



**Planning Commission
Wednesday, April 3, 2024
4:00 PM
130 Kearns Road
Council Chambers**

**Microsoft Teams meeting
Join on your computer, mobile app or room device.
Meeting ID: 240 118 256 801
Passcode: tVvbuE
Agenda**

- 1. ROLL CALL**
- 2. APPROVAL OF MEETING MINUTES**
 - 2.a. APPROVAL OF 2.21.24 MEETING MINUTES**
[2.21.24 Meeting Minutes.docx](#)
- 3. ITEMS FOR DISCUSSION**
 - 3.a. ACCESSORY EMPLOYEE UNIT (AEU) CODE CHANGES**
[0_Agenda Summary Staff Rpt - AEU LUDC Changes_5.pdf](#)
[PC Reso 3, 2024 w EX 'A' AEU Code Amdts - DRAFT.pdf](#)
[PROPOSED REDLINED CODE CHANGES, 2024, MASTER draft 3-25-24.pdf](#)
 - 3.b. COMMUNITY DEVELOPMENT DIRECTOR UPDATES**
- 4. ADJOURNMENT**

TOWN OF SNOWMASS VILLAGE

PLANNING COMMISSION
MEETING MINUTES

February 21, 2024

Members Present:

Brian Marshack, Chair
Matthew Dube, Vice Chair
Stan Clauson
David Seglin
Doug Faurer
Elese Denis

Staff Present:

Dave Shinneman
Brian McNellis
Jim Walstrom
Mike Horvath
Greg LeBlanc
Ashleigh Huff

Members Absent:

Jim Gustafson

Others Present:

Mak Keeling
Chris Kiley
Eric Newmeyer
Susan Cross
Katie Ertl

Call to order: The meeting was called to order at 4:01 p.m. by Brian Marshack, Chair. And roll was taken.

Item 1: Approval of February 7, 2024, Meeting Minutes:

The Minutes from the 2/7/2024 meeting were brought up for approval. Commissioner Faurer motioned to approve, seconded by Commissioner Dube, and approved unanimously.

Item 2: Informal Discussion of Little Red School House:

Dave Shinneman, Community Development Director, began with a discussion on the preparation of the Commission's comments. Dave stated there are two suggestions for handling the comments: either amending the prepared draft letter or having each member submit their comments. Commissioners agreed to email separate comments to Mr. Shinneman.

The purpose of the continued informal discussion was to allow commissioners to comment on the redevelopment plans. Commissioner comments included the following:

- Commissioner Dube suggested exploring the potential for reducing parking spaces, considering a campus-like design, and orienting classrooms for better daylight exposure.

- Commissioner Fauer echoed Commissioner Dube's sentiment and suggested considering a campus design with smaller buildings.
- Commissioner Clauson supports the idea of experimenting with different design ideas and emphasized integrating the building and landscape features.

Commissioners agree the project should move forward. It was clarified that the discussion is part of a public meeting but not a public hearing, and there were no attendees from the public to provide comments.

Item 3: Snowmass Mountain PUD Discussion:

The meeting continued with the discussion regarding the Snowmass Mountain PUD amendment. Aspen Ski Company representatives provided a brief recap of the previous presentation, staff mentioned comments and questions were addressed, and a draft resolution was prepared. The draft resolution was presented, with some modifications made since the last meeting.

Concerns were raised about the inclusion of employee housing and parking in the master plan. Commissioners agreed these aspects should be addressed on a case-by-case basis for future projects as a part of a Special Review. Commissioners expressed concerns about traffic and parking impacts, suggesting the need for studies and mitigation measures should be included with new applications as needed. Suggestions were made to improve visible signage to direct visitors to parking areas efficiently. Acknowledgment was given to Aspen Skiing Company for their commitment to sustainability efforts, with a recommendation to further enhance sustainability initiatives through additional development. These items were to be included in the resolution.

Regarding public comments, although the meeting was open for input from the public, no individuals came forward to express their thoughts or concerns. Commissioners expressed they had received and reviewed the emailed public comments in the packet.

Commissioner Clauson made a motion to approve the Resolution, seconded by Commissioner Fauer. All in favor. None opposed. Motion for Resolution carried at 4:49 pm. Ski Company representatives and town staff member Brian McNellis exit the meeting at 4:50 pm.

Item 4: AEU Code Changes:

The meeting continued with a discussion of proposed revisions to the land use and development code regarding accessory employee units (AEUs), with a focus on incentivizing their creation. The goal of the revisions is to encourage the creation of AEUs to further address employee housing demands. Proposed changes include increasing square footage allowances, addressing legal non-conforming units, and tightening regulations to prevent abuse. Penalties for

removing AEUs were discussed, with considerations for financial and non-financial penalties. The meeting addressed confusion over terminology and clarified that the focus remains on incentivizing AEUs rather than general accessory dwelling units. The discussion concluded with a motion to prepare a draft resolution. Commissioner Dube moved to ask staff to prepare a draft resolution, and Commissioner Denis seconded. All in favor. None opposed. Motion carried at 5:31 pm.

