

# ADU's Update per Statute

## REQUIRED CHANGES PER STATUTE (CRS 29-35-402)

### LAND USE CODE CHANGES REQUIRED

#### 1. Add to the definition text in Yellow

*Accessory Dwelling Unit or ADU.* A second, subordinate dwelling unit located on the same lot as a primary dwelling unit or commercial unit. The unit includes its own independent living facilities with provisions for sleeping, cooking, and sanitation, and is designed for residential occupancy independent of the primary dwelling unit or commercial unit. The unit may have a separate entrance or an entrance to an internal common area accessible to the outside. This also may include a caretaker dwelling unit. Recreational vehicles **and mobile homes** are not Accessory Dwelling Units.

#### 2. Remove the following as a Conditional Review Use in all residential districts. This statute only applies to single-family residential districts. All single-family residential districts must list ADUS as a permitted accessory use.

Conditional Review Uses. The following Conditional Review Uses may be permitted as specified:

- ~~1. Any permanent accessory structure that exceeds 500 square feet per acre of land including accessory dwelling units, subordinate (NOTE: This was discussed with the Planning Commission, BUT THIS IS NOT ALLOWED PER STATUTE- every ADU must be reviewed administratively.)~~

#### 3. NEW text for Article 5: After This Section Sec. 17.5.380. Plot plan, add a new Section called and add the following text.

##### 17.5.390. Review Procedures for Accessory Dwelling Units (ADUs) in Single-Family residential districts.

- Applicability. Accessory Dwelling Units (ADU) are allowed in all residential districts where single-unit detached dwellings are allowed and are reviewed administratively pursuant to CRS 29-35-402, as may be amended. An ADU plot plan is required to apply for a building permit for any ADU.
- Purpose. The ADU plot plan shows for single-family residential districts where the proposed ADU will be located on the lot or within the principal residential structure, so the Town can ensure the proposed location complies with all Town regulations and the required submittal items for the Pikes Peak Regional Building Department (PPRBD).
- Required Submittal. All applications for an ADU shall submit the materials for a plot plan and follow the plot plan process described in Section 17.5.380 above.
- Development Standards for ADUs per CRS

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- (1) ADUs do not require additional parking spaces. Where a parking space is required, it shall be subject to all lot coverage and frontage requirements.
- (2) All ADUs shall be subordinate in size to the principal residence but shall not be less than five hundred square feet (500 sq. ft.).
- (3) Prefabricated homes, such as manufactured homes, are allowed for use as an ADU if placed on a permanent foundation and connected to utility services.
- (4) All ADUs shall comply with the required setbacks enumerated in the applicable zone district.
- (5) ADUs shall comply with the adopted building codes and occupancy standards for residential construction (International Residential Code, or IRC, unless otherwise noted)
- (6) Owner occupancy is not required.
- (7) There is no requirement to include a deed restriction.
- (8) Short-term rentals are not allowed.
- (9) Fire Sprinklers are not required for detached ADUs less than 800 sf.
- (10) The town does not require fire separation for internal or attached ADUs if the Smoke Alarms and Carbon Monoxide Alarms are connected between the ADU and the principal dwelling unit.
- (11) ADUs shall be connected to the principal dwelling unit's utilities unless determined to be unfeasible by the Town Administrator or the utility provider.
- (12) ADUs are subject to the requirements of the utility provider.
- (13) All ADUs require will serve letters from water and sewer providers.
- (14) Sanitary Sewer utility service is provided by Palmer Lake Sanitation District.

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