SECTION 9-101: USES SECONDARY TO A PRIMARY RESIDENCE

A. GENERAL. Certain secondary uses are a use by right on any parcel where there is a legal, permitted primary residential use. They require no separate Land Use Change Permit. Any use that has received a Land Use Change Permit shall also be permitted to include those secondary uses, structures, and activities that are necessarily and customarily associated with, and incidental and subordinate to the primary residence.

B. SUBJECT TO SAME STANDARDS AND REQUIREMENTS. Unless otherwise exempted or required by this Section, secondary uses and activities shall comply with all standards and requirements that apply to the primary residence.

~~**C. SECONDARY STRUCTURES AND USES THAT DO NOT REQUIRE A LAND USE CHANGE PERMIT**. The following secondary structures and uses require no Land Use Change Permit, and are reviewed pursuant to Section 4-102: *Administrative Review Projects That Do Not Require a Land Use Change Permit.*~~

~~**1. STRUCTURES AND USES ALLOWED BEFORE BUILDING PERMIT IS ISSUED FOR PRIMARY RESIDENCE.** The following secondary structures or uses may be erected or installed before a Building Permit for a primary residence has been issued:~~

~~**a. BARNS AND OTHER AGRICULTURAL BUILDINGS IN CONJUNCTION WITH AN AGRICULTURAL OPERATION.** A barn or other agricultural building used in conjunction with an agricultural operation.~~

~~**b. FENCES.** Fences, which shall comply with Section 13-113: *Fencing.*~~

~~**c. GARDENS AND GREENHOUSES**. Private non-commercial gardens and greenhouses.~~

~~**d. ONE 120 SQ. FT. OR SMALLER STORAGE SHED ON ONE-ACRE OR LARGER PARCEL**. One storage shed 120 sq. ft. or smaller, on a parcel an acre or larger.~~

~~**e. HORSE/HAY SHED 500 SQ. FT. OR SMALLER**. A horse/hay shed 500 sq. ft. or smaller for sheltering horses or other livestock, or for storing hay, that is not part of an agricultural operation.~~

~~**f. BARNS IN APPROVED SUBDIVISIONS**. Barns located in approved subdivisions in which there are adopted protective covenants that allow barns and which have been approved by Gunnison County.~~

2. STRUCTURES AND USES ALLOWED AFTER A BUILDING PERMIT IS ISSUED FOR A PRIMARY RESIDENCE. The following secondary structures or uses do not require a separate Land Use Change Permit, but may be initiated only after a Building Permit is issued for the primary residence to which these uses are accessory. These shall not apply to the construction of barns or other agricultural buildings used in conjunction with an agricultural operation.

a. DETACHED GARAGE AND/OR SHOP ~~**750 SQ. FT. OR SMALLER**~~. A detached garage or shop, or combination of those uses in one structure~~, 750 sq. ft. or smaller~~.

~~**b. ONE STORAGE SHED 120 SQ. FT. OR SMALLER ON PARCEL SMALLER THAN ONE ACRE**. One storage shed, 120 sq. ft. or smaller, on a parcel smaller than one acre~~

~~**c. TWO STORAGE SHEDS 120 SQ. FT. ON ONE-ACRE OR LARGER PARCEL**. Two storage sheds, each no larger than 120 sq. ft., on a parcel an acre or larger.~~

d. GARDENS AND GREENHOUSES, INCLUDING HOME OCCUPATIONS. Private gardens and private greenhouses, including those that are home occupations, constructed and operated pursuant to Section 9-102: *Home Occupations*.

e. POOLS AND RECREATION FACILITIES. Private swimming pools and private recreation facilities associated with a primary residence, and not part of a private club or membership group.

f. INTEGRATED SECONDARY RESIDENCE 850 SQ. FT. **OR SMALLER ON A LEGAL LOT** ~~**ON ANY PARCEL**~~**.** An integrated secondary residence 850 sq. ft. or smaller in a primary residence on a legal lot ~~on any parcel~~.

g. **ONE HOME OCCUPATION**. One home occupation, pursuant to Section 9-102: *Home Occupations*.

