

ORDINANCE NO. 2494  
INTRODUCED BY: Taddeo

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, CONCERNING AMENDMENTS TO ARTICLE 5 OF THE LAND USE AND DEVELOPMENT CODE REGARDING SETBACKS FOR ACCESSORY DWELLING UNITS

WHEREAS, the *Land Use & Development Code* (the "LUDC") contains certain provisions related to land use, zoning, design standards, and the process for applications; and

WHEREAS, in order to address housing shortages and affordability, the Colorado General Assembly enacted legislation concerning accessory dwelling units ("ADUs"); and

WHEREAS, the Colorado Department of Local Affairs has determined that state statutes require all ADUs to be afforded the same rear setback as accessory buildings, and such determination necessitates amendments to the LUDC; and

WHEREAS, following a public hearing held on December 11, 2025, the Planning Commission, in Resolution No. 25-12, unanimously recommended approval of the proposed amendments contained herein; and

WHEREAS, the City Council has reviewed the proposed amendments to the LUDC, and has found the amendments, as provided herein, to be in the best interest of the health, safety, and welfare of the community.

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

Section 1. Section 5.04(H) of the LUDC is hereby amended as follows:

5.04 Building Design

H. Accessory Dwelling Unit (ADU) Design Standards.

1. General Requirements.

- a. ADUs shall comply with the accessory dwelling uses Section 4.03.B.1 of this code and, except where specifically required herein, are not subject to Sections 5.03 Lot Open Space Design or Sections 5.04.A through G Building Design.
- b. ADUs are not Accessory Buildings nor subject to the requirements specific to Accessory Buildings - Residential in Section 5.02.
- c. Required building setbacks for ADUs shall be the same as those applicable to the principal building except the rear setback shall be 10 feet, or when attached to or within a detached garage

accessed from an alley, the rear setback shall be 5 feet. In no case shall construction of an ADU decrease the minimum setbacks applicable to the principal building.

- d. An ADU shall be clearly subordinate to the principal building in terms of scale, location, and orientation.
  - e. An ADU shall have its own exterior entrance, except an attached or internal ADU may share an exterior entrance with the principal building or an accessory building provided that each unit has a secure entry door at a common hallway and the common hallway leads directly to the exterior of the building.
  - f. The exterior entrance leading into an ADU or into a common hallway serving an ADU shall have an entry that relates the ADU to its access point on the lot.
  - g. Exterior stairways leading to an ADU entrance shall not exceed 1 story in height.
  - h. ADUs shall not exceed 2 stories or 35 feet in height.
  - i. ADUs shall be affixed to a permanent engineer-designed foundation.
2. A detached ADU shall:
    - a. Be limited to an above-grade living floor area not exceeding the above-grade living floor area of the principal building and shall not exceed 1200 square feet; and
    - b. If served by an alley, be accessed from the alley (the Director may allow access to the ADU from the side street on corner lots).
  3. An ADU attached to the principal building shall:
    - a. Be limited to an above-grade living floor area not exceeding the above-grade living floor area of the principal building and shall not exceed 1200 square feet;
    - b. Comply with Section 5.04 of this code; and
    - c. Without applying a higher standard than that in place for the principal building, be designed to maintain the architectural design, appearance, and character of the principal building, including similar massing, scale, and story height.
  4. An ADU located within the principal building, such as within a basement, shall be limited to the spatial constraints of the principal building and shall not exceed the living floor area of the remainder of the principal building.
  5. An ADU addition to or alteration within an existing accessory building shall comply with the requirements for a detached ADU, and the overall building shall not exceed 2 stories or 35 feet in height.

Section 2. All sections, subsections, and definitions not expressly amended or modified herein remain in full force and effect.

Section 3. Findings. The City Council finds determines that the amendments set forth herein: (i) further the purpose of the LUDC; (ii) are in accordance with the Comprehensive Plan and have been considered for both their long-range effects and immediate impacts; (iii) promote the public safety, health, and general welfare of the community of the City of Brighton; and (iv) improve the effectiveness and efficiency of administering the LUDC.

Section 4. As provided in City Charter Section 5.9(A), this Ordinance, either as presented or as amended, shall be published in full as it was adopted prior to taking final action. This Ordinance shall be in full force and effect five days after its final publication, as provided in City Charter Section 5.8.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED THIS 20<sup>th</sup> DAY OF JANUARY 2026.

INTRODUCED, PASSED ON FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 3<sup>rd</sup> DAY OF FEBRUARY 2026.

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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YASMINA GIBBONS, Deputy City Attorney