

3809: Local Resident Housing

3809.01: Purpose and Intent

The availability and attainability of housing for local residents and employees is critical to the health, functionality, economy and spirit of the County. Having an adequate supply of suitable and affordable housing options for local residents and employees is important to sustain working-class professionals, year-round service and seasonal resort workers. Therefore, this section of the Code is intended to provide regulations that facilitate the provision of a variety of suitable and affordable housing options for persons residing and working in the County.

This section includes regulations on, and requirements for three categories of housing for local residents and employees: 1) affordable workforce housing, 2) accessory apartments, and 3) housing for on-site employees. Housing for on-site employees includes on-site employee housing for commercial/industrial businesses and multifamily residential developments, on-site employee housing for ranching, farming and mining operations in rural areas, and on-site caretaker units. Affordable workforce housing and accessory apartments have been broken out separately because they each provide a distinct type of housing for persons generally employed within Summit County, rather than employees working on a particular property or for a particular business.

To ensure that each type of local resident housing is used in the manner intended by this Code, the regulations pertaining to each type of local resident housing, as set forth below, include restrictions unique to that type of housing, and require a deed restriction or restrictive covenant to be recorded restricting the use and occupancy of each housing type in accordance with the applicable regulations.

3809.02: Affordable Workforce Housing

A. Purpose and Intent

This section of the Code is intended to provide regulations that facilitate the provision of moderately priced housing to help meet the needs of the locally employed residents of Summit County, and to ensure that such housing is used for its intended purpose. Affordable workforce housing is restricted in ownership, occupancy and/or sale to provide, in a perpetual manner, moderately priced housing to be occupied by local residents. Affordable workforce housing is intended to provide ownership or rental housing for individuals and families residing and employed in Summit County who would otherwise face significant fiscal obstacles in their ability to purchase or rent a market-rate unit in Summit County. Accordingly, such housing is not intended to be occupied by persons who own other real estate or investment properties, and is not intended to serve as a real estate investment.

Affordable workforce housing may be permitted on properties that have been authorized for such use through an approval of the County. This section includes regulations on, and requirements for, affordable workforce housing. Affordable workforce housing shall conform to the requirements of this section and the other applicable requirements of this Code.

B. Restrictions on Affordable Workforce Housing Units

1. **Deed Restriction Required:** Restrictions on the sale, resale, rental (when authorized) and occupancy of affordable workforce housing units must be guaranteed in perpetuity through a deed restriction, or other mechanism acceptable to the County. Prior to County approval of any development containing an affordable workforce housing unit, such deed restriction shall be submitted to the Planning Department for review and approval. Recordation of the approved deed restriction shall occur prior to issuance of a certificate of occupancy for the affordable workforce housing unit. The deed restriction shall be drafted in accordance with the provisions of the Summit County Affordable Workforce Housing Deed Restriction Guidelines, which have been adopted by the Board of County Commissioners and are kept on file in the Planning Department.

C. Density Calculation for Affordable Workforce Housing Units and Relationship to Transferable Development Rights (TDR) Regulations

Affordable workforce housing, which meets the following criteria shall be exempt from the provisions of the Transferable Development Rights (TDR) regulations set forth in Section 3506 of this Code:

1. The dwelling unit(s) are deed restricted in accordance with the Summit County Affordable Workforce

- Housing Deed Restriction Guidelines, which are on file in the Planning Department ; and,
2. The dwelling unit(s) comply with the following affordability limits for average sales price or rental rate (when authorized) of affordable workforce housing, which are set forth in this Section. The sales price or rental rate (when authorized) shall be calculated in accordance with the methodology set forth in the Summit County Affordable Workforce Housing Deed Restriction Guidelines:
 - a. **Average Sales Price Required:** The average sales price of the units shall not exceed affordability limits (as most recently determined by the U.S. Department of Housing and Urban Development (HUD) specifically for Summit County) for families and individuals at or below 100% of area median income (AMI). While the sales price of individual units may vary, the average sales price of the project, as a whole, shall be set so as to be affordable to households earning no more than 100% of AMI.
 - b. **Ability to request increased average sales price for diversified affordable workforce housing developments:** Diversified affordable housing developments, which provide housing units available at a variety of affordability levels may be eligible to request an increased average sales price. The diversity in affordability levels will be evaluated on a project by project basis and shall be based on the most recent Summit County Housing Needs Assessment. When approved by the Review Authority, the average sales price of the units in a diversified affordable housing development can exceed affordability limits for families and individuals at 100% of AMI, up to an average of 120% AMI, or as otherwise approved by the Review Authority. An example of an affordability mix is below:

Affordability Level (% AMI)	Percent of Overall Development
80% or less	24%
80.1 – 100%	26%
100.1 – 120%	17%
120.1 – 140%	20%
140% - 180%	13%
Total	100%

