

**CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER
Council Bill No. 09
Ordinance No. 1822
Series of 2025**

**TITLE: AN ORDINANCE AMENDING SECTION 26-646 OF THE WHEAT
RIDGE CODE OF LAWS REGARDING ACCESSORY DWELLING UNITS AND
MAKING CONFORMING AMENDMENTS THEREWITH**

WHEREAS, the City of Wheat Ridge (“City”) is a Colorado home rule municipality operating under a Charter approved by the electorate pursuant to Article XX of the Colorado Constitution and governed by its elected City Council (“Council”); and

WHEREAS, the Council has authority pursuant to the Home Rule Charter and C.R.S. §31-16-101, *et seq.* to adopt and enforce all ordinances; and

WHEREAS, pursuant to this authority, the Council previously adopted regulations for Accessory Dwelling Units (ADUs) in 2022 which allow ADUs as an accessory use to single-unit dwellings; and

WHEREAS, the State of Colorado Legislature adopted House Bill 24-1152 which requires local governments to allow ADUs within specified parameters, effective June 30, 2025, and which contains other provisions pertaining to encouraging ADU construction; and

WHEREAS, city staff have recommended certain amendments to the City’s ADU regulations contained in the Code of Laws based on the City’s actual experience in regulating ADUs for the past 2.5 years and on best practices to better align the City’s regulations with the state legislation; and

WHEREAS, the Council finds that these amendments are necessary to ensure the continued effective regulation of ADUs within the City.

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

Section 1. Section 26-205.B (Residential-One District (R-1)) of the Wheat Ridge Code of Laws is amended by creating a new footnote (g) pertaining to the size of accessory dwelling units:

B. *Development standards:*

		Maximum Height (f)	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard Setback (a)	Minimum Side Yard Setback (b)	Minimum Rear Yard Setback (b)
Principal Buildings	Single detached dwelling	35'	25%	12,500 sf	100'	30' (c)	15'	15'
	Group home	35'	25%	12,500 sf	100'	30' (c)	15'	15'
	Churches, schools, government and quasi-government buildings, golf courses, small day care center, and nursing, elderly and congregate care homes	35'	25%	1 acre	200'	30' (c)	15' (e)	20'
Accessory Buildings (d)	Major	15'	1,000 sf	N/A	N/A	30' (c)	15'	15'
	Minor	10'	200 sf	N/A	N/A	30' (c)	5'	5'
	Accessory dwelling unit, detached	25'	Floor area limited to 50% of principal, or 1,000 sf, whichever is less <u>(g)</u>	N/A	N/A	30' (c)	15'	15'
All Other Uses		35'	25%	12,500 sf	100'	30' (c)	5' (e)	15'

Notes:

- (a) Front setback reductions may be allowed in accordance with Section 26-611.
- (b) Any side or rear yard which abuts a public street shall have a minimum setback of thirty (30) feet for all structures, with the following exception: For corner lots that are sixty (60) feet or narrower in width, this requirement shall be reduced by half.
- (c) Front setbacks for structures on lots or portions of lots which abut cul-de-sacs may be reduced to ten (10) feet for those portions of lots which abut a cul-de-sac bulb. (See Figure 26-123.3 at the end of section 26-123)
- (d) See Section 26-625 for additional regulations pertaining to accessory buildings.
- (e) Fifteen-foot setback for the first story and five (5) feet for each additional story.
- (f) Bulk plane regulations shall apply in accordance with section 26-642, and may, when applied to a specific project, have the effect of reducing the maximum height permitted.
- (g) **See Section 26-646.B.3 for additional regulations and exceptions pertaining to the size and footprint of ADUs.**

Section 2. Section 26-206.B (Residential-One A District (R-1A)) of the Wheat Ridge Code of Laws is amended by creating a new footnote (g) pertaining to the size of accessory dwelling units:

