



Constructing Accessory Dwelling Units

Overview of standards, required permits, and tips for success in constructing an accessory dwelling unit (ADU) on your property

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Note: These slides contain summarized regulations. Please consult the Denver Zoning Code, Denver Building and Fire Code and other applicable documents for full details.

What is an Accessory Dwelling Unit?

An ADU is a second dwelling unit located on the same zone lot as a primary residential use, such as a single unit house. ADUs typically come in two forms:

1. An ADU inside your primary house structure (an "attached ADU")
2. An ADU in a separate, detached structure on your property, which could be either new construction or a conversion of an existing detached structure such as a garage (a "detached ADU")

Each option is subject to different code requirements.

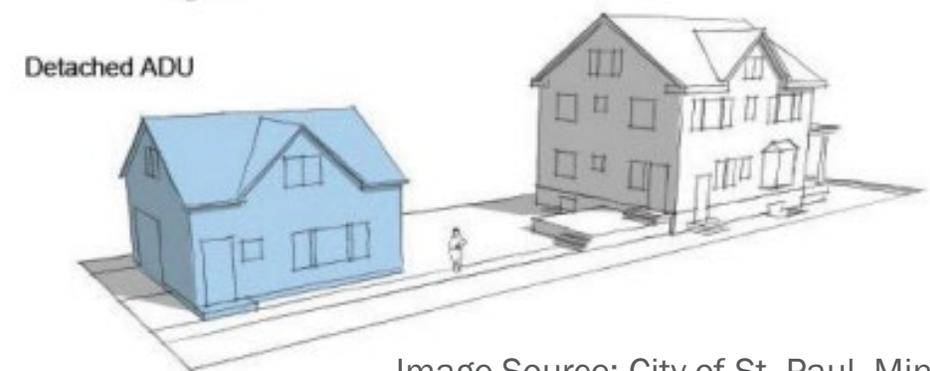
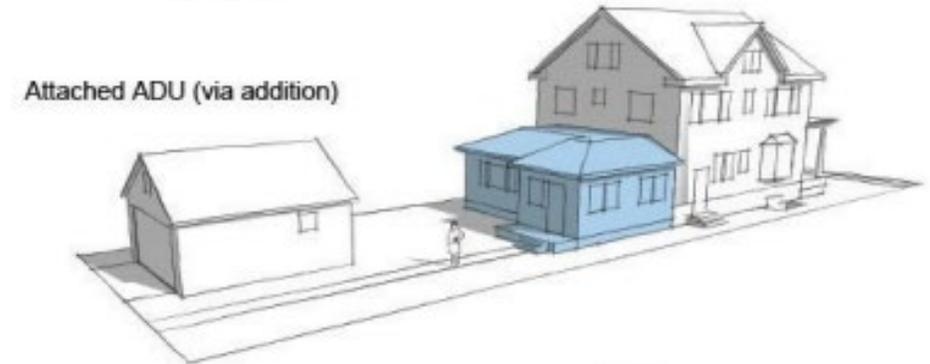
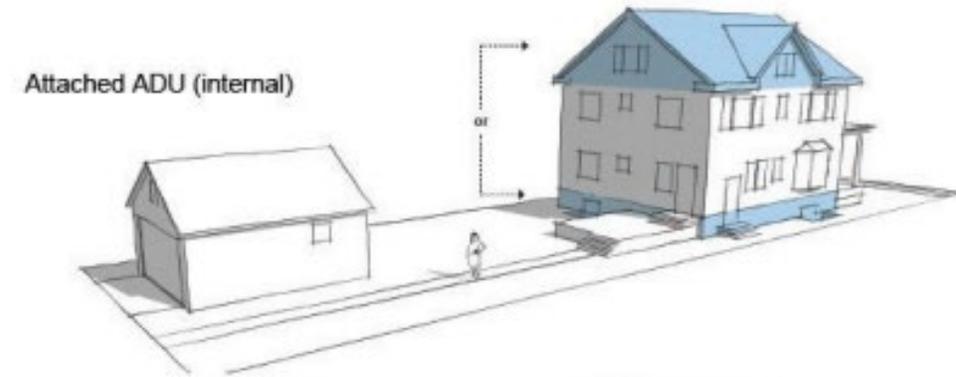


Image Source: City of St. Paul, Minn.

