

ORDINANCE NO. 03-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE AMENDING TITLE 17 OF THE ORANGE MUNICIPAL CODE TO ADD DEFINITIONS, REVISE PROCEDURES FOR REVIEW, AND ESTABLISH STANDARDS FOR PROCESSING APPLICATIONS FOR ACCESSORY DWELLING UNITS

WHEREAS, on January 1, 2020, AB 68, AB 881, SB 13, AB 587, AB 670 and AB 671 became effective, addressing barriers to the development of accessory dwelling units and junior accessory dwelling units that may occur under existing local ordinances and establishing certain minimum standards for approving such dwelling units; and

WHEREAS, the City desires to revise the Orange Municipal Code to comply with state law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORANGE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I:

This ordinance is statutorily exempt under the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080.17 and Title 14, California Code of Regulations Section 15282(h) which exempts adoption of an ordinance regarding second units to implement provisions of Sections 65852.2 and 65852.22 of the Government Code. Additionally, this ordinance is categorically exempt pursuant to Sections 15303 (New Construction or Conversion of Small Structures) and 15305 (Minor Alterations in Land Use/Limitations). Similarly, the ministerial approval of accessory dwelling units and junior accessory dwelling units is not a "project" for CEQA purposes, and environmental review is not required.

SECTION II:

Orange Municipal Code Section 17.04.020, "A" Definitions, is hereby amended to revise the following definitions in their entirety:

ACCESSORY DWELLING UNIT (ADU)— An attached or detached permanent residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An ADU shall be accessory to the primary residence. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated and shall include a common living area. The kitchen and common living area shall be of sufficient size to accommodate at least one person per bedroom. An ADU has the attributes of a private residence and not a boarding house or dormitory, e.g. shall not have microwaves, sinks and/or refrigerators in each bedroom; shall not have exterior access to each

bedroom; shall not advertise individual rooms. An accessory dwelling unit also includes the following:

- (1) An efficiency unit, as provided under Health and Safety Code Section 17958.1; and
- (2) A manufactured home, as provided under Health and Safety Code Section 18007.

ACCESSORY STRUCTURE – A structure that is accessory and incidental to a dwelling located on the same lot.

ACCESSORY STRUCTURE, HABITABLE - An accessory structure constructed in accordance with the Uniform Building Code criteria for habitable space, which may include a bathroom or similar plumbing facilities, does not include a kitchen as defined by this code, and is located on a parcel developed with one or more existing dwelling units. Habitable accessory structures shall be functionally related to the principal residence. A habitable accessory structure is not a junior accessory dwelling unit or accessory dwelling unit and shall not have a separate utility meter or address.

SECTION III:

Orange Municipal Code Section 17.04.020, "A" Definitions, is hereby amended to add the following definitions:

ACCESSORY – Existing in a minor way. Subordinate and incidental both in size and in intensity of use to the primary use and structure.

ACCESSORY DWELLING UNIT, JUNIOR (JADU) – A unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A JADU shall have independent cooking facilities, and may include separate sanitation facilities (toilet and bathing facilities), or may share sanitation facilities with the existing structure.

ACCESSORY DWELLING UNIT PASSAGEWAY – A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

SECTION IV:

Orange Municipal Code Section 17.04.020, "A" Definitions, is hereby amended to delete the following definition:

ACCESSORY SECOND HOUSING UNIT.

SECTION V:

Orange Municipal Code Section 17.04.021, "B" Definitions, is hereby amended to revise the following definitions in their entirety:

BEDROOM – Any habitable room in a dwelling unit other than a bathroom, kitchen, dining room or living room with the following features: an interior door that can be closed or an opening

into the room in which an interior door or double door can be easily installed; a window; and a closet or room for a wardrobe in addition to a bed. In general, a bedroom may not contain a door directly to the outside, facilities for a sink, refrigerator or microwave, e.g., a wet bar, a kitchenette, or infrastructure that can be easily converted to a wet bar or kitchenette, e.g., GFCI outlets.