Item 5: Community Development Director Updates

- The Draw site Sketch plan was approved by the Town Council
- Snowmass Club intends to request an amendment to the Comprehensive Plan. No submittal has been received as of yet.
- School district purchase of Faraway units.
- No March meetings- meetings to resume April 3rd

Motion to adjourn by Commissioner Seglin, seconded by Commissioner Denis. All in favor. None opposed.

The meeting was adjourned at 5:41 P.M.

MEMORANDUM

TO: Snowmass Village Planning Commission

THROUGH: David Shinneman, Director, AICP
Community Development Department

FROM: Jim Wahlstrom, Senior Planner, AICP
Community Development Department

DATE: April 3, 2024 meeting

SUBJECT: **Resolution No. 3, Series of 2024: Draft Revisions to the Accessory Employee Unit (AEU) Land Use Code Provisions**

I. BACKGROUND

Pursuant to prior meetings and discussions in the spring 2023, and most recently on November 15, 2023, and February 21, 2024 attached is the most recent version of the proposed AEU code changes (Exhibit "A"). At the meeting on February 21, the Planning Commission directed the preparation of a draft resolution following referral of the draft redlined edits to the code. These were forwarded to the Town Departments, districts, the Snowmass Design Review Committee and affected homeowners for review and comment.

The Town Attorney's Office and the Housing Department provided a majority of the comments. The latest changes to the redlined draft responding to their comments are highlighted in Exhibit "A" of the attached Resolution No. 3, Series of 2024. A member of the Snowmass Design Review Committee called to offer input; however, no letter was submitted at the time of this packet preparation.

The color-coded edits in attachment Exhibit "A" are as follows:

Black font: Existing code language to remain.

Red font: All Town Staff draft edits.

(Note: Stike through text would be removed, redlined new language added)

Based on the review in 2023 the draft Code revisions focused on incentivizing affordable employee housing through the accessory employee unit program. At the November 15, 2023 meeting, there were additional comments expressed and these have been incorporated into the redlined version attached.

II. STAFF RECOMMENDATIONS

Staff recommends the Planning Commission review and discuss Resolution No. 3 and its referenced Exhibit "A" of the latest code changes and approve Resolution No. 3 recommending the revisions creating a new, replacement AEU code.

Attachments:

Draft Planning Commission Resolution No. 3, Series of 2024, with its Exhibit "A."

TOWN OF SNOWMASS VILLAGE
PLANNING COMMISSION
RESOLUTION NO. 3,
SERIES OF 2024

A RESOLUTION RECOMMENDING CODE TEXT AMENDMENTS TO CHAPTER 1,
ARTICLE II DEFINITIONS, AND CHAPTER 16A, ARTICLE II DEFINITIONS,
ARTICLE III ZONE DISTRICTS, MEASUREMENT OF DIMENSIONAL
LIMITATIONS, AND ACCESSORY UNITS, INVOLVING THE COMBINATION AND
CREATION OF NEW, REPLACEMENT ACCESSORY EMPLOYEE UNIT STANDARDS.

WHEREAS, the Town Council approved Ordinance No. 9, Series of 2018 on December 17, 2018, thereby adopting the 2018 Town of Snowmass Village Comprehensive Plan (the "Comprehensive Plan"); and

WHEREAS, Town Council Ordinance No. 1, Series of 2022, adopted Amendments to the Comprehensive Plan pursuant to the Code mandated Periodic Review's 'State of the Comprehensive Plan' processed in 2021; and

WHEREAS, the 2018 Comprehensive Plan and the 2022 Amendment incorporated Goals, Policies, and Next Steps relative to Accessory Units; and

WHEREAS, the Comprehensive Plan's Goal E, **"Expand Housing Choice, Affordability and Redevelopment,"** and its policy and next step state:

Policy E.3, 'Incentivize Accessory Dwelling Units,' (page 41 of Comp Plan).

"Modifying the current Accessory Caretaker and Accessory Employee Unit programs into a single Accessory Dwelling Unit (ADU) program to allow maximum flexibility while creating units that are more likely to be rented, could increase the private sector contributions toward meeting our employee housing demand as well as providing some much needed senior housing. Stand-alone units or units above, below or beside a garage would reduce the mass and scale of a residence (by breaking up the floor area), and may also be more easily rented out."

