City of Englewood, Colorado
Accessory Dwelling Unit (ADU) Regulatory Fact Sheet

Two Types of ADU’s

Garden Cottage (unit situated on ground floor level)

Carriage House (unit situated above garage)

Eligibility

Garden Cottage: 50+ foot wide single family standard lot (R-1-C, R-2, and R-3 zone districts)

Carriage House: 37+ foot wide single family standard lot (R-1-C, R-2, and R-3 zone districts)

Creation

May be created through new construction, or conversion of a qualifying alley house to a garden cottage while simultaneously constructing a new principal dwelling on the site.

Approval

1. ADU must comply with all applicable City development and designs standards.

2. ADU design must comply with all applicable building and fire safety codes.

3. Approval is dependent on City Inspection of existing primary structure. All primary structure deficiencies and code violations must be brought into full compliance with the 2015 International Property Maintenance Code.

4. The applicant must provide a signed and notarized deed restriction in a form provided by the City. The deed restriction will be recorded as a legal document with the Arapahoe County Clerk and Recorder, and will serve permanent restriction upon the use and occupancy of both the primary structure and the ADU.

Occupancy and Use

An individual holding a minimum property ownership interest of fifty percent must occupy either the Principal Dwelling Unit of the ADU as their legal permanent address as demonstrated by two forms of proof of residency:

A. Vehicle Registration, Motor Vehicle License, or Voter Registration; and

B. Credit Card Statement, Mortgage Bill, or Property Tax Statement

Leave of Absence

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 property for a minimum of one year before applying for Leave of Absence.

Owner may apply for Leave of Absence of up to one year. May apply for a second year based on clean record with no code violations. Owners called away on military tours of duty may be granted additional years.

During Leave of Absence, owner may rent both the Principal Dwelling Unit and the ADU at the same time.

Design

It is intended that the design of the ADU be compatible with the design and quality of the principle structure on the lot. Elements of design include, but are not limited to building material, (wood siding, brick, stucco, etc.), color, window treatments, roof pitch, etc.

1. Size. An ADU shall not exceed 650 square feet of gross floor area or the size of the principal dwelling, whichever is less.

2. Exterior stairs. Exterior stairs for access to an upper level ADU shall not be located on the side of the ADU parallel to the nearest side lot line.

3. Height. The maximum height allowed shall not exceed 26 feet

4. Lot Coverage. The lot coverage of an ADU shall be counted toward the maximum allowed lot coverage.

5. Lot placement. ADU placement is restricted to the rear 35% of the lot.

6. Setbacks. ADU’s shall conform to the City’s Accessory Structure setbacks (3 feet side, 3 feet rear with side facing garage entrance, 6 feet rear with alley facing garage entrance)

7. Bulk Plane. ADU shall not exceed a 12 feet bulk plane height measured at the side property line, which then proceeds away from the side lot line at a 45 degree angle.

8. Parking. One off-street parking space shall be provided for the ADU, located within the rear 35% of the lot.

9. Impact fees. All impact fees applicable to new construction shall also apply to ADU’s.

10. Utilities. ADU’s must connect to the water and sewer lines of the principal dwelling.

11. No subdivision allowed. An ADU shall not be subdivided or sold separately from the principal dwelling unit on a lot, unless all structures and lots meet the required dimensional standards upon completion of the subdivision, including but not limited to minimum lot area, minimum lot width, setbacks, bulk plane, and other dimensional standards that may apply.
Accessory Dwelling Units 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.