

ORDINANCE NO. 8

Series of 2020

AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO, AMENDING STANDARDS IN THE GLENWOOD SPRINGS MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS.

WHEREAS, the City of Glenwood Springs (“Glenwood Springs” or the “City”) is a home- rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Glenwood Springs Home Rule Charter; and

WHEREAS, on October 16, 2019 the Planning and Zoning Commission held a joint work session with the Housing Commission and City Council to discuss amending standards in the Development Code related to density and accessory dwelling units (ADUs) in an effort to address renewed housing pressure and the tight rental market in the City; and

WHEREAS, on November 19, 2020, the Planning and Zoning Commission and Housing Commission held another work session and recommended amendments to ADU standards in the Development Code to encourage increased production of ADUs; and

WHEREAS, Community Development staff incorporated these amendments and presented them to the Planning and Zoning Commission for consideration at a public hearing held on February 25, 2020; and

WHEREAS, the Planning and Zoning Commission recommended amendments to provisions in the Municipal Code relating to ADUs including increasing the permissible size of an ADU, reducing setback standards to accommodate ADUs when certain criteria is met, allowing detached ADUs to be located in front yards, allowing existing structures with nonconforming setbacks to be converted to an ADU as long as the specific nonconformity is not increased, and other revisions to Sections 070.030.040, 070.040.080, and 070.070.030 as set forth on **Exhibit A**; and

WHEREAS, at its regular meeting on April 16, 2020, City Council received and considered the recommendations of the Planning and Zoning Commission set forth on **Exhibit A**; and

WHEREAS, the City Council finds and declares that the amendments to Sections 070.030.040, 070.040.080 and 070.070.030 of the Municipal Code set forth on **Exhibit A** satisfy the Code Amendment Approval Criteria set forth in Municipal Code Section 070.060.040(3)(c)d.3. and are proper and necessary to advance the public health, safety and welfare of the City’s residents.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS, COLORADO, ORDAINS:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Title 070 of the Glenwood Springs Municipal Code is hereby amended as set forth in **Exhibit A** attached hereto.

INTRODUCED, READ ON FIRST READING, PASSED AND ORDERED
PUBLISHED BY TITLE ONLY THIS 16TH DAY OF APRIL 2020.

CITY OF GLENWOOD SPRINGS, COLORADO



Jonathan Godes, Mayor

ATTEST:



Catherine Mythen Fletcher, City Clerk

INTRODUCED, READ ON SECOND READING, AND ORDERED PUBLISHED BY
TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE OF SECOND
PUBLICATION THIS 7TH DAY OF MAY 2020.

CITY OF GLENWOOD SPRINGS, COLORADO



Jonathan Godes, Mayor

ATTEST:



Catherine Mythen Fletcher, City Clerk

EXHIBIT A

SECTION 070.030.040 - Accessory Uses and Structures is hereby amended as follows with double underlined text added and ~~strike-through language deleted~~.

- (a) *Purpose.* The purpose of this Section is to establish minimum standards for accessory uses that are incidental and customarily subordinate to principal uses. These standards are established to minimize adverse impacts on surrounding properties and the community.
- (b) *Accessory Uses and Structures Allowed.* All principal uses allowed in a zoning district per Table 030.1: Table of Allowed Uses, shall be deemed to include those accessory uses, structures, and activities typically associated with that use, unless specifically prohibited in this Section. Typical accessory uses and structures are identified in Section 070.070.020, Definitions of Use Categories and Specific Use Types. Accessory uses are subject to the standards in this Section and any applicable use-specific standards for the associated principal use in Section 070.030.030.
- (c) *General Standards for Accessory Uses and Structures.*
 - (1) *Compliance with this Code.* Accessory uses and structures are subject to the dimensional standards in Article 070.020: Zoning Districts, and the development standards in Article 070.040, unless otherwise stated in this Section.
 - (2) *Ownership.* Accessory structures and uses shall be under the same ownership as the principal structure and use. The property shall use the same utility meter with the exception of an accessory dwelling unit.
 - (3) *Relationship to Principal Uses and Structures.*
 - a. Any accessory use or structure shall be conducted and located on the same lot as the principal use and structure.
 - b. Unless otherwise allowed by this Code, an accessory use or structure shall not be established prior to the establishment of the principal use or structure.
 - c. No accessory use or structure shall be allowed unless the primary structure or use is being used.
 - (4) *Size of Accessory Structures.* Unless otherwise stated in this Code, the maximum size for an accessory structure shall be one thousand (1,000) square feet. The maximum total for all accessory structures, not including Accessory Dwelling Units, on a lot shall be one thousand (1,000) square feet.
 - (5) *Dimensional Standards for Accessory Structures.*
 - a. Accessory structures shall not be located in a required front yard.
 - b. Accessory structures may be located in a required rear yard provided that not more than forty (40) percent of the required rear yard is covered. The required rear yard area shall be calculated by taking the full width of the lot by the minimum rear setback distance based on the applicable zoning district and are set forth in Article 070.020: Zoning Districts, measured horizontally from the rear lot line.
 - c. Accessory structures shall observe a ten-foot setback from the rear lot line when such line abuts an alley, or a seven-and-one-half-foot setback where there is no alley.

