

## ATTACHMENT H

### Extended Discussion

Staff is recommending the adoption of two ordinances to implement revisions to the County's rules for secondary dwelling units. In the body of the report, the ~~strikeout in a red typeface~~ and *italicized text* represent actual text changes displayed in the marked-up ordinances included with this item (Attachments A and B).

#### I. Zoning Text Amendment ZT-18-01a (Accessory Building Ordinance).

The amendments to Chapter 28 under this ordinance fall into four broad categories;

- A. Revisions and additions to definitions in Article I, Section 28.01
- B. Revisions and additions to Permitted Uses Tables in various zoning districts in Article II,
- C. Reformatting of Residential Development Standards in Article III, Section 28.72, and
- D. Revisions and additions to Accessory Building Regulations in Article III

Each of these categories is summarized below utilizing the convention that "additions and revisions" are shown in *italics* and "deletions" are shown as a ~~strikeout in a red typeface~~.

##### A. Revisions and Additions to Definitions in Article I, Section 28.01

The proposed ordinance makes minor revisions to existing definitions and adds new definitions to Section 28.01 to clear up some ambiguities.

- a. Accessory building is not a defined term in the current regulations, so staff is recommending the inclusion of a new definition:

**Accessory building.** *A subordinate building located on the same lot, the use of which is customarily incidental to that of the main building, or to the principal use of the land.*

- b. The current regulations refer to agricultural accessory structures. The following definition uses the term building and makes some further changes for the sake of clarity.

**Accessory building, agricultural.** *A building or structure that is utilized in conjunction with the ~~agricultural~~ use of the property for commercial crop production or grazing, including the storage of agricultural products and supplies and equipment used in agricultural operations. Buildings used for other purposes, such as stables, dairies and agricultural processing facilities, residential accessory buildings, and secondary dwellings are not ~~accessory agricultural structures~~ agricultural accessory buildings.*

- c. Residential accessory structures are currently regulated but the term is not defined. The following definition is being added to the code.

**Accessory building, residential.** *A detached building accessory to a single-family dwelling. Examples include a detached garage, a storage shed, or a dwelling space accessory building. In any R district, an accessory building on a lot that has a dwelling is classified as a residential accessory building even if the accessory building is used in conjunction with the use of the property for commercial crop production or grazing. A*

*residential accessory building does not include a secondary dwelling.*

- d. Dwelling space accessory buildings are regulated but not defined. The following definition is being added to the code.

**Accessory building, dwelling space.** *A detached residential accessory building that contains habitable space and is used, or capable of use, as additional living area for an existing dwelling but does not include cooking facilities and is not used or intended as independent living facilities. Examples include an art or music studio, an exercise or recreation room, an office for a licensed home occupation, or a pool house.*

- e. A minor edit to the definition of building is required for further clarity.

**Building.** ~~Includes structure.~~ *Any structure used or intended for supporting or sheltering any use or occupancy.*

- f. A minor edit to the definition of building is required for further clarity.

**Building, main** **Main Building.** *A building in which is conducted the principal use of the building site on which it is situated. In any residential district, the primary dwelling shall be deemed to be a main building on the building site.*

## **B. Revisions and additions to Permitted Use and Development Standards Tables in various zoning districts in Article II, Various Sections and Revisions to Yard Standards in Article IV, Section 28.97**

The proposed revisions to Permitted Use and Development Standards Tables in various zoning districts in Article II, include revisions and deletions of footnotes for each Table, as described below:

Several Tables in Article II contain the following footnote which is to be deleted:

~~The side or rear yard requirements may be waived for an accessory building other than an animal shelter, except that such building shall not be located closer to any side street line than the main building. Waiver of said requirements shall be subject to notice as set forth in Section 04(f) of this Chapter.~~

An exception is being added to Article IV – Yards, which permits the side yard setback described in the footnote above without the need to file a waiver application. Section 28.97(K) is deleted in its entirety and replaced with a new Section 28.97(K) to allow exceptions to the setback provisions without requiring a waiver application, as follows:

K. ~~In any district in which a dwelling is allowed, a required yard distance may be waived up to a distance equal to that established in such yard by the foundation of an existing legal non-conforming dwelling, subject to notice as set forth in Section 28.04 of this Chapter. In any R District, the side or rear yard requirements may be reduced for an accessory building, other than an animal shelter, provided that such building shall not be located closer to any property line than 5 feet, or to the same distance as a permitted primary dwelling on the same parcel, whichever is less.~~

