



ACCESSORY DWELLING UNITS & JUNIOR ACCESSORY DWELLING UNITS

Ordinance No. 1674 – Adopted January 2020

Buena Park Municipal Code

Section 19.348.010 - Accessory Dwelling Units and Junior Accessory Dwelling Units

A. Purpose. The purpose of this section is to establish regulations governing accessory dwelling units and junior accessory dwelling units, in compliance with California Government Code Sections 65852.2 and 65852.22, and to provide standards for the development of accessory dwelling units and junior accessory dwelling units so as to increase the supply of smaller and affordable housing while ensuring that such units remain compatible with existing neighborhoods.

B. Development Standards. Under the provisions of this section, each accessory dwelling unit or junior accessory dwelling unit shall comply with local building codes and all development standards contained in Division 3, except as otherwise specified herein:

1. Location. Accessory dwelling units are allowed on lots zoned for single-family residential which contain or are proposed to be developed with a single-family dwelling, or on lots zoned for multi-family residential or mixed-use residential use which contain or are proposed to be developed with a multi-family dwelling. Subject to standards of this section, accessory dwelling units may be attached, detached, or located within existing primary residence, or accessory structure. Junior accessory dwelling units shall only be allowed on lots zoned for single-family residential use, and which are contained or are proposed to be developed with a single-family dwelling.
2. Minimum Lot Size. Minimum lot size requirements shall not be applied to accessory dwelling units or junior accessory dwelling units.
3. Height of Structure; Access. Height of a detached accessory dwelling unit shall not exceed sixteen (16) feet. Any external access staircase for the accessory dwelling unit shall not be located at the front of the single-family or multi-family dwelling unit, as applicable.
4. Setbacks. An existing living area or accessory structure, or a structure constructed in the same location and to the same dimensions as an existing structure, that is converted to an accessory dwelling unit may maintain the existing setback. An accessory dwelling unit that is not a conversion from an existing structure, or that is not a new structure constructed in the same location and to the same dimensions as an existing structure, must maintain a minimum 4-foot setback, including any eaves or overhangs; and provided that all side and rear setbacks must be sufficient for fire and safety.

5. Number of Dwellings Units.

a. Single-Family Zone. The number of accessory dwelling units or junior accessory dwelling units that may be located on any lot in single-family zones is limited one (1) of the following options:

i. One (1) accessory dwelling unit may be located within the proposed space of a single-family dwelling, or the existing space of a single family dwelling or accessory structure, and the accessory dwelling unit conversion may include an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions as the existing accessory structure only for the purpose of accommodating ingress and egress.

ii. One (1) detached or attached, new construction accessory dwelling unit may be located on lots which contain or are proposed to be developed with a single-family dwelling.

iii. One (1) junior accessory dwelling unit may be located within the proposed space of a single-family dwelling, or the existing space of a single-family dwelling, and the junior accessory dwelling unit conversion may include an expansion of not more than one hundred fifty (150) square feet beyond the same physical dimensions as the existing primary dwelling only for the purpose of accommodating ingress and egress.

iv. One (1) junior accessory dwelling unit under subsection B.5.a.iii above, plus one (1) detached new construction accessory dwelling unit under subsection B.5.a.ii above, may be located on lots which contain or are proposed to be developed with a single-family dwelling; provided that the accessory dwelling unit shall be no more than eight hundred (800) square feet in floor area, no more than sixteen (16) feet in height, and have at least four (4) foot side and rear yards setbacks.

b. Multifamily Zones. The number of accessory dwelling units that may be constructed on any lot in multi-family zones is limited as follows:

i. A maximum of two (2) detached accessory dwelling units may be constructed on lots which contain or are proposed to be developed with a multi-family dwelling unit, so long as the accessory dwelling unit is no more than sixteen (16) feet in height and has at least four (4) foot side and rear yards setbacks.

ii. Within an existing multifamily dwelling structure, an accessory dwelling unit may be converted from areas not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages. At least one (1) such accessory dwelling unit conversion, and up to 25 percent of the existing units within the multifamily dwelling structure, is permitted under this subsection, and all such units shall comply with applicable fire and building code requirements.

iii. Junior accessory dwelling units are not permitted in multi-family zones.

