

SEC. 15-2754. - SECOND DWELLING UNITS, BACKYARD COTTAGES, AND ACCESSORY LIVING QUARTERS.

- A. **Purpose.** The purpose of this section is to:
1. Maintain the character of single-family neighborhoods;
 2. Ensure that new units are in harmony with developed neighborhoods; and
 3. Allow Second Dwelling Units as an accessory use to Single-Unit Dwellings, consistent with the Government Code (Section 65852.2).
- B. **Architectural Compatibility.** If visible from a public street or park, the architectural design, roofing material, exterior materials and colors, roof pitch and style, type of windows, and trim details of the Second Dwelling Unit, Backyard Cottage, or Accessory Living Quarters shall be substantially the same as and visually compatible with the primary dwelling.
- C. **District Standards.** Second Dwelling Units, Backyard Cottages and Accessory Living Quarters may be established on any lot in any residential district where single-unit dwellings are permitted or existing. Only one Second Unit, Backyard Cottage or Accessory Living Quarters may be permitted on any one lot. Minor Deviations and/or Variances to meet the minimum lot sizes are not permitted.
- D. **Minimum Lot Sizes.**
1. **Second Dwelling Unit.** 6,200 square feet.
 2. **Backyard Cottage.**
 - a. Interior Lot Size: 6,000 square feet.
 - b. Corner Lot Size: 5,000 square feet.
 3. **Accessory Living Quarters.** 5,000 square feet.
- E. **Type of Unit.**
1. **Second Dwelling Unit.** May provide separate, independent living quarters for one household. Units may be attached, detached, or located within the living areas of the primary dwelling unit on the lot, subject to the standards of this subsection. Kitchens, including cooking devices are permitted.
 2. **Backyard Cottage.** May provide separate, independent living quarters for one household. Units may be attached, detached, or located within the living areas of the primary dwelling unit on the lot, subject to the standards of this subsection. Kitchens, including cooking devices are permitted. Backyard Cottages shall be located behind the primary dwelling unit, unless attached and integral to the primary dwelling unit.
 - a. A Tiny House may be considered a Backyard Cottage if it meets all the requirements of this section.
 - b. The Director shall review the design of the Tiny House to insure that the structure is compatible with the main home and the neighborhood.
 3. **Accessory Living Quarters.** Accessory Living Quarters provide dependent living quarters. They may be attached, detached, or located within the living areas of the primary dwelling unit on the lot, subject to the standards of this subsection. Accessory Living Quarters may not provide kitchen facilities, however a bar sink and an under-counter refrigerator are allowed, but no cooking devices or other food storage facilities are permitted. Accessory Living Quarters shall not be located in front of the primary single-family dwelling.
- F. **Maximum Floor Area.** The following are the maximum square footages of habitable area. The following calculations only include habitable floor space. Minor Deviations and/or Variances are not permitted to increase the maximum floor areas.
1. **Second Dwelling Units.** 1,250 square feet.

2. **Backyard Cottages.** 440 square feet.
 3. **Accessory Living Quarters.** 500 square feet or 30 percent of the primary single-family dwelling, whichever is less.
- G. **Development Standards.** Units shall conform to the height, setbacks, lot coverage and other zoning requirements of the zoning district in which the site is located, the development standards as may be modified per this subsection, other requirements of the zoning ordinance, and other applicable City codes.
- H. **Lot Coverage.** Per the underlying zone district.
- I. **Setbacks.**
1. **Front Yards.** Per the underlying zone district.
 2. **Side Yards/Street Side Yards.** Per the underlying district.
 3. **Rear Yards.** Shall be separated from the main home by a minimum of six feet.
 - a. **Second Dwelling Unit.** Per the underlying zone district.
 - b. **Backyard Cottage and Accessory Living Quarters.**
 - i. **Alley Present.** Three feet.
 - ii. **No Alley Present.**
 - (1) Abutting an RS: 10 feet.
 - (2) All Other Districts: Five feet.
- J. **Building Entrances.** Entrances from an Accessory Living Quarters or a Backyard Cottage shall not be visible from the street, unless the parcel is a corner parcel and the entrance is oriented to the opposite street as the primary residence.
- K. **Space Between Buildings.** If detached, there shall be a minimum of six feet from the primary residence, or 10 feet if there is an entry from either one of the units into the space between.
- L. **Maximum Building Height.** Thirty feet.
- M. **Openings.**
1. For two story buildings, there shall be no openings, such as windows and doors, within 10 feet from an interior side or a common rear property line with another single-family home.
 - a. Clerestory windows, six feet from the floor of the interior of the unit, are excepted.
 2. The Director may grant a waiver, for detached units that are located 10 feet or less from a side or rear property line on walls facing said property lines if he/she finds that there are no substantial privacy, noise, health, safety, or visual impacts to neighbors associated with the location and siting of the detached unit.
- N. **Parking.** Parking shall comply with the following:
1. **General Parking Conditions.**
 - a. The parking outlined below shall be provided in addition to the required parking for the primary dwelling.
 - b. Parking for the primary unit shall comply with all development standards of the district. If the primary single-unit dwelling was constructed prior to covered parking requirements, a covered space shall not be required of the existing unit.
 - c. Required parking for the primary single-family dwelling may not be removed for the creation of any of the three types (e.g., garage conversions), or allocated to meet the parking

