

Chapter 16.86

SECOND DWELLING UNITS

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16.86.010 Purpose.
 The purpose of this Chapter is to provide a method to increase the supply of smaller dwelling units and rental housing units by allowing second dwelling units to be developed on certain lots which are zoned for single family residential use and to establish design and development standards for second dwelling units to ensure that they are compatible with existing neighborhoods. (Ord. 737 §1, 2006)

- 16.86.020 Definitions.**
- A. Conditioned Space shall mean an area or room that is being heated or cooled for human habitation.
 - B. Efficiency Unit shall be defined as set forth in Section 17958.1 of the California Health and Safety Code.
 - C. Non Conditioned Space shall be construed to include, but not be limited to, open decks, patios and breezeways and non conditioned shops, garages or storage areas.
 - D. Owner Occupied shall mean a unit occupied by a person who has an ownership interest in the unit and also occupies a unit on the property as a primary

residence.

E. "Lot With Rear Alley Access" shall mean a standard residential lot which enjoys permanent legal access to an alley which is at least 20 feet wide.

F. Second Dwelling Unit shall mean an attached or detached residential unit, which provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, eating and sanitation on the same parcel as the primary unit. (Ord. 737 §1, 2006)

16.86.030 Permitted Zones.
 Applications for second dwelling units, which meet the requirements of this Chapter, may be accepted for all districts that allow single family dwellings. The second dwelling unit shall not exceed the allowable density for the lot upon which the unit is located and shall be a residential use that is consistent with the existing General Plan and zoning designation for the lot. (Ord. 737 §1, 2006)

16.86.040 Procedure for Second Dwelling Unit Approval.

- A. Permit Required. A Site Plan permit and a building permit are required for every Second Dwelling Unit.
- B. Application for Permit. Applications for a Second Dwelling Unit Site Plan permit shall only be issued to an owner occupant of the primary or Second Dwelling Unit. Applications shall be submitted to the Department of Planning and Economic Development accompanied by all required fees, project plans (drawn to scale) depicting all onsite improvements, the location of the primary residence and the proposed Second Dwelling Unit and existing trees, architectural elevations showing the proposed Second Dwelling Unit and its relation to the primary residence, a description of building materials, landscaping, exterior finishes to be used, parking to be provided and any other information required by the Department of Planning and

Economic Development to determine whether the proposed Second Dwelling Unit conforms with the requirements of this Chapter. The applicant shall concurrently submit a building permit application for the Second Dwelling Unit.

C. Ministerial Processing. An application for a Second Dwelling Unit shall be approved ministerially, and the Site Plan permit and building permit, issued by the Department of Planning and Economic Development if the following conditions are met:

1. The application is complete;
2. The proposed Second Dwelling Unit conforms to the requirements of this Chapter, without any exception, waiver or variance; and

D. Review by Planning Commission. If an application for a Second Dwelling Unit Site Plan permit is not approved ministerially as described herein, upon request of the applicant the application shall be placed on the agenda for the earliest available Planning Commission meeting for consideration and action as provided herein. Review by the Planning Commission shall be limited to determining whether the proposed Second Dwelling Unit complies with the requirements of this Chapter and applicable provisions of State Law. (Ord. 737 §1, 2006)

16.86.050 Design and Development Standards.

A. Compliance with Design and Development Standards. All applications for Second Dwelling Unit shall comply with the design and development standards outlined herein. However, nothing in this Chapter shall preclude the ability of the Department of Planning and Economic Development to approve Second Dwelling Unit, constructed as part of a new housing development, to help the development meet the requirements of the City's Below Market Rate Housing Program, which do not conform with the design and development standards contained within this Chapter.

B. Compliance With Standards and Codes.

Except as otherwise set forth herein, Second Dwelling Units must comply with all requirements relating to lot coverage, architectural review, site plan review, fees and charges, and all applicable building, fire, health and safety codes and zoning standards that apply to the primary residence.

C. Number of Units. There may be only one (1) Second Dwelling Unit per lot.

D. Eligible Lots for Second Dwelling Units. To ensure safe and adequate access, Second Dwelling Units shall be permitted only on lots where the side yard setback on at least one side of the lot is equal to or greater than 12 feet, unless access to the lot is otherwise available via a rear alley.

