

DIVISION 13. ACCESSORY DWELLING UNITS

SEC. 16-465. PURPOSE AND FINDINGS.

(A) Accessory dwelling units (also known as “second units” or “granny flats”) are typically located behind or within large and primary single family units, and can provide an important source of affordable housing.

(B) Accessory dwelling units, when appropriately sized and located, have little impact on neighborhood quality of life.

(C) Establishing reasonable regulations of accessory dwelling units is an appropriate mechanism to properly balance the need for additional affordable housing with the need to maintain existing community character and neighborhood quality of life.

(Ord. No. 2914)

SEC. 16-466. MINISTERIAL CONSIDERATIONS.

(A) New construction - If the director receives an application to construct an accessory dwelling unit (by either adding on to an existing structure, or constructing a new detached structure), and the proposal meets all of the requirements of the Municipal Code, then within 120 days of the director receiving a complete application the accessory dwelling unit, the director shall ministerially approve the application without a hearing.

(B) No expansion- If the applicant will not be adding floor area, and instead has submitted a complete application for an accessory unit entirely within the existing space of a single-family residence or accessory structure, then the requirements of section 16-469 ("Exception for Accessory Unit Within Existing Single Family Residence or Accessory Structure") shall apply.

(Ord. No. 2914)

SEC. 16-467. STANDARDS FOR REVIEW.

Except as provided in section 16-469, ("Exception for Accessory Unit Within Existing Single Family Residence or Accessory Structure"), all accessory dwelling units shall meet or exceed all of the following standards:

(A) Zoning compliance - Except as otherwise provided herein, the primary residence and the accessory dwelling unit shall meet current requirements for interior yard space, height, landscaping, setbacks and parking for the zone in which the primary residence and the accessory dwelling unit are located. The accessory dwelling unit shall not be considered when calculating the maximum number of dwelling units.

(B) Residentially zoned - The lot must be zoned R-1 "Single Family", R-2 "Multiple Family", or R-3 "Garden Apartment".

(C) Single family dwelling - There must be an existing single-family dwelling on the lot, and the single-family dwelling must be either legal nonconforming, or legal.

(D) No passageway - No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(E) Setbacks for garage units - All otherwise applicable setback requirements apply except that in no event shall:

(1) A setback be required for a garage that is converted to an accessory dwelling unit, or

(2) A required setback exceed five feet from the side and rear lot lines for an accessory dwelling unit that is constructed above a garage.

(F) Kitchen - The accessory dwelling unit shall contain its own kitchen facility and bathroom facility separate from the primary dwelling unit. The kitchen facility shall include at least one of each of the following features: (i) sink; (ii) refrigerator of more than five cubic feet capacity; and (iii) range or cooktop. The accessory dwelling unit shall comply with all applicable habitability standards.

(G) Foundation - The accessory dwelling unit shall be constructed on a permanent foundation, complying to the California Building Standards Code.

(H) Architecture - The accessory dwelling unit shall comply with the architectural standards of section 16-23. If the accessory dwelling unit is an addition to the primary unit, the accessory dwelling unit shall be of materials, colors and in a style which are each compatible with the primary residence, as reasonably determined by the director.

(I) Public utilities - The accessory dwelling unit shall be served by adequate public utility facilities including, but not limited to, electric, sewer, water and streets, as certified by the public works director.

(J) Separate entrances - The accessory dwelling unit shall have an entrance separate from the entrance to the primary residence. Only one of the entrances may be visible from the front yard of the primary residence. An entrance leading to a foyer with entrances leading from the foyer to the primary dwelling unit and the accessory dwelling unit is allowed.

(K) Occupancy by owner - The primary residence or the accessory dwelling unit shall be occupied by the property owner, and the property owner shall annually certify to the city such occupancy. An owner may be absent from the primary or accessory dwelling unit for up to 12 months during any 36-month period. A property owner who will be absent for more than 12 months may obtain an additional 12 months' absence with director approval if the director determines the approval will not be detrimental to the neighborhood. Before a certificate of occupancy is issued for the accessory dwelling unit, an agreement affecting real property shall be recorded against the property that imposed specific restrictions on the property including occupancy by owner of the property, the accessory unit not being for sale separate from the primary residence and limitations on rentals. The language of the agreement affecting real property shall be approved by the city prior to its recordation.

