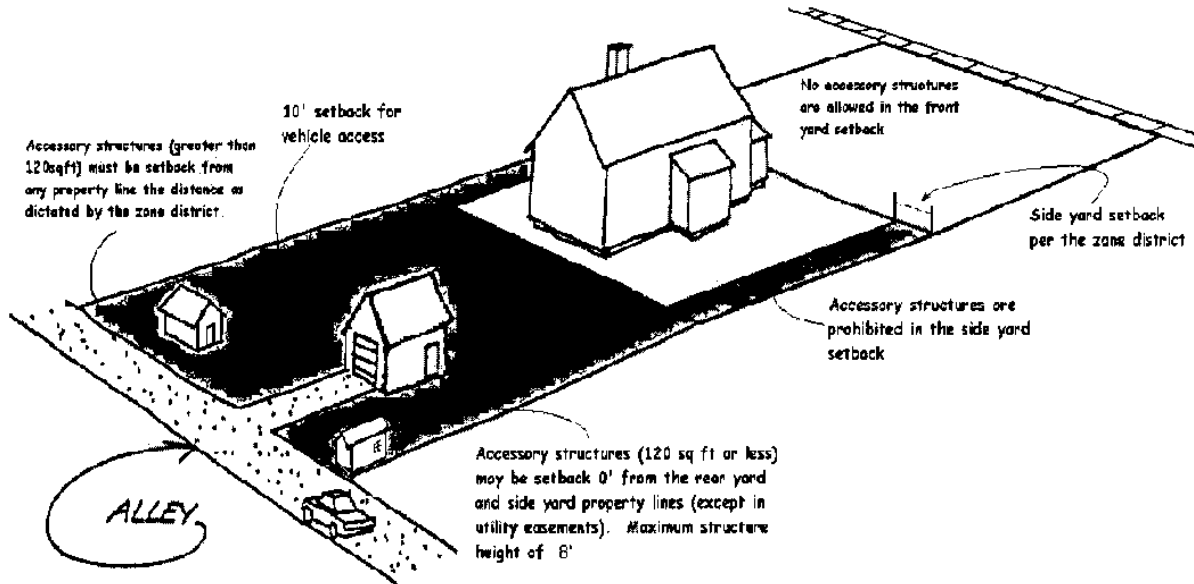


**7.3.105: ADDITIONAL STANDARDS FOR SPECIFIC USES ALLOWED IN RESIDENTIAL ZONES:**

Individual standards are designed to mitigate impacts that apply to many uses allowed in the residential zone districts. Complete descriptions of these uses and standards are as follows. These standards are in addition to the residential development standards and the general site design standards contained in this chapter.

A. Accessory Uses And Structures: Accessory uses which comply with this section are permitted in any zone district, but only in connection with a principal use which is permitted within the district. 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 an accessory. The use of vehicles as storage structures or as other types of accessory structures is prohibited.



1. Except for development in a TND zone, accessory structures and uses shall comply with the following development standards:

- a. Accessory structures are not allowed in the front yard setback. The structure/use shall maintain the minimum side yard setbacks for the zone in which it is located;
- b. Detached garages and carports with doors adjacent to an alley or access easement shall be set back a minimum of ten feet (10') from the property line adjacent to the alley or from the edge of any access easement;
- c. Accessory structures/uses of one hundred twenty (120) square feet or less in gross floor area are allowed anywhere in the rear yard setback so long as the structure does not encroach into any recorded easements, unless an easement encroachment has been granted by the City;
- d. Accessory structures/uses that are greater than one hundred twenty (120) square feet in gross floor area located in the rear yard setback must maintain the following setback from any property line within the rear yard area:

A, R estate, R-1 9000	10 feet
R-1 6000, R-2, R-4, R-5, SU, OR, OC, C-5, C-6, M-1	5 feet
PUD, TND	5 feet unless otherwise specified on the approved development plan
M-2	0 feet

- e. Accessory structures/uses located within a hillside, historic preservation or streamside overlay zone district are subject to site plan review to determine compliance with the provisions of those overlay districts;
- f. All roofed/covered accessory structures/uses are subject to lot coverage maximums for the zone district;
- g. Accessory structures/uses shall be no larger in gross floor area than the footprint of the principal structure located on the lot;
- h. Accessory structures/uses shall comply with the following height restrictions:
  - (1) Accessory structures/uses of one hundred twenty (120) square feet in gross floor area or less:
    - (A) Shall not exceed eight feet (8') at the highest point if located within the required setbacks for the zone.
    - (B) Structures that meet the setback requirements will be subject to the same height standards as accessory structures that are over one hundred twenty (120) square feet.

