Accessory Dwelling Unit (ADU)
“Steps and Process”

Once an Applicant submits an ADU application for review by the Development Review Team (DRT), the City staff will review the application and provide comments to help make the permitting process smoother. Following are some of the important steps in the DRT process:

**DRT Meeting**

1. Applicant submits DRT Application Form and Checklist to Community Development along with preliminary site plan, project description and other information that may be helpful in the preliminary review. Submittals are due by Monday at noon. The DRT meeting will usually be held two weeks following submittal on Tuesday at 1:30 PM in the Community Development Conference Room, 3rd Floor of the Englewood Civic Center, 1000 Englewood Parkway.

2. Staff reviews the application and prepares for the meeting with the Applicant.

3. Day of the meeting: Staff will briefly meet internally (without the Applicant) to discuss the project. Staff will then invite the Applicant and consultants into the meeting.

4. Applicant introduces their team, and staff introduces themselves to the Applicant. Applicant then presents their project and asks questions to the City Staff.

5. City Staff will provide direction and feedback to the Applicant. City Staff comments are preliminary. Final decisions will be made based on final plans submitted for the building permit.

6. Written comments will be provided to the Applicant, usually within a few days of the DRT meeting. Staff contact information will be included with written comments. Applicants with specific, technical questions for a particular staff member are encouraged to contact that Staff member directly.

7. Applicants may resubmit for additional DRT meetings if more feedback is required.

8. Applicant revises site plan to reflect DRT comments.

**Note:** Applicants that want to convert an existing alley house into a legal ADU by constructing a new principal structure in front of the existing alley house must go through a variance process if the gross floor area of the existing alley house is more than 650 square feet.

**ADU Use Permit and Property Maintenance Code Inspection**

1. Applicant submits completed ADU Application Form and Checklist, revised site plan, signed and notarized Owner Occupancy Affidavit with two forms of proof of residency, signed and notarized Owner Occupancy Deed Restriction, and $500.00 non-refundable application fee. Building Division staff will initiate a Property Maintenance Code Case once the ADU Use Permit has been entered into the City’s tracking system.
Note: Once a Property Maintenance Code case is opened, the case cannot be closed due to the withdrawal of the ADU Application. The property owner will be required to bring the property into compliance with all standards of the Property Maintenance Code. Compliance with the Property Maintenance Code is mandatory. If the Property Maintenance Code violations are not corrected by the requested date, further action may result, including a summons and complaint to appear in Municipal Court.

2. Building Division staff will contact Applicant to schedule Property Maintenance Code Inspection (2 hours) of the existing structures. Building Division staff will use the completed inspection form to draft a written report of all repair items that need to be brought into compliance with the Property Maintenance Code. The Notice of Violation will be issued to the Applicant for remedial action.

3. It is the Applicant’s responsibility to contract for all repair items, as well as obtaining necessary permits and inspections. Once the Applicant has remedied all documented repair items, Applicant will contact Building Division to schedule reinspection.

4. If any repair items do not pass inspection, these repair items will be documented and submitted to Applicant for further remedial action. If all repair items have sufficiently been brought into compliance with the Property Maintenance Code, Building Division will approve their portion of the ADU application.

5. Community Development will record the signed and notarized ADU Deed Restriction with the Arapahoe County Clerk and Recorder, and issue an approved ADU Use Permit, including a new ADU building address, to the Applicant and the Building Division.

**Building Permit Process**

1. Building Permit applications may be submitted to the Building Department after the ADU Use Permit has been issued and final construction documents are ready.

2. Staff will review construction documents and final site plan which must include an improvement location certificate or survey, and provide written comments to the Applicant.

3. Applicant revises plans (if needed) and submits revised plans to Building Division.

4. City Staff will contact the Applicant when the permit has been approved by all relevant departments. Please note that additional permits, steps or processes may still be required after issuance of a Building Permit.
Accessory Dwelling Unit (ADU) Steps and Process

1. Applicant Contacts City
2. Pre-Application Meeting or Conference Call between Applicant and Planner
3. Applicant Submits DRT Application and Checklist Form with Preliminary Site Plan to Community Development for DRT Meeting
4. City Staff Reviews Preliminary Site Plans
5. DRT Meeting with Applicant
6. Written Comments Provided to Applicant
7. Optional Resubmittal for Additional DRT Review
8. Applicant Revises Preliminary Site Plan and Submits with ADU Application Form and Checklist, ADU Owner Occupancy Affidavit, ADU Deed Restriction, and non-refundable $500.00 Application Fee
9. Property Maintenance Code Inspection
10. Notice of Violation Listing Required Repair Items to be Completed by Applicant
Accessory Dwelling Unit (ADU) Steps and Process

