



FREMONT COUNTY – COLORADO
DEPARTMENT OF PLANNING AND ZONING

615 MACON AVE., CANON CITY, COLORADO
719-276-7360 PH / 719-276-7374 FAX
Email: Planning@fremontco.com

ACCESSORY DWELLING UNIT APPLICATION

Project Name: _____ Fee _____

Site Address: _____

Owner(s)
Name(s) _____
Address _____
Phone _____ Fax _____
Email _____

Legal Description:

Subdivision Name _____
Lot no. _____ Block no. _____ Section no. _____ Township _____ Range _____
Property Tax Parcel or Schedule no. _____

Mineral Rights Owner _____

Zoning: Present _____ Proposed _____

Land Description: Acerage _____ Sq.Ft. _____

Utility / Services – Provide utility provider or source

Water _____ Sewer / Septic _____

Gas _____ Electric _____

Phone _____ Cable _____

Fire Protection District / Source _____

Building Information: Primary Structure square footage _____ ADU square footage _____

Required Attachments: Plot Plan showing all proposed and existing structures with dimensions from property lines, all utility service lines, all parking areas and all exterior access points on dwelling units. Written proof of water and sewer/septic services showing proper and adequate availability for the proposed use. Certified mail receipts of notification of adjoining land owners. Signed Covenant of Restrictions to Accessory Dwelling Unit.

To the best of my knowledge and belief, the information contained on this application and attachments thereto is true and correct.

Applicants Signature

Date

**DECLARATION OF COVENANTS AND RESTRICTIONS
TO REAL PROPERTY REGARDING AN ACCESSORY DWELLING UNIT**

This Covenant between (land owner) and the County of Fremont, State of Colorado, is hereby recorded and attached to that parcel of land as described in deed as recorded in the records of the Fremont County Clerk and Recorder's office under Reception Number _____, and described as follows:

(INSERT LEGAL DESCRIPTION)

I/We, herein, covenant and agree to the County of Fremont on behalf of ourselves and all heirs, assigns and successors of interest, into whose ownership the title to or interest in the above-described real property might transfer, as follows:

1. The owners are the sole and exclusive fee-simple owners of the above described parcel located within Fremont County, Colorado.
2. The owner(s) shall reside in the primary or accessory dwelling unit (ADU) as the principal and permanent residence at all times that the other dwelling unit is occupied. The owner(s) shall reside on the property for at least (6 months) out of the year, and at no time receive rent for, or otherwise allow a third party non-owner to reside in, the owner-occupied unit.
3. Sale of the ADU, separate from the primary dwelling, is prohibited.
4. Subdivision of the property in a manner that separates the ADU from the primary dwelling is prohibited.
5. Formal approval from Fremont County is required for modification of the size of the ADU.
6. These covenants and restrictions, shall run with the land and be binding and enforceable upon the owners and any and all of their heirs, assigns, grantees, and successors in interest into whose ownership title to the above-described real property may pass.
7. These covenants and restrictions will automatically terminate upon removal of the ADU from the parcel.
8. The provisions of these covenants and restrictions are enforceable in law or equity by Fremont County and its assigns. The Owner(s) expressly consent to and grant a private cause of action for enforcement, including damages and reasonable attorney fees, to any party is adversely affected by the failure to comply with the covenants and restrictions set forth herein.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed
this ____ day of _____, 20____ .

Owner

State of Colorado
County of _____

The foregoing instrument was acknowledged before me this _____ (date)
by _____ (name of person acknowledged).

Notary Public

Print Name: _____

My commission expires: _____ (Seal)

Owner

State of Colorado
County of _____

The foregoing instrument was acknowledged before me this _____ (date)
by _____ (name of person acknowledged).

Notary Public

Print Name: _____

My commission expires: _____ (Seal)

9 ADU – ACCESSORY DWELLING UNIT

9.1 DESCRIPTION: The ADU – “Accessory Dwelling Unit” is established to provide alternative and affordable housing and productive economic use of lands within Fremont County. The purpose of the ADU is to allow ADU’s only when impacts to existing infrastructure, adjoining lands and uses, and neighborhoods are minimal and no life safety issues are created. The intent is to provide affordable housing, consistent with the Fremont County Zoning Resolution.

9.2 DEFINITION: ADU (Accessory Dwelling Unit): A small, secondary dwelling unit located on the same lot/parcel containing a larger, primary dwelling unit. The ADU may also be located within the primary dwelling, or attached to the primary dwelling. An ADU contains independent living quarters with provisions for sleeping, cooking and sanitation.

