Print Form

City of Kerman
Second Residential Unit

Planning & Development Services Department
942 S. Madera Avenue, Kerman, CA 93630
Office: (559) 846-9386/Fax: (559) 846-6199

SECOND RESIDENTIAL UNIT

General Information

A second residential dwelling unit is considered permitted residential uses and must comply with the standards identified in the City's Zoning Ordinance Section 17.66. An application for a second dwelling unit shall be made to the Planning Division of the Planning & Development Services Department for consideration of a second dwelling unit permit.

Size of Second Residential Unit

The proposed second residential unit shall not exceed fifty-percent (50%) of the square footage of the existing primary dwelling unit up to a maximum of twelve hundred (1,200) square if the unit is a free-standing or detached from the primary unit or thirty (30%) percent of the existing living area (excluding garage area) if constructed as an attached unit to the primary residence. The minimum size of the second dwelling unit is five hundred square feet.

Procedure

Once the application is submitted, the Planning Division will review the information for completeness. The application will be routed to other City Departments and outside agencies for review and comments as required. Once comments are received, staff will review the application and will notify the application if corrections to the plans are required.

The Director of Planning & Development Services shall approve a second dwelling unit permit with a written conditional letter of approval unless determined that such permit does not meet the findings for approved required section 17.66 of the Kerman Zoning Ordinance. A decision to deny an application will be in writing and will state the reasons therefore. A denial may be appealed to the Planning Commission. Prior to issuance of building permits for the second dwelling unit, a deed restriction/covenant shall be recorded which sets forth the occupancy limitations of Section 17.6.040 of the Zoning Ordinance (see attached declaration).

If further assistance is needed, please call the Planning & Development Services Department at (559) 846-9386.

(Updated November 2008)

Submittal Requirements

☐ Completed and signed application (signed by the property owner and applicant). **Note: A pre-application meeting with a member of the planning staff will be necessary to answer any questions and to ensure that the application will be completed as required. To schedule an appointment, please call the Planning Division at (559) 846-9386.**

☐ Payment of applicable application fee of $360.00 (payable to the City of Kerman).

☐ Copy of grant deed or preliminary title report to verify ownership.

☐ Fifteen (15) copies of 24" x 36"site plan drawn to scale (engineer's scale, no smaller than 1"=20') indicating the following (see attached sample Site Plan):

_____ Vicinity map
_____ North arrow and scale
_____ Property lines and building setback lines
_____ Location of existing buildings or other structures on site with dimensions
_____ Footprint and location of new structure(s)
_____ Driveways and parking spaces for existing and proposed dwelling units
_____ Entrances, exits and walkways
_____ Existing and proposed fencing (including heights)
_____ Existing easements and type
_____ Existing water and sewer utility services and proposed additions/modifications
_____ Location and widths of streets and alleys adjacent to the subject property
_____ Indicate presence, absence and condition of curb, gutter, sidewalk, shoulder paving, and street paving at the property frontage
_____ Location of transformer boxes and other utility equipment
_____ Street address of primary dwelling unit
_____ Assessor's parcel number(s)
_____ Name and address of applicant
_____ Square footage of the site (calculate lot coverage in square footage and percent)
_____ One (1) reduced copy 8½" x 11" site plan

☐ One (1) copy of 24" x 36" elevation drawings from four sides or directions, fully dimensional drawings and drawn to scale (no smaller than1/8" = 1'), indicating:

_____ Height of existing primary dwelling and proposed dwelling (including any accessory structures)
_____ Elevations for all sides of the existing and proposed structures, labeled north, south, east and west, including location of all doors and windows.
_____ Call-outs indicating type of materials and colors to be used

☐ One (1) copy of 8½" x 11" floor plan of the proposed second dwelling unit (no smaller than 1/8"=1') indicating square footage and location of facilities for sleeping, eating, cooking and sanitation.

SECOND RESIDENTIAL UNIT APPLICATION

APPLICANT/CONTACT PERSON

Name (Print): _____
_____
Address: _____
City, State, Zip: _____
Phone: _____
Fax: _____
E-mail: _____

OWNER

Name (Print): _____
Name (Print): _____
Address: _____
City, State, Zip: _____
Phone: _____
Fax: _____
E-mail: _____

SITE INFORMATION

Site Address: _____
A.P.N: _____
Parcel Size: _____
Lot Coverage: _____
Main Unit Size: _____
Land Use: _____
Zoning: _____
Existing Parking: _____

ARCHITECT/ENGINEER (If applicable)