Next Step 7: *"Modify the Land Use & Development Code to combine the Accessory Employee Unit (AEU) and Accessory Caretaker Unit (ACU) programs into one Accessory Dwelling Unit (ADU) program that would give owners more incentive to create these units."*

WHEREAS, the Appendix section of the Comprehensive Plan under "Accessory Dwelling Units (ADUs)" include as stated:

a. *"Prior to WWII, most single-family homes in urban areas had separate 'in-law' units*

where young families got their start or where elderly parents could live.”

b. “Multi-generational housing is becoming more of the norm again as families accommodate aging parents.”

c. “As mentioned above, they (ADUs) present a great opportunity to provide lower cost housing for in-town employees and seniors alike, as well as a potential source of revenue for homeowners.”

d. “ADUs for seniors can be built on their home property or that of their adult children. This is an excellent way to provide senior housing that is personalized, gives them security and privacy, and is accessible for future needs.”

e. “Flexibility is the key to a successful ADU program.”

WHEREAS, amendments to Chapter 1 and Chapter 16A of the Snowmass Village Municipal Code ("Municipal Code") are necessary to implement certain action steps identified within the Comprehensive Plan; and

WHEREAS, The Code provides the authority for the Planning Commission to initiate an amendment to the text of the development code pursuant to Section 16A-5-210 of the Land Use and Development Code; and

WHEREAS, on April 19 and November 15, 2023 and on February 21 and April 3, 2024, the Planning Commission reviewed and heard the findings and recommendations of town staff, considered public comments, made its findings and recommendations, and directed the draft code amendments be referred for review by Town departments, referral agencies, districts and affected homeowners’ associations which occurred on March 7, 2024, and to prepare a resolution for consideration and action; and

WHEREAS, the draft code amendments contained in this Resolution are being processed under the provisions of Section 16A-5-210, ‘Amendments to text of Development Code’ of the Municipal Code; and

WHEREAS, the Planning Commission has determined that the revisions to the Municipal Code, as hereinafter set forth, are necessary for the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the Town of Snowmass Village:

Section One: General Findings. Based upon the information provided and the staff reports, analyses and testimony given during the meetings, the Planning Commission generally finds as follows:

1. The procedural requirements set forth in Section 16A-5-210, *'Amendments to the Text of the of the Development Code'* of the Municipal Code have been satisfied.
2. The proposed amendments comply with the applicable review standards specified within Section 16A-5-210(e) of the Municipal Code.

Section Two: Recommendation to the Town Council. The Planning Commission recommends that the Town Council adopt the amendments to Chapters 1 and 16A of the Municipal Code updating Chapter 1, Article II, Section 1-21, "Definitions," and Chapter 16A, Land Use and Development Code, Article II & Section 16A-2-20, "Definitions," Article III, Section 16A-3-50, "Zone district use schedule," (Footnote 1 therein), Section 16A 3-210, "Measurement of dimensional limitations," and Section 16A-3-230, "Accessory Units," of the Snowmass Village municipal code to address proposed modifications to create and combine new replacement Accessory Employee Unit standards, as further described in Exhibit 'A' attached hereto and incorporated herein.

INTRODUCED, READ, AND APPROVED by the Planning Commission of the Town of Snowmass Village on April 3, 2024, upon a motion by Commission Member _____, the second of Commission Member _____, and upon a vote of ____ in favor and ____ against.

TOWN OF SNOWMASS VILLAGE
PLANNING COMMISSION

Brian Marshack, Chairperson

ATTEST:

Ashleigh Huff, Planning Commission Secretary

Attachments:

Exhibit "A" – Planning Commission's Edited Versions of code text amendments to Chapter 1, Article II Definitions, and Chapter 16A, Article II Definitions, Article III Zone Districts, Measurement of dimensional limitations, and Accessory units, involving the combination and creation of new, replacement accessory employee unit standards.

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CHAPTER 1 – General Provisions.

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ARTICLE II - Definitions and Usage

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Sec. 1-21. - Definitions.

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The following words and phrases, whenever used in the ordinances of the Town of Snowmass Village, and/or any codification of the same, shall be construed as defined in this Section, unless a different meaning is intended from the context or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

Accessory building means a subordinate building, the use of which is customarily incidental to that of the principal building or to the principal use of the land and which is located on the same lot or parcel with the principal building or use. Accessory buildings shall not be provided with a kitchen or bath facilities sufficient to render them suitable for permanent residential occupancy. An *accessory building* may include a pool facility, greenhouse, garage, carport or storage facility.

Accessory employee unit (AEU) means an residential building area attached to or within a single-family dwelling unit, or above or below an accessory garage, and on a lot zoned for a one-family dwelling that meets the following requirements and those set forth in Section 16A-3-230. The AEU shall be occupied by an AEU employee and shall be subject to the provisions contained in this Code. An AEU shall have a separate exterior entrance and shall contain a kitchen, a bathroom and sleeping facilities.

