



PUBLIC NOTICE
WOODLAND PARK PLANNING COMMISSION
Thursday, August 28, 2025, 6:30 P.M.
Council Chambers – 220 W. South Avenue

Zoom link from the calendar at the bottom of the front page of the City website (www.woodlandpark.gov).

- 1. CALL TO ORDER & ROLL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVE MINUTES:** August 14, 2025
- 4. PUBLIC HEARINGS**

A. Willow Street Rezone: Request by Robert and Elizabeth Vincent-Hoeritz (Applicant and Property Owner) for approval of zone district change from Urban Residential (UR) to Central Business District (CBD). The subject property is legally described as Lot 1, Block 12 Fosters Addition including the adjacent west ½ of vacated Scott Avenue as described at Reception #483423 and the adjacent north ½ of vacated alley as described at Reception #590996 of Woodland Park, Teller County (a.k.a. 309 Willow Street, Woodland Park, CO). (QJ)

The City Council Public Hearing is currently scheduled for Thursday, October 2, 2025 at 6:30 P.M.

B. Ordinance Amendment: Recommend approval of an ordinance amending Title 18 of the Woodland Park Municipal Code to address recent State legislation required changes related to Accessory Dwelling Units (HB24-1152) and Residential Occupancy Limits (HB24-1007). (L)

The City Council Public Hearing is currently scheduled for Thursday, October 2, 2025 at 6:30 P.M.

- 5. REPORTS**
- 6. ADJOURN**

For more information, please contact the Planning Department 719.687.5202

WOODLAND PARK PLANNING COMMISSION
MEETING MINUTES for August 14, 2025
Council Chambers, 220 W. South Avenue, Woodland Park

This meeting was a hybrid meeting with in-person and virtual attendance. The Zoom meeting link is in the calendar on the City website front page. Public input is very important to the Planning Commission. Comments were encouraged in writing in advance of the meeting to be submitted by mail to the Planning Department at PO Box 9007, Woodland Park, CO, 80866 or email to kschminke@woodlandpark.gov.

1. CALL TO ORDER & ROLL: Chair Brown called the meeting to order at 6:30 pm.

Present	Commissioner Ken Kennedy
Present	Commissioner Don Hoying
Present	Commissioner Don Dezelle
Present	Vice Chair Larry Larsen
Present	Chair Lee Brown
Absent	Commissioner Ken Hartsfield
Absent	Commissioner Jarrod Newcom
Staff Present:	Planning Director Karen Schminke, AICP, via Zoom
	Senior Planner CJ Gates
	City Attorney Nina Williams

Quorum requirements are satisfied.

2. PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: Commissioner Kennedy motioned and Chair Brown seconded the minutes reflect a change correcting the typo on page four of the July 24, 2025 Planning Commission minutes. Motion carried by voice vote.

4. PUBLIC HEARINGS:

A. Sturman PUD Amendment (A25-0154): Request by Carolyn Dominy (Applicant) and Dominy Family Living Trust (Property Owner) for approval of a PUD amendment to change the use from Automotive Vehicle Repair and Maintenance Shop and single family residential to Single Family Residential with the ability to have a Home Occupation (MC §18.33.150), a Bed and Breakfast (MC §18.33.161), or a Non-primary Residence Short-term Rental Unit (MC §18.78.050) in the PUD zone. The subject property located north of Trout Creek Road, is two lots: Lot 1 (3.98 acres) Innovation Park Filing No. 1 (a.k.a. 1000 Sturman Pkwy) and Lot 2 (2.07 acres) Innovation Park Filing No. 1 (a.k.a. 1006 Sturman Pkwy) both in Woodland Park, Teller County, CO. (QJ)

Senior Planner Gates gave the staff report; the property was annexed into the City and zoned PUD in 2000 and is located and accessed off Trout Creek Road. The surrounding property owners in City limits, including Andrew Wommack Ministries (AWM) to the west, are zoned PUD, with other neighboring properties outside of City limits. He reviewed the subdivision, property transfers, and zoning change applications. In 2019, the Planning Commission approved a PUD amendment to change the use, which never came to fruition, but the entitlement still stands. He then showed an aerial site photo with the current buildings and uses. Lot 1 contains a shop and large shed for storage and is not being used for commercial services. Lot 2 is a full-time residence and served by a commercial well and an individual septic disposal system. He also showed the easements for utilities and the ingress/egress on Lot 1, including Sturman Parkway. Lots 1 and 2 are in "Building Site 8" of the Sturman PUD,

which stipulated the conditionally permitted uses of SFRs, Home Occupations (subject to 18.33.150), a bed and breakfast (MC 18.33.161), and vacation rentals for families or groups of not more than five persons not related.

He then explained the current allowed uses to the uses proposed, which include an Automotive Vehicle Repair and Maintenance Shop on Lot 1 only, Residential Single-Family, Home Occupations, Bed & Breakfast, and Vacation Rentals. The proposal eliminates the Repair and Maintenance Shop on Lot 1, proposes the other four uses be allowed on both Lots 1 & 2, changing the Vacation Rental use to a "Non-Primary Residence Short-Term Rental Unit," which is consistent with the current code language.

Chair Brown added that according to the allowed use table passed by the voters, Non-Primary Residence Short-Term Rentals are not Permitted (P) or Permitted Conditionally (PC) in the PUD zone, and Senior Planner Gates said that he would finish his presentation first, then Planning Commission could discuss this in deliberation with the help of Planning Director Schminke and City Attorney Williams.

Senior Planner Gates then provided analysis of Chapter 18.30.080 Final Plan Requirements-Approval, and the proposed uses under the 2030 Master Plan, which "Comply." This proposal "May Comply" with 18.30.140 Plan Changes if the applicant agrees to Condition #4 requiring Lot 2 to connect to City services if the well or septic fails, and requiring Lot 1 to connect to City systems with development.

The application was referred to all required internal departments and external agencies, and met the public notice requirements. Staff received one comment from the CWP Utilities Department stating that the owner will be required to connect to City water system for any future development that requires water service on Lot 1 of Innovation Park Fil. 1. A residential water tap is potentially available because of the approved residential use in the PUD.

Staff recommends approval based on the findings in the staff report and as presented at public hearing, of the request by Carolyn Dominy (Applicant) and Dominy Family Living Trust (Property Owner) for approval of a PUD amendment to change the use from Automotive Vehicle Repair and Maintenance Shop and single family residential to Single Family Residential with the ability to have a Home Occupation (MC §18.33.150), a Bed and Breakfast (MC §18.33.161), or a Non-primary Residence Short-term Rental Unit (MC §18.78.050) in the PUD zone. The subject property located north of Trout Creek Road, is two lots: Lot 1 (3.98 acres) Innovation Park Filing No. 1 (a.k.a. 1000 Sturman Pkwy) and Lot 2 (2.07 acres) Innovation Park Filing No. 1 (a.k.a. 1006 Sturman Pkwy) both in Woodland Park, Teller County, CO; subject to the following conditions:

1. Prior to construction of a single-family home, the applicant must apply for and gain approval of a Single-Family Zoning Development Permit with the City of Woodland Park as well as all applicable building permits with Pikes Peak Regional Building Department.
2. Prior to construction of any new structures, the applicant must apply for and gain approval of a Development Permit with the City of Woodland Park as well as all applicable building permits with Pikes Peak Regional Building Department.
3. Prior to operating a Non-primary Residence Short-term Rental Unit at the subject property, the applicant must submit for and gain approval of a Short-term Rental business license with the City of Woodland Park.

4. The property owners and/or future tenants of Lot 2 of Innovation Park Filing No. 1 may continue to use the Individual Sewage Disposal System (ISDS) (Septic system) and water well as long as these services are maintained in good working conditions. However, it is the City of Woodland Park policy that if the ISDS or well fails, then the owner is required to connect to City services. For any future development that requires water service on Lot 1 of Innovation Park Filing No. 1, the owner will be required to connect to the City water system.

Planning Commissioners addressed some questions/clarifications about the Staff Report: The property was annexed into the City in 2000, the current owners/applicants purchased the property in 2019, the boundaries of the Sturman PUD, and the current uses of the applicant properties are in compliance with the Sturman PUD. Commissioner Hoying confirmed that the applicants are not the sole land owners within the PUD and wondered how to amend only a portion of the PUD. Director Schminke further clarified that this case is like the 2019 PUD amendment request, which was a request to amend uses for specific parcels within this PUD. Before the PC today is a request for Lots 1 & 2, Innovation Park Filing No. 1, and not the entire PUD, which narrows the PC's focus in discussion. If anyone not a party to the application has any concerns or objections, they can present their concerns through the public hearing process.

Commissioner Hoying then clarified the inconsistency in the Code between the Use Table not listing residential uses as permitted, but then the PUD Code text itself stating residential uses are allowed with no more than 2 dwelling units per acre. Clearly residential uses are allowed in a PUD.

Chair Brown also referenced the Code's Permitted Use Table, noting that Non-Primary Residence STRs are only allowed in a few commercial zones, but are not noted as permitted or permitted conditionally in a PUD. But the Primary Residence STR, which is the type of STR allowed in a residential zone, is Permitted in the PUD zone. To him, it seems the character and expressed usage of this lot is residential. He raised the question about if the December 12, 2023 Ordinance or policy allow a non-primary residence STR in a residential lot of a PUD. Commissioner Kennedy then referred to Table 4.A., noting the Non-Primary Residence is not an allowed use in a PUD. The ordinance can be changed after two years. The previous ordinance did not reference STRs, but the current ordinance delineates between primary- and non-primary-residence STRs and which zones each kind of STR is allowed. The definition and allowed zones of bed & breakfasts were also discussed.

Chair Brown called forth the applicant to speak.

The applicant, Carolyn Dominy, 1006 Sturman Parkway, Woodland Park, did not have a presentation, but was available for questions from the Planning Commission. They originally bought the property for investment purposes; it was originally residential, since they are not renting Lot 1 for commercial use, they are essentially trying to get it back to its original residentially allowed uses.

Senior Planner Gates then clarified that in this application, on Lot 1, the applicant is wanting to eliminate the use of the Automotive Repair, but retain the uses of the Residential Use, Home Occupations, Bed & Breakfast, and Vacation Rentals as currently allowed in this PUD zone,. The Dominy's live on Lot 2, where Home Occupations, Bed & Breakfasts, and Vacation Rentals are already allowed. This amendment would confirm the allowed uses to be the same for both Lots 1 & 2. Chair Brown asked the applicant to stay present in case the Planning Commission had any further questions.

Chair Brown opened and closed the public comment with no comments.

Chair Brown then called for discussion. The applicant explained their vacation rental would be rented out for a long term nine-months or less, which does not fit the definition of a STR, which is rented out for 30-days or less. A discussion followed about the definitions of long- and short-term rentals, residences, lodging business, bed & breakfasts, the current allowed uses on the lots. The Planning Commission has to consider the application presented as it was publicly noticed and reviewed.

Planning Commissioners further discussed the issue of the non-residence STR not being allowed in a PUD with the December 2023 ordinance, and that the City code does not contain a definition for “vacation rental.” STRs cannot be grandfathered, and an STR business license probably can’t be issued for vacation rentals. Director Schminke used the AI definition of a vacation rental, which is “a furnished house or apartment rented out to travelers for short-term stays, typically for leisure purposes”. She added that in preparing this staff report she did not consider the current STR ordinance that is in place until December 2025; at the time this PUD was established, a vacation rental was the term for the proposed use, and there is no “vacation rental” listed as a use in the use table, either. Staff wanted to use contemporary language associated with the application, which Planning Commission may determine may not be possible. Several Planning Commissioners presented different options of how to proceed, what the application actually requests, the staff recommendation, which lots are affected, and residential versus commercial uses. Vice-Chair Larsen added that the Planning Commission is the final decision-making body for a PUD Amendment, this case does not go to City Council for any approval.

MOTION: Commissioner Kennedy moved and Commissioner Larsen seconded to approve the Sturman PUD Amendment (A25-0154) to change the use on Lot 1, Innovation Park Filing No. 1, from Automotive Vehicle Repair and Maintenance Shop and single family residential to Single Family Residential with the ability to have a Home Occupation (MC §18.33.150), a Bed and Breakfast (MC §18.33.161), and vacation rental, as originally approved in the Sturman PUD. The subject property located north of Trout Creek Road: Lot 1 (3.98 acres) Innovation Park Filing No. 1 (a.k.a. 1000 Sturman Pkwy) in Woodland Park, Teller County, CO. Lot 2 of Innovation Park Filing No. 1 remains unchanged.

While the first motion was on the floor, a second motion was made:

AMENDED MOTION TO ADD THE CONDITIONS: The motion was amended by Commissioner Kennedy and seconded by Commissioner Hoying to include the following conditions:

1. Prior to construction of a single-family home, the applicant must apply for and gain approval of a Single-Family Zoning Development Permit with the City of Woodland Park as well as all applicable building permits with Pikes Peak Regional Building Department.
2. Prior to construction of any new structures, the applicant must apply for and gain approval of a Development Permit with the City of Woodland Park as well as all applicable building permits with Pikes Peak Regional Building Department.
3. Prior to operating a Non-primary Residence Short-term Rental Unit at the subject property, the applicant must submit for and gain approval of a Short-term Rental business license with the City of Woodland Park.

4. The property owners and/or future tenants of Lot 2 of Innovation Park Filing No. 1 may continue to use the Individual Sewage Disposal System (ISDS) (Septic system) and water well as long as these services are maintained in good working conditions. However, it is the City of Woodland Park policy that if the ISDS or well fails, then the owner is required to connect to City services. For any future development that requires water service on Lot 1 of Innovation Park Filing No. 1, the owner will be required to connect to the City water system.

YES: Kennedy, Hoying, Dezellem, Larsen, Brown.

NO: None.

Motion carried 5-0.

Then the Planning Commission went back to the original motion as amended with the conditions.

