16.12.107: ~~GUESTHOUSES OR CASITAS~~ACCESSORY DWELLING UNITS IN SINGLE-FAMILY RESIDENTIAL ZONES:

The purpose and intent of requirements for allowing ~~guesthouses or casitas~~accessory dwelling units~~-~~ is to provide additional housing opportunities~~y for family members and visiting guests of the owners of the primary dwelling~~. For purposes hereof, "accessory dwelling unit" means a dwelling unit that is located on a single-family residential lot in addition to the primary dwelling unit. An accessory dwelling unit can be either an "internal accessory dwelling unit" or an "external accessory dwelling unit." "Internal accessory dwelling unit" means an accessory dwelling unit that is located within the footprint of the primary dwelling unit. "External accessory dwelling unit" means an accessory dwelling unit that is located in a structure other than the primary dwelling unit. References herein to an "accessory dwelling unit" without designating either external or internal is a reference to both internal and external dwelling units.

(1) Authorized: ~~Guesthouses or casitas~~Accessory dwelling units~~-~~ may be authorized on all lots located in medium density and low density single-family residential zones, provided all requirements of this title, all other land use ordinances and the Building Code are met.

(2) Maximum Number: A maximum of one ~~guesthouse or casita~~accessory dwelling unit~~-~~ may be established on each individual, separate legal lot, such lot meeting all requirements, including minimum lot size, for the zoning district in which the lot is located.

(3) Permanent Structure: An accessory dwelling unit ~~guesthouse or casita~~ shall be located in a permanent structure on the lot. No mobile homes, travel trailers, boats or similar recreational vehicles shall be used as an ~~guesthouse or casita~~accessory dwelling unit.

(4) Single-Family Dwelling; Lot: The lot proposed for an ~~guesthouse or casita~~accessory dwelling unit ~~-~~shall have an existing single-family dwelling unit established, or approved, prior to the consideration of the use application to allow ~~a guesthouse or casita~~accessory dwelling unit. (Ord. 2005-13, 2005)

(5) Square Footage: The square footage of ~~a guesthouse or casita~~an external accessory dwelling unit shall not exceed thirty percent (30%) of the footprint of the primary dwelling, excluding the garage, or six hundred (600) square feet, whichever is larger. (Ord. 2007-35, 2008)

(6) Setbacks: All ~~guesthouses or casitas~~external accessory dwelling units shall meet and comply with the minimum setbacks required for the primary dwelling by the zoning district in which they are located, except the rear setback may be reduced to match the side setbacks. (Ord. 2006-32, 2006)

(7) Parking: All ~~guesthouses or casitas~~accessory dwelling units shall provide a minimum of one additional off street parking space.

(8) Construction: The construction of all ~~guesthouses or casitas~~accessory dwelling units shall meet all requirements of the adopted building code.

(9) Style, Materials, Colors: The architectural style, building materials and colors of all ~~guesthouses or casitas~~external accessory dwelling units shall be found to be compatible and consistent with the architectural style, materials and color of the primary dwelling unit.

(10) Height And Size Restrictions: All ~~guesthouses or casitas~~external accessory dwelling units shall be limited to one story, with a maximum height of fifteen feet (15') for a pitched roof and thirteen feet (13') for a flat roof, but in no event exceeding the height of the existing dwelling. The city council may approve a special exception to the height and size restrictions for guesthouses and casitas, as provided by chapter 28 of this title, with consideration given to larger lots than required by the minimum lot size of the applicable residential zone and the architecture and style of the primary building.

(11) Occupancy ~~Without Compensation~~: ~~Guesthouses or casitas~~Accessory dwelling units shall only be provided for the occupancy of one family ~~members of the owner of the primary dwelling, or guests of the owner, without compensation~~.

(12) Owner ~~May~~ Must Occupy: The owner ~~, renter or lessee~~ of the ~~primary dwelling~~ lot ~~may~~ must live full-time in either the primary dwelling unit or the ~~guesthouse or casita~~accessory dwelling unit~~, but the primary dwelling shall only be occupied by the family members or guests of the owner, renter or lessee of the primary dwelling, without compensation~~.

(13) Deed Restriction: As a condition of approval required to establish ~~a guesthouse or casita~~an accessory dwelling unit, the property owner shall record against the deed of the subject property, a deed restriction, in a form approved by the city, running in favor of the city, which shall prohibit the ~~rental, lease or~~ sale of the ~~guesthouse or casita~~accessory dwelling unit separately from the ~~rental, lease or sale of the~~ primary dwelling unit. Proof that such deed restriction has been recorded shall be provided to the zoning administrator prior to the issuance of the certificate of occupancy for the ~~guesthouse or casita~~accessory dwelling unit.

(14) Permits Required:

(a) The use application approval for ~~a guesthouse or casita~~an accessory dwelling unit shall be received before a building permit is issued. (Ord. 2005-13, 2005)

(b) The zoning administrator is authorized to approve a class II use application for ~~a guesthouse or casita~~an accessory dwelling unit that is not part of the original construction of the single-family dwelling unit to which it is associated, provided all requirements of this section, and all other applicable requirements of all land use ordinances, and all other regulations are met. (Ord. 2005-13, 2005; amd. Ord. 2016-06, 2016)

(c) The zoning administrator is authorized to approve a class II use application for ~~a guesthouse or casita~~an accessory dwelling unit that is part of construction associated with a new single-family dwelling, provided all requirements of this section, and all other applicable requirements of all land use ordinances, and all other regulations are met.

(15) Legalizing Existing Guesthouses And Casitas: Owners of ~~guesthouses or casitas~~accessory dwelling units existing on the effective date hereof, and that have not been approved as required herein, shall apply for an approval within one hundred eighty (180) days of the effective date hereof. Illegal ~~guesthouses or casitas~~accessory dwelling

units existing after that date will subject the owners to all applicable enforcement actions that may be available to the city.

(16) Noncomplying Guesthouses And Casitas: All owners of ~~guesthouses or casitas~~accessory dwelling units, determined to be noncomplying structures, shall be subject to the provisions for noncomplying structures, as provided herein by chapter 25 of this title. (Ord. 2005-13, 2005)