



FREMONT COUNTY

DEPARTMENT OF PLANNING AND ZONING

615 MACON AVENUE, ROOM 210, CAÑON CITY, COLORADO, 81212

Telephone 719-276-7360 / Facsimile 719-276-7374

Email: Planning@fremontco.com

Accessory Dwelling Unit

Application Packet

Note: All applications prior to submittal must have gone through a pre-application meeting

FREMONT COUNTY PLANNING & ZONING

Requirements Overview

Accessory Dwelling Unit (ADU) 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.

General Provisions:

1. The construction or placement of the ADU must comply with Fremont County building and sanitation codes, as well as all applicable federal, state, and local laws and regulations.
2. ADU's shall follow all development requirements of the zone district.
3. The ADU shall be a maximum of 1,250 sq. ft.
4. Modular construction shall comply with current building and sanitation codes.
5. A tiny home may be permitted as an ADU if placed on a permanent foundation and constructed in accordance with Appendix Q of the IRC.
6. ADU utilities shall be connected using the meters for the primary dwelling when possible. All utility connections shall be made in conformance with the service provider requirements.
7. No lot or parcel shall contain more than one ADU.
8. The property shall contain one parking space designated for the ADU.
9. 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:
 - a. Prohibits the sale of the ADU separate from the primary unit;
 - b. Prohibits the subdivision of the lot/parcel in a manner that separates the ADU from the primary dwelling, unless the ADU meets all the minimum requirements of the zone district;
 - c. Prohibits modification of the size of the ADU, without approval from the Department;
 - d. Requires the property/landowner to live in one of the dwelling units;
 - e. States that the covenant is binding on any successors, heirs, assigns;
 - f. Creates and grants a private cause of action for enforcement;
10. Parcels containing an ADU shall use the street address for the primary dwelling, designating each unit as A and B.
11. ADU's shall gain access from the same frontage road as the main dwelling.
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 dwelling unit regulations. 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.
13. 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.
14. The ADU shall be used for residential purposes only.
15. The ADU (separate structure only) shall be placed at least ten (10) feet from the primary dwelling.

Any application which is not complete or does not include all minimum submittal requirements will be rejected by the Fremont County Department of Planning and Zoning (Department). The department requires one (1) electronic copy, one (1) hard copy of the application, one (1) hard copy all required

submittals, and two (2) hard copies of the site plan.

Upon receipt of a complete application, the Department will review the application and all attachments and prepare a Department Submittal Deficiency and Comment Letter (D & C Letter), which will state the submittal deficiencies which must be addressed by the applicant, Department comments and/or questions about the application, and the number of revised application packets to be supplied to the Department. An additional full application fee may be charged to the applicant, as per Resolution approved by the Board of County Commissioners (Board), if all deficiencies as per the initial D & C Letter are not adequately addressed or provided. Each subsequent D & C Letter, based on resubmitted items, will result in another full application fee. All such fees shall be paid along with the deficiency submittal, prior to any further review of the application.

The Department, Commission, and/or Board of County Commissioners (Board) may require additional information at any time during the application process as may be deemed necessary for thorough consideration of the application and to enable an informed final decision.

Applicants shall pay all application fees to the Fremont County Treasurer's Office. Upon receipt of a complete application, a Department representative will provide the applicant with a payment check list to present to the Treasurer's Office with payment.



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Accessory Dwelling Unit

\$200.00

PROPERTY INFORMATION: Provide information to identify property.

Property Address:

Tax ID/Parcel Numbers:

Zone District:

PROPERTY OWNER(S) INFORMATION: Indicate the person(s) or organization(s) who own the property proposed for development. Attach additional sheets if there are multiple property owners.

Name(s) (Individual or Organization):

Mailing Address:

Telephone:

Email Address:



Fremont County Planning & Zoning Department

Accessory Dwelling Unit Application

1. Fire Protection District / Source: _____
2. Primary Dwelling Square Footage: _____
3. Accessory Dwelling Square Footage: _____
4. List Utility Provider information:

<u>WATER</u>	
<u>SANITATION</u>	
<u>ELECTRICAL</u>	
<u>TELEPHONE</u>	
<u>REFUSE</u>	
<u>IRRIGATION WATER</u>	
<u>NATURAL GAS / PROPANE</u>	
<u>CABLE TELEVISION</u>	

5. REQUIRED ATTACHMENTS

<input type="checkbox"/> EXHIBIT 5.1	Copy of the most recent recorded deed.
<input type="checkbox"/> EXHIBIT 5.2	Signed Declaration of Covenant & Restriction stating ADU restrictions.
<input type="checkbox"/> EXHIBIT 5.3	Written proof from the appropriate entity or service provider that water and sewer/septic services are adequate for all uses on the parcel.
<input type="checkbox"/> EXHIBIT 5.4	Floor plan of ADU
<input type="checkbox"/> EXHIBIT 5.5	Plot Plan Showing: <ol style="list-style-type: none"> a. All structures proposed or existing with dimensions to property lines & structures. b. All utilities for the structures, including electric, gas, water, and sanitary sewer/septic. c. All parking areas. d. All exterior access points

By signing this Application, the Applicant, or the agent / representative / consultant acting with due authorization on behalf of the Applicant, hereby certifies that all information contained in the application and any attachments to the Application, is true and correct to the best of the Applicant's knowledge and belief.

The Applicant understands that required private or public improvements imposed as a contingency of approval for the application may be required as a part of the approval process.

Fremont County hereby advises the Applicant that if any material information contained herein is determined to be misleading, inaccurate or false, the Board of County Commissioners may take any and all reasonable and appropriate steps to declare null and void, any actions of the Board regarding the Application.

Signing this Application is a declaration by the applicant that all plans, drawings and commitments submitted with or contained within this Application are or will be in conformance with the requirements of the Fremont County Zoning Resolution.

Printed Name	Applicant Signature	Date
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Printed Name	Owner Signature	Date
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**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)