ORDINANCE NO. 20-39

AN ORDINANCE CREATING SECTION 510 (ACCESSORY DWELLING UNIT OVERLAY) OF PART 5 (OVERLAY 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, PERTAINING TO ACCESSORY DWELLING UNITS

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

Section 1. Section 510 (Accessory Dwelling Unit Overlay) of Part 5 (Overlay 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 created to read as follows:

7.3.510: Accessory Dwelling Unit Overlay:

A. Purpose: The purpose of the accessory dwelling unit overlay is to provide flexible housing options in a neighborhood while ensuring the overall character of the development is consistent with the base zone. The accessory dwelling unit overlay may be used in conjunction with the zoning of new residential development. The intent of the overlay is to assist in the implementation of the Comprehensive Plan's housing goals.

B. Zoning Requirements: The overlay district shall be made up of contiguous parcels of land which are vacant and under common ownership. The minimum size of the overlay district shall be 10 acres, except that a smaller district may be approved if that area is surrounded by identifiable boundaries such as roadways that are classified as Collector or larger, railroad rights-of-way, open space and/or greenways, or adjacency to a multi-family or commercial zone district boundary. In no instance shall an accessory dwelling unit overlay district be smaller than 3 acres.

C. Development Standards: Except as expressly exempted in this Part, all accessory dwelling unit requirements set forth in Section 7.3.105.M of this Code shall be met, unless otherwise established with a Planned Unit Development (PUD) zone. The PUD zoning ordinance shall establish whether integrated and/or

detached accessory dwelling units are permitted in addition to other development standards if more or less restrictive than Section 7.3.105.M.

D. Use by Right: Accessory dwelling units within the accessory dwelling unit overlay shall be considered a permitted use in the overlay zone district and shall not be subject to the Conditional Use process as set forth elsewhere in this Chapter.

E. Occupancy: Properties zoned with an accessory dwelling unit overlay shall not be subject to the owner occupancy requirement provided for in Section 7.3.105.M of this Code.

Section 2. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 3. 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 9th day of June, 2020.

Finally passed: June 23rd, 2020

Council President

Mayor's Action:

☒ Approved on June 25, 2020.
☐ Disapproved on _____, based on the following objections:

_____
_____
_____
_____

John W. Suthers
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
Sarah B. Johnson, City Clerk

CAO: MS
COS: ____

I HEREBY CERTIFY, that the foregoing ordinance entitled **"AN ORDINANCE CREATING SECTION 510 (ACCESSORY DWELLING UNIT OVERLAY) OF PART 5 (OVERLAY 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, PERTAINING TO ACCESSORY DWELLING UNITS"** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on June 9th, 2020; that said ordinance was finally passed at a regular meeting of the City Council of said City, held on the 23rd day of June, 2020, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Transcript, a newspaper published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 25th day of June, 2020.

Sarah B. Johnson, City Clerk

1st Publication Date: June 12th, 2020
2nd Publication Date: July 1st, 2020

Effective Date: July 6th, 2020

Initial: SBJ
City Clerk