SECTION VI:

Orange Municipal Code Section 17.04.026, "G" Definitions, is hereby amended to delete the following definition:

“GRANNY” HOUSING

SECTION VII:

Orange Municipal Code Section 17.04.035, “P” Definitions, is hereby amended to add the following definitions:

PRIMARY RESIDENCE or PRIMARY DWELLING – A residence located on a lot zoned for a residential dwelling(s) and consisting of at least 50% greater floor space than any other dwelling on the lot. A primary residence has direct utility connections, is typically the first residence constructed on a lot, and is the largest unit when an accessory dwelling unit is constructed concurrently. Multi-family structures are a conglomerate of two or more dwelling units that together form the primary residence. Accessory Dwelling Units are not primary residences.

PRINCIPAL BUILDING, - RESIDENTIAL - An existing or proposed legal single-family, duplex, or multiple-family dwelling unit, as contrasted with an accessory structure. An attached garage shall not be considered part of the residential principal building except as specifically stated in this title.

SECTION VIII:

Orange Municipal Code Section 17.10.060.C, “Site Plan Review – When Site Plan Review is Required,” is hereby amended in its entirety to read as follows:

C. When Site Plan Review is Required. Site plan review shall apply to any new use of previously vacant land, new construction, or rehabilitation or expansion of existing structures in all zones. Exception: Site plan review shall not be required for construction of a new single-family residence, ADU or JADU unit that otherwise complies with Government Code section 65852.2, or rehabilitation of an existing single-family residential structure in zoning districts permitting such use. Expansion of an existing single-family residence is also exempt from site plan review.

SECTION IX:

Orange Municipal Code 17.13.030 - Permitted Uses, Table 17.13.030, is hereby amended in pertinent part to read as follows:

Zoning	RES							COMM						MIXED USE					IND			AG/OS		PI	OVERLAY		SAND
LAND USE	R1-5	R1-6 to R1-15	R1-20 to R1-40 & R1-R	R2-6 to R2-8	R-3	R-4	MH	OP	CP/ C1	CTR	C2	C3	CR	OTMU-155	OTMU-15	OTMU-24	NMU-24	UMU	M1	M2	A1	RO	SH	PI	FP-1	FP-2	SG
Housing – Includes all structures permitted as living quarters whether they be for short or long-term occupancy. Includes all uses identified in California Building Code definitions that are preceded with main entry words (key terms) that include one of the following: Dwelling, Unit, House, Housing, Congregate, Residence, Multifamily, Dormitory, Home(s), Hotel, Motel, Residential Care Facility, Residential Facility or, Lodging.																											
Accessory Dwelling Unit	A*	A*	A*	A*	A*	A*	-	A*	A*	A*	A*	A*	-	A*	A*	A*	A*	A*	-	-	A*	-	-	-	-	-	-
Accessory Dwelling Unit, Junior	A*	A*	A*	A*	A*	A*	-	A*	A*	A*	A*	A*	-	A*	A*	A*	A*	A*	-	-	A*	-	-	-	-	-	-

SECTION X:

Orange Municipal Code Section 17.13.040.A, “Special Use Regulations – Accessory Dwelling Unit,” is hereby revised to delete Sections 17.13.040.A.1 through 17.13.040.A.15 in their entirety, and to revise Section 17.13.040.A in its entirety to read as follows:

A. Accessory Dwelling Unit, Including Junior Accessory Dwelling Unit. Accessory Dwelling Units and Junior Accessory Dwelling Units shall comply with Chapter 17.29.

SECTION XI:

Orange Municipal Code Table 17.14.120, “Required Distances Between Buildings,” is hereby revised in its entirety to read as follows:

Table 17.14.120
REQUIRED DISTANCES BETWEEN STRUCTURES

Minimum Required Distance Between Structures on the Same Lot

Principal Structures (a), (b)			Accessory Structures (b)
Number of Structures	Front/Any Other Building Wall	All Other Configurations	Minimum Distance Between Structures
One	N/A	N/A	6 feet
Two to Four	15 feet	8 feet	6 feet
Five or More	25 feet from view allowing windows in one structure to facing windows in any adjacent structure. 15 feet minimum between solid facing walls, or when windows are located on only one facing wall.		6 feet

NOTES:

- (a) For obliquely aligned buildings, the required distance between two principal structures may be decreased by up to five feet if the distance at the opposite corner is increased by an equal or greater distance.
- (b) Excludes patio covers, eaves, canopies, and breezeways.