YES: Kennedy, Hoying, Dezellem, Larsen, Brown.

NO: None.

Motion carried 5-0.

Commissioner Hoying further questioned the Ordinance and Code concerning water availability, and Senior Planner Gates explained the current Code would be applied to any application submitted, and City departments would review the application to the current Code.

- B. Top of Paradise Master Plan Extension (A25-0187):** Request by Frankie Valenzuela (Applicant) and Ventus, LLC (Property Owner) for a 5-year extension of the Top of Paradise Amended Master Plan to August 4, 2030. The land area included in the Master Plan extension request is 40.69± acres and currently planned for 38 single-family dwelling units. The subject property is generally located north of Ponderosa Way and east of Majestic Parkway in the Suburban Residential (SR) zone. (QJ)

Senior Planner Gates presented the staff report, showing the entire Paradise vicinity map, property history including annexation in 1975, the first preliminary plat and master plan were approved in 1999, and an amended master plan in 2005. He then gave a background of the final plats from 2006 to 2024, and showed the subject property. The property is zoned Suburban Residential (SR), which allows for one dwelling unit per gross acre and a minimum lot size of 15,000 square feet. He showed the approved Top of Paradise Master Plan, explaining that a master plan is reviewed as part of the preliminary plat process, and the Utilities Department has planned for a maximum of 38 individual water taps in this area. Title 17 does not provide guidance as to how to evaluate or extend a master plan, therefore staff applies a practical approach to determine the request if the request is reasonable.

On June 20, 2025, Planning Staff received the application for a five-year extension to August 4, 2030. The current Future Land Use Map, which has been updated since the last time this master plan was extended, shows the area as Single Family Residential. The application was referred to all required internal departments and external agencies; the Woodland Park Utilities Department commented that they have planned for 38 single-family water taps at this location. Since there are no regulations to assess, Staff does not have a position or recommendation on this extension request.

Commissioner Kennedy clarified that the traditional approval length for a master plan is five years.

The applicant, Frankie Valenzuela of 9477 Brook Lane, Lone Tree, CO, 80124, introduced himself and presented his case. He provided a written narrative of the project to the Planning Commission, and this request is for a five-year extension for an unchanged master plan. Now that The Haven at Paradise is complete, they would like to start this portion, hence this extension application.

With no questions at this time for the applicant, Chair Brown opened the public comment.

David of Paradise Valley Drive, Woodland Park, is a retired law enforcement officer so he would not give his last name or exact address. His home was built in 1982, and he has lived in it for the last 19, raised his family here, and has high regards for all the City services. He realized a problem with the construction and then residential traffic congestion on Paradise Valley Drive a year ago when he began working from home. He calculated 38 houses would bring at least 152 additional trips per day, which is a problem because Paradise Valley Drive was not designed for this heavy traffic. He not only sees the traffic, but it is perilous for pedestrians. The master plan extension may further reduce the quality of life in his neighborhood, may affect property values, and poses a safety concern for pedestrians or cyclists. He then pointed out that from Blue Haven, two routes exist to get to US Hwy 24, which is where the traffic is going. The first route (7/10 mile long, one speed bump) is from Blue Haven to Kings Crown to Paradise Valley Drive to Paradise Circle, which gets vehicles out to US 24 by the Walgreens. The only other route is from Blue Haven to Kings Crown to Sun Valley to Morning Sun Drive, which is the light at Walmart, but is 1.3 miles long, or double the distance. He does not think this longer route will be used, thus increasing the traffic on Paradise Valley Drive, which will increase the congestion on a street he has lived on for 19 years and the houses that have been there for almost 50 years. He recognized that he didn't speak out against the finished development, and his possible solution is to put three more speed bumps every 0.2 miles, on Paradise Valley Drive, which would bring the total number of speed bumps to four, reduce the speed limit to 15-20 mph, and have law enforcement patrol the street.

Chair Brown interrupted David and said that his comments are not germane to the master plan, that there will be construction and residential traffic on Blue Haven and Red Haven, which are already final platted. The undeveloped area covered by this master plan isn't accessible from Kings Crown and Paradise Valley, he then described the route, showing no connection for the undeveloped lots to Paradise Valley.

David and Chair Brown further discussed the roads platted on the map, and Chair Brown pointed out the open space and public access. David said the roads on these new developments have to connect to existing roads, like Kings Crown. Chair Brown thought David's comment regarding the construction traffic from Red Haven was fair, and that the City did make an effort to control that. Commissioner Hoying recommended David talk to someone in highways, and Senior Planner Gates gave David the contact in the Public Works Department (Nicole Saur) for recommending traffic controls. Chair Brown then opined that this was a fair comment, just not for here in the master plan phase. David then commented that if these new extensions aren't going to be connected like the Blue Haven area is, then the point is moot. Commissioner Hoying added that the point is not moot, but this forum is not the injection point for that, which David said he understands.

Senior Planner Gates clarified that this is only an application for a Master Plan Extension, in the future if the developer decides to keep moving forward, there will be another public hearing process during the Final Plat application.

David then continued that he hadn't seen the maps presented tonight, Senior Planner Gates said that all the plans are available at the Planning Department.

Chair Brown closed the public comment section.

The applicant had no rebuttal but said they would be working with the City on a Final Plat with this extension approval. He concurred that this area connects to Majestic Parkway and not Kings Crown.

Chair Brown confirmed that the Master Plan guarantees Tract E and Tract F as open space and public access to trails. When a preliminary plat is reviewed, Chair Brown will be looking at the tracts to make sure both tracts are suitable and usable for a trail or for public access to trails, it will also go to the Parks and Recreation Advisory Board. The applicant, Mr. Valenzuela, said the uses proposed for those tracts will remain the same, but he would have to work with his engineers to determine suitability and usability. Chair Brown then expressed his discontent for Tract G's access not being very clear at this point, to which Mr. Valenzuela said they still have work to do, the master plan proposes 30+ lots, but the topography may reduce the number of the buildable lots. Mr. Valenzuela will be proactive in planning the open space tracts, a lesson learned from platting the last property.

Commissioner Hoying commented that it's unfortunate that there is no National Forest access in these open spaces, and Chair Brown added that the lots across the street from those bordering National Forest would have to cross private property for access points. He claimed that the property value would be increased if there were some access points. Mr. Valenzuela assured the Planning Commission that they would look into all of this at time of Preliminary Plat.

A discussion, including hypotheticals and previous filings, was had concerning changing the number of lots in portions of the Master Plan, the minimum lot size (15,000 sf), and the density (one dwelling unit per acre). If the applicant changed the number of lots proposed, that would have to be publicly reviewed by the Planning Commission and City Council in a future Preliminary Plat application. Tonight, the Planning Commission is simply looking at extending the approved Master Plan for this undeveloped portion for five years. Senior Planner Gates read the extension request public notice of "40.69± acres and currently planned for 38 single-family dwelling units." The applicant reminded the Planning Commission that everything they provided is per the Subdivision Regulations and Title 18 of the Municipal Code.

Commissioner Hoying commented on the wording in the Code for this type of application as a "reapplication" instead of an "extension." However, this application has been publicly noticed as an extension, not a reapplication. Director Schminke interjected that this is why the City is trying to update their regulations: the current regulations are not well written. The question of if they are reapplying for or extending the same Master Plan comes to the same result. This is not the first time an extension of a Master Plan has been granted, so the semantic discussion may not be serving anyone. The question is: Does the Planning Commission approve extending the 38 single-family residential lots on this 40.69 acres and that associated plan that shows those lots for another five years? The applicant intends to provide development plans fairly consistent with what the Planning Commission is reviewing tonight, and any deviations or changes would be presented in a future subsequent application.

MOTION: Commissioner Larsen moved and Commissioner Kennedy seconded that the Planning Commission find that the Top of Paradise Master Plan (A25-0187) be extended by reapplication, and that the extension of the Master Plan for 38 single-family zoned lots on the unplatted 40.69 acres is warranted, and recommends that the City Council approve the five-year extension of the Master Plan amendment. The development is still subject to all the conditions and dimensions specified in the original as well as amended approval.

YES: Kennedy, Hoying, Dezelle, Larsen, Brown.

NO: None.

Motion carried 5-0.

The City Council Public Hearing is currently scheduled for Thursday, September 4, 2025, at 6:30 p.m.

5. **REPORTS:** Director Schminke noted that next Wednesday is the Volunteer Appreciation Barbeque for those on Boards or Commissions. Also, a joint work session with City Council regarding training on Ethics will be held On Thursday, September 4th, at 5:00 p.m.

Chair Brown closed the regular meeting, and the Planning Commission moved into a work session.

6. **ADJORN** - The regular meeting was adjourned at 8:17 p.m. The Planning Commission then went into a work session for discussion regarding amending Title 18 of the Woodland Park Municipal Code to address recent State legislation required changes related to Accessory Dwelling Units (HB24-1152) and Residential Occupancy Limits (HB24-1007). (L)

The next Planning Commission meeting is scheduled for Thursday, August 28, 2025 at 6:30 p.m.

Approved this _____ day of _____, 2025 by

Lee Brown, Chair



2025 GENERAL APPLICATION

(Revised 1/1/2025)

received
July 11, 2025

Project # A25-0177

Case # _____

Fee(s): See City of Woodland Park
Fees Sheet (Plus publication/recording
fees, as applicable)

Type of Application (Check one or more as applicable)

- | | | |
|---|---|---|
| ☐ Site Plan Review Permitted Use | ☐ Special Use Permit | ☐ Preliminary Plat |
| ☐ Site Plan Review Conditional Use | ☐ Planned Unit Development (PUD) | ☐ Exemption Plat |
| ☐ Conditional Use Permit | ☐ PUD Amendment | ☐ Final Plat |
| ☒ Zoning Change | ☐ Appeal | ☐ Townhouse Plat |
| ☐ Extension of Development | ☐ Variance | ☐ Condominium Plat |

1. Applicant Information

- a. Applicant Name Robert and Elizabeth Vincent-Hoeritz
- b. Project Coordinator ☐ Property Owner ☒
- c. Mailing Address 309 Willow Street Woodland Park, CO 80863
- d. E-mail Address bhoeritz@gmail.com
- e. Phone Numbers Home _____ Work _____ Mobile 719-210-7198

2. Property Owner Information (if different from above)

- a. Name _____ Project Contact? Yes ☐ No ☐
- b. Mailing Address _____
- c. E-mail Address _____
- d. Phone Numbers Home _____ Work _____ Mobile _____

3. Site Information

- a. Site Address 309 Willow Street Woodland Park, CO 80863
- b. Lot L1 Block B12 Subdivision Fosters Addition
- c. Property Zoning R Lot Size .43 Acres ☒ Square Feet ☐

4. Is the property subject to covenants? Yes ☐ No ☒ If yes, then submit copy of covenants and current contact for HOA. It is the responsibility of the landowner to submit HOA approval with this application.

5. Project Information

- a. Project Name 309 Willow Street
- b. Brief Description of Project/Request Request to change to Commercial Zoning to continue short term renting.

Project Narrative (On a separate sheet provide additional project details and how the proposal complies with the applicable code requirements, which can be found in Section 8 of this application.)

5. Consultant Information (if applicable)

a. Architect

- i. Project Contact _____
- ii. Firm Name _____
- iii. Physical Address _____
- iv. Mailing Address _____
- v. E-mail Address _____
- vi. Phone Numbers: Business _____ Mobile _____

b. Engineer

- i. Project Contact _____
- ii. Firm Name _____
- iii. Physical Address _____
- iv. Mailing Address _____
- v. E-mail Address _____
- vi. Phone Numbers: Business _____ Mobile _____

c. Planner

- i. Project Contact _____
- ii. Firm Name _____
- iii. Physical Address _____
- iv. Mailing Address _____
- v. E-mail Address _____
- vi. Phone Numbers: Business _____ Mobile _____

d. Surveyor

- i. Project Contact _____
- ii. Firm Name _____
- iii. Physical Address _____
- iv. Mailing Address _____
- v. E-mail Address _____
- vi. Phone Numbers: Business _____ Mobile _____

e. Other (specify role) _____

- i. Project Contact _____
- ii. Firm Name _____
- iii. Physical Address _____
- iv. Mailing Address _____
- v. E-mail Address _____
- vi. Phone Numbers: Business _____ Mobile _____

6. Submittal Requirements

The following items must be included at time of submittal (in addition to items on the submittal checklists) or the application will not be processed (additional copies may be requested).

Type of Application	24" x 36" Plan Set	11" x 17" Plan Set	Adobe Acrobat Portable Document Format (.pdf) electronic Plan Set on a flash drive	Warranty Deed or Title Policy	List of adjoining property owners within 150'	Copies of reports (narrative, traffic study, drainage, etc.)
All Types	1	1	1	1	1	1

7. Applicable Code Sections

The following are the applicable code sections by type of application and are for assisting applicants in completing the required project narrative. The City of Woodland Park's Municipal Code can be found at www.city-woodlandpark.org/Charter&Code. Subdivision requirements are in Title 17 and Zoning is in Title 18 of the Municipal Code.

Type of Application	Applicable Code Sections
Site Plan Review Permitted Use	Chapters 18.34, 18.33 and 18.39
Site Plan Review Conditional Use	Chapters 18.34, 18.57, 18.33 and 18.39
Conditional Use Permit	Chapter 18.57 plus applicable site plan regulations
Zoning Change	There are no specific standards, but the applicant should provide supporting argument for a zoning change, including how it complies with the Comprehensive Plan
Special Use Permit	Chapter 18.61 plus applicable site plan regulations
Planned Unit Development	Chapters 18.30, 18.33, 18.39, Sections 17.20.070, and 17.20.080
Appeal	Chapter 18.54
Variance	Chapter 18.60
Preliminary Plat	Chapter 17.20 plus applicable subdivision sections
Exemption Plat	Section 17.52.030 plus applicable subdivision sections
Final Plat	Chapter 17.24 plus applicable subdivision sections
Townhouse Plat	Chapter 17.32 plus applicable subdivision sections
Condominium Plat	Chapter 17.32 plus applicable subdivision sections

8. Certification of Ownership

I (We) do hereby declare and affirm that I (we) am (are) the exclusive owner(s) and title holder(s) of the above described property.