B. Development standards:

		Maximum Height (f)	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard Setback (a)	Minimum Side Yard Setback (b)	Minimum Rear Yard Setback (b)
Principal Buildings	Single detached dwelling	35'	30%	9,000 sf	75'	25' (c)	10'	15'
	Group home	35'	30%	9,000 sf	75'	25' (c)	10'	15'
	Churches, schools, government and quasi-government buildings, golf courses, small day care center, and nursing, elderly and congregate care homes	35'	30%	1 acre	200'	25' (c)	15' (e)	20'
Accessory Buildings (d)	Major	15'	1,000 sf	N/A	N/A	25' (c)	5' if ≤ 10' in height; 10' if > 10' in height	5' if ≤ 10' in height; 10' if > 10' in height
	Minor	10'	400 sf	N/A	N/A	25' (c)	5'	5'
	Accessory dwelling unit, detached	25'	Floor area limited to 50% of principal, or 1,000 sf, whichever is less <u>(g)</u>	N/A	N/A	25' (c)	5' if ≤ 10' in height, 10' if > 10' in height	5' if ≤ 10' in height, 10' if > 10' in height
All Other Uses		35'	30%	9,000 sf	75'	25' (c)	10'	15'

Notes:

- (a) Front setback reductions may be allowed in accordance with Section 26-611.
- (b) Any side or rear yard which abuts a public street shall have a minimum setback of twenty five (25) feet for all structures, with the following exception: For corner lots that are sixty (60) feet or narrower in width, this requirement shall be reduced by half.
- (c) Front setbacks for structures on lots or portions of lots which abut cul-de-sacs may be reduced to ten (10) feet for those portions of lots which abut a cul-de-sac bulb. (See Figure 26-123.3 at the end of section 26-123)
- (d) See Section 26-625 for additional regulations pertaining to accessory buildings.
- (e) Fifteen-foot setback for the first story and five (5) feet for each additional story.
- (f) Bulk plane regulations shall apply in accordance with section 26-642, and may, when applied to a specific project, have the effect of reducing the maximum height permitted.
- (g) **See Section 26-646.B.3 for additional regulations and exceptions pertaining to the size and footprint of ADUs.**

Section 3. Section 26-207.B (Residential-One B District (R-1B)) of the Wheat Ridge Code of Laws is amended by creating a new footnote (i) pertaining to the size of accessory dwelling units:

B. Development standards:

		Maximum Height (h)	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width (a)	Minimum Front Yard Setback (b)	Minimum Side Yard Setback (c)	Minimum Rear Yard Setback (c)
Principal Buildings	Single detached dwelling	35'	40%	7,500 sf	60'	25' (d)	5' (e)	10'
	Group home	35'	40%	7,500 sf	60'	25' (d)	5' (e)	10'
	Churches, schools, government and quasi-government buildings, golf courses, small day care center, and nursing, elderly and congregate care homes	35'	40%	1 acre	200'	25' (d)	15' (g)	20'
Accessory Buildings (f)	Major	15'	600 sf	N/A	N/A	25' (d)	5'	5' if ≤ 10' in height; 10' if > 10' in height
	Minor	10'	300 sf	N/A	N/A	25' (d)	5'	5'
	Accessory dwelling unit, detached	25'	Floor area limited to 50% of principal, or 1,000 sf, whichever is less <u>(i)</u>	N/A	N/A	25' (d)	5'	5' if ≤ 10' in height, 10' if > 10' in height
All Other Uses		35'	40%	9,000 sf	60'	25' (d)	5' (e)	10'

Notes:

- (a) Corner lots shall have a minimum lot width of eighty (80) feet for both street frontages.
- (b) Front setback reductions may be allowed in accordance with Section 26-611.
- (c) Any side or rear yard which abuts a public street shall have a minimum setback of twenty five (25) feet for all structures, with the following exception: For corner lots that are sixty (60) feet or narrower in width, this requirement shall be reduced by half.
- (d) Front setbacks for structures on lots or portions of lots which abut cul-de-sacs may be reduced to ten (10) feet for those portions of lots which abut a cul-de-sac bulb. (See Figure 26-123.3 at the end of section 26-123)
- (e) A total of fifteen (15) feet side yard setback for every individual lot with a minimum of five (5) feet on one (1) side.
- (f) See Section 26-625 for additional regulations pertaining to accessory buildings.
- (g) Fifteen-foot setback for the first story and five (5) feet for each additional story.
- (h) Bulk plane regulations shall apply in accordance with section 26-642, and may, when applied to a specific project, have the effect of reducing the maximum height permitted.
- (i) **See Section 26-646.B.3 for additional regulations and exceptions pertaining to the size and footprint of ADUs.**

Section 4. Section 26-208.B (Residential-One C District (R-1C)) of the Wheat Ridge Code of Laws is amended by creating a new footnote (g) pertaining to the size of accessory dwelling units:

B. Development standards:

		Maximum Height (f)	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width (a)	Minimum Front Yard Setback (b)	Minimum Side Yard Setback (c)	Minimum Rear Yard Setback (c)
Principal Buildings	Single detached dwelling	35'	40%	5,000 sf	50'	20' (d)	5'	5'
	Group home	35'	40%	5,000 sf	50'	20' (d)	5'	5'
	Churches, schools, government and quasi-government buildings, golf courses, small day care center, and nursing, elderly and congregate care homes	35'	40%	1 acre	200'	20' (d)	15'	20'
Accessory Buildings (e)	Major	15'	600 sf	N/A	N/A	20' (d)	5'	5'
	Minor	10'	300 sf	N/A	N/A	20' (d)	5'	5'
	Accessory dwelling unit, detached	25'	Floor area limited to 50% of principal, or 1,000 sf, whichever is less (g)	N/A	N/A	20' (d)	5'	5'
All Other Uses		35'	40%	9,000 sf	60'	20' (d)	5' (e)	10'

Notes:

- (a) Corner lots shall have a minimum lot width of eighty (80) feet for both street frontages.
- (b) Front setback reductions may be allowed in accordance with Section 26-611.
- (c) Any side or rear yard which abuts a public street shall have a minimum setback of twenty (20) feet for all structures, with the following exception: For corner lots that are sixty (60) feet or narrower in width, this requirement shall be reduced by half.
- (d) Front setbacks for structures on lots or portions of lots which abut cul-de-sacs may be reduced to ten (10) feet for those portions of lots which abut a cul-de-sac bulb. (See Figure 26-123.3 at the end of section 26-123)
- (e) See Section 26-625 for additional regulations pertaining to accessory buildings.
- (f) Bulk plane regulations shall apply in accordance with Section 26-642, and may, when applied to a specific project, have the effect of reducing the maximum height permitted.
- (g) **See Section 26-646.B.3 for additional regulations and exceptions pertaining to the size and footprint of ADUs.**

Section 5. Section 26-209.B (Residential-Two District (R-2)) of the Wheat Ridge Code of Laws is amended by creating a new footnote (i) pertaining to the size of accessory dwelling units:

B. Development standards:

		Maximum Height (h)	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width (a)	Minimum Front Yard Setback (b)	Minimum Side Yard Setback (c)	Minimum Rear Yard Setback (c)
Principal Buildings	Single detached dwelling	35'	40%	9,000 sf	75'	25' (d)	5' (e)	10'
	Duplex dwelling	35'	40%	12,500 sf	100'	25' (d)	5' per story (e)	10'
	Group home	35'	40%	9,000 sf	75'	25' (d)	5' per story (e)	10'
	Churches, schools, government and quasi-government buildings, golf courses, small day care center, and nursing, elderly and congregate care homes	35'	40%	1 acre	200'	25' (d)	15' (g)	20'
Accessory Buildings (f)	Major	15'	1,000 sf per unit	N/A	N/A	25' (d)	5'	5' if ≤ 10' in height; 10' if > 10' in height
	Minor	10'	400 sf	N/A	N/A	25' (d)	5'	5'
	Accessory dwelling unit, detached	25'	Floor area limited to 50% of principal, or 1,000 sf, whichever is less <u>(i)</u>	N/A	N/A	25' (d)	5'	5' if ≤ 10' in height; 10' if > 10' in height
All Other Uses		35'	40%	9,000 sf	75'	25' (d)	5' (e)	10'

Notes:

- (a) Corner lots shall have a minimum lot width of eighty (80) feet for both street frontages.
- (b) Front setback reductions may be allowed in accordance with Section 26-611.
- (c) Any side or rear yard which abuts a public street shall have a minimum setback of twenty five (25) feet for all structures, with the following exception: For corner lots that are sixty (60) feet or narrower in width, this requirement shall be reduced by half.
- (d) Front setbacks for structures on lots or portions of lots which abut cul-de-sacs may be reduced to ten (10) feet for those portions of lots which abut a cul-de-sac bulb. (See Figure 26-123.3 at the end of section 26-123)
- (e) A total of fifteen (15) feet side yard setback for every individual lot with a minimum of five (5) feet on one (1) side.
- (f) See Section 26-625 for additional regulations pertaining to accessory buildings.
- (g) Fifteen-foot setback for the first story and five (5) feet for each additional story.
- (h) Bulk plane regulations shall apply in accordance with section 26-642, and may, when applied to a specific project, have the effect of reducing the maximum height permitted.
- (i) **See Section 26-646.B.3 for additional regulations and exceptions pertaining to the size and footprint of ADUs.**