(2) Accessory structures/uses over one hundred twenty (120) square feet in gross floor area:

(A) With a roof pitch of less than six to twelve (6:12) shall have a maximum height of sixteen feet (16').

(B) With a roof pitch of six to twelve (6:12) or greater shall have a maximum height of twenty feet (20').

(C) Height of accessory structures/uses shall be measured as the vertical distance of the average elevation of the finished grade adjoining the building to the highest point of the roof surface.

(i) These height standards shall not apply to accessory dwelling units constructed in R-2, R-4, R-5, SU, and C-5 Zone Districts in accord with this section.

(ii) These height standards shall not apply to accessory dwelling units constructed in a PUD or TND Zone. The height limitations for accessory dwelling units within the PUD and TND Zone Districts shall be established by the approved development plan.

2. Any structure or use that complies with the definition of an "accessory use" and the standards described below may be allowed. All accessory structures and uses shall comply with the use limitations applicable in the zoning district in which they are located. Accessory uses and structures include, but are not limited to, the following list of examples. The Manager will determine similar uses which are not listed but meet the definition and standards of an accessory use. This section does not apply to mobile home parks.

a. Antenna: Antennas, i.e., radio, television, CB and satellite dishes are allowed in any residential zone district.

b. Beehive(s):

(1) Properties Less Than Ten Thousand Square Feet: Properties that are less than ten thousand (10,000) square feet in area are permitted a maximum of two (2) beehives.

(2) Properties Between Ten Thousand Square Feet And One Acre: Properties that are between ten thousand (10,000) square feet and one acre in area are permitted a maximum of four (4) beehives.

(3) Properties Greater Than One Acre And Up To Five Acres: Properties that are greater than one acre but not more than five (5) acres in area are permitted the following:

(A) Up to two (2) acres a maximum of five (5) beehives.

(B) Over two (2) acres and up to three (3) acres a maximum of six (6) beehives.

(C) Over three (3) acres and up to four (4) acres a maximum of seven (7) beehives.

(D) Over four (4) acres and up to five (5) acres a maximum of eight (8) beehives.

(4) Properties Greater Than Five Acres: Properties that are greater than five (5) acres in area are permitted an unlimited number of beehives.

(5) Setbacks:

(A) On properties less than ten thousand (10,000) square feet in area, beehives must be a minimum of five feet (5') from the nearest side or rear property line, measured from the nearest point of the hive box to the property line, and may not be located within the front-yard setback.

(B) On properties between ten thousand (10,000) square feet and five (5) acres in area, beehives must be a minimum of fifteen feet (15') from the nearest side or rear property line, measured from the nearest point of the hive box to the property line, and may not be located within the front-yard setback.

(C) On properties that are more than five (5) acres in area, beehives must be a minimum of fifty feet (50') from the nearest property line, measured from the nearest point of the hive box to the property line.

(6) Flyway Barriers:

(A) A flyway barrier shall be installed within five feet (5') of the entrance of all beehives on properties of less than five (5) acres in area. No flyway barrier is required if the beehive(s) is located fifty feet (50') or more from any property line.

(B) A flyway barrier shall be a minimum of six feet (6') in height.

(C) A flyway barrier shall be located no further than five feet (5') from any beehive(s).

(D) A flyway barrier shall be constructed of an opaque fence or fast growing, dense evergreen vegetative material capable of reaching six feet (6') in height at maturity.

(7) Fresh Water Supply: A fresh water supply shall be provided within five feet (5') of the beehive(s).

c. Playhouse: A child's playhouse is allowed in any residential district provided that if the playhouse exceeds six feet (6') in height it must meet all of the development standards for the zone district.

d. Columbarium: Columbaria may be allowed as an accessory use to a religious institution subject to approval of a development plan or development plan amendment for the religious institution.

e. Daycare Home: Small daycare homes which are State licensed and have an attendance of not more than six (6) full time and two (2) part time children are allowed in any residential zone district.

- f. Flagpole: Flagpoles are allowed in any residential zone district.
- g. Garage Sale: Garage sales are allowed in any residential zone district provided that:
  - (1) Each garage sale is held no more than two (2) times per calendar year, and
  - (2) Each garage sale does not exceed a period of two (2) consecutive days.

h. Medical Or Dental: Any use accessory to a clinic or medical or dental office building or office complex, such as drug prescription and supply shop, office or shop for fabricating and fitting prosthetic or corrective devices or medical or dental laboratories, shall be permitted as an accessory use to the permitted use within any clinic, office building or office complex, provided such accessory use shall be intended for the use of the occupants and clientele of such office; however, this accessory use is only allowed in the Special Use (SU) Zone District.

i. Outdoor Storage: Outdoor storage only as specifically permitted by the district.

j. Storage Structure: Storage structures are limited to two (2) structures per principal use, provided the structures do not exceed four hundred (400) square feet in gross floor area.

k. Swimming Pool/Bathhouse: Private swimming pool and bathhouse.