 Beth Vincent Horvitz 7/9/2025
Owner Date

 [Signature] 7/9/2025
Owner Date

9. Certification:

The undersigned applicant certifies under oath and under penalties of perjury that the information found in the application is true and accurate to the best of their knowledge.

I certify that I understand that the proposed development is in accordance with all provisions of the City of Woodland Park's Municipal Code and other applicable regulations.

 Beth Vincent Horvitz 7/9/2025
Applicant Date

City Use Only

1. Submission _____, 20____, taken by _____
Fee Received _____, 20____, taken by _____
2. Application is deemed complete – OR – deemed incomplete and returned to applicant to complete on ____/____/____.
3. Public Hearing Notice
Published _____, 20____
Posted _____, 20____
Adjacent Property Notification _____, 20____.
4. Planning Commission Public Hearing _____, 20____.
Board of Adjustment Public Hearing (when applicable) _____, 20____.
5. City Council First Reading of Ordinance (if applicable) _____, 20____.
City Council Public Hearing _____, 20____.
Notes _____

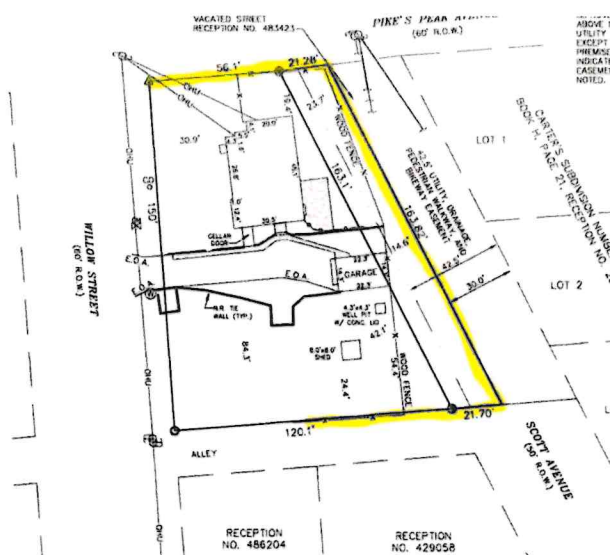
6. Letter of Approval/Denial to applicant sent _____, 20____.
7. Additional Information

With the recent changes in STR rental codes in the city of Woodland Park, we are requesting a zoning change to commercial.

- We appreciate that the city respects property rights and we would like the right to continue renting our home to guests as we have been doing for the past 20 years.
- Woodland Park originated as a vacation destination to host guests and travelers. We respectfully host 4 guests in our 2 Bed/ 2 Bath home. Our guests support local businesses, especially so many in close walking distance.
- Our home is cared for and maintained by local WPK residents, which also supports the WPK economy.
- We are making no physical improvements to our property. Our cabin is charming and maintains the mountain west character of the community.



- Three sides of our property at 309 Willow Street are adjoined by non-residential/commercial zoned property:



- We previously rezoned our family cabin at our adjacent property 306 Chester Ave to CBD & vacated the alleys between our properties in our Fosters Addition block.

Adjoining Properties to 309 Willow Street:

300 Chester Avenue

Martin Elwell

32405 9 Road

Montezuma, KS 67867

301/303 E US 24

Carter Revocable Trust

POB 270902

Louisville, CO 80027

TH-2

WARRANTY DEED

STATE DOC FEE
\$ 18.20

THIS DEED, Made this 6th day of January, 2006 between

Stanley J. Plesinski and Jackie I. Plesinski

of the said County of Teller and State of COLORADO, grantor, and

Elizabeth Vincent-Hoeritz and Robert J. Hoeritz

whose legal address is 18401 E Hwy 24, #115, Woodland Park, CO 80863

of the said County of Teller, State of Colorado, grantee(s);

WITNESS, That the grantor, for and in consideration of the sum of **ONE HUNDRED EIGHTY-TWO THOUSAND AND 00/100 DOLLARS (\$182,000.00)**, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantees, their heirs and assigns forever, **not in tenancy in common but in joint tenancy**, all the real property together with improvements, if any, situate, lying and being in the said County of Teller, and State of COLORADO, described as follows:

Lot 1, Block 12, Fosters Addition to Woodland Park, Teller County, Colorado.

Together with all of Scott Avenue as vacated by Ordinance recorded May 18, 1988 in Book 446, Page 6, except the Easterly 30 feet as measured at right angles to the Westerly Boundary of Carter Subdivision No. 1, according to the Deed recorded July 8, 1988 in Book 451, Page 83.

also known by street and number as **309 Willow Street, Woodland Park, CO 80863**

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantees, their heirs and assigns forever. The grantor, for himself, his heirs and personal representatives, does covenant, grant, bargain and agree to and with the grantees, their heirs and assigns, that at the time of the ensembling and delivery of these presents, he is well seized of the premises above conveyed, has a good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, **except for taxes for the current year, a lien but not yet due and payable, and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Buyer in accordance with section 8a (Title Review), of the contract dated September 13, 2005, between the parties.**

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantees, their heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof.

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

SELLERS:

Stanley J. Plesinski

Jackie I. Plesinski

By: Allen Brown his Attorney in Fact

By: Allen Brown her Attorney in Fact

STATE OF COLORADO
said COUNTY OF TELLER

} SS:

The foregoing instrument was acknowledged before me this 6th day of January, 2006, by **Stanley J. Plesinski** By: Allen Brown his Attorney in Fact and **Jackie I. Plesinski** By: Allen Brown her Attorney in Fact.

Witness my hand and official seal.

My Commission expires
Jeannine V. Kuntz
Notary Public
State of Colorado

My commission expires 1/29/2008

Notary Public



City of Woodland Park Planning Commission

Public Hearing: August 28, 2025

AGENDA ITEM 4.B.: An Ordinance of the Woodland Park City Council Amending Title 18 of the City's Municipal Code Concerning Accessory Dwelling Units to Conform to House Bill 24-1152. (Legislative)

BACKGROUND:

The purpose of this proposed ordinance is to amend the City's zoning regulations regarding Accessory Dwelling Units (ADUs). With the adoption of HB 24-1152, the State of Colorado has mandated that ADUs be permitted in any zone where a single unit detached dwelling unit is permitted. Local governments are required to use an administrative process for permitting these units. The significant changes to the City's regulations are the elimination of:

- annual permit renewal;
- on-going owner occupancy of either the primary or accessory unit;
- on-site parking requirements for the ADU;
- density controls.

The ordinance provides clarity for bringing a pre-existing non-conforming ADU into compliance with the regulations. It also adds language regarding a 'Functional ADU' which will provide assistance when working with property owners to properly permit their ADUs.

Attached for your consideration is the proposed ordinance, including the revisions requested during your August 14, 2025 work session. At Thursday's meeting, Planning Commission will hold a public hearing on this ordinance and is being asked to make a recommendation to City Council regarding its adoption.

RECOMMENDATION:

Should the Planning Commission find the provisions in the proposed Ordinance satisfactory, the Planning Commission should recommend that City Council approve the Code amendments as presented.

NEXT STEPS:

As of this memo, City Council is schedule to have initial posting of the proposed ordinance at the September 18th meeting and a public hearing at their October 2nd meeting.

ATTACHMENTS:

- Proposed Ordinance Amending Title 18 of the City's Municipal Code Concerning Accessory Dwelling Units to Conform to House Bill 24-1152
- HB 2024-1152 Accessory Dwelling Units

CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. [REDACTED], SERIES 2025

**AN ORDINANCE OF THE CITY OF WOODLAND PARK AMENDING CHAPTER 18
OF THE MUNICIPAL CODE CONCERNING ACCESSORY DWELLING UNITS TO
CONFORM TO HOUSE BILLS 24-1152**

WHEREAS, the City of Woodland Park, Colorado (the “City”) has been duly organized and is validly existing as a Home Rule City under the Colorado Constitution and the Home Rule Charter of the City; and

WHEREAS, pursuant to C.R.S. § 31-23-301 and the Woodland Park Home Rule Charter, the City Council possesses the authority to adopt and amend regulations governing land use within the municipal boundaries; and

WHEREAS, Chapter 18 of the Woodland Park Municipal Code establishes zoning regulations, including standards for residential development and accessory uses such as Accessory Dwelling Units (“ADUs”); and

WHEREAS, the Colorado General Assembly adopted House Bill 24-1152, requiring municipalities to allow the permitting and occupancy of ADUs in order to increase the availability of affordable and attainable housing; and

WHEREAS, the City Council finds it necessary and appropriate to amend its zoning regulations to ensure consistency with HB24-1152 and to promote the orderly development of ADUs in Woodland Park; and

WHEREAS, in performing this review, the City discovered other inconsistencies and redundancies throughout the Code related to ADUs and definitions that required clarification, correction, and updating; and

WHEREAS, the City Council further finds that the amendments adopted herein promote the public health, safety, and welfare of the residents of Woodland Park.

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

Section 1. The City Council incorporates the foregoing recitals as conclusions, facts, determinations, and findings by the City Council.

Section 2. *Municipal Code § 18.06, Definitions, amended.*

A. Section 18.06.010 is amended to add the following new definitions, to read:

1. **18.06.261- Household.**

“Household” means any of the following:

a. A single person occupying a dwelling unit;

b. Any number of people occupying a dwelling unit as a single housekeeping unit;

or

c. Any group of persons whose right to live together under conditions similar to other types of households of the same size is protected by the provisions of the federal Fair Housing Amendments Act of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Colorado.

The number of persons occupying each dwelling unit described above shall not exceed the maximum permitted by the applicable building code or safety code or by any applicable state or federal law or regulation.

2. **18.06.262 – Household Living**

“Household Living” means residential occupancy of a dwelling unit by a household where tenancy is arranged on a month-to-month or longer basis. Lodging where tenancy may be arranged for a period of less than 30 calendar days is classified under the lodging category. Common accessory uses include recreational activities, raising pets, gardens, personal storage buildings, hobbies, and parking of the occupants’ vehicles.

B. Section 18.06.210, “Family,” is repealed in its entirety.

C. Section 18.06.016, “Accessory dwelling unit (ADU),” is amended to read as follows:

1. Accessory dwelling unit (ADU)" means a subordinate habitable ~~living~~ dwelling unit added to the property of, or created within, a single-family detached dwelling or attached garage, or created within a detached garage accessory to a single-family detached dwelling, provided the habitable ~~living~~ dwelling unit is located on the upper level of the detached garage.
2. For Purposes of this definition: “Habitable ~~living~~ dwelling unit” means that there are contained within the unit the basic requirements for living, sleeping, cooking (i.e., complete kitchen area with cook stove, oven, refrigerator and sink) and sanitation. And;
3. Primary unit means a single family dwelling or the garage, or portion thereof, that is not the ADU.

D. Section 18.06.180, “Dwelling unit,” is amended to read as follows:

Dwelling unit. One or more rooms arranged, designed, and used as living quarters for one ~~family~~ household only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included.

Section 3. *Municipal Code § 18.09.090 amended — Accessory Dwelling Units use table amended.*

Section 18.09.090 shall be updated to reflect the following:

PERMITTED USES	SR	UR	MPS	MFU	MHP	P/SPL	NC	CC	SC	CBD	HSC/LI	PUD
N.7. Accessory Dwelling unit as defined in Section 18.06.016 and subject to 18.33.135.	<u>PC</u> <u>P</u>	<u>PC</u> <u>P</u>					PC	PC		PC		<u>PC</u>

Section 4. *Municipal Code § 18.33.135 Amended.*

Section 18.33.135, “Accessory Dwelling Units,” is hereby amended to read in full as follows:

18.33.135– Accessory dwelling units.

A. Purpose. The purpose of this section is to expressly allow for the creation of ADUs to provide additional housing options for residents of a variety of age and economic groups while preserving the character of single family neighborhoods; provide standards for minimizing the potential effects on neighborhoods and the community from increased density and parking demands; encourage the creation and availability of safe, lower cost, habitable rental units; and offer a way for homeowners to offset the cost of living in the area.

B. Permit Required for New ADU.

1. A zoning development permit is required to be obtained by a person before a person creates or adds an accessory dwelling unit.

2. The applicant for a permit shall complete an application on forms available from the City and shall pay the required application fee. An application shall be accompanied by such drawings and specifications as may be required to fully advise and inform the City with design, location, dimensions, and utility service. The property owner shall sign an affidavit, in the form provided, before a notary public affirming that the owner complies with all of the owner-occupancy requirements, ~~and parking requirements contained in this section and acknowledging that in failing to annually renew the permit the owner may lose the right to use the ADU, due to the requirements of the density controls contained~~

~~in Subsection D.6.~~ The property owner shall submit the affidavit with the permit application.

3. An ADU shall be connected to the utilities of the single family dwelling primary unit and shall not have separate services, except for telephone and cable. Homes built after June 1, 2012 are subject to Ordinance No. 1160 regarding the tiered single family residential rate scheduled. If applicable, the owner shall pay fees for water plant investment fees, sewer plant investment fees, water rights fees, stormwater capital fees, park development fees and transportation capital fees.

4. The Planning Director, or designee, will review the application at the time of submittal for completeness and either accept the application or reject it and notify the applicant of the information required to make it complete.

5. The Planning Director, or designee, will approve, approve with conditions or disapprove the application. Upon this decision, the Planning Director, or designee, shall issue or deny the zoning development permit. An applicant whose application has been denied may appeal the decision in accordance with this code.

