

BOARD OF SUPERVISORS
COUNTY OF DEL NORTE
STATE OF CALIFORNIA

ORDINANCE NO. 95-03

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF DEL NORTE CONSOLIDATING EXISTING
ORDINANCE REGARDING SECOND DWELLING AND ESTABLISHING AN
ORDINANCE ALLOWING TEMPORARY SECOND DWELLINGS
FOR INVALID FAMILY CARE

The Board of Supervisors of the County of Del Norte does ordain that Chapter 21.00 of Del Norte County Coastal Code and Chapter 20.00 of Del Norte County Code (non-coastal Chapter number shown in parenthesis) is hereby established as follows:

Chapter 21.00 (20.00)
RESIDENTIAL SECOND UNITS

- Section 21.00.010 (20.00.010) General
- 21.00.020 (20.00.020) Application
- 21.00.030 (20.00.030) Second Single-family Unit
- 21.00.040 (20.00.040) Senior Second Unit
- 21.00.050 (20.00.050) Invalid Family Care Unit

Section 21.00.010 (20.00.010) General

A. Intent. The purpose of this chapter is to authorize second units and to establish a procedure for reviewing and approving their development in order to ensure and maintain healthy and safe residential living environments.

B. Findings. The County of Del Norte finds as follows:

1. The County acknowledges that this ordinance (chapter) may limit housing opportunities within the County by establishing standards and designating areas where second units may be permitted; and
2. The land use densities of the General Plan and its implementing ordinance are based on the use of on-site sewage systems and on-site wells. This classification is based on land use, soil types, water availability, sewage failure history, and other information which attempts to provide for reasonable expectations for development while protecting the environment; and
3. The sewage collection system within the urban area of the County was developed based on existing density and land use. The increased use of second units would accelerate the consumption of design capacity thereby excluding areas intended to be served by the collection system; and
4. The local street and road system and development standards are based on existing density and land use. The increased use of second units would result in substandard street and road systems

which will increase traffic hazards, lower response time for emergency vehicles and increase maintenance costs of public and private streets and roads; and

5. Adoption of this ordinance (chapter) is necessary to avoid adverse impacts on the public health, safety, and welfare that would result from allowing the indiscriminate use of second units.

Section 21.00.020 (20.00.020) Application

A second unit proposed for approval shall require submission of a use permit application and payment of applicable fees.

Section 21.00.030 (20.00.030) Second Single-Family Unit

A second single-family unit may be a permitted use subject to the securing of a use permit, subject to all of the following:

A. The subject parcel is within an R, RR, FR, CR, A, or AE zone district.

B. The second unit is consistent with the allowable density of the applicable Del Norte County General Plan designation. That is, the subject parcel consists of a minimum of twice the minimum parcel size required by the General Plan.

C. The second unit must be situated on the subject parcel so that the parcel could be subdivided, under standards applicable at the time of application, without resulting in two dwellings on one parcel.

D. The placement of the second unit shall be situated to comply with height, setback, lot coverage, architectural standards, site plan review, fees, charges, and other zoning requirements generally applicable to residential placement in the zone in which the property is located at the time of application of the use permit.

E. Each dwelling shall be provided with separate utility connections. A shared well may be approved by the Health Department.

Section 21.00.040 (20.00.040) Senior Second Units - Temporary Second Dwelling Uses with Kitchen Facilities in Existing Residences or Additions to Existing Residences.

A use permit for a temporary second dwelling use with cooking facilities may be considered by the Planning Commission in a portion of, or an addition to, any legally existing single family residence subject to all of the following:

A. The second dwelling shall be used for the sole occupancy of one to two adult persons who are 62 years of age or over and are immediate family members of the principle residents of the parcel.

B. The total designated floor area for the second dwelling use shall not exceed 30% of the floor area of the entire structure,

including any proposed addition. However, under no circumstances shall the floor area of the second unit exceed 700 square feet.

C. The habitable floor area of the second dwelling shall maintain direct, internal access to the habitable floor area of the primary residence, and a direct exit outside. For purposes of this Section, habitable floor area shall include hallways.

