

TOWN OF TIBURON
ORDINANCE NO. 587 N.S.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIBURON AMENDING SUBSECTION 16-52.100 OF SECTION 16-52 OF CHAPTER 16 OF TITLE IV OF THE TIBURON MUNICIPAL CODE AND REPEALING SUBSECTION 16-52.105 OF SECTION 16-52 OF CHAPTER 16 OF TITLE IV OF THE TIBURON MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

WHEREAS, in October 2019, the Governor signed a trio of bills amending Government Code sections 65852.2 and 65852.22 regarding accessory dwelling units and junior accessory dwelling units; and

WHEREAS, the new State accessory dwelling unit laws become effective on January 1, 2020; and

WHEREAS, the Planning Commission held a duly noticed public hearing on December 9, 2019; and

WHEREAS, the Planning Commission reviewed the draft ordinance, recommended changes, determined that that amendments were exempt from CEQA, and adopted a resolution recommending the draft ordinance with changes to the Town Council.

WHEREAS, the Town Council desires to amend the Tiburon Municipal Code to establish regulations and standards for the review, approval, denial and development of accessory dwelling units and junior accessory dwelling units which are consistent with the new State accessory dwelling unit law.

WHEREAS, the Town Council held a duly notice public hearing on January 15, 2020, regarding the Planning Commission's recommendation for revise the ordinance for the review, approval, denial and development of accessory dwelling units and junior accessory dwelling units.

WHEREAS, the Town Council decided to adopt the recommended ordinance and asked staff to review Design Standard S requiring two trees at each window and for staff to clarify the 800 sq. ft. guaranteed allowance.

WHEREAS, the accessory dwelling unit and junior accessory dwelling unit Ordinance was originally scheduled for February 5, 2020; however, this meeting was cancelled due to the likely lack of quorum.

WHEREAS, the accessory dwelling unit and junior accessory dwelling unit Ordinance was re-noticed for the February 19, 2020 Town Council meeting.

WHEREAS, the accessory dwelling unit and junior accessory dwelling unit Ordinance was placed on the consent calendar on February 19, 2020 and adopted by the Town Council.

NOW, THEREFORE, the Town Council of the Town of Tiburon does ordain as follows:

Section 1. Findings.

The above recitals are hereby declared to be true and correct findings of the Town Council of the Town of Tiburon.

Section 2. Repeal of Subsection 16-52.100 the Municipal Code.

Subsection 16-52.100 of section 16-52 of Chapter 16 of Title IV of the Tiburon Municipal Code is hereby repealed in its entirety.

Section 3. Adoption of Subsection 16-52.100 the Municipal Code.

A new subsection 16-52.100 of section 16-52 of Chapter 16 of Title IV of the Tiburon Municipal Code is hereby adopted, as set forth in Exhibit A, attached hereto and incorporated herein by reference.

Section 4. Repeal of Subsection 16-52.105 of the Municipal Code.

Section 16-52.105 of the Municipal Code is hereby repealed in its entirety.

Section 5. Compliance with CEQA.

The proposed amendments to the Municipal Code are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3), general rule, which applies to any action where can be seen with certainty that there is no possibility that the project may have a significant effect on the environment. Therefore, no further environmental review is necessary.

Section 6. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 7. Effective Date and Publication.

This ordinance shall be in full force and effect thirty (30) days after the date of adoption. Pursuant to the provisions of the California Government Code, a summary of this ordinance shall be prepared by the Town Attorney. At least five (5) days prior to the Town Council meeting at which adoption of the ordinance is scheduled, the Town Clerk shall (1) publish the summary in a

newspaper of general circulation in the Town of Tiburon, and (2) post in the office of the Town Clerk a certified copy of this ordinance. Within fifteen (15) days after the adoption of this ordinance, the Town Clerk shall (1) publish the summary in a newspaper of general circulation in the Town of Tiburon, and (2) post in the office of the Town Clerk a certified copy of the ordinance along with the names of those Council members voting for and against the ordinance.

