

Chapter 18.42

RESIDENTIAL SECOND UNITS

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18.42.010 Purpose. The purpose of this chapter is to establish a procedure for the development of new residential second units that will ensure safe and healthy living environments, and to encourage well-designed legal second units in all residential neighborhoods as an important way to provide workforce and special needs housing. (Ord. 578 §8(part), 2003).

18.42.020 Definitions. For the purposes of this chapter the following words have the following definitions:

“Nonconforming residential second unit” means a residential unit approved as a second unit through the issuance of a conditional use permit or a second unit that meets the definition of a residential second unit and was occupied prior to the adoption of this ordinance without a conditional use permit. The planning director shall determine the status of such units in accordance with the provisions of this code.

“Primary residential unit” means the dwelling having the largest floor area located on any one lot or parcel within a single-family residential zoning district. Such primary residential unit is further defined as a building that provides complete, independent living facilities for one or more persons and permanent provisions for living, sleeping, eating, cooking, and sanitation.

“Single family residential zoning district” means a district listed in this code that allows one single-family dwelling on a particular lot or parcel, otherwise known as an “R-1” zoning district. (Ord. 578 §8(part), 2003).

18.42.030 Applicability. The provisions of this chapter shall apply to all nonconforming residential second units and to all residential second units hereinafter approved or constructed.

No more than one residential second unit per lot or parcel shall be permitted under the provisions of this chapter. (Ord. 578 §8(part), 2003).

18.42.040 Areas. This chapter shall apply to all single-family residential zoning districts in the town. (Ord. 578 §8(part), 2003).

18.42.050 Standards for residential second units. (a) Parking. One parking space shall be provided for each residential second unit. The required parking space may be in tandem and within the setback areas but shall be screened from public view.

(b) Height and Location. Residential second units may be within the primary living unit or within a separate building upon the same lot as the primary living unit.

(1) If within the primary living unit, the second unit may be located in any habitable area. If added to the existing primary living unit, the location of the second unit shall not create an additional story above the first floor.

(2) Residential second units newly constructed as such or added to an accessory building shall be limited to a single story with a maximum building height of eighteen feet at any point when measured from either existing or finished grade.

(c) Setbacks. The setback requirements enumerated under Chapters 18.16 and 18.32 of this code shall apply to residential second units.

(d) Lot Coverage. The lot coverage requirements enumerated under Section 18.32.060 of this code shall apply to residential second units.

(e) Floor Area. The floor area ratio requirements enumerated under Section 18.32.070 of this code shall apply to residential second units.

(f) Maximum Size. Residential second units shall not exceed seven hundred square feet in floor area.

(g) Residence Requirements. Approval of a residential second unit is conditioned upon the owner of record maintaining their residence upon the same parcel as that of the residential second unit.

(h) Health and Safety.

(1) Residential second units must, at a minimum, adhere to the fire safety standards in the Building and Fire Code and use measures such as fire preventative site design, landscaping and building materials, and other fire suppression techniques and resources as determined by the director of public safety.

(2) Residential second units proposed to be developed in areas of geologic hazard must not be endangered by, nor contribute to, hazardous conditions on the site or on adjoining properties.

(i) Building Permits and Codes. In addition to the provisions herein, residential second unit construction shall be subject to all provisions and requirements of Title 15 of this code. (Ord. 589 §6, 2005; Ord. 578 §8(part), 2003).

18.42.060 Design review of residential second units. (a) Preservation of Existing Site Conditions. All areas disturbed by construction of a residential second unit must be finished to a natural appearing configuration and planted or seeded to prevent erosion.

(b) Relationship Between Structure and Site. All new residential second units constructed on sloping land shall be designed to relate to the natural land forms and step with the slope in order to minimize building mass, bulk, and height and to better integrate the structure with the site.

(c) Materials and Colors. Residential second unit construction shall be of the same exterior materials, color, and style as that of the primary living unit including roof, eaves, windows, doors, and other detailing.

(d) Exterior Lighting. Any lighting installed as part of a second residential unit project shall be shielded and directed downward. Lighting shall be low wattage and incandescent.

(e) Natural Environment. All secondary unit construction shall be subject to the tree protection provisions and regulations included in Chapter 12.24 of this code.

(f) Landscaping. Landscaping shall include such plantings as necessary to screen the appearance of structures as seen from off-site locations and to screen architectural and mechanical elements such as foundations, retaining walls, condensers, and transformers.

(g) Visual Focus. Where visibility exists from adjacent roadways, no residential second unit shall be located between the adjacent roadway and the primary living unit. (Ord. 578 §8(part), 2003).

18.42.070 Administration and Enforcement. (a) Exceptions to Standards. Exceptions to §18.42.060 and of this section may be permitted subject to approval of a variance in accordance with Chapter 18.48 of this code.

(b) Nonconforming residential second units.

(1) Nonconforming residential second units previously granted a conditional use permit may continue in use subject to the conditions of their original approval and the provisions of Chapter 18.44 of this code.

(2) On or before January 1, 2004, the owner of each non-conforming residential second unit not previously granted a conditional use permit shall make application to the planning director for establishment of a conforming residential second unit subject to all requirements of this chapter. No fee shall be required for such application.

(3) It is declared that any non-conforming residential second unit not previously granted a conditional use permit and not made conforming pursuant to subsection (b) (2) of this section shall constitute a public nuisance, and such nuisance may be abated as provided by law.

(c) Administration.

(1) The planning director shall administer this chapter.

(2) Any person proposing to construct a residential second unit shall provide the planning director with a completed application, site plan, complete set of elevations, floor plans, building section, color and material samples, landscape plan, and any other information deemed necessary by the planning director to administer this chapter.

(3) A fee for administrative design review of the standards and requirements herein shall be charged. The fee for administrative design review of residential second units shall be established by resolution of the town council.

(4) Consistent with state law, the town planner may administratively deny without prejudice any application which remains incomplete or inactive for a period of greater than ninety days, or is continued at the applicant's request for more than sixty days.

(d) Expiration. Failure to secure a building permit and/or commence construction will cause design review approval for development of a residential second unit to expire one year from the date of approval without further notice.

(e) Enforcement. Failure to comply in any way with the provisions of this chapter, approved plans, or conditions for application approval constitutes grounds for the town to immediately stop work related to the noncompliance until the matter is resolved. Such violation will be subject to the enforcement penalties and procedures of Chapter 18.64 of this code.

(f) Severability. If any section, subsection, sentence, clause, phrase, or portion of this chapter for any reason is held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter.

The town council hereby declares that it would have passed this and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared unconstitutional on their face or as applied. (Ord. 578 §8(part), 2003).