

Chapter 17.69 SECONDARY DWELLINGS

17.69.010 Intent.

The intent and purpose of this section is to encourage secondary dwellings, with occupancy space for one or two persons, as an affordable housing opportunity for immediate family. Protecting the existing quality of life found in the R-2, R-3, R-4 and RA-1 residential zones throughout the community is of foremost importance. While preservation of single-family dwellings is of paramount importance, increasing affordable housing opportunities will benefit the community in its entirety. The following provisions are intended to facilitate secondary dwellings while minimizing land use conflicts and environmental degradation. (Ord. 99-18 (part), 1999)

17.69.020 Area requirements.

Secondary dwellings shall not occupy more than twenty-five percent of the rear yard. (Ord. 99-18 (part), 1999)

17.69.030 Location requirements.

A. The secondary dwelling shall be setback at least twelve feet from the rear of the main dwelling and adhere to the required setbacks of the underlying zone. (Ord. 06-13 (part), 2006; Ord. 04-03, 2004; Ord. 99-18 (part), 1999)

17.69.040 Regulations of secondary dwellings within residential zones.

Any request for secondary living quarters within residential zones shall be reviewed and approved by the planning commission upon recommendation of the zoning administrator. The following criteria must be established prior to building permit issuance:

A. Size. The maximum size for secondary living quarters shall be no more than seven hundred square feet with no more than one bedroom.

B. Parking. One on-site parking space shall be provided in addition to the underlying parking requirement. The parking space may be provided in tandem if the existing driveway length exceeds thirty-five feet as measured from the property line. No parking shall be permitted in the front setback area.

C. Secondary Dwellings Per Lot. No more than one secondary dwelling may be located on a lot.

D. Property to Remain Undivided. Properties with secondary dwelling permits shall remain recorded as one lot.

E. Maximum Occupancy. The maximum occupancy of the secondary dwelling shall be no more than two.

F. No Separate Leases. The owner of the property shall occupy one unit. The secondary dwelling shall not be sold separately.

G. Deed Restriction. A deed restriction must be filed with the county recorder which states:

A permit for a secondary dwelling was issued to _____, the current owner of this property on _____. This permit does not run with the land and is automatically invalidated by the sale or transfer of this property. Prospective purchasers should be advised that only one unit on the property may be rented; the other must be occupied by the owner. Prospective purchasers who intend to reside in one of the units on the property may apply to the Planning Department for a secondary dwelling permit. If all of the conditions required by zoning have continually been met, a new permit will typically be granted. The owner shall strictly adhere to the prohibition of the use of the secondary dwelling as nightly or short-term rental.

H. Nightly Rentals. Secondary dwellings are intended to long-term rental of six consecutive months or more, to the same individual, and may not be used for nightly rentals. (Ord. 06-13 (part), 2006; Ord. 99-18 (part), 1999)

17.69.050 One-year review.

The permit for secondary dwellings shall be subject to a yearly review by the zoning administrator. The review shall occur one year after issuance of the secondary dwelling permit. The zoning administrator may revoke the secondary dwelling permit for noncompliance with the criteria of this chapter. The permittee may appeal the determination to the board of adjustment, which will evaluate the zoning administrator's determination of noncompliance and decide if the permit revocation should occur. (Ord. 99-18 (part), 1999)