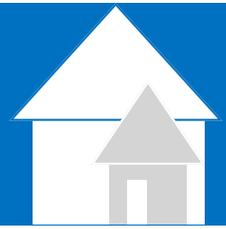


Accessory Dwelling Unit Ordinance:

Frequently Asked Questions



Are Local Governments Required to Adopt an Ordinance?

No, a local government is not required to adopt an Accessory Dwelling Unit (ADU) ordinance. However, a jurisdiction that lacks a local ordinance must comply with state standards.

Can a Local Government Preclude ADUs?

No local government can preclude ADUs.

Are Setbacks Required When an Existing Garage or Accessory Building Is Converted to an ADU?

No, setbacks cannot be required when a garage is converted or when existing space (e.g., game room or office) is converted.

Are ADUs Permitted in Existing Residence or Accessory Space?

Yes, ADUs located in single family residential zones and existing space of a single family residence or accessory structure must be approved regardless of zoning standards.

Can off-street parking be required for ADUs?

Yes, local government agencies may require off-street parking be provided for ADUs. However, local governments shall not be permitted to require off-street parking for the ADU when it is located ½ mile from transit, within an architecturally and historically significant historic district, is part of an existing primary residence or existing accessory structure, is located in an area where on-street parking permits are required but not offered to the occupant of the ADU, or when it is located within on block of a car share area.

Are Owner Occupants Required?

Yes, the City's local ADU ordinance requires the owner reside in the primary or accessory dwelling unit. The local ordinance also prohibits the use of ADUs for short term rentals (terms lesser than 30 days).

Is Manufactured Housing Permitted as an ADU?

Yes, pursuant state law, an ADU includes efficiency units (Health and Safety Code Section 17958.1) and manufactured homes (Health and Safety Code Section 18007).

Can a Local Government Apply Development Standards and Designate Areas?

Yes, local governments may apply development standards and may designate where ADUs are permitted. However, standards and allowable areas must not be designed or applied in a manner that burdens the development of ADUs and should maximize the potential for ADU development.

Does ADU Law Apply to Charter Cities and Counties?

Yes. ADU law explicitly applies to "local agencies" which are defined as a city, county, or city and county whether general law or chartered.

For the more information or to provide input, please contact Ricardo Soto, Associate Planner, at (714) 667-2793 or via email at RSoto@santa-ana.org.