



STAFF REPORT

To: Snyderville Basin Planning Commission
From: Ray Milliner, County Planner
Date of Meeting: February 25, 2020
Type of Item: Code Amendment – Work Session
Process: Legislative

RECOMMENDATION: Staff recommends that the Planning Commission review the proposed language to amend current regulations for Accessory Dwelling Units in the Snyderville Basin and provide direction.

Proposal

The purpose of the amendments is to update and amend regulations to for Accessory Dwelling Units in the Snyderville Basin.

Background

Staff is proposing changes to the Accessory Dwelling Unit language in the Development Code. The proposed changes include:

1. Elimination of the provision for an agricultural employee dwelling unit and replace it with language creating an “employee dwelling unit.” There are very few operational ranches on in the Basin. Staff research of the County files indicates there have never been any permits issued for this use in the Basin. This language is not necessary.
2. Creation of an “employee housing unit” this language is designed to create opportunities to build employee housing units within existing businesses or offices. Currently there is no allowance for this in the Development Code.
3. Clarification of the size requirements for an Accessory Dwelling Unit. Currently there is a provision that an accessory apartment be 1,000 square feet if it is within an accessory building, but no size requirement if it is within the principal building. This language limits the size to 1,000 square feet in both.
4. Creation of a “live work unit” this would allow for the creation of units with a work component and a residential component in a single unit of density. These units are

different from home occupations, which are currently featured in the Development Code in that the commercial component in a live work unit can be the primary use, whereas the commercial component in a home occupation is subordinate to the residential use.

Items for Discussion

Staff is requesting that the Planning Commission review the attached language and provide direction on the following issues.

1. Are the proposed criteria appropriate? Are there other issues that need to be addressed? Are they too restrictive?
2. Is it appropriate to make the Accessory Dwelling Units a Low Impact Permit? Should they be allowed? Conditional?
3. Would it be appropriate to provide an incentive for deed restricted affordable units? For example: as a conditional use, you could allow more than one unit, or a larger unit.

Recommendation

Staff recommends that the Planning Commission review the proposed language to amend current regulations for Accessory Dwelling Units in the Snyderville Basin and provide direction.

Exhibits

Exhibit A. Proposed Language

10-8-5: ACCESSORY DWELLING UNITS/AGRICULTURAL EMPLOYEE DWELLING UNITS:

A. Accessory Dwelling Units: An accessory dwelling unit may be allowed as an incidental residential use on the same lot as the main dwelling unit in the RR, HS, MR, and NC zone districts. No more than one accessory dwelling unit shall be permitted on a lot. An accessory dwelling unit shall conform to the following criteria:

1. The accessory dwelling unit must be constructed at a location approved by the CDD or designated planning staff member.
2. The minimum parcel size for a lot containing a primary dwelling unit and an accessory dwelling unit which is not attached to or within the primary dwelling unit shall be one-half ($\frac{1}{2}$) acre. There is no minimum acreage requirement for lots with accessory dwelling units which are attached to or within the primary dwelling unit. Accessory dwelling units considered to be attached to or within the primary dwelling units shall have at least one common wall.
3. The accessory dwelling unit may not be sold separately from the entire property, including the primary dwelling unit.
4. Setback requirements shall be the same as for the primary structure.
5. A building permit shall be required for an accessory dwelling unit.
6. Accessory dwelling units shall conform to the height limitations of the primary structure.
7. A certificate of occupancy for an accessory dwelling unit shall only be granted concurrent with or subsequent to the issuance of a certificate of occupancy for the primary use structure on said property.
8. A detached accessory dwelling unit shall not exceed one thousand (1,000) square feet of gross square footage, as measured from exterior wall to exterior wall of the accessory dwelling unit. An accessory dwelling unit may be placed within a larger accessory structure (such as a barn or garage), but the accessory dwelling unit shall be limited to one thousand (1,000) square feet. Other provisions of this title apply to the size and permitting of the larger accessory structure.
9. A restrictive use covenant shall be signed and recorded by the property owner prior to building permit issuance for the accessory dwelling unit. The restrictive use covenant shall state that the accessory dwelling unit may not be sold separately from the entire property, including the primary residence, and that the dwellings may not be condominiumized.

