

ORDINANCE NO. 2327  
INTRODUCED BY: Johnston

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING VARIOUS SECTIONS OF CHAPTER 13 OF THE BRIGHTON MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNITS (ADU'S)

WHEREAS, authority is granted by the Charter to the governing body of the City of Brighton, Colorado, to assess fees and charges for services provided by the City; and

WHEREAS, the City Council finds and determines that it is in the best interest of the City and its utility ratepayers to allow for water and wastewater service to an Accessory Dwelling Unit without requiring the payment of additional plant investment fees under certain circumstances.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. Section 13-4-05 of the Brighton Municipal Code is amended to add the definition of Accessory Dwelling Unit (ADU) to read as follows:

**Accessory Dwelling Unit (ADU) shall be as contemplated and described in Section 4.03.B of the Brighton Land Use and Development Code.**

Section 2. Section 13-4-05 of the Brighton Municipal Code is amended to remove the definition of Carriage unit.

~~Carriage unit means living space directly above the garage of a single family detached structure.~~

Section 3. Section 13-4-90(e)(2) of the Brighton Municipal Code is amended to read as follows:

Section 13-4-90(e)(2)

Water plant investment fees for multi-family dwellings, including apartment buildings or condominiums **and** single-family attached (such as duplexes or townhomes) ~~and single family detached with carriage unit~~ shall be assessed based on number of units. ~~A carriage unit that is detached from the main structure will pay the fee for an additional unit. If the carriage unit is restricted to prohibit rental of the unit separate from the main structure, fees shall be as detailed in Paragraph (1).~~ The "with water rights" plant investment fee shall apply if water shares are to be dedicated in conjunction with the purchase of the tap. The "without water rights" plant investment fee shall apply if no water shares are to be dedicated in conjunction with the purchase of the tap. These plant investment fees shall be as follows:

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|----|----------------------|----------|
| a. | With Water Rights    |          |
|    | First Living Unit    | \$13,354 |
|    | Each Additional Unit | \$8,012  |
| b. | Without Water Rights |          |
|    | First Living Unit    | \$24,354 |
|    | Each Additional Unit | \$13,665 |

Section 4. The Brighton Municipal Code is amended by the addition of a new Section 13-4-91, which is to read as follows:

**Section 13-4-91. Accessory Dwelling Units (ADU's).**

- a. **An accessory dwelling unit (ADU) may be serviced off the primary dwelling unit's water tap provided that: the ADU is detached from the primary dwelling; any lot containing a primary dwelling unit and an ADU may not be subdivided; and a Professional Engineer has provided a stamped utility memo to the building department using standards in the most recently adopted International Plumbing Code, showing a calculation that the new ADU fixtures can be accommodated with the existing water tap.**
- b. **If the calculation using the applicable Plumbing Code shows an increased demand that is greater than the existing tap and meter can handle, the applicant has the following options:**
  - i. **Upsize the existing tap, service line, meter, and pay all associated fees under the single-family detached designation; or**
  - ii. **Install a new tap, service line, meter, and pay all associated fees under the single-family detached designation.**

Section 5. Section 13-12-10 of the Brighton Municipal Code is amended to remove the definition of Carriage unit.

~~Carriage unit means living space directly above the garage of a single-family detached structure.~~

Section 6. Section 13-16-25(2) of the Brighton Municipal Code is amended to read as follows:

- (2) Wastewater Plant Investment Fees for multi-family dwellings, including apartment buildings or condominiums **and** single-family attached serviced by common tap (such as a duplex or townhomes); ~~and single-family detached with carriage unit~~ shall be assessed based on number of units. ~~A carriage unit that is detached from the main structure will pay the fee for an additional unit. If the carriage unit is restricted to prohibit rental of the unit separate from the main structure, wastewater Plant Investment Fees shall be as detailed in Paragraph (1).~~ These Wastewater Plant Investment Fees shall be as follows:

- a. First Living Unit \$837
- b. Each Additional Unit \$543

Section 7 The Brighton Municipal Code is amended by the addition of a new Section 13-16-26, which is to read as follows:

**Section 13-16-26. Accessory Dwelling Units (ADU's).**

- a. **An accessory dwelling unit (ADU) shall be as contemplated and described in Section 4.03.B of the Brighton Land Use and Development Code and may be serviced off the primary dwelling unit's wastewater tap provided that: the ADU is detached from the primary dwelling; any lot containing a primary dwelling unit and an ADU may not be subdivided; and a Professional Engineer has provided a stamped utility memo to the building department using the most recently adopted International Plumbing Code, showing a calculation that the new ADU fixtures can be accommodated with the existing wastewater tap.**
- b. **If the calculation using the applicable Plumbing Code shows an increased demand that is greater than the existing tap capacity, the applicant has the following options:**

- i. **Upsize the existing tap and service line, and pay all associated fees under the single-family detached designation; or**
- ii. **Install a new tap and service line, and pay all associated fees under the single-family detached designation.**

Section 8. The purpose of this Ordinance is to provide for the health, safety, and welfare of the people.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED THIS 17<sup>th</sup> DAY OF December, 2019.

PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 7<sup>th</sup> DAY OF January, 2020.

CITY OF BRIGHTON, COLORADO

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GREGORY MILLS, Mayor

ATTEST:

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NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

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JACK D. BAJOREK, City Attorney