

**Existing Chapter 17.37
SECOND DWELLING UNITS**

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17.37.010 Purpose.

It is the purpose of this chapter to provide for second dwelling units as a form of potentially affordable housing without substantially changing the physical or architectural character of the neighborhood in which they are located, and without impinging upon the privacy of surrounding neighbors. To ensure the public health, safety and general welfare of the community, this chapter establishes criteria to ensure that these units will conform to certain development standards. In accordance with Government Code Section 65852.2, this chapter shall not be considered in the application of any local ordinance, policy or program to limit residential growth, and does not propose to preclude the creation of second dwelling units or serve as the basis for denial of a building permit.

17.37.020 Permit requirements.

- A. Permits Required. Second dwelling units shall be approved by one of the following methods, as appropriate.
 - 1. Design review approval by the Planning Director shall be required in all areas within the City whose zoning allows second dwelling units as a permitted use.
 - 2. A use permit approved by the Planning Commission shall be required in all areas within the City whose zoning allows second dwelling units with a use permit.
- B. The Planning and Building Director or the Planning Commission shall approve the design review or use permit application for a second dwelling unit if all of the requirements of CMC 17.37.030 and 17.37.040 have been satisfied.

17.37.030 General provisions.

The following standards shall apply to second dwelling units:

- A. One second dwelling unit is permitted on a lot.
- B. A second dwelling unit shall not be sold separately from the primary dwelling unit and no subdivision of land or air rights is authorized by this chapter.
- C. A second dwelling unit may be rented or leased; provided, that it is rented or leased for periods of 30 consecutive days or more.
- D. Where a second unit is detached from the primary unit, the utility services, including water, sewer and electricity, shall be separately metered from the primary dwelling.

- E. The floor area of the second dwelling unit shall not be less than 300 square feet or exceed 750 square feet.
- F. A second dwelling unit may not have more than one bedroom.
- G. A detached second dwelling unit or a second dwelling unit attached to a primary dwelling unit shall comply with the same setback and height requirements as for principal buildings, except that a detached second dwelling unit not more than 15 feet in height may maintain a 10-foot rear yard setback.
- H. The maximum coverage of a lot as provided in the applicable zoning district may be exceeded as provided by CMC 17.38.050 in order to accommodate a second dwelling unit.

17.37.040 Design standards.

The following design standards apply to second dwelling units.

- A. The second dwelling unit shall be compatible with the design of the primary dwelling.
- B. The window and door openings of a second dwelling unit shall be designed applying methods that will minimize privacy intrusion for dwellings on adjacent properties.
- C. Second dwelling units shall minimize impacts on neighboring properties' scenic views of ridge lines and hilltop areas.

17.37.050 Nonconforming second dwelling units.

Second dwelling units legally constructed prior to adoption of the provisions contained in this title shall be considered nonconforming and subject to the provisions of Chapter 17.44 CMC pertaining to nonconforming uses and structures. Second dwelling units that were created without approval under applicable laws in place at the time of construction shall be subject to enforcement.