Accessory use is one that is naturally and normally incidental to, subordinate to and devoted exclusively to the principal use of the premises and does not change the basic character thereof, as determined by the principal use. *Accessory uses* may include accessory employee units (AEUs), a manager's unit, and parking.

~~*Caretaker unit* means an area attached to or within a one-family dwelling unit, or above or below an accessory garage, and on a lot zoned for one-family dwellings. It should be occupied by qualified employees, as defined within the Housing Department guidelines, senior citizens or disabled individuals, as defined by the rules and regulations of the Town, which may be adopted from time to time by the Town Council, and subject to the provisions contained in this Code. A caretaker unit shall contain a kitchen with refrigerator and sink, and cooking, sanitation and sleeping facilities. Cooking facilities shall not include only a hot plate and/or microwave oven. Sanitation facilities shall include a bath and/or shower.~~

Caretaker, for the purposes of determining occupancy of an AEU, shall mean a person or a caregiver employed to look after a residential building, people, including a child or a sick, elderly, or disabled person, or animals.

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Caregiver, for the purpose of determining occupancy of an AEU, is someone who assists

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another individual with personal care or household tasks that are necessary for everyday life.

Disabled person, is one having a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities.

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Employee, qualified for an AEU, for the purposes of determining occupancy of an AEU, shall mean an person—employed as defined in the Permanent Moderate Housing Regulations as adopted in Chapter 17, Article I of the Code, within the County for a minimum of six (6) months a year.

Kitchen, AEU means an area designated for cooking, which minimally contains a twelve-cubic-foot refrigerator, a six-gallon capacity sink, a stove with four (4) cooking surface burners or elements and an oven, and an area for food storage.

Manager's unit means a dwelling unit which may include a one-family dwelling or a dwelling unit provided within a structure containing multiple-family dwelling units, single-family attached dwelling units, dormitories, or hotel or lodge rooms specifically intended for occupancy by a resident manager of the principal use—. A manager's unit may include an accessory employee unit (AEU).

CHAPTER 16A – Land Use and Development Code

Art. II, Definitions.

Sec. 16A-2-20. Definitions.

Accessory building means a subordinate building, the use of which is customarily incidental to that of the principal use of the land and which is located on the same lot or parcel with the principal building or use. *Accessory buildings* shall not be provided with a kitchen or bath facilities sufficient to render them suitable for permanent residential occupancy (except to permit the installation of an accessory employee unit). An *accessory building* may include a pool facility, greenhouse, garage, carport or storage facility.

~~*Accessory caretaker unit (ACU)* means an area attached to or within a single-family detached dwelling, or above or below a detached garage that is located on a lot zoned for a single-family dwelling. The ACU shall be subject to the provisions of Section 16A-3-230(1), Standards for an Accessory Caretaker Unit. An ACU shall have a separate exterior entrance and shall contain an ACU kitchen, a bathroom and sleeping facilities.~~

Accessory employee unit (AEU) means an residential building area attached to or within a single-family detached dwelling, or above or below a detached garage, that is located on a lot zoned for a single-family dwelling that meets the following requirements and those set forth in Section 16A-3-230. ~~The AEU shall be subject to the provisions of Section 16A-3-230(2), Standards for an Accessory Employee Unit. An AEU shall have a separate exterior entrance and shall contain an AEU kitchen, a bathroom and sleeping facilities.~~

Accessory use means a use that is naturally and normally incidental to, subordinate to and devoted exclusively to the principal use of the premises and does not change the basic character thereof, as determined by the principal use. *Accessory uses* may include accessory employee units (AEUs), a manager's unit and parking, ~~but shall not include any use that is prohibited in the underlying zone district.~~

~~*Caretaker unit* means a dwelling unit that is attached to or is within a detached single-family dwelling unit that is located on a lot zoned for a single-family dwelling, approved by the Town prior to December 10, 1997. The unit should be occupied by employees, senior citizens or disabled individuals. A *caretaker unit* shall contain a kitchen with refrigerator and sink, and cooking, sanitation and sleeping facilities. Cooking facilities shall not be limited to just a hot plate and/or microwave oven. Sanitation facilities shall include a bath and/or shower.~~

Caretaker, for the purposes of determining occupancy of an AEU, shall mean a person or a caregiver employed to look after a residential building, people, including a child or a sick, elderly, or disabled person, or animals.

Caregiver, for the purpose of determining occupancy of an AEU, is someone who assists

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another individual with personal care or household tasks that are necessary for everyday life.

Disabled person, is one having a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities.

