



ADU Determinations

Per the Castle Rock Municipal Code Section 17.61.030 Definitions, under Title 17 of the Zoning Code and Section 15.06 of Title 15 of the International Building Code:

Dwelling Unit: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Accessory Dwelling Unit (ADU) means a dwelling unit that is

- (i) located within an existing Primary Dwelling Unit, inclusive of an attached garage, or*
- (ii) an addition to the Primary Dwelling Unit, or*
- (iii) a detached structure on the same lot or tract as the Primary Dwelling Unit.*

Discussion:

If all five (5) criteria listed below are present, then the Town will determine your submittal to be an ADU and will require compliance with Title 17, Section 17.61.050.B.3 (see below), including a Deed Restriction to be filed with the County prior to the approval of your building permit.

Criteria:

1. ___ Provisions for living.
2. ___ A Kitchen, as defined as an area used for the preparation of food and includes a stove/cook top, range or oven.
3. ___ A $\frac{3}{4}$ or full bathroom(s).
4. ___ A bedroom(s) or other area designed or designated for sleeping. This policy and code clarification use the terms 'bedroom,' 'sleeping room,' and 'facility for sleeping' interchangeably.
5. ___ Independent Egress. "Independent Egress" means egress to the exterior of the residential structure from the potential ADU can be achieved without accessing any part of the Primary Dwelling Unit's habitable space, as "habitable space" is defined in the Town of Castle Rock Building & Fire Code (IRC). Independent Egress consists of an egress door as specified in §R311.2 of the IRC. A fire escape or egress window is not considered Independent Egress.

Title 17, Section 17.61.050.B.3

17.61.050-Regulation and restrictions.

- A. A building permit meeting all Town regulations must be obtained for all Accessory Dwelling Units.
- B. The Town may issue a building permit authorizing the construction and use of an Accessory Dwelling Unit, provided the following conditions apply: _____

1. *Number: No more than one (1) ADU may be created or maintained on a single lot or tract.*
2. *Owner Occupancy.*
 - a. *The property owner, as evidenced in the Douglas County public records, must occupy either the Primary Dwelling unit or the Accessory Dwelling Unit, or both.*
 - b. *In the event the property is not owned by a natural person(s), then an individual with ownership or direct interest in the entity, as demonstrated to the Director, may be considered a property owner.*
 - c. *The Director may waive this Owner Occupancy requirement for temporary absences of less than one (1) year provided that the owner has maintained the permitted use for a minimum of two (2) years and submits proof of temporary absence.*
3. *Dual Rental Prohibited. At no time may both the Primary Dwelling Unit and Accessory Dwelling Unit be renter occupied. Prior to issuance of a building permit for an ADU, the property owner shall record a deed restriction, in a form acceptable to the Director, prohibiting the concurrent renting of both the Primary Dwelling Unit and the Accessory Dwelling Unit.*



Joseph Montoya

Chief Building Official



Tammy King

Zoning Manager