requirement for the Second Dwelling Unit, unless replacement parking is provided in accordance with this Code.

- d. Any rooms having the potential of being a bedroom and meeting the standards of the California Building Code as a sleeping room shall be counted as a bedroom. Offices or other rooms that have the ability of being converted into bedrooms shall also be considered bedrooms for parking purposes.
2. **Second Dwelling Units.**
 - a. One covered parking space shall be provided for a Second Dwelling Unit with one bedroom.
 - b. One additional, covered or uncovered, parking space for two or more bedrooms in the second dwelling unit.
 - c. A tandem parking space may also be used to meet the parking requirement for the Second Dwelling Unit, providing such space will not encumber access to a required parking space for the primary single-unit dwelling.
 - d. An existing two vehicle garage and/or carport may not be provided in-lieu of these parking requirements unless the parking spaces are accessed from different garage doors.
 3. **Backyard Cottage.** No additional parking required.
 4. **Accessory Living Quarters.** No additional parking required.
- O. **Access.** Vehicular access shall be provided in the following manner:
1. **Driveways.** Shall be provided per the underlying district.
 2. **Pedestrian Access.** An all-weather surface path to the Second Dwelling Unit, Backyard Cottage, or Accessory Living Quarters shall be provided from the street frontage.
- P. **Mechanical Equipment.** Mechanical equipment shall be located on the ground or, in the case of a tiny house on wheels, incorporated into the structure, but shall in no case be located on the roof.
- Q. **Utility Meters/Addresses.**
1. **Second Dwelling Units.** Separate gas and electric meters may be permitted if approved by the Building Official and Pacific Gas & Electric.
 2. **Backyard Cottage and Accessory Living Quarters.** Separate utility meters and/or addresses are not permitted.
- R. **Home Occupations.** Home occupations are permitted pursuant to Section 15-2735, Home Occupations.
- S. **Airports.** All applications shall comply with operative airports plans.
- T. **Owner Occupancy Requirements.** The following shall apply prior to the issuance of a building permit.
1. **Second Dwelling Unit and Backyard Cottage.**
 - a. Either the primary dwelling unit, the Second Dwelling Unit, or the Backyard Cottage shall be owner-occupied.
 - b. The property owner shall enter into a restrictive covenant with the City, which shall be recorded against the property.
 - c. The covenant shall confirm that either the primary dwelling unit, the Second Dwelling Unit, or the Backyard Cottage shall be owner-occupied and prohibit rental of both units at the same time.
 - d. It shall further provide that the Second Dwelling Unit or Backyard Cottage shall not be sold, or title thereto transferred separate and apart from the rest of the property.
 2. **Accessory Living Quarters.**

- a. The property owner shall enter into a restrictive covenant with the City, which shall be recorded against the property.
- b. The restrictive covenant shall prohibit rental of both units at the same time.
- c. It shall further provide that the Accessory Living Quarter shall not be sold, or title thereto transferred separate and apart from the rest of the property. The covenant shall be recorded prior to the issuance of a building permit.

(Added Ord. 2015-39, § 1, eff. 1-9-16).

Fresno Code

Definitions

Tiny House. A structure intended for separate, independent living quarters for one household that meets these six conditions:

1.
Is licensed and registered with the California Department of Motor Vehicles and meets **ANSI** 119.2 or 119.5 requirements;
2.
Is towable by a bumper hitch, frame-towing hitch, or fifth-wheel connection. Cannot (and is designed not to) move under its own power. When sited on a parcel per requirements of this Code, the wheels and undercarriage shall be skirted;
3.
Is no larger than allowed by California State Law for movement on public highways;
4.
Has at least 100 square feet of first floor interior living space;
5.
Is a detached self-contained unit which includes basic functional areas that support normal daily routines such as cooking, sleeping, and toiletry; and
6.
Is designed and built to look like a conventional building structure.