

**TOWN OF MORRISON, COLORADO
BOARD OF TRUSTEES**

ORDINANCE NO. 508

**AN ORDINANCE ENACTING SECTION 10-1E-7 OF THE MORRISON MUNICIPAL
CODE CONCERNING THE ESTABLISHMENT OF AN ACCESSORY DWELLING
UNIT**

WHEREAS, the Town of Morrison is a Colorado home rule municipality operating under a Charter approved by the electorate pursuant to Article XX of the Colorado Constitution and governed by its elected Board of Trustees; and

WHEREAS, the Board of Trustees has authority pursuant to Section 3.9 of the Home Rule Charter to adopt and enforce all ordinances that follow the proper Ordinance Adoption Procedure; and

WHEREAS, exercising this authority, the Board has determined it is in the best interest of the Town to adopt Section 10-1E-7 of the Morrison Municipal Code (the "Code") to provide homeowners with a means of establishing Accessory Dwelling Units in conjunction with single-household and two-household dwelling units in residential zone districts; and

WHEREAS, the Board finds that, accessory dwelling units provide companionship, security, and services; provide opportunities for multigenerational family housing and aging in place; provide a variety of housing options; and protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood.

WHEREAS, in compliance with Home Rule Charter 3.9, the Board has caused the ordinance to be posted prior to its introduction.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Morrison, Colorado, that:

Section 1. Section 10-1E-7 of the Code is enacted in its entirety to read as follows:

10-1E-7 – Accessory Dwelling Units

A. *Definition: Accessory dwelling unit, residential* means a secondary dwelling unit either within a structure containing an existing single-household detached dwelling, or in a separate accessory structure on the same lot as the principal dwelling, for use as a dwelling unit.

B. *Accessory dwelling units permitted; limitations:* Accessory dwelling units are allowed in conjunction with all single-household dwelling units and two-household dwelling units in residential zone districts, including Agriculture (A), Residential Estate (RE), Low Density Residential (R1), and High Density Residential (R2) subject to the following conditions:

(1) *Conformance to development standards.* Any accessory dwelling unit must meet the same development standards required for the principal dwelling unit structure.

(2) *Existing or new development on lot.* An accessory dwelling unit is allowed only on lots used or developed as one household dwelling units or two-household dwelling units, regardless of the number of dwelling units allowed by zoning. A certificate of occupancy will only be granted to an accessory dwelling unit after it has been granted to the principal dwelling unit.

(3) *Parking.* One off-street parking space, located on the same property, shall be required for an accessory dwelling unit. Parking for the accessory dwelling unit is in addition to the required parking for the principal dwelling unit, as set forth in Section 10-1H-1. The required parking space may be in tandem with other required spaces but must be identified on a site plan.

(4) *Unit size and configuration.* Except as modified in subsection (5) herein, for a single-household or two-household dwelling unit of 1,000 square feet or more of living space, the accessory dwelling unit shall be no larger than 50 percent of the living space of such principal dwelling unit, or 800 square feet, whichever is smaller, if it is detached or a bump out addition from the principal dwelling unit. For a principal dwelling unit of less than 1,000 square feet of living space, the accessory dwelling unit shall be no larger than 500 square feet. No accessory dwelling unit shall be less than 200 square feet. For the purposes of this subsection, square footage calculations shall exclude any garage, porch, or similar area. This applies to the following types of ADUs, as illustrated in **Figure 1**: Detached, Garage Conversion, Above Garage, and Attached (addition).

