

## Section 19 – Accessory Uses

### A. In Any District

Subject to the restrictions of the Zoning Resolution, a use, equipment or item customarily incidental to an existing permitted use on a lot shall also be permitted when located on the same lot as the existing permitted use. (orig. 6-6-50; am. 5-20-08)

1. The long-term renting of rooms for not more than 5 persons in any private dwelling. (orig. 6-6-50; am. 7-17-18)
2. A communal dining room or other services customary to an assisted living facility. (orig. 6-6-50; am. 12-17-02)
3. Buildings housing technical offices, laboratories, medical offices, pharmacies, radiological facilities, medical and surgical suppliers, housing for personnel employed on the premises, and other similar uses may be located on the grounds of any hospital or sanitarium. (orig. 12-26-62)

### B. Agricultural and Residential Districts

1. Lots with legal non-conforming residential structures in Commercial-One zone districts shall be allowed one mini-structure for storage purposes. (orig. 7-17-18)
2. Swimming pools, play sets over 8 feet in height, tennis courts, gazebos, ~~hot tubs~~, decks over 12 inches above grade, and other similar outside private recreational facilities shall conform to the setback requirements for a dwelling or accessory building (whichever is less) in the applicable district. ~~-(orig. 6-14-88; am. 12-17-02; am xx-xx-xx)~~
3. Enclosure fences immediately surrounding tennis courts, batting cages, etc. shall not exceed 12 feet in height and must meet setback requirements. (reloc. 7-17-18; am. 7-17-18)
4. No more than a cumulative total of 200 square feet of mini-structures per lot shall be used for storage purposes in residential zones with the exception of the Agricultural-One, Agricultural-Two and Agricultural Thirty-Five Districts. Mini-structures shall meet the minimum separation requirements as specified in the Building Code. (orig. 6-14-88; am. 12-17-02; am. 7-17-18)
  - a. Mini-structures which house livestock that ~~are~~ are not subject to the urban agriculture requirements of this Section, shall meet all setback requirements of the underlying zone district. (orig. 6-14-88; am. 12-17-02, am. 9-13-16)
  - b. ~~Mini-structures up to 200 square feet and less than 14 feet at the peak must meet the front setback requirement for Accessory Structures as well as a 5-foot minimum side and rear setback. (orig. XX-XX-XX) All other mini-structures which do not house livestock and are less than 9 feet tall at the peak do not need to meet side or rear setback requirements if screened from neighbors' view by a minimum 5-foot high closed fence that is at least three times as long as the mini-structure being screened, or equivalent vegetation. (orig. 6-14-88; am. 12-17-02, am. 9-13-16; am. 7-17-18)~~
  - ~~ed.~~ Mini-structures used for Urban Agriculture shall be in compliance with the Urban Agriculture provisions of this Section. (orig. 9-13-16)
5. Shipping containers used for storage must meet the following criteria: (orig. 7-17-18)
  - a. The container is located on an agriculturally zoned property that meets the minimum lot size and setbacks of the zone district; or (orig. 7-17-18)
  - b. The container has a wood, brick, or similar appearing exterior and a pitched roof. (orig. 7-17-18)

6. Accessory uses in all residential zone districts cannot exceed the square footage of the primary use (residence) to which they are subordinate (excluding barns in the agricultural zone districts). Accessory use square footage includes attached and detached garages, sheds, ADUs, and all uses listed as Accessory uses in the applicable Zone District. Primary use square footage shall include all habitable area within the primary residence, including unfinished basements and fully enclosed porches. Covered porches and decks shall not count towards either primary or accessory square footage. (orig. 12-17-02; am. 5-20-08; am. 7-17-18)
7. The footprint of an accessory structure may not exceed 75% of the footprint of the primary structure. The footprint shall include attached garages and fully enclosed porches, but shall not include decks or porches, even if covered. (orig. 7-17-18)
8. Non-commercial type vehicles shall be considered accessory to residential uses. However, such vehicles must be licensed and operable or stored within a structure. (orig. 12-17-02; am. 4-4-06)

### **C. Urban Agriculture**

#### **1. Chickens & Ducks**

To provide for the keeping of domestic chickens and ducks on single family detached, two-family dwelling, or duplex residential lots. The maximum combined total number which may be kept shall be 6. Roosters are not permitted. (orig. 3-26-13; am. 09-13-16)

