

ORDINANCE NO. 24 - _____

AN ORDINANCE AMENDING CHAPTER 7 (UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO ACCESSORY DWELLING UNITS

WHEREAS, the State of Colorado approved House Bill 24-1152 on May 13, 2024 (the "Bill"), concerning increasing the number of Accessory Dwelling Units ("ADU") and the creation of supportive jurisdictions associated therewith; and

WHEREAS, the Bill purports to bind and place ADU requirements on home rule municipalities; and

WHEREAS, the City of Colorado Springs is a home rule municipality pursuant to Article XX of the Colorado Constitution, the Charter of the City of Colorado Springs, and the powers and authority conferred by the laws of the State of Colorado; and

WHEREAS, the authority to regulate land uses is a traditional home rule power within the purview of the City, and state laws that conflict with the same may be superseded by local law; and

WHEREAS, without waiving or abandoning the home rule authority that allows the City to promulgate land use regulations for ADUs, which would control over the Bill, the City desires to adjust its existing ADU regulations to align with the Bill.

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

Section 1. The above recitals are hereby incorporated into this Ordinance, are approved, and are effective.

Section 2. Section 101 (Zone Districts Established) of Part 1 (Zone Districts Established) of Article 2 (Zone Districts) of Chapter 7 (Unified Development Code) of the

Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

7.2.101: ZONE DISTRICTS ESTABLISHED:

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Table 7.2.1-A Zone Districts	
* * *	
Overlay Districts	
* * *	
ADU-O: Accessory Dwelling Unit Overlay	
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Section 3. Part 2 (Agricultural and Residential Zone Districts) of Article 2 (Zone Districts) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

7.2.204: R-1 6: SINGLE-FAMILY – MEDIUM:

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B. * * *

Table 7.2.2-D R-1 6: Lot and Building Standards		
* * *		
Setbacks (minimum) [2]		
A	Front	
	<i>House</i>	15 ft or average of two adjacent or nearest developed properties facing the same street frontage, whichever is greater less
* * *		
Notes:		
[1] Front Yard Carports shall comply with Subsection 7.3.304C (Carport or Garage, Accessory).		
[2] Setbacks are measured from back of sidewalk, curb, or property line, whichever is lesser.		

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7.2.205: R-2: TWO-FAMILY:

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B. * * *

Table 7.2.2-E R-2: Lot and Building Standards		
* * *		
Setbacks (minimum) [3]		
A	Front	
	<i>House</i>	10 ft or average of two adjacent or nearest developed properties facing the same street frontage, whichever is greater less
* * *		
Notes:		
[1] Front Yard Carports shall comply with Subsection 7.3.304C (Carport or Garage, Accessory).		
[2] Minimum side setbacks do not apply to the interior lot line where two residential dwelling units share a common wall. When a common wall is shared, the minimum lot width for each dwelling unit shall be 25 ft.		
[3] Setbacks are measured from back of sidewalk, curb, or property line, whichever is lesser.		

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7.2.206: R-4: MULTI-FAMILY LOW:

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B. * * *

Table 7.2.2-F R-4: Lot and Building Standards		
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Setbacks (minimum) [4]		
* * *		
Notes:		
[1] Front Yard Carports shall comply with Subsection 7.3.304C (Carport or Garage, Accessory).		
[2] 10 ft if primary building existed prior to Effective Date.		
[3] Applies only to multi-family residential.		
[4] Setbacks are measured from back of sidewalk, curb, or property line, whichever is lesser.		

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7.2.207: R-5: MULTI-FAMILY HIGH:

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B. * * *

Table 7.2.2-G R-5: Lot and Building Standards	
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Setbacks (minimum) [2]	
* * *	
Notes:	
[1] 10 ft if primary building existed prior to Effective Date.	
[2] Setbacks are measured from back of sidewalk, curb, or property line, whichever is lesser.	

