

**TOWN OF SEVERANCE
ORDINANCE NO. 2025-01**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE,
COLORADO, AMENDING CHAPTER 16 (LAND USE CODE) OF THE SEVERANCE
MUNICIPAL CODE REGARDING ACCESSORY DWELLINGS**

WHEREAS, in the 2024 legislative session, the Colorado General Assembly enacted House Bill 2024-1152 (HB24-1152) concerning increasing the number of accessory dwelling units in municipalities with a population of 1,000 or more and that are within the area of metropolitan planning organization (each a “subject jurisdiction”); and

WHEREAS, the Town of Severance has a population greater than 1,000 and is a member of, and located within, the North Front Range Metropolitan Planning Organization (NFRMPO); and

WHEREAS, HB24-1152 requires a subject jurisdiction, on or after June 30, 2025, to 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 subject jurisdiction allows single-unit detached dwellings; and

WHEREAS, HB24-1152 also prohibits, on or after June 30, 2025, subject jurisdictions from enacting or enforcing certain local laws or otherwise acting in certain ways that would restrict the construction or conversion of an accessory dwelling unit; and

WHEREAS, in accordance with Section 16.19.120 of the Severance Municipal Code, Town staff may initiate amendments to the text of the regulations in Chapter 16, “Land Use Code,” of the Severance Municipal Code (“Code”); and

WHEREAS, Town staff has proposed amendments to the Land Use Code to implement regulations for the approval, construction, conversion, expansion, and improvement of accessory dwellings in accordance with the requirements of HB24-1152; and

WHEREAS, in accordance with Section 16.19.120 and 16.19.10, the Planning Commission held a public hearing and reviewed the proposed amendments regarding accessory dwelling units at its meeting on December 18, 2024, and recommended approval of the proposed amendments; and

WHEREAS, on January 14, 2025, the Town Council held a duly noticed public hearing to consider the proposed amendments¹ and reviewed the amendments regarding accessory dwelling units in accordance with the criteria in Section 16.19.120(b) of the Code; and

¹ Notice of the Town Council’s public hearing on the proposed amendments in this ordinance was published on December 30, 2024, on the Town of Severance’s homepage, <https://www.townofseverance.org/>, in accordance with Section 16.19.40(b)(4) and Tables 19.10 and 19.40 in Article 19 of the Land Use Code.

WHEREAS, the Town Council recognizes and adopts the legislative findings of the Colorado General Assembly in HB24-1152, including without limitations, the following:

- 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;
- 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;
- Accessory dwelling units provide families with options for intergenerational living arrangements that enable child or elder care and aging in place;
- 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;
- Accessory dwelling units enable seniors to downsize, move into accessible units, or live with family or a caregiver while remaining in their communities.
- 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.
- 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;
- 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;
- Accessory dwelling units offer affordable and attainable options to live in high-opportunity neighborhoods, which can help improve equity outcomes regionally and statewide; and

WHEREAS, the Town Council desires to amend Chapter 16 of the Severance Municipal Code to implement regulations for the approval, construction, conversion, expansion, and improvement of accessory dwellings in accordance with the requirements of HB24-1152; and

WHEREAS, this ordinance is enacted pursuant to the Town of Severance's home rule authority under Article XX, § 6 of the Constitution of the State of Colorado, and pursuant to the

Town of Severance’s police powers, in order to safeguard and preserve the public health, safety and welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO, AS FOLLOWS:²

Section 1. Paragraph (a) (2) of Section 16.6.20.3., “Land Uses,” of Division 2, “Suburban Perimeter,” of Article 6, “Zoning Districts,” of Chapter 16, “Land Use Code,” of the Severance Municipal Code is hereby amended to read as follows:

Sec. 16.6.20.3. Land Uses.

(a) Uses by right:

* * *

(2) Accessory dwelling-(limited).

Section 2. Subparagraph (a) (1) b. of Section 16.6.30.3., “Uses,” of Division 3, “Town Core,” of Article 6, “Zoning Districts,” of Chapter 16, “Land Use Code,” of the Severance Municipal Code is hereby amended to read as follows:

Sec. 16.6.30.3. Uses.

(a) Uses by right.

(1) Residential land uses:

* * *

b. Accessory dwelling (including "carriage units") associated with a permitted use.