D. **SECONDARY STRUCTURES AND USES THAT REQUIRE A LAND USE CHANGE PERMIT**. The following structures and uses that are secondary to a primary residence shall be reviewed pursuant to Section 5-105*: Administrative Review Project Review Process.*

1. **SECONDARY STRUCTURES AND USES CLASSIFIED AS ADMINISTRATIVE REVIEW PROJECTS.** The following are classified as Administrative Review Projects pursuant to ~~Article 4: *Administrative Review Projects That Do Not Require Land Use Change Permits* and~~ Article 5: *Administrative Review Projects That Require Land Use Change Permits*:

   a. **INTEGRATED SECONDARY RESIDENCE 851-1,200 SQ. FT. ON A LEGAL LOT ~~SMALLER THAN 35-ACRES~~.** An integrated secondary residence 851- 1,200 sq. ft. on a legal lot ~~smaller than 35 acres~~. ~~If the applicant elects to include this size integrated secondary residence within a primary residence, no detached secondary residence is allowed.~~

   b. ~~**INTEGRATED SECONDARY RESIDENCE 851-1,1200 SQ. FT. ON 35-ACRE OR LARGER TRACT CREATED AFTER EFFECTIVE DATE OF THIS *RESOLUTION*.** An integrated secondary residence 851-1,200 sq. ft. on any 35-acre or larger tract that was created after the effective date of this *Resolution*.~~

   c. ~~**DETACHED SECONDARY RESIDENCE 1,200 SQ. FT. OR SMALLER ON 35-ACRE OR LARGER TRACT CREATED AFTER EFFECTIVE DATE OF THIS *RESOLUTION*.** A detached secondary residence 1,200 sq. ft. or smaller, on a 35-acre or larger tract that was created after the effective date of this *Resolution*. If the applicant elects to construct this detached secondary residence, no integrated secondary residence is allowed.~~

   d. **DETACHED SECONDARY RESIDENCE ~~2,500 SQ. FT. OR SMALLER~~ ON A LEGAL LOT ~~SMALLER THAN 35 ACRES.~~** A detached secondary residence ~~2,500 sq. ft. or smaller,~~ on a legal lot ~~that is smaller than 35 acres~~.

   e. ~~**DETACHED SECONDARY RESIDENCE 3,500 SQ. FT. OR SMALLER, ON 35-ACRE OR LARGER TRACT, CREATED BEFORE THE EFFECTIVE DATE OF THIS *RESOLUTION*.** A detached secondary residence 3,500 sq. ft. or smaller, on a 35-acre or larger tract.~~

   ~~f. **SECONDARY STRUCTURE INTENDED ONLY FOR SLEEPING.** A secondary structure that is to be used only for sleeping facilities, shall not include a kitchen and shall meet the requirements of Section 9-101: E: *Standards for Development of a Secondary Detached Residence or Secondary Structure Intended for Sleeping*.~~

   ~~g. **STRUCTURES AND USES ALLOWED BEFORE BUILDING PERMIT IS ISSUED FOR PRIMARY RESIDENCE.** The following secondary structures or uses require a Land Use Change Permit, but may be erected or installed before a Building Permit for a primary residence has been issued. When a Building Permit is required for any of these uses, the Building Permit is considered to be the Land Use Change Permit, and no additional Land Use Change Permit application must be filed.~~

      ~~1. **DETACHED GARAGE AND/OR SHOP LARGER THAN 750 SQ. FT.** A detached garage or shop, or combination of those uses located in one structure larger than 750 sq. ft.~~

      ~~2. **TWO 120 SQ. FT. STORAGE SHEDS ON ONE PARCEL SMALLER THAN AN ACRE**. Two storage sheds, each no larger than 120 sq. ft., on a parcel smaller than an acre.~~

      ~~3. **MORE THAN TWO 120 SQ. FT. STORAGE SHEDS ON ANY SIZE PARCEL**. More than two storage sheds, each no larger than 120-sq. ft., on any size parcel.~~

      ~~4. **ONE STORAGE SHED LARGER THAN 120 SQ. FT. ON PARCEL ONE ACRE OR LARGER.** One storage shed that is larger than 120 sq. ft. on a parcel one acre or larger.~~

      ~~5. **HORSE/HAY SHED LARGER THAN 500 SQ. FT. ON PARCEL ONE-ACRE OR LARGER.** A horse/hay shed larger than 500 sq. ft., for sheltering horses or other livestock or for storing hay, on a parcel one acre or larger, that is not part of an agricultural operation.~~

2. **SECONDARY STRUCTURES OR USES CLASSIFIED AS MINOR IMPACT PROJECTS**. A separate Land Use Change Permit is required before obtaining a Building Permit for any of the following structures, which shall be reviewed pursuant to Article 6: *Minor Impact Projects:*

   a. **INTEGRATED SECONDARY RESIDENCE LARGER THAN 1,200 SQ. FT. ON A LEGAL LOT ~~SMALLER THAN 35 ACRES~~**. An integrated secondary residence larger than 1,200 sq. ft. on a legal lot ~~smaller than 35-acres~~.

