



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

Date: April 29, 2011
To: Interested Parties
From: Kerry Brown
RE: Draft Residential Accessory Uses / LRP2010-00012

Please see the attached **Draft Residential Accessory Uses** package for your review and comment.

The Planning Department is proposing changes to the Residential Accessory Uses Section in both Title 22 and Title 23. The proposed changes update the Ordinance to reflect current trends in residential accessory uses and simplify the accessory structure section.

Please provide comments to Kerry Brown by May 31, 2011.

Residential - Accessory Uses

The following standards apply to the specific types of accessory uses structures listed. Residential accessory structures for the keeping of animals are subject to Section 22.30.090 (Animal Keeping).

All accessory uses and structures are also subject to Section 22.30.030 (Accessory Uses). Separate electrical meters are not allowed for accessory uses unless the accessory structure is located more than 500 feet away from the primary structure.

- A. Antennas.** Antennas (including dish antennas) for non-commercial TV and radio transmitting and/or receiving are subject to the following standards:
- 1. Permit requirement:** Plot Plan approval, except:
 - a. As provided in Subsections A.2 or A.3 for antennas of excess height or in particular locations; and
 - b. For surface-broadcast television receiving antennas, which require no land use permit, but are still subject to the other provisions of this Section. The land use permit requirements of this Section are in addition to any construction permits required by Title 19 of this Code.
 - 2. Height limit.** Antennas are limited to a height of 50 feet, except that:
 - a. A height of up to 75 feet may be authorized by Minor Use Permit.
 - b. Antennas higher than 75 feet may be authorized by Conditional Use Permit approval.
 - 3. Limitation on location.** In order to minimize the visual impact of antennas and their supporting structures on residential neighborhoods and community commercial areas, antennas shall be placed in locations consistent with the following provisions:
 - a. **Setbacks.** Antennas are not to be located within required setback areas (Section 22.10.140), except that placement in a side or rear setback may be authorized by Minor Use Permit if the Review Authority first finds that:
 - (1) No broadcast reception is possible in another allowed location; and
 - (2) Placement in such setback will not result in detrimental effects on the enjoyment and use of adjoining properties. Specific setbacks for antennas higher than 50 feet shall be

determined through Minor Use Permit or Conditional Use Permit approval, as applicable.

- b. **Roof installation.** Antennas shall not be placed on the roof of a building unless they are located on the half of the roof furthest away from any abutting street, or;
 - (1) Other location determined by the Director to not be visible from public streets or adjoining properties; or
 - (2) Another location on the roof authorized through Minor Use Permit approval, subject to the findings in Subsectio A.3.a.

~~C. B. **Garages.** A detached accessory garage may occupy not more than 1,000 square feet per dwelling unit, unless authorized by Minor Use Permit. The size of an accessory garage attached by a common wall to a dwelling is not limited, except as may be required by the Uniform Building Code. Workshop or storage space within a garage is included in determining conformance with this standard.~~
Accessory Structures. Any accessory structure intended solely or primarily for engaging in artwork, crafts, light hand manufacturing, mechanical work, etc. is subject to the following standards when located in a residential category.
Accessory structures, including garages and workshops may be established as follows:

- 1. **Limitation on use.**
 - a. **An accessory structure may be constructed or used as a workshop solely for non-commercial hobbies; for maintenance of the principal structure or yards; for artistic endeavors such as painting, photography or sculpture; maintenance or mechanical work on vehicles owned or operated by the occupants; or for other similar purposes.**
 - b. **Any use of accessory structures for any commercial activity shall meet the standards for home occupations (Section 22.30.230), and Guesthouse/ Home Office standards listed under Section 22.30.410D.**
 - c. **If the accessory structure is provided a permanent heat source and building code requires compliance with Title 24 energy standards, the structure shall be considered a Guesthouse / Home Office and will be subject to standards listed under Section 22.30.410D.**
 - d. **An accessory structure may contain a bathroom of up to 50 square feet with a sink, toilet, and shower.**
- 2. **Floor area limitation. The maximum floor area allowed for an accessory structure is as follows:**

<u>Lot Size</u>	<u>Maximum square footage</u>
<u>Up to 20,000 square feet</u>	<u>1,600 square feet</u>
<u>20,0001 to 1 acre</u>	<u>2500 square feet</u>
<u>1 acre to 5 acres</u>	<u>3500 square feet</u>
<u>Over 5 acres</u>	<u>4500 square feet</u>

The size of an accessory garage attached by a common wall to a dwelling is not limited, except as may be required by the Uniform Building Code.