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Section 4. Part 3 (Mixed-Use Zone Districts) of Article 2 (Zone Districts) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

7.2.301: OR: OFFICE RESIDENTIAL:

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B. * * *

Table 7.2.3-A OR: Lot and Building Standards		
* * *		
Setbacks (minimum) [1] [2]		
A	Front and side street frontages [1]	
	<i>Minimum</i>	25 ft
B	Side – Interior	5 ft
	Corner Lot – Side Street	15 ft
C	Rear	20 ft
Height (maximum)		
D	Building height	35 ft
Notes:		
[1] Applies to both frontages of corner sites.		
[2] Pursuant to Section 7.4.905 (Street Frontage and Street Trees), if the landscape setback is greater than the setback listed in this table, the landscape setback prevails.		
[2] For single-family detached dwellings and associated accessory dwelling units, the dimensional standards of the R-1 6 Zone District (see Table 7.4.2-A) apply. For two-family dwellings, the dimensional standards of the R-2 Zone District apply (see Table 7.4.2-A) apply. For all other residential uses, the dimensional standards of the R-5 Zone District (see Table 7.4.2-A) apply.		

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7.2.307: FBZ: FORM-BASED ZONE (REGULATING PLAN DISTRICT):

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3. Each FBZ district and regulating plan shall allow integrated, attached, and detached ADUs wherever single-family detached dwellings are allowed. Said ADUs shall comply with the development standards set forth by the FBZ regulating plan or Subsection 7.3.304.E (Dwelling, Accessory), whichever are less restrictive.

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Section 5. Section 605 (ADU-O: Accessory Dwelling Unit Overlay) of Part 2 (Overlay Districts) of Article 2 (Zone Districts) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, is hereby repealed and reserved.

Section 6. Section 704 (Establishment of the Land Use Types, Mix, and Intensity of Land Use) of Part 7 (Planned Development Zone District) of Article 2 (Zone Districts) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

7.2.704: ESTABLISHMENT OF THE LAND USE TYPES, MIX, AND INTENSITY OF LAND USES:

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B. ~~Each PDZ district shall state whether integrated ADUs, detached ADUs, or both are permitted, and shall include any development standards that vary from the standards in Subsection 7.3.304E (Dwelling, Accessory).~~ **Each PDZ district shall allow integrated, attached, and detached ADUs wherever single-family detached dwellings are allowed, and such ADUs shall comply with the development standards set forth by the PDZ regulating plan or Subsection 7.3.304.E (Dwelling, Accessory), whichever are less restrictive.**

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Section 7. Part 2 (Allowed Use Tables) of Article 3 (Use Regulations) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

7.3.201: BASE AND NNA-O DISTRICT USE TABLE:

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Table 7.3.2-A Base and NNA-O District Use Table		P = Permitted C = Conditional use R = Allowed pursuant to regulating plan														A = Accessory to primary use T = Temporary use					Use- Specific Standards							
		Residential										Mixed-Use				Indus.		Spec P.		NNA-O								
Zone District →	Land Use ↓	A	R-E	R-19	R-16	R-2	R-4	R-5	R-Flex Low	R-Flex Med.	R-Flex High	OR	MX-N	MX-T	MX-M	MX-L	MX-I	FBZ	BP	LI		GI	APD	PF	PK	South	Central	North
		* * *																										
		ACCESSORY USES																										
		* * *																										
	Dwelling, Accessory, Detached (All)	A	A	A	A	A	A	A	A	A	A	A	A	A	CA	A	RA		CA						A	A	A	7.3.304E
	Dwelling, Accessory, Integrated	A	C	C	C				A	A	A				A	A		R		C								7.3.304E
	Electric Vehicle Charging	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	R	A	A	A	A	A	A	A	A	A	7.3.304F
	Family Suite, Accessory	A	A	A	A	A	A	A	A	A	A	A	A	A					P									7.3.304G
		* * *																										

7.3.202: ADDITIONAL OVERLAY DISTRICT USE TABLE:

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Table 7.3.2-B Additional Overlay District Use Table		P = Permitted use if by-right in base zone district C = Conditional use if permitted by-right in base zone district A = Accessory T = Temporary Use					
		Overlay District →	SS-O	AP-O [1]			
Land Use ↓	ADNL			RPZ	APZ-1	APZ-2	ANAV
		* * *					
		ACCESSORY USES					
		* * *					
	Dwelling, Accessory, Detached (All)	A	CA		A	A	A
	Dwelling, Accessory, Integrated	A	C		A	A	A
	Electric Vehicle Charging	A	C		A	A	A
	Family Suite, Accessory	A	C		A	A	A
		* * *					

Section 8. Section 304 (Accessory Uses) of Part 3 (Use-Specific Standards) of Article 3 (Use Regulations) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows, where subsection 7.3.304.G thereof is hereby repealed and reserved:

7.3.304: ACCESSORY USES:

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A. General Standards: **Where more specific requirements are not set forth in this Section 7.3.304, the following general standards apply for accessory structures or uses:**

1. * * *

b. Accessory structures or uses with more than two hundred (200) square feet in gross floor area, **in all zone districts**, shall ~~comply with the following setbacks:~~ **have setbacks of at least five (5) feet, unless otherwise specified.**

~~(1) In the A, R-E, and R-1-9 zone districts or if garage doors face an alley, ten (10) feet.~~

~~(2) In the GI zone district, zero (0) feet.~~

~~(3) In all other zone districts, five (5) feet unless otherwise specified in an approved Development Plan.~~

2. * * *

3. * * *

a. * * *

~~(3) Detached Accessory Dwellings~~ **Units**, which are subject to Subsection 7.3.3.4E.2 ~~(Standards for Detached ADUs Dwelling, Accessory).~~

b. The gross floor area of ~~the~~ **all** accessory structure(s) **together** may not exceed the gross floor area of the primary structure.

4. * * *

c. Unless specifically permitted in this Code, accessory structures are not allowed in front yards. **ADUs are permitted in yards pursuant to Subsection 7.3.304.E.2.c.**

d. No ADU shall be used as a short term rental.

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E. Dwelling, Accessory: ~~A single Accessory Dwelling Unit (ADU) is allowed on a lot that meets the dimensional requirements of Part 7.4.2 (Dimension Standards) and complies with the following standards as shown on an approved site plan. The ADU may be detached or integrated, pursuant to Part 7.3.2 (Allowed Use Tables).~~ **Accessory Dwelling Units (ADU) are only allowed as an accessory use to a single-family detached dwelling in any zone district, overlay district, or other location where single-family detached dwellings are allowed.**

1. General Standards: The following standards apply to ~~detached and integrated~~ **all** ADUs.

a. ~~Owner Occupancy~~

~~(1) Requirement: In the R-E, R-1-9, and R-1-6 zone districts, except as otherwise provided in this Subsection 7.3.304E (Dwelling, Accessory), for an ADU to be occupied, the principal dwelling on the site or the ADU must be occupied by the owner of the lot.~~

~~(2) Declaration of Restriction: The following restrictions apply to an ADU constructed in the R-E, R-1-9, and R-1-6 zone districts.~~

~~(a) Before a Building Permit may be issued for an ADU, 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 require the property owner to reside on the property in accordance with the definition of "owner occupied" in order to lease one of the two (2) units.~~

~~(c) The declaration of restrictions shall lapse upon removal of the ADU. Upon request of the owner and confirmation by the City that the accessory dwelling unit 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.~~

~~(3) Zoning Enforcement Limitation: No zoning enforcement action pursuant to Part 7.5.9 (General Enforcement) may be brought against a tenant by the City for a failure of the owner to meet the owner-occupancy requirement.~~

~~b. Waiver of Owner Occupancy Requirement:~~

~~(1) The Manager may waive the owner occupancy requirement for temporary absences of up to two (2) years, upon a determination that failure to waive the requirement would create an unreasonable hardship. The Manager may grant an additional one (1) year extension to the original waiver upon the expiration of the original waiver.~~

