

ORDINANCE NO. 24 - _____

AN ORDINANCE AMENDING CHAPTER 7 (UNIFIED DEVELOPMENT CODE (UDC)) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, AS RELATED 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uses is a traditional home rule power within the purview of the City, and state laws that conflict with the same may be superseded by local law; and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 (UDC)) 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:

The following zone districts are established as shown in Table **Error! Reference source not found.**-A. Each of the listed districts is described in the pages that follow.

Table Error! Reference source not found.-A Zone Districts	

ADU-O: Accessory Dwelling Unit Overlay	

Section 3. Section 204 (R-1 6: Single-Family - Medium) of Part 2 (Agricultural and Residential Zone Districts) of Article 2 (Zone Districts) of Chapter 7 (Unified Development Code (UDC)) 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:

B. Dimensional Standards: The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including

standards for accessory structures, are included in Part 7.4.2 (Dimensional Standards) and Section 7.3.304 (Accessory Uses).

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.		

Section 4. Section 205 (R-2: Two-Family) of Part 2 (Agricultural and Residential Zone Districts) of Article 2 (Zone Districts) of Chapter 7 (Unified Development Code (UDC)) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

7.2.205: R-2: TWO-FAMILY:

B. Dimensional Standards: The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Part 7.4.2 (Dimensional Standards) and Section 7.3.304 (Accessory Uses).

Table 7.2.2-E R-2: Lot and Building Standards	

Setbacks (minimum) [3]	

A	Front	
		House 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.		

Section 5. Section 206 (R-4: Multi-Family Low) of Part 2 (Agricultural and Residential Zone Districts) of Article 2 (Zone Districts) of Chapter 7 (Unified Development Code (UDC)) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

7.2.206: R-4: MULTI-FAMILY LOW:

B. Dimensional Standards: The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Part 7.4.2 (Dimensional Standards) and Section 7.3.304 (Accessory Uses).

Table 7.2.2-F R-4: Lot and Building Standards	

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.	

Section 6. Section 207 (R-5: Multi-Family High) of Part 2 (Agricultural and Residential Zone Districts) of Article 2 (Zone Districts) of Chapter 7 (Unified Development Code (UDC)) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

7.2.207: R-5: MULTI-FAMILY HIGH:

B. Dimensional Standards: The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Part 7.4.2 (Dimensional Standards) and Section 7.3.304 (Accessory Uses).

Table 7.2.2-G R-5: Lot and Building Standards	

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.	

Section 7. Section 301 (OR: Office Residential) of Part 3 (Mixed-Use Zone Districts) of Article 2 (Zone Districts) of Chapter 7 (Unified Development Code (UDC)) 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:

B. Dimensional Standards: The following table is a summary of key district-specific dimensional standards. Complete dimensional standards, including standards for accessory structures, are included in Part 7.4.2 (Dimensional Standards) and Section 7.3.304 (Accessory Uses).

Table 7.2.3-A OR: Lot and Building Standards		
District Standards		
	District area (minimum)	N/A
Lot Standards		
	Lot area (minimum)	5,000 sf
	Lot width (minimum)	50 ft
	Lot coverage (maximum)	50%
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.		

Section 8. Section 307 (FBZ: Form-Based Zone (Regulating Plan District)) of Part 3 (Mixed-Use Zone Districts) of Article 2 (Zone Districts) of Chapter 7 (Unified

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

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

B. Requirements:

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.

Section 9. Section 605 (ADU-O: Accessory Dwelling Unit Overlay) of Part 2 (Overlay Districts) of Article 2 (Zone Districts) of Chapter 7 (Unified Development Code (UDC)) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

7.2.605: **RESERVED.** ~~ADU-O: ACCESSORY DWELLING UNIT OVERLAY:~~

~~—A. Purpose: The purpose of the ADU-O district is to allow flexible housing options in a neighborhood while ensuring the overall character of the development is consistent with the base zone. The ADU-O district may be used in conjunction with residential development approved on or after the Effective Date of the UDC.~~