Name (Print): _____
Firm: _____
Address: _____
City, State, Zip: _____
Phone: _____
Fax: _____
E-mail: _____
Signature: _____

PROJECT INFORMATION

Is the second residential unit:

□ Detached from primary residential unit
□ New structure
□ Adjacent to a public alley
□ Attached to primary residential unit
□ Conversion of accessory structure

Size of Second Unit: _____
Number of Bedrooms: _____
Height of Second Unit: _____

New Lot Coverage: _____
New Parking Spaces: _____
No. Covered: _____
No. Uncovered: _____

OWNER'S CERTIFICATION

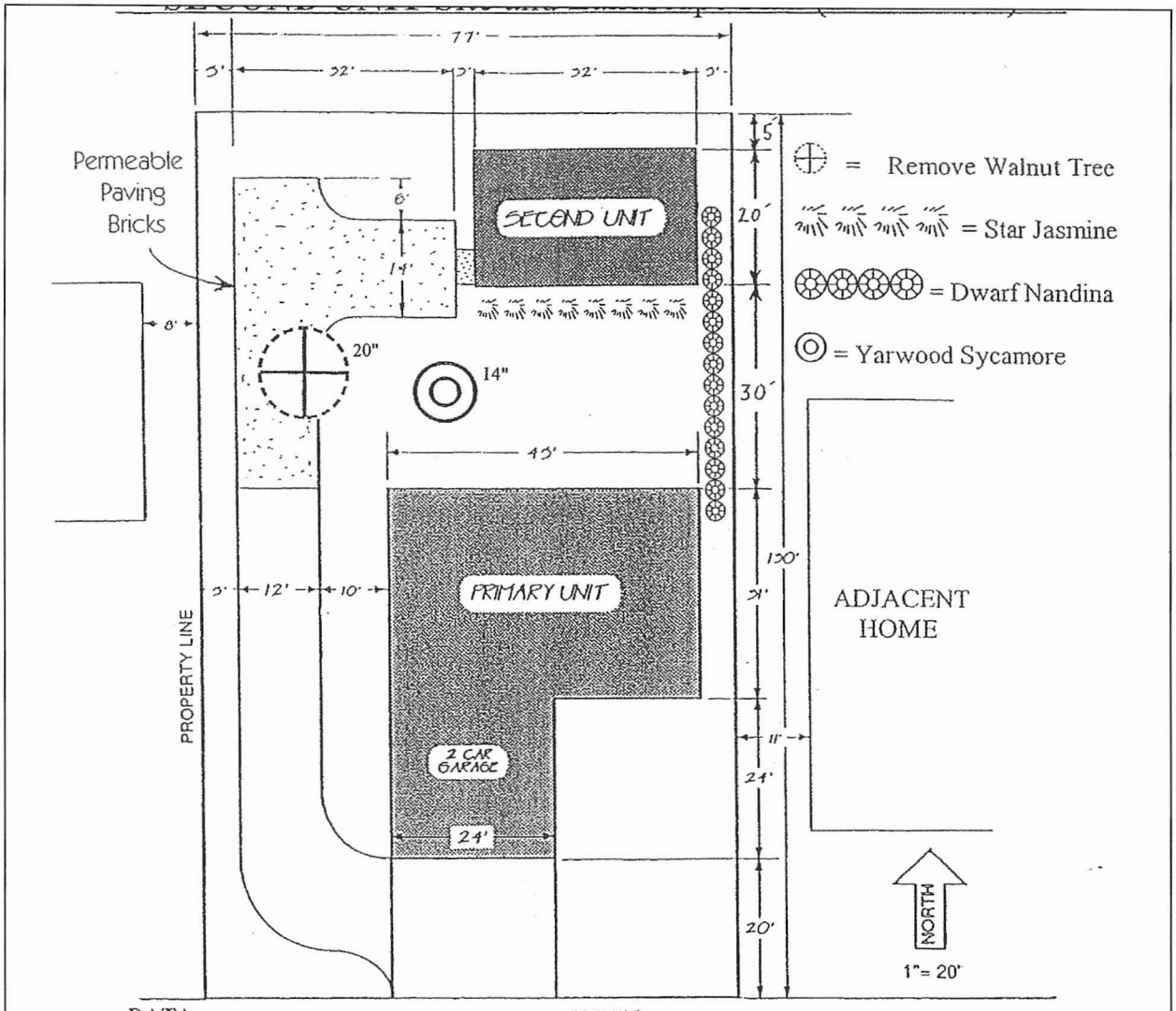
I hereby certify under the penalty of the laws of the State of California that I am the property owner of the property that is the subject matter of this application, and that this application and all other documents submitted are true and correct to the best of my knowledge and belief. I also certify that I am the owner of the above property or have attached a Notarized Letter of Agency authorizing the filing of this application. I understand that verification of property ownership or interests in the property or application may be required and the City of Kerman may impose restrictions, limitations and construction obligation on this real property as conditions to this application.

