

EXHIBIT A

Disclaimer: This is a draft version of the LUC Code update to Article 4 (Special Purpose Overlay Districts) – Further revisions may be warranted during the public meeting. A final version will be posted after the public meeting.

4.9.1 Purpose

The Alternative Dwelling Overlay (ADO) District provides local workforce housing opportunities by allowing different types of non-traditional housing on a single lot to support market needs while respecting the character of existing neighborhoods and residential zones. The ADO is intended to designate areas for much needed workforce housing, which in turn, supports local businesses and the local economy. Short term accommodations are not a permitted use within an approved ADO development.

4.9.2 Applicability

Alternative style dwellings, while part of the Grand County economy and tradition, are not appropriate in all areas of the County. ADO Districts should be applied to parcels where appropriate and compatible with adjacent land uses and neighborhoods. The regulations set forth in this section may be applied to real property located within Grand County, codified in this section upon application to and approval by the County Commission pursuant to the provisions herein. This overlay district is being offered as a pilot program and will expire upon *[insert date]* or when 150 dwelling units have been approved.

When approving or denying an ADO District application, the Commission shall consider and make findings related to 1) the relative availability of workforce housing and Affordable Housing, as defined in Article 10 of the LUC, as compared to the Fall of 2022 and current conditions, according to housing indicators tracked by Planning & Zoning Department (when available); and 2) impacts the proposed development may have on adjacent land uses and neighborhoods, the overall design of the proposed development, according to the following criteria:

1. Traffic impact - as a general rule, ADOs should be limited to parcels with main egress and ingress located on an arterial or collector street per the Unified Transportation Master Plan (see Exhibit A), ~~unless a traffic study determines the project will have minimal impact on the neighborhood;~~
2. Commute time: Location of ADOs should be within 12 mile to work centers and commercial nodes;
3. Historic use of the subject property, including a historic use of alternative dwellings;
4. Compatibility with the existing community characteristics, existing density, or future land use designation;
5. Impact on Water resources as compared to a single family dwelling development with equivalent number of housing units, as data is available.
6. Overall design of the proposed development, including site design, landscaping, active open space provided, any amenities included, such as storage spaces, or other communal spaces.

Upon approval, and subject to all applicable zoning regulations, the development agreement and master plan shall control development of the applicable real property.

4.9.3 Identification on Zoning Maps

Approved ADO Districts and developments shall be indicated on the official Zoning Map.

4.9.4 Occupancy Standards

All ADO developments shall comply with the following occupancy requirements:

- 1) Overnight accommodations are strictly prohibited in ADO districts. The County reserves its full civil and criminal remedies when enforcing illegal Overnight Accommodations.
- 2) Alternative Dwelling developments shall be occupied for a period of 630 consecutive days or more,
- 3) ~~less than 60 days by seasonally employed persons with proof of employment from a local Grand County business, in the form of a paystub or (?)~~
 - a) ~~Property owners shall maintain a log of tenants which tracks their eligibility as local workforce, the County will periodically perform audits.~~

4.9.5 Development and Use Standards in ADO Districts

The ADO District standards ensure that Alternative Dwelling developments are designed in a manner that addresses the impacts and the increased service needs they generate, including but not limited to traffic, noise, weed control, wastewater management, code and law enforcement, and emergency medical services

An ADO is defined as containing 4 or more dwelling sites for use as Long Term Rentals for local residents and workforce. Unless otherwise specified below, all development in an ADO District shall comply with the development standards of the underlying zoning district. Uses allowed in the ADO Districts shall be as specified in the underlying base district together with permissible Alternative Dwellings. Accordingly, Alternative Dwelling developments shall be allowed to incorporate new residential and commercial uses otherwise allowed by the underlying base district within allowable lot coverage percentages of the underlying zoning district.

