

## 24-172.2 Second Units

- a. **Purpose.** This section establishes standards for the location and construction of second units. These standards are intended to allow for second units as an important form of affordable housing while preserving the character and integrity of residential areas within the county and maintaining public safety.
- b. **Location.**
  1. Second units shall be permitted in most zones that allow a residence as provided in Part 2 (Zoning Districts, Land Uses, and Development Standards). Second units are not allowed in the North Chico Specific Plan area, Timber Mountain (TM), Timber Production (TPZ), Resource Conservation (RC) zones, or on Williamson Act contracted property. Second units proposed within the Airport Compatibility (-AC) overlay zone must comply with the allowed residential dwelling units/acre specified by the Butte County Airport Land Use Compatibility Plan.
- c. **Definition.**
  1. **Second Unit.** An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. Second units provide permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel occupied by a primary dwelling.
    - a. **Size:** Second units are not restricted as to size.
- d. **Site Requirements.**
  1. Second units shall be permitted only on legally-created parcels. Second units cannot be sold separately from the primary residence.
  2. In Agriculture Zones, second units shall be located in close proximity to the primary dwelling unit.
- e. **Guest Houses.**
  1. Guest houses shall be excluded from the requirements of this section and shall be regulated pursuant to Section 24-156(g) (Accessory Uses and Structures).
  2. Second units that comply with all requirements of this section are permitted on a parcel containing a guest house.
- f. **Maximum Number Permitted.**
  1. Only one (1) second unit shall be allowed on a parcel.
  2. A second unit is not permitted on parcels already containing two (2) or more dwelling units. Agricultural Worker Housing approved by the State of California and Butte County shall not be counted as a dwelling unit pursuant to this section.
- g. **Relationship to Primary Dwelling.**

1. A second unit may be within, attached to, or detached from the primary dwelling. Attachment to the primary dwelling shall be by sharing a common interior wall or common roof.
  2. A second unit shall have its own kitchen, bathroom facilities, and entrance separate from the primary dwelling.
  3. No passageway shall be required in conjunction with the construction of a second unit.
- h. Occupancy.** The owner of a parcel developed with a second unit shall reside in either the primary dwelling or the second unit.
- i. Parking.** Parking requirements for detached second units shall not exceed one parking space per unit. These spaces may be provided as tandem parking on an existing driveway.
- j. Development Standards.** A second unit shall comply with all development and design standards of the Zoning Ordinance that are applicable to the primary dwelling, including, but not limited to, building setbacks, parcel coverage, and building height, however, no setback shall be required for an existing garage that is converted to a second unit, and a setback of no more than five feet from the side and rear lot lines shall be required for a second unit that is constructed above a garage.
- k. Utilities.** Second units shall have adequate sewage disposal facilities and potable water facilities, as determined by the Butte County Environmental Health Division.
- l. Drainage Improvements.** Construction of the second unit may require drainage improvements that are customary for a building permit. The extent and timing of the improvements shall be determined by the Department of Public Works and shall conform to the technical standards and specifications for drainage improvements as adopted by the Board of Supervisors.
- m. Fire Hazard Reduction and Defensible Space Regulation.**
- a. **State Responsibility Area.** Second Units built within the State Responsibility Area (SRA) are required to comply with the defensible space regulation in California Code of Regulations Title 14. Natural Resources Division 1.5 Department of Forestry and Fire Protection Chapter 7. Fire Protection, subchapter 2, SRA Fire Safe Regulation (1276.01 Setbacks for structure defensible Space) and sub chapter 3 Fire Hazard, Article 3 (Fire Hazard reduction around building and Structures).
  - b. **Access.** As a condition for the issuance of a building permit for a second unit, the existing driveway or road serving the parcel shall be improved, if necessary, to meet Public Resources Code Section 4290 (Fire Safe Regulations).
  - c. **Fire Sprinklers.** Second units that are attached to the primary residence shall not be required to provide fire sprinklers if they are not required for the primary residence. Otherwise fire sprinklers are required.
- n. Deed Restrictions.** Before obtaining a permit authorizing the establishment of a second unit, the applicant shall do the following:

- a. Enter into an agreement of restrictions with the county that refers to the deed under which the property was acquired by the applicant and provides the following:
  1. That the property owner shall reside in either the primary or second unit.
  2. That the primary dwelling unit and second unit cannot be used for short-term rentals (terms of 30 days or less); however, an approved second unit (over 1,200 square feet in size) may be used for a short-term rental pursuant to Butte County Code Section 24-172.1, and either the primary dwelling or second dwelling, or both may be used as a short-term rental, provided that the owner resides in the primary or second unit.
  3. The restrictions are binding upon any successor in ownership of the property and lack of compliance may result in legal action by the county against the property owner.
- b. Record the agreement with the county recorder.
- c. Prepare a disclosure statement that shall be included in any future offer or sale documents. The statement shall read as follows:

“You are purchasing a property with a permit for a second unit. This permit carries with it certain restrictions that must be met by the owner of the property. You are prohibited from selling the second unit separately. That the primary dwelling unit and second unit cannot be used for short-term rentals (terms of 30 days or less); however, an approved second unit (over 1,200 square feet in size) may be used for a short-term rental pursuant to Butte County Code Section 24-172.1, and either the primary dwelling or second dwelling, or both may be used as a short-term rental, provided that the owner resides in the primary or second unit. The permit is available from the current owner or from or from the Butte County Department of Development Services.”