B. Daycare Homes, Large Daycare Homes, And Daycare Centers: Whenever a daycare home, large daycare home or daycare center is a principal permitted use or a conditional use within a specific zone district, the following criteria must be met:

1. A licensed daycare home, a facility with attendance of no more than six (6) children full time plus two (2) children part time, is allowed as an accessory use. The following standards shall apply to a daycare home:

- a. No more than one part time employee who does not reside in the home may work at the home.
- b. Substitute providers are allowed when the normal provider cannot be present.
- c. One wall sign not more than two (2) square feet is allowed.

d. No part of the required outdoor space shall be situated within any front building setback. The required outdoor space shall be screened from adjacent residential properties when necessary and appropriate to reduce play area sounds.

e. Subject to the approval of a daycare permit from the Community Development Department.

2. A licensed large daycare home, a facility with attendance of seven (7) to twelve (12) children, requires a conditional use in most residential zone districts. For licensed large daycare homes, contact both the Regional Building Department and the Colorado Springs Fire Department for Building and Fire Code requirements. The following standards shall apply to a large daycare home:

a. All standards required for a daycare home, listed in section 7.2.302 of this chapter.

b. A large daycare home shall provide the minimum square footage of indoor and outdoor space per person that complies with the State's requirements.

3. A daycare center, a facility having more than six (6) children full time and generally located in an office or commercial zone district. For daycare centers, contact both the Regional Building Department and the Colorado Springs Fire Department for Building and Fire Code requirements. A daycare center must meet the following standards:

a. A daycare center shall provide the minimum square footage of indoor and outdoor space per person that complies with the State's requirements. No part of the required outdoor space shall be situated within any front building setback. The required outdoor space shall be screened from adjacent residential properties when necessary and appropriate to reduce play area sounds.

b. A daycare center must be located on a collector street which is a street having direct access to a minor or major arterial roadway.

C. Carports And Garages: Carports and/or garages are allowed in any zone district as an accessory use, but only in connection with a principal use. Except as otherwise provided in part 9 of this article, the maximum capacity and size of any combination of attached or detached private parking garages or carports associated with one dwelling unit are as follows:

1. Single-Family: A maximum of one thousand two hundred (1,200) square feet per unit with garage doors for no more than four (4) cars.

2. Multiple-Family: A maximum of six hundred (600) square feet per unit with garage doors for no more than two (2) cars.

3. Storage: The space within a garage or carport shall not exceed one thousand two hundred (1,200) square feet unless a storage space not to exceed four hundred fifty (450) square feet has been incorporated into the structure.

4. Detached Garages: Detached garages with a roof pitch of less than six to twelve (6:12) shall have a maximum height of sixteen feet (16'). Detached garages with a roof pitch of six to twelve (6:12) or greater shall have a maximum height of twenty feet (20'). Height for detached garages shall be measured as the vertical distance from the average elevation of the finished grade adjoining the building to the highest point of the roof surface.

5. Footprint Size: The size of the footprint for detached garages may not exceed the footprint size of the principal structure.

D. Greenhouse And Nursery, Private: A commercial private greenhouse/nursery is allowed as an accessory use in all residential zone districts, however, sales are limited to products grown on site.

E. Home Occupations: A home occupation is allowed as an accessory use in all residential zone districts, however, all conditions and requirements for a home occupation permit listed in article 5, part 15 of this chapter shall be met for a home occupation to be

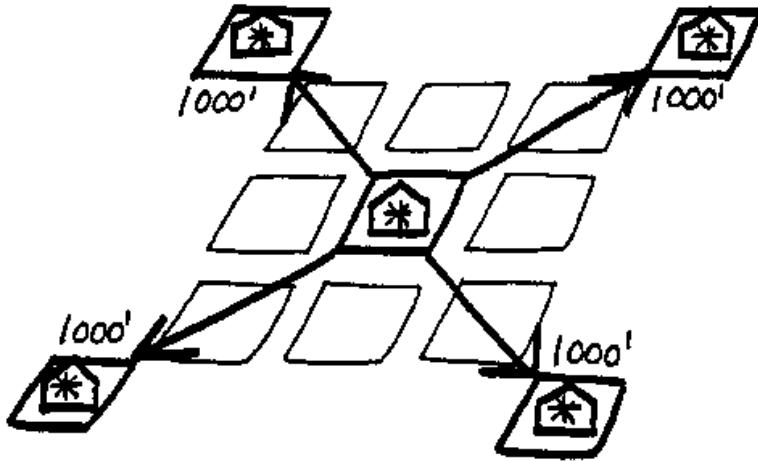
operated in a dwelling unit.