1. Applicant Contracts for Repair Items, Obtains Necessary Permit and Inspections
2. Applicant Contacts Building Division to Schedule Reinspection
3. Property Maintenance Code Violations are Cleared
4. Community Development Records ADU Deed Restriction with County Clerk, Issues ADU Use Permit, and Assigns ADU Building Address
5. Applicant Submits Approved ADU Building Permit Application, Final Site Plan (must include Improvement Location Certificate or Survey), Construction Documents to Building Division
6. Written Comments Provided to Applicant
7. Final Building Permit Approval and Issuance
8. If Repair Items Fail Reinspection
9. Applicant Contracts for Repair Items, Obtains Necessary Permit and Inspections
10. Applicant Contacts Building Division to Schedule Reinspection
11. Property Maintenance Code Violations are Cleared
12. Community Development Records ADU Deed Restriction with County Clerk, Issues ADU Use Permit, and Assigns ADU Building Address
13. Applicant Submits Approved ADU Building Permit Application, Final Site Plan (must include Improvement Location Certificate or Survey), Construction Documents to Building Division
14. Written Comments Provided to Applicant
15. Final Building Permit Approval and Issuance
16. Applicant Makes any Required Changes to Site Plan and/or Construction Documents and Resubmits
**City of Englewood**
Community Development Department
1000 Englewood Parkway
Englewood, CO 80110
303-762-2342
englewoodco.gov

**DEVELOPMENT REVIEW TEAM (DRT)**
**APPLICATION FORM**

**APPLICATION FOR:**

(Attach Checklist and all required documents - Incomplete applications will not be accepted.)

**PROPERTY ADDRESS:**

**LEGAL DESCRIPTION:** (Provide at least one of the following)

<table>
<thead>
<tr>
<th>Lot(s)</th>
<th>Block</th>
<th>Subdivision</th>
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Parcel Identification No. __________ - ______________________

Metes and Bounds Legal Description ____________________________________________

(Attach separate sheet if necessary)

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Signature

Print Name

Signature

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Parcel Identification No. __________ - ____________________________
Mete and Bounds Legal Description ____________________________

(Attach separate sheet if necessary)

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AFFIDAVIT

DECLARATION OF CONTINUING RESIDENCY AND OWNER OCCUPANCY PERTAINING TO ACCESSORY DWELLING UNITS

This Declaration of Continuing Residency and Owner Occupancy as a requirement for renting either the primary structure or the secondary Accessory Dwelling Unit (the “Declaration”) is made on the date hereinafter set forth by the undersigned (whether one or more, the “Declarant”).

WHEREAS, Declarant is the owner of certain real property (the “Property”) located in the City of Englewood, County of Arapahoe, State of Colorado with the following legal description and property address:

Legal Description

________________________________________
________________________________________
________________________________________

Property Address

________________________________________; and

WHEREAS, the Declarant has submitted two forms of proof of permanent residency and owner occupancy of either the primary structure or the secondary Accessory Dwelling Unit on the subject Property.

NOW THEREFORE, the Declarant certifies their personal permanent residency and owner occupancy of the above listed Property:

I/We certify that I/We, __________________________(Name), presently live at __________________________(Street Address, City, State, and Zip Code), and that I/We have lived at this address continuously for ____ years, since ___________(month, year).

I/We have submitted two (2) of the following forms of proof residency and owner occupancy of the Property to the Englewood Community Development Department.
Provide one (1) proof of residency from each list below.

___Vehicle Registration  
___Motor Vehicle License  
___Voter Registration  
___Credit Card Bill  
___Bank Statement  
___Mortgage Bill  

I/We agree to abide by the Accessory Dwelling Unit Owner Occupancy and Leave of Absence rules as listed in Attachment A. Initials ____________

I/We, ____________________________, further certify that the above information is true and accurate. Furthermore, I understand that if any of the information contained in this Declaration is false, I can be held accountable and penalized in a court of law.

Signatories to Declaration

Declarant Name (Print):  
______________________________  
Declarant Signature:  
______________________________  
Date:  
______________________________

STATE OF COLORADO  
COUNTY OF ____________________  
)
) ss.