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Employee, qualified for an AEU, for the purposes of determining occupancy of an AEU, shall mean ~~an person employed within the Town at the time of initial tenancy and who shall remain employed within the Town or County for a minimum of eight (8) months of any calendar year~~ employee as defined in the Permanent Moderate housing regulations as adopted in Chapter 17, Article I of the Code.

Kitchen, AEU means an area designated for cooking that contains, at a minimum, a twelve-cubic-foot refrigerator, a six-gallon capacity sink, a stove with four (4) cooking surface burners or elements and an oven, and an area for food storage.

Manager's unit means a dwelling unit, which may be a single-family detached dwelling unit, or a dwelling unit provided within a structure containing multi-family dwelling units, single-family attached dwelling units, dormitories, hotel or lodge rooms, or commercial uses and services, specifically intended for occupancy by a resident manager of the principal use. A manager's unit may include an accessory employee unit (AEU).

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CHAPTER 16A – Land Use and Development Code

Art. III, Zone Districts.

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Sec. 16A-3-50. - Zone district use schedule.

TABLE 3-1 SCHEDULE OF USES																			
Uses: A = Allowed; S = Special Review; P = Prohibited	SF 4	SF 6	SF 15	SF 30	SF 150	EST	DU	MF	MF PUD	MU	MU PUD	MU 1	MU 2	CC	CC PUD	PUB	CON	OS	REC
	Residential and Accommodation Uses																		
	Single-Family Detached Dwelling ¹	A	A	A	A	A	A	A	A	A	P	A	P	P	P	P	P	P	P

Notes:

1. An accessory caretaker unit (ACU) or accessory employee unit (AEU) may be permitted in conjunction with any single-family detached dwelling, pursuant to [Section 16A-3-230](#), Accessory Units. See [Section 16A-3-230\(4\)](#), Accessory [Employee Units](#) ~~Special Review Standards~~, for standards applicable to this particular use.

Sec. 16A-3-210. Measurement of dimensional limitations.

(b) Measuring Floor Area.

- (1) Areas included in calculations. The total square footage of all levels of a building, as measured at the outside face of the primary structural component of the exterior walls. In the case of adjoining units, measurements shall be taken from the center line of walls separating adjoining units of a building.
- (2) Exclusions, inclusions and adjustments to the gross calculations of Paragraph (1) above.
 - b. Exclusions and adjustments specifically for single-family and two-family dwelling units.
2. ~~Accessory Caretaker Unit (ACU); Accessory Employee Unit (AEU). The floor area for an pre-existing accessory caretaker unit (ACU) shall be included in floor area calculations. The and the~~ floor area for an accessory employee unit, shall be included ~~in the floor area calculations~~ pursuant to the requirements for such units found in Subparagraph 16A-3-230(2)e, Maximum Floor Area.

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Sec. 16A-3-230. Accessory **employee** units.

~~One (1) accessory caretaker unit (ACU) or~~ One (1) accessory employee unit (AEU) may be installed ~~on~~ a single-family detached dwelling. ~~lot or one (1) accessory caretaker unit (ACU) may be following these standards:~~

(1)a. _____ constructed as part of a single-family detached dwelling;

(2)b. _____ located above, ~~or below,~~ and/or attached to a detached garage, ~~limited at 16 to 18 feet in height, depending on zone district, and not expand the garage building footprint by more than fifty percent (50%);~~

(3)c. _____ constructed as a separate detached unit, limited at 16 to 18 feet in height, ~~depending on zone district; or~~

(34)d. _____ permitted as a pre-existing dwelling unit within a single-family detached or two-family dwelling, subject to compliance with the provisions of this Section. ~~An ACU or AEU located above or below a detached garage shall require special review approval pursuant to Section 16A-5-230, Special Review.~~

(1) **Standards for a pre-existing accessory caretaker unit.** ~~An pre-existing accessory caretaker unit (ACU) as of the effective date of Ordinance No. _____, Series of _____, shall continue to comply with the following standards, unless modified to comply with the accessory employee unit standards in Section 16A-3-230(2):~~

a. Size. The size of the ACU shall be not less than three hundred fifty (350) square feet or greater than seven hundred fifty (750) square feet, and shall be built within the maximum allowable floor area for the lot unless the additional floor area was acquired under the Limited Excise Tax provisions as set forth in Article VI, Chapter 4 of the Municipal Code.

b. Variance. The only variance that may be granted to accommodate the ACU is a setback or height variance.

c. Exterior entrance. The ACU shall have a separate exterior entrance from the single-family detached dwelling that is practically accessible as the primary means of access to the ACU.

d. Parking. There shall be provided at least one (1) on-site parking space per bedroom in the ACU in addition to those parking spaces required for the single-family detached dwelling.

e. No short-term rental. An ACU shall not be rented on a short-term basis or for vacation-type rentals. All rentals shall be for a minimum term of six (6) months.