Owner's Signature: _____ Date: _____

Owner's Signature: _____ Date: _____

(Updated May 21, 2009)

Sample Site Plan
Second Residential Unit

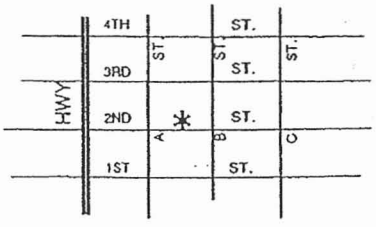


DATA:

APN: 007-534-009
Primary Unit:.....1395 SQ FT
Existing Garage SQ FT: ..... 576 SQ FT
Second Unit SQ FT:..... 640 SQ FT
Second Unit Bedrooms: ..... ONE
Total Structural SQ FT:..... 2611 SQ FT
Lot SQ FT: ..... 9360 SQ FT
% Site Coverage * : 28%
Primary Unit Parking Spaces 2
Second Unit Parking Spaces: 1

514 SECOND STREET

VICINITY MAP



* Site Coverage: The percentage of total site area occupied by structures, but not including unenclosed front porches and pavement coverage (sidewalks, driveways, parking areas, or other unroofed paved areas or uncovered decks) unless specifically included by a provision of the City Regulations.

(Updated May 21, 2009)

Residential Zone District
General Development Standards

Development Standards	Requirement by Zoning District			
	R-1-7	R-1-12	R-2	R-3
Lot Size	7,000 sq. ft. min.	12,000 sq. ft. min.	7,000 sq. ft. min.	7,000 sq. ft. min
Lot Coverage	40 percent	40 percent	45 percent	50 percent
Density	-	-	1 unit/3,500 sq. ft.	1 unit/2,500 sq. ft.
Lot Width				
Interior Lot	70 feet	100 feet	70 feet	70 feet
Corner Lot	75 feet	100 feet	75 feet	75 feet
Reverse Corner Lot	75 feet	100 feet	70 feet	70 feet
Cul-de-sac Lot	40 feet	65 feet	40 feet	40 feet
Lot Depth	-	100 feet	-	-
Building Height	35 feet	35 feet	35 feet	35 feet
Accessory Structure Height	12 feet	12 feet	12 feet	12 feet
Front Yard Set Back	25 feet	35 feet	20 feet	15 feet
Cul-de-sac/curved lots	15 feet	-	-	-
Side Yard Setback				
Interior lot w/alley access	5 feet	12 feet	5 feet	5 feet
Interior lot w/o alley access	5 feet	-	5 feet	5 feet
Corner lot, interior side	5 feet	12 feet	5 feet	5 feet
Corner lot, street side	10 feet	12 feet	5 feet	5 feet
Reverse corner lot	15 feet	20 feet	15 feet	15 feet
Rear Yard	15 feet	15 feet	15 feet	15 feet
Space between buildings	10 feet	10 feet	10 feet	10 feet
Space, accessory buildings	6 feet	6 feet	6 feet	6 feet
Fences/walls/hedges height				
Rear Yard	7 feet max	7 feet max	7 feet max	7 feet max
Side Yard	7 feet max	7 feet max	7 feet max	7 feet max
Front Yard	42" max	42" max	42" max	42" max
Parking	2 covered spaces(1)		2 covered spaces(1)	2 spaces w/1 covered(2)
Driveway Length	20 ft. from back edge of sidewalk		20 ft. from back edge of sidewalk	
Landscape/Open Space Area	65% of front/side yard to have turf		5% of net site area (with 10 or more units)	

(1) Applies to single-family detached dwellings, duplexes, half-plexes, and mobile homes on individual lots.
(2) Applies to apartments, condominiums, townhouses, row-houses and cluster development and includes additional guest parking spaces equal to one-tenth of the parking spaces for each unit.

(Updated May 21, 2009)

Second Residential Unit
Section 17.66 Kerman Zoning Ordinance

The following permit requirements and development standards shall apply to second residential units.

17.66.010 Purpose.

The purpose of this chapter is to provide for the establishment of new secondary residential units on existing lots as a means of providing additional housing opportunities for the citizens of Kerman. (Ord. 09-01 §1(part), 2009: Ord. 90-02 §2(part), 1990).