The foregoing instrument was acknowledged before me this _______ day of ____________, 20__

By __________________________________________.

Witness my hand and official seal.

(SEAL)

_________________________________________  
Notary Public

My commission expires: ________________
ATTACHMENT A

OWNER OCCUPANCY AND LEAVE OF ABSENCE RULES
PERTAINING TO ACCESSORY DWELLING UNITS

**Occupancy and Use.** Occupancy and use standards for an Accessory Dwelling Unit (ADU) shall be the same as those applicable to a principal dwelling on the same lot. An ADU shall be considered a separate and distinct dwelling from the principal dwelling on the property for the purposes of defining a “household” as determined by this code. The applicant agrees to abide by the following regulations in order to continue the active rental use of one or both structures located on the subject property:

**Occupancy.** The owner of record with a fifty percent (50%) minimum stake in the property must occupy either the Principal Dwelling Unit or the ADU as their legal permanent address as demonstrated by voter and vehicle registration.

A. Vehicle Registration, Motor Vehicle License, or Voter Registration (1 form), and

B. Credit Card Statement, Mortgage Bill, or Property Tax Statement (1 form)

**Annual Verification of Occupancy.** Owner shall verify on an annual basis that the owner continues to occupy either the Principal Dwelling Unit or the ADU as their legal permanent address through the City’s Annual Conforming ADU Registered Use Mailing.

**Legally Responsible Agent.** If the primary dwelling is owned by a corporation, trust, or other entity, an individual may complete and sign the annual verification thereby assuring all legal responsibility and liability for the property, and assuring that all of the property remains in compliance with the City’s codes. Additionally, both the legal entity and the individual must sign a notarized document providing that the occupancy of the property is an individual authorized to bind such entity in real estate matters.

**Limitation on Rental.** To maintain the nature of a One-unit Detached Dwelling standard lot the verified occupant (owner of legally responsible agent) may not rent that dwelling unit identified as such individual’s permanent residence within the City’s Annual Conforming ADU Registered Use Mailing verification.

**Corporations and For Profit Business Partnerships.** Corporations and For Profit Business Partnerships are prohibited from constructing Accessory Dwelling Units on Corporate or For Profit Business Partnership owned properties. Corporations and For Profit Business Partnerships are prohibited from separately renting a pre-existing Accessory Dwelling Unit structure constructed after 2018 to a separate party as a separate unit from the principal structure.

**Leave of Absence.** Accessory Dwelling Unit (ADU) Owners may apply to the City for an extended Leave of Absence due to the following situations:

- Temporary job assignments
- Military deployments
- Educational and research sabbaticals
- Formal voluntary service for a humanitarian organization
- Religious missionary service
- Long term hospital, nursing home, and assisted living facility stays due to adverse medical conditions

Owner must reside on the subject property for at least one year after construction of the ADU before applying to the City for a Leave of Absence.
Owner may apply for a City-approved Leave of Absence of up to one year. Owner must reapply for an additional year, with a maximum absence of two (2) years, dependent on a clean record with no code violations or nuisance or criminal activity. Owners called away on overseas military tours of duty may be granted additional years, dependent on a clean record with no code violations or nuisance or criminal activity.

During approved Leave of Absence, owner may rent both the Principal Dwelling Unit and the ADU at the same time.
This Declaration of Covenants, Conditions, and Restrictions (the “Declaration”) is made on the date hereinafter set forth by the undersigned (whether one or more, the “Declarant”).

WHEREAS, Declarant is the owner of certain real property (the “Property”) located in the City of Englewood, County of Arapahoe, State of Colorado with the following legal description and property address:

Legal Description


Property Address


WHEREAS, Declarant has applied to the City of Englewood Community Development Department for an Accessory Dwelling Unit (“ADU”) pursuant to Title 16, City of Englewood Unified Development Code.; and

WHEREAS, Declarant desires to enhance the quality, value, desirability, and attractiveness of the Property, and to ensure compliance with all provisions of Title 16, City of Englewood Unified Development Code pertaining to Accessory Dwelling Units; and

WHEREAS, Title 16, City of Englewood Unified Development Code sets forth certain conditions on the construction, occupancy, and use of Accessory Dwelling Units, and requires the recordation of a deed restriction with respect to said conditions prior to issuance of a building permit; and

WHEREAS, Declarant’s Property must be inspected by City Building Division staff or private party designee, and Declarant required to bring up to code any significant deficiencies identified in the inspection; and
WHERAS, this Declaration serves as the deed restriction recorded to satisfy the requirements of Title 16, City of Englewood Unified Development Code.

