

**CITY OF SHERIDAN, COLORADO  
ORDINANCE NO. 10-2021**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERIDAN  
ENACTING ARTICLE XXXI. - ACCESSORY DWELLING UNITS OF THE  
SHERIDAN MUNICIPAL CODE CHAPTER 56 – ZONING**

WHEREAS, the City Council of the City of Sheridan ("City Council") directed staff and the Planning and Zoning Commission of the City of Sheridan (the "Planning Commission") to develop standards permitting the construction of accessory dwelling units (ADUs); and

WHEREAS, staff conducted various public outreach events and multiple study sessions with Planning Commission over the past two years to develop regulations for ADUs; and

WHEREAS, the Commission recommended approval of this ordinance to City Council via P&Z resolution 4-2021; and

WHEREAS, City Council has reviewed the ordinance enacting Article XXXI of Chapter 56 – Zoning of the City of Sheridan Municipal Code pertaining to ADUs.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERIDAN, COLORADO, THAT:**

Section 1. Article XXXI – Accessory Dwelling Units, is hereby enacted to read as follows:

**Article XXXI. - ACCESSORY DWELLING UNITS**

**Sec. 56-700. Purpose.**

- A. To increase the variety and flexibility of Sheridan’s existing housing stock;
- B. To maintain the predominately residential character of Sheridan’s single-family neighborhoods;
- C. To allow homeowners additional rental opportunities for supplemental income.

**Sec. 56-701. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning

*Accessory dwelling unit*, or *ADU*, means an independently accessed one-household dwelling unit on the same lot as a single-family dwelling unit and is coincident with all definitions and requirements of a dwelling unit as defined by the building and fire codes as adopted by the City of Sheridan.

*Attached accessory dwelling unit* means an accessory dwelling unit which shares at least 25% of its wall length with a single-family dwelling unit and expands the footprint of the single-family dwelling unit.

*Building envelope* means the three-dimensional space created from the exterior surfaces of all walls, floors, and roofs of a building.

*Detached accessory dwelling unit* means an accessory dwelling unit which shares no wall length with a single-family dwelling unit and which has a completely separate footprint

*Footprint* means the two-dimensional land area covered by a building or structure calculated to the edges of the roof or eaves of the building or structure.

*Interior accessory dwelling unit* means an accessory dwelling unit which is contained completely within the building envelope of a single-family dwelling unit.

*Short-term rental* means any dwelling, dwelling unit or portion of any dwelling unit rented or leased for valuable consideration to a particular person or persons for periods of time less than 30 days.

*Single-family dwelling unit* means a building created and used for the purposes of housing a single household which is not attached in any way to another dwelling unit.

**Sec. 56-702. Use Permitted; Limitations.**

A. Accessory dwelling units are allowed in the Residential Single-Family (RES-SF), Residential Single-Family Large Lot (RES-SFLL), and Residential Multi-Family (RES-MF) districts only in conjunction with a single-family dwelling unit.

B. Accessory dwelling units are not permitted on any property with existing two-family (duplex) or multi-family dwelling units.

C. Only one (1) accessory dwelling unit is permitted per lot and only in conjunction with a single-family dwelling unit.

D. A maximum of one (1) short-term rental license may be issued, pursuant to the home-based business regulations of Section 56-112(a)(5), for any property with an accessory dwelling unit for either the accessory dwelling unit or the single-family dwelling unit but not both, as long as the property owner occupies one of these units.

E. Short-term rentals are not permitted unless the property owner occupies one (1) dwelling unit on the property.

F. A maximum of two (2) long-term residential rental licenses (lease terms greater than 30 days) may be issued to a property owner for the rental of an accessory dwelling unit and single-family dwelling unit, with a separate business license required for each rental.

**Sec. 56-703. General requirements.**

A. Accessory dwelling units may not contain more than one household dwelling unit, as defined by Section 56-3 of the Code.

B. The combined lot coverage of the single-family dwelling unit, any accessory buildings, and an accessory dwelling unit may not exceed the lot coverage maximum of the underlying zone district.

C. An existing building envelope that is to be renovated to accommodate an accessory dwelling unit shall not be subject to the lot coverage, height, or setback requirements of the underlying zone district, provided that the following are satisfied:

- (1) The building envelope will not be expanded.
- (2) The existing envelope can accommodate the accessory dwelling unit without complete demolition and replacement of the walls, floor, and roof.

C. No subdivision of an accessory dwelling unit from the existing single-family dwelling unit is permitted, unless the proposed subdivision meets all standards for the underlying zone district.

**Sec. 56-704. Review and approval process.**

A. An accessory dwelling unit may be created by the conversion of existing space within a building envelope or the creation or expansion of a building footprint only through the review, approval, and issuance of a building permit and the receipt of a certificate of occupancy (CO) from the City of Sheridan.