Section 6. Section 26-210.B (Residential-Two A District (R-2A)) of the Wheat Ridge Code of Laws is amended by creating a new footnote (j) pertaining to the size of accessory dwelling units:

B. Development standards:

		Maximum Height (i)	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width (a)	Minimum Front Yard Setback (b)	Minimum Side Yard Setback (c)	Minimum Rear Yard Setback (c)
Principal Buildings	Single detached dwelling	35'	40%	7,500 sf	60'	25' (d)	5' (d)	10'
	Duplex dwelling	35'	40%	9,000 sf	75'	25' (d)	5' per story	10'
	Multi-unit dwelling (3/more dwelling units) (h)	35'	40%	13,050 sf (e)	100'	25' (d)	5' per story	10' for one or two story buildings; 15' for three story
	Group home	35'	40%	9,000 sf	75'	25' (d)	5' per story	10'
	Churches, schools, government and quasi-government buildings, golf courses, small day care center, and nursing, elderly and congregate care homes	35'	40%	1 acre	200'	25' (d)	15' (f)	20'
Accessory Buildings (g)	Major	15'	600 sf (per unit)	N/A	N/A	25' (d)	5'	5' if ≤ 10' in height; 10' if > 10' in height
	Minor	10'	400 sf/4 d.u.	N/A	N/A	25' (d)	5'	5'
	Accessory dwelling unit, detached	25'	Floor area limited to 50% of principal, or 1,000 sf, whichever is less (j)	N/A	N/A	25' (d)	5'	5' if ≤ 10' in height; 10' if > 10' in height
All Other Uses		35'	40%	9,000 sf	75'	25' (d)	5'	10'

Notes:

- (a) Corner lots shall have a minimum lot width of eighty (80) feet for both street frontages.
- (b) Front setback reductions may be allowed in accordance with Section 26-611.
- (c) Any side or rear yard which abuts a public street shall have a minimum setback of twenty five (25) feet for all structures, with the following exception: For Corner lots that are sixty (60) feet or narrower in width, this requirement shall be reduced by half.
- (d) Front setbacks for one-or two-unit dwelling structures on lots or portions of lots which abut cul-de-sacs may be reduced to ten (10) feet for those portions of lots which abut a cul-de-sac bulb. (See Figure 26-123.3.)
- (e) A minimum of four thousand three hundred fifty (4,350) square feet of land area shall be required for each dwelling unit for multi-unit buildings.
- (f) Fifteen-foot setback for the first story and five (5) feet for each additional story.
- (g) See Section 26-625 for additional regulations pertaining to accessory buildings.
- (h) Individual townhouse lots shall be exempt from minimum lot size, lot width, and interior side yard setback requirements, so long as the development parcel for the entire multi-unit townhouse building meets all standards of this section. See section 26-411.C regarding the required plat note for townhouse lots.
- (i) Bulk plane regulations shall apply in accordance with section 26-642, and may, when applied to a specific project, have the effect of reducing the maximum height permitted.
- (j) **See Section 26-646.B.3 for additional regulations and exceptions pertaining to the size and footprint of ADUs.**

[...]

Section 7. Section 26-211.B (Residential-Three District (R-3)) of the Wheat Ridge Code of Laws is amended by creating a new footnote (j) pertaining to the size of accessory dwelling units:

B. Development standards:

		Maximum Height (i)	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width (a)	Minimum Front Yard Setback (b)	Minimum Side Yard Setback (d)	Minimum Rear Yard Setback (d)
Principal Buildings	Single detached dwelling	35'	40%	7,500 sf	60'	25' (e)	5'	10'
	Duplex dwelling	35'	40%	9,000 sf	75'	25' (e)	5' per story	10'
	Multi-unit dwelling (3/more dwelling units)	35'	40%	12,500 sf (f)	100'	25' (e)	15' (c)	15' (c)
	Group home	35'	40%	9,000 sf	75'	25' (e)	5' per story	10'
	Churches, schools, government and quasi-government buildings, golf courses, small day care center, and nursing, elderly and congregate care homes	35'	40%	1 acre	200'	25' (e)	15' (c)	20'
Accessory Buildings (g)	Major	15'	600 sf (per unit)	N/A	N/A	25' (e)	5'	5' if ≤ 10' in height; 10' if > 10' in height
	Minor	10'	400 sf/4 d.u.	N/A	N/A	25' (e)	5'	5'
	Accessory dwelling unit, detached	25'	Floor area limited to 50% of principal, or 1,000 sf, whichever is less <u>(j)</u>	N/A	N/A	25' (e)	5'	5' if ≤ 10' in height; 10' if > 10' in height
All Other Uses		35'	40%	7,500 sf	60'	25' (e)	5' per story	10'