6. A building permit and certificate of occupancy are required if structural alterations to any existing primary unit structure are necessary to create or add the accessory dwelling unit.

C. ~~Annual Permit Renewal Required.~~

~~1. An ADU affidavit is required to be renewed annually for as long as the owner plans to use the ADU.~~

~~2. To renew the ADU affidavit, the applicant shall sign and submit the affidavit meeting the requirements contained in Subsection B.2. no later than February 1st of each year.~~

~~3. The planning director may revoke the zoning development permit if:~~

~~a. The property owner does not comply with other ordinances of the city which regulate property maintenance and nuisances; or~~

~~b. The ADU is substantially altered and is thus no longer in conformance with the plans approved by the planning director and the building department; or~~

~~c. The property owner no longer owns the required number of off street parking spaces; or~~

~~d. The property owner ceases to own or reside in either the primary unit or the ADU.~~

C. Standards.

1. Design and Appearance Standards. An ADU shall be designed to maintain the exterior architectural design, style, appearance and character of the single-family detached dwelling or garage in which the ADU is created or to which the ADU is added. If an ADU extends beyond the current footprint or existing height of the existing dwelling or garage, such an addition must be consistent with the existing façade, roof pitch, siding and windows. If an ADU is created by converting the upper level of an existing detached garage, the exterior architectural design, style, appearance and character of the garage shall be maintained.

2. Owner-occupancy Requirement for Permitting. At least one owner of the property must reside in the primary unit, as defined in Section 18.06.016, at the time the ADU is permitted and established ~~or the ADU~~. For purposes of this section owner means a person holding record title or a bona fide contract purchaser. No rooms in the owner's unit may be rented. The ADU shall not be sold separately from sale of the entire property, including the primary unit. ~~and shall not be sublet. The permit for an ADU runs with property owners, not the property. When ownership changes, the ADU shall be removed or the new owner must reapply. The property owner shall sign an affidavit before a notary public affirming that the owner complies with all of these requirements at the time of application for renewal of the permit.~~

3. Size. ~~In no case shall an ADU be more than forty percent of the single family dwelling primary unit's total floor area, nor more than eight hundred square feet, nor less than three hundred square feet, nor have more than two bedrooms. The size of an ADU is subject to the following:~~

- a. in no case shall an ADU be larger than the primary unit's total floor area; and
- b. not more than eight hundred (800) square feet; and
- c. not less than three hundred (300) square feet; and
- d. not have more than two (2) bedrooms.

The planning department may grant minor variances to the size standards including bedroom number contained in this subsection D.3. where special circumstances of the primary unit exist.

4. Number of Occupants. Occupancy shall be limited to the following: no more than four persons in an ADU, ~~whether or not related.~~

5. Repealed. Parking Requirement. ~~In addition to two off-street parking spaces required for the single family dwelling primary unit, there shall be one additional off-street parking space for every vehicle used by the occupants of~~

~~the ADU. Useable garage space and carports may be counted for purposes of complying with these parking requirements. All off-street parking spaces shall be owned by the property owner and must comply with the city driveway standards. The property owner shall sign an affidavit before a notary public affirming that the owner complies with all of these requirements at the time of application for renewal of the permit.~~

6. ~~Repealed. Density Controls. In the urban residential zone district no more than ten percent of the properties within a three hundred foot radius of the applicant's property may have an accessory dwelling unit. In the suburban residential zone district no more than ten percent of the properties within a six hundred foot radius of the applicant's property may have an accessory dwelling unit. In the commercial zone districts no more than ten percent of the properties within a three hundred foot radius of the applicant's property may have an accessory dwelling unit. The radius measurement is taken from the center of the property or front door of the primary unit and includes rights-of-way widths. The planning director may grant variances of up to twenty percent of the radius measurement. In the suburban residential zone districts/urban residential zone districts, each existing legal nonconforming ADU within the six hundred/three hundred foot radius shall count as one ADU and each duplex within the six hundred/three hundred foot radius shall count as one ADU for purposes of this calculation. The property owner shall sign an affidavit before a notary public at the time of application for renewal of the permit acknowledging that in failing to annually renew the permit the owner may lose the right to use the ADU due to the effect of these density standards.~~

7. Maximum Number of ADUs Per Lot. Where permitted, there shall be no more than one ADU per lot. If the ADU or primary unit straddles a lot line then the property owner is required to vacate the straddled lot line and combine the lots into a single lot.

8. Home Occupations. Home occupations may be allowed, subject to existing regulations contained in Section 18.33.150, in either the ADU or the single family dwelling primary unit, but not both.

9. Provision to Encourage Barrier-free ADUs. ADUs that accommodate people with disabilities are encouraged.

D. Legal Nonconforming ADUs.

1. Legal nonconforming ADUs are units that were in existence prior the adoption of Ordinance No. 1209-2014 [March 20, 2014] that do not comply with this section.

2. Certifying Nonconforming ADUs. The owner of a legal nonconforming ADU may obtain status as a permitted ADU by submitting an application under

Section 18.33.135(B) and receiving approval in accordance with those requirements. Upon approval, the ADU's legal nonconforming status shall terminate, and it will be classified as an ADU.

E. Functional ADUs Subject to Review. If, during permit review, inspection, or enforcement, a structure is determined to meet the definition of an accessory dwelling unit under this Code, it shall be subject to all applicable requirements of this Code, including but not limited to system development fees, dimensional standards, and use restrictions.

The designation and regulation of a unit as an ADU shall apply regardless of whether the applicant or property owner identified it as such.

F. Functional ADU. A unit is presumed to be an ADU if it contains all of the following:

- a. A separate exterior or interior entrance,
- b. Sleeping area(s) suitable for overnight occupancy,
- c. A bathroom with a toilet and bathing facility, and
- d. A kitchen or kitchenette with a sink and cooking appliance or electrical outlet intended to support one.

The determination of whether a structure or portion of a structure is an ADU will be based on its design and actual or intended use, regardless of the terminology used in permit applications or other documentation. Any structure or space meeting the functional criteria above shall be treated as an ADU for all purposes under this Code.

Section 5. *Severability.* The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 6. *Effective Date.* This ordinance shall be in full force and effect upon its publication as required by law.

Section 7. The codifier of the City's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Woodland Park Municipal Code.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING PUBLIC HEARING THIS ____ DAY OF _____, 2025.

City of Woodland Park

Kellie Case, Mayor

ATTEST:

City Clerk, Suzanne Lecler

An Act

HOUSE BILL 24-1152

BY REPRESENTATIVE(S) Amabile and Weinberg, Bacon, Boesenecker, Epps, Froelich, Garcia, Jodeh, Kipp, Lindsay, Lindstedt, Mabrey, McCormick, Ortiz, Ricks, Rutinel, Sirota, Story, Valdez, Vigil, Willford, Woodrow, McCluskie, English, Herod, Martinez, McLachlan, Parenti, Weissman;
also SENATOR(S) Mullica and Exum, Cutter, Hinrichsen, Priola, Roberts, Winter F.

CONCERNING INCREASING THE NUMBER OF ACCESSORY DWELLING UNITS,
AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** article 35 to title 29 as follows:

ARTICLE 35

State Land Use Criteria For Strategic Growth

PART 1

ACCESSORY DWELLING UNITS

29-35-101. Legislative declaration. (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(I) ACCESSORY DWELLING UNITS OFFER A WAY TO PROVIDE COMPACT, RELATIVELY AFFORDABLE HOUSING IN ESTABLISHED NEIGHBORHOODS WITH MINIMAL IMPACTS TO INFRASTRUCTURE AND TO SUPPLY NEW HOUSING OPPORTUNITIES WITHOUT ADDED DISPERSED LOW-DENSITY HOUSING;

(II) ACCESSORY DWELLING UNITS GENERATE RENTAL INCOME TO HELP HOMEOWNERS COVER MORTGAGE PAYMENTS OR OTHER COSTS, WHICH CAN BE IMPORTANT FOR A VARIETY OF RESIDENTS, SUCH AS OLDER HOMEOWNERS ON FIXED INCOMES AND LOW- AND MODERATE-INCOME HOMEOWNERS;

(III) ACCESSORY DWELLING UNITS PROVIDE FAMILIES WITH OPTIONS FOR INTERGENERATIONAL LIVING ARRANGEMENTS THAT ENABLE CHILD OR ELDER CARE AND AGING IN PLACE, AND A 2021 SURVEY BY THE AARP FOUND THAT APPROXIMATELY SEVENTY-FIVE PERCENT OF PEOPLE FIFTY YEARS OF AGE OR OLDER WANT TO STAY IN THEIR HOMES OR COMMUNITIES FOR AS LONG AS THEY CAN. ACCORDING TO A 2018 STUDY BY THE CENTER FOR AMERICAN PROGRESS, FIFTY-ONE PERCENT OF COLORADANS LIVE IN A CHILD CARE DESERT-A COMMUNITY WHERE THERE ARE NO CHILD CARE PROVIDERS OR SO FEW OPTIONS THAT THERE ARE MORE THAN THREE TIMES AS MANY CHILDREN AS THERE ARE LICENSED CHILD CARE SLOTS. THESE CHILD CARE DESERTS ARE SITUATED WITHIN RURAL, SUBURBAN, AND URBAN COMMUNITIES AND ARE A MAJOR REASON FOR WORKING PARENTS TO LEAVE THE WORKFORCE.

(IV) ACCESSORY DWELLING UNITS ARE OFTEN OCCUPIED AT LOW TO NO RENT BY FAMILY MEMBERS, AND IF THEY ARE RENTED PRIVATELY, THEIR RENTS ARE RELATIVELY AFFORDABLE BECAUSE OF THEIR SMALL SIZE;

(V) AS COLORADO'S POPULATION AGES AND TYPICAL HOUSEHOLD SIZE CONTINUES TO DECREASE, ACCESSORY DWELLING UNITS OFFER MORE COMPACT HOUSING OPTIONS THAT ALIGN WITH THE STATE'S CHANGING DEMOGRAPHICS, AND COLORADANS OVER SIXTY-FIVE YEARS OF AGE ARE THE FASTEST-GROWING AGE COHORT IN COLORADO ACCORDING TO THE STATE DEMOGRAPHY OFFICE;

(VI) ACCESSORY DWELLING UNITS ENABLE SENIORS TO DOWNSIZE, MOVE INTO ACCESSIBLE UNITS, OR LIVE WITH FAMILY OR A CAREGIVER WHILE

REMAINING IN THEIR COMMUNITIES. A 2018 AARP SURVEY FOUND THAT SIXTY-SEVEN PERCENT OF ADULTS WOULD CONSIDER LIVING IN AN ACCESSORY DWELLING UNIT TO BE CLOSE TO SOMEONE BUT STILL HAVE A SEPARATE SPACE. MOST SENIORS DO NOT LIVE IN HOMES THAT ARE ACCESSIBLE, EVEN THOUGH DISABILITY IS PREVALENT AMONG THE SENIOR POPULATION AND INCREASES WITH AGE. LESS THAN FOUR PERCENT OF EXISTING HOUSING UNITS IN THE UNITED STATES ARE ESTIMATED TO BE LIVABLE FOR PEOPLE WITH MODERATE MOBILITY DIFFICULTIES, ACCORDING TO "HOUSING FOR AN AGING POPULATION" IN THE JOURNAL HOUSING POLICY DEBATE.

(VII) RELATIVE TO DISPERSED, LOW-DENSITY DEVELOPMENT, COMPACT INFILL DEVELOPMENT, INCLUDING ACCESSORY DWELLING UNIT DEVELOPMENT, REDUCES WATER USE, GREENHOUSE GAS EMISSIONS, INFRASTRUCTURE COSTS, AND HOUSEHOLD ENERGY AND TRANSPORTATION COSTS;

(VIII) ACCESSORY DWELLING UNITS USE SIGNIFICANTLY LESS ENERGY FOR HEATING AND COOLING THAN SINGLE-UNIT DETACHED DWELLINGS BECAUSE OF THEIR SMALLER SIZE, WHICH REDUCES HOUSEHOLD ENERGY COSTS AND GREENHOUSE GAS EMISSIONS. ACCESSORY DWELLING UNITS CAN REDUCE LIFETIME CARBON DIOXIDE EMISSIONS BY FORTY PERCENT COMPARED TO MEDIUM-SIZED SINGLE-FAMILY HOMES, ACCORDING TO A REPORT FROM THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY. REDUCING EMISSIONS FROM THE HOUSING SECTOR IS CRITICAL FOR MEETING THE STATE'S GREENHOUSE GAS EMISSIONS TARGETS ESTABLISHED IN SECTION 25-7-102. ACCORDING TO "THE CARBON FOOTPRINT OF HOUSEHOLD ENERGY USE IN THE UNITED STATES" IN THE PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES, REDUCING FLOOR SPACE PER CAPITA IS A CRITICAL STRATEGY TO REACHING MID-CENTURY CLIMATE GOALS.

(IX) COMPACT INFILL DEVELOPMENT REDUCES WATER DEMAND AND INFRASTRUCTURE COSTS BY USING LESS PIPING, WHICH REDUCES WATER LOSS; INCLUDES LESS LANDSCAPED SPACE PER UNIT; AND MAKES BETTER USE OF EXISTING INFRASTRUCTURE.

(X) ACCESSORY DWELLING UNITS REDUCE GOVERNMENT CAPITAL AND MAINTENANCE COSTS FOR INFRASTRUCTURE SINCE ACCESSORY DWELLING UNITS ARE BUILT IN EXISTING NEIGHBORHOODS AND HAVE A RELATIVELY SMALL IMPACT ON EXISTING INFRASTRUCTURE. NATIONAL

STUDIES SUCH AS "RELATIONSHIPS BETWEEN DENSITY AND PER CAPITA MUNICIPAL SPENDING IN THE UNITED STATES", PUBLISHED IN URBAN SCIENCE, HAVE FOUND THAT LOWER DENSITY COMMUNITIES HAVE HIGHER GOVERNMENT CAPITAL AND MAINTENANCE COSTS FOR WATER, SEWER, AND TRANSPORTATION INFRASTRUCTURE AND LOWER PROPERTY AND SALES TAX REVENUE. THESE INCREASED COSTS ARE OFTEN BORNE BY BOTH STATE AND LOCAL GOVERNMENTS.

