

ORDINANCE NO. 20-_____

AN ORDINANCE AMENDING ARTICLE 2 (BASIC PROVISIONS, DEFINITIONS AND LAND USE TYPES AND CLASSIFICATIONS) AND ARTICLE 3 (LAND USE ZONING DISTRICTS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO ACCESSORY FAMILY SUITES

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Section 302 (Definitions of Use Types) of Part 3 (Land Use Types and Classifications) of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.2.302: DEFINITIONS OF USE TYPE:

A. Residential Use Types: Residential use types include uses providing wholly or primarily permanent living accommodations.

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3. ACCESSORY FAMILY SUITE: An accessory family suite may be made up of a room or group of rooms forming a single habitable area with facilities for one or more persons with provisions for living, sleeping, cooking, and sanitation, and is located within a principal single-family detached unit. An accessory family suite shall not be considered a separate dwelling unit for purposes of the Zoning Code provided all the

requirements are met and the accessory family suite is in continual compliance.

~~34.~~ * * *

~~45.~~ * * *

~~56.~~ * * *

~~67.~~ * * *

~~78.~~ * * *

~~89.~~ * * *

~~910.~~ * * *

~~1011.~~ * * *

~~1112.~~ * * *

~~1213.~~ * * *

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Section 2. Section 103 (Permitted, Conditional and Accessory Uses) of Part 1 (Residential Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.3.103: PERMITTED, CONDITIONAL AND ACCESSORY USES:

* * *

Use Types	A	R	R-1 9000	R-1 6000	R- 2	R- 4	R- 5	SU	TND
Residential use types:									
* * *									
Accessory Family Suite	P	P	P	P	P	P	P	P	P
* * *									

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Section 3. Section 104 (Agricultural, Residential, Special Use and Traditional Neighborhood Development Zone District Development Standards) Part 1 (Residential Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.3.104: AGRICULTURAL, RESIDENTIAL, SPECIAL USE AND TRADITIONAL NEIGHBORHOOD DEVELOPMENT ZONE DISTRICT DEVELOPMENT STANDARDS:

Standard	A	R	R-1 9000	R-1 6000	R-2	R-4	R-5	PUD ¹	SU	TND ^{1, 5,6,8}
Minimum lot area:										
<u>Single-family with Accessory Family Suite¹⁰</u>	<u>5 acres</u>	<u>20,000 sq. ft.</u>	<u>9,000 sq. ft.</u>	<u>6,000 sq. ft.</u>	<u>5,000 sq. ft.</u>	<u>5,000 sq. ft.</u>	<u>4,000 sq. ft.</u>	<u>5,000 sq. ft.</u>	<u>5,000 sq. ft.</u>	

Notes:

1. * * *

10. See subsection 7.3.105(R) of this Code regarding additional standards.

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Section 4. Section 105 (Additional Standards for Specific Land Uses Allowed in Residential Zones) of Part 3 (Residential Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.3.105: ADDITIONAL STANDARDS FOR SPECIFIC LAND USES ALLOWED IN RESIDENTIAL ZONES:

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R. Accessory Family Suites: Accessory family suites are permitted as an accessory use to a principal single-family detached dwelling and are subject to the following requirements:

- 1. Accessory family suites are permitted only within a single-family detached dwelling, and are not permitted in any other structure, including but not limited to, single-family attached dwellings, two-family dwellings, multi-family dwellings, or commercial buildings.**
- 2. An accessory family suite cannot be located on the same lot where an accessory dwelling unit exists.**
- 3. The total number of individuals collectively occupying both the principal dwelling unit and the accessory family suite can be no more than one family as defined in this code.**
 - a. Affidavit Required: The owner shall complete and record an affidavit assuring the property owner's acknowledgement of the occupancy limitations as listed above.**
 - b. No zoning enforcement action pursuant to section 7.5.1001, et seq., of this Code, may be brought against a tenant by the City for a failure of the owner to meet the one family requirement.**
- 4. Off-Street Parking: A minimum of one (1) off-street parking space in addition to the minimum parking required for the principal structure shall be required.**

