

Accessory Dwelling Unit (ADU) - Attached

Title 17

17.20.020 Permitted uses.

Permitted uses in a single-family residential zone shall be as follows:

- A. Single-family dwellings; use of a single-family dwelling for "transient accommodations," as that term is defined in this title, are is not permitted uses;
- B. Accessory Dwelling Unit, provided that all the following approval requirements are met:
1. The accessory dwelling unit is attached to a legal primary single-family structure.
 2. There shall be only one accessory dwelling unit per lot.
 3. The total number of occupants in both the primary residence and the accessory dwelling unit combined may not exceed the maximum number established by the definition of "family" in this Title; provided that occupancy of the ADU shall not exceed four.
 4. A building permit or change of use permit is obtained.
 5. A deed restriction is recorded with the San Juan County auditor prior to building permit issuance, stating:
 - a. The accessory dwelling unit and associated land cannot be financed or sold separately from the original dwelling
 - b. The accessory dwelling unit shall not be converted to a condominium.
 - c. The accessory dwelling unit is restricted to the approved size.
 - d. The occupancy or use permit for the accessory dwelling unit shall be in effect only so long as either the main residence, or the accessory dwelling unit, is occupied by the majority owner of record as the owner's principal place of residence.
 - e. The above declarations are binding upon any successor in ownership of the property; lack of compliance shall be cause for code enforcement and/or revoking the occupancy or use permit.
 - f. The deed restrictions shall lapse upon removal of the accessory dwelling unit.
 - g. Transient use of the accessory dwelling unit is prohibited.
 6. Design and Construction
 - a. The accessory dwelling unit shall meet all technical code standards, FHMC Title 15, including building, fire, mechanical and plumbing code requirements.
 - b. The accessory dwelling unit has full living accommodations including separate sleeping, eating, self-contained cooking, and sanitation facilities.
 - c. The floor area is less than 40% of the Primary Residence floor area. In no case is the accessory dwelling unit larger than 1000 sf in floor area.
 - a-d. For the purposes of this subsection existing Town Utility connections may be used.
 - e. There is a separate entrance.
 - f. Entrances from the original building shall be sealed or provide security locks.
 - g. There shall be only one front entrance to the house visible from the front yard. provided, that existing single-family buildings with two or more entry doors facing a street shall not be prohibited from using one of those doors to access the accessory dwelling unit;
- B-C. Accessory uses and buildings normally incidental to the above permitted residential uses; a detached guesthouse is not a permitted accessory structure; use of an accessory

Commented [RE1]: P/C/ Add clarity that the deed restrict runs with the land and cannot be removed without approval from the Town

Commented [RE2]: P/C Add. Design for similar roof pitch and cohesive overall themes.

structure for "transient accommodations," as that term is defined in this title, are-is not permitted uses; and
D. Home occupations.

17.08.141 Cooking Facilities~~17.08.190 Dwelling.~~

"Cooking facilities" means an area or room equipped or constructed so as to be capable of being equipped as a kitchen for the storage and preparation of food within a Dwelling Unit, containing equipment, devices and appliances or facilities for their installation including a kitchen sink, gas or electric range or stove, cabinetry for the storage of food or any other such cooking facility or any combination of such cooking facilities, and includes the arrangement of electrical wiring which provides the energy source and plumbing being used or intended to be used to service such facilities.

"Dwelling" means a building or portion thereof designed or used as a dwelling unit.

17.08.200-190 Dwelling, multifamily.

"Multifamily dwelling" means a building designed or used or portion thereof containing two or more dwelling units permitted for occupancy by as a residence for two or more families.

17.08.240-200 Dwelling, single-family.

"Single-family dwelling" means a single dwelling unit building designed permitted or used as a for occupancy by not more than residence for only one family.

17.08.2210 Dwelling Unit

"Dwelling unit" means a suite of one or more rooms a single unit providing complete independent living facilities for one or more persons including permanent provisions for containing living, sleeping, eating, cooking facilities bathing and sanitation cooking facilities for occupancy by one family.

17.08.220 Dwelling Unit, Accessory

"Accessory Dwelling Unit" means a subordinate dwelling unit incorporated within a single-family building.

17.08.580 Structure.

"Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This shall not include parking and walking surfaces at or near grade level and shall not include standards or poles for the limited purpose of displaying national, state, or local government flags.

Commented [RE3]: IRC definition

Commented [RE4]: A building is not a structure

Commented [RE5]: These are structures. Regulations should

17.88.010 Violation and enforcement

- A. It shall be a violation of this title for any person to use or occupy any land, building or other structure in any manner which would be contrary to the provisions of this title. It shall also be

a violation of this title for any person to publicly offer to allow another person to use or occupy any land, building or other structure in any manner which would be contrary to the provisions of this title. ~~Any violation of this title shall be and hereby is declared both a public nuisance and a Class 1 civil infraction, as defined in Chapter 1.18 FHMC. Each day that a violation of this title exists may be treated as a separate infraction.~~

Commented [RE6]: Moved. As a result of adding subsections, this should be a separate subsection.

B. It shall be a violation of this title for person to publicly offer through advertisement on short term rentals sites to allow another person to use or occupy any land, building or other structure in any manner which would be contrary to the provisions of this title.

C. A person who is operating or advertising a transient accommodation that is not a permissible use in the zone shall be assessed a monetary penalty in the amount of \$2,300 on the day of the notice of violation. This monetary penalty is separate from those that are assessed as a result of a Class 1 civil infraction. Each occurrence of operating or advertising a transient accommodation that is not a permissible use in the zone shall be considered a separate offense.

B-D. ~~Any violation of this title shall be and hereby is declared both a public nuisance and a Class 1 civil infraction, as defined in Chapter 1.18 FHMC. Each day that a violation of this title exists may be treated as a separate infraction.~~

Commented [RE7]: Moved. As a result of adding subsections, this should be a separate subsection.