Section 3. The definition of “Accessory dwelling” in Section 16.7.10, “Definitions,” of Article 7, “Definitions,” of Chapter 16, “Land Use Code,” of the Severance Municipal Code is hereby repealed and replaced with the following:

Accessory dwelling or *ADU* means an internal, attached, or detached dwelling that provides complete independent living facilities for one or more individuals; is located on the same lot as a proposed or existing primary residence; and includes facilities for living, sleeping, eating, cooking, and sanitation. An ADU may also be known as an "accessory apartment", "secondary suite", or "mother-in-law apartment."

² Additions to existing Code provisions are shown by underlining; deletions from existing Code provisions are shown by ~~strikethrough~~.

Section 4. Article 9, “Supplemental Regulations,” of Chapter 16, Land Use Code, of the Severance Municipal Code is hereby amended by adding a new section to be numbered 16.9.50, which section reads as follows:

Sec. 16.9.50. Accessory dwellings.

- (a) *Intent.* The regulations in this section are intended to address the construction, conversion, expansion, or improvement of accessory dwellings within the Town and to ensure all accessory dwellings are constructed, converted, expanded or improved, and occupied, in compliance with the Town’s adopted life safety codes and building regulations, including but not limited to, building, fire, utility, or stormwater codes.
- (b) *Administrative approval required.* To ensure compliance with the regulations in this section, an application and administrative approval shall be required to construct, convert, expand, or improve any accessory dwelling within the Town. For purposes of this section, “improve” or “improvements” means any alteration, repair, addition, expansion, reconstruction, replacement, renovation, or any work in or upon a building or structure for which a building permit is required pursuant to the Town’s adopted building regulations.
- (c) *Application requirements; fees.* Applications for the construction, conversion, expansion, or improvement of any accessory dwelling shall be made in writing and shall include all information, documents, and plans necessary for the Town to determine whether the accessory dwelling complies with the standards set forth in this section. The applicant shall pay all application and review fees established by resolution of the town council.
- (d) *Town Staff review and decision.* When the Town Staff has determined the application for the construction, conversion, expansion, or improvement of an accessory dwelling to be complete, the Town Staff shall review the application to determine if the application complies with the standards set forth in this section, and shall approve, approve with conditions, or deny the application. Upon the Town Staff’s approval of the application, any building permits required for the accessory dwelling shall be issued to the applicant.
- (e) *Standards.* The following standards apply to all accessory dwellings for which construction, conversion, expansion, or improvements commences on or after the effective date of this ordinance.
 - (1) There shall be no more than one (1) accessory dwelling on a residential lot.
 - (2) No portion of a lot on which an accessory dwelling is located may be subdivided from, or legally described differently than, the lot containing the principal residential unit.

(3) No portion of a structure containing an accessory dwelling may have ownership different from the ownership of the principal dwelling unit.

(4) The accessory dwelling shall be affixed to an engineered permanent foundation.

(5) An internal or attached accessory dwelling shall be separated from the principal dwelling by a firewall meeting building and fire codes.

(6) Accessory dwelling utilities shall be connected through the principal residential dwelling. Additional water dedication or water or sanitary sewer tap upsize may be required to account for increase in demand beyond the expectation of the original dedication or capacity of the original tap.

(7) Prior to the issuance of any building permit for an accessory dwelling, the applicant shall furnish to the town a statement by the water service provider and wastewater service provider confirming each provider's capacity to service the property upon the construction of the proposed accessory dwelling. If the property is served by a well or onsite wastewater treatment system, the applicant shall furnish information sufficient for the Town to determine that such facilities are adequate to service the accessory dwelling.

(8) The accessory dwelling shall comply with any applicable residential design standard.

(9) For purposes of calculating residential density, each accessory dwelling shall count as one-half (½) dwelling unit.

(10) The size of an accessory dwelling unit shall be no larger than the size of the principal dwelling unit on the same lot as the accessory dwelling unit.

Section 5. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 6. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 7. This ordinance is deemed necessary for the immediate protection of the health, welfare and safety of the community.

Section 8. In accordance with Section 6.03(6) of the Town of Severance Home Rule Charter, this ordinance shall be effective thirty (30) days after publication.

of Severance's web site, <https://www.townofseverance.org/>, on January 24 2025. and such ordinance will remain there for 30 days following the effective date.

Witness my hand and seal this 24 day of January 2025



Sarah Jacobsen
Town Clerk