17.66.020 Definition.

A second residential unit, or efficiency unit, is either a detached or attached residential dwelling unit which provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation within the unit. (Ord. 09-01 §1(part), 2009: Ord. 90-02 §2(part), 1990).

17.66.030 Uses.

Notwithstanding any other provision of this code, second residential units shall be permitted in all single-family residential districts subject to the provisions of this chapter. (Ord. 09-01 §1(part), 2009: Ord. 90-02 §2(part), 1990).

17.66.040 Conditions.

The following conditions shall apply to second residential units being constructed in a single-family residential district:

A. Ownership. The primary dwelling unit shall be owner-occupied. The owner or owners of the parcel must have on file with the planning and building agency a recorded covenant, in a form approved by the city attorney, demonstrating compliance with this requirement. The covenant between the city and the applicant/owner(s) of the subject property shall be recorded with the county recorder prior to the issuance of any building permits. Said covenant shall require the primary dwelling unit to be occupied by the owner of record.

B. Attachment. The second residential unit may be attached to, or constructed within, the primary residence or may be attached to a garage; however, a garage shall not be converted to a second unit unless a replacement garage or carport is constructed on another portion of the parcel. If attached, the second unit must have a separate means of entrance from the primary dwelling unit. Alternately, a second residential unit may be constructed as a freestanding or detached unit in compliance with setback requirements and other development standards applicable to the zone district.

C. Building Area. The second residential unit shall not exceed fifty percent of the square footage of the existing primary dwelling, up to a maximum of one thousand two hundred square feet, if built as a freestanding or detached structure or thirty percent of the existing living area (excluding garage area) if constructed as an attached unit; provided, however, that the thirty percent limit shall not prevent the construction of an efficiency unit as defined in Section 17958.1 of the Health and Safety Code. The minimum size of the second dwelling unit is five hundred square feet.

D. Phasing. A single-family residential unit shall exist on the lot prior to the applicant applying for a second residential unit.

E. Parking. The primary residence shall have at least two off-street parking spaces provided for by a garage or carport on the same lot as the residence prior to a second residential unit being constructed. One additional paved off-street parking space shall be provided per bedroom or efficiency unit. Said parking space(s) shall not be located in the front setback except in a legal driveway, but may be located in the side or rear setbacks. Any driveway on the parcel shall lead to the garage and shall constitute no more than fifty percent of the frontage of the parcel. No additional curb cuts may be installed for the second dwelling unit.

F. Number. Only one second residential dwelling shall be allowed per lot. The applicant applying for a second residential unit must apply for a lot line adjustment to create one legal parcel where two separate legal parcels exist.

G. Utilities. The second dwelling unit, whether attached or detached, shall install separate utilities and shall have a separate water meter from the primary dwelling unit.

H. Compliance with Building Codes. All second dwelling units shall comply with all applicable requirements of the building code as adopted and enforced at time of application. In cases where a second dwelling unit is to be attached or created through the reconfiguration of a portion of an existing single-family dwelling, both the secondary and primary dwelling shall be upgraded to comply with such building code requirements which include, but are not limited to, noise separation between units sharing common walls, emergency egress and heating/ventilation requirements, as required by the building official. (Ord. 09-01 §1(part), 2009: Ord. 90-02 §2(part), 1990).

17.66.050 Development standards.

A second residential unit shall be constructed consistent with the development standards for the district in which it is located including the following:

A. Where a separate entrance is provided to the second dwelling unit, a paved walkway from the required parking space to the entrance shall be provided.

B. The color, material and texture of the roof, exterior walls and fenestration of a second dwelling unit shall be architecturally compatible with the primary dwelling unit.

C. When possible, the roof pitch of the second residential unit shall be the same as the primary unit.

D. No second dwelling unit may be constructed on a parcel which is already nonconforming to the provisions of this title, where the existing use is a nonconforming use, or on which the second dwelling unit would create nonconformity to this title. Furthermore, the property being considered for a second dwelling unit shall be in compliance with the standards of the zoning ordinance and applicable provisions of the Kerman Municipal Code. Any existing or identified code violations must be corrected prior to approval of a second dwelling unit.

E. The second dwelling unit may only be single-story.

F. The second dwelling unit shall have approved address numbers that are plainly legible and visible from the street or road fronting the property pursuant to Section 505 of the California Fire Code. Address numbers shall contrast with their background and be a minimum of four inches high with a minimum stroke width of one-half inch. If the address numbers for the second dwelling unit cannot be visible from the street, the address numbers can be placed on the primary dwelling unit, existing front yard fence or placard at the entrance to the site.