SECTION XII:

Orange Municipal Code Section 17.14.130, “Minimum Floor Area in R-3 and R-4 Districts,” is hereby revised in its entirety to read as follows:

The minimum floor area for primary residences shall be as follows:

- A. Studio Units. 550 square feet.
- B. Bachelor and One Bedroom Units. 600 square feet.

C. Units Having More Than One Bedroom. 600 square feet plus 150 square feet for each additional bedroom.

SECTION XIII:

Orange Municipal Code Section 17.14.160.B, “Accessory Structures, Garages, and Accessory Dwelling Units – Principal Structure Required,” is hereby revised in its entirety to read as follows:

B. Principal Structure Required. Accessory structures or garages shall only be permitted on a lot developed with an existing legal single-family dwelling unit, duplex dwelling unit, or multiple-family dwelling units under the same ownership. ADUs and JADUs shall only be permitted as authorized in Chapter 17.29. For purposes of this section the term accessory structure shall mean either habitable or non-habitable accessory structures.

SECTION XIV:

Orange Municipal Code Section 17.14.160.C, “Accessory Structures, Garages, and Accessory Dwelling Units – Attached Accessory Structures, Garages, or Accessory Dwelling Units,” is hereby revised in its entirety to read as follows:

C. Attached Accessory Structures, Garages, or Accessory Dwelling Units. Where a garage, accessory structure, or ADU is attached to and made a part of the principal structure, at least fifty percent (50%) of the length of one of the walls of the accessory structure, garage, or ADU shall be an integral part of the principal structure, and the garage or accessory structure shall comply in all respects with the requirements of this title applicable to a principal structure. ADUs shall comply with requirements of Chapter 17.29.

SECTION XV:

Orange Municipal Code Section 17.14.160.D, “Accessory Structures, Garages, and Accessory Dwelling Units – Detached Accessory Structure, Garages, or Accessory Dwelling Units,” is hereby revised in its entirety to read as follows:

D. Detached Accessory Structure, Garages, or Accessory Dwelling Units. Where a garage, accessory structure, or ADU is detached from the principal structure, the setback requirements outlined in Table 17.14.160.D shall apply. Setback requirements in Table 17.14.160.D shall not apply to that portion of an ADU converted from an existing permitted dwelling unit area or, that portion of an ADU converted from an existing permitted accessory structure, or to ADUs qualifying for a lesser setback pursuant to Chapter 17.29.

SECTION XVI:

Orange Municipal Code Table 17.14.160.A is hereby renumbered as Table 17.14.160.D, “Setback Requirements,” and is amended in its entirety to read as follows:

**Table 17.14.160.D
SETBACK REQUIREMENTS**

Detached Accessory Structures, Garages, and Accessory Dwelling Units
Greater than 800 Square Feet

Zone	Minimum Distance from Principal Structure (in feet)	Minimum Front Yard Setback (in feet) (a)	Minimum Interior Side Yard Setback (in feet)	Minimum Street Side Yard Setback of Corner or Reverse Corner Lot (in feet) (a)	Minimum Rear Yard Setback (in feet) (a)
R1-6 through R1-R	6	20	0 (c,d,e,f)	10	0 (b,c,d,e,f)
R2 through R2-8	6	20	0 (c,d,e,f)	10	0 (b,c,d,e,f)
R-3 and R-4	6	20	0 (c,d,e,f)	10	0 (b,c,d,e,f)

NOTES:

- (a) In all cases, detached garages and carports which open onto an abutting street shall be set back a minimum of twenty (20) feet from the property line.
- (b) The accessory structure may abut the rear lot line only if it is not intended for habitation (interior is unfinished, such as a garage, workshop, storage shed, etc.) and the accessory structure and permitted extensions of the primary structure do not cover more than forty percent (40%) of the required rear yard area. Also, a minimum five-foot rear yard setback is required for a corner or reverse corner lot.
- (c) No eave, projection or overhang shall extend over a property line.
- (d) Precautionary measures shall be taken to ensure runoff is deflected away from side and rear property lines.
- (e) Building height shall not exceed ten feet for that portion of the accessory structure or ADU that occurs within the side or rear setback areas, as defined for principal structures.
- (f) Any accessory structure intended for habitation (having a finished interior, insulated ceiling and/or walls, and which can be temperature controlled, such as a guest room, recreation room, office, etc.) or ADU greater than 800 square feet shall conform to the setback requirements for a principal building, unless otherwise authorized by Chapter 17.29, or as required by state law.

SECTION XVII:

Orange Municipal Code Section 17.14.160.E, “Accessory Structures, Garages, and Accessory Dwelling Units – Square Footage Limitation,” is hereby revised in its entirety to read as follows:

E. Square Footage Limitation. The total aggregate square footage of all attached or detached accessory structures on a lot shall not exceed fifty percent (50%) of the square footage of the principal structure, provided that one ADU of 800 or fewer square feet shall be allowed in the event the aggregate is exceeded.

1. Habitable accessory structures greater than 450 gross aggregate square feet are allowed subject to the approval of a conditional use permit by the Zoning Administrator in accordance with Section 17.10.030.E.1.d.

2. Attached and detached garages shall not be considered as living area square footage of the principal structure.

SECTION XVIII:

Orange Municipal Code Section 17.14.160.F, “Accessory Structures, Garages, and Accessory Dwelling Units – Interior Plumbing,” is hereby revised in its entirety to read as follows:

F. Interior Plumbing. Interior sanitation facilities are required for all ADUs. Interior plumbing facilities are permitted in all other accessory structures as follows:

1. Any non-habitable accessory structure, such as a workshop or garage, may contain a utility sink, washer and dryer, and/or water heater or other accessory plumbing facilities deemed similar by the Community Development Director. In the case of residential garages, such facilities are allowed provided that the garage remains available for parking.

2. A conditional use permit is required for plumbing facilities in habitable accessory structures of any size on lots less than 20,000 square feet.

3. No conditional use permit is required for plumbing facilities in habitable accessory structures of less than 450 gross square feet on lots larger than 20,000 square feet.

4. A conditional use permit is required for plumbing facilities in habitable accessory structures of 450 gross square feet or greater on lots larger than 20,000 square feet.

SECTION XIX:

Orange Municipal Code Table 17.14.160.B is hereby renumbered as Table 17.14.160.F, “Plumbing in Accessory Structures,” and is amended in its entirety to read as follows:

**Table 17.14.160.F
PLUMBING IN ACCESSORY STRUCTURES**

	Lot Size <20,000 sq. ft.	Lot Size >20,000 sq. ft.
Non-habitable of any size with washing machine, water heater, utility sink, or other facilities deemed similar by the Community Development Director	P	P
Habitable, less than 450 gross aggregate square feet with plumbing facilities	CUP	P
Habitable, more than 450 gross aggregate square feet with or without plumbing facilities	CUP	CUP
Accessory Dwelling Unit	Per Chapter 17.29	

P - Permitted

CUP - Conditional Use Permit (Zoning Administrator)

SECTION XX:

Orange Municipal Code Chapter 17.29, “Accessory Dwelling Units and Junior Accessory Dwelling Units,” is hereby added to read as follows:

Chapter 17.29 – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

17.29.010 - Purpose and Intent.

The purpose of this chapter is to comply with state law pertaining to Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) and further the implementation of the General Plan.

17.29.020 - Permitted Uses.

