



PLANNING COMMISSION REGULAR MEETING
Zoom Webinar and/or Town Council Chamber
3 S. Timber Ridge Parkway, Severance, CO 80550

AGENDA
PLANNING COMMISSION REGULAR MEETING
Wednesday, December 18, 2024, at 6:00 PM

A. CALL TO ORDER

1. Roll Call
2. Pledge of Allegiance
3. Public Comment

The purpose of the Public Comment is for members of the public to speak to the Planning Commission on any subject not scheduled on the agenda. To accomplish scheduled agenda items, comments should be limited to three minute for those attending in person or an appropriate time as deemed by the Chair. The Planning Commission shall make no decisions or take action on comments, but may choose to schedule the matter for a decision later. Those addressing the Planning Commission, please state your name and address. and sign-in.

4. Approval of 9.18.24 Minutes

B. REGULAR MEETING

1. PUBLIC HEARING

Resolution No. PC 2024-04R: Text Amendment to the Land Use Code regarding regulations, including staff review of home-based business permits and standards and requirements for home-based business

- Legislative
- Staff Presentation: Shani Porter, Planning Director

2. PUBLIC HEARING

Resolution No. PC 2024-05R: Text Amendment to the Land Use Code regarding accessory dwellings, including regulations, application requirements and administrative approval of accessory dwellings by Town staff.

- Legislative
- Staff Presentation: Shani Porter, Planning Director

C. COMMUNICATIONS

Commission approval may be sought for administrative actions in association with staff reports.

1. Town Staff

2. Commission Members

D. ADJOURN

Planning Commission MEETING

Wednesday, December 18, 2024, 6:00 PM (MDT)

Registration URL

https://us02web.zoom.us/webinar/register/WN_OCx-DpESRialWI915_tEgg

The Town of Severance does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the provision of services. For disabled persons needing reasonable accommodation to attend or participate in a town service, program, public meeting, or activity, call 970-686-1218 at least 72 hours in advance. Disabled access is available from the front entrance of the Town Hall.



PLANNING COMMISSION REGULAR MEETING
Zoom Webinar and/or **Clearview Library**
5 S. Timber Ridge Parkway, Severance, CO 80550

REGULAR MEETING MINUTES

Wednesday, September 18, 2024, at 6:00 PM

Present:

Chair:	Julie Stout-arrived at 6:18 pm
Vice-Chair:	Derek Grimes-began meeting as Chair
Committee Members:	David Rau Joe Pirrone Dan Sykstra Kris Quandt Kevin udy

Absent: David Rau

Audience: Natalie & Paul Pakiz & Lauren Mustoe

Staff:

Shani Porter, Town Planner
Leah Vanarsdall, Town Clerk
Scott McHenry, Town Attorney-Virtual
Regina Olson, Planner
Josh Olhava, Ayers Planner

A. CALL TO ORDER

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Public Comment**

The purpose of the Public Comment is for members of the public to speak to the Planning Commission on any subject not scheduled on the agenda. To accomplish scheduled agenda

items, comments should be limited to three minute for those attending in person or an appropriate time as deemed by the Chair. The Planning Commission shall make no decisions or take action on comments, but may choose to schedule the matter for a decision later. Those addressing the Planning Commission, please state your name and address. and sign-in.

NONE

4. Approval of Minutes 01.17.24 Minutes

MOTION WAS MADE BY Commissioner Pirrone , seconded by Commissioner Quandt to Approve the Minutes 01.17.24 Minutes . All Commission Members present voting Yes.

MOTION PASSED

B. PRESENTATION

1. Planning Commission Staff Presentation

C. REGULAR MEETING

1. **Resolution PC-2024-03R: A Resolution of the Severance Planning Commission approving a Use by Special Review application to operate a Home Based Business on real property located within the Town of Severance, commonly known as 275 Mount Harvard Avenue.**

- Legislative
- Staff Presentation: Shani Porter, Planning Director

Agenda Amended to switch Agenda Item 2 to the first Agenda Item. Natalie Pakiz, applicant presents.

MOTION WAS MADE BY Commissioner Pirrone, seconded by Commissioner Quandt to Approve **Resolution PC-2024-03R: A Resolution of the Severance Planning Commission approving a Use by Special Review application to operate a Home Based Business on real property located within the Town of Severance, commonly known as 275 Mount Harvard Avenue with Staff conditions.** All Commission Members present voting Yes.

MOTION PASSED

2. Land Use Code Revisions

-
- Staff Presentation:
Josh Olhava - Ayres & Assoc Presents upcoming land use clean-up for Severance Municipal Code

D. COMMUNICATIONS

Commission approval may be sought for administrative actions in association with staff reports.

1. Town Staff
2. Town Management

3. Commission Members

E. ADJOURN

8:07 pm



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
PUBLIC HEARING Resolution No. PC 2024-04R: Text Amendment to the Land Use Code regarding regulations, including staff review of home-based business permits and standards and requirements for home-based business	Shani Porter, Planning Director	Shani Porter, Planning Director
ACTION REQUESTED		
Planning Staff ask that the Planning Commission review, discuss, and take action on Resolution PC-2024-04R and forward a recommendation to the Town Council on amendments to the Land Use Code regarding Home-Based Business regulations. Actions that may be taken: 1. Approve PC-2024-04R and forward a recommendation of approval to Town Council. 2. Deny Resolution PC-2024-04R 3. Take No Action.		<u>Resolution</u>
BRIEF SUMMARY		
The proposed amendments would amend zoning district regulations and implement permitting and review standards and regulations for home-based businesses in the Rural Residential, Suburban Perimeter, and Town Core zoning districts.		
PUBLIC SUPPORT/CONCERN		
None at this time.		
ANALYSIS AND RECOMMENDATION		
Town staff is asking for the Planning Commission to review, discuss, and approve PC-2024-04R for the proposed amendments to the Land Use Code regarding accessory dwellings.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: 1. PC-2024-04R PC Rec Approval Home-Based Businesses Code Amendments 2. O-2024-XX Home-Based Businesses Amendments 3. PC Public Notice Land Use Code 12-18-24		

**TOWN OF SEVERANCE PLANNING COMMISSION
RESOLUTION NO. PC-2024-04R**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF
SEVERANCE, COLORADO, MAKING A RECOMMENDATION TO THE TOWN
COUNCIL TO APPROVE AMENDMENTS TO CHAPTER 16, “LAND USE CODE,” OF
THE SEVERANCE MUNICIPAL CODE REGARDING HOME-BASED BUSINESS
REGULATIONS**

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 (the “Proposed Amendments”), in the form attached to this resolution as **Exhibit A** and incorporated herein by this reference; and

WHEREAS, the Proposed Amendments would amend zoning district regulations and implement permitting and review standards and regulations for home-based businesses in the Rural Residential, Suburban Perimeter, and Town Core zoning districts; and

WHEREAS, in accordance with Section 16.19.120 and 16.19.10, the Planning Commission shall review text amendments to the Land Use Code at a public hearing; and

WHEREAS, on December 18, 2024, the Planning Commission held a duly noticed public hearing to consider the Proposed Amendments¹ and reviewed the amendments in accordance with the criteria in Section 16.19.120(b) of the Code; and

WHEREAS, after considering any public testimony at the public hearing and the presentation by Town staff, and after reviewing the Proposed Amendments according to the criteria in Section 16.19.120(b) of the Land Use Code, the Planning Commission desires to recommend the Town Council approve the Proposed Amendments as presented.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION
OF THE TOWN OF SEVERANCE, COLORADO, AS FOLLOWS:**

1. The Planning Commission recommends the Town Council approve the Proposed Amendments to the Land Use Code regarding regulations for the home-based businesses within the Town, as set forth in the draft ordinance attached to this resolution as **Exhibit A**.

¹ Notice of the Planning Commission’s public hearing on the Proposed Amendments was published on December 2, 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.

RESOLVED AND APPROVED this 18th day of December, 2024

PLANNING COMMISSION OF THE
TOWN OF SEVERANCE, COLORADO

Julie Stout, Chair

ATTEST:

Sarah Jacobson, Acting Town Clerk

APPROVED AS TO FORM:

Hayashi & Macsalka, LLC, Town Attorney

**TOWN OF SEVERANCE
ORDINANCE NO. 2024-XX**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE,
COLORADO, AMENDING CHAPTER 16, “LAND USE CODE,” OF THE SEVERANCE
MUNICIPAL CODE REGARDING HOME-BASED BUSINESS REGULATIONS**

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 (the “Proposed Amendments”), in the form attached to this resolution as **Exhibit A** and incorporated herein by this reference; and

WHEREAS, the Proposed Amendments would amend zoning district regulations and implement permitting and review standards and regulations for home-based businesses in the Rural Residential, Suburban Perimeter, and Town Core zoning districts; 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 at its meeting on December 18, 2024, and [recommend approval / approval with modification / denial] of the Proposed Amendments; and

WHEREAS, on _____, 2025, the Town Council held a duly noticed public hearing to consider the Proposed Amendments¹ and reviewed the amendments in accordance with the criteria in Section 16.19.120(b) of the Code; and

WHEREAS, the Town Council desires to amend Chapter 16 of the Severance Municipal Code to amend zoning district regulations and implement permitting and review standards and regulations for home-based businesses in the Rural Residential, Suburban Perimeter, and Town Core zoning districts; 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**

¹ Notice of the Town Council’s public hearing on the Proposed Amendments was published on _____, 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.

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

Section 1. Section 16.9.20, “Home-based businesses Type I and Type II,” of Article 9, “Supplemental Regulations,” of Chapter 16, “Land Use Code,” of the Severance Municipal Code is hereby amended to read as follows:³

Sec. 16.9.20. Home-based businesses ~~Type I and Type II.~~

~~Home-based businesses must meet the following standards:~~

(a) *Permit required.* All home-based businesses shall require a permit issued by the Town Manager or designee according to the following:

- (1) An application form and support materials shall be submitted to the Planning department;
- (2) A permit may be approved by the Town Manager or designee upon a finding that all standards in this section are met, and the Town Manager or designee may require any additional conditions or limitations on the permit to ensure that the standards continue to be met;
- (3) A permit shall be valid for as long as the home-based business holds a valid business license issued by the Town, except that the permit may be revoked as provided in subsection (c) of this section regardless of the status of the business license;
- (4) A permit is valid only for the original applicant, and is not transferable to another person or to another location; and
- (5) A home-based business shall not be eligible for a Town-issued business license until a permit is approved. Upon approval of the permit, the applicant shall apply for and obtain a Town-issued business license for the home-based business. Operation of the home-based business shall not commence until the applicant has obtained a Town-issued business license.

(b) *Standards.* A home-based business may be accessory to a primary residential use on the lot and shall meet all of the following standards:

- (1) In addition to the family occupying the dwelling containing the home-based business, there shall not be more than one (1) outside employee working at the site of the home-based business.
- (2) The home-based business shall not exceed one thousand (1,000) square feet or thirty percent (30%) of the total floor area of the dwelling, whichever is less, or can be located in an accessory building not to exceed five hundred (500) square feet. The home-based business shall be conducted entirely within the

³ Family child care homes are regulated and licensed by the State of Colorado and must comply with all applicable state laws and regulations. See C.R.S. § 26.5-5-301 – 331 (Child Care Licensing) and Section 7.707 (Rules Regulating Family Child Care Homes) in 12 CCR 2509-8 (Child Care Facility Licensing), available online at <https://cdec.colorado.gov/for-providers/rules-and-regulations> (last visited on 12/2/2024).

dwelling or designated accessory building, except as required for state-licensed family child care homes.

(3) The home-based business shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and must not change the residential character thereof.

(4) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home-based business, including advertising signs larger than two (2) square feet in total size. No other displays or advertising that solicit or direct persons to the address other than the single sign limited to two (2) square feet in total area are permitted.

(5) There must be no exterior storage on the premises of material or equipment used as a part of the home-based business unless it is enclosed and lot coverage requirements for accessory uses are met.

(6) No equipment or process shall be used in such home-based business that creates any glare, fumes, odors or other objectionable conditions detectable to the normal senses off the lot if the occupation is conducted in a single-family dwelling or outside the dwelling unit if conducted in other than a single-family dwelling.

(7) The following uses, because of their tendency to go beyond the limits permitted for home-based businesses and thereby impair the use and value of the residential area, shall not be permitted as home-based businesses: medical marijuana center, medical marijuana optional premises cultivation operation, medical marijuana-infused products manufacturing; auto repair or motorized implement repair; dance, music or other types of instruction (if more than four (4) students are instructed at one (1) time); the painting of vehicles, trailers or boats; private schools with organized classes; welding shops; nursing homes and any retail or wholesale sales to consumers upon the premises not incidental to the home-based business (e.g., hair care products at a hair stylist).

(8) All exterior aspects of the home-based business operation shall not disrupt the residential character of the area.

~~(9) — The maximum number of vehicle trips per day for clients who may visit the home-based business per day is fifteen (15).~~

(9) No traffic, services, or deliveries shall be generated by the home occupation that is abnormal to a residential neighborhood. In general, this shall be limited to:

a. No more than one (1) customer vehicle parked at the property at a time, except for drop-off and pick-up of children for childcare or instruction.

b. No more than ten (10) client visits per week, except for drop-off and pick-up of children for childcare or instruction.

c. Delivery of products or materials is limited to that normally associated with residential purposes.

d. All parking necessary for the use shall meet the neighborhood design standards, and be confined to the garage, driveway, or street directly in front of the dwelling.

(10) The property shall comply with all Town building codes and property maintenance standards.

(11) Use of utilities shall be limited to that typically associated with residential purposes.

(c) Revocation of permit. The Town Manager or designee may revoke a permit for non-compliance with these criteria, violation of any conditions of the approval, misinformation or misrepresentation in the application, or a change in the nature or extent of the use, or any other circumstance that violates the public health, safety, and welfare.

(d) When special use permit is required. Any home-based business not meeting the standards or otherwise denied a permit by the Town Manager or designee may only be approved by a special use permit.

Section 2. Section 16.6.10.3, “Land uses,” of Division 1, “Rural Residential,” of Article 6, “Zoning Districts,” of Chapter 16, “Land Use Code,” of the Severance Municipal Code is hereby amended to read as follows

Sec. 16.6.10.3. Land uses.

(a) Uses by right:

- (1) Single-family residential.
- (2) Accessory dwelling.
- (3) Home-based business, in compliance with Article 9 (Supplemental Regulations) of this chapter (Type I).
- (4) Parks.
- (5) Schools.

(b) Encouraged Uses:

- ~~(1) Home-based business (Type II).~~
- ~~(2)~~ (1) Agriculture commercial (Type II).

- ~~(3)~~ (2) Golf courses.
- ~~(4)~~ (3) Churches.
- ~~(5)~~ (4) Outdoor recreation.
- ~~(6)~~ (5) Agriculture hobby (Type I) noncommercial, focused (management Plan template).
- (c) Uses requiring additional review. Note: Land uses not identified may be considered with additional review to be determined by Planning Staff at pre-application meeting. See Section 16.3.4 of this chapter.

Section 3. 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:
 - (1) Residential uses.
 - (2) Accessory dwelling (limited).
 - (3) Home-based business, in compliance with Article 9 (Supplemental Regulations) of this chapter ~~(Type I).~~
 - (4) Neighborhood parks.
 - (5) Schools.
 - (6) Outdoor recreation.
- (b) Encouraged Uses.
 - (1) Bed and breakfast establishments.
 - (2) Churches.
 - (3) Childcare centers.
 - (4) Adult day/respite centers.
 - (5) Long-term care facilities.
 - (6) Office, financial, medical services and clinics.
 - (7) Neighborhood shopping centers.
 - (8) Golf courses.
- (c) Uses requiring additional review:
 - ~~(1) Home-based business (Type II) — See Article 9, Supplemental Regulations.~~
 - ~~(2)~~ (1) Workshops/small custom industry.

Note: Land uses not identified may be considered with additional review to be determined by Planning Staff at pre-application meeting. See Section 16.3.4.3 of this chapter.

Section 4. Subsections (b)(2) and (c)(2)p. 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 are hereby amended to read as follows:

Sec. 16.6.30.3. Uses.

* * *

(b) Encouraged Uses.

* * *

(2) Commercial, retail or service land uses:

* * *

o. [Reserved.]

p. Home based business, in compliance with Article 9 (Supplemental Regulations) of this chapter ~~Type I.~~

* * *

(c) Uses requiring additional review.

* * *

(2) Commercial, retail or service land uses:

* * *

p. ~~Home Based Business Type II.~~

* * *

Section 5. Table 19.40, “Notification Timeframes and Requirements,” in Section 16.19.40, “Public hearing and notification requirements,” of Article 19, “Review and Approval Procedures,” of Chapter 16, “Land Use Code,” of the Severance Municipal Code is hereby amended to delete the last row of such table, as follows:

Table 19.40. Notification Timeframes and Requirements
(See Table 19.10 - Review Procedures for additional information)

Application Type	Meeting Type	Mailed Notice	Posted Sign	Publication
* * * [Other rows not amended by this ordinance.] * * *				
Home Based Business – Type II	TC	Owners within 500 feet; 15 calendar days prior to meeting	15 calendar days prior to meeting	Not required

PC = Planning Commission
TC = Town Council

BOA = Board of Adjustments
< > = Public Hearing

Section 6. 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 7. 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 8. This ordinance is deemed necessary for the immediate protection of the health, welfare and safety of the community.

Section 9. 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.

Section 10. Violations of this ordinance shall be punishable in accordance with Section 1-4-20 of the Severance Municipal Code.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this ____ day of _____, 2024.

TOWN OF SEVERANCE, COLORADO

Matthew Fries, Mayor

ATTEST:

Leah Vanarsdall, MMC, Town Clerk

APPROVED AS TO FORM:

Hayashi & Macsalka, LLC, Town Attorney

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO)
)
COUNTY OF WELD)

I, Leah Vanarsdall, Town Clerk for the Town of Severance, do solemnly swear and affirm that I published in full a true and correct copy of Ordinance No. ____-20____, enacted by the Town Council on _____, 20____, on the Town of Severance's web site, <https://www.townofseverance.org/>, on the ____ day of _____ 20__.

Witness my hand and seal this ____ day of _____ 20__.

Leah Vanarsdall
Town Clerk

[Town Seal]

TOWN OF SEVERANCE, COLORADO
NOTICE OF PUBLIC HEARINGS

Notice is hereby given that the Planning Commission of the Town of Severance will hold four (4) Public Hearings, on **Wednesday, December 18, 2024, commencing at 6:00 p.m.**, or as soon as thereafter as each matter may be called, at the Town of Severance Town Hall, Council Chambers, 3 S. Timber Ridge Parkway, Severance, Colorado 80550. The purpose of each Public Hearing is to take testimony from the public on proposed amendments to the Town of Severance Land Use Code (Chapter 16 of the Severance Municipal Code), as follows:

1. Proposed text amendments to the Land Use Code for purposes of reorganizing Articles 1, 2, 7-10.
2. Proposed text amendments to the Land Use Code regarding Home-Based Business regulations, including staff review of home-based business permits and standards and requirements for home-based businesses.
3. Proposed text amendments to the Land Use Code regarding accessory dwellings, including regulations, application requirements, and administrative approval of accessory dwellings by Town staff.
4. Proposed text amendments to the Land Use Code requiring two points of vehicular access for a subdivision.

No later than three (3) days prior to the Public Hearings date, all meeting materials and instructions for participation will be posted at <https://www.townofseverance.org> and available upon appointment at Severance Town Hall, 3 S. Timber Ridge Parkway, Severance, Colorado 80550, Tel. 970-686-1218. Written comments must be submitted to the Town no later than 5:00 pm on the day of the meeting to be considered by the Planning Commission. All written comments are to be sent to planning@townofseverance.org.

Any person may appear at the Public Hearings and be heard regarding the matters under consideration.

The Town of Severance Land Use Code (Chapter 16 of the Severance Municipal Code) is on file with the Town of Severance and available online at https://library.municode.com/co/severance/codes/municipal_code. For questions or comments contact:

Shani Porter
970-686-1218
planning@townofseverance.org

TOWN OF SEVERANCE, COLORADO
Leah Vanarsdall
Town Clerk



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
PUBLIC HEARING Resolution No. PC 2024-05R: Text Amendment to the Land Use Code regarding accessory dwellings, including regulations, application requirements and administrative approval of accessory dwellings by Town staff.	Shani Porter, Planning Director	Shani Porter, Planning Director
ACTION REQUESTED		
Planning Staff ask that the Planning Commission review, discuss, and take action on Resolution PC-2024-05R and forward a recommendation to the Town Council on amendments to the Land Use Code regarding Accessory Dwellings. Actions that may be taken: 1. Approve PC-2024-05R and forward a recommendation of approval to Town Council. 2. Deny Resolution PC-2024-05R 3. Take No Action.		<u>Resolution</u>
BRIEF SUMMARY		
The proposed amendments to the Land Use Code would implement regulations for the construction, conversion, expansion, or improvement of accessory dwellings within the Town, in compliance with the requirements in House Bill 2024-1152, which was enacted by the Colorado General Assembly in the 2024 legislative session to increase 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.		
PUBLIC SUPPORT/CONCERN		
None at this time		
ANALYSIS AND RECOMMENDATION		
Town staff is asking for the Planning Commission to review, discuss, and approve PC-2024-05R for the proposed amendments to the Land Use Code regarding accessory dwellings.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: 1. PC-2024-05R PC Rec Approval ADU Code Amendment 2. O-2024-XX ADU Amendments (HB24-1152) 3. PC Public Notice Land Use Code 12-18-24		

**TOWN OF SEVERANCE PLANNING COMMISSION
RESOLUTION NO. PC-2024-05R**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF
SEVERANCE, COLORADO, MAKING A RECOMMENDATION TO THE TOWN
COUNCIL TO APPROVE AMENDMENTS TO CHAPTER 16, “LAND USE CODE,” OF
THE SEVERANCE MUNICIPAL CODE REGARDING ACCESSORY DWELLINGS**

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 (the “Proposed Amendments”), in the form attached to this resolution as **Exhibit A** and incorporated herein by this reference; and

WHEREAS, the Proposed Amendments would implement regulations for construction, conversion, expansion, or improvement of accessory dwellings within the Town, in compliance with the requirements in House Bill 2024-1152, which was enacted by the Colorado General Assembly in the 2024 legislative session to increase 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; and

WHEREAS, in accordance with Section 16.19.120 and 16.19.10, the Planning Commission shall review text amendments to the Land Use Code at a public hearing; and

WHEREAS, on December 18, 2024, the Planning Commission held a duly noticed public hearing to consider the Proposed Amendments;¹ and

WHEREAS, after considering any public testimony at the public hearing and the presentation by Town staff, and after reviewing the Proposed Amendments according to the criteria in Section 16.19.120(b) of the Land Use Code, the Planning Commission desires to recommend the Town Council approve the Proposed Amendments as presented.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION
OF THE TOWN OF SEVERANCE, COLORADO, AS FOLLOWS:**

1. The Planning Commission recommends the Town Council approve the Proposed Amendments to the Land Use Code regarding regulations for the construction, conversion, expansion, or improvement of accessory dwellings within the Town, as set forth in the draft ordinance attached to this resolution as **Exhibit A**.

¹ Notice of the Planning Commission’s public hearing on the Proposed Amendments was published on December 2, 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.

RESOLVED AND APPROVED this 18th day of December, 2024

PLANNING COMMISSION OF THE
TOWN OF SEVERANCE, COLORADO

Julie Stout, Chair

ATTEST:

Sarah Jacobson, Acting Town Clerk

APPROVED AS TO FORM:

Hayashi & Macsalka, LLC, Town Attorney

**TOWN OF SEVERANCE
ORDINANCE NO. 2024-XX**

**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, 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:¹

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)~~.

¹ Additions to existing Code provisions are shown by underlining; deletions from existing Code provisions are shown by ~~strikethrough~~.

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."

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.

Section 9. Violations of this ordinance shall be punishable in accordance with Section 1-4-20 of the Severance Municipal Code.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this ____ day of _____, 2024.

TOWN OF SEVERANCE, COLORADO

Matthew Fries, Mayor

ATTEST:

Leah Vanarsdall, MMC, Town Clerk

APPROVED AS TO FORM:

Hayashi & Macsalka, LLC, Town Attorney

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO)
)
COUNTY OF WELD)

I, Leah Vanarsdall, Town Clerk for the Town of Severance, do solemnly swear and affirm as follows:

1. The following ordinance was enacted by the Town Council on _____, 20__.

**TOWN OF SEVERANCE
ORDINANCE NO. 2024-XX**

**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**

2. I published in full a true and correct copy of the above-referenced ordinance on the Town of Severance's web site, <https://www.townofseverance.org/>, on _____ 20__ and such ordinance will remain there for 30 days following the effective date.

Witness my hand and seal this ____ day of _____ 20__.

Leah Vanarsdall
Town Clerk

[Town Seal]

TOWN OF SEVERANCE, COLORADO
NOTICE OF PUBLIC HEARINGS

Notice is hereby given that the Planning Commission of the Town of Severance will hold four (4) Public Hearings, on **Wednesday, December 18, 2024, commencing at 6:00 p.m.**, or as soon as thereafter as each matter may be called, at the Town of Severance Town Hall, Council Chambers, 3 S. Timber Ridge Parkway, Severance, Colorado 80550. The purpose of each Public Hearing is to take testimony from the public on proposed amendments to the Town of Severance Land Use Code (Chapter 16 of the Severance Municipal Code), as follows:

1. Proposed text amendments to the Land Use Code for purposes of reorganizing Articles 1, 2, 7-10.
2. Proposed text amendments to the Land Use Code regarding Home-Based Business regulations, including staff review of home-based business permits and standards and requirements for home-based businesses.
3. Proposed text amendments to the Land Use Code regarding accessory dwellings, including regulations, application requirements, and administrative approval of accessory dwellings by Town staff.
4. Proposed text amendments to the Land Use Code requiring two points of vehicular access for a subdivision.

No later than three (3) days prior to the Public Hearings date, all meeting materials and instructions for participation will be posted at <https://www.townofseverance.org> and available upon appointment at Severance Town Hall, 3 S. Timber Ridge Parkway, Severance, Colorado 80550, Tel. 970-686-1218. Written comments must be submitted to the Town no later than 5:00 pm on the day of the meeting to be considered by the Planning Commission. All written comments are to be sent to planning@townofseverance.org.

Any person may appear at the Public Hearings and be heard regarding the matters under consideration.

The Town of Severance Land Use Code (Chapter 16 of the Severance Municipal Code) is on file with the Town of Severance and available online at https://library.municode.com/co/severance/codes/municipal_code. For questions or comments contact:

Shani Porter
970-686-1218
planning@townofseverance.org

TOWN OF SEVERANCE, COLORADO
Leah Vanarsdall
Town Clerk