Notes:

- (a) Corner lots shall have a minimum lot width of eighty (80) feet for both street frontages.
- (b) Front setback reductions may be allowed in accordance with Section 26-611.
- (c) Side and rear yard setback shall be fifteen (15) feet for the first two (2) stories and an additional five (5) feet for each additional story over two (2) stories.
- (d) Any side or rear yard which abuts a public street shall have a minimum setback of twenty-five (25) feet for all structures, with the following exception: For corner lots that are sixty (60) feet or narrower in width, this requirement shall be reduced by half.

- (e) Front setbacks for one-or two-unit dwelling structures on lots or portions of lots which abut cul-de-sacs may be reduced to ten (10) feet for those portions of lots which abut a cul-de-sac bulb. (See Figure 26-123.3.)
- (f) A minimum of three thousand six hundred thirty (3,630) square feet of land area shall be required for each dwelling unit for multi-unit buildings.
- (g) See Section 26-625 for additional regulations pertaining to accessory buildings.
- (h) Individual townhouse lots shall be exempt from minimum lot size, lot width, and interior side yard setback requirements, so long as the development parcel for the entire multi-unit townhouse building meets all standards of this section. See section 26-411.C regarding the required plat note for townhouse lots.
- (i) Bulk plane regulations shall apply in accordance with section 26-642, and may, when applied to a specific project, have the effect of reducing the maximum height permitted.
- (j) **See Section 26-646.B.3 for additional regulations and exceptions pertaining to the size and footprint of ADUs.**
[...]

Section 8. Section 26-212.B (Residential-Three A District (R-3 A)) of the Wheat Ridge Code of Laws is amended by creating a new footnote (j) pertaining to the size of accessory dwelling units:

B. Development standards:

		Maximum Height (i)	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width (a)	Minimum Front Yard Setback (b)	Minimum Side Yard Setback (d)	Minimum Rear Yard Setback (d)
Principal Buildings	Single detached dwelling	35'	40%	7,500 sf	60'	25' (e)	5'	10'
	Duplex dwelling	35'	40%	9,000 sf	75'	25' (e)	5' per story	10'
	Multi-unit dwelling (3/more dwelling units) (h)	35'	40%	12,500 sf (f)	100'	25' (e)	15' (c)	15' (c)
	Group home	35'	40%	9,000 sf	75'	25' (e)	5' per story	10'
	Churches, schools, government and quasi-government buildings, golf courses, small day care center, and nursing, elderly and congregate care homes	35'	40%	1 acre	200'	25'	15' (c)	20'
Accessory Buildings (g)	Major	15'	600 sf (per unit)	N/A	N/A	25' (e)	5'	5' if ≤ 10' in height; 10' if > 10' in height
	Minor	10'	400 sf/4 d.u.	N/A	N/A	25' (e)	5'	5'
	Accessory dwelling unit, detached	25'	Floor area limited to 50% of principal, or 1,000 sf, whichever is less (j)	N/A	N/A	25' (e)	5'	5' if ≤ 10' in height; 10' if > 10' in height

		Maximum Height (i)	Maximum Building Coverage	Minimum Lot Area	Minimum Lot Width (a)	Minimum Front Yard Setback (b)	Minimum Side Yard Setback (d)	Minimum Rear Yard Setback (d)
All Other Uses		35'	40%	7,500 sf	60'	25' (e)	5' per story	10'

Notes:

- (a) Corner lots shall have a minimum lot width of eighty (80) feet for both street frontages.
- (b) Front setback reductions may be allowed in accordance with Section 26-611.
- (c) Side and rear yard setback shall be fifteen (15) feet for the first two (2) stories and an additional five (5) feet for each additional story over two (2) stories.
- (d) Any side or rear yard which abuts a public street shall have a minimum setback of twenty five (25) feet for all structures, with the following exception: For corner lots that are sixty (60) feet or narrower in width, this requirement shall be reduced by half.
- (e) Front setbacks for one-or two-unit dwelling structures on lots or portions of lots which abut cul-de-sacs may be reduced to ten (10) feet for those portions of lots which abut a cul-de-sac bulb. (See Figure 26-123.3.)
- (f) A minimum of three thousand nine hundred sixty (3,960) square feet of land area shall be required for each dwelling unit for multi-unit buildings.
- (g) See Section 26-625 for additional regulations pertaining to accessory buildings.
- (h) Individual townhouse lots shall be exempt from minimum lot size, lot width, and interior side yard setback requirements, so long as the development parcel for the entire multi-unit townhouse building meets all standards of this section. See section 26-411.C regarding the required plat note for townhouse lots.
- (i) Bulk plane regulations shall apply in accordance with section 26-642, and may, when applied to a specific project, have the effect of reducing the maximum height permitted.
- (j) **See Section 26-646.B.3 for additional regulations and exceptions pertaining to the size and footprint of ADUs.**
[...]

Section 9. Section 26-213.B (Agricultural-One District (A-1)) of the Wheat Ridge Code of Laws is amended by creating a new footnote (f) pertaining to the size of accessory dwelling units:

B. Development standards:

		Maximum Height	Maximum Building Coverage	Minimum Lot Area (d)	Minimum Lot Width	Minimum Front Yard Setback	Minimum Side Yard Setback (a)	Minimum Rear Yard Setback (b)
Principal Buildings	Single detached dwelling	35'	25%	1 acre	140'	30' (c)	15'	15'
	Group home	35'	25%	1 acre	140'	30' (c)	15'	15'
	Churches, schools, government and quasi-government buildings, golf courses, small day care center, and nursing, elderly and congregate care homes	35'	25%	1 acre	200'	30' (c)	15'	20'
Accessory Buildings (e)	Major	35'	25%	N/A	N/A	30' (c)	15'	5'
	Minor	35'	25%	N/A	N/A	30' (c)	15'	5'
	Accessory dwelling unit, detached	25'	Floor area limited to	N/A	N/A	30' (c)	15'	5'

		Maximum Height	Maximum Building Coverage	Minimum Lot Area (d)	Minimum Lot Width	Minimum Front Yard Setback	Minimum Side Yard Setback (a)	Minimum Rear Yard Setback (b)
			50% of principal, or 1,000 sf, whichever is less (f)					
All Other Uses		35'	25%	1 acre	140'	30'	15'	15'

Notes:

- (a) Any side yard which abuts a public street shall have a minimum setback of thirty (30) feet for all structures.
- (b) Any rear yard which abuts a public street shall have a minimum setback of thirty (30) feet for all structures, except where greater setbacks are specifically required.
- (c) Front setbacks for single-unit dwelling structures on lots or portions of lots which abut cul-de-sacs may be reduced to ten (10) feet for those portions of lots which abut a cul-de-sac bulb. (See figure 26-123.3)
- (d) Lots smaller than one (1) acre may be used only for residential purposes.
- (e) See Section 26-625 for additional regulations pertaining to accessory buildings.
- (f) **See Section 26-646.B.3 for additional regulations and exceptions pertaining to the size and footprint of ADUs.**

Section 10. Section 26-214.B (Agricultural-Two District (A-2)) of the Wheat Ridge Code of Laws is amended by removing the existing footnote (d) which contains an error conflicting with the table and other Code requirements, appropriate re-lettering of remaining sections, and the addition of a new footnote (f) pertaining to the size of accessory dwelling units:

B. Development standards:

		Maximum Height	Maximum Building Coverage	Minimum Lot Area (e) (d)	Minimum Lot Width	Minimum Front Yard Setback	Minimum Side Yard Setback (a)	Minimum Rear Yard Setback (b)
Principal Buildings	Single detached dwelling	35'	25%	1 acre	140'	30' (c)	15'	15'
	Group home	35'	25%	1 acre	140'	30' (c)	15'	15'
	Churches, schools, government and quasi-government buildings, golf courses, small day care center, and nursing, elderly and congregate care homes	35'	25%	1 acre	200'	30' (c)	15'	20'
Accessory Buildings (f) (e)	Major	35'	25%	N/A	N/A	30' (c)	15'	5'
	Minor	35'	25%	N/A	N/A	30' (d)	15'	5'
	Accessory dwelling unit, detached	25'	Floor area limited to 50% of principal, or 1,000 sf,	N/A	N/A	30' (c)	15'	5'