##### **a. Conditions and Requirements**

- (1) A Miscellaneous Permit must be obtained from Planning and Zoning for the keeping of domestic chickens and/or ducks. For this use, the miscellaneous permit shall only be applicable to the current owner or lessee and does not run with the property. (orig. 3-26-13; am. 09-13-16)
  - (a) Chicken and duck coop enclosures must be predator resistant. (orig. 3-26-13; am. 09-13-16)
  - (b) Coops and runs may not be located within the front yard. (orig. 3-26-13)
  - (c) Adjacent lots and any registered HOA applicable to the property shall be notified in writing of the use. (orig. 3-26-13; am. 09-13-16)
  - (d) If the request is from a lessee, the property owner shall give permission in writing prior to the application and must sign the permit application. (orig. 3-26-13)
- (2) Applications shall be referred to Jefferson County Animal Control for comment. (orig. 3-26-13)
- (3) The County may revoke the Miscellaneous Permit at any time for failure to comply with the provisions of this Zoning Resolution concerning the keeping of chickens and ducks and/or confirmed violation(s) of any federal, state, or local law, ordinance, or regulation. (orig. 3-26-13; am. 09-13-16)
- (4) Some districts already allow chickens, ducks, and other poultry. In those districts, these standards do not apply. If expanded uses are desired as allowed by zoning, i.e. keeping turkeys, the standards in the underlying district will apply. (orig. 3-26-13; am. 09-13-16)

##### **b. Lot and Building Standards**

- (1) Coops and runs shall meet all setback requirements of the underlying zone district, unless they meet the following conditions:
  - (a) No openings of the coop structure shall be allowed that exceed the height of the screening on sides of the coop which are adjacent to other property boundaries; and (orig. 3-26-13)

- (b) The coops and enclosure are screened from neighbors' view by a minimum 5 foot high solid, closed fence. (orig. 3-26-13)
- (2) Minimum setback from inhabitable structures shall be 10 feet. (orig. 09-13-16)
- (3) Coops and runs shall meet the following lot and building standards:

Standards					
Chickens & Ducks	Height of structure	Minimum lot size	Maximum Size of Enclosure	Minimum Sq ft per animal inside the coop	Minimum Sq ft per animal outside the coop
	8 ft	4000 sf	200 sf	2 sf	6 sf

(orig. 3-26-13; am. 09-13-16)

c. Specific Exclusions and Limitations

- (1) Exclusions – Unless allowed by the underlying zone district, in no event shall any of the following be kept:
  - (a) Roosters. (orig. 3-26-13)
  - (b) Other types of fowl, waterfowl, or birds, such as turkeys, geese, pigeons, etc. (orig. 3-26-13; am. 09-13-16)
- (2) On-site Slaughtering of the chickens and ducks is prohibited. (orig. 3-26-13; am. 09-13-16)
- (3) The capture, keeping, and/or release of migratory birds as defined by the State of Colorado Parks & Wildlife is subject to the regulations and permitting requirements of the State of Colorado Parks & Wildlife and the U.S. Fish & Wildlife Service. (orig. 09-13-16)

2. Honey Bees

To provide for the keeping of bees on single family detached, Two-family dwelling or duplex residential lots. (orig. 3-26-13)

a. Conditions and Requirements

- (1) A Miscellaneous Permit must be obtained from Planning and Zoning for the keeping of bees. For this use, the miscellaneous permit shall only be applicable to the current owner or lessee and does not run with the property. (orig. 3-26-13)
  - (a) Size and location of hive meeting applicable setbacks of zone district. (orig. 3-26-13)
  - (b) Hives may not be located within the front yard. (orig. 3-26-13)
  - (c) Bees are to be kept for personal use. (orig. 3-26-13)
  - (d) Adjacent lots and any registered HOA shall be notified in writing of the use. (orig. 3-26-13)
  - (e) If the request is from a lessee, permission from the property owner must be obtained in writing prior to the application. (orig. 3-26-13)
- (2) The County may revoke the Miscellaneous Permit at any time for failure to comply with the provisions of this Zoning Resolution concerning the keeping of bees and/or confirmed violation(s) of any federal, state, or local law, ordinance, or regulation. (orig. 3-26-13)

- (3) Some agricultural districts already allow bees. In those districts, these standards may be followed for the keeping of bees. If expanded uses are desired as allowed by zoning, the standards in the underlying district will apply. (orig. 3-26-13)
- b. Lot and Building Standards
- (1) Hives shall meet all setback requirements, unless they are screened from neighbors' view by a minimum 5 foot high closed fence. (orig. 3-26-13)
  - (2) Two hives shall be permitted on lots with a minimum of 4,000 square feet. One additional hive shall be permitted for each 4,000 square feet of lot area exceeding 4,000 square feet. (orig. 3-26-13)

#### **D. Accessory Dwelling Units**

1. The intent of this section is to provide for one additional residence on a single family detached lot that is accessory to the primary residence, so that it enhances the residential neighborhoods and helps citizens to meet their housing needs. Since the unit is accessory to the primary unit, the access to the accessory dwelling unit shall utilize the same driveway as the primary unit. Additionally, if either the primary residence or accessory dwelling unit is rented, these units should be long-term rentals. (orig. 12-9-14; am. 7-17-18)
2. Planning & Zoning may permit an accessory dwelling unit (ADU) in all agricultural and residential zone districts, including comparable Planned Development zone districts. The accessory dwelling unit may be built either at the same time as the primary single family detached residence on the lot, after the primary residence has been constructed, or by converting an existing qualifying dwelling into an ADU by building a larger primary dwelling. The accessory dwelling unit may only be allowed as an accessory use to a single family detached residence. The accessory dwelling unit may be attached or detached. (orig. 12-5-06, am. 12-9-14; am. 7-17-18)

a. Requirements

Requirements are items that must be met with the application. Relief will not be granted for these items.