This ordinance was read and introduced at a regular meeting of the Town Council of the Town of Tiburon, held on January 15, 2020, and was adopted at a regular meeting of the Town Council of the Town of Tiburon, held on February 19, 2020, by the following vote:

AYES:	COUNCILMEMBERS:	Fredericks, Kulik, Thier, Welner
NAYS:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	One Vacant Seat

ALICE FREDERICKS, MAYOR
TOWN OF TIBURON

ATTEST:

LEA STEFANI, TOWN CLERK

Attachment 1: Proposed Ordinance

16-52.100 - Accessory dwelling unit.

A. Accessory Dwelling Units - Administration.

This section provides for the establishment and reasonable regulation of accessory dwelling units in order to encourage housing opportunities for all segments of the population while ensuring the public health, safety, and welfare.

1. Application and fee. Application for an accessory dwelling unit permit shall be made in compliance with the provisions of division 16-50 (application filing and processing) and shall be accompanied by the appropriate fee.
2. Accessory dwelling units are permitted on lots (1) zoned to allow single-family or multifamily dwelling residential use and (2) which include a proposed or existing dwelling. Accessory dwelling units are allowed in all residential and commercial zones including R-1, R-1-B-A, R-1-B-2, RO-1, RO-2, R-2, R-3, RPD, RMP, NC, and VC.
3. Director of community development as review authority. Applications for accessory dwelling unit permit shall be acted upon by the director ministerially without discretionary review or a public hearing. The Director shall act on the application within 60 days from receipt of a completed application if there is an existing single-family or multifamily dwelling on the lot. If the application is submitted with a permit application to create a new single-family dwelling on the lot, the Director may delay acting on the application for the accessory dwelling unit until the Town acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. Courtesy notice shall be provided to owners of property within one hundred feet of the subject property, as set forth on equalized county tax assessment rolls, at least ten days prior to a decision by the director.
4. In order to grant an accessory dwelling unit permit, the Director shall find that the accessory dwelling unit would comply with the standards set forth in subsection B. of this section.
5. Building permits. A building permit shall be required in conjunction with the issuance of an accessory dwelling unit permit if repair, rehabilitation, or other work otherwise requiring a building permit is necessary.
6. Approved conditional use permits still valid. Any secondary dwelling unit legally established with an approved conditional use permit prior to July 1, 2003 and in continued existence shall be deemed a legal, conforming dwelling unit. Secondary dwelling units established by any such conditional use permit shall continue to comply with all conditions of the permit approval, and with zoning requirements for secondary dwelling units in effect at the time of permit approval.
7. Approved secondary dwelling units still valid. Any secondary dwelling unit legally established with an approved secondary dwelling unit permit between July 1, 2003 and January 1, 2017 and in continued existence shall be deemed a legal, conforming dwelling unit. Secondary dwelling units established by any such

