



Second Dwelling Unit

Secs. 106-312—106-325. - Reserved. ARTICLE IV. - BUILDING LINE CHART

ARTICLE III. - ZONES

DIVISION 1. - GENERALLY

Secs. 106-326—106-350. - Reserved.

DIVISION 2. - R-1 SINGLE-FAMILY RESIDENTIAL ZONE

Sec. 106-351. - Purpose.

The R-1 single-family residential zone is intended to provide for the development, protection and stability of single-family detached dwellings within relatively low density residential neighborhoods of the city.

(Ord. No. 1270, § 30.050, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-352. - Permitted uses.

In the R-1 single family residential zone, the following uses are permitted:

(Ord. No. 1270, § 30.054, 9-30-1985; Ord. No. 1305, 6-15-1987; Ord. No. 1547, § 4, 1-20-2004)

Sec. 106-356. - Minimum lot size.

Minimum lot size in the R-1 single-family residential zone shall be 7,500 square feet.

(Ord. No. 1270, § 30.055, 9-30-1985; Ord. No. 1305, 6-15-1987)

Division 9 of article VI of this chapter pertaining to home occupation permits.

(Ord. No. 1270, § 30.056, 9-30-1985; Ord. No. 1305, 6-15-1987)

Sec. 106-358. - Applicable regulations for second dwelling units.

In the city's residential zones, a second dwelling unit shall be subject to the applicable regulations of this division, including the following standards:

(a)

Purpose and procedure. The purpose of this section is to provide, pursuant to Government Code Section 65852.2, for the creation of affordable second dwelling units within the city's residential zones that are in conformance with the city's general plan density and zoning regulations, while maintaining the residential character of the neighborhood in which it is introduced.

(b)

Where allowed by this chapter 106 in R-1 (single family residential), R-2 (multiple family dwelling), and R-3 (multiple family) zoned lots, one second dwelling unit shall be permitted on a lot, after successful completion of the existing site plan review application process and after payment of the applicable site plan review application fee, and subject to approval of the community development director, pursuant to section 106-112 of division 3 of article II of this chapter, provided that the second units adhere to the following standards:

(1)

One second dwelling unit shall be permitted on a lot zoned for residential uses that contains one primary single-family dwelling unit.

(2)

A second dwelling unit, whether attached or detached, shall comply with all applicable building, housing, zoning and site development standards, codes and regulations of the base zoning district in which it will be located, including, but not limited to, standards regarding setbacks, floor area ratio standards, height, lot coverage, architectural review and design review, including compatibility with existing structures of the same property and in the surrounding neighborhood, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.

(3)

The architectural treatment of a second dwelling unit constructed on a lot that has an identified historical resource listed on the federal, state, and/or local register of historic places shall require review of the proposed design by the historical commission prior to receiving approval from the community development director.

(4)

Whether attached or detached to the primary single-family dwelling unit on a lot, the overall building height of a second dwelling unit shall not exceed 25 feet as measured from natural grade to top of roof peak.

(5)

The proposed location and building orientation of a second dwelling unit shall be designed to maximize solar access, view protection, privacy, parking, noise, visual or health and safety impacts both within the project site and to adjoining residential land uses.

(6)

A second dwelling unit shall be designed to provide the primary front door along the subject building's front elevation facing a public street or alley right of way.

(7)

The second dwelling unit shall maintain a minimum five feet side yard and 15 feet rear yard setback.

(8)

A second dwelling unit that is detached from the primary single-family dwelling unit shall maintain a distance separation of six feet from all existing on-site structures and a minimum of 10 feet from any off-site structure located on an adjacent lot.

(9)

A detached second dwelling unit shall be designed as an accessory use of the property; it shall contain a maximum of **640 square feet** of gross floor area and shall be located to the rear of the existing primary single-family dwelling unit.