~~(2) The Manager may determine failure to waive the occupancy requirement creates an unreasonable hardship if:~~

~~(a) Enforcement of the requirements would create a temporary economic hardship that could be resolvable within two (2) years;~~

~~(b) The property is listed and actively marketed for sale; or~~

~~(c) The occupancy requirement is unreasonable due to temporary relocation by the owner for employment (including temporary relocation for military service members) or medical treatment, death of the owner, divorce or legal separation of the owner and a non-owner spouse, or similar circumstances.~~

~~e.a. Restriction on Subdivision: In all districts and locations where an ADU is allowed~~ the R-E, R-1-9, R-1-6, MX-M, MX-L, and LI zone districts and ADU-O district, the ADU shall not be sold separately from the principal dwelling unit, nor shall the lot on which an ADU is situated be subdivided unless subdivision is permissible in accordance with all provisions of Part 7.4.3 (Subdivision Standards). **The property owner shall not form a common interest community pursuant to C.R.S. 38-33.3-101 et seq. solely consisting of the principal dwelling unit and its associated ADU.** The following restrictions apply:

* * *

~~d.b. Off-Street Parking: One off-street parking space shall be provided in addition to the minimum parking required for the principal structure. No off-street parking shall be required for an ADU. An off-street parking space may be provided for an ADU, especially when:~~

(1) An existing driveway, garage, adjacent parking space, or other off-street parking space is available for the property and may be so designated; or

(2) A new off-street parking space is appropriate for a property (i) with no existing off-street parking, including a driveway, garage,

or adjacent parking space, (ii) where one or more parking spaces are required for the principal dwelling, and (iii) when on-street parking is prohibited for the applicable block.

e.c. Access: **Where possible**, All ADUs 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. An ADU may share a clear access path with the principal dwelling unit.

f.d. Prohibited Units: **The following are prohibited for ADUs:**

(1) A mobile home or recreational vehicle may not be used as an ADU. **This restriction applies whether or not the mobile home or recreational vehicle has been altered through the removal of wheels or other parts such that it is in a fixed location and unmovable.**

(2) ADUs shall not be allowed on parcels not served by a domestic water and sewage treatment system or served by a well with a permit that cannot supply an additional dwelling unit.

(3) Where a single-family detached dwelling is a historic property, listed in the National Register of Historic Places, the Colorado State Register of Historic Properties, or as a contributing structure or historic landmark by the City, an ADU shall be allowed only in accord with the design standards and procedures for said historic property.

(4) The ADU may not encroach into recorded easements unless the City has granted an easement encroachment.

g.e. Number of Units: No more than ~~one (1)~~ **two (2) detached ADUs** shall be located on any lot.

h.f. Conflicts: If any provision of this Subsection 7.3.304E is found to be in conflict with any other provision of this UDC or Code, ~~the provision that establishes the higher or more restrictive standard~~ **this provision** shall apply. **Legal nonconforming single-family detached dwellings may obtain an ADU in accord with this Subsection 7.3.304E.**

i.g. * * *

h. Restrictive Design or Dimension Standards. No architectural style, building material, or landscaping requirement applicable to an ADU shall be more restrictive than that for a single-family detached dwelling in the

same zoning location. Where this UDC, the FBZ Code, or other regulations would require an architectural style, building material, or landscaping requirement to be more restrictive, the design or dimensional standard shall instead be adjusted to match the architectural style, building material, or landscaping requirement for a single-family detached dwelling in the same zoning location. Further adjustments from such requirements may be available in accord with Section 7.5.524, except that the same may not be appealed or otherwise elevated to a public hearing, recommendation, or a decision by an elected or appointed official.

