

#### Accessory Family Suite (AFS)

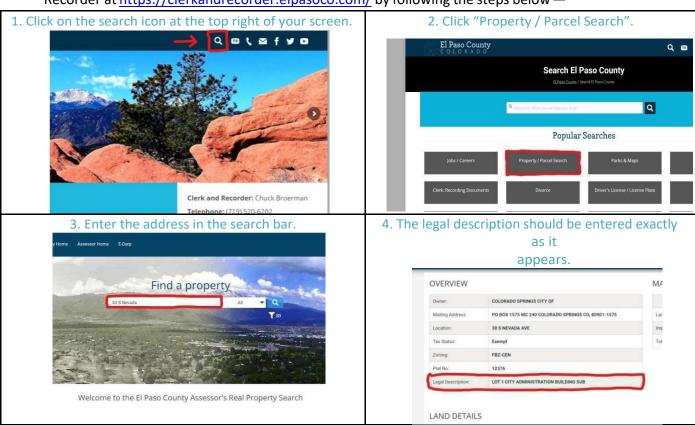
## Instructions for Occupancy Total and Prohibition of Subdivision and Separate Sale Affidavits

#### When should these documents be used?

When a single-family residence has a separate living space that is intended to be rented or functionally separate from the main living space — meeting the definition of an AFS — these documents are required. The AFS can be used as a separate living space if the occupancy limits for the dwellings will comply with municipal code are met, including any limitations imposed by the fire and building codes, and the affidavits have been recorded. For more information on the requirements of an AFS, view City Code Subsection G at <a href="https://codelibrary.amlegal.com/codes/coloradospringsco/">https://codelibrary.amlegal.com/codes/coloradospringsco/</a>.

#### What is the process to submit the documents into a building permit application?

- Confirm that the documents are needed for the building permit submittal. If you have question about what documents are required, contact the Development Review Enterprise at 719-385-5982 or\_ DREPlanningInfo@coloradosprings.gov.
- 2. Fill out the Owner Occupancy and Prohibition of Subdivision and Separate Sale Affidavits included in this packet. The property's legal description can be found online through the El Paso County Clerk and Recorder at https://clerkandrecorder.elpasoco.com/ by following the steps below —



- 3. Sign the document in the presence of a notary.
- 4. Record the documents at the El Paso County Clerk and Recorders Office located at 1675 W. Garden of the Gods Road, Suite 2201, Colorado Springs, CO 80907. Please call ahead to check for availability at 719-520-6202.
- 5. Include the recorded documents as part of the building permit submittal.

#### What happens if a property is used as an AFS without proper affidavits?

A code enforcement case may be opened on the property. If a case is opened, the site will be required to come into compliance with current code.

### ACCESSORY FAMILY SUITE AFFIDAVIT OF OCCUPANCY TOTAL

The affidavit is required for accessory family suites located in any zone district where an accessory family suite



This affidavit must be signed and sworn before a notary public. Please submit this affidavit with the recording information with any building permit application associated with the Accessory Family Suite. If the completed affidavit is not submitted as outlined above, City Planning may withhold issuances of building permits and/or certificates of occupancy. Those with accessory family suites not compliant with City Code are liable to Zoning Enforcement action which may include civil actions against the property owner.

is permitted.		
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"), hereby state that the following my knowledge:	information is true and complete to the best of	
<ol> <li>The Owner(s) are aware that accessory family suites do not constite for the dwellings will comply with municipal code, including any limit</li> </ol>		
Signature(s) of Property Owner(s)	Date	
Property Owner Printed Name(s)		
STATE OF COLORADO ) ss.		
COUNTY OF)		
Signed and sworn to (or affirmed) before me thisday of	, 20, by	
[Owner(s)]		
Witness by hand and official seal.		
My commission expires:Notary Public		

# 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-E (Residential

Estate), R-1 9 (Single-Family Residential), R-1 6 (Single-Family Reside Use Neighborhood), MX-M (Mixed-Use Medium Scale), MX-L (Mixed-Use Medium Scale), MX	
/We,, the Owner(s) of the real property ocated 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 follow binding upon the land:	wing restrictions, which shall run with and be
<ol> <li>The ADU or AFS shall not be held in separate ownership fror primary dwelling be located on separate lots pursuant to a lawfu Subdivision is subject to the review and approval of a preliminar</li> <li>This restrictive covenant may be enforced by the City of Colora may only be released by a written release from the City of Color</li> </ol>	ll subdivision as provided for in the City Code. ry and final plat. Ido Springs by an action in law or equity, and
Signature(s) of Property Owner	Date
Property Owner Printed Name(s)	_
STATE OF COLORADO )  SS.  COUNTY OF	
Acknowledged before me thisday of, 20, by	Owner(s)]
Witness by hand and official seal.	
My commission expires:	

**Notary Public**