**C. Reformatting of Residential Development Standards in Article III, Section 28.72 (See Attachment A2)**

The proposed revisions include reformatting of Section 28.72 Residential Uses in Article III of Chapter 28 to organize the regulations to separate into different subsections the rules for dwellings and the rules for accessory buildings. This will isolate the regulations for secondary dwelling units in one section of the code. (See Attachment A2)

**D. Revisions and additions to Accessory Building Regulations in the new Article III, Section 28.72.30**

The proposed revisions include minor revisions to the regulations pertaining to various types of accessory buildings in Article III of Chapter 28. (See Attachment A Section III)

Section 28.71.10(B)(1) is changed as follows:

**1. Agricultural Accessory Structures Buildings**

New accessory buildings ~~and other structures~~, including alterations to existing accessory buildings ~~and other structures~~, shall be designed, constructed, and/or established in compliance with the development standards in the applicable zoning district and the following standards:

- a. **Attached accessory structure setbacks.** An accessory building attached to the main building shall comply in all respects with the requirements of this Chapter applicable to the main building.
- b. **Detached accessory structure setbacks.** An accessory building detached from the main building shall be located sixty feet from the front property line or on the rear fifty percent of the lot, unless otherwise specified in the applicable zoning district.
- c. **Side and rear yard setback waiver.** The side and rear yard requirements may be waived for an accessory building other than an animal shelter, except that such building shall not be located closer to any side street line than the main building, and such buildings, in the aggregate, shall not exceed the maximum site coverage in the rear yard for the main building as may be specified in the applicable zoning district. Waiver of said requirements shall be subject to notice as set forth in Section 14 (f) of this Chapter.
- d. **Setback between buildings.** An accessory building shall not be located closer than ten feet from the main building; except in the W district, the distance shall be thirty feet. Stables shall be located at least twenty feet from the main building.
- e. **Animal shelter setbacks.** An accessory building for the shelter of small animals shall not be placed closer to any side street line than the main building, and in no case shall be placed closer than ten feet from any property line unless greater setbacks are required by the zoning district.
- f. ~~**Not a secondary dwelling.** An accessory building does not include a secondary dwelling as defined in Section 28-10.~~

- f. **Sequence of construction.** *A residential accessory building, including a dwelling space accessory building, ~~Accessory structures~~ shall not be constructed on a lot until construction of the primary dwelling has commenced.*~~a principal use has been established on the lot, and an accessory structure shall not be used unless the principal use has been established.~~

## II. Zoning Text Amendment ZT-18-01b (Secondary Dwelling Unit Ordinance).

The amendments to Chapter 28 under this ordinance fall into three broad categories;

- A. Revisions and additions to definitions in Article I, Section 28.01(Definitions),
- B. Revisions and additions to the secondary dwelling unit regulations in Article III, Section 28.72.10(A),
- C. Revisions and additions to the secondary dwelling unit regulations in Article III, 28.72.10(B)(1),
- D. Revisions and additions to the secondary dwelling unit regulations in Article III, Section 28.72.10(B)(2), and
- E. Revisions and additions to the secondary dwelling unit regulations in Article III, 28.72.10(B)(6)
- F. Revisions to Tables 28.21A, 28.22A, 28.23A, 28.31A, 28.32A, and 28.32B
- G. Revisions to Section 28.108(A)

Each of these categories is summarized below utilizing the convention that “additions and revisions” are shown in *italics* and “deletions” are shown as a ~~strikeout in a red typeface~~ :

### A. Revisions and Additions to Definitions in Article I, Section 28.01

The proposed revisions to definitions in Section 28.01 are designed to add clarification to the difference between a duplex and primary and/or secondary dwelling, as follows:

- a. **Duplex.** *A detached building under one roof containing two dwelling units of approximately equal gross floor area designed for, or occupied exclusively by, two families living independently of each other, and separated by a common wall or floor.*
- b. **Dwelling, primary.** *If a lot is improved, or proposed to be improved, with two ~~or more detached~~ dwellings, exclusive of employee housing, the first dwelling constructed shall be the primary dwelling unless a later constructed dwelling is larger in gross floor area than an existing dwelling, in which case the larger dwelling shall be the primary dwelling, except in the R-TC-D and R-TC-M districts, where more than one primary dwelling is allowed. Dwelling units within a duplex or multiple-family dwelling structure are not classified as primary or secondary dwellings.*