- d. Accessory structures shall observe a five-foot setback from side lot lines.
 - e. Accessory structures shall not be located over a recorded easement or over any known utility.
- (6) *Outdoor Storage.* Outdoor storage associated with any accessory use or structure is prohibited.
- (d) *Additional Standards for Specific Accessory Uses and Structures.*
- (1) *Accessory Dwelling Units.*
- a. *Purpose and Intent.* The intent of this Subsection is to promote small rental housing units in the form of accessory dwelling units on lots with detached single-family dwellings, to increase the stock of attainable rental housing in the community, use available land more efficiently, and minimize the additional infrastructure that must be provided to support such rental units. These standards are established to minimize impacts to the surrounding residential neighborhoods and the community.
 - b. *Applicability.* These standards apply to all accessory dwelling units. Private covenants, conditions, or restrictions on any development, subdivision, or use of land do not preclude compliance with this Section.
 - c. *Ownership.* An accessory dwelling unit shall not be sold independently of the principal dwelling on the parcel.
 - d. *Where Permitted.*
 - 1. Accessory dwelling units are allowed in zoning districts according to Table 030.1, Table of Allowed Uses.
 - 2. Accessory dwelling units are allowed within a planned unit development unless specifically identified as a prohibited use by the planned unit development.
 - 3. Accessory dwelling units are allowed by right within a historic district only when they are internal to an existing residential dwelling or existing accessory structure.
 - 4. Accessory dwelling units shall only be permitted on a lot where a detached single-family dwelling exists or will be constructed concurrently with the accessory dwelling unit.
 - e. *Compatibility.* Colors, materials, and design of the accessory dwelling unit shall be substantially the same as the principal dwelling. ~~If applicable, construction of accessory dwelling units shall be required to comply with the building design standards in Section 070.040.080, Residential Site and Building Design.~~
 - f. *Four-Sided Design*

For new construction, a minimum of two architectural features listed below shall be incorporated into the overall design on each side of the accessory dwelling unit.

Architectural features appropriate for achieving this standard may include:

 - 1.Covered porches;
 - 2.Balconies,
 - 3.Prominent entry features;

4.Windows;

5.Door openings.

6.Distinct variations in color (not a slight variation of a similar hue, such as beige or pastel);

7.Variations in materials;

8.Variations in building height;

9.Variation in roof form;

10.Dormers;

11.Projected or recessed building walls; or

12.Another architectural feature as approved by the Director.

~~f.g.~~ *Number and Size of Accessory Dwelling Units.* Accessory dwelling units shall comply with all of the following:

1. Only one (1) accessory dwelling unit shall be permitted per parcel.
2. The gross floor area of an accessory dwelling unit shall be no less than three hundred (300) square feet of living area and no more than ~~eight hundred fifty (850)~~ one thousand (1000) square feet living area. For purposes of this standard, "living area" shall be calculated by excluding the following areas from the overall gross building area:
 - i. The thickness of the exterior walls;
 - ii. Garage areas;
 - iii. Basement areas where the ceiling height measured from the floor is less than six (6) feet; and
 - iv. Any other building areas where the floor to ceiling height is either less than five (5) feet or area is not accessible by a stairway.
3. The area of an accessory dwelling unit shall not exceed ~~forty-nine (49)~~ fifty-five (55) percent of the area of the principal dwelling. The percentage used to demonstrate compliance with this requirement shall be determined by dividing the proposed building area of the accessory dwelling unit measured in square feet by the proposed building area of the principal dwelling measured in square feet. Where a portion of the principal dwelling is to be converted to an accessory dwelling unit, the size of the principal dwelling used in the calculation shall be its square footage after subtracting the building area of the accessory dwelling unit.
4. Unit Size Exception. The limitations of f.3 above shall not apply to Accessory Dwelling Units located within the footprint of an existing home as long as the Accessory Dwelling Unit is not larger than 50% of the existing structure, including

the basement, up to the maximum allowed gross floor area in f.2. For example, if a home has a 1,000 square foot basement, an Accessory Dwelling Unit could be established in this space if the principal dwelling also contains at least 1,000 square feet.

~~h-g.~~ *Dimensional Standards.*

1. The accessory dwelling unit shall comply with the applicable zoning district requirements unless otherwise noted in 070.030.040(c)(5)c.
2. A detached accessory dwelling unit shall be located in the rear yard or side yard of the principal building.
3. Front yard exception. A detached accessory dwelling unit may be located in the front yard under the following conditions:
 - i. All other code requirements are met; and
 - ii. The existing primary structure is located within fifteen feet of the rear lot line; or
 - iii. An accessory dwelling unit is proposed within or on top of a legally conforming garage that exists in the front yard where the ADU will not increase the building footprint.
4. Accessory dwelling units may be located in the required rear yard provided that not more than sixty (60) percent of the required rear yard is covered.
5. Accessory dwelling units may observe a minimum five-foot setback from the rear lot line with the following conditions:
 - i. Five-foot rear yard setbacks shall receive approval from the Electrical Superintendent and Public Works Director for overhead and underground utility clearance; and
 - ii. Roof eaves or other incidental architectural features may not encroach into the five foot setback.
 - iii. Administrative adjustments to reduce the setback further are not allowed.
6. The height of a detached accessory dwelling unit shall not exceed twenty-seven (27) feet.

i. ~~h.~~ *Preservation of Existing Structures*

Conversion of an existing legal non-conforming structure to an accessory dwelling unit is allowed, provided that the conversion does not increase the non-conformity.

~~j-i.~~ *Utilities and Dedications.* Any costs associated with any utility service or line extension upgrade shall be borne by the developer. An accessory dwelling unit may be metered

independently from the primary dwelling. If an unmetered property requests a meter for an accessory dwelling unit, the entire property shall become metered. System improvement fees shall be charged as required by Subsection 070.040.030(g), Dedications and Impact Fees, or as established by City Council. Also see 080.060, System Improvement Fees.

SECTION 070.040.080 - Residential Site and Building Design, is hereby amended as follows with double underlined text added and ~~strike-through language deleted~~.

(d) *Residential Site Design Standards.*

(1) *General Intent.* These residential site design standards are generally intended to:

- a. Encourage the use of creative site planning and design techniques that complement Glenwood Springs' unique topographic features;
- b. Protect the established character of the City's residential neighborhoods while allowing for the natural evolution of the City's neighborhoods through renovations, infill, and redevelopment;
- c. Reinforce and continue to allow the variation in streetscape character found in Glenwood Springs' neighborhoods;
- d. Protect the privacy and solar access of neighboring residents in areas where infill and redevelopment and higher-density development are likely to occur over time;
- e. Promote a more compact and pedestrian-friendly pattern of residential development, especially in mixed-use areas and along travel corridors that have traditionally been occupied by auto-oriented commercial development; and
- f. Reduce the visual impacts of surface parking on the City's street frontages.