~~—B. District Requirements:~~

~~—1. The overlay district shall be made up of contiguous parcels of land that are undeveloped and under a single or common ownership.~~

~~—2. The minimum size of the overlay district shall be ten (10) acres; provided, that an area no smaller than three (3) acres may be considered for zoning to the overlay district if that area has identifiable boundaries. These boundaries may include roadways that are classified as collector or larger, open space, green space, or adjacency to a multi-family or commercial zone district boundary.~~

~~—C. Standards:~~

~~—1. Permitted Use: An integrated or detached Accessory Dwelling Unit (ADU) is a permitted accessory use within the ADU-O district, regardless of whether the base zone district for the property permits an ADU.~~

~~—2. Development Standards: All ADUs shall comply with the use-specific standards in Subsection 7.3.304E (Dwelling, Accessory) and shall comply with all other applicable provisions of this UDC, except that the owner occupancy requirement in Subsection 7.3.304E.1.a (Owner Occupancy) shall not apply.~~

~~—3. Restriction on Subdivision: The restrictions at Subsection 7.3.304E.1.c (Restriction on Subdivision) apply in the ADU-O district.~~

Section 10. 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 (UDC)) 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:

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.**

Section 11. Section 201 (Base And NNA-O District Use Table) of Part 2 (Allowed Use Tables) of Article 3 (Use Regulations) of Chapter 7 (Unified Development Code (UDC)) 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:

Table 7.3.2-A below lists the land uses available in the base zone districts and the NNA-O district, subject to the use-specific standards cross-referenced in the right-hand column of the table. Use categories are defined as: Residential Uses, Civic, Public, and Institutional Uses; and Commercial and Industrial Uses.

Table 7.3.2-A Base and NNA-O District Use Table		P = Permitted C = Conditional use										A = Accessory to primary use T = Temporary use										Use-Specific Standards							
		R = Allowed pursuant to regulating plan																											
Zone District →	Land Use ↓	Residential										Mixed-Use					Indus.			Spec P.		NNA-O							
		A	R-E	R-1.9	R-1.6	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	
RESIDENTIAL USES																													
Household Living																													
Dwelling, Single-family Detached		P	P	P	P	P	P	P	P	P	P	P	P	C	C														
Dwelling, Two-family (duplex)						P	P	P	P	P	P	P	P	P	C	P	R												
Dwelling, Single-family Attached						P	P	P	P	P	P		P	P	P	P	R									P	P	P	

Dwelling, Accessory, Detached (All)		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	0
Dwelling, Accessory, Integrated		A	C	C	C				A	A	A				A	A	R		C										0
Electric Vehicle Charging		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	A	Error! Reference source not found.	
Family Suite, Accessory		A	A	A	A	A	A	A	A	A	A	A	A	A	A													7.1.101G	

Section 12. Section 202 (Additional Overlay District Use Table) of Part 2 (Allowed Use Tables) of Article 3 (Use Regulations) of Chapter 7 (Unified Development Code (UDC)) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

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

7.3.202: ADDITIONAL OVERLAY DISTRICT USE TABLE:

Table 7.3.2-B: Additional Overlay District Use Table below lists the land uses available in the Streamside Overlay (SS-O) and Airport Overlay (AP-O) districts. The uses in Table 7.3.2-B: Additional Overlay District Use Table supplement and supersede, but do not replace, the use indications for each base zone district listed in Table 7.3.2-A: Base and NNA-O District Use Table. In case of a conflict between Tables 7.3.2-A (Base and NNA-O District Use Table) and 7.3.2-B: Additional Overlay District Use Table, the provisions of Table 7.3.2-B shall apply. (In the NNA-O district, permitted uses supersede the permissions in the base zone district and are listed in Table 7.3.2-A.)