- c. **Dwelling, secondary.** ~~One additional dwelling unit on the same ownership as the primary dwelling, providing independent living quarters, including sleeping, eating, cooking and sanitation facilities. Either the primary dwelling or the secondary dwelling shall be owner-occupied. If either dwelling is leased, such lease shall not cause the subdivision of the property. A secondary dwelling shall contain no more than eight hundred fifty square feet gross floor area unless otherwise specified by the applicable Zoning District. A secondary dwelling shall not be considered an accessory building or an accessory use, as those terms are defined and used in this Chapter. Includes an accessory dwelling established pursuant to Ordinance No. 1679.~~ *An independent dwelling unit that provides complete living facilities for one family and is situated on the same parcel as an existing or proposed primary dwelling. A secondary dwelling may be a detached building, attached to the primary dwelling, or located within the living area of an existing primary dwelling. For purposes of calculating dwelling unit density under zoning or the General Plan, a secondary dwelling shall not be counted as an independent dwelling unit in addition to the primary dwelling. Dwelling units within a duplex or multiple-family dwelling structure are not classified as primary or secondary dwellings.*

**B. Revisions and additions to the secondary dwelling unit regulations in Article III, Section 28.72.10(A)**

The proposed revisions include revisions, deletions and additions to each of the following Subsections in Article III, Section 28.72.10 Dwellings:

- a. Deletion and relocation of two development standards from 28.72.10(A)(1) to 28.72.10(B)(2)(b) pertaining to the requirement for a two-car garage and the minimum size of a primary dwelling,
- b. Addition of a development standard regarding duplexes and single-family dwellings on the same lot
- c. Relocation of an exception to the Secondary Dwelling Subsection, 28.72.10(B)(2)(b)

The text changes for these three revisions are illustrated below:

**28.72.10 Dwellings**

**A. General Requirements**

**1. Minimum development standards for dwelling units.**

- a. All dwellings shall conform to the following minimum development standards:

~~(1) Except as otherwise provided for in this section, each dwelling shall have a minimum gross floor area of one thousand square feet.~~

(1) Exterior siding shall be a material commonly found in conventionally built residential structures. Metal sidings with a shiny or metallic appearance are not allowed. Siding shall extend to the ground or to the solid concrete or masonry perimeter foundation. Foundation or skirting materials simulating brick, concrete block or stone are permitted.

(2) Roof eave or gable overhang shall be not less than twelve inches measured horizontally from the vertical side of the dwelling.

(3) Roofing material shall be limited to materials commonly found on conventionally built residential structures. Roofing material with a shiny, metallic appearance is not allowed. The minimum pitch of the roof shall be three inches vertical to twelve inches horizontal.

(4) The finished first floor of the dwelling shall be a maximum of thirty inches from the exterior finished grade of the lot measured from its highest level where it supports the dwelling, except for an upstairs unit of a duplex or a secondary dwelling that is located above a primary dwelling or a residential accessory building.

~~(6) A two-car enclosed garage shall accompany each primary dwelling, and the siding and roofing materials shall match the dwelling.~~

(5) *Except in the R-TC-MF district, a duplex and a single-family dwelling may not be located on the same lot.*

b. Should the Zoning Administrator determine that a dwelling unit does not meet these minimum development standards, zoning consistency approval of the building permit shall not be granted.

## **2. Minimum Architectural Standards \*(See Section 28.91)**

~~3. **Exception.** A maximum of one single-family dwelling may be built on a parcel that existed and was designated "Agricultural" by the General Plan as of January 1, 1984, provided that the owner demonstrates compliance with all other applicable County requirements.~~

### **C. Revisions and additions to the secondary dwelling unit regulations in Article III, Section 28.72.10(B)(1)**

The proposed revisions include revisions, deletions and additions to each of the following Subsections in Article III, Section 28.72.0(B)(1):

Section 28.72.10(B)(1) is changed as follows:

- a. Addition of two development standards from 28.72.10(A)(1) to 28.72.10(B)(2)(b) pertaining to the requirement for a two-car garage and the minimum size of a primary dwelling,
- b. Establish minimum, and maximum sizes for secondary dwellings under 28.72.10(B)(2)(a)

The text changes for these three revisions are illustrated below:

#### **1. Primary Dwelling**

- a. **Minimum Dwelling Size.** *Except as otherwise provided for in this section, each dwelling shall have a minimum gross floor area of one thousand square feet.*

**b. Two Car Garage Required.** *A two-car enclosed garage shall accompany each primary dwelling, and the siding and roofing materials shall match the dwelling.*