9.3 GENERAL PROVISIONS:

9.3.1 ADU’s are allowed in the following zone districts: Agricultural Forestry, Agricultural Farming and Ranching, Agricultural Living, Agricultural Rural, Agricultural Estates, Agricultural Suburban, Low Density Residence, Medium Density Residence, and High Density Residence.

9.3.2 The construction or placement of the ADU must comply with Fremont County building, sanitation, and codes, as well as all applicable federal, state and local laws and regulations.

9.3.3 A single story ADU shall be no more than 14 feet in height to peak of roof. A two story structure containing an ADU may be no more than 22 feet to peak of roof. ADU’s may be allowed in two story structure, where the ADU is only on one level. The other level may not be used as part of the ADU.

9.3.4 The ADU shall be a minimum of 250 sq. ft. and a maximum of 1,000 sq. ft., with one bathroom and no more than two bedrooms.

9.3.5 Construction of an ADU shall be with materials and finishes similar to those used for the primary dwelling. Modular construction shall comply with current building and sanitation codes.

9.3.6 ADU lots or parcels shall contain a minimum lot size of 43,560 sq. ft. (1 acre). All lot sizes shall meet the requirements for the zone district.

- 9.3.7** ADU utilities shall be connected using the meters for the primary dwelling when possible. All utility connections shall be made in conformance with the provider requirements.
- 9.3.8** No lot or parcel shall contain more than one ADU.
- 9.3.9** The property shall contain one parking space designated for the ADU.
- 9.3.10** Prior to issuance of a building permit for the ADU, the property owner shall execute and record a Declaration of Covenant and Restriction with the Fremont County Clerk and Recorder, which contains the legal description for the property, references the most current deed for the property and:
- 9.3.10.1** Prohibits the sale of the ADU separate from the primary unit;
 - 9.3.10.2** Prohibits the subdivision of the lot/parcel in a manner that separates the ADU from the primary dwelling;
 - 9.3.10.3** Prohibits modification of the size of the ADU; without approval from the Department;
 - 9.3.10.4** Requires the property/land owner to live in one of the dwelling units;
 - 9.3.10.5** States that the covenant is binding on any successors, heirs, assigns;
 - 9.3.10.6** Creates and grants a private cause of action for enforcement;
 - 9.3.10.7** Continues the deed restrictions until removal of the ADU.
- 9.3.11** Parcels containing an ADU shall use the street address for the primary dwelling, designating each unit as A and B.
- 9.3.12** A property owner may apply to the Department for “lawful status” designation for any ADU constructed or placed on the property prior to the date of adoption of the accessory use. Any pre-existing ADU shall conform to all applicable building and zoning codes, and applicable federal, state and local laws and regulations. The Board of Zoning Adjustment, upon a showing of good cause, may waive regulatory requirements for any ADU in existence prior to the adoption of these regulations and for any proposed ADU.
- 9.3.13** An ADU constructed or located within a larger dwelling shall have exterior access.

- 9.3.14** ADU shall have lawfully connected utility services (water, sanitation, electric, gas). The property owner shall provide written documentation from an entity with appropriate jurisdiction, that the potable water and sanitation/septic systems are adequate for all uses on the parcel.
- 9.3.15** Business or commercial use of an ADU is prohibited. The ADU shall be used for residential purposes only.
- 9.3.16** The ADU (separate structure only) shall be placed no less than ten (10) feet from the rear of the primary dwelling, and no more than two hundred (200) feet from any side of the primary dwelling.

9.4 APPLICATION REQUIREMENTS:

- 9.4.1** An application form as provided by the Department with the required application fee.
- 9.4.2** A copy of the deed showing ownership of the parcel.
 - 9.4.2.1** A signed Declaration of Covenant and Restriction stating ADU restrictions shall be completed and recorded prior to issuance of a building permit.
 - 9.4.2.2** Written proof from the appropriate entity or service provider that water and sewer/septic services are adequate for all uses on the parcel.
 - 9.4.2.3** The Applicant shall notify adjoining property or lot owners fo the intent to establish an ADU. Comments will be reviewed by the department. If any comments state a valid, lawful objection to the ADU, the ADU application will be referred to the Board of County Commissioners for review at a public meeting.
 - 9.4.2.4** A plot plan showing:
 - 9.4.2.4.1** All structures proposed or existing with dimensions to property lines.
 - 9.4.2.4.2** All utilities for the structures, including electric, gas, water, and sanitary sewer/septic.
 - 9.4.2.4.3** All parking areas.
 - 9.4.2.4.4** All exterior access points.