Land Use ↓		Overlay District →				
		SS-O	AP-O [1]			
		ADNL	RPZ	APZ-1	APZ-2	ANAV
RESIDENTIAL USES						
Household Living						
Dwelling, Single-family Detached		P	[2]			P
Dwelling, Single-family Attached		P	[2]			P
Dwelling, Two-family (duplex)		P	[2]			P

Dwelling, Accessory, Detached (All)		A	C A	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

Notes						
[1] Certain uses may be permitted in the ADNL subzone with proper building design and minimal outdoor uses (see page 14 of AC150/5050-6).						
[2] Residential uses are prohibited within a noise subzone of 65 DNL or greater.						
[3] Public Assembly areas, noise-sensitive cultural activities, and nature exhibits are not permitted.						
[4] Conditional use review is required for proposed development in an area with greater than 65 DNL.						
[5] A golf course is permitted by-right in ADNL and conditional in APZ-1; all other uses in this category are conditional in ADNL and permitted by-right in APZ-1.						
[6] Warehousing and outdoor storage only, with no permanent occupancy.						
[7] Retail and office square footage to be determined through Development Plan review.						

Section 13. Section 304 (Accessory Uses) of Part 3 (Use-Specific Standards) of Article 3 (Use Regulations) of Chapter 7 (Unified Development Code (UDC)) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

7.3.304: ACCESSORY USES:

Accessory use regulations address not only the uses listed below but also the use related structures.

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. Required Setbacks: Accessory structures or uses are permitted in setbacks only as follows:
 - a. Accessory structures or uses less than two hundred (200) square feet in gross floor area are allowed in the required rear-yard setback, but the structure or use may not encroach into recorded easements unless the City has granted an easement encroachment.
 - 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. Height Restrictions: In the A, R-E, R-1 9, R-1 6, R-2, R-Flex Low, OR, MX-N, and MX-M zone districts, the maximum height of an accessory structure or use that is:
 - a. Located in a required setback is twelve (12) feet.

b. Not located in a required setback, is sixteen (16) feet with a roof pitch of less than 6:12, or twenty (20) feet with a roof pitch of 6:12 or greater.

3. Dimensional Restrictions

a. The following dimensional standards apply to all accessory structures except:

(1) Accessory structures used for agricultural purposes in the A zone district;

(2) Secondary industrial buildings in the A, LI, and GI districts; and

(3) ~~Detached~~ Accessory Dwellings **Units**, which are subject to Subsection 0 (2. Standards for Detached ADUs **Dwelling, Accessory**).

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

4. Use Restrictions:

a. No accessory structure shall be constructed and occupied on any lot prior to the time of the completion of the construction of the principal structure to which it is accessory.

b. Vehicles may not be used as accessory structures.

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 (STR).**

E. Dwelling, Accessory: A single Accessory Dwelling Unit (ADU) is allowed on a lot that meets the dimensional requirements of Part ~~Error! Reference source not found.~~ **Error! Reference source not found.** and complies with the following standards as shown on an approved site plan. The ADU may be detached or integrated, pursuant to Part ~~Error! Reference source not found.~~ **Error! Reference source not found.** **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 0 (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 **Error! Reference source not found.** (**Error! Reference source not found.**) 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 **Error! Reference source not found.** (**Error! Reference source not found.**). **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:~~

~~(1) 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.~~

(2) The declaration of restrictions shall prohibit the owner and the owner's heirs or assigns from selling the ADU separately from the principal dwelling unit. Such restriction shall be binding upon and run with the land.

(3) The declaration of restrictions shall lapse upon removal of the ADU. Upon request of the owner and confirmation by the City that the ADU 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.

~~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** ~~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 0 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.** Covenants: The provisions of this Subsection 0 do not supersede private covenants regarding ADUs.

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 City Code 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 City Code Chapter 7, Unified Development Code. 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 Unified Development Code. 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 total accessory structure(s) floor pursuant to 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 integrated or attached ADU shall not exceed the greater of: (i) the building height of the principal building, or (ii) the maximum building height for the principal building in the zone district, whichever is greater.**

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

(1) **Minimum Front and side setbacks for an ADU shall not be greater than the setbacks for the primary dwelling unit.** ~~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.~~

(2) **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.** ~~The ADU shall comply with the front yard and side yard setbacks of the zone district. The ADU is permitted in all yards.~~

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.