		Maximum Height	Maximum Building Coverage	Minimum Lot Area (e) <u>(d)</u>	Minimum Lot Width	Minimum Front Yard Setback	Minimum Side Yard Setback (a)	Minimum Rear Yard Setback (b)
			whichever is less <u>(f)</u>					
All Other Uses		35'	25%	1 acre	140'	30'	15'	15'

Notes:

- (a) Any side yard which abuts a public street shall have a minimum setback of thirty (30) feet for all structures.
- (b) Any rear yard which abuts a public street shall have a minimum setback of thirty (30) feet for all structures, except where greater setbacks are specifically required.
- (c) Front setbacks for single-unit dwelling structures on lots or portions of lots which abut cul-de-sacs may be reduced to ten (10) feet for those portions of lots which abut a cul-de-sac bulb. (See figure 26-123.3)
- ~~(d) Accessory buildings housing livestock (including poultry, kennels and rabbits) shall be set back one hundred (100) feet from the front property line. All other accessory buildings not listed shall have a minimum front setback of seventy-five (75) feet.~~
- ~~(e)~~ (d) Lots smaller than one (1) acre may be used only for residential purposes.
- ~~(f)~~ (e) See Section 26-625 for additional regulations pertaining to accessory buildings.
- (f) See Section 26-646.B.3 for additional regulations and exceptions pertaining to the size and footprint of ADUs.

Section 11. Section 26-312.L of the Wheat Ridge Code of Laws, concerning planned residential development (PRD) district regulations, is hereby amended as follows:

L. Any planned residential development ~~approved on and after August 1, 2022,~~ which allows single detached dwelling units as a primary use shall allow accessory dwelling units as an accessory use.

Section 12. Section 26-316.B of the Wheat Ridge Code of Laws, concerning planned mixed-use development (PMUD) district regulations, is hereby amended as follows:

B. *Permitted uses.* Permitted uses shall be a mixture of residential and commercial uses governed by approval of the outline development plan. Extended stay lodging shall be permitted only in planned mixed use districts and planned commercial districts, and only as a special use subject to the standards in chapter 11, article XVI. Any planned mixed-use development ~~approved on and after August 1, 2022,~~ which allows single detached dwelling units as a primary use shall allow accessory dwelling units as an accessory use.

Section 13. Section 26-646.A of the Wheat Ridge Code of Laws concerning eligible zone districts for Accessory Dwelling Units is hereby amended as follows:

A. *Eligible zone districts:* An accessory dwelling unit (ADU) shall be permitted as an accessory use to single detached dwellings in all residential and agricultural zone districts, the mixed use-neighborhood (MU-N) zone district, and portions of the mixed use-Lutheran Legacy campus (MU-LLC) zone

district per the table of permitted uses (Table 5) in section 26-1410.B. Planned residential developments and planned mixed use developments that are approved on and after August 15, 2022 and that allow single detached dwelling units as a primary use shall also allow ADUs as an accessory use.

Section 14. Section 26-646.B of the Wheat Ridge Code of Laws concerning development standards for Accessory Dwelling Units is hereby amended as follows:

B. Development standards:

...

3. ~~Size: The floor area of an accessory dwelling unit shall not exceed fifty (50) percent of the gross floor area of the primary dwelling unit, or one thousand (1,000) square feet, whichever is more restrictive. As an exception to this rule, an attached accessory dwelling unit in a basement or second floor may exceed this allowance, provided the area does not exceed the area of the first floor of the same structure.~~

a. The floor area of an accessory dwelling unit shall not exceed fifty (50) percent of the gross floor area of the primary dwelling unit, or one thousand (1,000) square feet, whichever is more restrictive. Regardless of this limit, ADUs shall always be permitted between five hundred (500) and seven hundred fifty (750) square feet in size, so long as the gross floor area of the ADU does not exceed that of the primary dwelling unit.

b. As an exception, an attached accessory dwelling unit in a basement or second floor may exceed the size limitations, provided the area does not exceed the area of the first floor of the same structure.

c. The maximum footprint of a detached ADU structure shall be one thousand (1,000) square feet. This footprint shall include the allotted floor area of the ADU, plus any other spaces attached to the ADU, such as a garage, carport, porch, or deck.

...