i. **Decision by Manager.** In accord with C.R.S. § 29-35-101 et seq., ADUs will be reviewed through an administrative approval process. Pursuant to said process, an applicant for an ADU shall submit a site plan for the proposed ADU and apply for a building permit, which shall be approved, approved with conditions, or denied by the Manager based solely on the proposed ADU's compliance with the objective standards set forth in this chapter 7, UDC. If the Manager denies an application, the applicant may within ten (10) days of the denial request reconsideration of the application and present additional information demonstrating compliance with the objective standards of this UDC. The Manager will then have ten (10) days from the submission of the request for reconsideration to make a final decision and approve, approve with conditions, or deny the application. A public hearing shall not be held for ADU approvals. The ADU decision may not be appealed or otherwise elevated to a public hearing, recommendation, or a decision by an elected or appointed official.

2. Standards for ~~Detached~~ADUs: The following standards additionally apply to ~~detached~~ ADUs.

a. **Maximum Floor Area:** ~~The habitable floor area of an detached ADU shall not exceed fifty (50) percent of the habitable floor area of the principal structure or one thousand, two hundred and fifty (1,250) square feet, whichever is less; except that where the habitable area of the principal structure is less than one thousand, five hundred (1,500) square feet, the maximum size of the accessory dwelling unit shall be seven hundred and fifty (750) square feet.~~ **The floor area of an ADU shall not count towards the gross floor area for all accessory structures for the purposes of Section 7.3.304.A.3.b.**

b. **Maximum Height:** The maximum height of a detached ADU, or other structure containing a detached ADU, is twenty-five (25) feet with a flat roof or roof pitch of less than 6:12 (measured to top of roof line), or twenty-eight (28) feet with a roof pitch of 6:12 or greater (measured to roof peak). **The maximum height of an ADU shall not exceed the maximum building height for the principal building in the applicable zone district.**

c. Setbacks: **ADUs shall comply with established yard setbacks as follows:**

(1) ~~In the rear yard, the ADU shall be setback five (5) feet, or ten (10) feet if the dwelling unit is located above the garage and the overhead door faces an alley.~~ **Minimum front and side setbacks for an ADU shall not be greater than the setbacks for the primary dwelling unit.**

(2) ~~The ADU shall comply with the front yard and side yard setbacks of the zone district. The ADU is permitted in all yards.~~ **Minimum rear setbacks for an ADU shall not exceed the lesser of: (i) the minimum rear setback for other accessory building types in the same zone district, or (ii) five (5) feet.**

d. **Yards:**

(1) **All ADUs are permitted in corner yards, side yards, and rear yards.**

(2) **Integrated and attached ADUs, but not detached ADUs, are permitted in front yards.**

~~e.e.~~ **Prefabricated Homes:** Prefabricated homes, such as manufactured homes **or tiny homes**, are permitted for use as an ADU if placed on a permanent foundation and connected to metered utility services.

~~e.f.~~ **Conversion of Existing Detached Garages:** The detached garage shall meet the minimum setbacks for an accessory dwelling unit as required in this Section.

~~f.g.~~ **Limitation in LI Zone District:** ~~In the LI zone district, a detached ADU may only be used for the occupancy of a caretaker, security guard, or other person charged with oversight or protection of the principal use on the site.~~ **The applicant for an ADU shall provide a statement from the applicable water or wastewater service provider stating that its capacity to service the property is sufficient for the addition of the ADU.**

~~g.~~ **Limitation in the R-2 Zone District:**

~~3. In the R-2 zone district, a detached ADU may only be permitted when developed with a single family detached unit on a minimum five thousand (5,000) square foot lot. Standards for Integrated ADUs~~

The following standards additionally apply to integrated ADUs.