- c. **Rental Rate Required:** The average rental rate of the units (when authorized) shall not exceed affordability limits (as most recently determined by the U.S. Department of Housing and Urban Development (HUD) specifically for Summit County) for families and individuals at or below 60% of area median income (AMI). While the rental rates of individual units may vary, the average rental rate of the project, as a whole, shall be set so as to be affordable to households earning no more than 60% of AMI.
 - d. **Voluntary and Alternative Measures of Compliance with TDR Program Regulations:** In accordance with the provisions for voluntary and alternative measures of compliance with the TDR Program Regulations in Section 3506.04 et. seq. of this Code, substantial developments of fifteen (15) or more development rights in the Lower Blue, Snake River and Ten Mile basins are eligible to request an exemption from satisfying all or part of the TDR requirements for projects that further legitimate community interests and objectives as specifically promoted by master plan goals and policies or other County development policies (including the provision of deed-restricted affordable workforce housing that meets the specifications set forth in Section 3809.02 et. seq. of this Code). Per the provisions for voluntary and alternative measures of compliance with the TDR Program Regulations in Section 3506.04 et. seq. of this Code, the Review Authority has the ability to exempt housing from the provisions of these regulations where the average sale price or rental rate (when authorized) of the units exceeds the affordability limits set forth in Sections 3809.02.C.2.a., 3809.02.C.2.b. and 3809.02.C.2.c. above, when determined to be appropriate based on unique situations or considerations associated with a particular development proposal.
3. The dwelling unit(s) complies with all other applicable regulations in Section 3809.02 et. seq. of this Code, including but not limited to: minimum floor area requirements, and standards for homeowners association dues.

D. Minimum Floor Area Requirements for Affordable Workforce Housing Units

To ensure that a reasonable amount of living space is sold for the price of an affordable workforce housing unit, the following minimum floor area requirements shall be met for each unit type and affordability level. Unfinished spaces, such as unfinished basements, shall not be counted toward meeting the minimum floor area requirements.

Minimum Floor Area Requirements for Affordable Workforce Housing Units (square feet)					
Unit Type	Less than 80% AMI	80 – 100% AMI	100.1 – 120% AMI	120.1 – 140% AMI	More than 140% AMI
Studio	450	500	550	600	650
1-Bedroom	650	700	750	800	850
2-Bedroom	900	950	1,000	1,050	1,100
3-Bedroom	1,100	1,200	1,300	1,400	1,600
4-Bedroom	1,300	1,400	1,500	1,700	1,900

Compliance with the minimum floor area requirements shall be accomplished by means of adherence to the chart above. However, in the case of exceptional circumstances under which an Applicant articulates a need for flexibility to request a reduction to the applicable floor area requirements for proposed affordable workforce housing units, the Review Authority may consider and, if appropriate in light of the circumstances, approve a proposal to reduce the minimum floor area requirements. Such a determination by the Review Authority shall be based on factors including, but not limited to:

1. Design features that improve a home’s livability (e.g. an efficient and flexible layout with limited space used for hallways and staircases, high ceilings and windows that provide above average natural light);
2. Significant storage outside the unit in a garage or storage shed;
3. If the applicant can achieve a higher density of deed restricted affordable workforce housing units with this reduction and there is a demonstrated market demand for a higher density project; or
4. Other such pertinent considerations where such flexibility could allow for the enhancement or improvement of the overall affordable workforce housing project.
5. However, no reduction greater than 10% of the minimum floor area requirement shall be allowed.

The decision as to whether or not to approve a proposed reduction to the minimum floor area requirements is a discretionary decision within the sole province of the Review Authority for any given application, and reductions shall only be granted under exceptional circumstances.

E. Common Expenses within Development Projects and/or Common Interest Communities

The governing documents for any proposed development project or common interest community that contains affordable workforce housing units shall include provisions outlining the property owners association’s responsibilities for maintaining the development project in good condition. These provisions shall address the property owners association’s responsibility to: (i) provide ongoing maintenance and operational services (i.e. snow plowing, trash removal, lawn care, and insurance) that are funded by monthly dues, and (ii) establish a reserve account to save for the cost of long term maintenance (i.e. roof replacement, painting, parking lot paving). The establishment of a reserve account to save for the cost of long term maintenance is critical to prevent undue special assessments that would cause the affordable workforce housing units to be untenable or no longer affordable for local residents.

While it is important that development projects be maintained in good condition, it is also recognized that monthly dues and other special assessments can make otherwise affordably priced units unaffordable for locals, particularly in resort areas. In consideration of this issue, when affordable workforce housing units are included within a proposed project that contains predominantly market-rate residential units, the governing documents of the project and/or common interest community shall include a procedure or mechanism to maintain the affordability of assessments for common expenses (i.e. monthly dues and any periodic special assessments) for the affordable workforce housing units. For example, the documents could be written to state that the affordable workforce housing units will be assessed monthly dues and other shared assessments based on a reduced percentage of their actual floor area.

