

ORDINANCE NO. 2417
INTRODUCED BY: Blackhurst

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, ADOPTING ACCESSORY DWELLING STANDARDS FOR AGRICULTURAL, COMMERCIAL, AND INDUSTRIAL USES BY AMENDING CHAPTER 17 ARTICLE 4 OF THE BRIGHTON MUNICIPAL CODE

WHEREAS, the City of Brighton, Colorado (the “City”) is a home rule municipal corporation duly organized and existing under the City’s Home Rule Charter adopted pursuant to Article XX of the Constitution of the State of Colorado; and

WHEREAS, the *Brighton Municipal Code* contains certain provisions related to land use and zoning set forth in Chapter 17, also known as the *Land Use & Development Code* (“LUDC”); and

WHEREAS, the City desires to adopt standards for accessory dwellings associated with an agricultural, commercial, or industrial use; and

WHEREAS, the Planning Commission held a public hearing on March 23, 2023 and recommended approval of the accessory dwelling standards; and

WHEREAS, in accordance with the public notice requirements of the LUDC, a notice of public hearing was published on the City’s website for no less than fifteen (15) days prior to the City Council public hearing; and

WHEREAS, the City Council has reviewed the proposed amendment to the *Brighton Municipal Code*, Chapter 17, *Land Use & Development Code*, and has found the amendment, as provided herein, meets the review criteria outlined in Section 2.10(B.) of the LUDC.

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

Section 1. Section 4.03(B) of the LUDC is hereby amended and replaced in its entirety as follows:

B. Accessory Dwelling.

1. Residential. Accessory dwellings shall be accessory to a primary residential use on the lot and subject to the following additional standards:
 - a. One accessory dwelling may be permitted per lot only when associated with a detached house or duplex.
 - b. Accessory dwelling units may be located in a detached accessory building or located within the principal building (such as an attic or basement apartment).
 - c. The accessory dwelling shall not exceed 50 percent of the living area of the principal dwelling or 1,200 square feet, whichever is less.

- d. One additional parking space shall be provided on site, although this provision may be waived by the Director if the context and circumstances of each dwelling unit prove the space unnecessary.
 - e. The property owner shall occupy either the principal or accessory dwelling as their permanent residence. The City may alternate ownership arrangements where a reputable property management agency controls the property and has provided assurances of on-going maintenance.
 - f. The accessory dwelling shall be designed to maintain the architectural design, style, appearance and character of the principal building, and whether within the principal building or in a detached structure, shall ensure that the accessory dwelling is clearly subordinate to the principal dwelling through the location of parking, access, building entrances and other design features that accommodate the dwelling.
 - g. The applicant shall demonstrate proof of adequate utility services for both the principal and accessory unit.
 - h. A detached accessory structure shall meet all development and design standards for the lot in Article 5.
 - i. Driveways shall meet all standards in Articles 5 and 7.
2. Agricultural, Commercial, or Industrial. Accessory dwellings for a caretaker or watchman shall be accessory to a principal agricultural, commercial, or industrial use on the lot and subject to the following additional standards:
- a. The principal use must be a lawful conforming use.
 - b. The caretaker or watchman unit shall be for occupancy by the caretaker or watchman employed on the premises.
 - c. Only one (1) accessory dwelling unit shall be allowed in conjunction with a principal lawful use and the accessory dwelling shall be clearly ancillary to the primary business or use.
 - d. The caretaker or watchman unit may be established within an existing single-family dwelling or within or attached to the principal non-residential building. If established within an existing single-family dwelling, the accessory dwelling is in addition to the accessory buildings allowed in Section 6.02.
 - e. In addition to the parking required otherwise on site, one off-street parking space shall be provided for the exclusive use of the caretaker/watchman.
 - f. The applicant shall demonstrate proof of adequate utility services for both the principal use and accessory unit.
 - g. Proof of adequate access shall be provided.
 - h. No such accessory dwelling shall be deeded, sold, leased or rented without conforming to the subdivision and zoning regulations.
 - i. Driveways shall meet all standards in Articles 6 and 7.

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

Section 3. The City Council finds and 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 after the initial reading. 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 18TH DAY OF APRIL 2023.


PASSED ON SECOND AND FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY ON THIS 2ND DAY OF MAY 2023.

CITY OF BRIGHTON, COLORADO



GREGORY MILLS, Mayor

ATTEST:



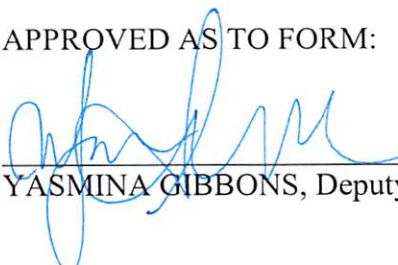
NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:



YASMINA GIBBONS, Deputy City Attorney

