

**A BILL FOR  
ORDINANCE NO. 16, SERIES OF 2021**

**AN ORDINANCE OF THE CITY OF CAÑON CITY AMENDING SECTION 17.24.050 OF THE CAÑON CITY MUNICIPAL CODE, BY THE ADDITION OF A NEW SUBSECTION 104, ALLOWING THE CONSTRUCTION OF AN ACCESSORY DWELLING UNIT ON THE PROPERTY LOCATED AT 2773 CHERRY STREET, FREMONT COUNTY, COLORADO**

**WHEREAS**, Kurt and Paula Peterson (the “Owners”) own the property located at 2773 Cherry Street, Cañon City, Colorado, as further described below:

A PARCEL IN LOT 21, RAYNOLDS SUBDIVISION BEGINNING AT THE SOUTHEAST CORNER;  
THENCE WEST ALONG THE SOUTH LINE 140.5 FEET;  
THENCE NORTH PARALLEL WITH THE EAST LINE 153 FEET;  
THENCE EAST PARALLEL WITH THE SOUTH LINE 140.5 FEET ON THE EAST LINE OF SAID LOT;  
THENCE SOUTH ALONG THE EAST LINE 153 FEET TO THE POINT OF BEGINNING, FREMONT COUNTY, COLORADO (“Property”);

**WHEREAS**, the Property is located within the R-1, Low Density Residential Zone;

**WHEREAS**, the Owners desire to construct an accessory dwelling unit on the Property;

**WHEREAS**, pursuant to Cañon City Municipal Code (“CCMC”) Sec. 17.12.070(C)(1), accessory dwelling units require approval as special review use and the Owners have submitted an application for approval of the new accessory dwelling unit as a special review use;

**WHEREAS**, a duly noticed public hearing was conducted before the City’s Planning Commission on May 26, 2021, and after receiving testimony from staff, the applicant and the public, the Planning Commission recommended approval of the special review use to City Council;

**WHEREAS**, a duly noticed public hearing was conducted before City Council on June 7, 2021 and after receiving testimony from staff, the applicant and the public, the City Council made the following findings: 1) that the special review use application complies with all requirements imposed by Chapter 17.24 of the CCMC; 2) is consistent with the purposes of Title 17; and 3) is designed to be compatible with surrounding land uses and the area of its location; and

**WHEREAS**, City Council, upon consideration of the criteria applicable to a special review use application, pursuant to CCMC Sec. 17.24.030(B), desires to approve the special review use application.

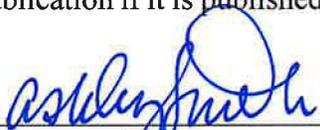
**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF CAÑON CITY:**

Section 1. Section 17.24.050 of the CCMC is hereby amended by the addition of a new subsection 104 to read as follows:

104. A. Legal Description of Property  
A parcel in Lot 21, Raynolds Subdivision beginning at the southeast corner; thence west along the south line 140.5 feet; thence north parallel with the east line 153 feet; thence east parallel with the south line 140.5 feet on the east line of said lot; thence south along the east line 153 feet to the point of beginning, Fremont County, Colorado
- B. Zoning District Designation  
R-1, Low Density Residential
- C. Uses Permitted by Special Review  
One Accessory Dwelling Unit

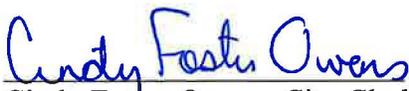
Section 2. Severability. If any section, subsection, paragraph, clause or other provision of this Ordinance for any reason is held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 3. Effective Date. Pursuant to Article XII, Section 3 and Section 5 of the Charter, this Ordinance shall be effective five (5) days after final publication if it is published after adoption or if not so published, five (5) days after its adoption.

  
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Ashley Smith, Mayor

ATTESTATION & CERTIFICATION

06/07/2021 – Introduced, Read by title & Passed on first reading  
06/12/2021 – Published  
06/21/2021 – Passed and Adopted on second reading  
06/25/2021 – Published  
06/30/2021 - Effective

  
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Cindy Foster Owens, City Clerk  
City of Cañon City (Attest)