

Chapter 18.43

TWO-UNIT HOUSING DEVELOPMENTS

Sections:

- 18.43.010 Purpose and intent.
- 18.43.020 Definitions.
- 18.43.030 Filing, processing, and action.
- 18.43.040 Development standards.

18.43.010 Purpose and intent. The purpose of this chapter is to provide procedures and development standards for the establishment of Two-Unit Housing Developments pursuant to Government Code section 65852.21. To accomplish this purpose, the regulations outlined herein are determined to be necessary for the preservation of the public health, safety, and general welfare, and for the promotion of orderly growth and development. (Ord. 717 (part), 2022).

18.43.020 Definitions.

A. Two-Unit Housing Development. A Two-Unit Housing Development is a development containing no more than two residential units on one legal lot within the R-1 zoning district and which development either (1) proposes two new units, or (2) proposes to add one new unit to one existing unit. (Ord. 717 (part), 2022).

18.43.030 Filing, Processing, and Action.

A. Ministerial Review. A Two-Unit Housing Development shall be ministerially approved, without discretionary review or hearing, if the proposed housing development meets all provisions of this chapter.

B. Administrative Permit. Applicants for Two-Unit Housing Developments shall submit an Administrative Permit application in addition to a Building Permit application.

C. The Town shall act on an Administrative Permit application for a Two-Unit Housing Development within 60 days of receipt of a complete application. If the applicant requests a delay in writing, the sixty-day time period shall be tolled for the period of the delay. The Town has acted on the application if it:

1. Approves or denies the building permit for the Two-Unit Housing Development; or
2. Informs the applicant in writing that changes to the proposed project are necessary to comply with this chapter or other applicable laws and regulations.

D. Adverse Impact Upon Health and Safety. A proposed Two-Unit Housing Development shall be denied if the Building Official makes a written finding, based upon a preponderance of the evidence, that the proposed Two-Unit Housing Development would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the

specific, adverse impact.

E. Limitations on Approval. A proposed Two-Unit Housing Development shall not be eligible for approval pursuant to this Chapter if any of the following circumstances apply:

1. The Two-Unit Housing Development would require demolition or alteration of “protected housing.” Protected housing includes:
 - i. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
 - ii. Housing that is subject to rent control through valid local rent control provisions.
 - iii. Housing that has been occupied by a tenant in the last 3 years.
2. The Two-Unit Housing Development would be located on a parcel on which the owner has withdrawn it from renting or leasing under Section 7060 of the Government Code within 15 years preceding the development application (i.e., an exit of the rental housing business pursuant to the Ellis Act).
3. The Two-Unit Housing Development would be located within a historic district, is included on the State Historic Resources Inventory, or is within a site that is legally designated or listed as a Town or county landmark or historic property or district.
4. The Two-Unit Housing Development would be located in any of the specified designated areas set forth in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4 of the California Government Code. (Ord. 717 (part), 2022).

18.43.040 Development Standards.

The following objective development standards shall apply to Two-Unit Housing Developments. In addition to these standards, all provisions of the California Building Code shall apply to Two-Unit Housing Developments.

A. General Standards

1. Two-Unit Housing Developments may either be detached or attached, as long as attached structures meet building code safety standards and are sufficient to allow separate conveyance.
2. Two-Unit Housing Developments shall be permitted in all single-family residential zones including as provided for in Chapter 18 of the Municipal Code.
3. Parking. (1) One off-street parking space shall be provided for each dwelling unit. The parking spaces may be provided as tandem parking on a driveway.

4. Off-street parking is not required for each dwelling unit in any of the following instances:
 - i. The dwelling unit is located within one-half mile distance of either a high-quality transit corridor, as defined in Public Resources Code 21155(b), or a major transit stop, as defined in Public Resources Code Section 21064.3.
 - ii. The dwelling unit is located within a historic district.
 - iii. When on-street parking permits are required but not offered to the occupant of the dwelling unit.
 - iv. When there is a dedicated parking space for a car share vehicle located within one block of the dwelling unit.
5. Short Term Rentals Prohibited. The rental of any Two-Unit Housing Development shall be for a term of longer than thirty (30) days.
6. Utility Connections. Each unit in a Two-Unit Housing Development shall be served by separate water, sewer and electrical utility connections which connect each unit directly to the utility.
7. Height. Two-Unit Housing Development shall not exceed 16 feet in height.
8. New dwelling units constructed under this section shall each be no more than 1200 square feet in floor area. No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure. Verification of size and location of the existing and proposed structure requires pre and post-construction surveys by a California licensed land surveyor.