(XI) A NUMBER OF LOCAL LAND USE LAWS PROHIBIT HOMEOWNERS FROM BUILDING AN ACCESSORY DWELLING UNIT, OR APPLY REGULATIONS TO ACCESSORY DWELLING UNITS THAT SIGNIFICANTLY LIMIT THEIR CONSTRUCTION;

(XII) A NUMBER OF MUNICIPALITIES HAVE REMOVED BARRIERS TO ACCESSORY DWELLING UNIT CONSTRUCTION SUCH AS PARKING REQUIREMENTS, OWNER OCCUPANCY REQUIREMENTS, AND RESTRICTIVE SIZE AND DESIGN LIMITATIONS, WHICH HAS RESULTED IN ACCESSORY DWELLING UNIT PERMITS INCREASING TO TEN TO TWENTY PERCENT OF TOTAL NEW HOUSING PERMITS AND AN OVERALL INCREASE IN THE TOTAL HOUSING SUPPLY. SINCE CALIFORNIA IMPLEMENTED VARIOUS REFORMS TO ENCOURAGE ACCESSORY DWELLING UNIT CONSTRUCTION, INCLUDING REQUIRING CITIES TO ALLOW ACCESSORY DWELLING UNITS AS A USE BY RIGHT, PREVENTING THE IMPOSITION OF PARKING REQUIREMENTS, AND PREVENTING OWNER OCCUPANCY REQUIREMENTS, ACCESSORY DWELLING UNIT CONSTRUCTION HAS INCREASED SIGNIFICANTLY IN CALIFORNIA. FOLLOWING REFORMS TO CALIFORNIA'S ACCESSORY DWELLING UNIT LAW IN 2016, ACCESSORY DWELLING UNIT DEVELOPMENT HAS INCREASED RAPIDLY FROM AROUND ONE THOUSAND ACCESSORY DWELLING UNITS PERMITTED IN 2016 TO OVER TWENTY-FOUR THOUSAND IN 2022, OR ABOUT TWENTY PERCENT OF NEW HOUSING PERMITS STATEWIDE, ACCORDING TO DATA FROM THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND ANALYSIS BY THE BIPARTISAN POLICY CENTER.

(XIII) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY, AND HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A METROPOLITAN REGION, ACCORDING TO THE NATIONAL BUREAU OF ECONOMIC RESEARCH IN WORKING PAPERS SUCH AS "REGULATION AND HOUSING SUPPLY", "THE IMPACT OF ZONING ON HOUSING AFFORDABILITY", AND "THE IMPACT OF LOCAL RESIDENTIAL LAND USE RESTRICTIONS ON LAND VALUES ACROSS

AND WITHIN SINGLE FAMILY HOUSING MARKETS";

(XIV) INCREASING HOUSING SUPPLY MODERATES PRICE INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC IMPLICATIONS OF HOUSING SUPPLY" IN THE JOURNAL OF ECONOMIC PERSPECTIVES AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND AFFORDABILITY" IN THE JOURNAL HOUSING POLICY DEBATE;

(XV) ACADEMIC RESEARCH SUCH AS "THE IMPACT OF BUILDING RESTRICTIONS ON HOUSING AFFORDABILITY" IN THE FEDERAL RESERVE BANK OF NEW YORK ECONOMIC POLICY REVIEW HAS IDENTIFIED ZONING AND OTHER LAND USE CONTROLS AS A PRIMARY DRIVER OF RISING HOUSING COSTS IN THE MOST EXPENSIVE HOUSING MARKETS;

(XVI) ACCESSORY DWELLING UNITS OFFER AFFORDABLE AND ATTAINABLE OPTIONS TO LIVE IN HIGH-OPPORTUNITY NEIGHBORHOODS, WHICH CAN HELP IMPROVE EQUITY OUTCOMES REGIONALLY AND STATEWIDE. AN ANALYSIS OF ACCESSORY DWELLING UNIT PERMITTING IN CALIFORNIA FOUND THAT ACCESSORY DWELLING UNITS ARE TYPICALLY PERMITTED ON PARCELS WITH RELATIVELY GOOD ACCESS TO JOBS COMPARED TO SURROUNDING AREAS, ACCORDING TO "WHERE WILL ACCESSORY DWELLING UNITS SPROUT UP WHEN A STATE LETS THEM GROW? EVIDENCE FROM CALIFORNIA" IN CITYSCAPE: A JOURNAL OF POLICY DEVELOPMENT AND RESEARCH.

(XVII) LOCAL GOVERNMENT REGULATION OF ACCESSORY DWELLING UNITS VARIES SIGNIFICANTLY WITHIN REGIONS AND STATEWIDE IN COLORADO IN TERMS OF WHERE THEY ARE ALLOWED, THE DIMENSIONAL AND DESIGN RESTRICTIONS APPLIED, AND OTHER REQUIREMENTS. THIS INCONSISTENCY INHIBITS THE DEVELOPMENT OF A ROBUST MARKET OF ACCESSORY DWELLING UNIT DEVELOPERS, MODULAR ACCESSORY DWELLING UNIT DESIGNS, AND ASSOCIATED COST REDUCTIONS. COLORADO IS SIMILAR TO MOST STATES IN THIS REGARD, AND, ACCORDING TO "ZONING BY A THOUSAND CUTS" IN THE PEPPERDINE LAW REVIEW, WHICH ANALYZED ACCESSORY DWELLING UNIT REGULATIONS ACROSS CONNECTICUT, "THE HIGH DEGREE OF REGULATORY VARIATION THWARTS THE DEVELOPMENT OF PROTOTYPE DESIGNS OR PREFABRICATED [ACCESSORY DWELLING UNITS] THAT COULD SATISFY DIFFERENT RULES ACROSS JURISDICTIONS".

(XVIII) MORE PERMISSIVE REGULATION BY LOCAL GOVERNMENTS OF ACCESSORY DWELLING UNITS PROVIDES A REASONABLE CHANCE FOR HOMEOWNERS TO CONSTRUCT OR CONVERT AN ACCESSORY DWELLING UNIT AND THEREBY INCREASE HOUSING SUPPLY, STABILIZE HOUSING COSTS, AND CONTRIBUTE TO AFFORDABLE AND EQUITABLE HOME OWNERSHIP TO ADEQUATELY MEET THE HOUSING NEEDS OF A GROWING COLORADO POPULATION.

(b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT INCREASING THE HOUSING SUPPLY THROUGH THE CONSTRUCTION OR CONVERSION OF ACCESSORY DWELLING UNITS IS A MATTER OF MIXED STATEWIDE AND LOCAL CONCERN.

29-35-102. Definitions. AS USED IN THIS PART 1, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ACCESSIBLE UNIT" MEANS A HOUSING UNIT THAT:

(a) SATISFIES THE REQUIREMENTS OF THE FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC. 3601 ET SEQ., AS AMENDED;

(b) INCORPORATES UNIVERSAL DESIGN; OR

(c) IS EITHER A TYPE A DWELLING UNIT, AS DEFINED IN SECTION 9-5-101 (10), OR A TYPE B DWELLING UNIT, AS DEFINED IN SECTION 9-5-101 (12).

(2) "ACCESSORY DWELLING UNIT" MEANS AN INTERNAL, ATTACHED, OR DETACHED DWELLING UNIT THAT:

(a) PROVIDES COMPLETE INDEPENDENT LIVING FACILITIES FOR ONE OR MORE INDIVIDUALS;

(b) IS LOCATED ON THE SAME LOT AS A PROPOSED OR EXISTING PRIMARY RESIDENCE; AND

(c) INCLUDES FACILITIES FOR LIVING, SLEEPING, EATING, COOKING, AND SANITATION.

(3) "ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION" MEANS

A LOCAL GOVERNMENT THAT THE DEPARTMENT HAS CERTIFIED PURSUANT TO SECTION 29-35-104 AS AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION.

(4) "ACCESSORY USE" MEANS A STRUCTURE OR THE USE OF A STRUCTURE ON THE SAME LOT WITH, AND OF A NATURE CUSTOMARILY INCIDENTAL AND SUBORDINATE TO, THE PRINCIPAL STRUCTURE OR USE OF THE STRUCTURE.

(5)(a) "ADMINISTRATIVE APPROVAL PROCESS" MEANS A PROCESS IN WHICH:

(I) A DEVELOPMENT PROPOSAL FOR A SPECIFIED PROJECT IS APPROVED, APPROVED WITH CONDITIONS, OR DENIED BY LOCAL GOVERNMENT ADMINISTRATIVE STAFF BASED SOLELY ON ITS COMPLIANCE WITH OBJECTIVE STANDARDS SET FORTH IN LOCAL LAWS; AND

(II) DOES NOT REQUIRE, AND CANNOT BE ELEVATED TO REQUIRE, A PUBLIC HEARING, A RECOMMENDATION, OR A DECISION BY AN ELECTED OR APPOINTED PUBLIC BODY OR A HEARING OFFICER.

(b) NOTWITHSTANDING SUBSECTION (5)(a) OF THIS SECTION, AN ADMINISTRATIVE APPROVAL PROCESS MAY REQUIRE AN APPOINTED HISTORIC PRESERVATION COMMISSION TO MAKE A DECISION, OR TO MAKE A RECOMMENDATION TO LOCAL GOVERNMENT ADMINISTRATIVE STAFF, REGARDING A DEVELOPMENT APPLICATION INVOLVING A PROPERTY THAT THE LOCAL GOVERNMENT HAS DESIGNATED AS A HISTORIC PROPERTY, PROVIDED THAT:

(I) THE STATE HISTORIC PRESERVATION OFFICE WITHIN HISTORY COLORADO HAS DESIGNATED THE LOCAL GOVERNMENT AS A CERTIFIED LOCAL GOVERNMENT; AND

(II) THE APPOINTED HISTORIC PRESERVATION COMMISSION'S DECISION OR RECOMMENDATION IS BASED ON STANDARDS EITHER SET FORTH IN LOCAL LAW OR ESTABLISHED BY THE SECRETARY OF THE INTERIOR OF THE UNITED STATES.

(6) "COUNTY" MEANS A COUNTY, INCLUDING A HOME RULE COUNTY BUT EXCLUDING A CITY AND COUNTY.

(7) "DEPARTMENT" MEANS THE DEPARTMENT OF LOCAL AFFAIRS.

(8) "DWELLING UNIT" MEANS A SINGLE UNIT PROVIDING COMPLETE INDEPENDENT LIVING FACILITIES FOR ONE OR MORE INDIVIDUALS, INCLUDING PERMANENT FACILITIES FOR COOKING, EATING, LIVING, SANITATION, AND SLEEPING.

(9) "EXEMPT PARCEL" MEANS A PARCEL THAT IS:

(a) NOT SERVED BY A DOMESTIC WATER AND SEWAGE TREATMENT SYSTEM, AS DEFINED IN SECTION 24-65.1-104 (5), OR IS SERVED BY A WELL WITH A PERMIT THAT CANNOT SUPPLY AN ADDITIONAL DWELLING UNIT;

(b) A HISTORIC PROPERTY THAT IS NOT WITHIN A HISTORIC DISTRICT;
OR

(c) IN A FLOODWAY OR IN A ONE HUNDRED YEAR FLOODPLAIN, AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

(10) "HISTORIC DISTRICT" MEANS A DISTRICT ESTABLISHED BY LOCAL LAW THAT MEETS THE DEFINITION OF "DISTRICT" SET FORTH IN 36 CFR 60.3 (d).

(11) "HISTORIC PROPERTY" MEANS A PROPERTY LISTED:

(a) ON THE NATIONAL REGISTER OF HISTORIC PLACES;

(b) ON THE COLORADO STATE REGISTER OF HISTORIC PROPERTIES; OR

(c) AS A CONTRIBUTING STRUCTURE OR HISTORIC LANDMARK BY A CERTIFIED LOCAL GOVERNMENT, AS DEFINED IN SECTION 39-22-514.5 (2)(b).

(12) "LOCAL GOVERNMENT" MEANS A MUNICIPALITY, COUNTY, OR TRIBAL NATION WITH JURISDICTION IN COLORADO.

(13) "LOCAL LAW" MEANS ANY CODE, LAW, ORDINANCE, POLICY, REGULATION, OR RULE ENACTED BY A LOCAL GOVERNMENT THAT GOVERNS THE DEVELOPMENT AND USE OF LAND, INCLUDING LAND USE CODES, ZONING CODES, AND SUBDIVISION CODES.

(14) "LOW- AND MODERATE-INCOME HOUSEHOLD" MEANS A HOUSEHOLD THAT IS CONSIDERED LOW-, MODERATE-, OR MEDIUM-INCOME, AS DETERMINED BY THE FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(15) "METROPOLITAN PLANNING ORGANIZATION" MEANS A METROPOLITAN PLANNING ORGANIZATION UNDER THE "FEDERAL TRANSIT ACT OF 1998", 49 U.S.C. SEC. 5301 ET SEQ., AS AMENDED.

(16) "MUNICIPALITY" MEANS A HOME RULE OR STATUTORY CITY OR TOWN, TERRITORIAL CHARTER CITY OR TOWN, OR CITY AND COUNTY.