E. Size of Unit.

1. Second Dwelling Units shall be a minimum of the square footage established for "efficiency units", and a maximum of one half the square footage of the primary unit on the lot.

2. Second Dwelling Units constructed on existing lots where the primary unit has been constructed prior to 2005 shall be limited to one (1) story in height. Second Dwelling Units constructed on lots where the primary unit is constructed during and/or after 2005 may be two (2) stories in height, provided access to the lot is available by means of a rear alley, as provided in this Chapter.

3. The height of one (1) story Second Dwelling Units shall not exceed twelve (12) feet, all as measured between the peak of the roof and the gutter. The height of two (2) story Second Dwelling Units and those constructed above detached garages, where permitted by this Chapter, shall not exceed that allowed for the primary unit.

F. Minimum Setbacks.

1. Standard Lots Without Rear Alley Access.

a. The side yard setbacks for one (1) story Second Dwelling Units on standard lots without rear alley access shall be the same as the primary unit.

b. The rear yard setbacks shall be as follows:

- i. R1/R1-UC – 10 feet;
- ii. R1-L – 13 feet;
- iii. R1-C – 16 feet;

- iv. R1-E – 19 feet;
- v. R1-R – 22 feet;
- vi. R1-U – that of the primary unit for the lot on which the second dwelling unit is constructed.

c. The front yard setback of a detached second dwelling unit shall be the same as for the primary unit with a minimum separation of six (6) feet between the primary unit and the second unit.

2. Lots With Rear Alley Access. The rear yard and side yard setbacks for one (1) story Second Dwelling Units on all lots with rear alley access shall be a minimum of five (5) feet, and seven (7) feet for a Second Dwelling Unit constructed above a detached garage, provided that at least one off street parking space is provided on the lot, and not within the alley.

G. Number of Bedrooms. Except as otherwise provided herein, a Second Dwelling Unit shall not contain more than two (2) bedrooms. Second Dwelling Units which are one thousand (1,000) square feet or larger in size may be developed with up to three (3) bedrooms, provided that a finding is made by the Department of Planning and Economic Development that the resultant increased size of the Second Dwelling Unit is in scale with the receiving property and the primary residence on the property and that the unit is architecturally designed to mitigate the potential appearance of excessive building massing.

H. Construction of a Garage. Garages developed in conjunction with detached Second Dwelling Unit, shall be limited to the size necessary to accommodate a maximum of one (1) standard size parking space as defined in section 16.144.050.

I. Garage Conversions. Garage conversions into a Second Dwelling Unit are not permitted unless alternate off street parking is provided. The alternate off street parking may be uncovered and compact in size, and may be provided as a tandem space (in which case it may not block vehicular access to a parking space required for the primary residence).

J. Construction of Unit Above Garage. The minimum living space for Second Dwelling Units

constructed above garages, where permitted in this Chapter, shall be no less than that of an Efficiency Unit and the maximum living space shall be no greater than fifty percent (50%) of the primary unit. Units constructed above garages shall be limited to two (2) bedrooms. All Second Dwelling Units above garages shall have covered external access and additional access may be provided from an approved off-street parking space. A minimum of one (1) covered parking space shall be provided with a side-loaded garage or carport for alley access units, and have a minimum setback of five (5) feet. The minimum yard area for a Second Dwelling Unit constructed above a garage shall equal twenty percent (20%) of the unit size, but in no case shall the yard area be less than two hundred (200) square feet. All Second Dwelling Units constructed above garages shall have the same roof pitch as the primary units.

K. Construction of Openings. That any windows on the narrow sides adjacent to residences shall be no lower than six (6) feet from the floor and no other openings shall be allowed from these sides.

L. Compatibility of Design. The exterior appearance of a Second Dwelling Unit shall be architecturally compatible with the primary residence and with the surrounding neighborhood. Architectural compatibility will be determined to exist where there is coordination of building colors and materials (e.g., stucco, siding, masonry material, etc.), coordination of roof material, fenestration, other defined architectural features (e.g., wood details, corbels, stucco coins, masonry material, etc.) and coordination of landscaping ancillary to structures visible by the public or surrounding property owners. The Department of Planning and Economic Development shall review proposals for Second Dwelling Units for compliance with the design standards. Additionally, Second Dwelling Units developed under this Chapter shall be subject to review by the Ripon Design Review Board, if such review is deemed necessary by the Department of Planning and Economic Development.

