

Section 4.6. Accessory Uses

**Table 4.2:
Accessory Uses**

	L L R	n e w	R 1	n e w	M R F	n e w	M H	C B 1	C B 2	C H	L I	n e w	P	R 1 0	R 3 5	
	L L R 1	L L R 2	N R 1	N R 2	N R 3	N M U	M H	D M U 1	D M U 2	H M U	I N D	P 1	P 2	R 1 0	R 3 5	Additional Use Standards
Key	/P/ Permitted, /PL/ Permitted with Use Limitations, /-/ Not Permitted															
Dwelling																
Accessory Dwelling Unit	P	P	P	--	--	--	--	--	--	--	--	--	--	P	P	Sec. 4.6.A
Caretaker or guard residence, accessory	--	--	--	--	--	--	--	--	--	--	P	--	P	--	--	
Shelter	P	P	P	P	P	P	P	P	P	P	P	--	P	--	--	[1]
Short-term rental																
General																
Accessory Use or Structure	P	P	P	P	P	--	P	--	--	--	P	--	P	P	P	Sec. 4.6.B
Home Occupation	P	P	P	P	P	P	P	P	P	P	--	--	--	P	P	Sec. 4.6.C
Kennel, Private	P	P	P	P	P		P	--	--	--	--	--	--	P	P	
Outdoor Sales Lot	--	--	--	--	--	--	--	--	--	P	P	--	--	--	--	
Outdoor and Sidewalk Seating	--	--	--	--	--	P	--	P	P	P	--	--	--	--	--	
Outdoor storage	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	
Park/playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Restaurant	--	--	--	--	--	--	--	P	P	P	--	--	--	--	--	
Retail sales	--	--	--	--	--	--	--	P	P	P	--	--	--	--	--	
Solar energy facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Wind energy facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

[1] Drafting note: suggest making this accessory to religious institutions

A. Accessory Dwelling Units (new)

1. Applicability

- Accessory dwelling units (ADUs) are permitted by right in the residential zone districts with a minimum lot size of 6,000 square feet or more.
- Accessory dwelling units in applicable zones are permitted on any parcel where a single dwelling unit is permitted or currently exists.

2. Ownership and Occupancy

- The property owner shall live in either the primary or accessory dwelling unit.
- The accessory dwelling unit shall not be sold separately or subdivided from the primary dwelling unit or lot unless both lots created by the subdivision conform to the minimum lot size for the zone district where located.

3. Dimensional Standards and Location

- (a) All ADUs must meet building codes and have separate water and sewer taps.
- (b) One accessory dwelling unit is permitted per residential lot. The ADU shall be located on the same lot as the primary unit and the primary unit must be constructed prior to the accessory dwelling unit.
- (c) Accessory dwelling units may be internal or attached to the primary dwelling unit or separate, detached accessory dwelling unit that may or may not be attached to a detached garage.
- (d) Unless specifically addressed in this section, accessory dwelling units are subject to the same zone district dimensional regulations for a principal building; e.g., setback requirements and lot coverage standards.
 - (1) A detached accessory dwelling unit shall not cover more than 30 percent of the available rear yard between the primary structure building line and the rear yard setback line.
 - (2) These standards do not apply to legally established detached garages that contain an accessory dwelling unit. Any expansion of a detached garage for conversion into an ADU shall comply with the appropriate setback and yard requirements for the detached garage.
 - (3) Maximum height for a new, detached accessory dwelling unit shall not exceed the height of the principal dwelling unit unless the ADU still conforms to the height limit for the zone district.
 - (4) The footprint of a detached accessory dwelling unit shall not exceed the footprint of the principal dwelling unit.
- (e) An existing accessory structure whose height or setback(s) does not meet the requirements for a dwelling in the zone district may be converted into an accessory dwelling unit, but the structure may not be altered in any manner that would increase the degree of height or setback non-conformity and provided the ADU complies with all other applicable standards such as parking and storage.

4. Size

- (a) The gross floor area of an attached or internal accessory dwelling unit shall not exceed the gross floor area of the primary dwelling unit.
- (b) The maximum gross floor area of a detached accessory dwelling unit shall be no more than 80 percent of the gross floor area of the principal dwelling unit or 750 square feet, whichever is less.

5. Construction

- (a) Accessory dwelling units must contain a kitchen or a food prep area, bathroom, sleeping area, and 100 square foot or larger storage area, all for the sole use of the unit.
- (b) Water and sewer service shall be provided pursuant to the Dolores Municipal Code, Chapter 13.

(c) Mobile homes, manufactured housing, recreational vehicles, travel trailers, and any other wheeled or transportable structure shall not be used as accessory dwelling units.

(d) A new street address for a new ADU is required to assist in emergency response.

6. Design

(a) An ADU, either detached or an extension of an existing structure, shall meet all design standards applicable to the primary structure.

(b) Accessory dwelling units shall have a separate entrance with a clearly labeled street address.

7. Parking

The accessory dwelling unit shall have at least two dedicated off-street parking spaces in addition to the parking required for the primary dwelling unit.

8. Home Occupations

Home occupations are permitted in an accessory dwelling unit.

B. Accessory Use or Structure, General

Accessory uses or structures may be permitted subject to the following conditions:

1. Such uses shall be limited to those customarily associated with and appropriate, incidental and subordinate to the principal use.
2. Such uses shall be located on the same lot or tract as the associated principal use.
3. Such uses shall be controlled in the same manner as the associated principal use, except as otherwise expressly provided in this Code.
4. Accessory structures shall not exceed the total square footage of the principal structure.
5. The maximum height cannot exceed height of principal structure
6. In no event shall an accessory use be construed to authorize a use not otherwise permitted in the zone district in which the principal use is located.
7. No accessory use or structure shall be established prior to the principal use or structure to which it is accessory.
8. Notwithstanding other provisions of this Code to the contrary, all accessory structures larger than 120 square feet shall be considered an accessory building. Any structure larger than 120 sq. ft. requires a building permit. All accessory structures regardless of size are subject to setbacks and spacing between buildings.

C. Home Occupation

The following home occupation standards are intended to permit residents to engage in home occupations that are compatible with residential land uses and to ensure that home occupations do not adversely affect the integrity of residential areas. A home occupation shall be considered an accessory use, subject to the following standards.

1. No persons shall be engaged in a home occupation other than persons occupying the subject property as their residence; provided, however that up to a maximum of one person who does not occupy the property as their residence may be employed as part

of the home occupation where one additional off-street parking space is provided, in addition to off-street parking otherwise required pursuant to Article 9.x.

2. There shall be no visible storage of equipment, materials or vehicles that have more than two axles.
3. The home occupation shall be conducted entirely within the principal residential building or within a permitted accessory structure; and
4. No equipment shall be used that creates undue noise, vibration, electrical interference, smoke or particulate matter emission, excessive power demands or odors. Home occupations shall comply with the operational performance standards of Article 13.

D. Short-Term Rentals

[placeholder for draft regulations]