F. Human Service Establishments:

1. Human service establishments consist of those types listed in subsection 7.2.302A4 of this chapter.

2. Whenever in this section a human service establishment is a principal permitted or conditional use, the following conditions shall be met:

## Human Service Establishment



a. Separation Requirements: No human service establishment shall be located within one thousand feet (1,000') of another human service establishment. The one thousand foot (1,000') spacing requirement shall not apply between two (2) establishments licensed by the State as assisted living or long term care. The one thousand foot (1,000') separation measurement shall be made in a straight line without regard to intervening structures or objects from the nearest property line of the proposed human service establishment to the nearest property line of another human service establishment.

b. Human Service Establishment Administrative Permit Requirements: It shall be unlawful for any person or entity to operate an establishment listed in subsection 7.2.302A4 of this chapter until an administrative permit or a provisional permit has been approved by the Manager.

(1) Application: The application for a human service establishment administrative permit shall identify the status of the applicant or entity (i.e., individual, private nonprofit, private for profit, government or other category).

(2) Provisional Permit: If an establishment requires a human service establishment administrative permit prior to obtaining State licensing, and meets all of the requirements for the permit, the Manager shall issue a provisional permit which shall allow occupancy of the establishment for six (6) months. The provisional permit shall become an administrative permit upon the award of the State license, or may be renewed one time for a subsequent period of six (6) months.

(3) Termination: If the use of an operation as authorized under the administrative permit is terminated, or if the operation is otherwise discontinued for a period of twelve (12) months, the administrative permit shall expire.

c. Permitted Zones For Human Service Establishments:

(1) Human service homes are permitted in the A, R, R-1 9000, R-1 6000, R-2, R-4, R-5, SU, TND, OR, OC, C-5, PUD, FBZ, MU-CC, MU-NC or MU-R/EC zone districts.

(2) All other types of human service establishments may be allowed in accord with section 7.3.103 of this part and section 7.3.203 and subsection 7.3.705B of this article.

(3) A development plan is required for the following permitted uses identified in the tables in section 7.3.103 of this part and section 7.3.203 and subsection 7.3.705B of this article: a human service residence, large family care home, hospice, residential childcare facility, domestic violence safe house housing more than five (5) residents, family support residence, human service facility, drug and alcohol treatment facility, human service shelter and detoxification center use.

(4) In the PUD zone, after October 1, 2012, all human service establishment uses other than human service homes, shall be determined at the time of the establishment of the zone district.

(5) In the FBZ zone, all human service establishment uses, other than human service homes, shall be determined at the time of regulating plan approval.

d. Establishment Requirements And Review Criteria:

(1) Parking Requirements: Parking requirements for human service establishments shall be in accord with subsection 7.4.203A and section 7.4.206 of this chapter.

(2) Review Criteria: The following review criteria shall apply to a human service establishment that requires a development

plan or conditional use application along with the review criteria as listed in subsection 7.5.502C and section 7.5.504 of this chapter, respectively:

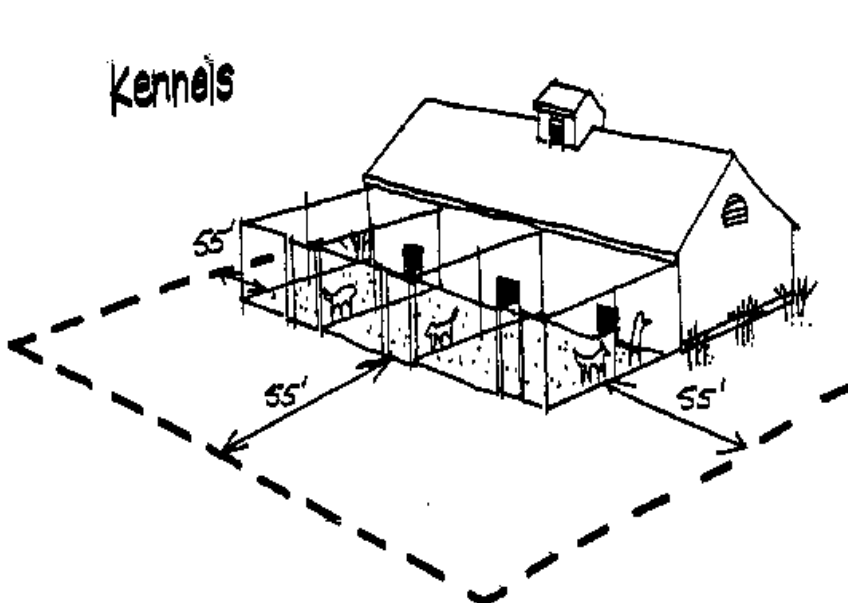
- (A) Does the proposed site provide adequate space for active outdoor recreation, if needed?
- (B) Does the proposed site provide adequate space for passive outdoor recreation?
- (C) Are recreation areas located to minimize noise impacts on adjacent properties?
- (D) Will landscaping, berms, fences or walls be provided to buffer the site if needed?
- (E) Will physical alterations to the exterior of the existing structure and landscaping and any signs be in keeping with the character of the neighborhood and be kept to a minimum?
- (F) Has the establishment been designed and located to assure the security of the establishment itself, adjoining properties and the neighborhood in general?