The governing documents for any proposed development project containing affordable workforce housing units shall be reviewed and approved by the County at the time of development review to ensure that the documents contain the provisions and protections required by this Section.

F. Diversity in Affordable Workforce Housing Developments

An appropriate mix of housing prices and/or rental rates, building types, home sizes, and bedroom configurations are needed to create diverse neighborhoods, which accommodate a variety of residents, in terms of income, family size and household composition. Therefore, developers are encouraged to provide diversity in affordable workforce housing developments, including:

1. A range of housing prices and/or rental rates for local residents (using the affordability mix set forth in Section

3809.02.C.2.b. of this Code as a guideline for for-sale housing).

2. A diverse mix of building types to create variety in architecture and diversity among residents (i.e. a mixture of detached single family homes, duplexes, townhouses, etc.).
3. A variety of home sizes, floor plans and bedroom configurations (i.e. 1-bedroom, 2-bedroom, and 3-bedroom units) to serve a diverse mix of households.
4. Variety in architecture by using different façade treatments on buildings with similar floor plans.
5. For development projects that include both market-rate residential units and deed-restricted affordable workforce housing units, the blend of market rate units and affordable workforce housing units shall be compatible and interspersed throughout the development, in order to result in a viable integration of the different housing types and bedroom configurations for sale or rent. In addition, the affordable workforce housing units shall be constructed with building materials having a compatible exterior style to the market-rate units in the development. Standards for common expenses for affordable workforce housing units included within a project that contains predominantly market-rate residential units are set forth in Section 3809.02.E.

G. Community Vitality and Sustainability in Affordable Workforce Housing Developments

To facilitate the development of vibrant and sustainable neighborhoods, which serve a variety of community needs, developers are encouraged to provide the following elements when designing affordable workforce housing developments:

1. Road and path networks that encourage walking and promote a sense of community among residents.
2. Amenities or facilities, which serve other legitimate community needs, such as a child care center, post office, neighborhood meeting space, neighborhood commercial shops (i.e. coffee shop, general store), community gardens or facilities for recreation and transportation (i.e. parks, athletic fields, and public transit stops).

3809.03: Accessory Apartments

- A. **Where Permitted:** Accessory apartments are allowed as a permitted use only in single-family dwelling units in County zoning districts as specified in Figure 3-2, and may be permitted in a PUD as an allowed use if such use is requested as part of the creation or modification of a PUD per the zoning amendment process. Accessory apartments are also permitted in single-family dwelling development in the antiquated zoning districts remaining in effect, including but not limited to the RME and R-25 zoning districts. Permitted accessory apartments shall be evaluated per the Class 2 development review process outlined in Section 12000 et seq.
- B. **Detached Historic Structures:** If an applicant is requesting an accessory apartment in a detached historic structure as provided for in this section, the Review Authority must find that the detached accessory apartment meets the criteria to determine the historic nature of the structure as outlined in Section 3809.03.M.1.A. and the related requirements in Sections 3809.03.M. et seq.
- C. **Not Allowed in Duplex or Multi-Family Dwellings:** Accessory apartments are not allowed in duplex dwellings or multi-family dwellings.
- D. **Other Requirements:** Accessory apartments shall conform to the requirements of this section and the other applicable requirements of this Code. An accessory apartment shall not be allowed on the same parcel as a caretaker unit.
- E. **Use of Primary and Accessory Units**
 1. General: When an accessory apartment is established on a parcel, either the accessory apartment or the primary residence shall be restricted to long-term rental to persons employed within Summit County a minimum of 30 hours per week or occupancy by relatives of the property owner. Long-term rental shall mean rental for at least six (6) months. Short-term rental of the restricted unit on the property is expressly prohibited. The County may allow exemptions to the employment requirement for persons with disabilities or persons who have reached retirement age. If allowed by the County, the employment exemption shall be included in the covenant required in subsection 2 below. Rental Procedures for Primary and Accessory Units
 - a. At such time that an approved unit becomes vacant, the property owner must immediately make reasonable good faith efforts to rent the unit to a qualified occupant. For purposes of this section, a qualified occupant is defined as persons residing and employed in the County a minimum of 30 hours per week.
 - b. In the event that the County discovers the unit is not being rented according to the requirements of this section, the property owner shall have 90 days to lease the unit to a qualified occupant, and submit a copy of such lease to the County along with the names of the current tenants and their places of employment, or show cause as to why such unit has not been leased in accordance with these regulations.

