shower Combo					
Shower Stall					
Shower Gang (per Head)					
Lavatories (Bathroom Sinks)					
Sink (Kitchen/Compartment)					
Sink (Bar/Hand)					
Sink (Service/Mop/Janitor)					
Lab Sink					
Clothes Washer (per each Pair of Faucets)					
Laundry Tub (per each Pair of Faucets)					
Dishwasher					
Drinking Fountains					
Hose Bibb/Sill Cock					
Floor Drain					
Floor Sink					
Beverage Hookup (Pop/Coffee)					
Ice Machine, _____" line size					
Dip Wells					
Interceptors (Grease/Oil/Solids)					
Interceptors (Sand/Autowash)					
OTHER:					

(Items that may use city water or dispose into city sewer.)

I, the undersigned, take full responsibility for the accuracy and completeness of the above information.

\_\_\_\_\_  
Applicant/Contractor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approved by Utilities Department

\_\_\_\_\_  
Date