M. Off Street Parking. In addition to parking required for the primary residence, one (1) additional off street parking space shall be provided for a Second Dwelling Unit. Any additional parking space may be uncovered and compact in size, and may be provided as a tandem space (in which case it may not block vehicular access to a parking space required for the primary residence).

N. Maintenance. All properties approved for Second Dwelling Units must be maintained at a level consistent with the neighborhood in which it is located.

O. Utilities. All new utilities for detached Second Dwelling Units shall be installed underground. All utilities, including water, sewer, electric and gas, etc., shall be limited to one service. Noise generating equipment/devices (i.e., compressors, air conditioning units, etc.) shall not be located within the rear (excepting units on lots with alley access) or side yard adjacent to adjoining property line.

P. Subdivision. The primary and Second Dwelling Unit may not be sold separately and no subdivision of land or air rights shall be allowed.

Q. Occupancy. The property owner shall occupy either the primary or Second Dwelling Unit. If neither unit is owner occupied, then the use of the property shall revert to a single family occupancy. This owner occupancy requirement may be temporarily waived for a period of not more than one (1) year and if an extension is required, shall come before the Planning Commission to request this extension.

R. Deed Restrictions. Only those lots with units constructed to meet the city's affordable housing program will have covenants and restrictions.

S. Addressing. Second Dwelling Units shall have the same address as the primary unit, except that alley access units shall have an 'A' suffix (i.e., 1241-A) and front access units will have a 'B' suffix (i.e., 1241-B).

T. Exceptions. Exceptions to the Design and Development Standards identified herein may be

granted by the Department if the Department finds that deviation from the standard is necessary to install features that facilitate access and mobility for disabled and/or elderly persons. (Ord. 737 §1, 2006)

16.86.060 Existing Second Dwelling Units - Amnesty.

A. Nonconforming Status. An existing Second Dwelling Unit that does not comply with the requirements of this Chapter shall be considered a nonconforming unit. If a property owner wishes to alter an existing nonconforming unit, the requirements of this Chapter shall apply to the proposed alteration.

B. Certificate of Legalization. Record owners of Second Dwelling Unit constructed before the effective date of this Chapter, who wish to legalize said units without penalty, may obtain a certificate of legalization from the Building Official by complying with the following:

1. Provide evidence to the satisfaction of the Building Official that the Second Dwelling Unit was constructed prior to the effective date of this Chapter.

2. Provide a plan of the Second Dwelling Unit showing it does not exceed the maximum size allowed by this Chapter.

3. Provide the Building Official with a property inspection report for the Second Dwelling Unit from a licensed contractor, or property inspector, which report shall be subject to verification and requirements for correction of any code violations by the Department of Planning and Economic Development.

4. Correct any health and safety defects in construction and comply with all applicable building, fire, health and safety codes and zoning standards in effect at the time of original construction of the Second Dwelling Unit to the satisfaction of the Building Official.

5. Pay all required fees

C. Limitation. The amnesty provided herein shall not apply to garage conversions unless

alternate off street parking is provided in compliance with the current requirements of the Ripon Municipal Code. (Ord. 737 §1, 2006)

16.86.070 Revocation of Permit.

In addition to any other remedy provided by law, in the event a permitted Second Dwelling Unit is maintained in violation of the requirements of this Chapter or of any other Chapter in the Ripon Municipal Code, the Director may, on ten (10) days written notice to the property owner, and notice to neighbors as set forth in 16.86.040, bring a proceeding to revoke the Second Dwelling Unit permit before the Planning Commission. (Ord. 737 §1, 2006)

16.86.080 Appeals.

Decisions concerning an application for a Second Dwelling Unit may be appealed pursuant to the procedures for appeal outlined in section 16.08.060. (Ord. 737 §1, 2006)

16.86.090 Survey.

The Director shall conduct a survey of Second Dwelling Units within the City and prepare a report, as may be required by State Law. (Ord. 737 §1, 2006)