- c. If the property owner is unable to lease the unit to a qualified occupant within 90 days, for good cause shown, the property owner shall contact the Summit Combined Housing Authority to request assistance with finding a qualified occupant to lease the unit. The property owner shall be allowed reasonable, good faith discretion in determining if any prospective tenants are suitable, provided that such discretion is not exercised intentionally or inadvertently in a manner to circumvent the intent of these regulations. However, in making such determination, no discrimination in terms of race, creed, gender, sexual orientation or other protected classifications will be tolerated.
 - d. Any accessory apartment not properly leased in accordance with these requirements shall be deemed a violation of the accessory apartment approval and a breach of the covenant restricting the unit. The County shall have the ability to pursue any and all remedies necessary to enforce the requirements of this Section, including revocation of the accessory apartment approval, and the County shall be entitled to all costs, including reasonable attorney's fees, incurred in enforcing the same.
2. **Recordation of Covenant:** All permits issued for an accessory apartment shall include the requirement that the property owner record a covenant restricting the use and occupancy of the property in accordance with the requirements outlined in this section. The covenant shall grant enforcement power to Summit County or an authorized designee.
 3. **Flexibility to Use an Approved Accessory Unit as Either an Accessory Apartment or a Caretaker Unit:** In situations where the location and design standards for construction of an accessory apartment (as set forth in Section 3809.03F.) and a caretaker unit (as set forth in Section 3809.04.F.2) are identical (based on the subject property's zoning and acreage), flexibility may be granted by the Review Authority to allow occupancy of the approved accessory unit in accordance with either: 1) the occupancy standards for use of an accessory apartment outlined in this section, or 2) the occupancy standards for use of a caretaker unit outlined in Section 3809.04.F.1. In cases where such flexibility is requested by the applicant and approved by the Review Authority, the flexible occupancy allowance shall be documented in the covenant required in subsection 2 above, to the satisfaction of the County Attorney.

F. Location and Design

1. Where allowed in County zoning districts, an accessory apartment shall be either (1) incorporated into the primary residence on the property; (2) located above a garage serving the primary residence; (3) incorporated into a barn serving agricultural uses only where a barn is permitted by the provisions of this Code; or (4) located in an existing detached structure, provided the structure meets the historic criteria outlined in Section 3809.03.M.1. An accessory apartment shall have a separate kitchen and may have a separate entrance from that of the residence with which it is associated. To ensure the single-family character of neighborhoods is retained, the following design elements shall be met for accessory apartments:
 - a. **Entrances:** An accessory unit may have a separate entrance from that of the residence with which it is associated, however if the unit is located above a detached garage, an outside stairway shall not be allowed in order to preserve the single-family appearance of the neighborhood.
 - b. **Roof Lines:** If the accessory unit is not located within the primary dwelling unit and located either above the garage or above a barn, then the roof design of the detached structure shall be similar to the primary dwelling unit's design in terms of roof pitch and roofing materials.
 - c. **Building Materials:** The building materials used in conjunction with the additional unit shall be of the same type and color scheme as contained in the primary dwelling unit.
 - d. **Landscaping:** All parking areas provided in conjunction with the accessory use shall be landscaped to buffer the parking area from surrounding land uses, with the final landscaping reviewed and approved on-site prior to the issuance of a CO to help mitigate the potential negative visual impacts of the additional parking. Where landscaping is required, a financial guarantee shall be presented to the County prior to receiving a CO per the financial guarantee provisions listed in Section 3600 et seq.
 - e. **Detached Garages and Barns:** Accessory apartments located above detached garages and barns are only allowed on lots equal to or greater than 20,000 square feet. Accessory apartments in barns are only allowed if such a structure is permitted by the underlying zoning district. An accessory apartment over a garage or barn is allowed only if such improvement does not extend beyond the basic footprint of such structures. Cantilevering or extending the accessory apartment beyond the footprint of a barn or a garage is not permitted except for minor encroachments outside of this footprint for bay windows, roof eaves, chimneys, and other similar appurtenances as may be approved by the Review Authority. A garage shall not be expanded by a storage area, shop or other similar addition to allow for more floor area for the accessory apartment above so that the building's mass and the character of the area are maintained.

- f. **Number of Bedrooms:** The number of bedrooms shall be limited to a maximum of three (3) bedrooms.
- g. **Building Form:** Primary structures which include an accessory apartment shall be designed so that the exterior resembles a single-family residence and shall not be designed in a manner where the exterior resembles a duplex design (i.e., a structure containing two identical, side-by-side dwelling units with two entry doors on the front façade).

G. Number of Units Allowed

In zoning districts where accessory apartments are permitted, no more than one (1) accessory apartment shall be permitted on each parcel.

H. Size of Units Allowed

- 1. Where accessory apartments are permitted, the floor area in the accessory apartment shall not exceed 1,000 square feet. In calculating the floor area of an accessory apartment to determine compliance with this section, any garage space associated with the accessory apartment shall be excluded.
- 2. Detached accessory apartments that meet the historic criteria outlined in Section 3809.03.M.1 can be larger than 1,000 square feet, and have more than three (3) bedrooms, if they are located on parcels 20 acres or greater and zoned A-1.

