



Grand Lake Planning Commission

ADU Definition to Include Detached Structures in Municipal Code 12-2-6

TO: Chairman Shockey and Commissioners

FROM: Kimberly White, Planning Department

DATE: 03/15/2023

RE: Resolution 03-2023; Consideration to Recommend Updating the Accessory Dwelling Unit (ADU) Definition to Include Detached Structures in Municipal Code 12-2-6

Purpose:

Town staff has been directed to draft a new definition for accessory dwelling units (ADU's) to include detached units.

Background:

At the 5/18/2022 planning commission meeting, the commissioners asked that a discussion be scheduled for ADU's and the rules surrounding them. The municipal code is listed below.

At the 06/01/2022 Planning Commission meeting, altering the definition of ADU to remove the statement that "dwelling unit within, and not legally subdivided from, the principal structure" was discussed.

The main discussion points at the 6/1/22 planning commission meeting were ([minutes are available online](#)):

- Utilities
- Parking requirements
- Design code
- Density of the lots

There are many ADU's that currently exist in the Town prior to the zoning code.

At the 9/21/22 Planning Commission meeting, the Commissioners asked that the Town attorney draft an ordinance to update the code to change the definition of ADU to allow detached units. The main discussion points were utilities and how they are split, loud parties and other noise, parking, setbacks, driveways and code enforcement. Minutes can be viewed [here](#).

At the 11/2/22 Planning Commission, the ADU discussion was revisited and the Commissioners were tasked with sending Staff any ideas and concerns with a code revision. Commissioner Burke sent an article about ADU's (see [Exhibit B](#)), no other comments were received. The main concerns were listed in the [11-2-2023 minutes](#) and are generally already accounted for in the code. These concerns are summarized here:

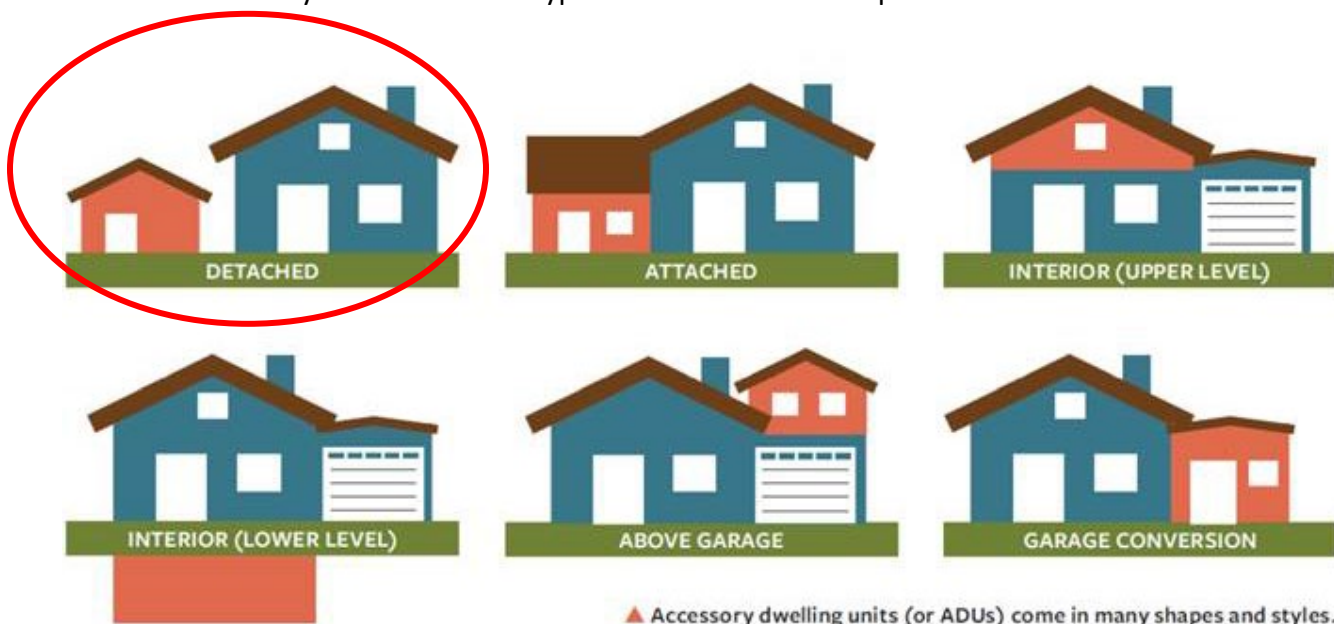
- Concern with driveway access to ADU's.
- Limit on the number of individuals in each ADU, was noted that this should be a first responder question.
- Height and square footage was questioned and noted that it is already addressed in the code.
- The difference between attached and detached ADU
- Fireplace code in regards to an ADU.

At the 02/01/2023 Planning Commission meeting, the Commissioners discussed all previous concerns and determined that changing the definition of ADU to include the detached structure would be acceptable ([02/01/2023 minutes](#)).

ToGL Municipal Code:

- The code does not discuss any required spacing between structures on a single property (referenced in with Fire code IBC 2015).
- The code makes exceptions for 2 contiguous water using units (10-1-6-B)
- The code identifies parking requirements for additional units (12-2-28).
- The code states that nightly rentals are not permitted in ADU's in most districts.
- The code states minimum and maximum square footage of ADU's in residential districts.
- The Town code currently allows attached ADU's and has set regulations for density, and sizing for each zone.
- The code defines driveway as location to gain access to property, serving no more than 1 SFR. It would stand to reason that an additional access to an ADU would branch from the single driveway access point, once on the property.

The Town currently allows all of the types of ADU's below except for detached:



Source: The ABCs of ADUs, a guide to accessory dwelling units and how to expand housing options for people of all ages, AARP

Motion:

Move to recommend approval of the draft Resolution 03-2023 updating the definition of Accessory Dwelling Units to the Board of Trustees.

or

Move to revise the draft ordinance to incorporate the following language: _____, and bring back to the Planning Commission for a final review.

Or

Move to Deny the draft resolution 03-2023