6. Number of Bedrooms. Accessory dwelling units and junior accessory dwelling units shall be limited to one (1) bedroom.

7. Dwelling Size.

a. All newly constructed detached accessory dwelling units shall not exceed 850 square feet.

b. The total floor area of any accessory dwelling unit or junior accessory dwelling unit shall be of a minimum area of 150 square feet, or as specified in Section 17958.1 of the California Health and Safety Code.

c. Accessory dwelling units located within existing multi-family dwellings shall not exceed 850 square feet, and shall be larger than 500 square feet.

d. When an accessory dwelling unit is attached to or included within an existing single-family dwelling, the maximum allowed size of the accessory dwelling unit shall be the smaller of: 50% of the existing primary dwelling, using the resulting square footage of the existing primary dwelling for comparison; or 850 square feet.

e. Junior accessory dwelling units shall not exceed 500 square feet.

8. Off-Street Parking. One parking space per accessory dwelling unit shall be provided. These spaces may be provided as tandem parking on an existing driveway, or on a driveway in side yard and rear yard as permitted in Table 19.320.030-C and Table 19.320.040-D of the Zoning Ordinance. Parking is limited to lawfully paved areas approved by the City. No additional parking for the accessory dwelling unit is required if any one (1) of the following conditions are met:

a. The unit is located within 1/2 mile of walking distance of public transit.

b. The unit is located within an architecturally and historically significant historic district.

c. The unit is part of (i.e., contained within) the footprint of the primary residence or an accessory building.

d. When on-street parking permits are required but not offered to the occupant of the unit.

e. When there is a car share vehicle located within 1 block of the unit.

9. Location of Required Parking. Parking required for the accessory dwelling unit may be located in the following locations, as approved by the City, ordered from most preferred to least preferred:

a. A garage, carport, or covered space on a driveway; which complies with required setbacks for both primary and accessory structures.

b. An uncovered tandem space on a driveway.

- c. Within the required street side yard setback.
- d. Within the required rear yard setback.
- e. Within the required front yard setback.
- f. Notwithstanding the foregoing, parking in setbacks and tandem driveway parking may be denied if the Building Official determines that parking in those areas is unsafe due to site specific fire and/or life safety conditions.
- g. If parking required for the unit is accommodated in any setback area, as set forth above, then the required parking space shall be located and maintained in the specific location designated by the City.

10. Access. The accessory dwelling unit shall utilize the same vehicular access that serves the existing main dwelling unit, unless the second unit has access from an alley contiguous to the lot. No passageway connecting the accessory dwelling unit to a street is required. Each accessory dwelling unit or junior accessory dwelling unit shall maintain independent exterior access from the existing residence.

11. Way Finding. Each unit shall display address in compliance with the current California Residential Code as adopted and amended by the City.

12. Utilities. All utilities servicing the accessory dwelling unit or junior accessory dwelling unit may be metered in conjunction with the primary dwelling, in compliance with Government Code Section 65852.2(f).

13. Restricted Areas. Accessory dwelling units or junior accessory dwelling units shall not be allowed where roadways, public utilities and services are inadequate. The property owner shall provide evidence that adequate sewer, streets, and water are available for the unit based on standards and thresholds established in the following:

- a. For accessory dwelling units of 750 square feet or more, a proportionate amount of Park Land Dedications and In-Lieu Fees, based upon the square footage of the primary dwelling unit, as computed per Chapter 18.64 of Title 18 of the Buena Park City Code. For accessory units located on multi-family properties, said fees shall be calculated based upon a proportion of the total number of units in the dwelling.
- b. Compliance with all current State and local building and fire codes.
- c. Compliance with Minimum Street Width, Residential/Commercial – STD. 104 Standard Plans City of Buena Park Department of Public Works. The right-of-way fronting the primary residence shall be a minimum of 60-feet wide, and the roadway fronting the primary residence shall be at least 44-feet wide. Notwithstanding the foregoing, accessory dwelling units may be permitted on properties that do not comply with these street standards subject to a Conditional Use Permit (CUP), as set forth in Section 19.128.020 of the Buena Park Municipal Code.
- d. Sewer and water connection are feasible and the level of service adequate based upon applicable health and safety standards.