~~d.~~ **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.~~

~~d. h. Design Standards:~~

~~(1) In the R-E, R-1-9, and R-1-6 zone districts, **All an integrated or attached 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.~~

~~j. **Internal Connectivity: An integrated or attached ADU shall maintain interior access to the principal dwelling unit through either a common doorway, hallway, or stairway. Interior access may be locked if an exterior access exists.**~~

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.

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

An Accessory Family Suite is permitted as an accessory use to a principal single-family detached dwelling, subject to the following requirements:

~~General~~

- ~~a. An Accessory Family Suite is permitted only within a legally established single-family detached dwelling and is not permitted in any other structure, including attached single-family dwellings, two-family dwellings, multi-family dwellings, or commercial buildings.~~
- ~~b. An Accessory Family Suite cannot be located on the same lot as an Accessory Dwelling Unit.~~
- ~~c. The total number of individuals collectively occupying both the principal dwelling unit and the Accessory Family Suite can be no more than one family. The owner shall complete and record an affidavit assuring the property owner's acknowledgement of the occupancy limitations as listed above. No zoning enforcement action pursuant to Section **Error! Reference source not found. (Error! Reference source not found.)** may be brought against a tenant by the City for a failure of the owner to meet the one-family requirement.~~

~~Off-Street Parking~~

~~One (1) off-street parking space shall be provided in addition to the minimum parking required for the principal structure.~~

~~Exterior Access~~

~~An Accessory Family Suite may have a separate exterior access that faces the side or rear property line. An Accessory Family Suite 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 be shared with the principal dwelling unit.~~

~~Internal Connectivity~~

~~An Accessory Family Suite shall maintain interior access to the principal dwelling unit through either a common doorway, hallway, or stairway. Interior accesses may be locked if an exterior access exists.~~

~~Maximum Floor Area~~

~~The gross floor area of an Accessory Family Suite shall not exceed fifty (50) percent of the gross floor area of the principal structure.~~

~~Maximum Height and Setbacks~~

~~The Accessory Family Suite shall comply with the maximum height and setback requirements of the zone district.~~

~~Design Standards~~

~~An Accessory Family Suite shall not involve design modifications to the exterior of the principal structure that indicate its presence from the front of the principal structure. Building additions shall be architecturally compatible with the primary dwelling unit. External stairs are not allowed to provide access to a second-story Accessory Family Suite unless access into the Accessory Family Suite is from a second-story deck.~~

~~Restriction on Subdivision~~

~~An 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 Part **Error! Reference source not found.** (**Error! Reference source not found.**). The following restrictions apply:~~

~~d. 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.~~

~~e. 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.~~

~~f. 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.~~

~~PDZ Districts~~

~~Accessory Family Suites shall be permitted in PDZ districts unless expressly prohibited by the PDZ ordinance. Accessory Family Suites shall~~

~~not be included as separate from the single-family detached dwelling when calculating the density of a PDZ district.~~

~~-Covenants~~

~~The provisions of this Subsection 7.1.101G do not supersede private covenants regarding Accessory Family Suites.~~

Section 14. Section 201 (General Dimensional Standards) of Part 2 (Dimensional Standards) of Article 4 (Development Standards and Incentives) of Chapter 7 (Unified Development Code (UDC)) 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:

The following four tables, Tables 7.4.2-A through 7.4.2-D, establish the dimensional standards for the agricultural and residential, mixed-use, industrial, public and semi-public, and North Nevada Avenue Overlay (NNA-O) zone districts established in Article 7.2: Zone Districts. In case of conflict between the dimensions shown in this Section 7.4.201 and the dimensions shown for individual zone districts in Article 7.2: Zone Districts, the dimensions in this Section shall control. Accessory structures shall meet the required minimum setbacks and maximum heights applicable to primary structures unless otherwise noted in Section 7.4.203 (Exceptions and Encroachments) or otherwise noted in this UDC. Maximum heights of structures may be further limited by the FAA's regulations on Safe, Efficient Use, and Preservation of the Navigable Airspace, 14 CFR Part 77, particularly on lands close to Colorado Springs Airport and the United States Air Force Academy.

