

TOWN OF PALISADE, COLORADO

ORDINANCE NO. 2025-11

**AN ORDINANCE AMENDING SECTION 7.05 OF THE PALISADE LAND
DEVELOPMENT CODE CONCERNING ACCESSORY DWELLING UNIT
STANDARDS TO COMPLY WITH (HB 24-1152)**

WHEREAS, pursuant to Section 31-23-305, C.R.S., the Board of Trustees may adopt, alter or amend zoning and regulations; and

WHEREAS, the Palisade Comprehensive Plan establishes Goal 2.1 to "Balance growth with preserving the agricultural heritage to maintain a sense of community"; and

WHEREAS, Action 2.1D4 of the Comprehensive Plan specifically directs the Town to "Encourage accessory dwelling units (ADUs) in all zone districts and allow ADUs as a use-by-right in all single-family homes"; and

WHEREAS, the Colorado General Assembly enacted House Bill 24-1152, codified at C.R.S. § 29-35-401 et seq., effective August 7, 2024, which establishes statewide standards for accessory dwelling units, including requirements for definitions, objective standards, size minimums, parking limitations, and applicability in planned unit developments; and

WHEREAS, the Department of Local Affairs (DOLA) has reviewed the Town's accessory dwelling unit regulations and identified amendments necessary to achieve compliance with C.R.S. § 29-35-403; and

WHEREAS, the Board of Trustees finds that amending accessory dwelling unit regulations to comply with state law will support affordable housing opportunities within the Town by providing clear, objective standards for ADU development; and

WHEREAS, the Town's Planning Commission has recommended to the Board of Trustees that the amendments to the Land Development Code contained in this Ordinance be adopted; and

WHEREAS, in accordance with Sections 3.02 and 4.01 of the Land Development Code, and Section 31-23-306, C.R.S., on December 2, 2025, and January 6, 2026, a public hearing was held before the Planning Commission to consider a recommendation of an amendment of the Land Development Code to the Board of Trustees as set forth herein, following public notice as required by law; and

WHEREAS, in accordance with Sections 3.02 and 4.01 of the Land Development Code, and Section 31-23-304, C.R.S., on December 9, 2025, and January 13, 2026, a public hearing was held before the Board of Trustees to consider the amendment of the Land Development Code as set forth herein, following public notice as required by law; and

WHEREAS, the Board of Trustees finds and determines that the amendments to the Land Development Code, as contained herein, are necessary and designed for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of the Town of Palisade and are consistent with the Town's Comprehensive Plan and the Town's other goals, policies and plans.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALISADE, COLORADO, AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Land Development Code Section 7.05.E is hereby amended to add the following definitions at the beginning of subsection E, with new additions underlined:

Accessory Dwelling Unit (ADU): An internal, attached, or detached dwelling unit that: (a) provides complete independent living facilities for one or more individuals; (b) is located on the same lot as a proposed or existing primary residence; and (c) includes facilities for living, sleeping, eating, cooking, and sanitation.

Exempt Parcel: A parcel that is: (a) not served by a domestic water and sewage treatment system, as defined in C.R.S. § 24-65.1-104(5), or is served by a well with a permit that cannot supply an additional dwelling unit; (b) a historic property, as defined in C.R.S. § 29-35-102(11), that is not within a historic district as defined in C.R.S. § 29-35-102(10); or (c) in a floodway or in a one hundred year floodplain, as identified by the Federal Emergency Management Agency.

Objective Standard: A standard that: (a) is a defined benchmark or criterion that allows for determinations of compliance to be consistently decided regardless of the decision maker; and (b) does not require a subjective determination concerning a development proposal, including but not limited to whether the application for the development proposal is consistent with master plans or other development plans, compatible with the land use or development of the surrounding area, or consistent with public welfare, community character, or neighborhood character.

Single-Unit Detached Dwelling: A detached building with a single dwelling unit on a single lot.

Section 3. Land Development Code Section 7.05.E.1 is hereby amended with new additions underlined and deletions in **strikethrough** as follows:

1. **One (1) accessory dwelling unit (ADU) shall be permitted as an accessory use to each principal structure in all zones except in the Light Industrial (LI) and Commercial Business (CB)** **One (1) accessory dwelling unit (ADU) shall be permitted as an accessory use to each single-unit detached dwelling in all zone districts where single-unit detached dwellings are allowed, except in the Light Industrial (LI) and Commercial Business (CB) zone districts, and except on Exempt Parcels. ADUs shall be approved through an administrative approval process based solely on Objective Standards. In any Planned Unit Development (PD) where single-unit detached dwellings are allowed, one ADU shall be permitted regardless of whether the PD is silent on or prohibits ADUs.** ADUs are subject to the following requirements:

Section 4. Land Development Code Section 7.05.E.1.a is hereby amended with new additions underlined and deletions in **strikethrough** as follows:

a. **The living area of the ADU shall be no greater than nine hundred (900) square feet or fifty percent (50%) of the heated square footage of the principal structure as described by the Mesa County Assessor's Office, whichever is less.** **The living area of the ADU shall be no greater than nine hundred (900) square feet or fifty percent (50%) of the heated square footage of the principal structure as described by the Mesa County Assessor's Office, whichever is less; provided, however, that an ADU with a living area of at least seven hundred fifty (750) square feet shall be permitted regardless of the size of the principal structure, unless such ADU would be larger than the principal structure. The minimum living area of an ADU shall be not less than two hundred (200) square feet.**

Section 5. Land Development Code Section 7.05.E.1.d is hereby amended with new additions underlined and deletions in **strikethrough** as follows:

d. **The design, exterior treatments and color of an ADU shall be the same as or compatible with, the design and exterior color and treatments of the primary building to which it is accessory.** **The exterior cladding and roofing materials of an ADU shall consist of materials that are permitted for principal structures in the applicable zone district. No architectural style, building material, or landscaping requirement shall be applied to an ADU that is more restrictive than the requirement that applies to a single-unit detached dwelling in the same zone district.**

Section 6. Land Development Code Section 7.05.E.1.e is hereby amended with new additions underlined and deletions in ~~strikethrough~~ as follows:

e. ~~One off street parking space per unit is required, in addition to the spaces otherwise required.~~ Off-street parking for an accessory dwelling unit shall comply with C.R.S. § 29-35-103(3)(a) and (b) as follows:

1. The designation of an existing off-street parking space for the ADU may be required so long as there is an existing driveway, garage, tandem parking space, or other off-street parking space available for such a designation at the time of the construction or conversion of the accessory dwelling unit.

2. The construction of a new off-street parking space for an ADU shall not be required unless all of the following conditions are met:

i. The lot does not have an existing off-street parking space, including a driveway, garage, or tandem parking space, that could be used for the accessory dwelling unit;

ii. The accessory dwelling unit is in a zoning district that, as of January 1, 2024, requires one or more parking spaces for the primary dwelling unit; and

iii. The accessory dwelling unit is located on a block where on-street parking is prohibited for any reason, including ensuring access for emergency services.

Section 7. Except as specifically amended herein, all other provisions of Section 7.05 shall remain in full force and effect without amendment.

Section 8. Severability. If any 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 Board of Trustees hereby declares that 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 9. Effective Date. This Ordinance shall take effect thirty (30) days after final publication or posting following final passage.

INTRODUCED, READ, PASSED, APPROVED, AND ORDERED PUBLISHED BY
TITLE, at the regular meeting of the Board of Trustees of the Town of Palisade,
Colorado, held on January 13, 2025.

TOWN OF PALISADE, COLORADO

By: Greg Mikolai
Greg Mikolai, Mayor

ATTEST:

Keli Frasier
Keli Frasier, CMC
Town Clerk