(17) "OBJECTIVE STANDARD" MEANS A STANDARD THAT:

(a) IS A DEFINED BENCHMARK OR CRITERION THAT ALLOWS FOR DETERMINATIONS OF COMPLIANCE TO BE CONSISTENTLY DECIDED REGARDLESS OF THE DECISION MAKER; AND

(b) DOES NOT REQUIRE A SUBJECTIVE DETERMINATION CONCERNING A DEVELOPMENT PROPOSAL, INCLUDING BUT NOT LIMITED TO WHETHER THE APPLICATION FOR THE DEVELOPMENT PROPOSAL IS:

(I) CONSISTENT WITH MASTER PLANS, OR OTHER DEVELOPMENT PLANS;

(II) COMPATIBLE WITH THE LAND USE OR DEVELOPMENT OF THE AREA SURROUNDING THE AREA DESCRIBED IN THE APPLICATION; OR

(III) CONSISTENT WITH PUBLIC WELFARE, COMMUNITY CHARACTER, OR NEIGHBORHOOD CHARACTER.

(18) "RESTRICTIVE DESIGN OR DIMENSION STANDARD" MEANS A STANDARD IN A LOCAL LAW THAT:

(a) REQUIRES AN ARCHITECTURAL STYLE, BUILDING MATERIAL, OR LANDSCAPING THAT IS MORE RESTRICTIVE FOR AN ACCESSORY DWELLING UNIT THAN FOR A SINGLE-UNIT DETACHED DWELLING IN THE SAME ZONING DISTRICT;

(b) DOES NOT ALLOW FOR ACCESSORY DWELLING UNIT SIZES

BETWEEN FIVE HUNDRED AND SEVEN HUNDRED FIFTY SQUARE FEET;

(c) REQUIRES SIDE SETBACKS FOR AN ACCESSORY DWELLING UNIT THAT ARE LARGER THAN THE SIDE SETBACKS REQUIRED FOR A PRIMARY DWELLING UNIT IN THE SAME ZONING DISTRICT;

(d) REQUIRES A REAR SETBACK FOR AN ACCESSORY DWELLING UNIT THAT IS LARGER THAN THE GREATER OF:

(I) THE REAR SETBACK REQUIRED FOR OTHER ACCESSORY BUILDING TYPES IN THE SAME ZONING DISTRICT; OR

(II) FIVE FEET;

(e) IS A MORE RESTRICTIVE MINIMUM LOT SIZE STANDARD FOR AN ACCESSORY DWELLING UNIT THAN FOR A SINGLE-UNIT DETACHED DWELLING IN THE SAME ZONING DISTRICT; OR

(f) APPLIES MORE RESTRICTIVE AESTHETIC DESIGN OR DIMENSIONAL STANDARDS TO ACCESSORY DWELLING UNITS THAT ARE FACTORY-BUILT RESIDENTIAL STRUCTURES, AS DEFINED IN SECTION 24-32-3302 (10), THAN OTHER ACCESSORY DWELLING UNITS.

(19) (a) "SHORT-TERM RENTAL" MEANS THE RENTAL OF A LODGING UNIT FOR LESS THAN THIRTY DAYS. AS USED IN THIS SUBSECTION (19), "LODGING UNIT" MEANS ANY PROPERTY OR PORTION OF A PROPERTY THAT IS AVAILABLE FOR LODGING; EXCEPT THAT THE TERM EXCLUDES A HOTEL OR MOTEL UNIT.

(b) NOTWITHSTANDING SUBSECTION (19)(a) OF THIS SECTION, A LOCAL GOVERNMENT MAY APPLY ITS OWN DEFINITION OF "SHORT-TERM RENTAL" FOR PURPOSES OF THIS PART 1.

(20) "SINGLE-UNIT DETACHED DWELLING" MEANS A DETACHED BUILDING WITH A SINGLE DWELLING UNIT ON A SINGLE LOT.

(21) "SUBJECT JURISDICTION" MEANS EITHER:

(a) A MUNICIPALITY THAT BOTH HAS A POPULATION OF ONE THOUSAND OR MORE, AS REPORTED BY THE STATE DEMOGRAPHY OFFICE,

AND IS WITHIN A METROPOLITAN PLANNING ORGANIZATION; OR

(b) THE PORTION OF A COUNTY THAT IS BOTH WITHIN A CENSUS DESIGNATED PLACE WITH A POPULATION OF FORTY THOUSAND OR MORE, AS REPORTED IN THE MOST RECENT DECENNIAL CENSUS, AND WITHIN A METROPOLITAN PLANNING ORGANIZATION.

(22) "TANDEM PARKING SPACE" MEANS A PARKING SPACE THAT IS LOCATED EITHER IN FRONT OF OR BEHIND ONE OR MORE OTHER PARKING SPACES THAT SHARE THE SAME POINT OF ACCESS.

(23) "UNIVERSAL DESIGN" MEANS ANY DWELLING UNIT DESIGNED AND CONSTRUCTED TO BE SAFE AND ACCESSIBLE FOR ANY INDIVIDUAL REGARDLESS OF AGE OR ABILITIES.

(24) "VISITABLE UNIT" MEANS A DWELLING UNIT THAT A PERSON WITH A DISABILITY CAN ENTER, MOVE AROUND THE PRIMARY ENTRANCE FLOOR OF, AND USE THE BATHROOM IN.

29-35-103. Accessory dwelling unit requirements for a subject jurisdiction. (1) ON OR AFTER JUNE 30, 2025, A SUBJECT JURISDICTION SHALL ALLOW, SUBJECT TO AN ADMINISTRATIVE APPROVAL PROCESS, ONE ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO A SINGLE-UNIT DETACHED DWELLING IN ANY PART OF THE SUBJECT JURISDICTION WHERE THE JURISDICTION ALLOWS SINGLE-UNIT DETACHED DWELLINGS.

(2) ON OR AFTER JUNE 30, 2025, A SUBJECT JURISDICTION SHALL NOT:

(a) REQUIRE THE CONSTRUCTION OF A NEW OFF-STREET PARKING SPACE IN CONNECTION WITH THE CONSTRUCTION OR CONVERSION OF AN ACCESSORY DWELLING UNIT, EXCEPT AS DESCRIBED IN SUBSECTIONS (3)(a) AND (3)(b) OF THIS SECTION;

(b) REQUIRE AN ACCESSORY DWELLING UNIT, OR ANY OTHER DWELLING ON THE SAME LOT AS AN ACCESSORY DWELLING UNIT, TO BE OWNER-OCCUPIED; EXCEPT THAT A SUBJECT JURISDICTION MAY REQUIRE A PROPERTY OWNER TO DEMONSTRATE THAT THE PROPERTY OWNER RESIDES ON THE PARCEL WHEN AN APPLICATION IS SUBMITTED:

(I) TO CONSTRUCT OR CONVERT AN ACCESSORY DWELLING UNIT. THIS EXCEPTION DOES NOT APPLY FOR AN ACCESSORY DWELLING UNIT THAT IS BEING CONSTRUCTED SIMULTANEOUSLY WITH A NEW PRIMARY DWELLING UNIT.

(II) FOR A LICENSE OR PERMIT FOR A SHORT-TERM RENTAL ON THE PARCEL THROUGH A LOCAL LAW OR PROGRAM.

(c) APPLY A RESTRICTIVE DESIGN OR DIMENSION STANDARD TO AN ACCESSORY DWELLING UNIT.

(3) NOTHING IN THIS SECTION PREVENTS A SUBJECT JURISDICTION OR OTHER LOCAL GOVERNMENT FROM:

(a) REQUIRING THE DESIGNATION OF AN OFF-STREET PARKING SPACE IN CONNECTION WITH AN ACCESSORY DWELLING UNIT, SO LONG AS THERE IS AN EXISTING DRIVEWAY, GARAGE, TANDEM PARKING SPACE, OR OTHER OFF-STREET PARKING SPACE AVAILABLE FOR SUCH A DESIGNATION AT THE TIME OF THE CONSTRUCTION OR CONVERSION OF THE ACCESSORY DWELLING UNIT;

(b) REQUIRING, IN CONNECTION WITH THE CONSTRUCTION OR CONVERSION OF AN ACCESSORY DWELLING UNIT, ONE NEW PARKING SPACE ON A PARCEL THAT:

(I) DOES NOT HAVE AN EXISTING OFF-STREET PARKING SPACE, INCLUDING A DRIVEWAY, GARAGE, OR TANDEM PARKING SPACE, THAT COULD BE USED FOR AN ACCESSORY DWELLING UNIT;

(II) IS IN A ZONING DISTRICT THAT, AS OF JANUARY 1, 2024, REQUIRES ONE OR MORE PARKING SPACES FOR THE PRIMARY DWELLING UNIT; AND

(III) IS LOCATED ON A BLOCK WHERE ON-STREET PARKING IS PROHIBITED FOR ANY REASON INCLUDING ENSURING ACCESS FOR EMERGENCY SERVICES;

(c) ALLOWING THE CONSTRUCTION OR CONVERSION OF AN ACCESSORY DWELLING UNIT THAT IS SMALLER THAN FIVE HUNDRED SQUARE FEET OR GREATER THAN EIGHT HUNDRED SQUARE FEET, OR RESTRICTING THE

SIZE OF AN ACCESSORY DWELLING UNIT SO THAT IT IS NO LARGER THAN THE SIZE OF THE PRINCIPAL DWELLING UNIT ON THE SAME LOT AS THE ACCESSORY DWELLING UNIT;

(d) ALLOWING THE CONSTRUCTION OR CONVERSION OF MULTIPLE ACCESSORY DWELLING UNITS ON THE SAME LOT;

(e) APPLYING A DESIGN OR DIMENSION STANDARD TO AN ACCESSORY DWELLING UNIT THAT IS NOT A RESTRICTIVE DESIGN OR DIMENSION STANDARD;

(f) ADOPTING OR ENFORCING A GENERALLY APPLICABLE REQUIREMENT FOR:

(I) THE PAYMENT OF AN IMPACT FEE OR OTHER SIMILAR DEVELOPMENT CHARGE, PURSUANT TO SECTION 29-20-104.5; OR

(II) THE MITIGATION OF IMPACTS IN CONFORMANCE WITH THE REQUIREMENTS OF PART 2 OF ARTICLE 20 OF THIS TITLE 29;

(g) ENACTING OR APPLYING A LOCAL LAW CONCERNING THE SHORT-TERM RENTAL OF AN ACCESSORY DWELLING UNIT OR ANY OTHER DWELLING ON THE SAME LOT AS AN ACCESSORY DWELLING UNIT;

(h) APPLYING THE DESIGN STANDARDS AND PROCEDURES OF A HISTORIC DISTRICT TO A LOT ON WHICH AN ACCESSORY DWELLING UNIT IS ALLOWED IN THAT HISTORIC DISTRICT, INCLUDING A STANDARD OR PROCEDURE RELATED TO DEMOLITION;

(i) APPLYING AND ENFORCING A LOCALLY ADOPTED LIFE SAFETY CODE, INCLUDING BUT NOT LIMITED TO, A BUILDING, FIRE, UTILITY, OR STORMWATER CODE;

(j) ALLOWING THE CONSTRUCTION OF, OR ISSUING A PERMIT FOR THE CONSTRUCTION OF, A SINGLE-UNIT DETACHED DWELLING IN AN AREA ZONED FOR SINGLE-UNIT DETACHED DWELLINGS;

(k) ENCOURAGING THE CONSTRUCTION OF ACCESSORY DWELLING UNITS THAT ARE, THROUGH THE APPLICATION OF LOCAL LAWS OR PROGRAMS INCLUDING THROUGH DEED RESTRICTIONS, MADE AFFORDABLE TO

HOUSEHOLDS UNDER CERTAIN INCOME LIMITS OR USED PRIMARILY TO HOUSE THE LOCAL WORKFORCE PURSUANT TO A LOCAL, REGIONAL, OR STATE AFFORDABLE HOUSING PROGRAM;

(l) DEFINING ACCESSORY DWELLING UNIT IN LOCAL LAW AS INCLUDING OR EXCLUDING OTHER DWELLING UNIT TYPES SUCH AS A "MOTOR HOME", AS DEFINED IN SECTION 42-1-102 (57), A "MULTIPURPOSE TRAILER", AS DEFINED IN SECTION 42-1-102 (60.3), AND A "RECREATIONAL VEHICLE", AS DEFINED IN SECTION 24-32-902 (9); OR

(m) REQUIRING A STATEMENT BY A WATER OR WASTEWATER SERVICE PROVIDER REGARDING ITS CAPACITY TO SERVICE THE PROPERTY AS A CONDITION OF PERMITTING AN ACCESSORY DWELLING UNIT.

(4) THIS SECTION ONLY APPLIES TO A PARCEL IN A SUBJECT JURISDICTION THAT IS NOT AN EXEMPT PARCEL.