B. Agricultural Employee Dwelling Unit: An agricultural employee dwelling unit is a one-family dwelling located on an agricultural parcel/lot. The dwelling must be an accessory use to the principal dwelling unit and agricultural operation of the property. An agricultural employee dwelling unit shall conform to the following criteria:

- ~~1. Before an agricultural employee dwelling unit is approved, the applicant must demonstrate that the property on which the dwelling will be located contains a viable agricultural operation as defined in [chapter 11](#) of this title.~~
- ~~2. An agricultural dwelling unit shall contain cooking, sanitation and sleeping facilities.~~
- ~~3. The agricultural employee dwelling unit may not be sold separately from the sale of the entire property, including the primary residence.~~
- ~~4. A low impact permit and a building permit shall be required for an agricultural employee dwelling unit.~~
- ~~5. Setback requirements shall be the same as for the primary residence.~~
- ~~6. A certificate of occupancy for an agricultural employee dwelling unit shall only be granted concurrent with or subsequent to the issuance of a certificate of occupancy for the primary residence on said property.~~
- ~~7. An agricultural employee dwelling unit shall not exceed two thousand (2,000) square feet of gross square footage, as measured from exterior wall to exterior wall. An agricultural employee dwelling unit may be placed within a larger accessory structure (such as a barn or garage), but the agricultural dwelling unit itself shall be limited to two thousand (2,000) square feet. Other provisions of this title apply to the size and permitting of the larger accessory structure.~~
- ~~8. A restrictive use covenant shall be signed and recorded by the property owner prior to building permit issuance for the accessory dwelling unit. The restrictive use covenant shall state that the accessory dwelling unit may not be sold separately from the entire property, including the primary residence, and that the dwellings may not be condominiumized. (Ord. 708, 12-10-2008)~~

10-8-5: ACCESSORY DWELLING UNITS/ EMPLOYEE DWELLING UNITS AND LIVE WORK UNITS:

The purposes of this Chapter are to:

- Create new housing units while respecting the look and scale of existing development;
- Provide flexibility for the development of Accessory Dwelling Units, Employee Dwelling Units and Live Work Units;
- Increase the housing stock in the Snyderville Basin in a manner that is less intense than alternatives;
- Allow more efficient use of existing housing stock, public infrastructure, and the embodied energy contained within existing structures;
- Provide a mix of housing options that responds to changing family needs and smaller households;
- Promote a broader range of affordable housing;

- Provide opportunity for work force housing in developed and new neighborhoods, close to places of work, thus reducing greenhouse gas emissions and reducing fossil fuel consumption through less car commuting;
- Provide for the appropriate development of units that incorporate both living and working space; and
- Protect existing and potential uses and nearby residential uses from conflicts with one another.

A. ACCESSORY DWELLING UNIT

1. Applicability

An Accessory Dwelling Unit may be incorporated within or added onto an existing Single-Family Dwelling Unit, or within an Accessory Building. The Accessory Dwelling Unit must be accessory to the principal residential use and are Low Impact Permits in the Rural Residential (RR), Hillside Stewardship (HS) and Mountain Remote (MR) zones.

2. Criteria

A. Size:

- The maximum size of an Accessory Dwelling Unit is 1,000 square feet measured from the inside face of the exterior wall to the inside face of exterior wall.
- The minimum size of an Accessory Dwelling Unit is 400 square feet measured from the inside face of the exterior wall to the inside face of the exterior wall.
- An Accessory Dwelling Unit can contain no more than two (2) bedrooms.

B. **Accessory Dwelling Units per Lot or Parcel:** No more than one Accessory Dwelling Unit may be located on a Lot or Parcel.

C. **Parking:** In addition to the required parking spaces for a Single-Family Dwelling Unit in Section 10-4-9.B.3 of this Title, there shall be one on-site parking space per bedroom provided for the Accessory Dwelling Unit.

D. **Nightly Rentals:** Neither the main Dwelling Unit nor the Accessory Dwelling Unit may be rented for less than thirty (30) days.

E. **Ownership:** An Accessory Dwelling Unit shall not be sold separately or subdivided from the principal dwelling unit or lot.

B. Employee Dwelling Unit:

1. Applicability

An Employee Dwelling Unit is a one-family dwelling located on a commercial parcel/lot. The dwelling unit must be an accessory use to the principal commercial use of the property and are a Low Impact Uses in the Neighborhood Mixed Use (NMU) Community Commercial (CC) Neighborhood Commercial (NC) and the Service Commercial (SC) zones.

2. Criteria:

- a. Before an Employee Dwelling Unit is approved, the applicant must demonstrate that the property on which the Employee Dwelling Unit is proposed contains a commercial use as defined in chapter 11 of this title.
- b. An Employee Dwelling Unit shall contain cooking, sanitation and sleeping facilities.
- c. An Employee Dwelling Unit may not be sold separately from the sale of the entire property.
- d. Setback requirements shall be the same as for the primary Use.
- e. A certificate of occupancy for an Employee Dwelling Unit shall only be granted concurrent with or subsequent to the issuance of a certificate of occupancy for the primary Use on said property.
- f. An Employee Dwelling Unit shall not exceed two thousand (2,000) square feet of gross square footage, as measured from exterior wall to exterior wall.