~~a. Limited to Single Family Detached Dwellings:~~

~~(1) Except in the LI zone district, an integrated ADU is only allowed within a detached single family dwelling and is not permitted in any other structure, including attached single family dwellings, two family dwellings, multi family dwellings, or commercial buildings.~~

~~(2) In the MX-M and MX-L zone districts, an integrated ADU is only permitted within a single family detached dwelling that existed as of the Effective Date.~~

~~b. Maximum Floor Area: The gross floor area of an integrated ADU shall not exceed fifty (50) percent of the gross floor area of the principal structure.~~

~~c. Maximum Height and Setbacks: The integrated ADU shall comply with the maximum height and setback requirements of the zone district.~~

~~e.h. Design Standards:~~

~~(1) In the R-E, R-1-9, and R-1-6 zone districts, **All** an integrated, **attached, or detached** ADUs, **regardless of the zone district**, shall not involve design modifications to the exterior of the principal structure that indicate its presence from the front or corner side of the principal structure. Building additions shall be architecturally compatible with the primary dwelling unit. Architectural compatibility shall be determined by reviewing the design, colors, and materials ADU as compared to the primary structure.~~

~~(2) External stairs are not allowed to provide access to a second-story accessory dwelling unit unless access into the ADU is from a second-story ~~deck~~**entrance**.~~

~~e.i. Exterior Access: An ~~integrated~~ ADU may have a separate exterior access that faces the side or rear property line.~~

3. **Accessory Dwelling Unit Fees:** Reasonable and necessary fees are to be established by the City Council and will be available from the Planning Department or on the City's website. The Manager may waive or modify fees if the applicant demonstrates the applicant's household is low-to-moderate income, the ADU will be deed restricted as an affordable dwelling, the ADU will be accessible and visitable by persons with disabilities, or the ADU will be used to support demonstrated community housing needs.

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G. Family Suite, Accessory: **Reserved.**

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Section 9. Part 2 (Dimensional Standards) of Article 4 (Development Standards and Incentives) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

7.4.201: GENERAL DIMENSIONAL STANDARDS:

A. * * *

Table 7.4.2-A Single-Family and Two-Family Residential District Dimensional Standards							
NOTE: Different standards in overlay districts supersede standards in this table.							
DU = Dwelling Unit AC = Acre SF = Square Feet ADU = Accessory Dwelling Unit							
ADU I = Integrated ADU ADU D = Detached ADU AFS = Accessory Family Suite							
Zone District	A	R-E	R-19	R-16	R-2	R-4	R-5
* * *							
Setbacks [7]							
* * *							
NOTES:							
* * *							
[7] Setbacks are measured from back of sidewalk, curb, or property line, whichever is lesser.							

* * *

C. * * *

**Table 7.4.2-C
Mixed-Use District Dimensional Standards**

NOTE: Different standards in overlay districts supersede standards in this table.

Zone District	OR	MX-N	MX-T	MX-M	MX-L	MX-I [1]
District Standards	* * *					
NOTES:						
[1] For single-family detached dwellings and associated accessory dwelling units , the dimensional standards of the R-1 6 zone district apply (see Table 7.4.2-A and 7.3.304.E). For two-family dwellings, the dimensional standards of the R-2 zone district apply (see Table 7.4.2-A). For all other residential uses, the dimensional standards of the R-5 zone district apply (see Table 7.4.2-B).						
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7.4.203: EXCEPTIONS AND ENCROACHMENTS:

A. * * *

Table 7.4.2-E Authorized Exceptions to Setback Requirements	
Type of Exception	Extent of Exception
Accessory structures or uses that are less than 200 square feet and less than 8 12 feet in height	Anywhere in rear yard and/or side yard but not into a recorded easement, unless the City has granted an easement encroachment.
Accessory structures or uses that are 200 square feet or larger	May not encroach into any setback required by Section 7.4.201 (General Dimensional Standards) except as required by Subsection 7.3.304A.1 (Required Setbacks) or Subsection 7.3.304.E (Accessory Dwelling) .
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Section 10. Part 10 (Parking and Loading) of Article 4 (Development Standards and Incentives) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

7.4.1003: PARKING SPACE REQUIREMENTS BY USE:

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B. * * *

3. * * *

Table 7.4.10-A Minimum Off-Street Parking Requirements	
DU= Dwelling Unit GFA = Gross Floor Area N/A = Not Applicable	
Use Types	Minimum Spaces
RESIDENTIAL USES	
Household Living	
Dwelling, Single-family Detached	2 per DU (Not including Accessory Dwelling Units)
Dwelling, Single-family Attached	
Dwelling, Two-family (duplex)	
* * *	
Waste and Recycling	
* * *	
Family Suite, Accessory	Per standards in Subsection 7.3.304G
* * *	

7.4.1006: ACCESSIBLE PARKING SPACE REQUIREMENTS:

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B. * * *

2. At least two (2) percent, but not less than one (1) parking space, of each type of parking space provided for attached dwelling unit, multi-family dwelling, group cooperative living, group living residence, dormitory, fraternity or sorority house, retirement home, rooming or boarding house, religious institution, single-family detached, ~~accessory dwelling unit~~, and two-family dwelling uses shall be accessible.

3. * * *

6. Attached or detached single-family and two-family dwellings **and accessory dwelling units** are not required to provide accessible spaces. **If an applicant decides to provide one or more accessible spaces for said dwelling units, the applicant shall provide evidence that the accessible spaces are designed to meet the requirements of the Americans with Disabilities Act.**

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7.4.1011: PARKING, LOADING, AND STACKING AREA MAINTENANCE:

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B. * * *

1. Except for parking spaces for attached or detached single-family or two-family dwellings **or associated accessory dwelling units**, all parking spaces shall be clearly delineated or striped and the striping shall be maintained so it is visible. Striping shall not be required for motor vehicle display or storage areas.

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C. * * *

2. Driveways and parking areas for attached or detached single-family or two-family dwellings **or associated accessory dwelling units** shall be surfaced with semi-permeable materials, asphalt, concrete, brick, pavers, crushed stone, or other similar surfaces that may be approved by the Manager.

3. The Manager may require the paving of legal, nonconforming unpaved parking, maneuvering or access areas or motor vehicle display or storage areas for any Permitted, Conditional, Temporary, or Accessory Use, except a single-family residence **or associated accessory dwelling units**. The requirement to pave shall be made after evaluating such factors as the character of the neighborhood and the amount and type of traffic generated by the use. The Manager shall find and determine that the use of the unpaved area causes air pollution due to blowing dust or adverse drainage conditions or that the use constitutes a nuisance to the residents or occupants of the neighborhood. Paving shall be provided as required by Subsections 1 and 2 above.

Section 11. Section 1404 (Code Adopted by Reference) of Part 14 (Building Codes) of Article 4 (Development Standards and Incentives) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

7.4.1404: CODE ADOPTED BY REFERENCE:

* * *

B. The Regional Building Code is subject to the following additions and modifications:

* * *

Section RBC303.4.66.1. Section R902.1 Roof covering materials.

Delete the second and third sentences and replace with the following:

One- and two-family dwellings, **and any accessory dwelling units**, shall have a minimum roof covering of Class A excluding solid wood roofing products. Accessory structures shall have a minimum roof covering of Class B. Class A and B roofing required by this section to be listed shall be tested in accordance with ASTM E108 or UL 790.

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Section 12. Section 515 (Development Plan) of Part 5 (Administrative Decisions) of Article 5 (Administration and Enforcement) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

7.5.515: DEVELOPMENT PLAN:

* * *

B. * * *

2. * * *

a. New construction **or conversion** of or an addition to an existing detached single-family or attached two-family residential structure, accessory dwelling unit, and accessory structures upon an existing platted lot.

* * *

Section 13. Section 206 (Yards) of Part 2 (Rules of Measurement and Calculation) of Article 6 (Definitions and Rules of Construction) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, is created to read as follows:

7.6.206: YARDS:

A yard is the area between a property line and the building façade, which may contain a structure, landscaping, parking, or other permitted use set forth in Section 7.3.304 (Accessory Uses).

