

RESOLUTION NO. 31-2003

**A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF TIBURON ADOPTING
STANDARDS FOR SECONDARY DWELLING UNITS**

WHEREAS, the Town of Tiburon has adopted amendments to its regulations concerning Secondary Dwelling Units as set forth in Chapter 16-4.5 of the Tiburon Municipal Code; and

WHEREAS, Section 16-4.5.7 of the Tiburon Municipal Code states that the Town Council shall establish by Resolution "Standards for Secondary Dwelling Units"; and

WHEREAS, the Planning Commission did hold a duly noticed and advertised public hearing on May 14, 2003, at which testimony on the Standards for Secondary Dwelling Units was received from the public, and subsequently held further discussion at a publicly-noticed meeting held on June 11, 2003; and

WHEREAS, the Planning Commission adopted Resolution No. 2003-10 on June 11, 2003, recommending adoption of the "Standards for Secondary Dwelling Units" to the Town Council; and

WHEREAS, the Town Council considered the recommendations of the Planning Commission at a public meeting held on July 16, 2003; and

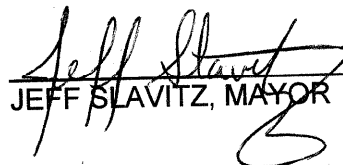
WHEREAS, the Town Council finds that the proposed "Standards for Secondary Dwelling Units" are consistent with the goals, policies, and programs of the Tiburon General Plan; and

WHEREAS, the project is statutorily exempt from the requirements of CEQA pursuant to Section 21080.17 of the Public Resources Code.

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby adopts the "Standards for Secondary Dwelling Units" document as set forth in the attached Exhibit "A", and authorizes the Director of Community Development to utilize said document during the review of applications for secondary dwelling unit permit.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Tiburon held on July 16, 2003, by the following vote:

AYES:	COUNCILMEMBERS:	Berger, Gram, Fredericks, Slavitz
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	Thompson


JEFF SLAVITZ, MAYOR

ATTEST:



DIANE CRANE IACOPI, TOWN CLERK

DIANE CRANE IACOPI, TOWN CLERK

EXHIBIT A
STANDARDS FOR SECONDARY DWELLING UNITS

1. The proposed **Secondary Dwelling Unit** would be located in one of the following residential **Zones**: R-1, R-1-B, RO, or RPD.
2. The proposed **Secondary Dwelling Unit** would be the only **Secondary Dwelling Unit** on the Lot.
3. The proposed **Secondary Dwelling Unit** would be located on a **Lot** with a **Lot Area** of not less than 10,000 square feet.
4. The proposed **Secondary Dwelling Unit** would be located on the same **Lot** on which the **Owner of Record** maintains his or her **Principal Place of Residence**.
5. The proposed **Secondary Dwelling Unit**, if any portion thereof constitutes **New Construction**, would not exceed a maximum **Floor Area** of 400 square feet.
6. The proposed **Secondary Dwelling Unit**, if it constitutes **New Construction**, would conform to the minimum required yard regulations for the **Zone** or **Planned Development** in which it is located, as set forth in Article 2 of Chapter 16 of the Tiburon Municipal Code. In addition, the **Primary Unit** and proposed **Secondary Dwelling Unit** together would conform to the lot coverage and floor area ratio limitations for the **Zone** or **Planned Development** in which they are located, as set forth in Article 2 of Chapter 16 of the Tiburon Municipal Code. No variances or floor area exceptions are permitted.
7. The proposed **Secondary Dwelling Unit**, if it constitutes **New Construction**, would be single story and would not exceed fifteen (15) feet in **Height**, as defined in Section 16-5.6.7 of the Municipal Code.
8. The proposed **Secondary Dwelling Unit**, if located in an existing **Building** (including a lawfully existing detached **Accessory Building or Structure**), or if proposed as an integral part of a new **Primary Unit**, would not exceed one-third (1/3) of the maximum **Floor Area Ratio Guideline** for the property (as prescribed in Section 16-4.2.8 of the Municipal Code), or 1,000 square feet of **Floor Area**, whichever is less.

9. The proposed **Secondary Dwelling Unit**, if located in an existing **Primary Unit**, would be limited to portions of the existing **Primary Unit** that conform to the building height and minimum required yard regulations for the **Zone or Planned Development** in which it is located, as set forth in Article 2 of Chapter 16 of the Tiburon Municipal Code. No variances are permitted.
10. The proposed **Secondary Dwelling Unit**, if converted from a lawfully existing detached **Accessory Building or Structure**, would meet all minimum required yard regulations for a **Dwelling Unit**, notwithstanding provisions of Section 16-5.6.4(a) of the Tiburon Municipal Code applying to detached accessory buildings.
11. The proposed **Secondary Dwelling Unit**, if it constitutes **New Construction**, would not be constructed on a **Slope** in excess of 30%.
12. The proposed **Secondary Dwelling Unit**, if it constitutes **New Construction**, would not require grading or earth movement in excess of 30 cubic yards.
13. The proposed **Secondary Dwelling Unit** would provide one (1) off-street **Parking Space** for each bedroom within the **Secondary Dwelling Unit**, but in no case less than one (1) **Parking Space**. The **Parking Spaces** would comply with all Town standards and regulations regarding **Parking Spaces**. Tandem parking is not permitted.
14. The required **Parking Spaces** for the proposed **Secondary Dwelling Unit** would be served by the same driveway access to the street as the **Primary Unit**.
15. Landscaping, including trees and shrubs, would be installed as part of the project to minimize the visual impacts of the project, including the screening of parking areas; to provide shade; and to provide a visual buffer between the **Secondary Dwelling Unit** and its surroundings. Proposed trees would comply with provisions of Chapter 15A of the Tiburon Municipal Code.
16. The exterior appearance of the proposed **Secondary Dwelling Unit** would closely resemble the architectural style, building materials, and building colors of the **Primary Unit**.

17. The design of the proposed **Secondary Dwelling Unit** shall include privacy-enhancing techniques to be applied to all windows, doors and other openings that face and are within 20 feet of adjacent property lines, in order to reduce adverse privacy impacts. Such techniques include, but are not limited to, use of frosted windows, window placement at least six (6) feet above floor level, extended roof overhangs, and other permanent structural treatments.
18. The **Secondary Dwelling Unit** would be in conformance with the current building codes adopted by the Town. Unless the project constitutes **New Construction**, a building inspection shall be performed by the Town's Building Division, and a memo establishing the feasibility of the project to meet current building codes shall be provided to the **Director of Community Development**, prior to approval of a **Secondary Dwelling Unit** permit.
19. Adequate sanitary service capacity for the additional increment of effluent resulting from the **Secondary Dwelling Unit** would be available. If the **Lot** is connected to the public sewer system, the **Applicant** has submitted a letter from the appropriate Sanitary District to that effect. If the **Lot** is not connected to the public sewer system, the **Applicant** has submitted a letter from the County of Marin Environmental Health Department confirming that the individual or alternative sewage disposal system serving the **Lot** has adequate capacity to accommodate the proposed **Secondary Dwelling Unit**.
20. The **Secondary Dwelling Unit** would comply with all Fire District regulations.
21. The **Secondary Dwelling Unit** would comply with all Water District regulations.

NOTE: Bold and italics indicates a term defined in Chapter 16 (Zoning) of the Tiburon Municipal Code.