

TOWN OF NEDERLAND, COLORADO

ORDINANCE NUMBER 785

AN ORDINANCE AMENDING CHAPTER 16 OF THE NEDERLAND MUNICIPAL CODE TO PERMIT AND REGULATE ACCESSORY DWELLING UNITS

WHEREAS, pursuant to C.R.S. § 31-23-301, the Board of Trustees (“Board”) of the Town of Nederland, Colorado (“Town”) possesses the authority to create regulations and restrictions concerning planning and zoning within the Town; and

WHEREAS, the Planning Commission has made certain recommendations to the Board of Trustees regarding amendments to Chapter 16, Zoning, of the Town of Nederland Municipal Code (“Code”), related to regulating accessory dwelling units; and

WHEREAS, after due and proper notice as required by C.R.S. §§ 31-23-304 and 305, the Planning Commission held a public hearing on April 25, 2018; and

WHEREAS, the Planning Commission has found that it is advantageous to the Town’s goal of increasing diverse and affordable housing stock to permit and regulate accessory dwelling units; and

WHEREAS, the Board of Trustees has conducted its own review of the issues, including the Planning Commission’s recommendations, and finds that it would further the health and welfare of the citizens of Nederland to permit and regulate accessory dwelling units.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Nederland, Colorado, as follows:

Section 1. The Nederland Municipal Code is hereby amended by the addition of a new section 16-98, set forth as follows:

Sec. 16-98. Accessory Dwelling Units.

(a) Definitions. As used in this section, the following words shall be interpreted and defined as set forth below:

- (1) *Accessory dwelling units* means a second dwelling unit created on a lot with an existing residential structure such as a house, attached house or manufactured home, or within said existing principal residential structure, which shall be a distinct and separate housekeeping unit.
- (2) *Primary residence* means a residence which is the usual place of return for housing for more than six months out of the calendar year as documented by the occupant’s: (1) driver’s license OR Colorado state identification card; AND (2) voter registration; motor vehicle registration; OR designated

residence for tax purposes. An applicant for an accessory dwelling unit may have only one (1) primary residence for purposes of this section.

- (b) An owner(s) of a single family dwelling in the residential zone districts may construct and/or permit the occupancy of an accessory dwelling unit in such principal residential structure, attached to a principal residential structure, or in an accessory building on the same lot, provided the following conditions are met:
- (1) The residence in which the accessory unit is constructed or permitted shall be the primary residence of the owner(s).
 - (2) Both dwelling units shall be on the same Town utility service.
 - (3) The accessory dwelling unit shall meet the setbacks of a principal use and all other yard and bulk requirements set forth in Section 16-33 of this Code. Maximum lot coverage and maximum floor area ratios may not be exceeded.
 - (4) The applicant shall provide a parking plan for off street parking for renters of the accessory dwelling unit.
 - (5) Separate outside access shall be created for the accessory dwelling unit, provided, however, that one airlock type entry may be used if separate access to the accessory dwelling exists following the initial outside entry of the principal residential structure.
 - (6) There shall be no more than one (1) accessory dwelling unit per property.
 - (7) The accessory dwelling unit shall not exceed 800 gross square feet, unless said accessory dwelling unit is located within the principal residential structure, in which case there shall be no limitation to gross square footage.
 - (8) The accessory dwelling unit shall be more than 200 gross square feet.
 - (9) There shall be a maximum of two bedrooms within an accessory dwelling unit, unless said accessory dwelling unit is located within the principal residential structure, in which case there shall be no limitation on number of bedrooms.
 - (10) The applicant shall comply with the provisions of Chapter 13 of this Code as it relates to sewer and water utilities and fees.

- (11) The accessory dwelling unit shall meet the standards of the International Building Code applicable at the time.
- (12) The applicant shall demonstrate approved, inspected septic for all bedrooms, if applicable.
- (13) The applicant for accessory dwelling units shall apply on forms provided by the town administrator, showing how and in what manner the criteria of this subsection are met, provide a statement of current ownership and a legal description of the property, and pay the appropriate application fee(s).
- (14) The accessory dwelling unit shall be used exclusively for long term rental(s).
- (15) If ownership is transferred, the new owner shall apply with the Town within ten (10) days after the transfer.
- (16) The accessory dwelling unit must otherwise follow all applicable provisions within Chapter 16 of this Code.

Section 2. Section 16-32 of the Nederland Municipal Code, concerning Residential Use Groups, is hereby amended as follows:

Sec. 16-32. Use Groups.

(a) This Section provides for grouping of similar uses into use groups. In each zoning district, use groups permitted outright are designated "Y," use groups permitted by special review are designated "R" and use groups prohibited are designated "N."

(b) Any use that is not specifically permitted in this Section shall be deemed to be a prohibited use. If a question arises as to whether a specific use does or does not fall within the expressed use categories, application may be made to the Planning Commission for a determination as to whether a specific use is permitted. Any decision by the Planning Commission may be reviewed by the Board of Trustees within thirty (30) days of the decision of the Planning Commission.

(c) Use group table...

<i>USE GROUPS</i>	<i>DISTRICTS</i>						
	<i>F</i>	<i>MR LDR MDR HDR</i>	<i>NC</i>	<i>CBD</i>	<i>GC</i>	<i>I</i>	<i>P⁷</i>
<i>Residential Use Groups</i>							
...							

<u>Accessory Dwelling Units</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
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"N" = use groups prohibited
 "R" = use groups permitted by special review
 "Y" = use groups permitted outright

Section 3. This ordinance shall go into effect six months after final date of adoption.

Section 4. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 4. Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

INTRODUCED, ADOPTED AND ORDERED PUBLISHED THIS 17th DAY OF MAY, 2018.

TOWN OF NEDERLAND, COLORADO



 Kristopher Larsen, Mayor

ATTEST:



 Nicole Cavalino, Town Clerk

APPROVED AS TO FORM:



 For Carmen Beery, Town Attorney