What are the steps for constructing an ADU?

1. Confirm your zone district allows ADUs.
 - Generally speaking, Single-Unit (SU) zone districts with a “1” at the end of the district name, such as U-SU-C1, allow ADUs. Visit the Denver Zoning Code for more details about what is allowed on your property (See if the zoning of your property allows ADUs: <https://denvergov.org/Maps/map/accessorydwellings>)
2. If not, you will need to rezone your property (see next slide). If you have received rezoning pre-application review, consult the packet on rezoning provided by your assigned planner.
3. Receive your rezoning approval (if your property does not already allow ADUs)
4. Prepare building plans (see slides 5 through 9 for requirements you will need to consider)
5. Apply for zoning, building, sewer use and other permits (see slide 10 for required permits and instructions for initiating review)
6. Receive permit approvals and start building
7. Request construction inspections as you build
8. Once you have passed all inspections, receive a Certificate of Occupancy (C/O)

What is rezoning?

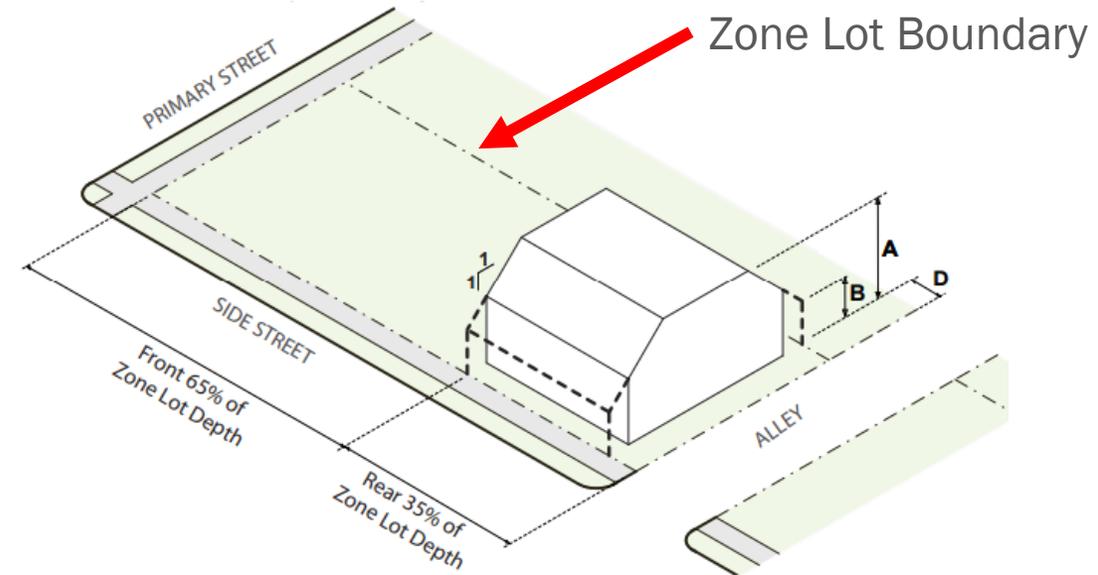
- Rezoning is a process that changes a property's zone district. Denver's adopted land use plans and policies support rezoning properties with single-unit (SU) zoning to allow ADUs (for example, rezoning from U-SU-B to U-SU-B1).
- Prior to rezoning, property owners are strongly encouraged to engage the services of a professional to ensure that an ADU could feasibly meet the requirements summarized in these slides.
- The rezoning process takes approximately 4 to 6 months and requires applicants to attend two public hearings before the Denver Planning Board and City Council. You can learn more about rezoning and request a pre-application review from a planner (the first step toward pursuing a rezoning) at this link: www.denvergov.org/rezoning.
- Some property owners have proposed using zoning waivers to address limitations such as parcels that do not meet minimum lot depth, or to add the ADU use and building form in the Suburban Neighborhood Context, where there are very few zone districts that allow the ADU use at all. Recently, Denver City Council denied a rezoning that included proposed waivers and recommended rezoning applicants wait until these issues are addressed in an ongoing project expected to conclude with Denver Zoning Code updates in early 2023 (See next slide). Applicants whose properties may require rezoning waivers are encouraged to watch that hearing to learn more about those concerns.
 - Link to Denver City Council Feb 28 hearing: https://denver.granicus.com/player/clip/14728?view_id=21&redirect=true
 - Public Hearing for 3178 S. Dayton begins at 46:40