- permit shall continue to comply with all zoning requirements for secondary dwelling units in effect at the time of permit approval.
8. Expiration. Accessory dwelling unit permits issued in compliance with this section shall expire and become null and void three years after issuance unless a certificate of occupancy has been issued by the building division.
 9. Periodic update. The director shall maintain a record of all legal accessory dwelling units and all legal secondary dwelling units and shall review and update the record every two years.
 10. Reporting of violations. All reporting of accessory dwelling unit permit or secondary dwelling unit permit violations shall be submitted in writing to the director. The director shall notify the owner of record of the property that a complaint has been registered, within ten calendar days from receipt of any such complaint. The director shall investigate and issue a written report to the complainant within thirty days from the date of the issuance of the notice outlining the current status of any alleged violation and the steps that have been requested of the owner of record to remedy the situation.
 11. Violations considered an infraction. Violations of this section shall be punished as infractions or by administrative citation, in the discretion of the director and shall be subject to the provisions of section 16-56.030 (violations and penalties) and/or Chapter 31 (enforcement of code). This subsection also applies to violations of conditions of approval or requirements of operation issued in association with any accessory dwelling unit permit or secondary dwelling unit permit.
 12. Violations—Additional remedies—Injunctions. As an additional remedy, the existence and/or maintenance of any accessory dwelling unit or secondary dwelling unit in violation of any provisions herein, or of any conditions of approval or requirements of operation placed thereon, shall be cause for revocation and shall be deemed and is declared to be a public nuisance and may be subject to summary abatement (i.e., including, without limitation, administrative abatement in compliance with chapter 31 [enforcement of code]), and/or restrained and enjoined by a court of competent jurisdiction. In the event legal action is instituted to abate said violation, the town shall be entitled to recover its costs and reasonable attorney's fees incurred in prosecuting said action.
 13. Appeals. The decision of the director granting or denying an accessory dwelling unit permit is a ministerial decision as required by state law, and not subject to a public hearing. Any appeal of the decision shall constitute an administrative review of the objective standards and criteria established by the town for accessory dwelling units. Any such appeal must be filed within ten calendar days of the date of decision and shall be heard by the town council. The appeal shall be heard in a timely manner.
 14. Density. Pursuant to California Government Code Section 68552.2, no accessory dwelling unit approved under these provisions shall be considered in calculating the density of the lot allowed by the land use designation contained in the land use element of the Tiburon General Plan, and accessory dwelling units are deemed a residential use that is consistent with the existing general plan and zoning for the lot.

B. Accessory Dwelling Units – Development Standards

1. Rental. The Accessory Dwelling Unit may be rented separate from the Primary Unit, but may not be rented for a period of less than 30 consecutive days or used as a Vacation Rental. The Accessory Dwelling Unit may not be sold separately from the Primary Unit.
2. Location on Lot. The accessory dwelling unit shall be either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling. If detached, the Accessory Dwelling Unit shall be separated from the Primary Unit and any Detached Accessory Building a minimum of six (6) feet, or as may be required by the building code.
3. Size. The total area of floor area of accessory dwelling units shall be as follows:

Table 1: Maximum Floor Area

ADU Type	Maximum ADU Floor Area
Attached - One bedroom or less	50 percent of the existing primary dwelling or 850 sq. ft., whichever is greater
Attached - More than one bedroom	50 percent of the existing primary dwelling or 1,000 sq. ft., whichever is greater
Detached – One bedroom or less	850 sq. ft.
Detached – more than one bedroom	1000 sq. ft.
Internal	150 square feet or 50 percent of the existing primary dwelling, whichever is greater.

4. Setback. Minimum setbacks of accessory dwelling units shall be as follows:

Table 2. Minimum Property Line Setbacks

Property Line	ADU Type		
	Attached	Detached	Internal
Front	Same as primary dwelling [1]		None required
Side	4 ft.	4 ft.	
Rear	4 ft.	4 ft.	

5. Setback exceptions. No Setback shall be required for a lawfully-constructed garage in existence prior to January 1, 2017 that is converted in whole or part to an Accessory Dwelling Unit, and a Setback of no more than four (4) feet from the

side and rear lot lines shall be required for an Accessory Dwelling Unit that is constructed above a garage.

6. For Accessory Dwelling Units which exceed the maximum size limitations set forth in Table 1, above, the following regulations apply.
 - a. Accessory Dwelling Unit shall have a height limit of 15 feet.
 - b. Floor area shall be allowed as set forth in Table 3.

Table 3. Allowed Floor Area per lot

R-1, R-1-B-A, R-1-B-2, RO-1, RO-2, R-2, and RPD Zones	
Less than 7,500 sq. ft.	35% of the property area, plus an additional 600 sq. ft. of garage or carport.
7,500 sq. ft. through 60,000 sq. ft.	10% of the property area plus 2,000 sq. ft. plus an additional 600 sq. ft. of garage or carport
More than 60,000 sq. ft.	8,000 sq. ft. plus an additional 750 sq. ft. of garage or carport.
R-3, RMP, VC, NC Zones	
R-3	0.60
RMP	0.30
VC	0.28
NC	0.37

- c. Lot Coverage shall be allowed as set forth in Table 4.

