

ACCESSORY DWELLING UNIT (ADU) CODE AMENDMENT

TOWN COUNCIL
JUNE 17, 2025



ACCESSORY DWELLING UNITS (ADU)

2018 Town Adopted Chapter 17.61 Regulating ADUs

- An “accessory dwelling unit” (ADU) is a secondary smaller, independent residential dwelling unit located on the same lot as a single-family home.
- Intent of Town ADU regulations is to provide:
 - (i) alternative housing options to make more efficient use of existing housing stock and infrastructure,
 - (ii) flexible use of space for property owners, and
 - (iii) a mix of housing type that responds to changing family dynamics.

April 2025: Discussed proposed changes, Directed to bring back ordinance for Council consideration

ACCESSORY DWELLING UNITS (ADU)

- Allowance – Allowed in all residential zoning districts unless expressly prohibited in PD Zoning Regulations
- Approval Process – Internal ADU's are Administrative, Detached or Addition's are UBSR (Neighborhood meetings & two Public Hearings)
- Owner Occupancy/Dual Rental - The property owner must occupy either the primary dwelling unit or the ADU. A deed restriction is recorded prohibiting the concurrent renting of both the primary dwelling unit and the ADU.
- Size – Interior ADU floor area shall not exceed 50% of the primary dwelling unit. Detached ADUs or Addition's to the primary dwelling unit shall not exceed eight hundred square (800) feet building footprint.

GOALS OF CODE UPDATE

- Streamline process for external ADUs and home additions – making all ADUs Administrative
 - 81 ADUs permits since 2018:
 - 9 public hearing- all non-controversial
 - Added time and meetings for these residents
- Aline with State HB 24-1152 on variety of areas including:
 - Remove owner-occupancy requirements
 - Allow interior ADUs to be at least 750 sq ft minimum
 - Clarify setbacks are not more restrictive than those for primary unit
 - Allow ADUs in all single-family areas, regardless of PD limitations

PROPOSED CHANGES

- Allowance – Allowed in all residential zoning districts ~~unless expressly prohibited in PD Zoning Regulations~~
- Approval Process – ~~Internal ADU's are Administrative, Detached or Addition's are UBSR (Neighborhood meetings & two Public Hearings)~~
- Owner Occupancy/Dual Rental ~~Prohibited~~ **Allowed**- The property owner must occupy either the primary dwelling unit ~~or the ADU~~ **at time of permitting. No requirement for owner occupancy after that.** ~~A deed restriction is recorded prohibiting the concurrent renting of both the primary dwelling unit and the ADU.~~ **Town is allowed to regulate ADUs for short-term rentals if desired.**
- Size – Interior ADU floor area shall not exceed 50% of the primary dwelling unit, **or 750 sqft whichever is greater.** Detached ADUs shall not exceed eight hundred square (800) feet building footprint.
- Setback – Side setbacks to match setback for accessory structures, unless those are more restrictive than for the primary structure. Rear setbacks to match setback for accessory structures, however if no rear setback in zone district, it will be 5ft.

RECOMMENDATION

Staff recommends updating the ADU code to improve the homeowner permitting process and to be in compliance with HB24-1152. Staff recommends approving an amendment to the ADU regulations to:

1. Eliminate the UBSR process, making all ADUs an administrative review
2. Remove owner-occupancy requirements, while requiring proof of owner occupancy at the time of permit
3. Allow interior ADUs to be at least 750 sq ft
4. Clarify setbacks are not more restrictive than those for primary structures
5. Allow ADUs in all single-family areas, including those with prior PD limitations

PROPOSED MOTIONS

“I move to approve the Ordinance as introduced by title.”

Alternative Motions

“I move to direct staff to bring back an ordinance amending the ADU regulations as discussed tonight with the following changes _____.”

“I move to continue this item to the Town Council meeting scheduled for [date] at 6pm. ”

QUESTIONS?

