



Grand Lake Planning Commission

Discussion of ADU, Hotel/Motel Definitions in Municipal Code 12-2-6

TO: Chairman Shockey and Commissioners

FROM: Kimberly White, Planning Department

DATE: 11/2/2022

RE: Discussion of ADU, Hotel/Motel Definitions 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. Update to the Hotel/motel definition for clarification. The Town attorney has provided a few alternatives to be discussed.

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

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".

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 it to be detached. The main discussion points were utilities and how they are split, loud parties and other noise, parking, setbacks, driveways and code enforcement.

ToGL Municipal Code:

- The code does not discuss any setbacks between structures on a single property.
- 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.
- **Definition in MC 12-2-6: Hotel and Motel.** Any unit intended for rental on a less than monthly basis. Each unit shall have a minimum two hundred seventy-five (275) square feet and shall contain a bathroom within the unit.

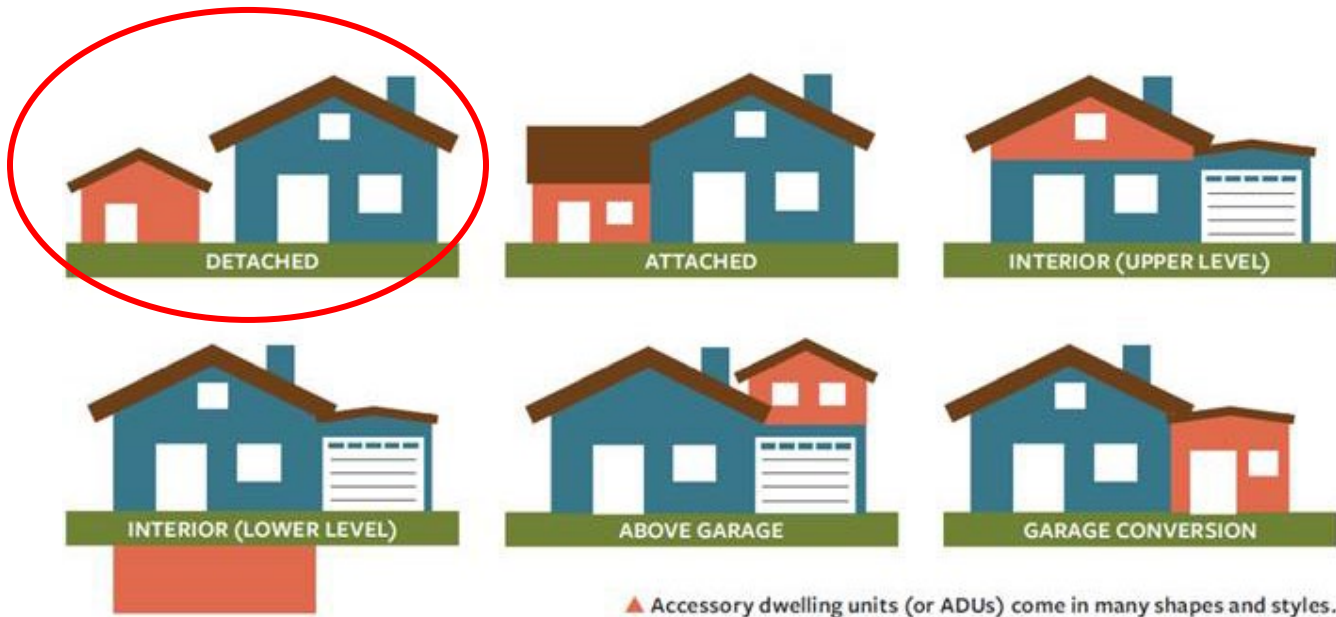
Information from other municipalities (Do we want to incorporate any of this language):

In general, in other towns, ADUs are defined by their location and can be located in the same structure as a primary single-family dwelling (attached) or in a separate detached structure from the primary dwelling (detached)

Detached Accessory Dwelling Unit (DADU) is a dwelling unit that meets the following criteria:

- It is located on the same lot, under the same ownership as, and subordinate to a single-family dwelling unit;
 - It is physically separated from and located in a different structure than the primary dwelling unit;
 - It is intended for use as a complete, independent living facility; and
 - It includes facilities for living, sleeping, eating, cooking, and sanitation for not more than one family.
 - Detached Accessory Dwelling Units are also called Detached Accessory Apartments.
- One (1) additional dwelling unit [or Auxiliary Living Space] within, and not legally subdividable from, the principal structure. This additional dwelling unit [or auxiliary living space] shall be no greater than 50% of the square footage of the primary dwelling unit, or 1500 square feet, whichever is the lesser size [and shall be at least four hundred (400) square feet of floor area]
 - An approved building permit with adequate proof of water and sanitation to service this accessory use will be required.
 - (2) When water for the primary dwelling unit is supplied by a water district or public water system, written documentation from the water provider allowing for the Auxiliary Living Space and/or proof of taps paid is required to be submitted with the building permit. a) If allowed by the water provider, Auxiliary Living Spaces may be separated from the main living are and have independent entries.
 - (3) When sanitation for the primary dwelling is provided by an On-Site Wastewater Treatment System (septic), written documentation of adequate design for the proposed total wastewater flow must be provided, consistent with Grand County On-site Wastewater Treatment System Regulations, as adopted.
 - (4) When sanitation for the primary dwelling is provided by a sanitation district or public sanitation system, written documentation from the sanitation provider allowing for the Auxiliary Living Space and/or proof of taps paid is required to be submitted with the building permit.
 - The property owner on record must occupy the principal dwelling or accessory unit, one parking space must be provided for the unit, and no more than three persons shall occupy an accessory dwelling unit.
 - “one or more Rooms constituting a unit for permanent occupancy, having but one kitchen together with facilities for sleeping, bathing, and which unit occupies a structure or a portion of a structure.

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

Questions:

- Could the Town Allow the DADU as an Administrative Conditional Use (CUP)?
- Allow as a CUP subject to Town review (this is how nightly rentals are currently handled)?
- Should the Town restrict ADU's on substandard lots (non-conforming lots after a code change)?
- Can there be an attached and detached ADU on the same property?
- Do they have to have foundations? Or can they be tiny homes with a skirt hiding the wheels?
- What are the setback requirements from the main home?

Motion:

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 recommend the attached draft Ordinance as is to the Board of Trustees.