My zoning allows ADUs! What else may impact my ability to build one?

- The following slides summarize the various code and permit requirements for constructing Accessory Dwelling Units. Applicants should review this information before proceeding to any next steps, including before formally applying to rezone a property.
- ADUs must comply with zoning and building standards, as summarized in this slide deck and detailed in the city's zoning and building codes. Even if your current zoning allows an ADU, unique characteristics of your property or existing development may mean an ADU is not technically feasible on your lot.
- The city's Residential Review Team **does not review building plans** in advance of a rezoning. Property owners are **strongly encouraged** to secure the services of an architect or other building professional to ensure their envisioned project can meet zoning and building standards, before proceeding with a rezoning.

The Zoning Code references “Zone Lots.” What are those?

- A Zone Lot is the city-approved piece of land that meets zoning code requirements for minimum lot size, minimum lot width, required frontage on a public street, and in some cases limits on the number of structures and land uses.
- A Zone Lot may have the same boundaries as a single assessor tax parcel, or it may contain multiple tax parcels, or only portions of a tax parcel.



This illustration from the Zoning Code’s Building Form Standards for Detached ADUs shows how Zone Lots are used as a reference point for various standards, such as setbacks, building height, bulk plane, etc.

Zone Lots, continued

- To obtain permits for an ADU, you must confirm whether your property complies with Denver's minimum zoning standards, such as:
 - Zone Lot Size (area)*
 - Zone Lot Depth*
 - Zone Lot Width*
 - Frontage on a Named or Numbered Public Street*
- Example Detached ADU requirements for the U-SU-B1 Zone District :
 - Minimum Zone Lot Size (area): 4,500 square feet*
 - Minimum Zone Lot Depth: no requirement (Minimum Zone Lot Depth of 150 feet is only required in the Suburban Context)*
 - Minimum Zone Lot Width: 35 feet*
- The existence of a house on a parcel does not necessarily mean the zone lot is conforming (See [Denver Zoning Code](#) Sec. 1.2). If the zone lot does not meet minimum zone lot standards, a Detached Accessory Dwelling Unit will not be allowed without waivers or variances. Note: An attached/inside-the-main-house ADU is not subject to these Zone Lot limits.

What limitations apply to ADUs?

- The Denver Zoning Code applies various regulations, or **Use Limitations**, to most land uses, including Accessory Dwelling Units (See [DZC](#) Sec. 11.8). Example requirements include:

In all zone districts:

- In districts where they are allowed, ADUs must be accessory to one Primary Single Unit Dwelling Use
 - For example, an ADU is not allowed on the same property as a Two-Unit / Duplex Dwelling use
- Only one ADU is allowed per Zone Lot
- ADUs may not be accessed by a separate driveway from that serving the Primary Single Unit Dwelling, unless it is new access provided from an alley
- Roof and exterior finished materials for an ADU must be comparable in composition and appearance to the Primary Single Unit Structure on the zone lot
- Where feasible, water, electric, sewer and other utilities should be provided from shared systems