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f. ~~Pre-existing Unapproved dwelling accessory~~ units. With Town Council approval, one (1) ~~ACU accessory unit~~ created prior to April 16, 1985, in a single-family detached dwelling or one (1) ~~ACU accessory unit~~ created prior to September 21, 1977, in a two-family dwelling within the DU zone district may be permitted to remain ~~as an ACU~~, provided that:

1. The lot owner has submitted architectural drawings reflecting the "As-Built" condition defining the ACU.

2. The lot owner has submitted a report from a private building inspection consultant, whose qualifications are acceptable to the Town, containing his or her findings with regard to consistency with Chapter 18 of this Code as found within the ACU and recommendations as to whether modifications should occur in order for the unit to be occupied in a safe manner.

3. Based upon the review of the inspector's report and recommendations of the Building Official, who may inspect said ACU prior to any approval being granted, the lot owner agrees to obtain the necessary permits and perform the recommended modifications that need to occur prior to any registration, rental or conveyance of the ACU.

4. The lot owner has successfully demonstrated that the subject unit existed within the principal structure on or before the applicable date specified above and that no other ACUs exist on the lot.

5. The existing ACU unit is in conformity with Subsection (1) above, except that the subject ACU may be acceptable for registration if, at the sole discretion of the Town ~~Council~~ and following presentation of evidence thereon, it is satisfactorily demonstrated that such nonconformity may be determined to be minor in nature or that compliance would be impractical and would cause an unreasonable hardship upon the lot owner. In cases such as this, the Town ~~Council~~ may impose conditions reasonably necessary to mitigate impacts upon surrounding property owners or to specify a timeframe within which the ACU or nonconformity must be brought into compliance with Subsection (1) above.

g. ~~Comply with its initial registration with the Town.~~

(2) **Standards for an accessory employee unit (AEU).** An AEU, ~~which may include a modification to a previously approved accessory caretaker unit (ACU)~~, shall comply with the following standards:

a. Size. The size of the AEU shall be not less than three hundred ~~fifty (350)~~ square feet or greater than one thousand (1,000) square feet. ~~Special review approval pursuant to Section 16A-5-230, Special Review, shall be required for an AEU greater than seven hundred fifty (750) square feet in size.~~

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b. Variance. The only development variance that may be granted to accommodate the AEU is a setback or height variance.

c. Contents. An AEU shall contain an "Kitchen, (AEU)," sanitation and sleeping facilities. Sanitation facilities shall include at minimum a sink, shower, a toilet, and washer and dryer hookups for efficiency or stackable units. Sleeping facilities shall be provided up to a maximum of two bedrooms.

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d. Exterior entrance. The AEU shall have a separate exterior entrance from the single-family detached dwelling that is practically accessible as the primary means of access to the AEU or may be accessed from a shared, enclosed vestibule entrance.

e. Parking. There shall be provided at least one (1) on-site parking space per bedroom in the AEU, which may be tandemly arranged, in addition to those parking spaces required for the single-family detached dwelling.

f. Maximum floor area. The AEU shall not cause the resulting floor area of all improvements to exceed the maximum floor area for the lot; except, however, the maximum floor area for the lot may be exceeded by an amount greater than not to exceed ten percent (10%) without special review approval pursuant to Section 16A-5-230, Special Review one thousand (1,000) square feet and not be subject to the Floor Area Excise Tax provisions in Chapter 4, Article VI for the floor area of an AEU, provided the Applicant/Owner for the AEU shall:

i. comply with all provisions of the Code applicable to AEU's;

ii. complete an AEU initial registration (if under the floor area cap for the lot); or

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iii. record a deed / covenant restriction for the AEU in a form to be prepared by the Town containing the material terms of this Section regarding occupancy, and following subsection (3)c2 below, and submit to the Town (if over the maximum floor area of the lot up to a limit of 1,000 square feet); and

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iv. enter into a Restricted Housing Agreement with the Town, and the maximum rents for the AEU, which rents shall be established by the Town, and subsection (3)c2 below. Rental rates may be adjusted annually based on the inflation index used by the Town. A restricted housing agreement may otherwise be reviewed and updated not more frequently than every 5 years.

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g. No short-term rental. An AEU shall not be rented on a short-term basis or for vacation-type rentals. All rentals shall be for a minimum term of six (6) months, and as determined by the Town through a Restricted Housing Agreement with the owner if over the maximum floor area limit.

h. Occupancy. Occupancy of an AEU shall be by a person or persons employed within the Town at the time of initial tenancy and who shall remain employed within the

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Town or County for a minimum of eight (8) months of any calendar year. The AEU must be occupied by qualified employees, caretakers, caregivers, senior citizen (> age 65), or disabled individuals, as defined by this Code or the rules and regulations of the Town. Occupancy of an AEU shall not exceed 2 persons per bedroom and shall otherwise be subject to the provisions of this Code.

i. No Restricted sale. A property cannot be condominiumized to create a separately conveyable unit for the AEU.

j. Rental by Employer. The Owner may allow employers within the Town of Snowmass Village to rent and/or sublease accessory employee units to qualified employees, pursuant to a deed / covenant restriction and the restricted housing agreement if above the maximum floor area limit.