I. Water and Sewer

- 1. **Central Water and Sewer:** If a proposed accessory apartment is located within an area served by central water and sewer, the property owner shall pay additional water and sewer tap fees or other charges for an accessory apartment if so required by the supplier of the water and sewer service. Such tap fees and any charges shall be paid prior to the issuance of a building permit for an accessory apartment.
- 2. **Well Water:** When an accessory apartment is proposed to be served by a well, the applicant shall identify the source they propose to use for the provision of water and, if water augmentation, water leasing or some other legal form of additional water right for the apartment in necessitated, the applicant shall also provide written confirmation from the entity to provide water that the water augmentation will occur. If a proposed accessory apartment does not have an existing water right (as evidenced by a valid well permit, or court approved water augmentation plan), any approval of an accessory apartment that will provide water by a well shall include a condition that, prior to the issuance of a building permit, the applicant shall submit either: 1) a final court decreed water augmentation plan; 2) a water lease; or, 3) some other legal document providing evidence of additional water right for the apartment.
- 3. **Individual Sewage Disposal System:** When an accessory apartment is proposed to be served by an ISDS system, the County's Public Health Department shall provide referral comments on the application, which may include specific requirements to ensure a site can accommodate an ISDS. If the Public Health Dept. determines that a site can most likely accommodate the necessary ISDS and any other related requirements, then an ISDS permit will need to be obtained prior to the issuance of a building permit.

J. Parking

Each accessory apartment shall be provided with parking in accordance with County parking requirements (see Figure 3-7). Parking for the accessory apartment shall be provided only in a designated, paved or graveled area and shall not exceed two spaces. However, if the size of an accessory apartment would allow three (3) people to occupy the unit in accordance with Section 3809.03.L. then a maximum of three parking spaces shall be allowed. Parking may be tandem, (outside or in a garage) and no administrative relief from the parking requirements is necessary to allow the tandem parking.

K. Compliance with Building and Fire Codes

Where an applicant is requesting a Class 1 permit for an accessory apartment and the apartment was in existence prior to 1988, the unit shall be inspected and shall comply with applicable requirements of the Building and Fire Codes prior to occupancy of the accessory apartment. The Review Authority may add a condition that an existing accessory apartment be brought into compliance with the applicable Building Code and Fire Code by a date certain, not to exceed one (1) year after the date of any approval. If this condition is not met, the Review Authority's approval shall be void.

L. Impact on Neighborhood and Findings for Approval

- 1. An accessory apartment shall be established and occupied in a manner that preserves the residential character of the neighborhood where it is located. To reach this intent, the total occupancy of the accessory apartment and the primary unit shall meet all the requirements of the definition of family as outlined in Chapter 15 with the exception that an accessory apartment may not be occupied by more than three (3) individuals, regardless of their relationship (limited to one (1) person per 300 square feet).
- 2. An accessory apartment, which is located in a detached historic structure and is larger than 1,000 square feet, may have one (1) additional occupant per 300 square feet, up to a maximum of five (5) occupants, provided

the structure is located on a parcel 20 acres or greater, and zoned A-1.

3. All other restrictions of this Code, including animal restrictions, shall apply as if to one (1) single-family dwelling. For example, if the zoning district restricts a single-family dwelling to two (2) dogs, the dwelling and the accessory apartment combined shall not have more than two (2) dogs.
4. The Review Authority may approve an accessory apartment only if the application meets all relevant regulations and standards set forth in Section 3809.03 et. seq. and provided the Review Authority makes the following findings:
 - a. The proposed accessory apartment is in harmony and compatible with surrounding land uses and the neighborhood, and would not create a substantial adverse impact on adjacent properties or on services and infrastructure.
 - b. Approval of the proposed accessory apartment would not result in excessively high activity levels or intensity of uses (i.e. traffic, noise, parking) within the neighborhood.

M. **Detached Accessory Apartments**

Purpose and Intent: Detached older structures used as accessory apartments can provide benefits. Such use can provide for affordable or local housing that is compatible with the surrounding neighborhood, complements community character, is of good quality, and integrated into free-market housing. Permitting older detached structures and using them as accessory apartments can encourage their rehabilitation, preserve the County's heritage and promote the preservation of structures that might have architectural, historical or cultural significance. Moreover, enhancement of property values and the stabilization of historic neighborhoods, farms, ranches and sites can be achieved.

1. **Proof of Historic Nature of Detached Accessory Apartments**

Proof of Historic Nature: An applicant must provide proof of the historic nature of a proposed detached structure for use as an accessory apartment; criteria to determine the historic nature of the structure are as follows:

- a. The structure was built prior to 1960; had previously been or is currently being used as a residence; the original, distinctive character is well preserved; and the integrity of setting and materials is retained. Determination as to the date the proposed structure was built and used as a place of residence shall be based on conclusive evidence. Conclusive evidence can be provided through a combination of at least two (2) of the following:
 1. County Assessor data.
 2. Historic records provided by the applicant.
 3. Dated photographs (e.g., aerial or historical).
 4. Official designation on a national, state or local historic registry (e.g., National Register of Historic Places, Colorado State Register of Historic Properties, Summit County Historic Preservation Advisory Board, Summit Historic Society).
 5. Sworn affidavit from someone with personal knowledge of the property.
 6. Other evidence deemed credible by the Reviewing Authority.

