

**§ 5.2 ACCESSORY USES (INCLUDING HOME OCCUPATIONS) AND ACCESSORY STRUCTURES**

A. **General Standards.**  
(No changes proposed)

B. **Accessory Uses/Structures Permitted in the Residential Zoning Districts.**  
1. *Table of Permitted Accessory Uses and Structures.*

**Table 5-1  
Accessory Uses and Structures Permitted in the Residential Zoning Districts**

| Accessory Use            | Residential Zoning District |     |     |     |                      |     |     |    | Additional Requirements                                       |
|--------------------------|-----------------------------|-----|-----|-----|----------------------|-----|-----|----|---|
|                          | "Yes" = Permitted           |     |     |     | "No" = Not Permitted |     |     |    |   |
|                          | RE-1                        | RE  | E-1 | E   | R                    | R-1 | R-2 | RM |   |
| Accessory Dwelling Unit: |                             |     |     |     |                      |     |     |    | §5.2.B.2.a<br><del>1.33 times minimum lot area required</del> |
| Integrated               | Yes                         | Yes | Yes | Yes | Yes                  | No  | No  | No |   |
| Attached                 | Yes                         | Yes | Yes | Yes | No                   | No  | No  | No |   |
| Detached                 | Yes                         | Yes | Yes | No  | No                   | No  | No  | No |   |

2. *Additional Requirements for Specific Accessory Uses/Structures Permitted in the Residential Zoning Districts.*

a. Accessory Dwelling Units.

(1) Where Permitted. Accessory dwelling units (ADU) shall consist of living quarters integrated within, attached to, or detached from the principal single-family detached dwelling on the lot. Mobile homes, recreational vehicles and travel trailers shall not be used as accessory dwelling units.

(2) Defined.

(a) General. An accessory dwelling unit is any accessory structure, either attached or detached from principal structure, that provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Cooking facilities shall include any area used, or designated to be used, for the preparation of food.

(b) Integrated Accessory Dwelling Units are accessory dwelling units that share common living area with the principal dwelling unit and have interior access to and from the principal dwelling unit. A separate exterior access to the accessory dwelling unit may be included, but is not required. Wet bars fall under this category.

(c) Attached Accessory Dwelling Units are accessory dwelling units that are attached to the principal dwelling unit. These may or may not have interior

access to the principal dwelling unit. A separate exterior access to the accessory dwelling unit may be included, but is not required. Attached dwelling units must be architecturally compatible with the existing structure and at least 12 feet along one wall of the accessory dwelling unit must be contiguous to a wall of the principal dwelling unit.

(d) Detached Accessory Dwelling Units are accessory dwelling units that are wholly detached from the principal dwelling unit. At least one exterior wall of the ADU shall be closer to the principal dwelling unit than any exterior wall of the ADU may be to any property line.

- (3) Review. All accessory dwelling units shall be subject to development plan review process, as set forth in Chapter 3, except as outlined below.
  - (a) All integrated and attached ADUs shall require staff level development plan review.
  - (b) All detached ADUs shall require Planning Commission review.
  - (c) All ADUs shall comply with standards set forth below.
- (4) Ownership. The principal dwelling unit and accessory dwelling unit shall be under the same ownership.
- (5) Limit on Number. There shall not be more than one (1) accessory dwelling unit on a lot in addition to the principal single-family dwelling.
- (6) Maximum Occupancy. The cumulative number of individuals that reside in the principal and accessory dwelling units shall not exceed the number allowed for a single household. See definition of "Household Living" in §13.2.C.28.
- (7) Density Calculations. Accessory dwelling units shall not count toward any applicable maximum residential density requirement.
- (8) Home Occupations. Subject to existing regulations, home occupations shall be allowed in either the principal dwelling or in the Accessory Dwelling Unit. In no circumstance, however, shall a home occupation(s) occupy both units. Traffic generated by the ADU shall be included in all home occupation traffic calculations, as required by Section 5.2.B2d.
- (9) Limit on Tenancy. Either the principal dwelling or the accessory dwelling unit may be used be leased independently of the other, but shall not be leased for a term less than 90 days. In no circumstance shall units be leased separately.
- (10) Size of Accessory Unit. No accessory dwellings shall exceed forty-nine percent (49%) of the size of the **habitable** floor area of the principal dwelling unit or one thousand (1,000) square feet, whichever is less. Only habitable area of the accessory dwelling unit shall be counted toward this maximum.

For example, an accessory dwelling located above a garage shall not count the garage area in the maximum square footage.

(11) Utilities. All accessory dwelling units shall be conditioned upon the provision of adequate public facilities, as outlined below.

(a) All electrical, phone, and cable wiring serving the accessory dwelling unit shall be placed underground.

(b) Sewage Disposal. Accessory dwelling units shall be served by either the Upper Thompson Sanitation District or the Estes Park Sanitation District. When the development site cannot physically be served by the UTSD or EPD, or the development site is outside the existing or planned service areas the accessory dwelling unit may be served by an on-site sewage treatment system provided however, the Larimer County Health Department approves the proposed ADU.

(c) Water. Accessory dwelling units shall be connected to the Town of Estes Park Water System. When the development site cannot physically be served by the Town of Estes Park Water System or the development site is outside the Town's existing or planned water service area the accessory dwelling unit may be served by individual or shared wells, provided however, at the time of application for properties utilizing wells. . .

(12) Access.