- (1) Valid water and sanitation shall be provided either by an appropriate water and sanitation district or by a valid well permit and septic permit specific to both the primary and the proposed accessory dwelling unit. If the property is served by a well, the applicant needs to provide a letter from the Colorado Division of Water Resources that states the existing well permit can accommodate the accessory dwelling unit. Minimum lot sizes required by Jefferson County Public Health that differ from this regulation shall be met or relief must be granted from Public Health. (orig. 12-5-06, am 12-9-14)
- (2) The accessory dwelling unit shall not be sold separately from the primary dwelling unit, nor shall the lot on which it is situated be subdivided unless such subdivision is authorized in accordance with the Jefferson County Land Development Regulation. (orig. 12-9-14)
- (3) A document will be recorded in the Jefferson County real property records that indicates a second dwelling on the property was permitted through the Accessory Dwelling Unit Regulations in the Jefferson County Zoning Resolution. In the event the County fails to record a notice in the real property records or there is a defect in any such recording for any reason, these Accessory Dwelling Unit Regulations shall still apply to the property with the second dwelling unit. (orig. 12-9-14)
- (4) If the access to the property is from a state highway, the Colorado Department of Transportation shall receive notice of the proposal. (orig. 12-9-14)

b. Lot and Building Standards

If the Lot and Building Standards cannot be met, the applicant may request relief through the administrative exception process or a variance. (orig. 12-9-14)

- (1) The owner of the property, as reflected in the title records, shall occupy one of the dwelling units. Proof of residency may be demonstrated by providing voter registration, vehicle registration or other similar documentation. The owner must occupy the property as their primary residence. The Director of Planning and Zoning may waive this requirement for temporary absences provided the owner has occupied the primary or accessory dwelling unit for a minimum of two years. (orig. 12-9-14; am. 3-3-15)
- (2) The minimum lot sizes and maximum unit sizes are outlined in Table 1 below. The maximum square footage is based upon the total square feet in the primary unit, including basements, but does not include attached or detached garages. Detached units include units above a detached garage or other outbuilding. (orig. 12-5-06; am 12-9-14)

**Table 1**

	<b>Attached Unit</b>	<b>Detached Unit</b>		
<b>Minimum Lot Size</b>	Minimum lot size of underlying zone district	1 acre	12,500 sf	7,500 sf*
<b>Maximum Unit Size<sup>2</sup></b>	1200 sf or 40% of primary unit <sup>1</sup>	1200 sf or 40% of primary unit <sup>1</sup>	800 sf or 40% of primary unit <sup>1</sup>	600 sf or 40% of primary unit <sup>1</sup>

<sup>1</sup>Whichever is less.

<sup>2</sup> In addition to these size limitations, the accessory dwelling unit shall also be subject to the total size limitation on all accessory structures outlined in the Agricultural and Residential Districts portion of the Accessory Uses section.

\* Detached accessory dwelling units are not permitted on lots less than 7,500 sf.

(orig. 12-5-06; am. 12-9-14)

- (3) No more than three (3) people shall occupy the accessory dwelling unit. This number does not increase the number of unrelated individuals that are allowed to live on the property. (orig. 12-9-14)
- (4) If the accessory dwelling unit is detached, the structure must meet the minimum accessory structure setback requirements in the applicable zone district, unless relief was previously granted, for an existing accessory building. (orig. 12-5-06; am. 12-9-14)
- (5) Windows of the accessory dwelling unit which face an adjoining residential property shall be designed to protect the privacy of neighbors unless fencing or landscaping is provided which adequately accomplishes the same purpose. This standard is not required if primary structure setbacks are met for the accessory dwelling unit. (orig.12-9-14)
- (6) The proposed accessory dwelling unit shall be compatible with the architectural style of the primary dwelling. The design shall be similar to the design of the primary unit by use of similar exterior wall materials, window types, door and window trims, roofing materials, soffits, fascia and roof pitch. (orig. 12-5-06, am. 12-9-14)
- (7) For detached accessory dwelling units on lots greater than 1 acre in the mountains, the detached accessory dwelling units shall either: (am. 7-17-18)
  - (a) be located so that there is no more than 100 ft of separation between the accessory dwelling unit and the primary structure; or (orig. 12-9-14; am. 7-17-18)
  - (b) demonstrate to the satisfaction of Planning and Zoning that impacts of the accessory

dwelling unit to the following site features have been minimized: meadows, slopes greater than 30%, wildlife areas, ridgelines, view corridors, and wildfire hazard areas. (orig. 12-9-14; am. 3-3-15)

