

Sunnyvale Municipal Code

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The use, occupancy or placement of accessory living units are permitted only as follows:

(a) Minimum Net Lot Area.

- (1) R-0 and R-1 zoning districts require nine thousand square feet.
- (2) R-2 zoning district and DSP subdistricts 8, 9, 10, 11 and 12 require five thousand square feet.
- (3) No accessory living unit shall contain more than one bedroom or have a total size in excess of seven hundred square feet.

(4) At least one on-site parking space shall be provided for each accessory living unit, in addition to the minimum number required for the primary dwelling. The additional space may be uncovered, but may not be in tandem with another space. When an accessory unit is added after November 1, 1999, all on-site parking must be upgraded to then-applicable standards.

(b) No more than one accessory living unit may be located on any lot. No detached unit may be placed in front of the main dwelling.

(c) Either the accessory living unit or the primary dwelling must be the bona fide principal residence of at least one legal owner of the lot containing the dwelling, as evidenced at the time of building permit approval by appropriate documents of title and residency. The dwelling unit not so occupied may be rented. Prior to issuance of a building permit, each applicant shall provide evidence that a covenant has been recorded on the title of the affected property, to the effect that the property shall be owner-occupied as defined herein, for the period of twenty years from the date the covenant is recorded, or until this provision is repealed, whichever occurs first.

(d) All otherwise applicable provisions of Title 16 shall be satisfied, including solar hot water heating requirements.

(e) All setback, lot coverage, building height, open space and other applicable design requirements contained in Title 19 shall be satisfied, except as permitted by variance. At least one thousand square feet. of open space is required for each R-2 lot with an accessory unit.

(f) Entrances and outside stairways serving accessory living units shall not be constructed on any building elevation facing a public street.

(g) Exterior materials, colors and appearance of accessory living units shall match the primary structures which they adjoin.

(h) Nothing contained herein shall be construed to permit subdivisions of real property otherwise prohibited by this code or state law. (Ord. 2623-99 § 1; prior zoning code §§ 19.32.010(B)(6)(A)—(H), 19.32.020 (b)(6)(A)—(H)).

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