G. Postal Service. The applicant must coordinate and comply with the U.S. Postal Service requirements for delivery of mail to the second dwelling unit. (Ord. 09-01 §1(part), 2009: Ord. 90-02 §2 (part), 1990).

17.66.060 Prohibited.

The second dwelling unit shall not be a trailer coach, recreational vehicle or mobile home, as those terms are defined in state law. (Ord. 09-01 §1(part), 2009: Ord. 90-02 §2(part), 1990).

17.66.070 Fees.

From time to time, the city council shall by ordinance or resolution establish appropriate application and/or appeal fees for persons seeking approval of plans and drawings for a second dwelling unit. Such fees shall not exceed the reasonable cost of processing such an approval or appeal. (Ord. 09-01 §1(part), 2009).

17.66.080 Director decision and appeals.

The director of planning and development or designee shall review plans and drawings for any second dwelling unit to determine whether such plans and drawings conform to the requirements of this chapter, and may deny the issuance of a building permit in the case of nonconformity. The decision of the planning director may be appealed pursuant to Chapter 17.22. All appeals must be made in writing to the city clerk no later than ten working days after the day on which the decision was made. (Ord. 09-01 §1(part), 2009).

RECORDING REQUESTED BY:

WHEN RECORDED RETURN TO:

Planning & Development Services
City of Kerman
942 So. Madera Avenue
Kerman, CA 93631

A.P.N. _____

DECLARATION OF RESTRICTIONS FOR USE WITH A SECOND RESIDENTIAL DWELLING UNIT

This Declaration of Restriction ("DECLARATION") is made this _____ day of _____, 2009, by _____ ("OWNER") who is/are the owner(s) of the real property described below. This Declaration is based on the following facts:

A. OWNER owns certain real property ("PROPERTY") in the City of Kerman, County of Fresno, State of California. This property is described more specifically as: (Insert Legal Description or attach as an Exhibit)

This property has been assigned Assessor Parcel Number _____ and is commonly known as _____, Kerman, CA 93630.

B. OWNER has applied to the City of Kerman for Second Residential Unit Permit No. _____ (SRUP) for a Second Residential Unit pursuant to Title 17 of the Kerman Municipal Code.

C. In order to qualify for such a Second Residential Unit Permit, the provision of the Kerman Zoning Ordinance requires that PROPERTY must be occupied by the owner of record.

D. OWNER intends to restrict PROPERTY in the manner set forth below for the express benefit of the present and subsequent owners of PROPERTY or any portion of it, and for the benefit of the City of Kerman and its citizens and particularly neighboring residents, and to satisfy the requirements of Title 17 of the Kerman Zoning Ordinance.

Now, therefore, OWNER does hereby declare that PROPERTY shall be held, encumbered, used, and conveyed, subject to the covenants and conditions and restrictions set forth below:

1. OWNER and all of OWNER'S successors-in-interest must reside on PROPERTY in the main dwelling unit. Should both the main dwelling unit become occupied by someone other than OWNER or their successor-in-interest, the second residential unit shall be vacated in accordance with the Kerman Zoning Ordinance. Violation of these provisions shall subject OWNER and all OWNER'S successors-in-interest to revocation of the Second Residential Unit Permit.

2. These restrictions shall run with the land and be binding upon OWNER and all successive owners, heirs or assigns of PROPERTY. If at any time these restrictions are determined by a court of competent jurisdiction not to constitute a covenant running with the land, it is OWNER'S intent that these restrictions form an equitable servitude on PROPERTY and as such shall be binding on OWNER and successors-in-interest, and shall remain in effect during the existence of this Second Residential Unit or any alteration, modification, expansion, remodeling, replacement, reconstruction or relocation of the Second Residential Unit.

3. This declaration shall inure to the benefit of the City of Kerman, and to all neighboring residents. The City of Kerman may enforce these restrictions by proceedings at law or in equity against any person or persons violating or attempting to violate the covenants set forth above either to retrain violation or to recover damages, or both.

IN WITNESS WHEREOF, OWNER has executed this document on the date first above written.

Dated: _____ _____
OWNER

Dated: _____ _____
OWNER

THE SIGNATURE(S) ON THIS DOCUMENT MUST BE ACKNOWLEDGED BY A NOTARY PUBLIC. THIS DOCUMENT MAY BE EXECUTED ONLY THE OWNER(S) OF SAID PROPERTY SUBJECT TO THIS DECLARATION/COVENANT.