Table 4. Lot Coverage

Zoning	Lot Coverage
R-1	30%
R-1-B-A	30%
R-1-B-2	30%
RO-1	15%
RO-2	15%
R-2	35%
R-3	30%
RPD	30%
RMP	30%

NC	100%
VC	100%

7. **Guaranteed Allowance.** All standards related to size, limits on lot coverage, floor area ratio, open space and/or minimum lot size that apply to an accessory dwelling unit shall not prohibit an accessory dwelling unit with at least an 800 square foot of floor area, a height of at least 16 feet, and four-foot side and rear yard setbacks, provided the accessory dwelling unit complies with all other applicable standards.
8. No demolition of a historic building (Local, State, or Federal Listing) is allowed as part of the construction of an accessory dwelling unit.
9. **Parking.**
 - a. One off-street parking space per bedroom or per accessory dwelling unit, whichever is less, shall be required.
 - b. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, those off-street parking spaces need not be replaced.
10. **Parking exceptions.** No parking shall be required of an accessory dwelling unit in any of the following instances:
 - a. The accessory dwelling unit is located within one-half mile walking distance of public transit, as measured along path of travel.
 - b. The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - c. The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
 - d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - e. When there is a car share vehicle located within one block of the accessory dwelling unit. "Car share vehicle" shall mean a fixed location identified in a map available to the general public where at least one automobile is available daily for immediate use by the general public or members of a car share service, which vehicle may be reserved for use and accessed at any time through an automated application, kiosk, or other method not requiring a live attendant. This term shall not include vehicles returned to locations other than fixed locations where automobiles are not routinely available for immediate use.
11. **Fire Sprinklers.** Fire sprinklers are not required in an accessory dwelling unit if they are not required of the primary dwelling unit. Fire extinguishers are required in every room.
12. **Architectural Compatibility.** The Accessory Dwelling Unit shall comply with the following objective design standards. (The objective design standards are not intended to limit the guaranteed allowance outlined in Section 8)
 - a. **Architectural Details.** Architectural details, including but not limited to windows, roof pitch, and trim shall match the Primary Unit.
 - b. **Color and Materials.** The color and materials of the Accessory Dwelling

- Unit shall match the Primary Unit.
- c. Lighting. Lighting shall be shielded and/or directed such that it does not produce glare visible from off-site or illuminate adjacent or nearby property.
 - d. The Accessory Dwelling Unit shall be located at least 10 feet from the top of any creek bank that exists on the lot of the proposed accessory dwelling unit. The top of creek bank shall be defined by a licensed civil engineer.
 - e. The Accessory Dwelling Unit shall have a permanent full kitchen with a sink, refrigerator and stove/oven. Only one kitchen is allowed per Accessory Dwelling Unit.
 - f. Side yard setback and height will be verified by a licensed surveyor.
 - g. No exterior lights are allowed except two shielded downward pointing lights at the entry to the Accessory Dwelling Unit.
 - h. No windows facing the rear and side property lines are allowed when located less than 6 feet from the rear or side property line.
 - i. No entryways are allowed within 10 feet of a side or rear property line.
 - j. The Accessory Dwelling Unit is not allowed on any open space easement. A title report shall be provided to identify all open-space easements.
 - k. The Accessory Dwelling Unit shall not have a white roof or any reflective material on exterior of the Accessory Dwelling Unit.
 - l. The roof color of the Accessory Dwelling Unit shall be the same color as the roof color of the primary dwelling unit.
 - m. No vents, flues, appurtenances, etc shall exceed the height limit.
 - n. The Accessory Dwelling Unit shall be 20 feet from any pool or spa and shall not have direct access to any pool or spa.
 - o. No signs are allowed on Accessory Dwelling Unit except a small address sign.
 - p. No portico, trellis or other roof is allowed as part of the Accessory Dwelling Unit. A 5x5 foot entryway roof is allowed, but must be at least 10 feet from any property line.
 - q. All Building Code requirements, including Appendix Q of the 2019 Residential Code (Tiny Houses) shall apply to all Accessory Dwelling Units.
 - r. The Accessory Dwelling Unit shall not include any other item that would require discretionary approval such as an exterior shower, exterior sink, pool, BBQ, spa, fence, etc. This include piping stub outs to the exterior.
 - s. Two trees shall be planted at each proposed window of the accessory dwelling unit facing a neighboring property where such trees are consistent with the Fire Code.
 - t. Detached ADUs shall have a height limit of 15 feet.
13. Any protected tree to be removed as part of a new Accessory Dwelling Unit shall require a tree removal permit.
 14. Fire District Regulations. The Accessory Dwelling Unit would comply with all applicable Fire District regulations, subject to provisions and limitations set forth in Government Code Section 65852.2.
 15. Sanitary Service. Adequate sanitary service capacity for the additional increment