D. C. Greenhouses. An accessory greenhouse may occupy up to 500 square feet per dwelling unit or 10 percent of the site, whichever is smaller. Larger greenhouses are subject to Section 22.30.310 (Nursery Specialties).

E. D. Guesthouses and home offices. A guesthouse or home office (sleeping or home office facilities without indoor connection to the living area of a principal residence and conditioned space) may be established as a use accessory to a residence as follows:

1. **Limitation on use.** A guesthouse or home office:
 - a. May contain living area, a maximum of two bedrooms and one bathroom. The living area may include a wet bar, limited to a single sink, a maximum of six linear feet of counter space and an under-counter refrigerator that are not located in a separate room;
 - b. Shall not be designed to contain or accommodate cooking or laundry facilities, and shall not be used for residential occupancy independent from the principal residence or as a dwelling unit for rental;
 - c. Shall not be allowed on any site containing a secondary dwelling established in compliance with Section 22.30.470;
 - d. In the Residential Multi-Family land use category, shall satisfy the residential density provisions of Section 22.10.130 (Multi-Family Dwellings); and
 - e. Shall not be provided an electric meter separate from the principal residence.
2. **Location.** A guesthouse shall not be located more than 50 feet from the principal residence (or within an existing structure legally constructed prior to January 1, 2009), or as otherwise approved through a Minor Use

Permit, and shall not be located within any required setback area (see Section 22.10.140 - Setbacks).

3. **Floor area limitation.** The maximum floor area allowed for a guesthouse is ~~40 percent of the habitable floor area of the main residence, up to a maximum of 600 square feet.~~

F.E. Swimming pools. Including hot tubs, spas, and related equipment, may be located within any required side or rear setback, provided that they are no closer than 18 inches to a property line, and provided that they are fenced as required by Section 22.10.080 (Screening and Fencing).

G. ~~Workshops or studios.~~ ~~Any accessory structure intended solely or primarily for engaging in artwork, crafts, light hand manufacturing, mechanical work, etc. is subject to the following standards when located in a residential category:~~

- ~~1. Limits on use. An accessory structure may be constructed or used as a workshop or studio in any residential category solely for non-commercial hobbies or amusements; for maintenance of the principal structure or yards; for artistic endeavors such as painting, photography or sculpture; maintenance or mechanical work on vehicles owned or operated by the occupants; or for other similar purposes. Any use of accessory workshops for any commercial activity shall meet the standards for home occupations (Section 22.30.230).~~
- ~~2. Floor area. A workshop shall not occupy an area greater than 40 percent of the floor area of the principal structure; except where a workshop is combined with a garage, Subsection C. applies.~~

F. Pool House. Structure uses solely in conjunction with a swimming pool. A swimming pool must be present at the site or be in process of establishing. No kitchen and laundry facilities are allowed. A bathroom is allowed up to 50 square feet, with a sink, toilet, and shower. An enclosed pool house is not to exceed 600 square feet. If the pool house is conditioned space, it must meet the standards of Section 22.30.410D Guesthouse / Home Office.

G. Outdoor Kitchen. An outdoor kitchen is allowed provided that it may not be enclosed, it must be open on at least two sides. An outdoor kitchen may not contain a bathroom.

H. Home Occupation Commercial Kitchen. A home occupation kitchen may be established as follows:

1. Limitation on use. A home occupation kitchen:

- a. May contain a bathroom, not to exceed 50 square feet with no bathing facilities;
 - b. A home occupation kitchen must be consistent with the standards for home occupation Section 22.30.230.
2. Floor area limitation. The maximum floor area allowed for a home occupation kitchen is 300 square feet.