A. Front Yard: The area from the front building façade to the front property line, inclusive of the front yard setback.

B. Rear Yard: The area from the rear building façade to the rear property line, inclusive of the rear yard setback.

C. Side Yard: The area from the side building façade to the side property line, inclusive of the side yard setback.

D. Corner Side Yard: The area from the corner side building façade to the corner side property line, inclusive of the corner side yard setback.

Section 14. Section 301 (Definitions) of Part 3 (Definitions) of Article 6 (Definitions and Rules of Construction) of Chapter 7 (Unified Development Code) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

7.6.301: DEFINITIONS:

* * *

~~ACCESSORY FAMILY SUITE: An accessory family suite is a room or group of rooms forming a single habitable area for one (1) 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 is not considered a separate dwelling unit for purposes of this UDC if all the requirements are met and the accessory family suite is in continual compliance.~~

* * *

DWELLING, ACCESSORY: **Also referred to as an Accessory Dwelling Unit (ADU).** A dwelling unit that is subordinate to the principal residential dwelling unit on the lot, that is located upon the same lot as the principal unit, and that remains under the same ownership as the principal unit. **Accessory dwelling units may be integrated, attached, or detached dwelling units, must provide complete independent living facilities for one or more individuals, and must provide facilities for living, sleeping, eating, cooking, and sanitation. This definition may include a tiny house (detached dwelling of four hundred (400) square feet or less of gross floor area) that meets the standards of the Regional Building Code for long-term occupancy.** There are ~~two (2)~~**three (3)** types of accessory dwelling units:

INTEGRATED: An accessory dwelling unit that is located inside of the principal residential unit on the lot ~~or attached by a shared common wall.~~

ATTACHED: An accessory dwelling unit connected to the principal residential dwelling unit by a wall or other permanent connection.

* * *

DWELLING, SINGLE-FAMILY DETACHED: A building with one (1) dwelling unit located on one (1) lot, with no physical or structural connection to any other dwelling unit and used

exclusively for occupancy. This definition includes a tiny house (detached dwelling of four hundred (400) square **feet** or less of gross floor area) that meets the standards of the Regional Building Code for long-term occupancy. This use may include an ~~integrated~~ accessory dwelling unit, subject to the provisions of Subsection 7.3.304E (Dwelling, Accessory).

DWELLING, TWO-FAMILY (DUPLEX): A single building located on one (1) lot, with no physical or structural connection to any other building, that consists of two (2) attached dwelling units, with each unit used exclusively for occupancy by one (1) family, one (1) unit not being accessory to the others, and that does not meet the definition of a Dwelling, Single-Family Attached. A Dwelling, Single-Family Detached with an integrated **or attached** accessory dwelling unit is not included in this definition.

DWELLING UNIT: A single unit providing complete, independent living facilities for one (1) or more persons, including permanent ~~provisions~~**facilities** for living, sleeping, eating, cooking, and sanitation.

* * *

~~FAMILY: An individual, two (2) or more persons related by blood, marriage, adoption, or similar legal relationship, or a group of not more than five (5) persons who need not be so related, plus domestic staff employed for services on the premises, living together as a single housekeeping unit in one (1) dwelling unit.~~**An individual or group of persons in numbers allowed by both the International Building Code and International Fire Code, as same have been adopted and amended by the City. A familial relationship between the occupants is not necessary.** The definition of "family" shall apply regardless of whether any member of such group receives outside services for mental, emotional, or physical disability.

* * *

YARD: See definitions related to "~~Setback~~**Yards**" in Section ~~7.2.206~~ **7.6.206** (~~Setbacks~~**Yards**).

* * *

Section 15. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 16. 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 _____, 2024.

Finally passed: _____

Randy Helms, Council President

Mayor's Action:

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

Blessing A. Mobolade, 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.

Randy Helms, Council President

ATTEST:

Sarah B. Johnson, City Clerk