A. Single-Family and Two-Family Residential Zone Districts: Dimensional standards for the A, R-E, R-1 9, R-1 6, and R-2 zone districts are shown in Table 7.4.2-A (Single-Family and Two-Family Residential District Dimensional Standards).

Table Error! Reference source not found.-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-1 9	R-1 6	R-2	R-4	R-5
Lot Standards							
Residential density (maximum)	N/A	N/A	N/A	N/A	N/A	8 du/ac [6]	25 du/ac
Lot area (minimum)							
<i>Single-Family Detached</i>	5 ac	20,000 sf	9,000 sf	6,000 sf	5,000 sf	5,000 sf	4,000 sf
<i>Single-Family Attached</i>	N/A	N/A	N/A	N/A	3,500 sf	3,000 sf	2,200 sf
<i>Two-Family (Duplex)</i>	N/A	N/A	N/A	N/A	7,000 sf	6,000 sf	6,000 sf
<i>Multi-Family – one-story structure</i>	N/A	N/A	N/A	N/A	N/A	2,500 sf per du	1,400 sf per du
<i>Multi-Family – two-story structure</i>	N/A	N/A	N/A	N/A	N/A	2,000 sf per du	1,100 sf per du
<i>Multi-Family – three-story structure</i>	N/A	N/A	N/A	N/A	N/A	1,500 sf per du	900 sf per du
<i>Multi-Family – four-story structure</i>	N/A	N/A	N/A	N/A	N/A	N/A	800 sf per du
Lot width (minimum)	200 ft	100 ft	75 ft	50 ft	50 ft	50 ft	50 ft

Setbacks [7]							

NOTES:							
[1] Front Yard Carports shall comply with Subsection 7.3.304C (Carport or Garage, Accessory).							
[2] A school, religious institution, and other places of public assembly permitted in the zone district may exceed the building height maximums if the side and rear setback requirements are increased by an additional foot for each foot that the height of the building exceeds the building height maximum.							
[3] In districts with 5 ft. side setbacks, the side setback may be reduced to 3 ft. if Colorado Springs Utilities and the Stormwater Enterprise Manager determine that adequate utilities and drainage can be provided.							
[4] 5 ft. side setback does not apply where two permitted structures share a common wall.							
[5] 5 ft. rear setback applies to SFA/SFD/2F dwellings where parking is accessed from an alley and no driveway parking is provided on the lot.							
[6] Applies only to multi-family residential.							
[7] Setbacks are measured from back of sidewalk, curb, or property line, whichever is lesser.							

C. Mixed-Use Zone Districts: Dimensional standards for the OR, MX-N, MX-T, MX-M, MX-L, and MX-I zone districts are shown in Table 7.4.2-C (Mixed-Use District Dimensional Standards).

Table Error! Reference source not found.-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						

**Table Error! Reference source not found.-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]

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 Error! Reference source not found.-A and 7.3.304.E). For two-family dwellings, the dimensional standards of the R-2 z one district apply (see Table Error! Reference source not found.-A). For all other residential uses, the dimensional standards of the R-5 zone district apply (see Table Error! Reference source not found.-B).						

Section 15. Section 203 (Exceptions and Encroachments) of Part 2 (Dimensional Standards) of Article 4 (Development Standards and Incentives) of Chapter 7 (Unified Development Code (UDC)) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

7.4.203: EXCEPTIONS AND ENCROACHMENTS:

- A. Setback Exceptions: Every part of a required setback shall be unobstructed from ground level to the sky, except as shown in Table 7.4.2-E, but none of the listed exceptions shall authorize the encroachment of any development or structure across property lines or into a public right-of-way.

Table Error! Reference source not found.-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 Error! Reference source not found. (General Dimensional Standards) except as required by Subsection 0 (Required Setbacks) or Subsection 7.3.304.E (Accessory Dwelling) .

Section 16. Section 1003 (Parking Space Requirements by Use) of Part 10 (Parking and Loading) of Article 4 (Development Standards and Incentives) of

Chapter 7 (Unified Development Code (UDC)) 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:

3. Unlisted Uses: The required off-street parking spaces for a use which is not specifically listed in Table 7.4.10-A shall be determined by the Manager based upon the requirements of other listed similar uses.

