

ACCESSORY DWELLING UNITS (ADUs)

EXISTING DWELLING UNITS WHICH MAY QUALIFY AS AN ADU

What is an ADU?

An Accessory Dwelling Unit (ADU) is a smaller, independent residential dwelling unit located on the same property as a detached single-unit home. They can be converted portions of existing homes or additions to new or existing homes (attached ADUs), or they can be new or converted stand-alone accessory structures (detached ADUs).

As an independent dwelling unit, an ADU has its own living, sleeping, cooking, and bathroom facilities. It cannot be sold separately from the primary house on the property, and the property owner is required to live either in the primary or accessory unit.

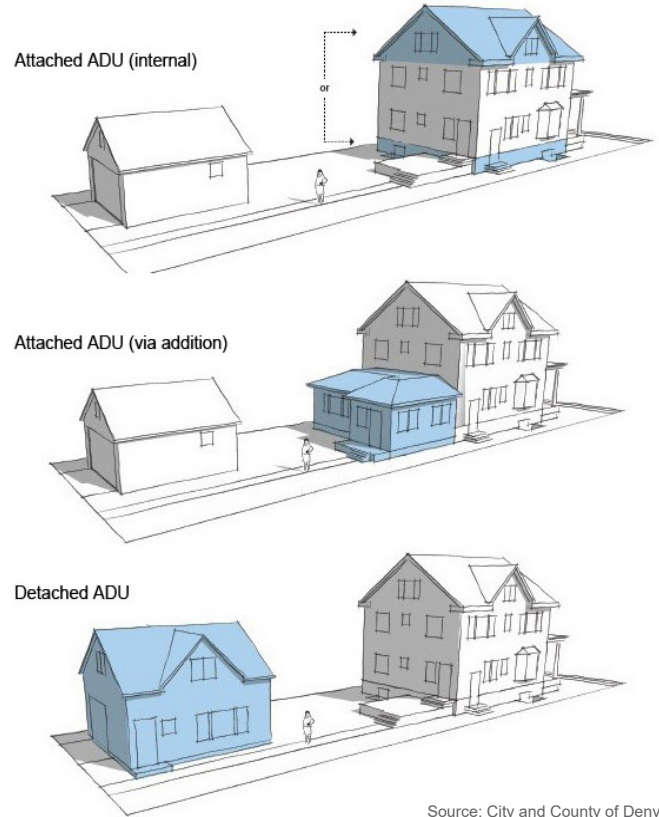
How can an existing dwelling unit on my property qualify as an ADU?

Prior to August 15, 2022, Accessory Dwelling Units were not permitted by Wheat Ridge City Code. It is understood, however, that ADUs may exist in the community for one reason or another. [Ordinance No. 1744 and Section 26-646](#) of the City Code allows owners of existing dwellings which may qualify as ADUs to apply for legal ADU status. The deadline to apply without penalty is **August 15, 2024**.

Property owners may apply for legal ADU status using [this form](#). Property owners are asked to provide some documentation, if they have it, such as proof that the ADU had been previously approved, evidence of separate utilities, or any documentation of the historical status of the space. The Planning Division will review the application; this review usually takes 2-3 weeks and will usually result in one of two possible determinations:

1. The dwelling is found to be **legally nonconforming**, meaning it was at one time acknowledged or approved by the City or County as an ADU. The property owner can then execute a deed restriction (see info at right) and obtain a Certificate of ADU Approval which certifies that the ADU may continue to exist in its current form.
2. The dwelling is found to be **unsanctioned**. This means it was likely constructed without proper approvals, without permits, or was a living space illegally converted into an additional dwelling. In order to explore potential legalization, a property owner may choose to proceed with a courtesy inspection from the Building Division. This inspection will determine what work may be required, notably to address life safety concerns such as egress, ceiling height, fire separation, and mechanical separation. A property owner may choose to proceed in applying for and obtaining a Building Permit to complete such work, and if so would obtain a Certificate of Occupancy for the ADU.

In some cases, it may be impossible for an unsanctioned ADU to be legalized. There are still options for it to remain as living space, but it may not be possible for it to be a fully separated and recognized an independent ADU.



Owner Occupancy Deed Restriction

Per Section 26-646 of the City Code, property owners are required to live in either the ADU or the primary dwelling on a property. This is accomplished through a two-page deed restriction which also prohibits the ADU from being sold separately from the primary dwelling. The property owner(s) will need to sign and submit the deed restriction prior to the City's issuance of the Certificate of ADU Approval, Certificate of Occupancy, or building permit (if permits are required).

If the property owner has not been residing in the primary dwelling or ADU, please contact staff regarding a temporary waiver of the owner occupancy requirement.

Resources & Questions

All related forms, FAQs, and template deed restrictions may be found online at www.ci.wheatridge.co.us/ADU.

Please contact the Community Development Department with any questions regarding ADUs.

Community Development Department
Phone: 303-235-2846
Email: zoning@ci.wheatridge.co.us