(a) Except on corner lots where a second driveway can meet all driveway separation standards set forth in Appendix D, the accessory dwelling unit shall utilize the same access point as the principal dwelling.

(b) Except as required by this Section, road standards set forth in Appendix D of the Estes Valley Development Code shall not apply to ADUs.

(c) *Independent Lease.* Lots that share access with other lots must submit a signed letter from all owners or easement holders of such access stating that there is no objection to the independent lease of one of the units

(13) Off-Street Parking.

(a) At least one (1) off-street parking space shall be provided for each bedroom located in an accessory dwelling unit. Parking space dimensions shall comply with standards set forth in Section 7.11.

(b) Parking shall not be located in the yard setback areas.

(c) All parking areas shall be landscaped to screen from off-site.

(d) Where covered parking is used in conjunction with an ADU it shall be calculated with the cumulative accessory use square footage.

(e) Parked vehicles shall be located in approved locations.

(f) Section 5.2.B2f “Storage or Parking of Vehicles, Recreational Equipment and Recreational Vehicles” applies to Accessory Dwelling Units. Occupants of the accessory dwelling unit shall be allowed to park vehicles on the site. The total number of vehicles on the lot shall not exceed the limit provided for in Section 5.2.B2f.

(14) Site Design.

(a) All General Development Standards set forth in Chapter 7 shall apply to all accessory dwelling units, except where modified by this Section.

(b) Landscaping requirements set forth in Sections 7.5.F “Buffering and Screening” and 7.5.G2e “Perimeter Planting Requirements” shall apply.

(15) Architectural Requirements.

(a) Exterior lighting shall be concealed, with no bulb/light source visible from off site.

(b) The design of the Accessory Dwelling Unit shall be compatible with the design of the principal dwelling unit by use of similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch and colors.

(c) The exterior finish material must be the same or visually match in type, size and placement of the exterior finish of the primary residence.

(d) The roof pitch must be substantially the same as the predominant roof pitch of the primary residence.

(e) Eaves must project from the building walls at substantially the same distance as the eaves on the primary residence.

(f) Trim must be substantially the same in type, size and location as the trim used on the primary residence.

(g) Windows must substantially match those in the primary residence in proportion (width and height) and orientation (horizontal and vertical).

(h) Windows which face an adjoining residential property shall be designed to protect the privacy of neighbors unless fencing or landscaping is provided which adequately accomplishes the same purpose

(i) The entrance to an Accessory Dwelling Unit shall not face the front of the lot, and not be directly visible to the public, unless it can be demonstrated that no other reasonable alternative exists. Entrances shall be treated architecturally in such a way as to be de-emphasized in comparison to the principal dwelling unit. Uses of relatively smaller porches, overhangs or trim for the Accessory Dwelling Unit entrance are examples for creating this architectural hierarchy.

(j) The Decision-Making Body shall have authority to grant exceptions and modifications to these standards, provided they find the requested modifications and/or waivers:

1. Advances the goals and purposes of this Code; and
2. Either results in less visual impact, more effective environmental or open space preservation, relieves practical difficulties in developing a site, or results in the use of superior engineering and/or architectural standards than those required by this Code.

(16) Restrictive Covenant Required.

(a) Accessory dwelling units provided pursuant to this Section shall be deed-restricted to assure the unit remains an accessory dwelling unit, and that the property owner agrees to the requirements of this code.

(b) Removal of the covenant shall require approval of the applicable Board and shall require a finding of exceptional practical difficulties or undue hardship if the restrictions are not removed; or, the property is subdivided under the terms of the EVDC, with the two dwellings being located on their newly created lots. Removal of the deed restriction shall not become effective until the plat is recorded.

(c) The mechanism used to restrict the unit shall be approved by the Town or County Attorney.

(d) The applicant shall submit the signed and notarized covenant with the building permit application, along with applicable recording fee. Staff shall submit the document for recording, and provide a copy of the recorded document to the property owner.

(17) Fees.

(a) Building permit fees apply for all accessory dwelling units.

(b) Building permit applications for all accessory dwelling units are subject to all applicable impact fees, including transportation capital expansion fees applicable to a multi-family land use type as defined in Section 9.5 of the Larimer County Land Use Code.

(c) Water and sewer fees shall apply as determined by the utility provider.

(e) Accessory Dwelling Units shall be subject to development plan review fees set forth in the current Development Review Fee Schedule.

(19) Other Regulations.

(a) A permitted accessory dwelling unit shall comply with all other applicable site and building design, height, access and other standards for principal dwelling units in the zoning district in which the accessory dwelling will be located.

(b) In the case of any conflict between the accessory dwelling unit standards of this Section and any other requirement of this Code, the standards of this Section shall control.

(c) ADU square footage shall be included in cumulative accessory building square footage calculations.

(d) ADUs shall comply with applicable building codes.

**D. General Dimensional and Operational Requirements.**

(No changes proposed)

**§ 13.3 DEFINITIONS OF WORDS, TERMS AND PHRASES**

~~3. *Accessory Dwelling Unit* shall mean a second dwelling unit integrated with a single-family detached dwelling that is located on the same lot as the single-family detached dwelling. "Accessory Dwelling Unit" does not include mobile homes, recreational vehicles or travel trailer.~~

3. *Accessory Dwelling Unit* shall mean any accessory structure, either attached or detached from principal structure, that provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Cooking facilities shall include any area used, or designated to be used, for the preparation of food. See Section 5.2.B2 "Accessory Dwelling Unit."