A. Public Utility Service and Wastewater Management.

1. ADO developments shall be served by public water and sewer facilities ~~or State approved well and septic systems~~, as follows:
 - a. For ADOs over 5 sites, at least one restroom shall be constructed on site to serve the development,
 - b. Each dwelling site shall have hookups to water, sewer, gas and electric, otherwise shared common facilities shall be provided per the minimum State Health code requirements,
 - i. Sites without utility hookups shall provide at a minimum, sufficient number of bathhouses (with showers) and a covered communal kitchen, with a wash / sink basin, a utility surface / countertop, and a gas grill or stove top for cooking,
 - c. A potable water supply shall be provided within 200 feet of dwelling sites, and can be located in the communal kitchen, with a sink basin.
2. ADO developments should incorporate water-wise features in the development, including greywater re-use for landscaping, bioswales, drought-resistant plant and tree species, xeriscape landscaping design, and minimal turf.

B. Height, Density and Scale

1. The minimum lot size for an ADO development is 0.5 acre.
2. Dwelling sites required area:

- a. Dwelling Sites shall be a minimum of 600 sq. ft and no larger than 1,200 sq.ft.
 - b. Each dwelling site shall be at least 20 feet in width
3. There shall be a minimum of 5' distance from any other structure or Mobile Unit on site.
 4. The number of units permitted on a parcel shall be determined by the maximum building coverage* (as defined in this section) allowed in the underlying zoning district or the maximum number of units determined by the County Commission, whichever is less.
 - a. *Building coverage per this section shall mean, the total square footage of **dwelling sites** along with all other structures (common facilities).

C. Site Configuration, Internal Circulation, and Parking

1. Sites should be located to take advantage of passive solar design and use of existing shade.
2. All development must fit the topography of the property (building that steps with terrain). No mass grading or grading of a flat building envelope is permitted. If any grading is necessary.
3. One off-street parking space per dwelling site is required to mitigate impacts on adjacent land uses and neighborhoods. Parking may be consolidated or grouped in designated areas on site. Covered parking may be provided on site.
4. ADO developments shall have an internal driveway not less than 16 feet wide. Proposals that provide a circular driveway, instead of a dead end, will be given preference. A cul-de-sac or hammerhead turnaround shall be provided for any dead end driveway length over 150'.
5. Each site shall be arranged so that all dwellings have access to the internal driveway. The interior driveway shall be properly drained; have a durable dust-free, all weather surface of gravel, compacted road base, or asphalt.
6. Each site designated for Tiny Homes on a chassis, RV's, travel trailers, or camper vans shall provide an improved surface, with compacted road base or gravel.
7. Any dwelling not on a chassis, will require a foundation and a building permit.

D. Common Space, Landscaping and Screening

1. ADO developments shall incorporate into their site plan Active Open Space such as a pocket park, community garden, playground, picnic space, or other dedicated landscaped area accessible to the residents. This space shall be at a minimum 5% of the parcel size or at least 1,500 square feet, whichever is less.
2. Screening shall be provided for common area trash receptacles, or other equipment storage.
3. ADO property owners shall maintain a weed-free landscape.
4. Native plants existing on the property shall remain on site, either by preserving their existing location or relocating somewhere else on the property (even as a result of necessary grading).
5. One tree, shrub or bush of a species suitable for the area (low water usage and native species) shall be provided for each dwelling site (Existing trees on the site may be used to satisfy this requirement).
6. On-site trails and trail connections identified in the Grand County Non-Motorized Trails Master Plan that are either existing or planned, shall be placed in a public easement.

F. Dwelling Design

1. Air conditioning units and similar mechanical requirements should be avoided on rooftop locations, and fully screened from view.
2. Plastic or vinyl awnings are not permitted. Awnings must be of solar stabilized materials.
3. Structures on site shall be constructed of durable primary materials such as stone, brick and earth derived materials; wood lap siding; fiber cement board lapped, shingled, or panel; metal siding; glass; or engineered stone.

4.9.6 ADO District Application

A. Procedure. An ADO District application shall be reviewed and approved in accordance with the procedures of Section 9.2, Text and Zoning Map Amendments (Rezoning), and shall be considered to be a Zoning Map amendment.