- (8) Heights for all accessory dwelling units must meet the height limitations for accessory structures in the underlying zone district. (orig. 12-9-14)
- (9) If the accessory dwelling unit's primary entrance is not the same as that for the primary dwelling unit, it shall be less visible from the street view of the primary dwelling than the main entrance of the primary dwelling unit and the accessory dwelling unit's stairways may not be constructed on the front of the primary dwelling unit. (orig. 12-9-14)
- (10) One (1) additional off-street parking space shall be provided for each bedroom in the ADU (orig. 12-5-06, am. 12-9-14; am. 7-17-18)
- (11) No more than one (1) accessory dwelling unit shall be allowed on a property. (orig. 12-5-06)
- (12) The access to the accessory dwelling unit shall utilize the same driveway as the primary unit. (orig. 7-17-18)

c. Process

- (1) A building permit for the accessory dwelling unit must be obtained. The criteria above will be evaluated by Planning and Zoning staff when the building permit for the accessory dwelling unit is submitted. (orig. 12-9-14)
- (2) Additional permits may be required prior to issuance of the building permit. (orig. 12-5-06, am. 12-9-14)
- (3) Upon complete submittal of an application for an accessory dwelling unit, notice will be sent to adjoining lots. If the proposed accessory dwelling unit is located within a property owner's association, or other similar entity registered with the County, then notice will also be sent to that entity. (orig. 12-9-14)

**E. Commercial And Industrial Districts**

1. In a commercial or industrial district, a use accessory to an authorized use shall be permitted. The parking of vehicles for clients, patients, patrons or customers within a front, side or rear yard of a building within Commercial-One, Commercial-Two, Restricted Commercial-One, Restricted Commercial, Industrial-One, Industrial-Two District, Industrial-Three, or Industrial-Four Zone Districts, with or without charge, and in connection with any use permitted in such, shall be deemed an accessory use. A use specified as an Industrial-Two Zone District use shall not be permitted as an accessory use in Industrial-One, Industrial-Three, nor Industrial-Four Zone Districts. (orig. 5-6-46; am. 6-6-50; am. 6-2-58; am. 11-15-65; am. 12-17-02)
2. In all commercial or industrial districts, outdoor vending machines shall be permitted. (orig. 7-17-18)

**F. Above Ground Storage of Flammable Liquids And Gases**

No above ground storage of flammable liquids or gases in excess of 1,000 gallons shall be permitted in any district other than the Industrial-One District or the Industrial-Two District, unless approved by the Board of Adjustment or approved in conjunction with oil and gas operations as a Special Use or under the provisions of the Drilling and Production of Oil and Gas Section of this Zoning Resolution. (orig. 5-6-46; am. 11-14-55; am. 10-17-83; am. 12-17-02)

**G. Temporary Construction/Sales Facilities**

Upon written request from the property owner or his/her representative, submission of a plot plan and proof of ownership, the Director of Planning and Zoning may permit temporary use of construction/sales facilities,

trailers, modular structures and/or accompanying security fences for a period not to exceed 2 years on any one request, providing the developer complies with the following: (orig. 7-12-05; am. 3-3-15)

1. The temporary structure must be located within a recorded Final Plat, Exemption from Plat or Site Development Plan. If the temporary structure is to be moved, a new request must be submitted to the Director of Planning and Zoning, prior to its relocation. (orig. 7-12-05; am. 3-3-15)
2. Temporary security fencing around the construction yard for protection of materials being used during development shall not exceed 6 feet in height and may have an additional 3 strands of barbed wire on top, not to exceed a total height of 8 feet. (orig. 7-12-05)
3. Provisions for water and sanitation must be acceptable to Public Health and written confirmation submitted to the Director of Planning and Zoning prior to any use of the temporary facility. (orig. 7-12-05; am. 12-21-10; am. 3-3-15)
4. The temporary construction/sales facility may not be used as living quarters and may be used only during normal business hours. (orig. 7-12-05)
5. The temporary construction/sales facility and/or accompanying security fence must be removed from the area upon completion of the construction/sales phases of the project or prior to the expiration of the temporary use permit. (orig. 7-12-05)
6. The temporary structure shall be located on the subject property to which it is accessory. If the temporary structure is to be moved, a new request must be submitted to the Director of Planning and Zoning, prior to its relocation. (orig. 7-12-05; am. 3-3-15)