(3) Accessory employee unit completion and registration.

a. Completion. A new accessory unit shall be completed within the period prescribed by the building permit issued for its construction. All modifications to a pre-existing ACU shall be completed within the period prescribed by Chapter 18 of this Code or other permits required by the Town Council for it to be registered.

b. ACU notice of registration. Upon issuance of a certificate of occupancy for a new ACU or certificate of completion for a pre-existing ACU and payment of the processing fee established by the Community Development Department's fee schedule, a notice of registration of the ACU shall be issued by the Planning Director, and a true and accurate copy shall be filed for record, at the applicant's expense, in the Office of the Clerk and Recorder of the County. Such registration shall be valid for the existence of the new ACU or, in the case of pre-existing units, may be subject to the terms and conditions imposed by the Town Council.

cb. AEU notice of initial registration and deed / covenant restriction.

1. If the lot remains within the maximum floor area limit. Upon After issuance of a certificate of occupancy or completion for an AEU and payment of the processing fee established by the Community Development Department's fee schedule, a notice of registration of the AEU shall be issued by the Planning Director, and a true and accurate copy shall be filed for recording, at the applicant's expense, in the Office of the Clerk and Recorder of the County.

2. For lots that exceed the maximum floor area limit. The Community Development Department shall provide a deed / covenant restriction, which shall identify the size of unit, and the penalty provisions in subsection (5) below for the AEU and contain the material terms of this Section regarding occupancy standards under subsection (2)g above for recording, at the applicant's expense, in the Office of the Clerk and Recorder of the County. The applicant shall also enter into a Restricted Housing Agreement with the Town defining at minimum the maximum rent, the size of unit, the prioritization of

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occupants, and the occupancy standards under subsection (2)g above. ~~A restricted housing agreement may otherwise be reviewed and updated not more frequently than every 5 years.~~ The initial registration shall be effective until December 31 of the year in which it is issued, unless the unit is initially registered after November 15, in which case the registration shall be effective until December 31 of the year after it is issued.

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d. AEU registration renewal. On a yearly basis, the registration of an AEU shall be renewed by filing an application for renewal, accompanied by the applicable processing fee established by the Community Development Department's fee schedule, with the Community Development Department on or before November 15. To qualify for a registration renewal, the owner of the AEU must verify that the AEU complies with the conditions set forth in Subsection (2), Standards for an Accessory Employee Unit, and that the AEU has been occupied by an AEU employee for at least eight (8) months during the previous registration period. Thereupon, the Planning Director shall renew the registration of the AEU until December 31 of the year following the expiration of the current registration.

e. AEU conditional registration renewal. In the event that the owner of an AEU cannot meet the conditions for renewal set forth in Subsection (3)d, AEU Registration Renewal, then a conditional registration renewal may be issued, if the owner agrees to correct the noncomplying conditions prior to March 1 during the conditional registration renewal. The date for compliance may be extended to May 1 if the AEU was initially registered after May 1 of the previous year provided that the AEU can be occupied by an AEU employee for eight (8) of the twelve (12) months following initial registration. The conditional renewal registration of the AEU shall be automatically extended to December 31 upon timely correction of the noncomplying conditions.

fc. Inspection. The ~~Community Development Department~~ Town of Snowmass Village shall have a right to inspect the AEU prior to registration renewal or to verify compliance with this Section. At least forty-eight (48) hours' written or verbal notice will be provided to the owner or his or her authorized agent. The owner of the AEU shall also notify the department of any impending sale of the subject property and permit an inspection prior to closing.

gd. Failure to register, deed / covenant restrict, or correct noncomplying conditions. If the owner:

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1. Fails to timely complete the construction of an AEU in accordance with the provisions of Subsection (3)a, Completion;

2. Fails to timely comply with the provisions of Subsection (3)d, AEU Notice of Initial Registration Renewal and Deed / Covenant Restriction, and the recordation thereof; or

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3. Has not met the conditions for renewal set forth in Subsection (3)d, AEU Registration Renewal, at the end of the AEU conditional registration renewal Failure to register, deed / covenant restrict, including the recordation thereof, or correct non-

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326 complying conditions, within thirty (30) days of the existence of the event of noncompli-
327 ance, or February 1 of the year following the lapse of the current registration, whichever
328 shall first occur, shall require the owner shall to remove the kitchen from the AEU, and
329 either comply with the following:

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330 4i. Remove floor area. Remove from the single-family detached dwelling or
331 detached garage structure all floor area being part of the AEU, unless the floor
332 area legally existed prior to the creation of the new AEU code provisions; or

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333 5ii. was acquired under the Limited Excise Tax provisions; or, and

334 iii. Modify with the Town's permission the Restricted Housing Agreement and
335 to release the registration and/or deed / covenant restriction.