of effluent resulting from the Accessory Dwelling Unit shall be available. If the lot is connected to the public sewer system, the applicant has submitted a letter from the appropriate Sanitary District to that effect. If the lot is not connected to the public sewer system, the applicant has submitted 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 Accessory Dwelling Unit.

16. Water District Regulations. The Accessory Dwelling Unit ~~shall~~ would comply with all applicable Water District regulations, ~~subject to provisions and limitations set forth in Government Code Section 65852.2. A separate water connection for the Accessory Dwelling Unit is required. (This requirement only applies to ADUs in conjunction with a new single family house.)~~ A water connection separate from the primary dwelling unit shall be required of all Accessory Dwelling Units constructed with a single-family dwelling is required, subject to provisions and limitations set forth in Government Code Section 65852.2.
17. ~~Separate electrical and natural gas (if natural gas fixtures are proposed) connections are required. If an electrical pole will need to be relocated, the application shall be incomplete until the pole is relocated. (This requirement only applies to ADUs in conjunction with a new single family house.)~~ An accessory dwelling unit shall not be considered a new residential use for purposes of calculating connection fees or capacity charges for utilities, unless the accessory dwelling unit was constructed with a new single-family dwelling.
18. Premises identification. Any town-assigned street address number for the accessory dwelling unit shall be plainly visible and legible from the street fronting the property as required by the applicable building code.
19. Exterior Access and Passageways.
 - a. Internal Dwelling Units. Internal accessory dwelling units, within the space of an existing or proposed single-family dwelling shall have independent exterior access separate from the primary dwelling.
 - b. Attached Accessory Dwelling Units. Independent exterior access separate from the primary dwelling is not required for an attached accessory dwelling unit.
 - c. No passageway shall be required in conjunction with the construction of an accessory dwelling unit
20. For any Accessory Dwelling Unit that can not meet all the standards outlined in this Section shall require Site Plan and Architectural Review as set forth in Section 16-52.020.

C. Junior Accessory Dwelling Units – Administration.

This section provides for the establishment and reasonable regulation of junior accessory dwelling units in order to encourage housing opportunities for all segments of the population while ensuring the public health, safety and welfare.

1. Zoning permit required. No junior accessory dwelling unit shall be established or used unless a junior accessory dwelling unit permit has been issued by the town.