Limitations on ADUs, continued

In Single Unit (SU) Zone Districts, the following additional regulations apply:

- The owner of the zone lot on which an ADU use is maintained must occupy either the primary dwelling unit or the ADU as the owner's legal and permanent residence
- ADUs are limited to a maximum footprint based on the size of the parcel.
 - For example, on parcels that are 6,000 square feet or less, ADUs may have a maximum gross floor area of 650 square feet.
- Maximum occupancy of 1 resident is allowed per 200 square feet of habitable space in the ADU

Where can I locate an ADU on my property, and how big can it be?

- Accessory Dwelling Units in a separate, detached structure must conform to building form standards (referred to as District Specific Standards) in the applicable zone district. These include:
 - Must be located in rear 35% of the lot
 - Side and rear setbacks from all property lines
 - Lot Coverage (some additional flexibility is granted for ADUs if spaced far enough from the main house)



ADU in Denver's Westwood Neighborhood

ADU location and size, continued

➤ Vehicle access (required from an existing alley if one is present)

➤ Maximum detached ADU building footprint

☐ Example from Urban Neighborhood Context (e.g., U-SU-B1 or U-SU-C1):

Zone Lot Size	6,000 or less sq ft	Greater than 6,000 and up to 7,000 sq ft	Larger than 7,000 sq ft
Max ADU footprint	650 sq ft	864 sq ft	1,000 sq ft

➤ Bulk plane and height limitations

☐ Example: in the Urban Neighborhood Context, ADUs are limited to a height of 24 feet.

Can I convert an existing structure to an ADU?

- Converting an existing detached accessory structure (such as a garage) requires compliance with all Detached ADU Building Form Standards (see previous slide).
 - For example: while a garage structure may have a narrower side interior setback, a detached ADU structure may not, so an existing detached garage with a 1-foot side interior setback could not be converted into a detached ADU structure (which may require a 5-foot side interior setback)
- Existing structures must meet all Building and Fire Code requirements for safe habitation, including standards addressing foundation type, energy efficiency, utility connections, and fire separation. Most residential garages built on concrete slabs cannot be legally converted to habitable occupancy for ADUs.
- Mobile Homes, recreational vehicles (including “tiny homes” with wheels), and travel-trailers cannot be used as Accessory Dwelling Units (per [Denver Zoning Code](#) Use Limitations in Sec. 11.2). Manufactured or modular homes that meet all Building and Fire code requirements and are attached to a solid foundation may be able to be used as an Accessory Dwelling Unit. This could include very small units and “tiny homes” (described by the International Residential Code as homes with a floor area of 400 square feet or less).

What are “Carriage Houses” and Carriage Lots?

- **“Carriage houses:”** While the terms are often interchanged, an accessory dwelling unit is not a “carriage house” for zoning purposes. The term “carriage house” has no legal meaning under Denver’s zoning code.
 - If your property contains a detached residential structure that can meet building form standards for the Detached ADU Building Form (see slide 7), and your zone district allows Accessory Dwelling Units, you may be able to obtain a permit to use the structure as an ADU.
 - Accessory Dwelling Units are “accessory” to the Primary Structure on a zone lot, and in most Single-Unit (SU) zone districts, only one Primary Structure is allowed. In some very limited circumstances, an existing second residential structure on a zone lot built before 1955 can qualify for a permit as a second Primary Structure. See DZC Sec. 1.2.3.5.B
- **Carriage Lots:** If you own property that qualifies as a “Carriage Lot” under Denver zoning (a piece of land usually in the middle of a block and surrounded on all sides by public alleys), an ADU detached structure and use is allowed. There are special regulations applicable in these cases – see DZC Sec. 12.10.4

What permits are required for an ADU?