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336 5.4. — Mitigation Penalty fee. Pay to the Town a mitigation penalty fee for
337 elimination of the AEU as an employee housing unit. The amount of the fee shall be
338 calculated by the Planning Director by whichever either applies:

339 a) multiplying the square footage of the AEU, minus that portion of AEU floor area
340 that legally existed prior to the creation of the AEU or was acquired under the Limited
341 Excise Tax provisions, by: The penalty in this case would be calculated pursuant to
342 the provisions and formulae in Chapter 4, Article VI, 'Floor Area Excise Tax,' of the
343 Code, only if the floor area square footage was previously granted or allowed up to
344 10 percent beyond the maximum floor area without the acquisition through the
345 'Floor Area Excise Tax' of the Code.

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346 b) If under this Ordinance No. , Series of 2024, an AEU was approved up to the
347 limit of 1,000 square feet beyond the maximum floor area standard established by
348 the zoning or PUD for the lot without any prior acquisition of a 'Floor Area Excise Tax,'
349 and the employee unit is subsequently removed, then the amount of penalty fee
350 shall be the calculated per the formulae in Chapter 4, Article VI, 'Floor Area Excise
351 Tax,' of the Code and tripling the resulting fee.

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352 a) The actual value of the lot including the single-family detached dwelling unit,
353 any accessory building and the land as calculated from the records of the County
354 Assessor, divided by the floor area square footage of the single-family detached
355 dwelling and any accessory building, not including the AEU, as calculated in
356 accordance with the provisions of Section 16A-3-210(b), Measuring Floor Area; or

357 b) In the event that the actual value of the lot including the single-family detached
358 dwelling, any accessory building and land is not available from the records of the
359 County Assessor, then one hundred twenty-five percent (125%) of the numeric
360 average of the actual value of all lots including a single-family detached dwelling and
361 land for the subdivision or PUD in which the lot exists as calculated from the records
362 of the County Assessor shall be divided by the floor area square footage of the single-
363 family detached dwelling and any accessory building, not including the AEU; and

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c) Multiplying the amount determined above by a factor of 1.5.

Provided, however, that if a change in the actual value of the lot including the principal dwelling unit, any accessory building and land according to the records of the County Assessor occurs within one (1) year from the date of payment of the mitigation fee, then the amount of the mitigation fee shall be recalculated by the Planning Director. The Planning Director shall notify the owner of the amount of the additional mitigation fee, which shall be paid by the owner within thirty (30) days. If the owner paid a mitigation fee in excess of the recalculated mitigation fee, then the Planning Director shall cause the overpayment to be refunded to the owner.

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(4) Accessory unit special review standards. Any AEU requiring special review shall comply with the following standards:

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a. Community need. The applicant has demonstrated that the proposed accessory unit helps to promote the public policy purpose and community need to create affordable employee housing.

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b. Mass and scale. The accessory unit will not contain roof configurations, internal ceiling heights or areas open to the floor below which unnecessarily contribute to the mass and scale of the proposed addition.

c. Special circumstances exist. The applicant shall satisfactorily demonstrate that special circumstances exist or practical difficulties would occur such that a lesser sized caretaker unit should not be created within or utilize portions of the existing structure.

d. Location. The accessory unit shall be carefully situated within the lot so as to be appropriate at its proposed location and compatible with the character of surrounding residences in the area.

e. Visibility. The design of the accessory unit shall be sensitive to its visual impact on neighboring properties. The accessory unit design shall include, but not be limited to, sensitive choice in placement, screening with landscaping, sub-grade placement, architectural design, use of materials and colors or any other effective means that minimize or soften its appearance and visibility on the site. The proposed unit may be denied if it is determined that the visibility has not been sufficiently reduced.

f. Not adversely affect neighborhood. The approval of the accessory unit shall not, in a substantially adverse manner, change the neighborhood character. Nor should it create excessive traffic impacts. It should not have a substantially adverse impact on the land abutting upon or across the street from the property being approved for an AEU. It should not prevent an adequate supply of light or air from reaching adjacent properties, nor should the construction of the unit increase the fire danger or otherwise endanger the public safety. (Ord. 4-1998 §1; Ord. 5-1999 §3; Ord. 19-2000, §1; Ord. 10-2001, §1; Ord. -2023, §1)