2. Application and fee. Application for a junior accessory dwelling unit permit shall be made in compliance with the provisions of division 16-50 (application filing and processing) and shall be accompanied by the appropriate filing fee.
3. Director of community development as review authority. Applications for junior accessory dwelling unit permit shall be acted upon by the director without discretionary review or a public hearing. The Director shall act on the application within 60 days from receipt of a completed application if there is an existing single-family or multifamily dwelling on the lot. If the application is submitted with a permit application to create a new single-family dwelling on the lot, the Director may delay acting on the application for the accessory dwelling unit until the Town acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.
4. Grant of junior accessory dwelling unit permit. In order to grant an accessory dwelling unit permit, the Director shall find that the accessory dwelling unit would comply with the standards set forth in subsection D. of this section.
5. Building permits. A building permit and a certificate of occupancy shall be required in conjunction with the installation of a junior accessory dwelling unit. Any repair, rehabilitation, or other work associated with the installation of the junior accessory dwelling unit shall also obtain building permits where required by law.
6. Expiration. Junior accessory dwelling unit permits issued in compliance with this section shall expire and become null and void three years after issuance unless a certificate of occupancy has been issued by the building division.
7. Periodic update. The director shall maintain a record of all authorized junior accessory dwelling units and shall review and update the record every two years. At the review, the owner of record shall verify in writing under penalty of perjury that the junior accessory dwelling unit is in compliance with the standards for junior accessory dwelling units and with all operating requirements of the permit as set forth in applicable ordinances and regulations.
8. Reporting of violations. All reporting of junior accessory dwelling unit violations shall be submitted in writing to the director. The director shall notify the owner of record of the property that a complaint has been registered within ten calendar days from receipt of any such complaint. The director shall investigate and issue a written report to the complainant within thirty days from the date of the issuance of the notice outlining the current status of any alleged violation and the steps that have been requested of the owner of record to remedy the situation.
9. Violations considered an infraction. Violations of this section shall be punished as infractions or by administrative citation, in the discretion of the director and shall be subject to the provisions of section 16-56.030 (violations and penalties) and/or Chapter 31 (enforcement of code). This subsection also applies to violations of requirements of operation issued in association with any junior accessory dwelling unit approval.
10. Violations - Additional remedies - Injunctions. As an additional remedy, the existence and/or maintenance of any junior accessory dwelling unit in violation of

any provisions herein, or of any requirements of operation placed thereon, shall be cause for revocation and shall be deemed and is declared to be a public nuisance and may be subject to summary abatement (i.e., including, without limitation, administrative abatement in compliance with chapter 31), and/or restrained and enjoined by a court of competent jurisdiction. In the event legal action is instituted to abate said violation, the town shall be entitled to recover its costs and reasonable attorney's fees incurred in prosecuting said action.

- 11. Appeals. The decision of the director granting or denying a junior accessory dwelling unit permit is a ministerial decision as required by state law, and not subject to a public hearing. Any appeal of the decision shall constitute an administrative review of the objective standards and criteria established by the town for junior accessory dwelling units. Any such appeal must be filed within ten calendar days of the date of decision and shall be heard by the town council. The appeal shall be heard in a timely manner.

D. Junior Accessory Dwelling Unit – Development Standards

- 1. Owner Occupancy. One of the dwelling units on the site (either the Primary Unit or the Junior Accessory Dwelling Unit) shall be owner-occupied. For purposes of this standard, "ownership" is defined as a majority (i.e., fifty-one percent or greater) interest in the property in question. Property owned in joint tenancy shall be considered a single ownership for any party named. Property owned in tenancy in common shall be considered a single ownership for the party named, unless shares are specified, in which case ownership requires a majority interest.
- 2. Floor Area and Setback Standards. Floor area, setback standards, and lot coverage for Junior Accessory Dwelling Units are as set forth below:
 - a. Floor area allowed as noted in Table 5.

R-1, R-1-B-A, R-1-B-2, RO-1, RO-2, R-2, and RPD Zones	
Less than 7,500 sq. ft.	35% of the property area, plus an additional 600 sq. ft. of garage or carport.
7,500 sq. ft. through 60,000 sq. ft.	10% of the property area plus 2,000 sq. ft. plus an additional 600 sq. ft. of garage or carport
More than 60,000 sq. ft.	8,000 sq. ft. plus an additional 750 sq. ft. of garage or carport.
R-3, RMP, VC, NC Zones	
R-3	0.60
RMP	0.30
VC	0.28

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5. Allowed Floor Area per lot

- b. Setbacks for Junior Accessory Dwelling Units are required as follows in Table 6.