5. **Exterior Access:** An accessory family suite may have a separate exterior access. Any separate exterior access shall be restricted to the side or rear of the principal structure. All accessory family suites with an exterior access shall have a thirty-six (36) inch wide clear access path from the front property line or from the property line where the principal dwelling unit gains its access. The clear access path may be gated and may share a clear access path with the principal dwelling unit.
6. **Internal Connectivity:** An accessory family suite must maintain interior access to the principal dwelling unit through either a common doorway or stairway. Interior accesses may be locked if an exterior access exists.
7. **Maximum floor area:** Floor area shall not exceed fifty (50%) of floor area of the principal structure.
8. **Maximum height:** Maximum height of the principal structure as determined by the zone district.
9. **Setbacks:** Minimum setbacks of the principal structure as determined by the zone district.
10. **Design:** Accessory family suites shall not involve design modifications to the exterior of the principal structure that indicates their presence from the front of the principal structure. Building additions shall be architecturally compatible with the principal structure. External stairs are not allowed to provide access to a second-story accessory family suite unless it is from a second-story deck.
11. **Restriction on Subdivision:** The accessory family suite shall not be sold separately from the principal dwelling unit, nor shall the lot on which an accessory family suite is situated be subdivided unless subdivision is permissible in accordance with all provisions of Article 3 and Article 7 of this chapter.
 - a. Before a building permit may be issued for an accessory family suite, the owner shall record with the El Paso County Clerk and Recorder a declaration of restrictions in a form prescribed by the Manager.
 - b. The declaration of restrictions shall prohibit the owner and the owner's heirs or assigns from selling the accessory family suite separately from the principal dwelling unit. Such restriction shall be binding upon and run with the land.

c. The declaration of restrictions shall lapse upon removal of the accessory family suite. Upon request of the owner and confirmation by the City that the accessory family suite has been removed, the Mayor shall execute a recordable release of the declaration of restrictions and provide the release to the owner. The owner shall be responsible for recording the release and paying all costs of recordation.

12. Accessory family suites shall be permitted in PUD zones unless expressly prohibited by the PUD zone ordinance. Accessory family suites shall not be included as separate from the single-family detached dwelling when calculating the density of a PUD zone.

13. Covenant Compliance: The provisions of this subsection do not supersede private covenants.

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Section 5. Section 203 (Permitted, Conditional and Accessory Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.3.203: PERMITTED, CONDITIONAL AND ACCESSORY USES:

Use Types	OR	OC	PBC	C-5	C-6	PIP-1	PIP-2	M-1	M-2	PF	PK	PCR	APD	TND
Residential use types														
<u>Accessory Family Suite^a</u>	<u>P</u>	<u>P</u>	<u>P^o</u>	<u>P</u>	<u>P^o</u>			<u>P^o</u>						

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Notes:

- 1. * * *
- 8. See subsection 7.3.105(R) of this Code regarding additional standards.
- 9. See subsection 7.2.205(Q) of this Part regarding additional requirements.

Section 6. Section 205 (Additional Standards for Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.3.205: ADDITIONAL STANDARDS FOR SPECIFIC LAND USES:

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Q. Residential Dwelling Units:

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2. One- and two-family residential uses are principal permitted uses within the OR, OC and C-5 Zones. One- and two-family residential uses are conditional uses within the PBC, C-6 and M-1 Zones. **Where a single-family residential land use has been granted a Conditional Use in the PBC, C-6, and M-1 zones, an accessory family suite shall be permitted as an accessory land use.** Multi-family residential uses are principal permitted uses within the OC and C-5 Zones. Multi-family residential uses are conditional uses within the OR, PBC, C-6 and M-1 Zones. ~~The addition of a detached residential accessory structure complying with the development standards within this Zoning Code does not require approval of a conditional use.~~

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Section 7. Any person violating Paragraph R of Section 105 (Additional Standards for Specific Land Uses Allowed in Residential Zones) of Part 3 (Residential Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) shall be subject to the remedies provided in Section 1005 (Remedies) of Part 10 (Zoning Enforcement) of Article 5 (Administration and

Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended.

Section 8. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 9. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2020.

Finally passed: _____

Council President

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

Sarah B. Johnson, City Clerk