Table Error! Reference source not found.-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)	

Dwelling, Accessory	Per standards in Subsection 0
Electric Vehicle Charging	No requirement
Family Suite, Accessory	Per standards in Subsection 7.1.101G

Section 17. Section 1006 (Accessible Parking Space Requirements) of Part 10 (Parking and Loading) of Article 4 (Development Standards and Incentives) of Chapter 7 (Unified Development Code (UDC)) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

7.4.1006: ACCESSIBLE PARKING SPACE REQUIREMENTS:

A. Generally: Accessible parking spaces shall be provided and designed to meet the requirements of the Americans with Disabilities Act.

B. Number Required:

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.

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 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.**

Section 18. Section 1011 (Parking, Loading, and Stacking Area Maintenance) of Part 10 (Parking and Loading) of Article 4 (Development Standards and Incentives) of Chapter 7 (Unified Development Code (UDC)) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

7.4.1011: PARKING, LOADING, AND STACKING AREA MAINTENANCE:

A. Condition: Off-street parking and maneuvering areas in conformance with this Part 7.4.10 shall be permanently maintained with the use to which they relate so long as such use remains.

B. Striping of Spaces:

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.

2. All vehicle use areas that are not parking spaces, such as loading zones, emergency lanes, or spaces in front of doorways/entrances, shall be clearly delineated.

C. Surfacing and Drainage:

1. The surface of all parking spaces, drives, aisles, maneuvering and motor vehicle outdoor sale and/or rental display or storage areas shall be paved. For the purpose of this Section, "paving" shall mean covered with semi-permeable materials, asphalt, concrete, brick, pavers, or other similar surfaces that may be approved by the Manager.

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 19. Section 1404 (Code Adopted by Reference) of Part 14 (Building Codes) of Article 4 (Development Standards and Incentives) of Chapter 7 (Unified Development Code (UDC)) 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:

A. There is hereby adopted by reference the Pikes Peak Regional Building Code, 2023 Edition, together with Appendix A and Appendix B, as published by Pikes Peak Regional Building Department, 2880 International Circle, Colorado Springs, CO 80910, as amended, including all referenced and adopted codes listed in that document. Three (3) copies of the Pikes Peak Regional Building Code,

2023 Edition are now filed in the Office of the City Clerk and may be inspected during regular business hours. The Regional Building Code is being adopted as if set out at length.

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.

Section 20. Section 515 (Development Plan) of Part 5 (Administrative Decisions) of Article 5 (Administration and Enforcement) of Chapter 7 (Unified Development Code (UDC)) 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. Applicability:

2. Notwithstanding Subsection 1 above, a Development Plan is not required in connection with the following:

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 21. 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 (UDC)) of the Code of the City of Colorado Springs 2001, as amended, is hereby added 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 22. Section 301 (Definitions) of Part 3 (Definitions) of Article 6 (Definitions and Rules of Construction) of Chapter 7 (Unified Development Code (UDC)) of the Code of the City of Colorado Springs 2001, as amended, is hereby amended to read as follows:

7.6.301: DEFINITIONS:

ACCESSORY DWELLING UNIT (ADU): See Dwelling, Accessory.

ACCESSORY STRUCTURE: A structure that is located on the same lot and detached and separate from the principal building. Accessory structures are incidental to the principal structure and devoted exclusively to an accessory use. Some

examples of accessory structures are garages, carports, sheds, storage buildings, play structures, gazebos, arbors, greenhouses, barns, saunas, and other similar buildings. Fences and walls that exceed seven (7) feet in height are considered accessory structures.

~~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.~~

ACCESSORY USE: A use which is subordinate to and serves a principal building or use and is located on the same lot as the principal building or use served.

DWELLING: A building that contains one (1) or two (2) dwelling units used, intended, or designed to be occupied for living purposes.

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.

DETACHED: An accessory dwelling unit located within an accessory structure.

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

Section 24. 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

DRAFT

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