

TOWN OF SUPERIOR
ORDINANCE NO. O-3
SERIES 2021

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
SUPERIOR AMENDING ARTICLE VI OF CHAPTER 16 OF THE
SUPERIOR MUNICIPAL CODE BY THE ADDITION OF A NEW SECTION
16-6-160, ENTITLED ACCESSORY DWELLING UNITS

WHEREAS, the Town wishes to permit accessory dwelling units associated with single-family and two-family dwelling units in the R-L, Low Density Residential District and the R-M, Medium Density Residential District; and

WHEREAS, accordingly, the Town of Superior wishes to propose an amendment to Chapter 16, Article VI of the Superior Municipal Code by the addition of a new Section 16-6-160, entitled Accessory Dwelling Units.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:

Section 1. Article VI of Chapter 16 of the Superior Municipal Code is hereby amended by the addition of the following new Section 16-6-160:

Sec. 16-6-160. Accessory dwelling units.

Accessory dwelling units ("ADUs") are permitted as accessory structures to single-family and two-family dwelling units in the R-L, Low Density Residential District and the R-M, Medium Density Residential District, subject to the following:

(1) Number. Only one ADU shall be permitted for each single-family dwelling unit or two-family dwelling unit on a lot.

(2) Size. For a principal dwelling unit of 1,000 square feet or more, the ADU shall be no larger than 50% of the square feet of the principal dwelling unit or 800 square feet, whichever is smaller. For a principal dwelling unit of less than 1,000 square feet, the ADU shall be no larger than 500 square feet. For purposes of this subsection, square footage calculations shall exclude any garage, porch or similar area.

(3) Design and development standards. An ADU shall meet the same development standards required for the principal dwelling unit, as listed in the Schedule of Requirements for Residential Districts in Section 16-6-120 of this Code. If the entrance to the ADU is visible from an adjacent street, the entrance shall be designed in a manner as to be clearly subordinate to the entrance of the principal dwelling unit.

(4) Parking. One on-site parking space shall be required for the ADU. Parking for an ADU shall be in addition to the required parking for the principal dwelling unit.

(5) Timing. No certificate of occupancy shall be issued for an ADU until the principal dwelling unit has a certificate of occupancy.

(6) Occupancy. No more than three (3) unrelated persons shall occupy an ADU at any time. One or more of the property owners shall occupy either the principal dwelling unit or the ADU at all times; provided that, if the ADU is temporarily unoccupied, the principal dwelling unit may also be unoccupied.

(7) Utility service. ADUs shall be connected to the water and wastewater utilities of the principal dwelling unit and may not have separate connections, unless the Town or applicable district approves of separate connections in writing.

(8) Mobile and manufactured homes. Mobile homes are prohibited for use as an ADU, but manufactured homes may be used as ADUs.

(9) Deed restriction. Every property on which an ADU is permitted pursuant to this Section shall be subject to a deed restriction agreement in a form provided by the Town, and such deed restriction agreement shall be recorded prior to the issuance of a certificate of occupancy for the ADU. The deed restriction shall include the following provisions, at a minimum:

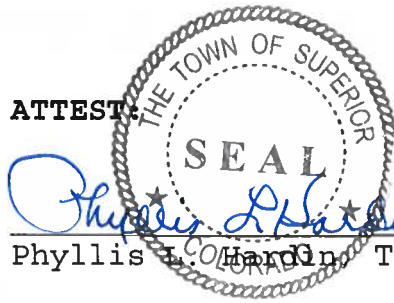
- a. The ADU shall not be sold separately from the principal dwelling unit;
- b. The ADU shall be restricted to the approved size;
- c. The deed restriction shall lapse upon removal of the ADU; and
- d. The restrictions shall run with the land and are binding upon any successor in ownership of the property.

Section 2. **Severability.** If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or part or parts be declared unconstitutional or invalid.

Section 3. **Safety.** This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 25th day of January, 2021.

Clint Folsom
Clint Folsom, Mayor



ATTEST:
Phyllis L. Hardin
Phyllis L. Hardin, Town Clerk-Treasurer