Table 6. Required Setbacks

Zone	Minimum front setback	Minimum side setback	Minimum rear setback
R-1	15'	8'	20% to 25'
R-1-B-A	20'	6'	20% to 25'
R-1-B-2	25'	10'	20% to 25'
RO-1	30'	20'	20% to 25'
RO-2	30'	15'	20% to 25'
R-2	15'	8'	20% to 25'
R-3	15'	8'	8'
RPD	As per PDP	As per PDP	As per PDP
RMP	As per PDP	As per PDP	As per PDP
NC	0'	0'	0'

VC	0'	0'	0'
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3. Architectural Compatibility. The Junior Accessory Dwelling Unit shall comply with the following objective design standards.
 - a. All Building Code requirements, including Appendix Q of the 2019 Residential Code (Tiny Houses) shall apply to all Accessory Dwelling Units.
 - b. The Junior Accessory Dwelling Unit shall have a permanent efficiency kitchen. Only one kitchen is allowed per Junior Accessory Dwelling Unit.
 - c. No portico, trellis or other roof is allowed as part of the Junior Accessory Dwelling Unit.
 - d. The Junior Accessory Dwelling Unit shall not include any other item that would require discretionary approval such as an exterior shower, exterior sink, pool, BBQ, spa, fence, etc. This include piping stub outs to the exterior.
 - e. No signs are allowed on Junior Accessory Dwelling Unit except a small address sign.
 4. Maximum floor area is 500 square feet is allowed.
 5. No setbacks apply to Internal/Junior Accessory Dwelling Units.
 6. Fire Sprinklers. Fire sprinklers are not required in a junior accessory dwelling unit if they are not required of the primary dwelling unit. Fire extinguishers are required in every room.
 7. Exterior Access and Passageways. Junior Accessory Dwelling Units, shall have independent exterior access separate from the primary dwelling.
 8. Owner-occupancy shall be required in the single-family residence in which the junior accessory dwelling unit is permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
 9. Prior to Final Inspection, a Junior Accessory Dwelling Unit permit, the permittee shall record a deed restriction, which shall run with the land, and shall be filed with the Town. The deed restriction shall include both of the following:
 - a. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
 - b. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.
- E. Notwithstanding subsections (C) and (D) of this section, accessory dwelling unit and junior accessory dwelling unit permits shall be issued based solely on the standards set forth in this subsection, and applicable Building Code standards, as follows:
- (1) One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:
 - (i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of

not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

- (ii) The space has exterior access from the proposed or existing single-family dwelling.
 - (iii) The side and rear setbacks are sufficient for fire and safety.
 - (iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.
- (2) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:
- (i) A total floor area limitation of not more than 800 square feet.
 - (ii) A height limitation of 16 feet.
 - (iii) Premises identification. Any town-assigned street address number for the accessory dwelling unit shall be plainly visible and legible from the street fronting the property as required by the applicable building code.
- (3)
- (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
 - (ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.
- (4) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.
- (5) Rentals of accessory dwelling units and junior accessory dwelling units permitted pursuant to this subsection shall be for a term longer than 30 days.
- (6) Installation of fire sprinklers are not required in an accessory dwelling unit or junior accessory dwelling unit if sprinklers are not required for the primary residence.
- (7) Accessory dwelling units and junior accessory dwelling units permitted under this subsection shall not be required to install a new or separate utility connection directly between the accessory dwelling unit and the utility nor shall a related connection fee or capacity be charged unless the accessory dwelling unit or junior accessory dwelling unit is proposed to be constructed with a new single-family home.