

ORDINANCE NO.

19-19
Series of 2019

TITLE: AN ORDINANCE REVISING CHAPTER 16, ARTICLE 4, OF THE HUDSON MUNICIPAL CODE TO ESTABLISH STANDARDS FOR PERMITTED ACCESSORY DWELLING UNITS

BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF HUDSON, COLORADO, THAT:

Section 1. The Hudson Municipal Code is amended by the addition of a new Section 16-64.5 within Article 4, Chapter 16, to read as follows:

Chapter 16 - Land Use Development Code

ARTICLE 4 – Zoning Districts

Sec. 16-64.5. Accessory dwelling units.

- a) Intent. Accessory dwelling units are intended to increase the supply of affordable and independent housing for a variety of households, increase home and personal security, provide supplemental earnings for people with limited incomes, and increase residential densities. This should occur by using the existing infrastructure and community resources throughout the Town while protecting the existing character of single-family neighborhoods. For structures intended for human habitation, this section applies instead of Section 16-64 of this Code.
- b) Definition: Accessory Dwelling Unit (ADU or ADUs). A habitable dwelling unit that provides basic requirements for living, sleeping, eating, cooking, and sanitation and is added to, created within, or detached from and on the same lot with a single-family dwelling (the "primary residence").
- c) Use by special review. ADUs may be permitted within the following zoning districts as a Use permitted by Special Review (USR). The provisions of Section 16-63 apply.
 - 1) Residential one (R-1).
 - 2) Residential two (R-2).
 - 3) Agriculture two (A-2).
 - 4) Agriculture three (A-3).
- d) Accessory uses. Per Section 16-57(g)(4) of this code, within the Industrial one (I-1) zoning district, an ADU may be allowed as an accessory use without a primary residence.

- e) If located within the Agriculture two (A-2) and Agriculture three (A-3) zoning districts and served by a preexisting well or septic system, a lot must meet the requirements of this code and the Weld County Health and Environment Department to accommodate an ADU. No minimum lot size applies if the lot for the ADU is served by the Town water and sewer systems.
- f) No more than one (1) ADU is permitted primary residence.
- g) The primary residence on the lot accommodating an ADU must be constructed as a conventional, site built, or manufactured housing as defined by this code.
- h) The ADU must be constructed as a conventional, site built, or manufactured housing unit as defined by this code. With the exceptions permitted in the Industrial one (I-1) zoning district, recreational vehicles, mobile homes, or park model homes (also known as recreational park trailers) shall not serve as an ADU in any zoning district.
- i) An ADU shall be no smaller than 400 square feet and no greater than 1,000 square feet, and in all cases, shall be smaller in size and clearly subordinate to the primary residence.
- j) The ADU shall be limited to two (2) bedrooms. A maximum of one additional bedroom for may be allowed if approved as part of the USR process.
- k) The ADU and the primary residence must meet the setback requirements, lot coverage, and building height requirements of the zoning district in which the ADU is located or, at minimum, must be at least five (5) feet away from an adjoining lot line, whichever is greater.
- l) ADU conversion. An existing garage structure or other outbuildings may be converted to an ADU provided that the structure complies with the setback standards for the primary structure as prescribed in the underlying zoning district, applicable building codes, and all other standards set forth in this code. The conversion of a garage shall not result in the elimination of the requirement of one legal on-site parking space to serve the primary residence.
- m) Building code. Each ADU shall comply with the Town's adopted building codes and all model codes for detached dwellings.
- n) Utilities. Unless there is a preexisting permitted water well and septic system, all ADUs shall be served with municipal water, municipal sanitary sewer, and electric service. ADUs must be connected to the water, wastewater and electric utilities of the primary residence and may not have separate utility services, unless the Town Manager determines such to be infeasible.

- o) Parking. No additional parking is required for the ADU; however, if a garage conversion is proposed, the required parking spaces for the primary residence must be replaced on-site. The replacement parking may be open, on-site parking spaces.
- p) Owner occupancy required. Either the ADU or the primary residence shall be permanently occupied by the owner of the lot, which shall include title holders and contract purchasers. If at any time the owner occupies neither the primary residence nor the ADU, the ADU shall not be used or occupied as a dwelling unit and shall not be rented.
- q) Application requirements; approval process.
 - 1) When an USR is required for an ADU, an application shall be filed with the town clerk in accordance with the USR process set forth in Section 16-63 of this Code. When applying, in addition to complying with Section 16-63(d)(2), the following additional material is required:
 - a. A notarized letter of application from the lot owner(s) stating that the owner(s) will occupy either the primary residence or the ADU on the lot as a permanent residence;
 - b. A floor plan of the proposed ADU drawn to a scale of one-quarter inch to one foot, showing the proposed changes to the building including entrance and connecting doors;
 - c. A site development plan, including approach to entries, general landscaping, setbacks, and parking.
 - d. A utility service plan.
 - 2) Upon receipt of a complete application, a public hearing shall be scheduled before the planning commission.
- r) If the ADU is approved by town council, the Applicant shall be required to apply for and obtain a building permit for the ADU.


Section 2. Safety Clause. The Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town of Hudson, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall become effective ten (10) days after final publication by title only.


INTRODUCED, READ BY TITLE, AND ADOPTED ON FIRST READING this 17 day of July, 2019.

TOWN OF HUDSON, COLORADO



Maria Chavez, Mayor Pro Tem

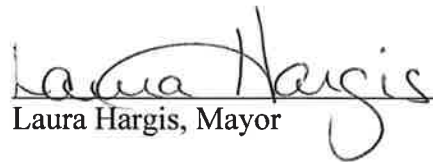
ATTEST:



Charity Campfield, Town Clerk

PASSED by a vote of 5 for and 0 against AND ORDERED PUBLISHED BY TITLE ONLY, with a complete copy available for public inspection and acquisition in the office of the town clerk this 7 day of August, 2019.

TOWN OF HUDSON, COLORADO



Laura Hargis, Mayor



ATTEST:



Charity Campfield, Town Clerk

APPROVED AS TO FORM:



Corey Y. Hoffmann, Town Attorney