2. **Alterations or Rehabilitation to Preserve Character**

Any proposed addition, alteration or rehabilitation to a detached accessory apartment shall generally preserve the original, distinctive character of the building and its site. However, the Review Authority may allow for reasonable changes of the original, distinctive character if such change is being caused by the application of applicable Code requirements, including but not limited to Building Code and Fire Code requirements.

3. **Additional Submittal Requirements**

In addition to the requirements contained in Section 3809.03, a request for a detached accessory apartment shall also be subject to the following requirements:

- a. **Presubmittal Meeting:** A presubmittal meeting shall be held jointly between a project proponent and the Planning and Building Departments prior to submittal of an application for a detached accessory apartment per the provisions of Section 12000 et seq. The purpose of the meeting is to discuss issues that need to be addressed, appropriate building Code requirements and the review schedule.
- b. **Building and Fire Code Reports:** A report or analysis regarding appropriate Building and Fire Code requirements shall be submitted by a Colorado licensed design professional. The report or analysis shall indicate the potential need and extent of modifications necessary to the detached accessory apartment to make it habitable per the Building and Fire Codes.
- c. **Narrative on How Original, Distinctive Character Will be Maintained:** A detailed narrative of how the owner will upgrade the appearance of the proposed detached accessory apartment to preserve the historical integrity and original, distinctive character of the existing building and site shall be submitted.

N. Relationship to Previous Approvals for Accessory Apartments and Length of Validity

The County's previous approval of a permit for an accessory apartment is valid so long as the use is authorized under Figure 3-2 and so long as the accessory apartment continues to meet the specific conditions or requirements that were in force or specifically applied to the project by the County's previous approval. The Review Authority's approval of an accessory apartment can be revoked in accordance with Section 12000.19.

3809.04: Housing for On-Site Employees

A. Purpose and Intent

Much of Summit County's economy is tied to the ski industry in the wintertime and conference and convention business, outdoor recreation and construction in the summertime. The work force employed in these industries is typically seasonal, with peak demand in the winter months. Most of the jobs are in the service industry, which has a tradition of being lower paid. At the same time, housing costs in the county tend to be high and choices on housing limited at certain times of the year. Summit County's economy also includes ranching, which employs a lower paid, seasonal work force.

It is the intent of the BOCC to encourage the provision of housing for on-site employees by allowing this use in zoning districts and in types of development projects where employees are to be expected. Where housing for on-site employees is provided, it is the BOCC's intent to insure that such housing is used for its intended purpose. On-site employee housing is allowed in County zoning districts as specified in Section 3809.04.B. below and also as listed in Figure 3-2. This section includes regulations on, and requirements for, the following types of housing for on-site employees:

1. Caretaker units for on-site caretakers in agricultural areas and single-family developments.
2. On-site employee housing for commercial/industrial businesses, multifamily residential developments, ranching and farming operations, and mining operations.
3. Employee housing for ski resorts.

On-site employee housing shall conform to the requirements of this section and the other applicable requirements of this Code.

B. Types of Housing For On-Site Employees

1. **Caretaker Units for On-site Caretakers:** Caretaker units are residential dwelling units occupied by relatives or employees of the owner of the property where the unit is located, who provide security and/or caretaking services on the property. Caretaker units are allowed as either a permitted or accessory use in County zoning districts as specified in Figure 3-2 and may be permitted in a PUD as an allowed use if such use is requested as a part of the creation or modification of a PUD per the zoning amendment process. Caretaker units are also permitted in single-family dwelling development in the antiquated zoning districts remaining in effect, including but not limited to the RME and R-25 zoning districts. Caretaker units shall conform to the requirements of Section 3809.04.F. below and the other applicable requirements of this Code.
2. **On-site Employee Housing for:**
 - a. **Commercial and Industrial Businesses:** An on-site employee housing unit for a commercial/industrial business is an accessory dwelling unit, located on the same property as the commercial or industrial business, which is used to house persons employed by the owner of that business. On-site employee housing units for commercial and industrial businesses are permitted in County zoning districts that allow commercial and industrial development, as specified in Figure 3-2. These units are also permitted in commercial and industrial developments in the antiquated zoning districts remaining in effect, including but not limited to the B-1 and B-3 zoning districts, and in PUDs where commercial or industrial development is allowed. These on-site employee housing units can either be incorporated into a commercial/industrial building or located in a separate, freestanding structure on the same property as the commercial/industrial business.
 - b. **Multifamily Residential Developments:** An on-site employee housing unit for a multifamily residential development is a residential dwelling unit within a multifamily development, which is occupied by person(s) who provide on-site management and/or maintenance services for the development (i.e. building and landscape maintenance, housekeeping, etc.) On-site employee housing units for multifamily residential developments are allowed as a permitted use in County zoning districts that allow multifamily development, as specified in Figure 3-2. This type of employee housing unit is also permitted in multifamily developments in the antiquated zoning districts remaining in effect, including but not limited to the R-25 zoning district, and in PUDs where multifamily development is allowed.