B. Objective Development Standards. Two-Unit Housing Development under this section shall conform to all objective property development regulations and design review standards of the zone in which the property is located, including, but not limited to, setbacks, buildings height, building size, structure coverage, and impervious coverage, and shall be subject to the following additional standards and requirements:

1. The color and materials of the dwelling unit shall match the Primary Unit.
2. Lighting shall be shielded, down lit and/or directed such that it does not produce glare visible from off-site or illuminate adjacent or nearby property.
3. Each Residential unit shall have a permanent full kitchen with a sink, refrigerator and stove/oven. Only one kitchen is allowed per Residential unit.
4. No windows facing the rear and side property lines are allowed when located less than 6 feet from the rear or side property line.
5. No entryways are allowed within 10 feet of a side or rear property line.

6. The Residential unit is not allowed on any open space easement. A title report shall be provided to identify all open-space easements. The Residential unit shall not have any reflective roof or building material.
7. The Residential unit is not allowed on any open space easement. A title report shall be provided to identify all open-space easements. The Residential unit shall not have any reflective roof or building material.
8. No vents, flues, or appurtenances shall exceed the height limit.
9. No signs are allowed on Residential unit except an address sign.
10. No portico, trellis or other structure is allowed as part of the Residential unit. A 5x5 foot entryway roof is allowed but must be at least 10 feet from any property line.
11. All Building Code requirements, including Appendix Q of the 2019 Residential Code (Tiny Houses) shall apply to all Residential units.
12. Screening plants or trees which are a minimum 24 inch box size shall be planted at each proposed window of the Residential unit facing a neighboring property where such plantings are consistent with the Fire Code.
13. Applicant shall submit a water budget consistent with the Model Water Efficient Landscape Ordinance (MWELO) demonstrating water use of no more than 500 gallons per 10,000 sq. ft. of lot area per day. The landscape area of the Two-Unit Housing Development shall be designed with no more than 20% of the landscaped area planted in turf or plants that are not water-wise as defined as needing "low" or "very low" water per Water Use Classifications of Landscape Species (WUCOLS) established by the Water Use Efficiency Office of the California Department of Water Resources (DWR) or other sources as verified by a licensed landscape architect.
14. Any tree to be removed as part of a Two-Unit Housing Development shall require a tree removal permit.
15. The Two-Unit Housing Development shall comply with all applicable Fire District regulations, subject to provisions and limitations set forth in Government Code Section 65852.2.
16. Adequate sanitary service capacity for the effluent resulting from the Two-Unit Housing Development shall be available. If the lot is connected to the public sewer system, the applicant shall submit a letter from the appropriate Sanitary District to that effect. If the lot is not connected to the public sewer system, the applicant shall submit a letter from the County of Marin Environmental Health Department confirming that the individual or alternative sewage disposal system serving the lot has adequate capacity to accommodate the proposed Two Unit Housing Development.

17. Independent exterior access separate from the primary dwelling is not required for an attached Residential Unit.
18. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the Two-Unit Housing Development or alleging any other liability or damages based upon, caused by, or related to the approval of the Two-Unit Housing Development.

B. Exceptions to Development Standards. Notwithstanding subsection A of this section, all development standards shall be subject to the following exceptions:

1. Where each of the units of a Two-Unit Housing Development is no greater than eight hundred (800) square feet in size with side and rear setbacks of at least four (4) feet, the Two-Unit Housing Development shall be permitted regardless of any development standard that would prevent construction of the units.
2. No setback shall be imposed for a Two-Unit Housing Development for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure. (Ord. 717 (part), 2022).