

RESTRICTIVE COVENANT PROHIBITING SUBDIVISION AND SEPARATE SALE OF ACCESSORY DWELLING UNIT & ACCESSORY FAMILY SUITE



This restrictive covenant shall be notarized and then recorded with the El Paso County Clerk and Recorder's office. **Please submit this restrictive covenant with the recordation information with any building permit application associated with the Accessory Dwelling Unit (ADU) or Accessory Family Suite (AFS).** The purpose of the restrictive covenant is to restrict the subdivision and sale of an ADU or AFS separately from the primary dwelling and to provide notice of City Code requirements to future purchasers of the Property. If the completed restrictive covenant is not submitted as outlined above, City Planning may withhold building permits and/or certificates of occupancy. Those not compliant with City Code are liable to Zoning Enforcement action which may include civil actions against the property owner.

This restrictive covenant is required for an ADU or AFS located within the following zone districts: R (Residential Estate), R-1 9000 (Single-Family Residential), R-1 6000 (Single-Family Residential), OR (Office Residential), OC (Office Complex), PBC (Planned Business Center), C-5 (General Business), C-6 (General Business), and M-1 (Light Industrial).

I/We, _____, the Owner(s) of the real property located in the City of Colorado Springs, El Paso County, State of Colorado, described as:

Legal Description (or see attached) (required): _____

Known by (Street Address) (required): _____,

Colorado Springs, CO (the "Property"), agree to be bound by the following restrictions, which shall run with and be binding upon the land:

1. The ADU shall not be held in separate ownership from the primary dwelling unless the ADU and primary dwelling are located on separate lots pursuant to a lawful subdivision as provided for in the City Code. Subdivision is subject to the review and approval of a preliminary and final plat.
2. This restrictive covenant may be enforced by the City of Colorado Springs by an action in law or equity, and may only be released by a written release from the City of Colorado Springs.

Signature(s) of Property Owner _____
Date

Property Owner Printed Name(s)

STATE OF COLORADO)
 ss.
COUNTY OF _____)

Acknowledged before me this ___ day of _____, 20___, by _____
[Owner(s)]

Witness by hand and official seal.

My commission expires: _____

Notary Public