C. LIVE WORK UNIT:

Applicability

Live/work units are properties that combine work space with living quarters, they are the principal use of a lot or parcel and are a Low Impact Use in the Neighborhood Mixed Use (NMU) Community Commercial (CC) Neighborhood Commercial (NC) and the Service Commercial (SC) zones.

Criteria

3. The residential and the commercial space must be occupied by the same tenant, and no portion of the live/work unit may be rented or sold separately;
4. Residential areas must be located above or behind the commercial component;
5. The commercial component shown on the floor plan approved through the Low Impact Permit shall remain commercial and cannot be converted to residential use;
6. The residential component shown on the floor plan approved through the Low Impact permit shall remain residential and cannot be converted to commercial use;
7. The commercial component shall be restricted to the unit and shall not be conducted in the yard, garage or any accessory structure;
8. External access for the commercial component shall be oriented to the street and should have at least one external entrance/exit separate from the living space.

9. The entrance to the business component shall be located on the ground level.
10. The live/work unit shall be required to provide parking in accordance with Section 10-4- of this title;
11. No more than one employee (excluding residents of the dwelling unit) shall work or report to work on the premises;
12. The commercial use shall not generate external noise, odor, glare, vibration or electrical interference detectable to the normal sensory perception by adjacent neighbors;
13. No explosive, toxic, combustible or flammable materials in excess of what would be allowed incidental to normal residential use shall be stored or used on the premises.

Prohibited Commercial Uses in Live/Work Units.

1. Any use not listed as permitted, a Low Impact or a Conditional Use in the zone;
2. The retail sale of food and/or beverages with customers arriving on-site. This does not include off-site catering preparation
3. Bars and restaurants;
4. Recreation and athletic facilities;
5. Veterinary services, including grooming and boarding, and the breeding or care of animals for hire or for sale;
6. Adult-oriented businesses, vape shops, astrology, palmistry, massage, head shops, and similar uses;
7. Sales, repair or maintenance of vehicles, including automobiles, boats, motorcycles, aircraft, trucks, or recreational vehicles;
8. Manufacturing uses of any kind;
9. Trade or Private Schools. This excludes private instruction of up to two students at any one time (e.g., music lessons, tutoring).

D. Permit Revocation:

An Accessory Dwelling Unit, Employee Dwelling Unit or Live Work Unit permit may be revoked by the Summit County Community Development Director for non-compliance with the criteria of this Section. The permittee may appeal the determination to the Summit County Council within ten (10) days of notice of the permit revocation. The Council shall evaluate the Director's determination of permit non-compliance and determine if permit revocation should occur.

10-11-1: TERMS DEFINED:

DWELLING UNIT, ACCESSORY: A self-contained Apartment, with cooking, sleeping, and sanitary facilities, created either by converting part of and/or by adding on to a Single-Family Dwelling or detached Accessory Building. Accessory Dwelling Units do not increase the residential density of the Property and are an Accessory use to the primary Dwelling.

~~DWELLING UNIT, ACCESSORY: A structure or a portion of a structure which is used by the owner of the primary residency or primary tenant as a dwelling for the private use of the property owner's relatives, domestic help, caretakers, nursing staff, houseguest, or similar users. An accessory dwelling unit shall contain cooking, sanitation, and sleeping facilities.~~

~~DWELLING UNIT, AGRICULTURAL EMPLOYEE: Living quarters within a portion of a main building or in an accessory building located on the same lot with the main building, used for persons employed on the premises. A one-family unit located on a Commercial agricultural parcel/lot. The dwelling unit must be an accessory use to the principal dwelling unit and agricultural operation of the property. An agricultural Employee Dwelling Unit shall contain cooking, sanitation, and sleeping facilities.~~

DWELLING UNIT, LIVE/WORK: as a single unit consisting of both a commercial/office and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant.

10-2-10: USE TABLE:

Use	RR	HS	MR	CC	SC	NC	Additional Reference
Dwelling Unit, Accessory	<u>A</u>	<u>A</u>	<u>A</u>	<u>C</u>	<u>C</u>	<u>A</u>	Section 10-8-5 of this Title
Dwelling Unit, An agricultural Employee				L	L	L	Section 10-8-5 of this Title
<u>Dwelling Unit, Live Work</u>				<u>L</u>	<u>L</u>	<u>L</u>	<u>Section 10-8-5 of this Title</u>