- All new dwelling units require Zoning and Building permits. Zoning and Building permit requests are reviewed by Community Planning and Development's Residential Review Team. Visit the [Residential Permitting](#) webpage for more information.
- New habitable spaces, such as ADUs, are also required to have a Sewer Use and Drainage Permit (SUDP), and in some cases sewer lines will need to be replaced. Visit the [Sewer Use and Drainage](#) webpage for more information.
- All structures must meet Denver building and fire safety requirements. Review the [Denver Building and Fire Code](#) for more information.

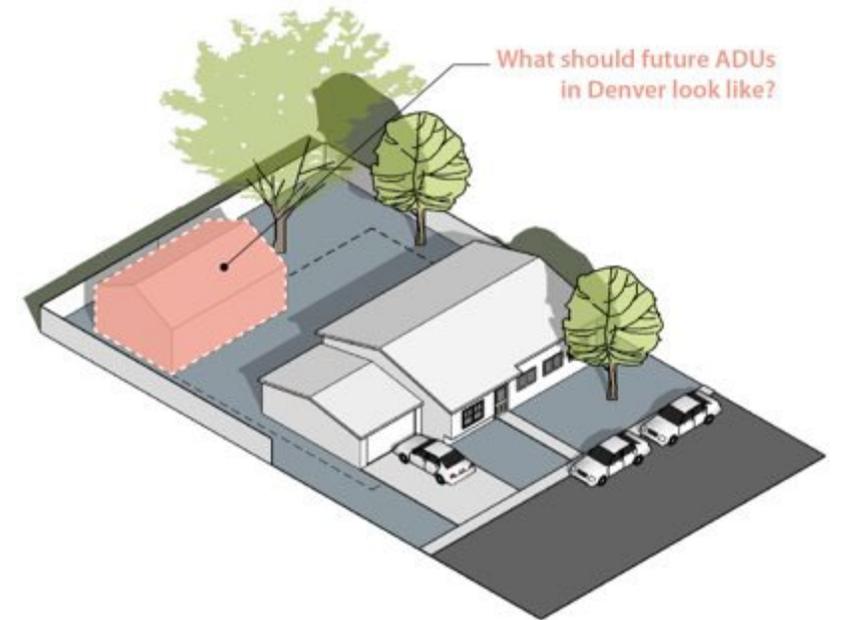
I heard about a project that is updating ADU regulations, where can I learn more?

The ADUs in Denver Project aims to remove barriers to ADU construction and make sure they fit in with different types of neighborhoods and block patterns, like suburban lots without alleys.

Envisioned outcome: revisions to the Denver Zoning Code which dictate the size, shape, and location of ADUs. This will likely include new zone districts and standards for ADUs in the Suburban Neighborhood Context

How can I learn more?

Visit www.denvergov.org/textamendments



Where can I find more information?

- **Guide to the development of ADUs** produced by the West Denver Renaissance Collaborative, includes information about zoning, building and other requirements: https://static1.squarespace.com/static/5d07a8ec6460ff000144e3ef/t/5d76b5dd5fc15e1549cfba70/1568060897246/2018_WDRC_ADU+Handbook_Final-DIGITAL.pdf
- **Denver Zoning Code:** www.denvergov.org/zoning
- **Interactive Map** of areas where ADUs are currently allowed: <https://denvergov.org/Maps/map/accessorydwellings>
- **Denver Building Code:** www.denvergov.org/buildingcode
- **Zoning Research Letters** (e.g. Zone Lot verification): <https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Community-Planning-and-Development/Zoning-Permits/Zoning-Research-Letters>
- **ADUs in Denver** Zoning Code Text Amendment Project: <https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Community-Planning-and-Development/Denver-Zoning-Code/Text-Amendments/ADUs-in-Denver>
- **Amending Zone Lots & Assessor Parcels:** <https://www.denvergov.org/Government/Agencies-Departments-Offices/Agencies-Departments-Offices-Directory/Community-Planning-and-Development/Zoning-Permits/Zone-Lot-Amendments>