

ORDINANCE NO. 441

**AN ORDINANCE OF THE TOWN OF BAYFIELD, COLORADO
AMENDING LAND USE CODE SECTION 4-8 ACCESSORY USES AND
STRUCTURES SUBSECTION D.**

WHEREAS, Accessory Dwelling Units (ADU's) are currently considered permitted land uses in most single family zones in the Town; and

WHEREAS, staff has recently fielded several calls from residents interested in adding ADU's to their property. In reviewing the code with these individuals, it was noted that one sentence in Section 4-8.D.(3).d. specified "The ADU will be included in the land use density calculation." was confusing, appearing to require that lots be at least twice as large as the minimum lot size to allow an ADU.

WHEREAS, certainly a reasonable requirement, a brief review of the existing permits issued for ADU's made it clear that it was not enforced in this manner. In addition, a review of existing single family lot sizes and existing zoning designations made it clear that ADU's would be severely restricted in Town if the ADU was indeed included as a separate dwelling in the land use density calculation.

WHEREAS, the sentence "The ADU will be included in the land use density calculation." was removed and a clarifying sentence was inserted in Subsection 4-8.D.(3).d.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BAYFIELD, COLORADO, THE LAND USE CODE SHALL BE AMENDED AS FOLLOWS:

Section 4-8 Accessory Uses and Structures

D. Accessory dwelling units (ADUs).

(1) *Process.* ADUs shall be processed in accordance with section 3-9 of this Land Use Code. However, the application for administrative review shall include an 11-inch by 17-inch site plan, to scale, demonstrating compliance with the ADU standards including, but not limited to, setbacks, off street parking, ADU subordination to principal structure, location of ADU entrance, ADU dimensions, structure height, and lot dimensions and area.

(2) *Agreement.* The property owner shall agree to sign an agreement stipulating the ADU shall remain compliant with the ADU requirements. Town shall record such document with La Plata County clerk and recorder, at property owner's expense.

(3) *Standards.* An ADU will comply with the following standards:


- a. The property owner, which shall include title holders and contract purchasers, must occupy either the principal unit of the ADU as their permanent residence.
- b. An ADU will be limited to one ADU per lot.
- c. The design and location of the ADU will be clearly subordinate to the principal structure.

- d. ADU's will only be allowed on parcels that meet all requirements of this code regarding lot size and setback standards. The ADU will not be included in the lot area per unit calculation as a separate dwelling unit.
- e. The ADU will meet all requirements of chapter 4 of the town municipal code.
- f. One additional off-street parking space per ADU is required.
- g. The ADU will be served by the same water tap as the main structure and the taps will be sized according to the total demand for both structures, unless the property owner desires separate water and sewer taps and pay appropriate fees including new plant investment fees.
- h. The ADU will not be less than 300 square feet and not more than, the lesser of, 700 square feet or 50 percent of the floor area of the primary residence.
- i. The ADU will be integrated into the site by appropriate site grading, earthwork and landscaping, and harmonious with the character of the building.
- j. The ADU entrance will be subordinate to the principal structure's entrance and preferably located on the side of rear of the residence.
- k. Detached ADUs will, in no case, be located no closer to the street than the principal structure. The detached ADU will be located on the rear half of the parcel or; in or above a garage.
- l. If attached to the main dwelling, the ADU may have a separate entry and kitchen facility. If a separate entry is proposed, the design of the structure will accommodate a fire wall between the main home and ADU.
- m. Separate addressing of the ADU is required.
- n. Home occupations shall be allowed, subject to existing regulation, in either the ADU or the main building, but not both.
- o. ADUs will comply with the town building and fire codes.

E. *Miscellaneous*. Nothing contained in this section 4-8, is intended to affect existing subdivision covenants. Property owners should consult with homeowner or property owners associations.

Passed and adopted this 16th day of June, 2020.

Attest:


Kathleen S. Cathcart, Town Clerk

Mayor: 
Ashleigh Tarkington