



SECOND RESIDENTIAL DWELLINGS

A. Purpose and Intent. The purpose of these standards is to ensure that second residential dwellings located in residential districts do not adversely impact either adjacent residential parcels or the surrounding neighborhood, and are developed in a manner, which protects the integrity of the residential district, while providing for needed housing opportunities. There are environmental and service constraints the city faces, which limit the addition of second dwellings. In particular, such dwellings may not be appropriate on hillside lots because of environmental constraints. The addition of a second residential dwelling is limited by urban service capacity, public safety standards, traffic conditions, fire hazards, privacy impacts and compatibility with neighboring uses and structures. This chapter addresses these limitations.

B. Applicability.

1. Second residential dwellings may be permitted in any residential district, subject to the standards set forth in this section.

2. Second residential dwellings may be attached to or detached from the main dwelling, but are not allowed on the second floor above the primary residence or garage unless approved through the minor use permit process. If the second dwelling is attached to the main dwelling, each shall be served by separate outside entrances. The interior wall(s) of an attached dwelling, which separate it from the main unit, shall be fire rated according to the most recent uniform building code. An “attached second residential dwelling” shall mean a dwelling that is either combined within the living area or attached to the primary residence. A “detached second residential dwelling” shall mean a dwelling that is not combined within or attached to the primary residence. For the purposes of this chapter, “a dwelling” shall not include a garage or any accessory structure. “Primary residence” shall mean an existing detached residential structure that conforms with all applicable zoning regulations.

3. A second residential dwelling may be constructed simultaneously with or after construction of the principal residence. In addition, an existing principal residence may be considered the second residential dwelling, and a new residence may be constructed which would then be considered the primary residence, provided the standards set forth in this section are met.

C. Property Development Standards. The second residential dwelling shall comply with all zoning regulations and property development standards of the district in which it is located, existing building, health, safety and fire codes, and architectural review criteria, including, but not limited to, setbacks, height limits, floor area ratio, and maximum lot coverage. In addition, the following standards shall apply:

1. Minimum Lot Size. The minimum lot size for a parcel to be eligible for a second dwelling shall be six thousand seven hundred-fifty (6,750) square feet, excluding all rights of way and private access easements.

2. Building Separation. A detached second residential dwelling shall be located a minimum distance equal to twice the applicable side yard setback from the primary residence.

3. Yard Setbacks. The second residential dwelling shall have the same minimum yard setback requirements as the base zone of the primary residence on the parcel as outlined in Table 16.32.050-A and Table 16.32.050-B. Setbacks outlined in Appendix C.W.D.219 as referenced in Table 16.32.050-B and Table 16.32.050-A shall not be applicable to second residential dwellings.

4. Architectural Compatibility. The second residential dwelling shall be architecturally compatible with the primary residence and the surrounding neighborhood, and shall incorporate the same colors and materials as the primary residence.

5. Maximum Size. Table 16.52.150-A defines the maximum square footage allowed for a second dwelling in each residential zoning district. In no case shall the square footage of a second dwelling exceed fifty (50) percent of the square footage of the primary residence.

Table 16.52.150-A

Zoning Designation	Maximum Size of Second Dwelling
Village Residential (VR)	640 square feet
Single Family (SF)	850 square feet
Residential Suburban (RS)	850 square feet
Residential Rural (RR)	1,200 square feet
Residential Hillside (RH)	1,200 square feet
Residential Estate (RE)	1,200 square feet
Condominium / Townhouse (MF)	1,200 square feet
Apartments (MFA)	1,200 square feet
Senior Housing (SR)	1,200 square feet
Mobile Home Park (MHP)	Not Permitted (NP)

6. Maximum Slope. The building site upon which the second residential dwelling will be constructed shall not have an average slope in excess of twenty percent. A topographic map and slope analysis, as recommended by the community development director, shall be stamped and signed by either a registered civil engineer, registered architect, or registered landscape architect. Average slope is defined as follows:

$$S = \frac{I \times L}{A \times 43,560} \times 100$$

Where

S = average natural slope, in percent.

I = interval, in feet, of the contour lines.

L = the sum, in feet, of the length of the contour lines, at selected contour interval “I”.

A = the total area, in acres, of the site.

7. Parking. A minimum of one off-street parking space shall be provided for each bedroom in the second residential dwelling, up to a maximum requirement of two off street parking spaces, in addition to the off-street parking spaces required for the main dwelling. All parking spaces shall be exclusive of front and street side yard setbacks. Such parking spaces shall be located in close proximity to the second residential dwelling so as to provide convenient access for the occupant. Proposed tandem parking requires approval of a conditional use permit.

8. Occupancy Requirements. Second residential dwellings shall not be offered for sale apart from the primary residence and shall be occupied on a month-to-month basis or longer. Either the primary residence or the second residential dwelling must be occupied by the owner of the property.

9. Driveway Access. Second residential dwellings shall be served by the same driveway access to the street as the primary residence. Properties located on a corner of two public streets are allowed a separate access from the primary residence, provided that access for the second dwelling is from a different public street than the primary residence.

10. Deed Restriction. A deed restriction shall be recorded against the title of the property containing a second residential dwelling prior to issuance of a building permit. Such deed restriction shall stipulate that the

second dwelling cannot be sold and the owner of the property must occupy one of the dwellings on the premises.

11. Utility Meters. Except in multiple family zoning districts, only one electric, one gas and one water meter shall be allowed on the property and shall serve both the primary residence and the second residential dwelling. Applicable utility and development impact fees for the second dwelling will be assessed at the time a building permit is issued, based on building area and fixtures added.

12. Conditional Use Permit or Minor Use Permit. Any proposed deviation from these standards shall be processed through a conditional use permit or minor use permit application as determined by the community development director.

13. Other Conditions.

a. Second residential dwellings shall be served by city water. Second residential dwellings shall be prohibited on lots containing a guesthouse, converted garage, mobile home, or more than one existing single-family dwelling.

b. Second residential dwellings shall comply with such other conditions or standards which, in the judgment of the city, are necessary or appropriate to mitigate possible adverse impacts on the neighborhood.

D. State Law Applicable. The provisions of this section shall be subordinate to and superseded by the controlling provisions of any applicable state law or laws. (Ord. 573 Exh. A (part), 2005; Ord. 541 § 1, 2003; Ord. 519 § 1, 2000; prior code § 9-11.140)

E. Fees.

1. Construction Permit Fees. All fees typically associated with room additions would be applicable to second residential dwellings. This will include all building, plumbing, electrical, mechanical, plan review and fire sprinkler (if applicable) fees. Verification of payment of school fees must be done prior to permit issuance.

2. Sewer Connection Fees. Fees required by the San Luis Obispo County Sanitation District are required to be paid at time of permit issuance. These fees are \$2,475. per dwelling unit.\