14. Architectural Compatibility. The accessory dwelling unit or junior accessory dwelling unit shall incorporate the same architectural features, building materials, and color as the main dwelling unit on the property. These features shall include, but are not limited to, roofing material, roof design, fascia, exterior building finish, color, exterior doors and windows including, but not limited to, ratios of window dimensions (i.e., width to height) and window area to wall area, garage door, and architectural enhancements. Fire sprinklers are not required for the accessory dwelling unit or junior accessory dwelling unit if they are not required for the primary residence or multi-family dwelling.

15. Ownership and Occupancy—Owner Occupancy Required. One of the units on lots with a single-family dwelling shall be occupied as the primary residence of the owner of the lot. If the owner occupies neither unit, the accessory dwelling unit shall not be used as a dwelling unit, and shall not be rented. Notwithstanding the foregoing, an accessory dwelling unit that is approved after January 1, 2020, but before January 1, 2025, is not subject to the owner-occupancy requirement.

16. Deed Restrictions for Accessory Dwelling Units. Before obtaining a building permit for an approved accessory dwelling unit, the property owner shall file with the County Recorder a declaration or agreement to restrictions, containing a reference to the deed under which the property was acquired by the owner and stating that:

- a. The accessory dwelling unit cannot be sold separately from the primary residence;
- b. The accessory dwelling unit shall be considered legal only so long as either the primary residence, or the accessory dwelling unit, is occupied by the owner of record of the property; provided that, an accessory dwelling unit that is approved after January 1, 2020 but before January 1, 2025, is not subject to the owner-occupancy requirement;
- c. Minimum rental term shall be no less than 30 days;
- d. The restrictions shall be binding upon any successor in interest and ownership of the property and lack of compliance may result in legal action against the property owner to compel compliance with this section.
- e. If the accessory dwelling unit is modified such that it no longer complies with this section, the property owner shall return the lot and all improvements into a condition that complies fully with applicable land use and building standards set forth in this Code. The property owner shall apply for any and all permits necessary to complete the scope of work, as required under the City's building and fire codes.

17. Specific Junior Accessory Dwelling Units Requirements. The requirements and standards of this subsection shall apply to junior accessory dwelling units, notwithstanding anything contrary in this section.

- a. The owner of the single-family lot shall occupy the single-family dwelling or the junior accessory dwelling unit.
- b. Before obtaining a building permit for a junior accessory dwelling unit, the property owner shall file with the County Recorder a declaration or agreement to

restrictions, containing a reference to the deed under which the property was acquired by the owner and stating that:

- i. The junior accessory dwelling unit cannot be sold separately from the primary residence; and
 - ii. The size and attributes of the junior accessory dwelling units shall conform at all times with the requirements of California Government Code section 65852.22 and the Buena Park Municipal Code;
 - iii. Minimum rental term shall be no less than 30 days;
 - iv. The restrictions shall be binding upon any successor in interest and ownership of the property and lack of compliance may result in legal action against the property owner to compel compliance with this section.
- c. A junior accessory dwelling unit shall include: a separate entrance from the main entrance to the proposed or existing single-family residence; and an efficiency kitchen, which shall include a cooking facility with appliances, a food preparation counter or counters that total at least 8 square feet in area and food storage cabinets that total at least 16 square feet of shelf space.

C. Submittal Requirements and Application Processing. Any application for an accessory dwelling unit or junior accessory dwelling unit shall include a site plan, floor plan, and elevations substantiating and evidencing compliance with all applicable development standards. Where all requirements of this section and the Buena Park City Code appear to be met, the application shall be approved ministerially without discretionary review or public hearing within sixty (60) days of receiving the application. The City and applicant may agree to additional time with a written request from the applicant.