

ORDINANCE 2018-001

An Ordinance amending Ordinance 2006-013 (an Ordinance Repealing Existing Zoning Regulations of the Town of Crestone and enacting New Zoning Regulations for the Town)

WHEREAS, Ordinance 2006-013 created new zoning regulations for the Town of Crestone; and

WHEREAS, Ordinance 2006-13 has been amended by Ordinances 2009-009, 2012-001 and Ordinance 2012-006; and

WHEREAS, the Town Planning Commission has studied the current land use in residential areas of the Town and has determined that it would be in the Town's best interest to allow accessory dwelling units as a permitted use in residentially zoned districts of the Town for the purpose of providing needed long-term housing.

NOW THEREFORE, be it Ordained by the Board of Trustees of the Town of Crestone that the Zoning Regulations, as adopted by Ordinance 2006-13, as Amended by Ordinance 2009-009, Ordinance 2012-001, and Ordinance 2012-006 be further amended by adding and/or amending the following regulations:

REGULATION I: IN GENERAL

DIVISION 1. DEFINITIONS.

SEC. 1-1 – DEFINITIONS.

***Accessory Dwelling Unit (ADU)* shall mean a secondary independent dwelling unit-subordinate in size to the principal dwelling unit and located on the same buildable residential parcel as the primary dwelling unit in residentially zoned districts and shall meet all requirements for the principal use in the zone in which the ADU is located, as provided in the Town of Crestone zoning regulations.**

***Accessory use or structure* shall mean one which is clearly incidental and secondary to the permitted use, customarily a part thereof, and which does not change the character thereof, including but not limited to, garage, guesthouse greenhouse or tool shed.**

***Alley* shall mean a minor right-of-way dedicated to public use which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street and which may be used for public utility purposes.**

Animal hospital shall mean a veterinary hospital where animals are brought for medical attention and surgical treatment and may be held during the time of such treatment.

Apartment shall mean a room or group of rooms used as a single unit residence.

Apartment building shall mean a building or portion thereof used to intended to be used as a home for three or more families or households, living independently of each other and individually equipped for preparation of food.

Balcony shall mean an outdoor extension of the main structure open to the elements.

***Bathroom* shall mean a room connected to water and sewer with bathing facilities, sink and toilet.**

Board of adjustment shall mean the Board of Adjustment of the Town.

Breezeway shall mean (...)

(...) *Yard, side* shall mean the portion of the yard between a building and the side lot line, measured horizontally at right angles to the side lot line, from the side lot line to the nearest point of the main building.

REGULATION V: SUPPLEMENTARY REGULATIONS

SEC. V-16. Accessory Dwelling Units (ADUs)

- a) Density: Not more than one (1) ADU may be located on the same buildable parcel as the primary dwelling unit.**
- b) A building permit must be secured prior to the construction and installation of the ADU in compliance with the requirements of Sec. I-6 – II-2 of the Town Zoning Regulations.**
- c) All setbacks as required by the Zoning Regulations for the primary dwelling apply to the ADU.**
- d) The provisions of the lot coverage area of all buildings in the residentially zoned district lot(s) shall include the ADU and all other buildings.**
- e) Minimum square footage floor area of the ADU shall be 240 feet.**

- f) All Colorado state plumbing and electrical requirements, permits and extensions must be met, as well as requirements of Chapter 13 of the Crestone Town Code, relating to utilities and water and sewer taps and other requirements, provided however the ADU may be connected to the same tap(s) as the principal dwelling unit; and the water connection shall contain a cross-connection control device.**
- g) The ADU shall be installed on a permanent foundation in the same manner as the principal dwelling.**
- h) The ADU may be attached or detached from the principal dwelling unit.**
- i) The size of the ADU shall be no more than 80% of the living area of the principal dwelling unit or 600 square feet total living area, whichever is less and have not more than two bedrooms and must have a kitchen area and bathroom.**
- j) If the ADU is attached to the principal dwelling unit it shall have a separate entrance.**
- k) The ADU shall be entitled to use a different number than the principal dwelling unit as its address and assigned by the Town Clerk for "911" and mail delivery purposes.**
- l) If the primary dwelling unit is served by a private well, the ADU must be attached to the primary dwelling unit and file documented approval by the state division of water resources.**
- m) There shall be no on-street parking for the ADU and off-street parking for an additional vehicle (two off-street parking spaces for a two-bedroom ADU) shall be required on the lot(s) utilized for the ADU in addition to the required parking space for the primary dwelling unit.**
- n) ADUs shall only be allowed in RR, RL, RM, RH, and MH districts.**
- o) ADU approvals shall require a complete improvement location certificate to be furnished by applicant.**
- p) Pets: There shall not be more than a combination of four (4) dogs/cats (domestic animals) on the entire parcel including the primary dwelling and the ADU.**

THE TOWN BOARD OF TRUSTEES FINDS THAT THIS ORDINANCE IS NECESSARY TO THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH AND SAFETY, DUE TO THE NEED TO CLARIFY ISSUES REGARDING ZONING REGULATIONS AND SHALL TAKE EFFECT AND BE ENFORCED IMMEDIATELY UPON THE FINAL PASSAGE OF THIS ORDINANCE.

Passed by the Board of Trustees and signed this 8th day of January, 2018.

K. Danforth
Kairina Danforth, Mayor

Allyson Ransom
Allyson Ransom, Town Clerk

Approved as to Form:

Eugene L. Farish
Eugene L. Farish, Town Attorney

CERTIFICATION

I hereby certify that the within Ordinance was introduced and read in full and adopted at a regular meeting of the Crestone Board of Trustees on 8th day of January, 2018, that said Ordinance was published by title in The Crestone Eagle on the 31st day of January, 2018.

or Saguache
Crescent

Allyson Ransom
Allyson Ransom, Town Clerk