

TOWN OF RICO
ORDINANCE NO. 2018-05

**AN ORDINANCE ESTABLISHING MUNICIPAL REGULATIONS
CONCERNING THE PLACEMENT AND CONSTRUCTION OF
ACCESSORY DWELLING UNITS**

WHEREAS, the Board of Trustees of the Town of Rico (Board) has the power to regulate zoning pursuant to the Rico Home Rule Charter, 10.4 and C.R.S. 31-35-401(b), as amended;

WHEREAS, through such authority, the Board has held that the use of residential property to include Accessory Dwelling Units (ADUs) on lots of less than 7,500 square feet for long-term tenancy to address the Town of Rico's housing needs, may be permitted only after prior approval has been granted by the Town Board through an established "Use Subject to Review" administrative process with an opportunity for a call up hearing before the Town Board; and

WHEREAS, the Town has witnessed an increased interest by property owners in preserving existing historic accessory buildings and in constructing new accessory dwelling units; and

WHEREAS, the Town Board has acknowledged the growing needs and community requirements to provide affordable long-term housing for the elderly, workforce or extended family needs; and

WHEREAS, the Town staff has provided input into requirements and has presented such to the Rico Planning Commission who have considered ADU impacts to the community as a whole, and found allowing ADUs to be beneficial to the Town's economy while addressing housing needs and that allowing ADUs promotes the general welfare of the community;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF
THE TOWN OF RICO, COLORADO:**

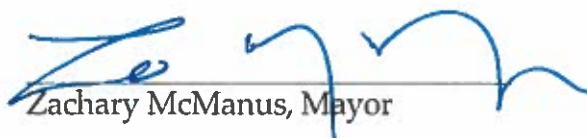
- A. Purpose:** For the Town of Rico to adopt a policy that promotes and encourages the creation of legal Accessory Dwelling Units (ADUs) in a manner that enhances residential neighborhoods, helps residents meet their family's and their communities' housing needs and realize the benefits of ADUs while preserving the historical character and scale of the Town.

- B. Definitions:** Accessory Dwelling Unit means a permanent residential unit not exceeding 600 square feet of floor area, which contains kitchen and bath facilities rendering the structure suitable for residential use and has its own entrance. The floor area of accessory dwelling units located in basements shall be measured at 100% for the purpose of this definition.
- C. Review Process:** ADUs are a Use Subject to Review that shall be reviewed by the Rico Planning Commission and their recommendation shall be forwarded to the Town Board. The Board shall schedule a public hearing to approve, approve with conditions, table or deny the request. Public notice shall be given a minimum of ten (10) days in advance of the public hearing by publication, posting and mailing to all property owners within 200 feet of the property boundaries of the proposed ADU parcel.
- D. Use:** ADUs may be developed on a parcel with an existing or new single family residential structure. ADUs are a Use Subject to Review in zoning districts that allow single family residences as a Use by Right.
- E. Density:** ADUs are not a unit of density; they are an accessory use to the principal residential structure. A legal conforming parcel, with a single residential structure, may be permitted a maximum of one (1) ADU.
- F. Lot Size:** Minimum parcel size shall conform to the zone district requirements for a single residential structure.
- G. Septic System Requirements:** Applicants desiring approval for ADUs must supply a statement signed by a civil engineer licensed in the State of Colorado certifying that the existing septic system will accommodate the increased use or that the septic system can and will be expanded to accommodate the increased use.
- H. Parking:** Applicants desiring approval for ADUs must supply proof that one additional on-site parking place can be accommodated on the lot.
- I. Utilities, Billing and ADU Address:** Addressing for ADUs shall be the same as the primary residence plus one-half (1/2). Existing site and utility conditions may dictate the joint usage of the primary home's water to serve the ADU. Service fees for water shall still apply as the ADU is connected to and utilizes the Public utilities. Accessory dwelling units shall be subject to current Town of Rico Land Use Codes and regulations.
- J. Ownership and Use:** The principal residence and ADU shall remain as one parcel under a single ownership; ADUs shall not be sold as a separate unit. Owners may occupy either the primary residence or ADU.

This Ordinance shall take effect upon adoption and passage of the second reading.

INTRODUCED, READ, APPROVED AS INTRODUCED, AND ORDERED PUBLISHED on first reading by Town of Rico Board of Trustees this 15th day of August, 2018.

READ, APPROVED AND ADOPTED BY FINAL READING by Town of Rico Board of Trustees this 17th day of September, 2018


Zachary McManus, Mayor

Attest:


Linda Yellowman, Town Clerk