29-35-104. Accessory dwelling unit supportive jurisdiction report - certification of a jurisdiction as an accessory dwelling unit supportive jurisdiction. (1) (a) IN ORDER TO BE CERTIFIED AS AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION BY THE DEPARTMENT, A LOCAL GOVERNMENT MUST SUBMIT TO THE DEPARTMENT, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT, A REPORT DEMONSTRATING EVIDENCE OF THE LOCAL GOVERNMENT:

(I) COMPLYING WITH SECTION 29-35-103 AS A SUBJECT JURISDICTION OR, IF THE LOCAL GOVERNMENT IS NOT A SUBJECT JURISDICTION, AS IF THE LOCAL GOVERNMENT WERE A SUBJECT JURISDICTION FOR PURPOSES OF SECTION 29-35-103; AND

(II) IMPLEMENTING ONE OR MORE OF THE FOLLOWING STRATEGIES:

(A) WAIVING, REDUCING, OR PROVIDING FINANCIAL ASSISTANCE FOR ACCESSORY DWELLING UNIT-RELATED FEES THAT ARE INCURRED BY LOW- AND MODERATE-INCOME HOUSEHOLDS;

(B) ENACTING LOCAL LAWS OR PROGRAMS THAT INCENTIVIZE THE AFFORDABILITY OF CERTAIN ACCESSORY DWELLING UNITS INCLUDING ACCESSORY DWELLING UNITS USED PRIMARILY TO HOUSE THE LOCAL WORKFORCE;

(C) PROVIDING PRE-APPROVED PLANS FOR THE CONSTRUCTION OF ACCESSORY DWELLING UNITS;

(D) IMPLEMENTING A PROGRAM TO PROVIDE EDUCATION AND TECHNICAL ASSISTANCE TO HOMEOWNERS TO CONSTRUCT OR CONVERT AN ACCESSORY DWELLING UNIT;

(E) IMPLEMENTING A PROGRAM TO REGULATE THE USE OF ACCESSORY DWELLING UNITS FOR SHORT-TERM RENTALS;

(F) ENACTING LOCAL LAWS THAT INCENTIVIZE THE CONSTRUCTION AND CONVERSION OF ACCESSIBLE AND VISITABLE ACCESSORY DWELLING UNITS;

(G) ASSISTING PROPERTY OWNERS WITH ENSURING THAT PRE-EXISTING ACCESSORY DWELLING UNITS COMPLY WITH LOCAL LAWS;

(H) ENABLING A PATHWAY FOR THE SEPARATE SALE OF AN ACCESSORY DWELLING UNIT;

(I) ENACTING LOCAL LAWS THAT ENCOURAGE THE CONSTRUCTION OF ACCESSORY DWELLING UNITS THAT ARE FACTORY-BUILT RESIDENTIAL STRUCTURES, AS DEFINED IN SECTION 24-32-3302 (10); OR

(J) ANY OTHER STRATEGY THAT IS APPROVED BY THE DEPARTMENT AND THAT ENCOURAGES THE CONSTRUCTION, CONVERSION, OR USE OF ACCESSORY DWELLING UNITS.

(b) (I) ON OR BEFORE JUNE 30, 2025, A SUBJECT JURISDICTION SHALL SUBMIT THE REPORT DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION.

(II) NOTWITHSTANDING SUBSECTION (1)(b)(I) OF THIS SECTION, THE DEPARTMENT MAY ALLOW A SUBJECT JURISDICTION TO SUBMIT THE REPORT DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION NO MORE THAN SIX MONTHS AFTER THE DEADLINE DESCRIBED IN SUBSECTION (1)(b)(I) OF THIS SECTION IF THE SUBJECT JURISDICTION DEMONSTRATES, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT, THAT THE SUBJECT JURISDICTION HAS:

(A) INITIATED A PROCESS TO UPDATE ITS LOCAL LAWS AS NECESSARY

TO COMPLY WITH THE REQUIREMENTS OF THE REPORT DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION;

(B) A PLAN AND TIMELINE TO UPDATE ITS LOCAL LAWS AS NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THE REPORT DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION; AND

(C) PROVIDED AN EXPLANATION FOR NOT BEING ABLE TO MEET THE DEADLINE DESCRIBED IN SUBSECTION (1)(b)(I) OF THIS SECTION.

(c) IF A LOCAL GOVERNMENT THAT IS NOT A SUBJECT JURISDICTION SUBMITS A REPORT PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THAT LOCAL GOVERNMENT SHALL, AS PART OF THE REPORT, SUBMIT EVIDENCE OF COMPLYING WITH THE REQUIREMENTS FOR A SUBJECT JURISDICTION DESCRIBED IN SECTION 29-35-103.

(2)(a) WITHIN NINETY DAYS OF RECEIVING A LOCAL GOVERNMENT'S REPORT SUBMITTED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT SHALL REVIEW THE REPORT, EITHER APPROVE OR REJECT THE REPORT, AND PROVIDE FEEDBACK TO THE LOCAL GOVERNMENT ON THE REPORT.

(b) IF THE DEPARTMENT APPROVES A LOCAL GOVERNMENT'S REPORT SUBMITTED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT SHALL ISSUE TO THAT LOCAL GOVERNMENT A CERTIFICATE INDICATING THAT THE LOCAL GOVERNMENT QUALIFIES AS AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION. THE DEPARTMENT MAY REVOKE SUCH A CERTIFICATE IF A LOCAL GOVERNMENT DOES NOT SATISFY THE REQUIREMENTS OF SUBSECTION (1)(a) OF THIS SECTION.

(c) IF THE DEPARTMENT REJECTS A LOCAL GOVERNMENT'S REPORT SUBMITTED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT MAY GRANT THE LOCAL GOVERNMENT AN ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT ANY DEFICIENCIES IDENTIFIED IN THE REPORT AND RESUBMIT AN AMENDED REPORT. WITHIN NINETY DAYS OF RECEIVING AN AMENDED REPORT, THE DEPARTMENT SHALL REVIEW THE AMENDED REPORT, EITHER APPROVE OR REJECT THE AMENDED REPORT, AND PROVIDE FEEDBACK ON THE AMENDED REPORT.

(3) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF

TRANSPORTATION, THE COLORADO ENERGY OFFICE, AND THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT, MAY DEVELOP POLICIES AND PROCEDURES AS NECESSARY TO IMPLEMENT THIS SECTION.

29-35-105. Accessory dwelling unit fee reduction and encouragement grant program - created - application - criteria - awards - fund - reporting requirements - rules - definitions - repeal.

(1) THE ACCESSORY DWELLING UNIT FEE REDUCTION AND ENCOURAGEMENT GRANT PROGRAM IS CREATED IN THE DEPARTMENT TO PROVIDE GRANTS TO ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTIONS FOR ACTIVITIES THAT PROMOTE THE CONSTRUCTION OF ACCESSORY DWELLING UNITS, INCLUDING BUT NOT LIMITED TO, OFFSETTING COSTS INCURRED IN CONNECTION WITH DEVELOPING PRE-APPROVED ACCESSORY DWELLING UNIT PLANS, PROVIDING TECHNICAL ASSISTANCE TO PERSONS CONVERTING OR CONSTRUCTING ACCESSORY DWELLING UNITS, OR WAIVING, REDUCING, OR PROVIDING FINANCIAL ASSISTANCE FOR ACCESSORY DWELLING UNIT ASSOCIATED FEES AND OTHER REQUIRED COSTS.

(2) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH THE GRANT PROGRAM TO OFFSET BOTH ELIGIBLE COSTS AND THE COST OF WAIVING, REDUCING, OR PROVIDING FINANCIAL ASSISTANCE FOR REASONABLE AND NECESSARY ACCESSORY DWELLING UNIT FEES AND OTHER REQUIRED COSTS FOR:

- (a) LOW- AND MODERATE-INCOME HOUSEHOLDS;
- (b) AFFORDABLE ACCESSORY DWELLING UNITS;
- (c) ACCESSIBLE OR VISITABLE ACCESSORY DWELLING UNITS;
- (d) ACCESSORY DWELLING UNITS USED AS LONG-TERM RENTALS FOR MEMBERS OF THE LOCAL WORKFORCE; OR
- (e) ACCESSORY DWELLING UNITS USED TO SUPPORT OTHER DEMONSTRATED HOUSING NEEDS IN THE COMMUNITY.

(3) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM AND, SUBJECT TO AVAILABLE APPROPRIATIONS, PROVIDE TECHNICAL ASSISTANCE, DEVELOP A TOOLKIT TO SUPPORT LOCAL GOVERNMENTS IN ENCOURAGING ACCESSORY DWELLING UNIT CONSTRUCTION, RECEIVE GRANT APPLICATIONS

AND AWARD GRANTS AS PROVIDED IN THIS SECTION.

(4) TO RECEIVE A GRANT, AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION MUST SUBMIT AN APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH THE POLICIES AND PROCEDURES DEVELOPED BY THE DEPARTMENT PURSUANT TO SUBSECTION (9) OF THIS SECTION. AT A MINIMUM, THE APPLICATION MUST INCLUDE THE FOLLOWING:

(a) A COPY OF THE CERTIFICATE ISSUED BY THE DEPARTMENT PURSUANT TO SECTION 29-35-104 CERTIFYING THAT THE LOCAL GOVERNMENT IS AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION;

(b) THE NUMBER OF ACCESSORY DWELLING UNITS THAT THE LOCAL GOVERNMENT HAS PERMITTED AND WHEN THE LOCAL GOVERNMENT PERMITTED THOSE ACCESSORY DWELLING UNITS;

(c) THE TYPE AND COSTS OF FEES AND OTHER ELIGIBLE COSTS THAT THE LOCAL GOVERNMENT IS PROPOSING TO USE A GRANT AWARD TO PAY FOR;

(d) THE NUMBER OF ACCESSORY DWELLING UNITS THAT THE LOCAL GOVERNMENT EXPECTS TO SUPPORT WITH A GRANT AWARD AND THE PERIOD FOR WHICH THE LOCAL GOVERNMENT INTENDS TO SUPPORT THOSE ACCESSORY DWELLING UNITS; AND

(e) INFORMATION ABOUT THE TYPES OF HOUSEHOLDS AND ACCESSORY DWELLING UNITS THAT THE LOCAL GOVERNMENT INTENDS TO SUPPORT WITH A GRANT AWARD, SUCH AS WHETHER THE LOCAL GOVERNMENT INTENDS TO SUPPORT LOW- AND MODERATE-INCOME HOUSEHOLDS, AFFORDABLE ACCESSORY DWELLING UNITS, ACCESSIBLE OR VISITABLE ACCESSORY DWELLING UNITS, ACCESSORY DWELLING UNITS FOR HOUSING THE LOCAL WORKFORCE, OR ACCESSORY DWELLING UNITS SUPPORTING OTHER DEMONSTRATED HOUSING NEEDS IN THE COMMUNITY.

(5) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS RECEIVED PURSUANT TO SUBSECTION (4) OF THIS SECTION. IN AWARDING GRANTS, THE DEPARTMENT SHALL GIVE PRIORITY TO LOCAL GOVERNMENTS THAT:

(a) IMPOSE ACCESSORY DWELLING UNIT FEES AND COSTS THAT ARE REASONABLE AND NECESSARY;

(b) HAVE DEMONSTRATED A SIGNIFICANT COMMITMENT TO FURTHER CONSTRUCTION AND CONVERSION OF ACCESSORY DWELLING UNITS THROUGH THE ADOPTION OF STRATEGIES DESCRIBED IN SECTION 29-35-104 (1)(a)(II); AND

(c) PROVIDE OFFSETS FOR, OR WAIVE A GREATER NUMBER OF ACCESSORY DWELLING UNIT FEES FOR:

(I) LOW- AND MODERATE-INCOME HOUSEHOLDS; OR

(II) ACCESSORY DWELLING UNITS THAT ARE RENTED TO LOW- AND MODERATE-INCOME HOUSEHOLDS.

(6) IN AWARDING A GRANT, THE DEPARTMENT SHALL AWARD A LOCAL GOVERNMENT AN AMOUNT EQUAL TO NO MORE THAN FIFTEEN THOUSAND DOLLARS PER ACCESSORY DWELLING UNIT PERMITTED BY THE LOCAL GOVERNMENT, TO BE REIMBURSED BASED ON THE NUMBER OF PERMITTED ACCESSORY DWELLING UNITS.

(7) (a) THE ACCESSORY DWELLING UNIT FEE REDUCTION AND ENCOURAGEMENT GRANT PROGRAM FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF ANY MONEY THAT THE GENERAL ASSEMBLY MAY TRANSFER OR APPROPRIATE TO THE FUND AND GIFTS, GRANTS, OR DONATIONS CREDITED TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

(b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY FROM THE FUND FOR THE PURPOSE OF IMPLEMENTING AND ADMINISTERING THE GRANT PROGRAM.

(c) ON OR BEFORE JUNE 30, 2024, THE STATE TREASURER SHALL TRANSFER FIVE MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND.

(8) IN ACCORDANCE WITH THE POLICIES AND PROCEDURES DEVELOPED BY THE DEPARTMENT PURSUANT TO SUBSECTION (9) OF THIS SECTION, EACH LOCAL GOVERNMENT THAT RECEIVES A GRANT THROUGH THE GRANT PROGRAM SHALL SUBMIT A REPORT TO THE DEPARTMENT. AT A MINIMUM, THE REPORT MUST INCLUDE THE FOLLOWING INFORMATION:

(a) THE NUMBER OF ACCESSORY DWELLING UNITS WITH ACCESSORY DWELLING UNIT FEES OR COSTS THAT LOCAL GOVERNMENTS WAIVED, REDUCED, OR PROVIDED FINANCIAL ASSISTANCE FOR IN THE PAST YEAR;

(b) THE TOTAL AMOUNT OF ELIGIBLE COSTS THAT LOCAL GOVERNMENTS INCURRED AND WERE REIMBURSED FOR THROUGH THE GRANT PROGRAM IN THE PAST YEAR IN CONNECTION WITH THE GRANT PROGRAM;

(c) THE NUMBER OF THE ACCESSORY DWELLING UNITS DESCRIBED IN SUBSECTION (8)(a) OF THIS SECTION THAT WERE BUILT IN THE PAST YEAR THAT WERE BUILT BY LOW- AND MODERATE-INCOME HOUSEHOLDS, THAT ARE AFFORDABLE ACCESSORY DWELLING UNITS, AND THAT ARE VISITABLE OR ACCESSIBLE ACCESSORY DWELLING UNITS;

(d) THE NUMBER OF ACCESSORY DWELLING UNITS THAT ARE FACTORY-BUILT RESIDENTIAL STRUCTURES, AS DEFINED IN SECTION 24-32-3302 (10); AND

(e) THE NUMBER OF ACCESSORY DWELLING UNIT PERMITS AWARDED, DENIED, OR IN PROGRESS IN THE LOCAL GOVERNMENT'S JURISDICTION.