(3) Certificate Of Occupancy: Prior to the occupancy of an establishment, a certificate of occupancy shall be obtained authorizing the use of the property as the applicable type of human service establishment.

(4) Domestic Violence Safe House Review Criteria And Requirements: An administrative permit shall be approved for a domestic violence safe house if the following criteria are met:

(A) The purpose of a domestic violence safe house is the provision of a confidential residence that provides a safe haven for individuals and their children, if any, who have been victimized by physical or emotional abuse. In the interest of protecting this confidentiality and to minimize the number of individuals associated with approving the placement of a domestic violence safe house, the following procedures will govern:

- (i) An eligible operator of a domestic violence safe house shall be an entity or corporation registered in the State of Colorado.
  - (ii) Upon receipt of the operator's mission statement and a request for an administrative permit, and any other information determined necessary by the Manager to ascertain the adequacy of a proposed location for a domestic violence safe house, the Manager shall review the request in accord with the applicable criteria in this section. There is no requirement for public notification or public hearing prior to the Manager's review or decision.
  - (iii) Within thirty (30) days after receipt of the completed request, the Manager shall convey a recommendation to the Mayor. If the Mayor and Manager agree that the criteria are not met, the applicant shall be informed of the areas of noncompliance. If the Mayor and Manager agree that the criteria are met, the Manager shall issue an administrative permit.
  - (iv) The operator of a domestic violence safe house that receives an administrative permit must pass a fire inspection prior to initiating operation of the safe house.
  - (v) The Mayor, Manager and any other municipal employee who may become aware of the location of a domestic violence safe house shall hold confidential the location of the domestic violence safe house.
  - (vi) Information and documents pertaining to a safe house may only be released to the Mayor, the City Attorney, the Fire Chief and the Police Chief. This information and documentation shall not be disseminated further to City personnel or other governmental personnel except by joint determination and concurrence of the Mayor, City Attorney and Police Chief, or court order. For purposes of this section, "court" is declared to mean a Colorado State court or a Federal court with jurisdiction over the City.
- G. Kennels: Any kennel building and any associated animal run must be constructed at least fifty five feet (55') from any property line.



H. Outside Vehicle Storage: Outside vehicle storage is allowed in all of the residential zone districts, however, the design and

location of off street parking, vehicle and recreational vehicle storage, and loading spaces shall comply with standards and regulations listed in this Zoning Code.

I. Personal Recreational Vehicle Storage: The personal storage of recreational vehicles is allowed in zone districts A, R, R-1 9000, R-1 6000, R-2, R-4, R-5 and SU and shall conform to regulations listed in section 9.6.504 of this Code.

J. Religious Institutions: Religious institutions are permitted in the A, R-4, R-5, PUD, SU and TND zone districts and conditional in R, R-1 9000, R-1 6000 and R-2. Except for the TND zone, the following additional standards also apply:

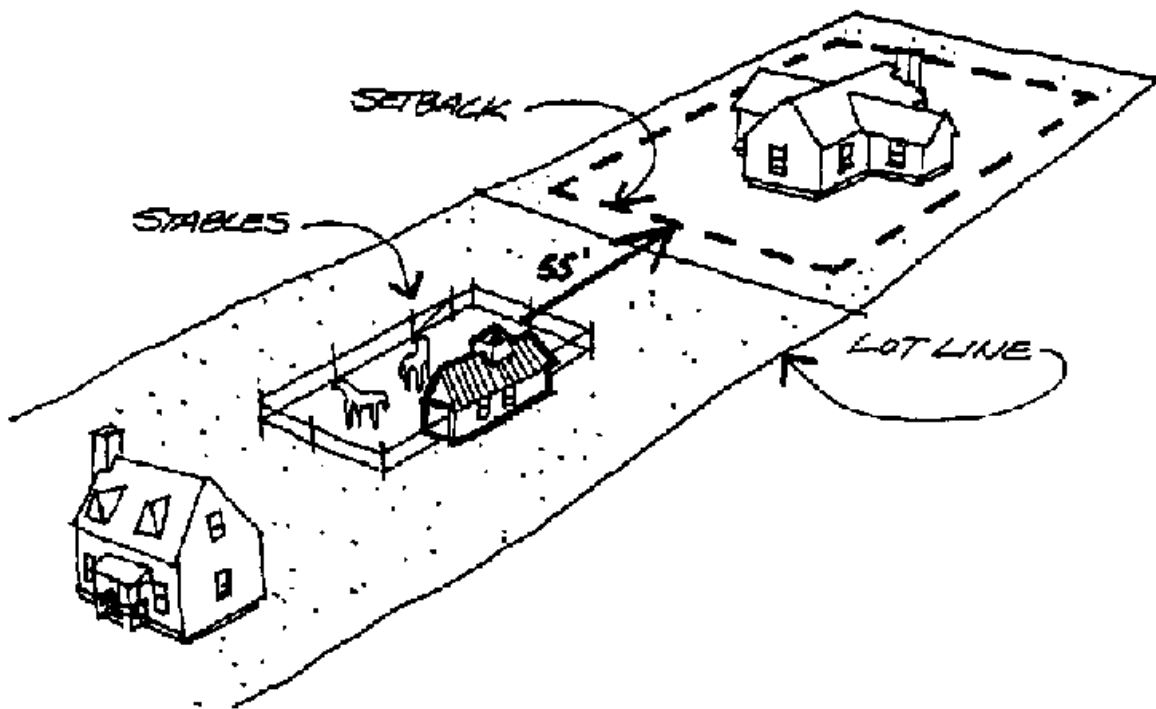
1. Minimum lot area:
  - a. Principal auditorium capacity of not more than three hundred (300) seats: 2.5 acres.
  - b. Principal auditorium capacity of three hundred one (301) or more seats: Four (4) acres.
2. Setbacks from any public right of way line:
  - a. Principal or accessory buildings: Fifty feet (50').
3. Religious institutions within a TND zone shall comply with the standards of the TND zone. Religious institutions that exceed thirty thousand (30,000) square feet in area are conditional uses in TND zones.

K. Stables, Riding Academies, Corrals - Commercial: Commercial stables, corrals and riding academies are permitted within the A zone district, however, all buildings and corrals must be constructed at least fifty five feet (55') from any property line.

L. Stables And Corrals, Private: Private stables and corrals for up to four (4) horses, mules, ponies, donkeys, goats, sheep, llamas, alpacas, potbellied pigs or any combination thereof are permitted as a residential accessory use within any residential zone in accord with the requirements noted in sections 6.7.106 and 6.9.101 of this Code and under the following conditions:

1. The subject lot must have a minimum lot area of thirty seven thousand (37,000) square feet;
2. All buildings and corrals must be constructed at least fifty five feet (55') from the building envelope of the adjoining lot.

## Stables and Corrals, Private



M. Accessory Dwelling Units : Accessory dwelling units are permitted, or conditionally permitted, as an accessory use to a principal dwelling subject to the following requirements.

1. Detached and Integrated Standards: The following standards apply to the establishment of both a detached and/or integrated accessory dwelling unit:

a. Owner-occupancy Requirement:

(1) In the R, R-1 9000, and R-1 6000 zones, except as otherwise provided in this section, for an accessory dwelling unit to be occupied, either the principal dwelling unit or the accessory dwelling unit must be occupied by the owner as defined.

(2) Declaration of Restriction:

(A) Before a building permit may be issued for an accessory dwelling unit, 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 units.

(C) The declaration of restrictions shall lapse upon removal of the accessory dwelling unit. 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) No zoning enforcement action pursuant to section 7.5.1001, et seq., of this Code, may be brought against a tenant by the City for a failure of the owner to meet the owner-occupancy requirement.

(4) In the A (Agriculture) zone district, the owner shall not be required to occupy either the principal structure or the accessory dwelling unit.

b. Waiver of Owner-occupancy Requirement: 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.

(1) The Manager may determine failure to waive the occupancy requirement is 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.

c. Restriction on Subdivision: In the R, R-1 9000, R-1 6000, PBC, C-6, and M-1 zone districts, the accessory dwelling unit shall not be sold separately from the principal dwelling unit, nor shall the lot on which an accessory dwelling unit is situated be subdivided unless subdivision is permissible in accordance with all provisions of Article 3 and Article 7 of this chapter.

(1) Before a building permit may be issued for an accessory dwelling unit, 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 accessory dwelling unit 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 accessory dwelling unit. 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.

d. Off-Street Parking: A minimum of one (1) off-street parking space in addition to the minimum parking required for the principal structure shall be required.

e. Access: All accessory dwelling units 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 accessory dwelling unit may share a clear access path with the principal dwelling unit.

f. Prohibited Units: Mobile homes, travel trailers and recreational vehicles shall be prohibited for use as an accessory dwelling unit.

g. No more than one (1) accessory dwelling unit shall be located on any lot.

2. Accessory Dwelling Unit - Detached: The following standards apply to the establishment of a detached accessory dwelling unit:

a. Maximum floor area: The floor area of a detached accessory dwelling unit shall not exceed fifty percent (50%) of the floor area of the principal structure or one thousand two hundred and fifty (1,250) square feet, whichever is less; except that where the floor 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 not exceed seven hundred and fifty (750) square feet.

b. The floor area of a detached accessory dwelling unit, which may be located above a detached garage, may exceed the footprint of the principal structure but may not exceed the gross floor area of the principal structure.

c. Maximum height of standalone accessory dwelling units and other detached structures containing an accessory dwelling unit:

(1) With roof pitch of 6:12 or greater - twenty-eight feet (28') maximum (measured to roof peak)

(2) With a roof pitch less than 6:12 (including flat roof) - twenty-five feet (25') maximum (measured to top of roof line)

d. Setbacks:

(1) Rear Yard: Five feet (5'). If the dwelling unit is above a garage with overhead doors that are facing an alley then the setback shall be ten feet (10').

(2) Front Yard: Per zone district requirements for the principal dwelling unit.

(3) Side Yard: Per zone district requirements for the principal dwelling unit.

e. Pre-fabricated homes are permitted for use as an accessory dwelling unit if placed on a permanent foundation and connected to metered utility services.

f. Conversion of Existing Detached Garages into Detached Dwelling Units: The detached garage must meet the minimum setbacks for an accessory dwelling unit as required in this section.

3. Accessory Dwelling Unit - Integrated: The following standards apply to the establishment of an integrated accessory dwelling unit:

a. Permitted only within single-family dwelling detached, and are not permitted in any other structure, including but not limited to, single-family attached dwellings, two-family dwellings, multi-family dwellings, or commercial buildings.

b. Maximum floor area of integrated unit: In all zone districts where an integrated unit is allowed: floor area shall not exceed fifty (50%) of floor area of the principal structure.

c. Maximum height: Maximum height of the principal structure as determined by the zone district.

d. Design: In the R, R-1 6000, and R-1 9000 zone districts, integrated accessory dwelling units shall not involve design modifications to the exterior of the principal structure that indicates their presence from the front of the principal structure. Building additions shall be architecturally compatible with the primary dwelling unit. External stairs are not allowed to provide access to a second-story accessory dwelling unit unless it is from a second-story deck.

e. Setbacks: Minimum setbacks of the principal structure as determined by the zone district.

f. Exterior Access: An integrated unit may have a separate exterior access. Any separate exterior access shall be restricted to the side or rear of the principal structure.

4. In any case where a provision of this subsection is found to be in conflict with any other provision of this code, or any adopted secondary code, the provision which establishes the higher or more restrictive standard shall apply.

5. Covenant Compliance: The provisions of this subsection do not supersede private covenants regarding accessory dwelling units.

N. Transit Shelters: Transit shelters are allowed in all of the residential zone districts. Except for the provisions listed in article 4, part 4 of this chapter, whenever benches, shelters or kiosks have been placed for the convenience of patrons either within or outside of the public rights of way under proper permit or authority of the City, the placement and location of the benches, kiosks or shelters shall be exempt from the provisions of this Zoning Code.

O. Mobile Home Parks: Mobile home parks are allowed within the PUD zone when the use is specifically authorized with the PUD zone district establishment or change.

P. Personal Cultivation Of Marijuana And Medical Marijuana: Pursuant to Colorado Constitution article XVIII, sections 14 and 16, patients, caregivers, and persons over twenty one (21) years of age may lawfully grow a limited amount of marijuana. No more than twelve (12) medical marijuana plants, marijuana plants for personal use, or any combination thereof, with one-half ( $\frac{1}{2}$ ) or fewer being mature, flowering plants can be grown in a single residential unit or an accessory structure to a single residential unit, regardless of the number of patients, caregivers, or persons over twenty one (21) years of age, or any combination thereof, that reside in the residential unit. These activities are allowed as accessory uses in all residential zone districts or residential units so long as:

1. No marijuana is dispensed, except to registered patients pursuant to Colorado Constitution article XVIII, section 14;

2. No marijuana or medical marijuana infused products are manufactured or sold;

3. No marijuana or medical marijuana is cultivated outdoors;

4. No signs regarding medical marijuana are displayed;

5. No more than one caregiver cultivating medical marijuana resides in the dwelling unit;

6. A ventilation and filtration system ensures odors from the cultivation activities are not detectable by a person with a typical sense of smell from any adjoining lot, parcel, tract, public right-of-way, building unit or residential unit;

7. Marijuana and medical marijuana plants are grown in an enclosed and locked space;

8. All personal cultivation of marijuana and medical marijuana shall be limited to an area of one hundred fifty (150) square feet for a single-family dwelling detached or seventy five (75) square feet for all other dwelling unit types and accessory structures;

9. The person growing, cultivating, or processing marijuana or medical marijuana within a residential or accessory structure owned by another person or entity obtains the written consent of the property owner. The written consent of the property owner must be furnished to any requesting City official. If the person growing, cultivating, or processing marijuana or medical marijuana does not provide the City official with the written consent of the property owner, the City may inform the property owner of the marijuana or medical marijuana related activities occurring on the property; and

10. The residential unit or accessory structure shall be and remain at all times in compliance with all applicable City regulations including, but not limited to, Zoning, Building, Housing and Fire Codes.



Q. Short Term Rental Units: A short term rental unit is allowed as an accessory use in all residential zone districts, however, all conditions and requirements for a short term rental unit permit listed in article 5, part 17 of this chapter shall be met for a short term rental unit to be operated.

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

1. Accessory family suites are permitted only within a single-family detached dwelling, and are not permitted in any other structure, including but not limited to, single-family attached dwellings, two-family dwellings, multi-family dwellings, or commercial buildings.

2. An accessory family suite cannot be located on the same lot where an accessory dwelling unit exists.

3. The total number of individuals collectively occupying both the principal dwelling unit and the accessory family suite can be no more than one family as defined in this code.

a. Affidavit Required: The owner shall complete and record an affidavit assuring the property owner's acknowledgement of the occupancy limitations as listed above.

b. No zoning enforcement action pursuant to section 7.5.1001, et seq., of this Code, may be brought against a tenant by the City for a failure of the owner to meet the one family requirement.

4. Off-Street Parking: A minimum of one (1) off-street parking space in addition to the minimum parking required for the principal structure shall be required.

5. Exterior Access: An accessory family suite may have a separate exterior access. Any separate exterior access shall be restricted to the side or rear of the principal structure. All accessory family suites with an exterior access shall have a thirty-six (36) inch wide clear access path from the front property line or from the property line where the principal dwelling unit gains its access. The clear access path may be gated and may share a clear access path with the principal dwelling unit.

6. Internal Connectivity: An accessory family suite must maintain interior access to the principal dwelling unit through either a common doorway or stairway. Interior accesses may be locked if an exterior access exists.

7. Maximum floor area: Floor area shall not exceed fifty (50%) of floor area of the principal structure.

8. Maximum height: Maximum height of the principal structure as determined by the zone district.

9. Setbacks: Minimum setbacks of the principal structure as determined by the zone district.

10. Design: Accessory family suites shall not involve design modifications to the exterior of the principal structure that indicates their presence from the front of the principal structure. Building additions shall be architecturally compatible with the principal structure. External stairs are not allowed to provide access to a second-story accessory family suite unless it is from a second-story deck.

11. Restriction on Subdivision: The accessory family suite shall not be sold separately from the principal dwelling unit, nor shall the lot on which an accessory family suite is situated be subdivided unless subdivision is permissible in accordance with all provisions of Article 3 and Article 7 of this chapter.

a. Before a building permit may be issued for an accessory family suite, the owner shall record with the El Paso County Clerk and Recorder a declaration of restrictions in a form prescribed by the Manager.

b. The declaration of restrictions shall prohibit the owner and the owner's heirs or assigns from selling the accessory family suite separately from the principal dwelling unit. Such restriction shall be binding upon and run with the land.

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

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

13. Covenant Compliance: The provisions of this subsection do not supersede private covenants. (Ord. 94-107; Ord. 01-42; Ord. 02-98; Ord. 02-125; Ord. 02-153; Ord. 03-74; Ord. 03-127; Ord. 03-157; Ord. 06-161; Ord. 09-70; Ord. 09-80; Ord. 10-42; Ord. 10-107; Ord. 11-19; Ord. 12-76; Ord. 14-8; Ord. 16-52; Ord. 18-4; Ord. 18-112; Ord. 20-37; Ord. 20-38)