

BY AUTHORITY

ORDINANCE NO. **4272**

COUNCILLOR'S BILL NO. **38**

SERIES OF 2024

INTRODUCED BY COUNCILLORS

Ezeadi, Nurmela

A BILL

FOR AN ORDINANCE AMENDING VARIOUS PROVISIONS OF THE WESTMINSTER MUNICIPAL CODE TO PROVIDE FOR THE AUTHORIZATION AND REGULATION OF ACCESSORY DWELLING UNITS WITHIN THE CITY OF WESTMINSTER

Whereas, Accessory Dwelling Units are a housing option that may support the needs of aging residents and multi-generational households and are a more affordable option than conventional single-family homes; and

Whereas, the Westminster 2040 Comprehensive Plan identifies Accessory Dwelling Units as a strategy to increase access to housing and provide an option for the City’s changing demographics; and

Whereas, the City conducted a Housing Needs Assessment that further identified Accessory Dwelling Units as an avenue to address the housing needs of residents; and

Whereas, Accessory Dwelling Units reduce the environmental impact of residential construction by using existing land and resources more efficiently; and

Whereas, the City Council finds and determines that authorizing and regulating Accessory Dwelling Units within the City of Westminster is in the best interests of the City’s residents.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Subsection 2-2-2(E) of the Westminster Municipal Code (W.M.C.) is hereby AMENDED to add a new Subsection (8), which shall read as follows:

(8) Section 11-4-19, W.M.C., regarding accessory dwelling units

Section 2. The definition of “short-term rental or STR” in Section 5-24-2, W.M.C., is hereby AMENDED to add “accessory dwelling unit,” with the new language appearing underlined:

Short-term rental or STR means the rental for monetary consideration of a residential dwelling unit, or portion thereof, within the City with or without a morning meal, excluding hotels, motels, bed and breakfasts, for periods of less than 30 days, including but not limited to a single-family dwelling, duplex, townhome, condominium, accessory dwelling unit, or similar dwelling. The term Short-Term Rental shall not include the rental of a dwelling unit to the former owner immediately following the transfer of ownership of such dwelling unit and prior to the former owner vacating the dwelling unit.

Section 3. Section 11-2-1, W.M.C., is hereby AMENDED to add a definition of “accessory dwelling unit” as follows:

Dwelling Unit, Accessory or “ADU” shall mean a smaller, independent residential dwelling unit located on the same lot as a single-family detached dwelling unit that is incidental and subordinate to the principal dwelling unit or use of the principal dwelling unit. Accessory dwelling units may be located as follows:

- within the principal dwelling unit,

- attached to the principal dwelling unit, or
- separate from, but on the same lot as, the principal dwelling unit.

Section 4. Title XI, Article 4, of the W.M.C. is hereby AMENDED to add a new Section 11-4-19, which shall read in its entirety as follows:

11-4-19. – Accessory Dwelling Units.

- (A) *Statement of Intent:* The intent of this section is to establish land use regulations to allow accessory dwelling units within city limits and provide minimum standards for accessory dwelling units to promote the health, safety, and welfare of the public.
- (B) *Applicability:* This section applies to all zoning classifications that allow single-family detached dwelling units as a permitted use.
- (C) *Permitted Use:* Accessory dwelling units are permitted in conjunction with all single-family detached dwellings on a single lot, subject to the following conditions:
- (1) Accessory dwelling units may be located within the principal dwelling unit, attached to the principal dwelling unit, or located separately on the same lot as the principal dwelling unit.
 - (2) Accessory dwelling units shall comply with the same design and development standards, building and fire codes, utility standards, and property maintenance standards required for the principal dwelling unit on the same lot, unless excepted elsewhere in this section.
 - (3) Accessory dwelling units within or attached to the principal dwelling shall be provided with a separate entrance from that serving the principal dwelling unit from the exterior of the building or from a common hallway located within the building.
 - (4) Accessory dwelling units shall be assigned a separate address from the principal dwelling unit.
 - (5) Freestanding accessory dwelling units shall be constructed on a permanent foundation. Temporary structures such as mobile homes and recreational vehicles shall not be used as accessory dwelling units.
 - (6) Accessory dwelling units shall not be sold separately from the principal dwelling unit, nor shall the lot on which it is situated be subdivided unless such subdivision has been approved by the city.
- (D) *Number Permitted:* One (1) accessory dwelling unit is allowed per lot.
- (E) *Maximum Lot Coverage:* The total combined square footage of the principal dwelling unit plus the accessory dwelling unit shall not exceed the maximum total ~~square footage~~ lot coverage established for the principal dwelling unit.
- (F) *Minimum Setbacks:*
- (1) Accessory dwelling units shall comply with the front and side setbacks established for the principal dwelling unit.
 - (2) Accessory dwelling units shall comply with the rear setbacks established for other accessory building types in the same zone district, or five (5) feet, whichever is greater.
- (G) *Maximum Height:* The maximum height of an accessory dwelling unit shall be the same as required for the principal dwelling unit on same lot.
- (H) *Size Requirements:*


- (1) The minimum size for an accessory dwelling unit shall be 190 square feet.
 - (2) The maximum size for an accessory dwelling unit shall be 1,200 square feet, or 50 percent of the gross floor area of the principal dwelling unit, whichever is less.
 - (3) No accessory dwelling unit shall have more than two bedrooms.
- (I) *Minimum Parking Requirement:* One new parking space is required for each accessory dwelling unit only if both of the following conditions exist. If none of the following conditions exist, no new parking spaces are required.
- (1) the principal dwelling unit does not include an existing off-street parking space, including a driveway, garage, or tandem parking space, that could be used for an accessory dwelling unit; and
 - (2) the principal dwelling is located on a block where on-street parking is prohibited for any reason including access for emergency services.
- (J) *Architectural Character:* Accessory dwelling units shall maintain the character of the surrounding neighborhood and shall be designed in a manner that is consistent with the principal dwelling in at least three of the following elements:
- (1) Roof pitch and form;
 - (2) Soffit and fascia style;
 - (3) Exterior wall cladding material;
 - (4) Window style, trim, and orientation;
 - (5) Exterior door style;
 - (6) Architectural features such as, but not exclusive of, building recessions or projections, dormers, balconies, porches, columns, and prominent entry features; or
 - (7) Color palette.
- (K) *Administrative Approval:* Approval of accessory dwelling units shall not require, and may not be elevated to require, a public hearing, a recommendation or a decision by an elected or appointed public body or a hearing officer, provided the accessory dwelling unit meets all requirements of this section.
- (L) *Permits Required:* No accessory dwelling unit shall be constructed without first obtaining all required building and utility permits.
- (M) *Variances:* An applicant seeking relief from the strict application of this section may request a variance from the Planning Commission in accordance with the procedures outlined in Section 2-2-8, W.M.C. Variances from the requirements of Section 11-4-19(J) Architectural Character shall be granted only if the Planning Commission finds that the request satisfies the singular criterion outlined in Section 2-2-8(B)(6), W.M.C., which states that the variance, if granted, will not alter the essential character of the neighborhood or district in which the property is located.
- (N) *Certificate of Occupancy:* A certificate of occupancy may be granted only to an accessory dwelling unit in compliance with this section and only after a certificate of occupancy has been granted to the principal dwelling unit on the same lot.

Section 5. This ordinance shall take effect January 1, 2025. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of October, 2024.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 18th day of November, 2024.

ATTEST:

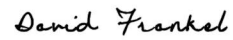


City Clerk



Mayor

APPROVED AS TO LEGAL FORM:



City Attorney's Office