(L) Not for sale - The accessory dwelling unit shall not be intended to be sold or offered for sale separately from the primary residence.

(M) Rentals - Either the accessory dwelling or the primary residence may be rented, but not both. Rental terms shall be 30 days or longer.

(N) Only one accessory dwelling unit - No more than one accessory dwelling unit may be constructed on any legally existing lot.

(O) Historic structures - The accessory dwelling unit shall not be on any parcel that is listed in the California Register of Historic Places, and shall not be conspicuously visible from any parcel that is listed in the California Register of Historic Places. Applicant shall obtain a certificate of appropriateness from the city, prior to filing an application for an accessory dwelling unit permit on a parcel that is visible from the parcel listed in the Register.

(P) Sprinklers - Fire sprinklers are required for any accessory dwelling unit if they are required for the primary residence.

(Q) Building code - All building standards code requirements that apply to detached dwellings apply to accessory dwelling units.

(R) Maximum floor area -

(1) Detached unit - If the accessory dwelling unit is detached from the existing primary dwelling unit, then the accessory dwelling unit's maximum permissible floor area shall be 50% of the square footage of the primary residence, except that the maximum shall not be less than 600 square feet, or more than 1,200 square feet, except that the otherwise applicable maximum permissible floor area shall be increased to the extent necessary for ADA compliance; provided, however, that at least an efficiency unit (as that term is defined by Cal. Health and Safety Code, Section 17958.1) shall be allowed to be constructed in compliance with the local development standards.

(2) Addition to existing residence for accessory unit - If the accessory dwelling unit is attached to an existing primary dwelling unit, and floor area is added to the existing primary dwelling unit, then the maximum floor area the applicant may add is 50% of the square footage of the primary residence, except that the maximum shall not be less than 600 square feet, or more than 1,200 square feet, except that the otherwise applicable maximum permissible additional floor area shall be increased to the extent necessary for ADA compliance; provided, however, that at least an efficiency unit (as that term is defined by Cal. Health and Safety Code, Section 17958.1) shall be allowed to be constructed in compliance with the local development standards.

(Ord. No. 2914)

SEC. 16-468. PARKING.

(A) Parking requirements - The requirements of Municipal Code section 16-622(F) (entitled "Schedule of Vehicle-Off-Street Parking Requirements") apply.

(B) Demolished parking spaces - When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the off-street parking spaces are required to be replaced (See code section 16-622 for a listing of the special situations when parking is not required for accessory dwelling units), the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.

(Ord. No. 2914)

SEC. 16-469. EXCEPTION FOR ACCESSORY UNIT WITHIN EXISTING SINGLE FAMILY RESIDENCE OR ACCESSORY STRUCTURE.

Notwithstanding any other provision of this code to the contrary, the director shall, without a hearing, ministerially approve a complete application for a building permit to create an accessory dwelling unit if all of the following apply:

(A) The unit is contained entirely within the existing space of a single-family residence or accessory structure (without adding floor area to the existing residence or accessory structure).

(B) The unit will be on a lot zoned R-1 (Single Family), R-2 (Multiple Family), and R-3 (Garden Apartment) zones.

(C) There will be only one accessory dwelling unit on the lot.

(D) The unit has independent exterior access from the existing residence.

(E) The side and rear setbacks are sufficient for fire safety as determined by the fire marshal.

(F) Fire sprinklers are provided to the same extent that they are required for the primary residence.

(Ord. No. 2914)

SEC. 16-469.5. ACCESSORY USES IN C-2 AND CBD ZONES.

(A) Accessory dwelling units are allowed in the C-2 and CBD zones upon the issuance of a special use permit pursuant to Division 3, section 16-530 of the Oxnard Municipal Code.

(B) The director is directed to approve the application within 120 days of receipt of a complete application.

(Ord. No. 2914)