(9) THE DEPARTMENT SHALL IMPLEMENT THE GRANT PROGRAM IN ACCORDANCE WITH THIS SECTION. THE DEPARTMENT SHALL DEVELOP, IN CONSULTATION WITH THE DEPARTMENT OF TRANSPORTATION, THE COLORADO ENERGY OFFICE, AND THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT, POLICIES AND PROCEDURES BOTH AS REQUIRED IN THIS SECTION AND AS MAY BE NECESSARY TO IMPLEMENT THE GRANT PROGRAM.

(10) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ACCESSORY DWELLING UNIT FEE" MEANS A REASONABLE AND NECESSARY FEE COLLECTED OR REQUIRED BY A LOCAL GOVERNMENT IN CONNECTION WITH THE CONSTRUCTION OR CONVERSION OF AN ACCESSORY DWELLING UNIT. SUCH A FEE MAY INCLUDE IMPACT FEES.

(b) (I) "ELIGIBLE COSTS" MEANS COSTS INCURRED BY A LOCAL GOVERNMENT AND DETERMINED BY THE DEPARTMENT TO BE INCURRED IN CONNECTION WITH DEVELOPING PRE-APPROVED ACCESSORY DWELLING UNIT PLANS, PROVIDING TECHNICAL ASSISTANCE TO PERSONS CONVERTING OR

CONSTRUCTING ACCESSORY DWELLING UNITS, OR OTHER REASONABLE AND NECESSARY FEES LEVIED BY OR COSTS BORNE BY THE LOCAL GOVERNMENT FOR THE CONSTRUCTION OR CONVERSION OF AN ACCESSORY DWELLING UNIT.

(II) NOTWITHSTANDING SUBSECTION (10)(b)(I) OF THIS SECTION, IN ORDER FOR COSTS INCURRED BY A LOCAL GOVERNMENT IN CONNECTION WITH DEVELOPING PRE-APPROVED ACCESSORY DWELLING UNIT PLANS TO QUALIFY AS ELIGIBLE COSTS, AT LEAST ONE SUCH PRE-APPROVED ACCESSORY DWELLING UNIT PLAN MUST BE FOR AN ACCESSIBLE OR VISITABLE ACCESSORY DWELLING UNIT.

(c) "FUND" MEANS THE ACCESSORY DWELLING UNIT FEE REDUCTION AND ENCOURAGEMENT GRANT PROGRAM FUND CREATED IN SUBSECTION (7) OF THIS SECTION.

(d) "GRANT PROGRAM" MEANS THE ACCESSORY DWELLING UNIT FEE REDUCTION AND ENCOURAGEMENT GRANT PROGRAM CREATED IN THIS SECTION.

(11) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2030.

SECTION 2. In Colorado Revised Statutes, 24-32-3305, **add** (3.3) as follows:

24-32-3305. Rules - advisory committee - enforcement. (3.3) THE DEPARTMENT SHALL CREATE FOR FACTORY-BUILT STRUCTURES, INCLUDING THOSE THAT WOULD BE CONSIDERED ACCESSORY DWELLING UNITS, MODEL PUBLIC SAFETY CODE REQUIREMENTS RELATED TO GEOGRAPHIC OR CLIMATIC CONDITIONS, SUCH AS WEIGHT RESTRICTIONS FOR ROOF SNOW LOADS, WIND SHEAR FACTORS, OR WILDFIRE RISK, FOR LOCAL GOVERNMENTS TO CONSIDER AND ADOPT PURSUANT TO SECTION 24-32-3318 (2)(a).

SECTION 3. In Colorado Revised Statutes, 24-46-104, **add** (1)(q) as follows:

24-46-104. Powers and duties of commission - repeal. (1) The commission has the following powers and duties:

(q) (I) TO EXPEND EIGHT MILLION DOLLARS TO CONTRACT WITH THE COLORADO HOUSING AND FINANCE AUTHORITY, CREATED IN PART 7 OF

ARTICLE 4 OF TITLE 29, FOR THE CREATION AND OPERATION OF ONE OR MORE OF THE FOLLOWING PROGRAMS TO BENEFIT LOW- TO MODERATE-INCOME RESIDENTS IN LOCAL GOVERNMENTS THAT HAVE BEEN CERTIFIED AS ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTIONS BY THE DEPARTMENT OF LOCAL AFFAIRS:

(A) AN ACCESSORY DWELLING UNIT CREDIT ENHANCEMENT PROGRAM THAT SUPPORTS LENDERS OFFERING AFFORDABLE LOANS TO ELIGIBLE LOW- AND MODERATE-INCOME BORROWERS FOR THE CONSTRUCTION OR CONVERSION OF ACCESSORY DWELLING UNITS;

(B) A PROGRAM THAT ALLOWS FOR THE BUYING DOWN OF INTEREST RATES ON LOANS MADE TO ELIGIBLE LOW- AND MODERATE-INCOME BORROWERS IN CONNECTION WITH THE CONSTRUCTION OR CONVERSION OF ACCESSORY DWELLING UNITS;

(C) A PROGRAM THAT OFFERS DOWN PAYMENT ASSISTANCE IN CONNECTION WITH ACCESSORY DWELLING UNITS, PRINCIPAL REDUCTION ON LOANS TO ELIGIBLE LOW- AND MODERATE-INCOME BORROWERS MADE IN CONNECTION WITH ACCESSORY DWELLING UNITS, OR BOTH; OR

(D) A PROGRAM IN WHICH THE COLORADO HOUSING AND FINANCE AUTHORITY OFFERS LOANS, REVOLVING LINES OF CREDIT, OR GRANTS TO ELIGIBLE NON-PROFITS, PUBLIC HOUSING AUTHORITIES, AND COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS TO MAKE DIRECT LOANS OR GRANTS TO SUPPORT THE CONSTRUCTION OR CONVERSION OF ACCESSORY DWELLING UNITS FOR LOW- AND MODERATE-INCOME BORROWERS OR TENANTS.

(II) ANY CONTRACT MADE BY THE COMMISSION WITH THE COLORADO HOUSING AND FINANCE AUTHORITY PURSUANT TO THIS SUBSECTION (1)(q) MAY INCLUDE NORMAL AND CUSTOMARY FEES AND EXPENSES FOR ADMINSTRATING THE PROGRAMS DESCRIBED IN THIS SUBSECTION (1)(q).

SECTION 4. In Colorado Revised Statutes, 24-46-105, **add** (1)(c) as follows:

24-46-105. Colorado economic development fund - creation - report - repeal. (1) (c) (I) ON JULY 1, 2024, THE STATE TREASURER SHALL TRANSFER EIGHT MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND.

THE COMMISSION SHALL USE THE FUNDS TRANSFERRED PURSUANT TO THIS SUBSECTION (1)(c)(I) TO CONTRACT WITH THE COLORADO HOUSING AND FINANCE AUTHORITY, CREATED IN PART 7 OF ARTICLE 4 OF TITLE 29, FOR THE PURPOSES DESCRIBED IN SECTION 24-46-104 (1)(q).

(II) THIS SUBSECTION (1)(c) IS REPEALED, EFFECTIVE JULY 1, 2025.

SECTION 5. In Colorado Revised Statutes, 24-67-105, **add** (5.3) as follows:

24-67-105. Standards and conditions for planned unit development - definitions. (5.3) (a) IN A SUBJECT JURISDICTION, ANY PLANNED UNIT DEVELOPMENT RESOLUTION OR ORDINANCE THAT IS ADOPTED OR APPROVED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (5.3), AND THAT ALLOWS THE CONSTRUCTION OF ONE OR MORE SINGLE-UNIT DETACHED DWELLINGS, MUST NOT RESTRICT THE CREATION OF AN ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO ANY SINGLE-UNIT DETACHED DWELLING MORE THAN THE LOCAL LAW THAT APPLIES TO ACCESSORY DWELLING UNIT DEVELOPMENT OUTSIDE OF A PLANNED UNIT DEVELOPMENT OR IN ANY WAY THAT IS PROHIBITED BY SECTION 29-35-103.

(b) IN A SUBJECT JURISDICTION, ANY PLANNED UNIT DEVELOPMENT RESOLUTION OR ORDINANCE THAT WAS ADOPTED OR APPROVED BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (5.3), THAT ALLOWS THE CONSTRUCTION OF ONE OR MORE SINGLE-UNIT DETACHED DWELLINGS, AND THAT RESTRICTS THE CONSTRUCTION OF AN ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO ANY SINGLE-UNIT DETACHED DWELLING MORE THAN THE LOCAL LAW THAT APPLIES TO ACCESSORY DWELLING UNIT DEVELOPMENT OUTSIDE OF A PLANNED UNIT DEVELOPMENT:

(I) SHALL NOT BE INTERPRETED OR ENFORCED TO RESTRICT THE CREATION OF AN ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO ANY SINGLE-UNIT DETACHED DWELLING UNIT IN ANY WAY THAT IS PROHIBITED BY SECTION 29-35-103; AND

(II) MAY BE SUPERSEDED BY THE ADOPTION OF A LOCAL LAW PURSUANT TO SECTION 29-35-103.

(c) NOTWITHSTANDING SUBSECTION (5.3)(b) OF THIS SECTION, A LOCAL GOVERNMENT MAY ADOPT CONFORMING AMENDMENTS TO ANY SUCH

PLANNED UNIT DEVELOPMENT.

(d) AS USED IN THIS SUBSECTION (5.3), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-102 (2).

(II) "LOCAL LAW" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-102 (13).

(III) "SUBJECT JURISDICTION" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-102 (21).

SECTION 6. In Colorado Revised Statutes, 38-33.3-106.5, **add** (4) as follows:

38-33.3-106.5. Prohibitions contrary to public policy - patriotic, political, or religious expression - public rights-of-way - fire prevention - renewable energy generation devices - affordable housing - drought prevention measures - child care - definitions. (4) (a) IN A SUBJECT JURISDICTION OR AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION, NO PROVISION OF A DECLARATION, BYLAW, OR RULE OF AN ASSOCIATION THAT IS ADOPTED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (4) MAY RESTRICT THE CREATION OF AN ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO ANY SINGLE-UNIT DETACHED DWELLING IN ANY WAY THAT IS PROHIBITED BY SECTION 29-35-103, AND ANY PROVISION OF A DECLARATION, BYLAW, OR RULE THAT INCLUDES SUCH A RESTRICTION IS VOID AS A MATTER OF PUBLIC POLICY.

(b) IN A SUBJECT JURISDICTION OR AN ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION, NO PROVISION OF A DECLARATION, BYLAW, OR RULE OF AN ASSOCIATION THAT IS ADOPTED BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (4) MAY RESTRICT THE CREATION OF AN ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO ANY SINGLE-UNIT DETACHED DWELLING IN ANY WAY THAT IS PROHIBITED BY SECTION 29-35-103, AND ANY PROVISION OF A DECLARATION, BYLAW, OR RULE THAT INCLUDES SUCH A RESTRICTION IS VOID AS A MATTER OF PUBLIC POLICY.

(c) SUBSECTIONS (4)(a) AND (4)(b) OF THIS SECTION DO NOT APPLY

TO REASONABLE RESTRICTIONS ON ACCESSORY DWELLING UNITS. AS USED IN THIS SUBSECTION (4)(c), "REASONABLE RESTRICTION" MEANS A SUBSTANTIVE CONDITION OR REQUIREMENT THAT DOES NOT UNREASONABLY INCREASE THE COST TO CONSTRUCT, EFFECTIVELY PROHIBIT THE CONSTRUCTION OF, OR EXTINGUISH THE ABILITY TO OTHERWISE CONSTRUCT, AN ACCESSORY DWELLING UNIT CONSISTENT WITH PART 1 OF ARTICLE 35 OF TITLE 29.

(d) AS USED IN THIS SUBSECTION (4), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-102 (2).

(II) "ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-102 (3).

(III) "SUBJECT JURISDICTION" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-35-102 (21).

SECTION 7. Appropriation. (1) For the 2024-25 state fiscal year, \$537,246 is appropriated to the department of local affairs. This appropriation is from the accessory dwelling unit fee reduction and encouragement grant program fund created in section 29-35-105 (7)(a), C.R.S. To implement this act, the department may use this appropriation as follows:

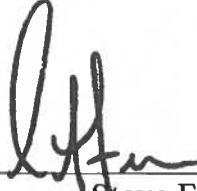
(a) \$467,246 for use by division of local government for accessory dwelling unit fee reduction and encouragement grant program related to local government services, which amount is based on an assumption that the division will require an additional 4.9 FTE; and

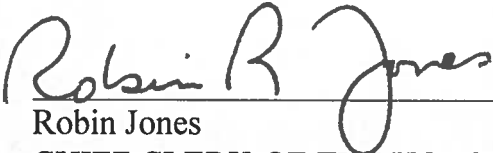
(b) \$70,000 for the purchase of information technology services.

(2) For the 2024-25 state fiscal year, \$70,000 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the department of local affairs under subsection (1)(b) of this section. To implement this act, the office may use this appropriation to provide information technology services for the department of local affairs.

SECTION 8. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

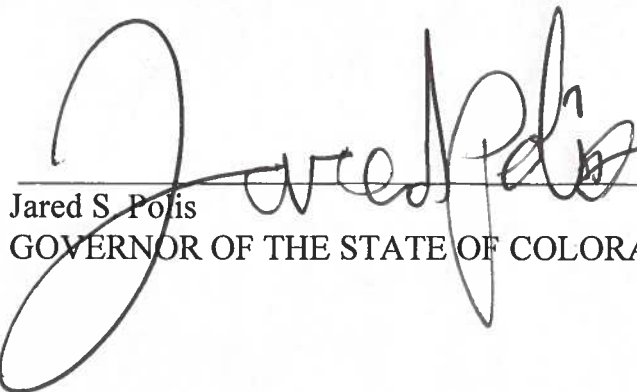

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES


Steve Fenberg
PRESIDENT OF
THE SENATE


Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES


Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED Monday, May 13th, 2024 at 12:45 pm
(Date and Time)


Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO