

ORDINANCE NO. 2025-023

AN ORDINANCE AMENDING VARIOUS PROVISIONS OF CHAPTER 17.61 OF THE CASTLE ROCK MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNITS

WHEREAS, since the adoption of Ordinance No. 2017-032, the Town of Castle Rock (the “Town”) has allowed the construction of accessory dwelling units as an accessory use to single-family detached dwellings throughout the community; and

WHEREAS, during the 2024 Legislative Session, the Colorado General Assembly adopted House Bill 24-1152 suggesting changes to local land use laws for the purpose of increasing the number of accessory dwelling units; and

WHEREAS, Town staff has reviewed House Bill 24-1152 and has determined that the Town’s existing ordinance is generally consistent with this legislation; and

WHEREAS, Town staff recommends that, given the Town’s success with encouraging accessory dwelling units as an available housing type, the best interests of the Town and its residents would be served by amending Chapter 17.61 to adopt a streamlined administrative process for approving new accessory dwelling units and to eliminate the requirement that the primary dwelling unit be occupied by the property owner.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Amendment. Section 17.61.020 of the Castle Rock Municipal Code is amended to read as follows:

17.61.020 - Purpose and intent.

- A. The intent of permitting accessory dwelling units is to provide (i) alternative housing options to make more efficient use of existing housing stock and infrastructure, (ii) flexible use of space for property owners, and (iii) a mix of housing type that responds to changing family dynamics. Because accessory dwelling units do not require additional land, they can be incorporated into established neighborhoods more easily than other forms of housing.
- B. Irrespective of any provision in this Chapter, to the extent any PD zoning regulations ~~expressly preempt any conflicting Town regulations~~ REGARDING THE CREATION OF AN ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO ANY SINGLE-UNIT DETACHED DWELLING UNIT ARE IN CONFLICT WITH THIS CHAPTER 17.61, the provisions of ~~the PD zoning regulations~~ THIS CHAPTER shall govern and control.

Section 2. Amendment. Section 17.61.040 of the Castle Rock Municipal Code is

amended to read as follows:

17.61.040 - Applicability and compliance.

- A. Accessory Dwelling Units must comply with all provisions of this Chapter 17.61 and any applicable PD zoning regulations. In the event of a conflict between this Chapter and the PD zoning regulations, the more ~~restrictive~~ PERMISSIVE provision(s) shall apply, ~~except as provided in Section 17.61.050.B.8 as to the size of an ADU.~~
- B. Accessory Dwelling Units are prohibited in:
 - (i) ~~properties zoned Mobile Home~~ ANY MH MANUFACTURED HOME ZONE DISTRICT, OR
 - (ii) ~~a~~ Any residentially zoned property that contains an existing/proposed duplex, triplex, ~~condo~~ CONDOMINIUM, ~~townhouse~~ TOWNHOME, or multifamily ~~units~~ dwelling, ~~or~~.
 - (iii) ~~where expressly prohibited in PD zoning regulations.~~
- C. Accessory Dwelling Units ~~may be~~ ARE allowed in all residential zone districts AND IN ANY AREA WITHIN A PLANNED DEVELOPMENT DISTRICT DESIGNATED FOR SINGLE-FAMILY RESIDENTIAL USES upon AN ADMINISTRATIVE REVIEW BY THE DIRECTOR AND approval of a ~~Use By Special Review ("UBSR") in accordance with Section 17.39.010~~ BUILDING PERMIT. ; provided, however, that no ~~UBSR~~ is required under the following circumstances:
 - 1. ~~If the ADU is within an existing structure and no additional square footage is added to the structure to establish the ADU; or~~
 - 2. ~~If, at the time of initial construction, the ADU is proposed to be included in the building permit for a new single family residence. (Note: This subsection does not except new accessory dwelling units on lots with an existing single family home from the USBR process.)~~

Section 3. Amendment. Section 17.61.050 of the Castle Rock Municipal Code is amended to read as follows:

17.61.050 - Regulation and restrictions.

- A. Criteria. In order to be classified as an ADU, a structure must meet each of the following building criteria:
 1. Provisions of living;

2. A kitchen;
3. A bathroom;
4. A facility for sleeping; and
5. Physical separation from the primary dwelling unit, as follows:
 - a. A detached ADU is presumed to have physical separation for the purposes of this section.
 - b. When an ADU is attached to the primary dwelling unit, physical separation is required between the primary dwelling unit and the ADU. Such physical separation may be accomplished with a wall, a wall with a door, or other similar feature. Where a wall exists, the presence of a door frame, door hinges, pocket, or an opening equal to or less than thirty-eight (38) inches in width shall constitute physical separation.

B. A building permit meeting all Town regulations must be obtained for all construction activities associated with developing Accessory Dwelling Units.

C. The Town may issue a building permit authorizing the construction and use of an Accessory Dwelling Unit, provided the following conditions apply:

1. Number. No more than one (1) ADU may be created or maintained on a single lot or tract.
2. Owner Occupancy.
 - a. ~~The property owner OF AN EXISTING PRIMARY DWELLING UNIT, as evidenced in the Douglas County public records, must occupy either the Primary Dwelling Unit or the Accessory Dwelling Unit, or both DEMONSTRATE THAT SUCH OWNER RESIDES IN THE PRIMARY DWELLING UNIT AT THE TIME AN APPLICATION IS SUBMITTED FOR A BUILDING PERMIT FOR CONSTRUCTION OF AN ADU.~~
 - b. ~~In the event the property is not owned by a natural person(s), then an individual with ownership or direct interest in the entity, as demonstrated to the Director, may be considered a property owner.~~
 - c. ~~The Director may waive this Owner Occupancy requirement for temporary absences of less than one (1) year provided that the owner has maintained the permitted use for a minimum of two (2) years and submits proof of temporary absence.~~

3. ~~Dual Rental Prohibited. At no time may both the Primary Dwelling Unit and Accessory Dwelling Unit be rented occupied. Prior to issuance of a building permit for an ADU, the property owner shall record a deed restriction, in a form acceptable to the Director, prohibiting the concurrent renting of both the Primary Dwelling Unit and the Accessory Dwelling Unit. SHORT-TERM RENTALS. NOTHING IN THIS CHAPTER 17.61 SHALL PRECLUDE THE TOWN FROM ENACTING OR APPLYING A LOCAL LAW REGULATING THE USE OF ACCESSORY DWELLING UNITS FOR SHORT-TERM RENTALS.~~
4. Subdivision. Accessory Dwelling Units may not be subdivided or otherwise conveyed into separate ownership from the Primary Dwelling Unit on the lot or tract.
5. Utilities.
 - a. No separate water or sewer taps will be allowed for the ADU.
 - b. All billing for water, sewer and storm water services will be billed to the Primary Dwelling Unit account holder. As a condition to issuance of a building permit, the account holder shall certify to the Town that they will be responsible for all utility charges incurred by the ADU.
 - c. Should an ADU require the enlargement of the Primary Dwelling Unit's existing water tap, the applicant shall pay the incremental System Development Fees (as set forth in Chapter 13.12 of the Code) based on the new tap size, together with any connection fees.
6. HOA Compliance. It shall be the obligation of the property owner to obtain compliance with any homeowner association requirements for the ADU. The Town will not independently verify such compliance.
7. Design. An ADU shall be designed to maintain the architectural design, style, appearance and character of the Primary Dwelling Unit, and must be consistent with the existing façade, roof pitch, siding, eaves, window treatment and color of the Primary Dwelling Unit. The ADU shall be permanently affixed to an engineered foundation. All district zoning regulations applicable to the construction and placement of structures shall apply to ADUs.
8. Size. The floor area of an ADU located interior to the Primary Dwelling Unit, WHETHER AS PART OF, OR AS AN ADDITION TO THE PRIMARY DWELLING UNIT, shall not exceed fifty percent (50%) of THE Primary Dwelling Unit OR SEVEN HUNDRED FIFTY (750) SQUARE FEET, WHICHEVER IS GREATER. ~~The building footprint of a detached ADU or a new ADU addition to the Primary Dwelling Unit shall not exceed AN eight hundred (800) square feet FOOT BUILDING FOOTPRINT ATTRIBUTABLE TO THE ADU, unless the~~

APPLICABLE PD zoning regulations establish a ~~different~~ MORE PERMISSIVE limitation, in which event the PD zoning regulations governing size shall apply.

9. SIDE SETBACK. THE SIDE SETBACK OF AN ADU SHALL MEET THE SIDE SETBACK REQUIREMENTS FOR AN ACCESSORY STRUCTURE IN THE APPLICABLE ZONE DISTRICT OR PD ZONING REGULATIONS; PROVIDED, HOWEVER, THAT IF THE SIDE SETBACK REQUIREMENTS FOR AN ACCESSORY STRUCTURE ARE GREATER THAN THOSE OF THE PRIMARY DWELLING UNIT, THE SIDE SETBACK OF AN ADU SHALL BE EQUAL TO THAT OF THE PRIMARY DWELLING UNIT.
10. REAR SETBACK. THE REAR SETBACK OF AN ADU SHALL MEET THE REAR SETBACK REQUIREMENTS FOR AN ACCESSORY STRUCTURE IN THE APPLICABLE ZONE DISTRICT OR PD ZONING REGULATIONS. IF, HOWEVER, NO REAR ACCESSORY STRUCTURE SETBACK REQUIREMENTS EXIST, THEN THE REAR SETBACK OF AN ADU SHALL BE FIVE (5) FEET.
- 9–11. Entrance. If an ADU is created by an addition to an existing Primary Dwelling Unit that requires a new separate outside entrance, only one (1) entrance may be located visible from the street upon which the property is addressed. The additional entrance may be located on the side of, or in the rear of the Primary Dwelling Unit.
- 10–12. Deviation from stated conditions. A request for deviation from the applicable regulations to install features that facilitate access and mobility for disabled persons shall be considered by the Board of Adjustment pursuant to Chapter 17.06 of the Code.
- 11–13. Pets. The restriction on the number of animals allowed under the Code shall be per lot, irrespective of the number of dwelling units located on the lot.
- 12–14. ~~Prohibited structures~~ PROHIBITION. Mobile homes, recreational vehicles, ~~and~~ travel trailers AND OTHER MOTOR VEHICLES, ATTACHMENTS, AND ACCESSORIES are prohibited as Accessory Dwelling Units.

Section 4. Severability. If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 5. Safety Clause. The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 17th day of June, 2025, by the Town Council of the Town of Castle Rock, Colorado, by a vote of 6 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 1st day of July, 2025, by the Town Council of the Town of Castle Rock, Colorado, by a vote of __ for and __ against.

ATTEST:

Lisa Anderson, Town Clerk

Approved as to form:

Michael J. Hyman, Town Attorney

TOWN OF CASTLE ROCK

Jason Gray, Mayor

Approved as to content:

Tara Vargish, Director of Development Services