**C. Revisions and additions to the secondary dwelling unit regulations in Article III, Section 28.72.10(B)(2)**

The proposed revisions include revisions, deletions and additions affecting each of the following State mandated topical areas now proposed for Section 28.72.10(B)(2):

- a. Minimum and Maximum Sizes,
- b. Minimum Lot Size Required,
- c. Secondary Dwellings and Temporary Dwellings,
- d. Secondary Dwellings and Other Housing Units,
- e. Attached/detached Secondary Units,
- f. Height and Setback Requirements,
- g. Parking,
- h. Landscaping,
- i. Architectural Review,
- j. Historic Resources,
- k. Sale or Rental of a Secondary Dwelling,
- l. Transient Occupancy and other Commercial Activity,
- m. Utilities and Utility Connections, and
- n. Manufactured Home

The text changes for these revisions are illustrated below:

**Secondary Dwelling**

A secondary dwelling, as permitted in the applicable zoning district, must meet the development standards *for a dwelling*, as delineated within the applicable zoning district, as well as the following specific development standards:

- a. Minimum and Maximum Size.** ~~The maximum size of the secondary dwelling shall not exceed the following maximum sizes:~~ *Notwithstanding section 28.72.10(A)(1)(a)(1), a secondary dwelling shall comply with the following minimum development standards and maximum gross floor area limits. If the gross floor area of the secondary dwelling is less than 380 square feet, the unit shall be occupied by no more than 2 people and shall provide all of the following features: (i) a living room of not less than 220 square feet of floor area, (ii) a separate closet, (iii) a kitchen sink, cooking appliance, and refrigerator, each having a clear working space of at least 30 inches in front, as well as light and ventilation conforming to the California Building Code, and (iv) a separate bathroom containing a water closet, lavatory, and bathtub or shower.*

<b>Maximum <del>Size</del> Gross Floor Area for a Secondary Dwelling</b>	
(R-TC) Districts	850 Square Feet
(R-R) Districts	1,500 Square Feet
(A)(A-SM)(A-SV) Districts	1,800 Square Feet



Notwithstanding these limits, the gross floor area of an attached secondary dwelling shall not exceed fifty percent (50%) of the gross floor area of the primary dwelling. If the secondary dwelling is established within an existing primary dwelling, the gross floor area of the secondary dwelling shall not exceed thirty-three percent (33%) of the existing gross floor area of the primary dwelling.

- b. **Minimum Lot Size.** ~~The~~ Within any R District, the minimum lot size for a detached secondary dwelling shall be 7,500 square feet. Within any A district, a secondary dwelling shall not be constructed or established on any parcel that is smaller than the minimum parcel size required for the district unless one of the following is applicable: (a) the parcel was created in compliance with law prior to January 1, 1984; (b) the parcel is first merged with contiguous property that is under the same ownership, as of the date of the building permit application, to the maximum extent possible consistent with state law; or (c) the dwelling will replace a properly permitted existing secondary dwelling.
- c. **Secondary Dwelling and Temporary Dwellings.** Only one secondary dwelling is allowed on a lot. A temporary dwelling shall not be located on the same lot as a secondary dwelling except as permitted by sections 28.72.20(B)(2) and (3). ~~except when any of the following temporary uses may be additionally permitted:~~
  - ~~(1) **Temporary Use of a Dwelling during Construction.** Use of an existing dwelling while the replacement dwelling is under construction, in accordance with Section 28-72.20A and B6.~~
  - ~~(2) **Temporary Dwelling during Construction.** Use of temporary dwelling while the primary dwelling is under construction, in accordance with Section 28-72.20A and B7.~~
- d. **Secondary Dwellings ~~and Companion Living Units~~ and Other Housing Units.** A secondary dwelling shall not be allowed on a lot that has a companion living unit, duplex, multiple-family dwelling, rooming or boarding house or other similar accessory housing unit.
- e. **Attached / detached secondary ~~living~~ dwelling units.** A secondary dwelling may be a detached structure ~~or~~ may be attached to the primary dwelling or another building on the same lot or located within the living area of the existing primary dwelling. If attached to another building or within the living area of the existing primary dwelling, a separate exterior entrance shall be provided, independent from the entrance for the building to which it is attached or within. If attached to another building other than the primary dwelling, such as a garage, the resident of the secondary dwelling shall have exclusive occupancy of the building to which the secondary dwelling is attached.
- f. ~~**Not allowed with companion living unit.** A secondary dwelling shall not be allowed on a parcel that has a companion living unit or other similar accessory housing unit.~~  
**Height and setback requirements.** The height and setback requirements for a secondary dwelling are as provided in the development standards table for the applicable zoning district, except that no additional setback shall be required for a lawfully-constructed existing garage that is converted to a secondary dwelling unit or a portion of a secondary dwelling, and a setback of no more than five feet from a side or rear lot line shall be required for a secondary dwelling unit that is constructed above a lawfully-constructed existing garage.