- c. **Ranching and Farming Operations:** On-site employee housing for ranching and farming operations are bunkhouses or hired hand quarters that are provided for temporary, seasonal harvesting crews on a farm or ranch property. On-site employee housing for ranching and farming operations is allowed as a permitted use on A-1 zoned parcels of 35 acres or more and as a conditional use on A-1 zoned parcels less than 35 acres, provided the employee housing is accessory to an active ranching or farming operation.
 - d. **Active Mining/Milling Operations:** On-site employee housing is permitted as an accessory use to active mining/milling operations on parcels in the M-1, I-1 and A-1 zoning districts. On-site employee housing for active mining/milling operations are limited to bunkhouses providing sleeping quarters for employees working for an active mining/milling operation on the property where the bunkhouse is located.
3. **Employee Housing for Ski Resorts:** The provisions for employee housing at each of the major ski areas located in the unincorporated area of the County are stated in the PUD designation for the ski resort (i.e. the Copper Mountain and Keystone Resort PUDs).

C. Incentives for Provision of Housing for On-Site Employees

To encourage the provision of housing for on-site employees, dwelling units which have been restricted by covenant to use as housing for on-site employees in accordance with Section 3809.04.D. below, shall not be counted in calculating the density of a development project (including both dwelling units per acre and total floor area).

D. Restrictions on Employee Units

1. **Covenant Required:** Prior to issuance of any building permit for an on-site employee housing unit, a covenant restricting the unit to use as housing for on-site employees shall be submitted to the Planning Department for review and recordation, except as provided in this section. On-site employee housing units shall be occupied on a long term basis by on-site employees only and shall not be rented on a short term basis or rented to the general public under any circumstances, except as provided in this section. The requirement for long term occupancy by on-site employees and other key requirements of this section shall be stated in the covenant recorded against an on-site employee housing unit.
2. **Exceptions:**
 - a. **Units for Seasonal Agricultural Labor and Activities:** Where employee housing has been provided on a farm or ranch for the purpose of housing harvesting crews, such units need not be restricted to long term occupancy but shall not be used for rental to the general public. Occupancy of such units by hunting and fishing permittees shall be allowed.

E. Removal of Restrictions

Where a dwelling unit has been restricted by covenant to use as housing for on-site employees, the covenant may be removed by mutual consent of the BOCC, the property owner and any lien holder subject to the following findings:

1. The retention of the covenant will result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the property owner.
2. If the employee housing unit becomes an unrestricted unit and is added to the unit count in the project, it will not cause the project to exceed its density limits.

F. Caretaker Units for On-Site Caretakers

Caretaker units are allowed as either a permitted or accessory use in County zoning districts as specified in Figure 3-2 and may be permitted in a PUD as an allowed use if such use is requested as a part of the creation or modification of a PUD per the zoning amendment process. Caretaker units are also permitted in single-family dwelling development in the antiquated zoning districts remaining in effect, including but not limited to the RME and R-25 zoning districts. Caretaker units shall conform to the requirements of this section and the other applicable requirements of this Code.

1. Use of Primary and Caretaker Unit

- a. **General:** Caretaker units shall be occupied by relatives or employees of the owner of the property where the unit is located, who provide security and/or caretaking services on the property. Caretaker units shall not be used as guest quarters, offered to or used as rental units by the general public, or rented on a short-term basis.
- b. **Recordation of Covenant:** Approval of a caretaker unit shall include the requirement that the property owner record a covenant restricting use of the unit to members of the property owner's family or employees of the owner in accordance with this section. The covenant shall grant enforcement power