Section 15. Section 26-646.E of the Wheat Ridge Code of Laws concerning owner occupancy requirements for Accessory Dwelling Units is hereby amended as follows:

*E. Owner occupancy***Occupancy and sale restrictions:**

1. If the ADU is to be operated as a "partial-home" short-term rental as described in section 26-645, then the property owner, as reflected in title

records and evidenced by voter registration, vehicle registration or other similar means, must occupy either the primary dwelling unit or the ADU.

~~2. Deed restriction: As a condition of and prior to approval of an ADU, or issuance of building permit for the ADU (or at a later time if determined by the director as appropriate for the proposed initial or later use of the property), the property owner shall be required to execute a declaration of restrictions, binding upon successors and assigns, in a form approved by the city attorney, to be recorded by the city with the Jefferson County Clerk and Recorder, which requires that:~~

- ~~a. The ADU shall not be sold separately from the primary dwelling unit, nor shall the lot on which it is situated be subdivided unless such subdivision can be accomplished in accordance with all provisions of this Code;~~
- ~~b. The primary dwelling unit or the ADU shall be occupied by the property owner; and~~
- ~~c. Failure to continuously comply with deed restrictions may subject the owner of the property to penalties provided for in this Code, including the revocation of the certificate of occupancy or completion.~~

2. The ADU shall not be sold separately from the primary dwelling unit, nor shall the lot on which it is situated be subdivided unless such subdivision can be accomplished in accordance with all provisions of this Code.

~~3. Removal of deed restriction: In the event the ADU is demolished or modified such that it no longer functions as an ADU, the community development director shall record appropriate documentation releasing such encumbrance upon written request of the property owner.~~

Section 16. Section 26-646.F of the Wheat Ridge Code of Laws concerning nonconforming Accessory Dwelling Units is hereby amended as follows including the removal of 26.646.F.4 and renumbering the remaining subsection accordingly:

A. Nonconforming properties:

1. Owners of property currently containing structures which may fall within the definition of ADU under section 26-123, are hereby granted the right to apply to the city for approval of the same until August 15, 2026. Following that date, and in absence of city approval of an ADU under this section, unapproved or unpermitted ADUs shall be subject to enforcement as provided by law. ~~Upon review and approval of such applications by the city, the deed restriction requirement of subsection E. shall apply.~~ Development standards of subsection B. do not apply.
2. A building permit shall be required for any construction or modification of the ADU to bring the structure into compliance with applicable building codes, to the extent practical, as determined by the community development director, in consultation with the chief building official. A building permit is not required to the extent the ADU is determined to be

legally nonconforming pursuant to section 26-120 as documented by proof provided by the owner and to the satisfaction of the community development director.

3. If a property contains more than one (1) ADU, deemed lawful pursuant to subsections F.1. and F.2. by August 15, 2026, those ADUs shall be allowed to remain until voluntarily demolished or converted to other uses, consistent with the provisions of Code subsection 26-120.C.
- ~~4. The owner occupancy requirement of this section shall not apply to properties which, on August 15, 2022 (as documented by proof provided by the owner and to the satisfaction of the community development director), contain a primary dwelling and ADU, neither of which are occupied by the owner. In the event the property is sold or the owner commences occupancy of either the primary dwelling or ADU, this exemption from the application of the owner occupancy requirements of this section shall expire.~~
5. **4.** Properties containing existing nonconforming accessory structures may be eligible for conversion of those structures to an ADU only to the extent a variance to address nonconforming elements is first obtained pursuant to section 26-115.

Section 17. Safety Clause. The City of Wheat Ridge hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 18. Severability, Conflicting Ordinances Repealed. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 19. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 28th day of April 2025, ordered published by title and in full on the City's website as provided by the Home Rule Charter, and Public Hearing and consideration on final passage set for May 12, 2025 at 6:30 p.m., as a virtual meeting and in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 7 to 0 this 12th day of May 2025.

SIGNED by the Mayor on this 14th day of May 2025.



A handwritten signature in black ink, appearing to read "Bud Starker", written over a horizontal line.

Bud Starker, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Margy Greer", written over a horizontal line.

Margy Greer, Senior Deputy City Clerk

Approved as to Form

A handwritten signature in black ink, appearing to read "Gerald E. Dahl", written over a horizontal line.

Gerald E. Dahl, City Attorney

First Publication: April 29, 2025

Second Publication: May 13, 2025

Effective Date: May 28, 2025

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