NOW THEREFORE, Declarant hereby declares that the Property shall be owned, held, transferred, conveyed, sold, leased, rented, hypothecated, encumbered, used, occupied, maintained, altered and improved subject to the following covenants, conditions, restrictions, and other provisions set forth herein, all of which shall run with the title to such right, title, or interest in the Property, or any part thereof:

Incorporation of Recitals. The foregoing recitals are incorporated into this Declaration by reference and made part of this Declaration.

Notice to Successors-in-Interest. Property Owner shall provide notice to all future buyers and successor-in-interest of all conditions which apply to the approved accessory dwelling unit on the Property, which has authorized an Accessory Dwelling Unit pursuant to the provisions of Title 16, City of Englewood Unified Development Code.

No Separate Sale. The Accessory Dwelling Unit shall not be sold separately form the single-family residence (also referred to herein as the “Primary Dwelling Unit”) on the Property.

No Subdivision. Subdivision of the Property in a manner that separated the Accessory Dwelling Unit from the Primary Dwelling Unit is prohibited.

No Separate Water and Sewer Utility Lines. Accessory Dwelling Units shall be connected to the Primary Dwelling Unit’s water and sewer lines.

Property Owner Occupancy Requirement. The Declarant (with a minimum ownership percentage of fifty percent) shall reside on the Property and such Property shall be the primary and permanent dwelling place of the Declarant, excluding temporary absences and temporary stays elsewhere in accordance with Leave of Absence rules found in Title 16, City of Englewood Unified Development Code pertaining to Accessory Dwelling Units, and said Property shall be Declarant’s legal residence. The Declarant shall be required to reaffirm that the Property is the Declarant’s permanent dwelling place by signing an annual affidavit, within sixty (60) days’ notice from the City of Englewood, in person at the Englewood Community Development Office.

Right’s Appurtenant. The City and the Declarant hereby declare their express intent that the covenants and restrictions of this Declaration shall run with the land, and shall pass to and be binding upon all parties having interest in the Property, including all successors in title to the Property. Each and every contract, deed, lease, or other instrument covering, conveying, or otherwise transferring the Property or any interest therein, as the case may be, shall conclusively be held to have been executed, delivered, and accepted subject to this Declaration regardless of whether the other party or parties to such contract have actual knowledge of this Declaration.
**Enforcement.** A lack of compliance with any of the provisions of this Declaration and the Accessory Dwelling Unit Regulations found in Title 16, City of Englewood Unified Development Code may subject the owner of the Property to any and all penalties provided for under Title 16, City of Englewood Unified Development Code. The City of Englewood shall have the right to enforce all covenants, conditions, restrictions, and other provisions of this Declaration, but failure to so enforce shall in no event be deemed a waiver of the right to do so after.

**No Waiver.** No delay or omission in the exercise of any right or remedy of City upon any default by Declarant shall impair such right or remedy or be construed as a waiver. The City’s failure to insist in any one or more instance upon the strict observance of the terms of this Declaration shall not be considered a waiver of the City’s right thereafter to enforce the provisions of this Declaration. The City shall not waive its rights to enforce any provision of the Declaration unless it does so in writing, signed by an authorized agent of the City.

**Amendments in Writing.** This Declaration may not be amended except by a written agreement executed by City and Declarant.

**City Approval.** The City Manager or his or her designee is authorized on behalf of the City to deliver any approvals or consents that this Declaration requires.

**Severability.** If any one or more of the provisions contained in this Declaration shall for any reason be held to be invalid, illegal, or unenforceable in any respect, then such provision or provisions shall be deemed severable from the remaining provisions contained in this Declaration, and the Declaration shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herewith.

**Recordation.** This Declaration shall be recorded in the Arapahoe County Clerk and Recorder’s Office.
Signatories to Declaration

Declarant Name (Print):  
__________________________  Declarant Name (Print):  
__________________________

Declarant Signature:  
__________________________  Declarant Signature:  
__________________________

Date: 
__________________________  Date:  
__________________________

STATE OF COLORADO  
) ss.
COUNTY OF__________________________  ) ss.

The foregoing instrument was acknowledged before me this_____day of ____________, 20__
By________________________________________.

Witness my hand and official seal.

(SEAL)

________________________________________
Notary Public

My commission expires: ________________