B. Prior to the submission of a building permit application for the creation of an accessory dwelling unit, the applicant must submit a Pre-Planning Application request for the proposed accessory dwelling unit and shall include the following:

- (1) Dimensioned site plan and floor plan
- (2) A letter of intent addressing compliance with this article
- (3) Proof of ownership of the property or authorization from the owner of the property.

C. An applicant may only submit a building permit application for an accessory dwelling unit after comments are issued on the Pre-Planning Application by the zoning administrator.

D. All applications (to include Pre-Planning and building permit) shall identify the type of accessory dwelling unit requested and demonstrate compliance with the type-specific regulations in a narrative format.

E. All building permit applications for accessory dwelling units are subject to review and approval by the zoning administrator.

F. Building permit applications that do not meet the requirements of this article or the Code may be denied by the zoning administrator.

G. Existing, non-conforming dwelling units meeting the definition of an accessory dwelling unit may be brought into compliance with the zoning and building codes of the City of Sheridan through the approval process set forth in this section.

**Sec. 56-705. Utilities.**

A. Accessory dwelling units shall be connected to municipal utility systems, including but not limited to the following: sanitary sewer, water, gas, and electric.

B. An accessory dwelling unit shall not be connected to a septic system, well water, or propane tank, even if the existing single-family dwelling unit is connected to any of the above systems.

C. Accessory dwelling units shall not have direct connections to municipal utilities and shall be branched from a single main service line to the lot.

D. Will-serve letters from the appropriate water, sanitary sewer, and gas and/or electric districts or utility providers shall be submitted with a building permit application for an accessory dwelling unit to be deemed a complete permit application for review by the zoning administrator.

**Sec. 56-706. ADU types permitted; standards.**

The following types of accessory dwelling units are permitted:

A. Interior accessory dwelling units:

(1) Height and setback requirements are based on the underlying zone district for the principal building.

(2) Interior accessory dwelling units are limited to 800 square feet in area.

B. Attached accessory dwelling units:

(1) Height and setback requirements are based on the underlying zone district for the principal building.

(2) Attached accessory dwelling units are limited to 800 square feet in area.

(3) Architectural compatibility is required for attached accessory dwelling units and must be achieved through one of the techniques contained in the supplementary standards.

C. Detached accessory dwelling units:

- (1) Detached accessory dwelling units shall not be located in front or side yards and shall only be located in rear yards.
- (2) Minimum side and rear setbacks are 5 feet to lot line, with an additional 6 inches of side and rear setback for every foot of height over 15 feet.
- (3) Minimum internal setback between the accessory dwelling unit and the single-family dwelling unit on the same lot is 5 feet.
- (4) Height cannot exceed 25 feet or the height of the principal structure, whichever is less.
- (5) Detached accessory dwelling units are limited to 800 square feet in area.
- (6) Detached accessory dwelling units are limited to 1,000 square feet in area for lots which exceed 10,000 square feet in lot area.
- (7) Architectural compatibility is required for detached accessory dwelling units and must be achieved through one of the techniques contained in the supplementary standards.

**Sec. 56-707. Supplemental Standards.**

A. One (1) off-street parking space per accessory dwelling unit shall be provided, in addition to the number of off-street parking spaces for the single-family dwelling unit as required under the Code.

B. The minimum floor area for any accessory dwelling unit shall be 150 square feet.

C. The area of enclosed garages or carports shall not be included in calculating the area of the accessory dwelling unit.

D. Architectural compatibility is required for attached and detached accessory dwelling units and may be achieved by demonstrating that a minimum of one (1) of the following standards are met through the Pre-Planning and building permit application processes:

- (1) Use of the same primary exterior material as the single-family dwelling unit;
- (2) Use of the same roof shape as the single-family dwelling unit; or
- (3) Consistent use of the same exterior colors, fixtures (lighting, gutters, etc.) or fenestration as the single-family dwelling unit.

E. Addresses shall be assigned to all accessory dwelling units on the City's standard address request form, and shall designate the single-family dwelling unit as "A" and the accessory dwelling unit as "B."

Section 2. Subsection 56-112(a), RES-SF Permitted uses, of the Sheridan Municipal Code is hereby amended by the addition of a new subsection (10), to read as follows:

“(10) Accessory dwelling units, provided such use is in compliance with Article XXXI of this Code.”

Section 3. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The city council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.


Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 5. The repeal or modification of any provision of the Sheridan Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.


Section 6. This ordinance is deemed necessary for the preservation of the public property, health, welfare, peace and safety.

PASSED AND APPROVED on first reading the 25<sup>th</sup> day of October, 2021 and ordered published.

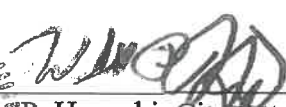
PASSED AND APPROVED on second reading the 8<sup>th</sup> day of November, 2021 and ordered published.

  
Tara Beiter-Fluhr, Mayor

ATTEST:

  
Arlene Sage, City Clerk

APPROVED AS TO FORM:

  
CITY OF SHERIDAN  
STATE OF COLORADO  
SEAL  
William P. Hayashi, City Attorney