- g. Parking for a secondary dwelling shall comply with Section 28.94 (one off-street parking space required, either covered or uncovered, or through tandem parking) unless the Director determines that no additional parking is required for the secondary dwelling. In any R-TC district in which a secondary dwelling is allowed, parking within a side setback area is allowed unless the Director makes a determination that parking in such area of the lot is not feasible based upon specific site or regional topographical or fire and life safety conditions. When an existing garage, carport, or covered parking structure is demolished in conjunction with the construction of a secondary dwelling unit, or converted to a secondary dwelling unit, a replacement garage shall be constructed for the primary dwelling concurrent with the construction of the secondary dwelling, and a certificate of occupancy shall not be issued for the secondary dwelling until the replacement garage is completed.*
- h. Landscaping adjacent to a secondary dwelling shall be consistent with landscaping for the primary dwelling.*
- i. Architectural review of an attached or detached secondary dwelling shall be conducted in accordance with Sections 28.91 and 28.102.*
- j. Historic Resources. A secondary dwelling shall not be allowed on a property listed on the California Register of Historic Places unless the Director makes a written determination that the secondary dwelling would not have a significant adverse impact on the historic resource.*
- k. Sale or Rental of a Secondary Dwelling. A secondary may not be sold separate from the primary dwelling. A secondary dwelling may be offered for rent and rented only for residential purposes (occupancy longer than 30 days) unless otherwise allowed by this chapter.*
- l. Transient Occupancy and other Commercial Activity. A secondary dwelling may not be offered for rent or rented for transient purposes (occupancy of 30 days or less) unless such use of the dwelling is otherwise allowed by this chapter. A secondary dwelling shall not be used as a place of commercial or business activity, other than a Type I Home Occupation conducted entirely within the dwelling and without any employees other than residents of the dwelling, or a business required to be regulated as a residential use of property pursuant state law.*
- m. Utilities and Utility Connections. As part of an application to construction of a new secondary dwelling or to convert an existing structure to a secondary dwelling, the property owner shall demonstrate that adequate potable water supply and wastewater treatment capacity is available to serve both the primary and secondary dwelling. A secondary dwelling unit shall not be considered a new dwelling for purposes of calculating utility connection fees or capacity charges, including water or sewer service. Nothing in this section shall be interpreted as requiring a property owner to install new or separate utility connections between a secondary dwelling and the utility's service mains or lines, nor shall any provision of this section be interpreted as preventing a utility from requiring or installing new or separate utility connections.*
- n. Manufactured home. A manufactured home, as defined in California Health and Safety Code Section 18007, may be used as a secondary dwelling if it has been installed on a foundation system as a fixture or improvement to the real property and*

*provided that the manufactured home meets all of the regulations of this section 28.72.10(B)(6)(a).*

**D. Revisions and additions to the secondary dwelling unit regulations in Article III, Section 28.72.10(B)(6) relating to non-conforming dwellings.**

The proposed revisions include revisions, deletions and additions affecting each of the following topical areas pertaining to secondary dwellings.

- a. Non-conforming Secondary Dwelling
- b. Non-conforming Guest House
- c. Non-conforming Companion Living Unit
- d. Secondary Dwelling and Companion Living Unit, and
- e. Time Extensions

The text changes for these three revisions are illustrated below:

**Existing Nonconforming Dwellings Nonconforming Secondary Dwelling or Guest House**

**b. Non-conforming Secondary Dwelling.**

(1) A secondary living unit legally existing on the lot prior to October 27, 2006 in ~~the~~ an R-R District, June 13, 2008 in ~~the~~ an A ~~and~~ or R-TC Districts, and February 1, 2011 in the A-SV-20, ATC, ~~and~~ or ATC-NC Districts, which does not comply with the size or setback requirements of this Section shall be considered legal non-conforming and subject to the provisions of Section 28-114 ("Nonconforming Uses"). Such use may continue, provided that it is not enlarged, increased or otherwise modified and fully complies with any conditions of approval that may have been adopted.