(10)

An attached second dwelling unit **shall not exceed 30 percent of the gross livable square footage** (excluding square footage dedicated for parking) of the primary single-family dwelling unit.

(11)

Existing garages shall not be converted to a second dwelling unit, unless alternate covered parking is provided on the site meeting current zoning and building code requirements. A development proposal seeking to convert an attached garage into a second dwelling unit shall include a front door and bay window treatment or similar design features facing the public street or alley, subject to review and approval by the Community Development Director in order to preserve the residential appearance of the primary single-family dwelling unit.

(12)

Reserved.

(13)

All construction, structural alterations or additions made to create a second dwelling unit shall comply with current building, fire and zoning code regulations.

(14)

In addition to the two enclosed parking spaces required for the primary single-family dwelling unit on a lot, **one on-site parking space (non-tandem) per each bedroom of a second dwelling unit shall be provided.** The additional parking required for the second dwelling unit shall be fully enclosed or covered by an open carport structure. All of the required parking spaces for the primary single family dwelling unit and the second dwelling unit must be permanently reserved, maintained and used as accessible parking for vehicles.

(15)

The proposed site layout of the second dwelling unit shall be designed to provide emergency vehicle access, as required by the fire marshal.

(16)

Whenever feasible, the driveway approach to the primary single-family dwelling unit shall be used to provide access to all on-site parking in order to reduce the number of vehicle driveways that may cross pedestrian sidewalk areas.

(17)

A minimum 10 feet wide driveway shall provide vehicle ingress and egress to the designated on-site parking area for a second dwelling unit.

(18)

Required parking for either the primary or a second dwelling unit shall not encroach into the required front yard setback of the subject lot.

(19)

Public utilities serving a second dwelling unit shall be installed underground.

(20)

A second dwelling unit shall be served by the existing sewer and water facilities located within the closest public right of way facing the subject site's front property line. A request to modify the location sewer and water facilities to the second dwelling unit shall be reviewed and approved at the sole discretion of the public works director.

(21)

A trailer, motor vehicle or other recreational vehicle, as defined in section 106-6 of this Code, may not be stored or maintained as a habitable unit on a residential lot.

(22)

A second dwelling unit that is located on the second floor of a primary single-family dwelling unit shall share the same entrance/exit as the primary unit. Exterior stairs must lead to and/or connect to a common hallway, deck or entry, rather than to a specific room. Alternative locations for any interior or exterior staircase required in order to comply with applicable building code requirements shall be reviewed and approved by the community development director.

(c)

Any proposed second dwelling unit is subject to review and approval by the community development director pursuant to the site plan review procedure contained in section 106-112 of this chapter and is subject to compliance with the development standards of this section as specified above in subsections (b)(1) through (b)(22).

(d)

Either the primary single-family dwelling unit or the second dwelling unit on a lot shall be occupied by the owner of the lot. The property owner shall enter into a restrictive covenant with the City of San Fernando, in a form acceptable to the city attorney, that will be recorded on the subject property. The covenant shall: (i) specify that the property owner must reside in either the primary single-family dwelling unit or the second dwelling unit; (ii) expressly prohibit the rental of both units at the same time; (iii) note that the second dwelling unit shall not be sold or its title transferred separately or apart from the rest of the subject property; and (iv) note that resale of residential lots with second dwelling units shall require, prior to the close of escrow, an inspection by the building and safety supervisor or his designee to assure that all on-site residential structures have been maintained in compliance with applicable zoning and building code requirements.

(Ord. No. 1547, § 5, 1-20-2004)

Sec. 106-359. - Request for exceptions to applicable regulations for second dwelling units.

An applicant for a second dwelling unit may request approval of one or more exceptions to the applicable second dwelling unit development standards of this section as specified above in subsections (b)(1) through (b)(22) through an application for a conditional use permit pursuant to sections 106-141 through 106-148 of division 4 of article II of this chapter.

(Ord. No. 1547, § 6, 1-20-2004)