(2) *Dimensional Standards.*

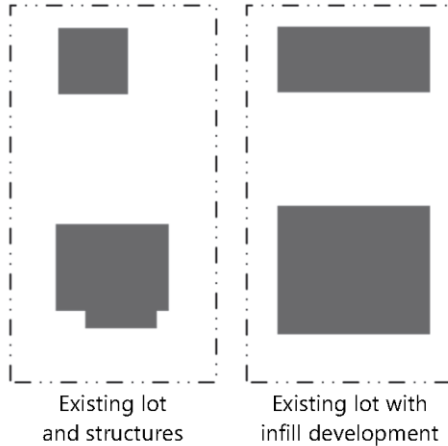
- a. *Front Yard Setbacks.* For all residential development, front yard setbacks are based on the applicable zoning district and are set forth in Article 070.020: Zoning Districts.
- b. *Side Yard Setbacks.*
 1. For all residential development, side yard setbacks for primary structures are based on the applicable zoning district and are set forth in Article 070.020: Zoning Districts.
 2. Side yard setbacks for garages and other buildings accessory to residential uses shall be a minimum of five (5) feet, provided the garage does not exceed one (1) story in height. A zero-foot side setback may be used to accommodate a common garage that is shared across a side lot line. Garages that exceed one (1) story in height shall comply with the setback applicable to primary structures.
- c. *Rear Yard Setbacks.*
 1. For all residential development, rear yard setbacks are based on the applicable zoning district and are set forth in Article 070.020: Zoning Districts.
 2. An accessory structure that does not include a living unit may be located in a rear yard, provided that not more than forty (40) percent of the rear yard is covered. Such

building shall observe a ten-foot setback from the rear lot line when such line abuts an alley, or a seven-and-one-half-foot setback where there is no alley.

d. *Lot Coverage.*

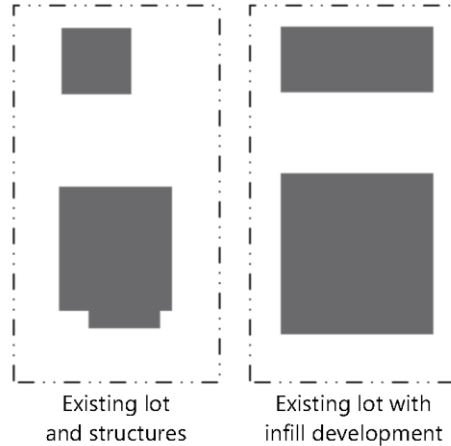
1. *Maximum Lot Coverage.* For infill residential development, maximum lot coverage shall be fifty (50) percent of the total lot area, or twenty-five (25) percent above the existing lot coverage, whichever is less. (Figure 040-12: Maximum Lot Coverage Example Calculations)

Example A



Lot size: 6,000 sf
 Existing lot coverage: $(1,250/6,000) = 21\%$
 Allowable lot coverage: $21\% + 25\% = 46\%$
 Allowable lot coverage in square feet:
 $46\% \times 6,000\text{sf} = 2,800\text{ sf}$

Example B



Lot size: 6,000 sf
 Existing lot coverage: $(1,850/6,000) = 30\%$
 Allowable lot coverage: 50%
 Allowable lot coverage in square feet:
 $50\% \times 6,000\text{sf} = 3,000\text{sf}$

Figure 040-12: Maximum Lot Coverage Example Calculations

2. *Lot Coverage in Sensitive Areas.* In areas subject to Section 070.040.020, Sensitive Area Protection, lot coverage may be further limited by the establishment of limits of disturbance as required by Subsection 070.040.020(a)(4), Limits of Disturbance.
3. ~~*Lot Coverage Bonus for Accessory Dwelling Unit.* When an accessory dwelling unit exists and is preserved, or is to be provided in conjunction with an addition to or development of a new single-family residential structure, maximum lot coverage shall be either the sum of the percentage of existing lot coverage on the site plus an additional thirty-five (35) percent of the total lot area, or sixty (60) percent of the total lot area, whichever is less. These lot coverages shall also apply when a new accessory dwelling unit is developed for an existing single-family dwelling. Refer to Subsection 070.030.040(d)(1), Accessory Dwelling Units, for additional accessory dwelling unit requirements.~~

SECTION 070.070.030 - All Other Terms Defined is hereby amended as follows with double underlined text added and ~~strike through language deleted~~.

Required rear yard. A yard extending the full width of the lot, the depth of which is measured in the horizontal setback distance, based on the applicable zoning district and are set forth in Article 070.020: Zoning Districts, from the rear lot line.