



Town of Blue River Memorandum

TO: Mayor Decicco & Members of the Board of Trustees

FROM: Town Manager Michelle Eddy

DATE: January 13, 2025

SUBJECT: **Accessory Dwelling Units (ADUs)**

Mayor & Trustees

Below is information that has been collected concerning accessory dwelling units (ADUs). Included are the current regulations; a 2016 survey of residents; a section of the 2021 Comprehensive Plan identifying ADUs; a memo from Attorney Widner for discussion in 2022; and proposed regulations.

Current regulations:

Currently ADUs are not permitted. This includes apartments over garages, “lock-off” apartments separating an area within a single family home as a separate living unit. It is known that units exist within the community. Some were permitted prior to the change in law in 2002 and some have been created without permits and despite certificates of occupancy prohibiting space from being used as living space.

Article 20 Accessory Apartments

Sec. 16A-20-10. Purpose and Applicability.

(a) The purpose of this Article is to permit the construction of *accessory apartments* in single-family dwellings within R-1 zone districts subject to the criteria and conditions set forth below.

(b) The provisions of this Article shall apply only to R-1 building sites which exist on *lots* created by the elimination of a *lot line* formerly existing between two (2) *lots*, thus combining two (2) former *lots* into one (1) *lot*.

Sec. 16A-20-20. Reserved.

Sec. 16A-20-30. Location and Design.

An *accessory apartment* shall be incorporated into the primary residence on the property or a garage serving the primary residence. Residences which contain *accessory apartments* shall be designed so as to retain a single-family character. An *accessory apartment* may have a separate kitchen and may have a separate entrance from that of the residence with which it is associated.

Sec. 16A-20-40. Number of Units Allowed.

(a) Where *accessory apartments* are permitted, no more than one (1) accessory apartment shall be permitted on each lot or parcel. In order to maintain the single-family character of neighborhoods where *accessory apartments* are permitted, a maximum of ten percent (10%) of the single-family dwellings in each subdivision filing at build-out shall be approved for *accessory apartments*.

(b) No *accessory apartments* may be constructed without the express approval of the Board of Trustees

indicated on the plat by the signature of the Mayor and Town Clerk, nor may any *accessory apartment* be constructed within five hundred (500) feet of an existing or approved *accessory apartment*. The Board of Trustees may decrease this requirement, or modify the ten-percent limitation set forth above, when it is determined that sufficient buffering exists to limit the impact of units in close proximity. Buffering may consist of topographic, landscape or other physical features such as roads or vacant properties.

Sec. 16A-20-50. Size of Units Allowed.

Where *accessory apartments* are allowed, the square footage in the *accessory apartment* shall not exceed forty-five percent (45%) of the square footage contained in the primary residence, Town of Blue River, Colorado Land Use Code Page 81
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excluding garage space, or not more than six hundred (600) square feet, whichever is less. In calculating the number of square feet in an *accessory apartment* to determine compliance with this Chapter, any garage or storage space associated with the *accessory apartment* shall be excluded.

Sec. 16A-20-60. Water and Sewer.

Prior to approval of an *accessory apartment*, the property owner shall provide proof of adequate water and sewer service to both the primary residence and the *accessory apartment*. If the unit is served by well and septic, approval of the County Environmental Health Department must be obtained.

Sec. 16A-20-70. Parking.

Each *accessory apartment* shall be provided with off-street parking only in a designated paved or graveled area with no more than two (2) spaces. The required parking may be in tandem or in a garage.

Sec. 16A-20-80. Compliance with Building and Fire Codes.

Where approval of an *accessory apartment* is sought by an owner for a *dwelling unit* existing before adoption of this Article, the *dwelling unit* shall be inspected and shall comply with applicable requirements of the Building and Fire Codes.

Other Town/County Regulations

Frisco:

Accessory Dwelling Units.

- A. Accessory dwelling units shall be no larger than 900 square feet.
- B. Accessory dwelling units shall not be used for short-term rental housing.
- C. Accessory dwelling units shall not be subdivided.
- D. In all districts where accessory dwelling units are permitted or conditional, except the PR and PF Districts, one accessory dwelling unit is permitted per principal dwelling unit or commercial unit.
- E. An accessory dwelling unit shall be counted as a unit of density, unless exempted by Section 180-5.5.1.

Breckenridge

An accessory dwelling unit shall meet each of the following criteria:

- A. Be no greater in size than the lesser of:
 - 1. One-third (1/3) of the total density of the primary unit; or
 - 2. One thousand two hundred (1,200) square feet;
- B. Conform with section [9-1-19-3A](#), Policy 3 (absolute) density/intensity, of this chapter;
- C. Title must be held in the same name as the owner of the primary unit;
- D. Lessees, including any other occupants and/or family members, must be employed at least thirty (30) hours per week in Summit County;
- E. Lease term must be for a period of time not less than six (6) consecutive months in a

year;

F. A covenant must be recorded by the owner upon the terms and conditions approved by the town including, but not limited to, restricting the use and occupancy of the property at a rental rate of one hundred twenty percent (120%) maximum of the area median income;

G. Not be used as an accommodation unit as that term is defined under section [4-1-2](#) of this Code; and

H. Not be left vacant for a period of thirty (30) or more consecutive days. The town may, in its sole and absolute discretion, and in addition to any other remedies, require that the accessory dwelling unit be offered for rent. (Ord. 34, Series 2021; amd. Ord. 35, Series 2022; Ord. 8, Series 2023)

Summit County

The [Summit County Land Use and Development Code](#) allows for accessory dwelling units (ADUs), in most residential zoning districts, with the requirement that they are rented to a member of the local workforce. In nearly all cases, ADUs are now reviewed with a building permit submittal and do not require planning "pre-approval." ADUs can be incorporated into your primary residence, above and below a detached garage, or as a stand-alone dwelling unit. [Quick Reference Guide & Checklist](#)

Proposed Regulations

It proposed to allow accessory dwelling units with the following suggested regulations.

1. Meets the current defined regulations identified in the Land Use Code.
2. ADU must be built within the buildable area.
3. Must meet septic or sewer requirements.
4. May not exceed 5 vehicles parked in the driveway or proper parking space.
5. It is recommended that for an ADU to be permitted, it may not be used as a short-term rental. It is recommended that the short-term rental license (if one exists) would be voided for the main home as well. Property may have an ADU for a long-term lease only and main home may not be used as a short-term basis.
6. Create a permitting and inspection process for any existing ADUs to bring them into compliance and ensure they meet current building codes.

2021 Comprehensive Plan

Short-term Rentals/Housing

Trend/Issue	Key Strategies & Priority Actions
Housing	<p>The Town should monitor the forms occupancy of residences (e.g., short and long-term rentals, full-time residents, and second homeowners) to best track and measure the community character. This information could be used in designing regulatory and other tools to best preserve the desired community character.</p> <p>Accessory dwelling units should be considered as a tool to address long-term rental housing shortages. A review of the existing code and potential impacts should be conducted. Preserving the community character should be an important consideration when evaluating the potential for accessory dwelling units. Accessory dwelling units should not be allowed for short-term rental.</p> <p>Encourage the Town to explore all factors that contribute to housing challenges within the Town. The Town should consider creating a mix and balance of full-time residents, second homeowners, short and long-term renters, and visitors to maintain the community character of Blue River.</p>