B. Application. A developer shall submit an ADO District application with the information contained in Section 9.2 together with a development agreement and master plan as follows:

1. The development agreement shall include the following information:
 - a. Legal description of the property;
 - b. A statement describing the proposed development of the property by gross acre; number of dwelling sites, types of dwelling units, common facilities, Active Open Space, and other related development features as proposed by the developer or requested by the County;
 - c. All other required components of the development agreement outlined in Section 4.9.4 local occupancy requirements; and
 - d. Which provisions, if any, supersede and replace conflicting provisions in the LUC pursuant to Utah Code § 17-27a-528;
2. The master plan shall include the following information:
 - a. Legal description of the property;
 - b. Identification of all proposed land uses including number and types of dwelling units and any non-residential uses;
 - c. Development envelope indicating compliance with underlying zone setbacks;
 - d. Location and dimensions of each dwelling site and corresponding parking spaces proposed on the property;
 - e. Location of common facilities, such as bathhouses, communal kitchen or other accessory structures or amenities;
 - f. Identification of site planning features, including landscaping (trees, bushes and shrubs), open space and public easements for trails and trail connections, if any, and location of bioretention and biofiltration swales;
 - g. Identification of sensitive lands within or adjacent to the proposed development and how the development's impacts will be mitigated, including but not necessarily limited to the following:

- i) Public drinking water supply watersheds (recharge areas for the aquifer in the Glen Canyon formation);
- ii) Floodplains and natural drainages;
- iii) Slopes in excess of 30 percent; and
- iv) Significant geological, biological, and archaeological sites;

h. ADO notes shall be included on the Master Plan, in the Development Agreement, and within a restrictive use covenant that shall be recorded along with the Master Plan, as follows:

All ADO developments shall comply with the following ownership and occupancy requirements:

- i) Overnight accommodations are strictly prohibited in ADO districts. The County reserves its full civil and criminal remedies when enforcing illegal Overnight Accommodations.
- ii) Alternative Dwelling developments shall be occupied for a period of 630 consecutive days or more.
- iii) ~~less than 30 days by seasonally employed persons with proof of employment from a local Grand County business, in the form of a paystub or (?)~~
- iv) ~~Property owners shall maintain a log of tenants which tracks their eligibility as local workforce, the County will periodically perform audits.~~

C. Approval. Application for an ADO District is a rezone request, and as such shall adhere to the procedures outlined in Section 9.2 Text and Zoning Map Amendments, The Commission is the decision making authority. The decision to approve or deny an ADO rezone shall be based on findings of fact related to the Applicability Criteria in section 4.9.2.

D. Recordation. The developer shall record the development agreement and master plan and restrictive use covenant in the real property records of Grand County, Utah, prior to issuance of a building permit for any unit within a site plan approved hereunder. Once approved, the development agreement and master plan may not be amended or modified without reapplication to the County.

E. Effect. Review and consideration of an ADO District application is a discretionary legislative decision. Further, approval of an ADO District application does not constitute site plan, preliminary plat, or final plat approval. Rather, such approval shall be deemed approval of permission to develop under the standards of this section and the master plan.

F. Lapse of Approval. The ADO District approval shall automatically expire and be void unless a site plan is approved for the development within 6 months of ADO District approval, and if certificate of occupancy is not issued within two years of ADO District approval. An extension of up to 6 months from

G. Conflict. In the event of conflict between the provisions of Section 9.2 and this Section 4.9.6, this section shall control.

4.9.7 Expiration of Alternative Dwelling Overlay Ordinance

The ordinance codified in this section shall automatically expire after 150 ADO units have been approved or after one year, whichever occurs first. A record of the number and location of ADO units approved shall be kept on file within the Planning & Zoning Department at all times.

4.9.8 Enforcement.

- A. **Penalties for Violation.** As more particularly set forth in Section 1.9, Penalties for Violation, any person, firm, entity, or corporation violating any provision or failing to comply with any provision of this section shall be guilty of a Class C misdemeanor. Fines of up to \$10,000 per violation, per day may be assessed if illegal overnight accommodation activity does not cease and desist.
- B. **Legal Action.** In addition to the remedies set forth in Section 1.9, the County may institute any appropriate legal actions or proceedings necessary to ensure compliance with this section, including:
1. Actions to revoke, deny or suspend any permit, including a land development permit, conditional use permit, building permit, certificate of occupancy, or discretionary approval;
 2. Actions to recover from any violator of this section civil fines, restitution to prevent unjust enrichment, and/or enforcement costs, including attorney fees;
 3. Actions to seek judicial enforcement of such fines, restitution and costs, including judgment liens and foreclosure; and
 4. Any other appropriate action for unlawful detainer, injunctive relief or damages.