- to Summit County.
- c. **Flexibility to Use an Approved Accessory Unit as Either an Accessory Apartment or a Caretaker Unit:** In situations where the location and design standards for construction of an accessory apartment (as set forth in Section 3809.03F.) and a caretaker unit (as set forth in Section 3809.04.F.2) are identical (based on the subject property's zoning and acreage), flexibility may be granted by the Review Authority to allow occupancy of the approved accessory unit in accordance with either: 1) the occupancy standards for use of an accessory apartment outlined in Section 3809.03.E., or 2) the occupancy standards for use of a caretaker unit outlined in this Section. In cases where such flexibility is requested by the applicant and approved by the Review Authority, the flexible occupancy allowance shall be documented in the covenant required in subsection B above, to the satisfaction of the County Attorney.
2. **Location and Design**
 - a. **A-1 Zoning District:** On parcels of 35 or more acres, a caretaker unit may be located in a freestanding residence separate from the property owner's residence, may be incorporated into the primary dwelling or a garage serving the primary dwelling or may be located in a recreational vehicle, where the recreational vehicle is located at least 300 feet from any property line and, where practical, is screened from view from any street or highway abutting the property. On parcels of less than 35 acres, a caretaker unit shall be incorporated into the primary dwelling or a garage serving the primary dwelling. For parcels zoned A-1 greater than 20 acres, caretaker units may be established in a manufactured home, provided such home meets all state and local standards.
 - b. **M-1 Zoning District:** A caretaker unit may be located on a parcel in the M-1 Zoning District where an active mining operation is being conducted. The caretaker unit may be located in a freestanding residence, or where the mining operation is seasonal, in a recreational vehicle provided the recreational vehicle is not located on the property for more than six (6) months each year.
 - c. **R-1, R-2, R-3, R-4 and R-6, RU, RE or in PUDs That Allow Such Units:** To ensure the single-family character of neighborhoods is retained, the following design elements shall be met for caretaker units:
 - i. **Entrances:** A caretaker unit may have a separate entrance from that of the residence with which it is associated, however if the unit is located above a detached garage, an outside stairway shall not be allowed in order to preserve the single-family appearance of the neighborhood.
 - ii. **Roof Lines:** If the caretaker unit is not located within the primary dwelling unit and located above the garage then the roof lines shall be similar to the primary dwelling unit's design in regards to roof pitch and roofing materials.
 - iii. **Building Materials:** The building materials used in conjunction with the additional unit shall be of the same type and color scheme as contained in the primary dwelling unit.
 - iv. **Landscaping:** All parking areas associated with the caretaker unit shall be landscaped to buffer the parking area from surrounding land uses, with the final landscaping reviewed and approved on-site prior to the issuance of a CO to help mitigate the potential negative visual impacts of the additional parking. Where landscaping is required, a financial guarantee may be required in order to receive a CO per the financial guarantee provisions listed in Section 3600.
 - v. **Detached Garages:** Caretaker units located above detached garages are only allowed on lots equal or greater than 20,000 square feet. A caretaker unit over the garage or barn is allowed only if the unit does not extend beyond the basic footprint of such structures. Cantilevering or extending the caretaker unit beyond the footprint of a barn or a garage is not permitted, except for minor encroachments outside of the footprint for bay windows, roof eaves, chimneys, and other similar appurtenances as may be approved by the Review Authority. A garage shall not be expanded by a storage area, shop or other similar addition to allow for more floor area for the caretaker unit above so that the buildings mass and the character of the area is maintained.
 - vi. **Number of Bedrooms:** The number of bedrooms shall be limited to a maximum of three (3) bedrooms.
 - vii. **Building Form:** Primary structures which include a caretaker unit shall be designed so that the exterior resembles a single-family residence and shall not be designed in a manner where the exterior resembles a duplex design (i.e., a structure containing two identical, side-by-side dwelling units with two entry doors on the front façade).
 3. **Number of Units Allowed**
 - a. **A-1 Zoning District:** No more than one (1) caretaker unit shall be permitted for each primary dwelling unit allowed.
 - b. **M-1 Zoning District:** No more than one (1) caretaker unit shall be permitted for each mining operation.

- c. **PUD Zoning District:** The number of caretaker units allowed shall be governed by the PUD designation, and in no event will the number exceed more than one (1) unit per parcel.
 - d. **Other Zoning Districts:** In other zoning districts where caretaker units are permitted, no more than one (1) caretaker unit shall be permitted on each parcel.
 - e. **Relationship to Accessory Apartments:** A caretaker unit shall not be allowed on the same parcel as an accessory apartment.
4. **Size of Units Allowed**
On parcels of 35 or more acres in the A-1 Zoning District or on parcels of any size in the M-1 Zoning District, the size of the caretaker unit is not regulated. On parcels of less than 35 acres in the A-1 District, and within the single family residential zoning districts and PUD Zoning Districts where caretaker units are allowed, a caretaker unit shall not exceed 1000 square feet.
5. **Water and Sewer Service**
Prior to approval of a caretaker unit, the property owner shall pay additional water and sewer tap fees and charges for a caretaker unit if so required by the supplier of the water and sewer service. If a well and septic system are proposed to serve a caretaker unit, the provisions of Sections 3809.03.E.2 and 3 shall be applied to the caretaker unit.
6. **Parking**
Each caretaker unit shall be provided with parking in accordance with County parking requirements (see Figure 3-7).
7. **Compliance with Building and Fire Codes**
Where an applicant is requesting a caretaker unit per the provisions of this Code or a PUD and the unit was in existence prior to the effective date of this Code, the unit shall be inspected and shall comply with applicable requirements of the Building and Fire Codes prior to any Certificate of Occupancy if so required by the Review Authority. Where the caretaker unit is proposed to be built after the effective date of this Code, the unit shall be constructed in accordance with the Building and Fire Codes and shall receive a CO for the conditional use permit to be valid.