

**TOWN OF FAIRPLAY, COLORADO
ORDINANCE NO. 8
(SERIES 2022)**

AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO AMENDING CHAPTER 16 OF THE FAIRPLAY MUNICIPAL CODE, REGARDING ACCESSORY DWELLING UNITS (“ADUs”) IN THE SINGLE FAMILY RESIDENTIAL (SF-RES) ZONE DISTRICT

WHEREAS, the Town of Fairplay, Colorado (the “Town”), is a statutory town, duly organized and existing under the laws of the State of Colorado;

WHEREAS, the Board of Trustees (the “Board”) has the authority, pursuant to C.R.S. §31-16-101, *et seq.*, to adopt and enforce all ordinances and enact laws to govern and regulate the use of land within its territory;

WHEREAS, pursuant to C.R.S. §31-23-301 *et seq.*, the Board also possesses the authority to adopt and enforce zoning regulations;

WHEREAS, under such authority, the Board has previously adopted land use and zoning regulations relating to accessory dwelling units, codified in Chapter 16 of the Fairplay Municipal Code (the “Code”);

WHEREAS, Code section 16-26-20 defines an Accessory Dwelling Unit (“ADU”) as “an attached or detached dwelling unit that is accessory and subordinate in size and character to a principal building situated on the same lot or parcel;”

WHEREAS, Code section 16-7-10 states that ADUs “are intended to provide increased affordable housing opportunities within the Town and to facilitate housing in close proximity to places of employment;”

WHEREAS, to further increase housing opportunities to the community’s workforce, the Town now wishes to amend Chapter 16 of the Code to permit ADUs as a use by right on parcels in the Single Family Residential (SF-Res) zone district;

WHEREAS, the parameters and requirements of 16-7-10 and 16-7-160, and any other applicable portions of the Code, would still apply to all accessory dwelling units;

WHEREAS, the Board finds it desirable and appropriate, and in the best interest of the general health, safety, and welfare of its citizens to amend Chapter 16 of the Code, to authorize accessory dwelling units as a use by right on parcels in the single family zoning district that meet the safety and infrastructure capacity considerations of the Town of Fairplay Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the Town of Fairplay Board of Trustees.

Section 2. Section 16-5-30 of the Fairplay Municipal Code, concerning the table of uses, is hereby amended to read as follows:

Sec. 16-5-30. Table of uses.

Table of Uses									
P=Permitted Use, S=Special Use, ■=Prohibited Use									
Land Use	Residential		Mixed Use	Commercial			Light Indus.	Public	
	SF-Res	MF-Res	T	TC	C	MU	LI	CC	POST
Accessory dwelling unit	<u>S</u> <u>P</u>	■	S	■	■	■	■	■	■
...									

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.

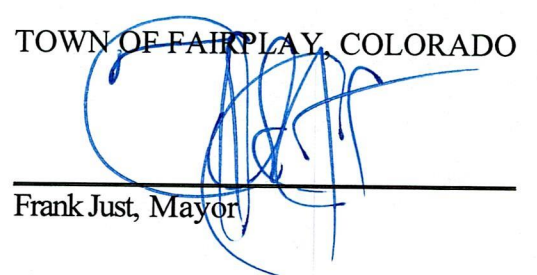
Section 4. Effective Date. This Ordinance shall become effective thirty (30) days after final publication.

INTRODUCED, READ, ADOPTED, AND ORDERED PUBLISHED this 6th day of June 2022.

ATTEST


Janell Sciacca, Town Clerk

TOWN OF FAIRPLAY, COLORADO


Frank Just, Mayor