   ~~b. **INTEGRATED SECONDARY RESIDENCE LARGER THAN 1,200 SQ. FT. ON 35-ACRE OR LARGER TRACT, CREATED AFTER EFFECTIVE DATE OF THIS *RESOLUTION*.** An integrated secondary residence 1,200 sq. ft. or larger on any 35-acre or larger tract that was created after the effective date of this *Resolution*.~~

   ~~c. **DETACHED SECONDARY RESIDENCE LARGER THAN 2,500 SQ. FT. ON A LEGAL LOT SMALLER THAN 35 ACRES.** A detached secondary residence larger than 2,500 sq. ft., on a legal lot that is smaller than 35 acres.~~

   ~~d. **DETACHED SECONDARY RESIDENCE LARGER THAN 3,500 SQ. FT. ON 35-ACRE OR LARGER TRACT.** A detached secondary residence larger than 3,500 sq. ft., on a 35-acre or larger tract.~~

   e. **MORE THAN ONE SECONDARY RESIDENCE ON ONE LEGAL LOT**. More than one secondary residence on one legal lot.

   f. **TOTAL AGGREGATE 12,500 SQ. FT. OR LARGER. An aggregate square footage of 12,500 sq. ft. or larger of all structures that may include a combination of residential living area (**one single-family residence, or any combination of a primary single-family residence, an integrated secondary residence, and/or a detached secondary residence allowed by this Section)**, attached and/or detached garages.**

   g. **TOTAL AGGREGATE RESIDENTIAL LIVING AREA AND ATTACHED GARAGE 10,000 SQ. FT. OR LARGER**. An aggregate square footage including residential living area 10,000 sq. ft. or larger (one single-family residence, or any combination of a primary single-family residence, an integrated secondary residence, and/or a detached secondary residence allowed by this Section and any attached garage).

E. **STANDARDS FOR DEVELOPMENT OF A DETACHED SECONDARY RESIDENCE OR SECONDARY STRUCTURE INTENDED FOR SLEEPING.** A secondary detached residence or secondary structure intended for sleeping shall meet these standards:

   1. **SECONDARY SMALLER THAN PRIMARY RESIDENCE.** The secondary residence or structure intended for sleeping shall be smaller than the primary residence, and the total floor area of the two buildings shall not exceed any floor area limitations applicable to the parcel pursuant to Section 13-105: *Building Sizes and Lot Coverages*.

   2. **LOCATION.** The secondary residence or structure intended for sleeping shall be located in close proximity to the primary residence, so that it will not be more visually obtrusive and will not increase land use impacts, including the building of additional roads or upgrading existing roads, removing additional trees, or disturbing additional irrigated meadows or sensitive wildlife habitat.

   3. **DESIGNATION OF BUILDING ENVELOPE.** A building envelope designated on the site plan in which all structures, wastewater treatment system(s) and well are to be located.

   4. **ADEQUATE PARKING.** At least that number of parking spaces required for both the primary residence and the secondary residence or structure intended for sleeping shall be provided, pursuant to Section 13-110: *Off-Road Parking and Loading.*

   5. **SHARED WATER SUPPLY AND WASTEWATER TREATMENT SYSTEM**. To the maximum extent feasible, the second residence or structure intended for sleeping shall be legally and physically served by the same water and wastewater treatment systems that serve the primary residence.

6. **COMPLIES WITH DEED RESTRICTIONS OR PROTECTIVE COVENANTS**. The second residence or structure intended for sleeping shall comply with deed restrictions and/or declarations of protective covenants applicable to the parcel.

F. **STANDARDS FOR INTEGRATED SECONDARY RESIDENCE.** An integrated secondary residence shall meet these standards:

1. **SUBORDINATE TO PRIMARY RESIDENCE.** It is subordinate by area, extent and purpose to the primary residence.
2. **LIMITED TO ~~850~~ 1,200 SQ. FT.** The floor area of the integrated secondary residence shall be no larger than ~~850~~ 1,200 sq. ft., and may be as small as allowed by the applicable building code, adopted and amended by Gunnison County.
3. **ADEQUATE PARKING**. There shall be parking adequate to serve both the primary and secondary residences, pursuant to Section 13-110: *Off- Road Parking and Loading*.
4. **ADEQUATE WATER SUPPLY AND WASTEWATER TREATMENT SYSTEM.** It shall be legally and physically served by the same water and wastewater treatment systems that serve the primary residence.
5. **STRUCTURALLY INTEGRATED.** It shall be structurally integrated within the primary residence, share common roof lines and utility systems, and there shall be an internal access between the primary residence and the secondary residence.
6. **COMPLIES WITH DEED RESTRICTIONS OR PROTECTIVE COVENANTS.** It shall comply with deed restrictions and/or declarations of protective covenants applicable to the parcel on which the primary residence is located.
7. **KITCHEN AND SEWAGE DISPOSAL FACILITIES**. It shall contain a full kitchen, and sanitation facilities.
8. **COMPLIES WITH APPLICABLE CODES**. It shall comply with the applicable building code, adopted and amended by Gunnison County, and the requirements of the applicable fire protection district. When the district's standards conflict with County standards, the County shall only enforce the County standards.