D. Any structural additions or alterations shall comply with all applicable Building, Zoning, Health and Fire Code requirements.

E. Utilities for the the second dwelling area (electricity, water, sewage disposal, etc.) shall be integrated into those of the primary residence as much as is feasible.

F. When the specified occupant(s) of the second dwelling no longer reside in the unit or no longer qualify for the use permitted under these provisions, the kitchen facilities and any duplicate utilities shall be removed, and the area no longer used for second dwelling purposes.

G. A Notice of Non-Compliance, stating the conditions of the use permit, shall be recorded at the time of issuance of a building permit for the structural addition or alteration to the existing residence.

H. The use permit shall be subject to annual review and verification of compliance by the Planning Department and/or Planning Commission. A fee, in an amount determined by the Board of Supervisors, may be charged for the annual review.

Section 21.00.050 (20.00.050) - Invalid Family Care - Temporary Occupancy of a Manufactured Home for Invalid Family Care.

A use permit for the temporary establishment and use of a manufactured home may be considered by the Planning Commission as a second dwelling unit in any R, RR, FR, A, or AE zone district for invalid family care purposes, subject to all of the following:

A. The permit shall be issued to the owner-occupant of a parcel of property, based upon the physical condition of a specific person or persons as an invalid, and such permit shall be non-transferable.

B. The occupant of the subject unit shall be a member of the immediate family of the principal resident(s) who is the owner-occupant of the subject parcel or the occupant of the subject unit shall be a court appointed guardian to the owner-occupant of the subject parcel.

C. Application for persons under the age of 70 (seventy) years shall include a written statement, on a form provided by the County, completed by a practicing physician certifying the need for and purpose of the requested invalid care. Verification of need shall be submitted with each annual renewal and shall be signed by the attending physician.

D. The unit placement shall comply with all applicable Building, Zoning (except density), Engineering, Health and Fire Code requirements, and must comply with any applicable architectural standards which apply to the parent zoning district.

E. Utilities for the the second dwelling unit (electricity, water, sewage disposal, etc.) shall be integrated into those of the primary residence.

F. When the specified occupant(s) of the second dwelling no longer reside in the unit or no longer qualify for the use permitted under these provisions, the unit shall be removed within 90 days, and the area no longer used for second dwelling purposes.

G. A bond, or other security, in the amount of \$5,000.00, payable to the County of Del Norte, shall be posted by the applicant prior to the issuance of a building permit for the placement/installation of the subject unit. Any bond posted as security pursuant to this section shall comply with the provisions of the California Bond and Underwriting Law which commences with section 995.010 of the California Code of Civil Procedure. This performance bond is to be held by the County and may be called at any time by the County to enforce removal of the unit.

H. A Notice of Conditional Approval, stating the conditions of the use permit and requiring the removal of the manufactured home upon cessation of need, shall be recorded at the time of issuance of the building permit for the placement (installation) of the unit. A notarized acknowledgement statement by the property owner shall be included on the Notice of Conditional Approval.

I. The use permit shall be subject to annual review and verification of compliance by the Planning Department and/or Planning Commission. A fee, in an amount determined by the Board of Supervisors, may be charged for the annual review.

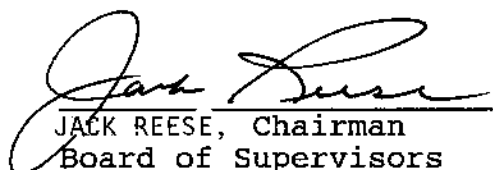
Sections 20.48.120, 20.48.125, 21.46.120, and 21.46.125 of Del Norte County Code are hereby repealed.

PASSED AND ADOPTED by the Board of Supervisors, County of Del Norte, State of California, this 14 th day of February , 1995, by the following polled vote:

AYES: Supervisors Mellett, Clausen, Eller, Bark and Reese

NOES: None

ABSENT: None



JACK REESE, Chairman
Board of Supervisors

ATTEST: KAREN L. WALSH, Clerk of the
Board of Supervisors, County
of Del Norte, State of California

BY: 