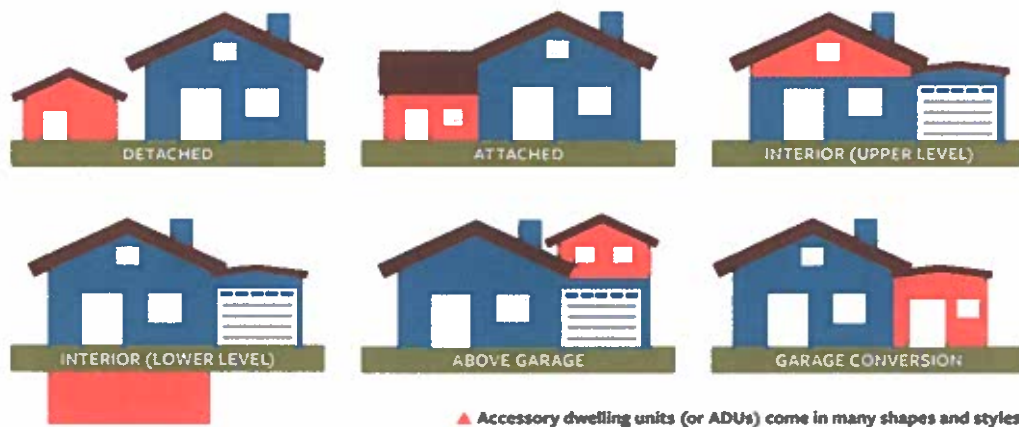


Figure 1: From *The ABCs of ADUs: A Guide to Accessory Dwelling Units and How They Expand Housing Options for People of All Ages*, by AARP, available at AARP.org/ADUs. Illustration by Design Park, Inc. Used with permission.

(5) *Unit size exception.* For a new accessory dwelling unit enclosed entirely within a structure containing an existing single-household or two-household dwelling unit, the accessory dwelling unit shall be no larger than the existing single-household or two-household dwelling unit. This applies to the following types of ADU as illustrated in **Figure 1**: Interior (Lower Level) - Basement Conversion, and Interior (Upper Level) - Internal Conversion.

[Jerry will send e-mail with Figure 1 – to be inserted here]

(6) *Number of accessory dwelling units per lot.* Only one accessory dwelling unit shall be allowed for each single-household or two-household dwelling unit.

(7) *Owner occupancy.* The property owner, as reflected in title records and evidenced by voter registration, vehicle registration or other similar means, must occupy either the principal dwelling unit or accessory dwelling unit. The Town Manager may waive this requirement for temporary absences provided that the owner has occupied the principal or accessory dwelling unit for a minimum of two years and submits proof of the temporary absence.

(8) *Design.* To preserve the appearance of the single-household dwelling, accessory dwelling units built as additions or separate structures must be compatible with the architectural style of the primary residence.

(9) *Outdoor areas.* The site plan shall provide accessible outdoor space and landscaping for both the accessory dwelling unit and the principal dwelling unit.

(10) *Utility service requirements.* Accessory dwelling units must be connected to the water and wastewater utilities of the principal dwelling unit and may not have separate services, unless the director determines such to be infeasible.

(11) *Mobile homes.* Mobile homes not meeting the definition of manufactured homes, campers, camper buses, travel trailers and recreational vehicles shall be prohibited for use as an accessory dwelling unit.

(12) *Deed restriction.* Before obtaining a building permit for an accessory dwelling unit, the property owner shall file with the County Clerk and Recorder, in a form acceptable to the Town Manager, a declaration of restrictions in reference to the deed under which the property was acquired by the property owner, and stating that:

(a) The accessory dwelling unit shall not be sold separately from the principal dwelling unit, nor shall the lot on which it is situated be subdivided unless such subdivision is permissible in accordance with all provisions of Chapter 2 of the Code;

(b) The accessory dwelling unit shall be restricted to the approved size;

(c) The certificate of occupancy for the accessory dwelling unit shall be in effect only so long as either the principal dwelling unit, or the accessory dwelling unit, is occupied by the owner of record;

(d) The above restrictions run with the land and are binding upon any successor in ownership of the property;

(e) It shall be unlawful for any property owner not to comply with the deed restrictions;

(f) The deed restrictions shall lapse upon removal of the accessory dwelling unit. To effect this intent, and upon verification of such removal, the Town shall record appropriate documentation releasing such encumbrance. The property owner shall pay all required recording fees, and it shall be the property owner's responsibility to ensure that such recording is successfully completed.

Section 2. Severability. If any article, section, paragraph, sentence, clause or phrase of this ordinance, or the standards adopted herein is held to be unconstitutional or invalid for any reason, such decision will 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 hereof irrespective of the fact that any one part or parts are declared unconstitutional or invalid.

Section 3. Effective Date. This ordinance shall take effect fifteen (15) days after adoption and publication as provided by Section 3.14 of the Home Rule Charter.

INTRODUCED, READ, PASSED AND ADOPTED this 17 day of August, 2021, by a vote of 5 ayes and 0 nays.



TOWN OF MORRISON:

Sean K. Forey, Mayor

ATTEST:

Town Clerk