

Classification of Major and Minor Violations Cited in ZIRs

Major Violations

1. Illegal dwelling units. See SBMC§28.04.590 for the definition of Residential Unit.
2. Addition of new floor area (except detached non-conditioned accessory space) or conditioned (i.e. – heating/AC) space. See SBMC§28.04.315 for definition of Net Floor Area.
3. Loss of required parking. This includes the physical removal of the garage/carport; the conversion of the garage/carport to another use; built-in physical obstructions such as walls or rooms (office, storage, laundry, etc.); loss of access to the garage/carport (such as removal of garage door opening, placement of a structure on the driveway, addition of a barrier or lip that limits access to the garage or removal of an approved driveway material); change in the garage door from 2-car to 1-car w/ pedestrian door.
4. Improvements within 50 feet of the coastal bluff or on the bluff face. This includes, but is not limited to the planting of new or removal of significant landscaping, and patios, decks and any fences.
5. Other violations that pose an immediate fire or life safety risk.

Minor Violations

Any other violation that does not fall under the above categories. Examples include, but are not limited to:

- Detached accessory building (no heating, AC, plumbing), shed, trellis, pottery shed, misc structures (outside sinks and showers, chicken coops, work benches, trash enclosures, etc.) in required setback or open yard.
- Gates, fences and arbors in the front setback that are over 3 ½ feet.
- In the garage:
 - Cabinets and workbenches which encroach into the required minimum interior dimensions
 - Washer/dryer and/or laundry sink. New plumbing or electrical requires a building permit
 - Addition of any flammable flooring material such as carpet or linoleum
 - The addition of a doorway between a bedroom and a garage or carport
- Decks, patios, and permanent fixtures such built-in fireplaces or fire pits, built-in seating which are over 10 inches in height in a required setback.
- Attached patio covers.
- Detached patio covers which are over 120 square feet.
- Interior remodels that don't include additional floor area.
- Air conditioning units, pool equipment, water heaters and softeners in required setbacks.
- Expansion of paved areas accessible to vehicle in required setbacks.
- Fountains or ponds in interior setbacks.
- New door and window openings within the required setbacks.

28.04.590 Residential Unit.

A. A building or portion thereof designed or occupied for residential purposes, containing not more than one (1) kitchen per residential unit, but not including hotels or boarding houses.

B. A residential unit may be declared by the Community Development Director when a building or portion thereof is configured or occupied for residential purposes, whether permanent or temporary, and contains elements evidencing separate residential occupancy. Elements to be considered may include, but are not limited to, the proximal arrangement and various combinations of:

1. Sink or bar sink;
2. Garbage disposal;
3. Dishwasher;
4. Toilet;
5. Bathing facility;
6. Interior locking doors;
7. Exterior entrance;
8. Exterior staircase;
9. Separate yard, patio, deck or balcony;
10. Separate phone line, cable line, or utility line;
11. Separate garage or parking area (covered or uncovered) or carport;
12. Countertops or cupboards;
13. Sleeping loft; or
14. Separate address/mail box designation.

Issuance of a building permit or other approvals does not, of itself, establish that a building or portion thereof is not a residential unit.

C. Notwithstanding this Section, a building or portion thereof configured or occupied for residential purposes, whether permanent or temporary, containing a modular cooking unit shall not be deemed a residential unit providing:

1. A performance standard permit or conditional use permit has been issued pursuant to either Chapter 28.93 or Chapter 28.94 of this Code; and
2. The facility has current, valid state licenses to operate a residential care facility for the elderly, community care facility or hospice; and
3. There is a staffed congregate kitchen and dining facility on-site providing regular meals to all residents. (Ord. 5380, 2005; Ord. 4858, 1994.)

28.04.315 Floor Area, Net.

The net floor area of a building shall be calculated in accordance with the following general rule and any applicable special rules:

A. **GENERAL RULE.** Net floor area shall be defined as the area in square feet of all floors confined within the exterior walls of a building, but not including the area of the following: exterior walls, vent shafts, courts, and any areas with a ceiling height of less than five (5) feet above the finished floor.

B. **SPECIAL RULES.**

1. The area occupied by stairs or an elevator shaft within the exterior walls of a building shall be counted only on one floor of the building.
2. Freestanding accessory buildings that do not require a building permit for construction or installation are excluded from the net floor area calculation.