

ATTACHMENT C

ZONING CODE SECTION 17.50.275 (ACCESSORY DWELLING UNITS): EXISTING REGULATIONS

17.50.275 - Accessory Dwelling Units

A. Applicability.

1. Any construction, establishment, alteration, enlargement, or modification of an accessory dwelling unit shall comply with the requirements of this section.
2. The Director or his designee shall review and approve, conditionally approve, or deny ministerial permits for accessory dwelling units conforming to the provisions of this section within the time limits specified by Government Code Section 65852.2 or successor provision.

B. Location and operational standards.

1. One accessory dwelling unit may be constructed on any legal parcel of 15,000 square feet or more in any RS zoning district that is not part of the Hillside or Landmark Overlay Districts.
 - a. **Exception.** Accessory dwelling units that meet all of the following criteria shall be permitted in all RS zoning districts regardless of lot size or overlays:
 - (1) The accessory dwelling unit is contained within a legally constructed existing space (i.e. a fully enclosed area, including a garage) of the primary dwelling or accessory structure.
 - (2) There is an independent exterior access from the existing residence.
 - (3) Side and rear setbacks are sufficient for fire safety.
 - (4) All applicable building and safety codes are met.
 - (5) Only one accessory dwelling unit will exist on the site.
2. Accessory dwelling units shall only be built when there is an existing single-family residence (e.g., primary residence) on the site. If a site is vacant, an accessory dwelling unit may be constructed at the same time as the primary residence.
3. The property owner shall occupy one of the two units on the site as a primary residence. If thereafter the owner occupies neither unit, the accessory dwelling unit shall automatically become a non-habitable space, shall not be used as a dwelling, and shall not be rented.
4. Any rental term of the accessory dwelling unit that is legally created on or after January 1, 2017 shall be longer than 30 days.
5. The accessory dwelling unit may not be sold separately from the existing single-family home.

6. Prior to issuance of a building permit for the accessory dwelling unit, the owner shall record a covenant in a form approved by the city to notify subsequent owners of the requirements of Subsections B.3 through B.5 of this Section.
7. An accessory dwelling unit is only allowed on a lot that is connected to a public sewer system, except for accessory dwelling units meeting the requirements of Section 17.50.275.B.1.a.
8. Existing single-family structures shall not be demolished to allow the construction of an accessory dwelling unit
9. Some flexibility from the standards of this ordinance is allowed for the relocation of a historic resource onto the front of a property with an existing single-family residence. The property owner shall occupy one of the two units on the site. as a primary residence. If thereafter the owner occupies neither unit, the second dwelling unit shall automatically become a nonhabitable space, shall not be used as a dwelling, and shall not be rented.

C. Development standards. The following standards apply to all accessory dwelling units except for accessory dwelling units meeting the requirements of Section 17.50.275.B.1.a.

1. Except as identified in this Subsection, accessory dwelling units shall comply with all of the development standards (e.g., encroachment plane, floor area, height, lot coverage, setbacks, etc.) that apply to the primary residence.
2. An accessory dwelling unit shall not be more than 800 square feet in gross floor area. Additionally, the floor area of an attached accessory dwelling unit shall not be more than 50 percent of the existing living area (i.e. all fully enclosed area, excluding an attached garage) of the primary dwelling.
3. A detached accessory dwelling unit shall be limited to a height of one story, not to exceed 12 feet to the top plate and 17 feet to the highest ridgeline. Both attached and detached accessory dwelling units shall not exceed the height of the primary residence.
4. A detached accessory dwelling unit shall be located behind the rear building line of the primary residence, and be clearly subordinate by location and size.
5. A minimum building separation of six feet shall be maintained (eave to eave) between the primary residence and a detached accessory dwelling unit. A minimum building separation of 10 feet shall be maintained (eave to eave) from the entrance of an accessory dwelling unit if it is facing the wall of another structure on the property.
6. No entry to an accessory dwelling unit shall be visible from the public right-of-way.
7. No setback shall be required for an existing garage that is converted to an accessory dwelling unit unless it is required to provide sufficient fire safety as required by Section 17.50.275.B.1.a.(3).

8. A minimum setback of five feet from the side and rear property lines shall be required for an attached accessory dwelling unit that is constructed above an attached garage.

D. Parking and circulation standards.

1. The primary residence shall provide the required two covered parking spaces on site before allowing an accessory dwelling unit on the subject property, except as specified in Section 17.50.275.D.3 and for units meeting the standards of Section 17.50.275.B.1.a.
2. An additional one parking space shall be provided on-site for the accessory dwelling unit. The on-site parking space required for the accessory dwelling unit may be provided as covered, uncovered, or as tandem parking on an existing driveway.
 - a. **Exception.** No additional parking space is required for an accessory dwelling unit if it meets any of the following conditions:
 - (1) The accessory dwelling unit is located within one-half mile of a public transit stop;
 - (2) The accessory dwelling unit is contained within legally constructed existing space (i.e. all fully enclosed area, including a garage) of the primary dwelling or accessory structure, as specified in Section 17.50.275.B.1.a.;
 - (3) When on-street parking permits are required per the City's Preferential Parking Permit District requirements but are not offered to the occupant of the accessory dwelling unit; or
 - (4) When there is a commercial car share vehicle pick-up and drop-off location located within one block of the accessory dwelling unit.
3. If an existing garage or carport serving as the required parking for the primary dwelling unit is demolished in conjunction with the construction of an accessory dwelling unit, the required replacement parking spaces for the primary residence may be provided as covered, uncovered, or as tandem parking on an existing driveway. The required replacement parking spaces for the primary dwelling unit must be located pursuant to Zoning Code Section 17.46.020.I.1.
4. No overnight parking permits shall be issued for a property with an accessory dwelling unit approved under these provisions.
5. An accessory dwelling unit shall share the driveway with the existing primary residence on the site. A second driveway shall only be allowed from an alley, if there is an alley that serves the subject site.