(2) *Exception. A maximum of one single-family dwelling may be built on a parcel that existed and was designated "Agricultural" by the General Plan as of January 1, 1984, provided that the owner demonstrates compliance with all other applicable County requirements.*

**f. Non-conforming Guest House.** A guest house legally existing on the lot prior to October 27, 2006 in ~~the~~ an R-R District, June 13, 2008 in ~~the~~ an A ~~and~~ or R-TC Districts, and February 1, 2011 in the A-SV-20, ATC, ~~and~~ or ATC-NC Districts, shall be considered legal non-conforming and subject to the provisions of Section 28-114 ("Nonconforming Uses"). Such a guest house *or building* may be converted to a secondary dwelling provided all of the following are met: (1) no other secondary dwelling is on the lot; (2) all facilities necessary to convert the structure to a dwelling, including cooking, sanitation, and parking facilities shall be installed in compliance with County building and zoning standards as applicable; (3) either the primary residence or the secondary dwelling is owner-occupied; and (4) if the structure does not meet the size or setback requirements of this Section for a secondary dwelling, it shall be considered legal non-conforming and subject to the provisions of Section 28-114 ("Nonconforming Uses").

~~g. **Non-conforming Companion Living Unit.** A companion living unit legally existing on the lot prior to October 27, 2006 in the R-R District, June 13, 2008 in the A and R-TC Districts, and February 1, 2011 in the A-SV-20, ATC, and ATC-NC Districts, pursuant to an approved conditional use permit, may be converted to a secondary dwelling provided all of the following are met: (1) no other secondary dwelling is on the lot; (2) the unit is installed on a foundation system as a fixture or improvement to the real property, in accordance with section 18551(a) of the Health and Safety Code and implementing regulations; (3) either the primary residence or the secondary dwelling is owner-occupied; and (4) if the unit does not meet the size or setback requirements of this Section, it shall be considered legal non-conforming and subject to the provisions of Section 28-114 ("Nonconforming Uses"). If an existing companion living unit is converted to a secondary dwelling, the conditions of the use permit shall no longer be applicable. If an existing companion living unit is not converted to a secondary dwelling, it shall remain subject to the conditions of the use permit, and shall be promptly removed from the lot upon expiration or revocation of the permit.~~

~~h. **Secondary Dwelling and Companion Living Unit.** If both a secondary living unit and a companion living unit legally exist on the lot prior to October 27, 2006 in the R-R District, June 13, 2008 in the A and R-TC Districts, and February 1, 2011 in the A-SV-20, ATC, and ATC-NC Districts, the secondary living unit shall be considered the secondary dwelling on the lot and the companion living unit may continue on the lot as a temporary dwelling for the remaining term of the conditional use permit.~~

~~i. **Time Extensions.** A companion living unit legally existing on the lot prior to March 13, 2011, pursuant to an approved conditional use permit which expires, may be extended for a temporary period, not to exceed two years, upon securing a minor use permit, provided:~~

~~(1) All of the findings made in the original use permit still apply.~~

~~(2) The property owner and the occupant of the companion living unit have not changed since the original issuance of a use permit. (note: time extension not in RR)~~

**E. Amendments to Tables 28.21A, 28.22A, 28.23A, 28.31A, 28.32A, and 28.32B**

The proposed revision requires an administrative permit in order to construct a secondary dwelling. Staff is recommending this change because the number of items which need to be verified is beyond what can be reasonably reviewed with just a building permit application.

*In any zoning district which permits a secondary dwelling unit, an administrative permit shall be required. Tables 28.21A, 28.22A, 28.23A, 28.31A, 28.32A, and 28.32B shall be updated to reflect the requirement for an administrative permit.*

**F. Section 28.108(A) is changed as follows:**

The proposed revision makes a correction to the code section cited in the Neighborhood Compatibility Waiver provision.

- A. **Neighborhood Compatibility Waiver.** Waiver of any of the residential minimum development standards in subsection 28.72.10(A)(1) *and/or the development standards in Section 28.72.10(B)(1)* may be granted by the Director of Resource Management if the proposed dwelling is compatible with the surrounding neighborhood in accord with the architectural standards set forth in Section 28.91. The waiver request shall be submitted on an application form prepared by the Director of Resource Management and is subject to the noticing requirements as set forth in subsection 28.04(F).

In recommending these ordinances, staff believes that the County can restore the square footage maximums which reflected the needs of County residents while making limited new rules to comply with the new state laws.