A. Table 17.13.030 indicates all zones where ADUs and JADUs may be permitted subject to the regulations in this chapter.

B. ADUs are limited to properties zoned to allow single-family or multifamily dwellings when the property includes a proposed or existing primary residence in the form of a single-family or multifamily dwelling. Properties zoned to allow residential uses exclusively as an accessory use, or as a use that is not permanent long-term housing, shall not be eligible for an ADU or JADU unless the property is exclusively developed with a primary, legal-nonconforming, long-term, permanent residential use.

C. JADUs are limited to properties zoned to allow single-family dwellings when the property includes a proposed or existing primary residence in the form of a single-family dwelling.

D. ADUs and JADUs shall be an accessory use only, as defined herein.

E. ADUs may be located in an accessory structure. JADUs shall be located in a portion of a proposed or existing primary residence in the form of a single-family dwelling.

17.29.030 – Applications for ADUs or JADUs

A. Application Form Required. A completed Community Development Department Accessory Dwelling Unit Application (ADU Application) provided by the Planning Division of the Community Development Department is required for an ADU or JADU.

B. Application Fee. A fee commensurate to the fee schedule cost for Administrative Design Review shall be charged for review and ministerial approval of a completed application.

C. Contents of Applications. The completed ADU Application shall include the application and all required application materials specified in the application packet.

D. Acceptance of Applications. A Community Development Department ADU Application shall be accepted and deemed complete upon receipt by the City of all information and submittal materials required in the application submittal checklist, including review fees.

E. Ministerial Approval of Applications. An ADU Application shall be considered without discretionary review or a hearing and approved ministerially if it meets the requirements of this chapter.

F. Processing Time. The City shall act on the ADU Application to create an ADU or a JADU within 60 days from the date an application is deemed complete.

1. If the ADU Application is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the ADU Application until the City permits the new single-family dwelling, but the ADU Application shall be considered without discretionary review or hearing.

2. If the applicant requests a processing delay, the 60-day time period shall be tolled for the period of the delay.

G. Building Permit Required. Subsequent to an approved ADU Application, a building permit application shall be submitted with required plans for plan check and shall be processed subject to requirements and timelines equal to plan checks with commensurate floor area and building type.

17.29.040 – Location and Number of ADUs and JADUs Permitted.

A. Allowable Location and Number of JADUs.

1. JADUs are allowed only within the livable area of an existing or proposed single-family dwelling, or existing attached garage of a single-family dwelling.

2. One JADU is permitted per lot, if all of the following apply:

a. No expansion of the single-family dwelling or garage footprint shall occur to facilitate JADU construction.

b. The JADU shall comply with the requirements of Government Code Section 65852.22, Health and Safety Code Section 17958.1, and the California Building Code including:

(1) Prior to occupancy, the JADU shall have a recorded deed restriction, satisfactory to the City, that prohibits the sale of the JADU separate from the sale of the single-family residence and shall include a statement that the deed restriction may be enforced against future purchasers and shall run with the land.

(2) The JADU shall be restricted to the size and attributes shown on plans approved with the building permit.

(3) JADU occupancy shall be limited to no more than two persons consistent with California Health and Safety Code Section 17958.1.

(4) The JADU shall be constructed entirely within the walls of the proposed or existing single family residence and may be located within an attached garage but may not be in any other accessory structure.

(5) The JADU shall include exterior access separate from the main entrance to the proposed or existing single-family residence.

3. The JADU shall, at a minimum, include all the following:

a. An efficiency kitchen with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front.

b. Storage cabinets that are of reasonable size in relation to the size of the JADU.

c. A separate closet.

d. Light and ventilation conforming to the California Building Code.

e. Either a separate bathroom containing a water closet, lavatory, and bathtub or shower or direct access to such facilities in the existing single-family residence.

B. Allowable Location and Number of ADUs.

1. Pursuant to the regulations of this chapter, ADUs shall be either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure, or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

2. One ADU is permitted on a lot with a proposed or existing single-family dwelling.

3. Attached ADUs are allowed within the proposed or existing living area of a single-family dwelling, or within existing non-habitable space attached to a single-family dwelling, including attached garages. New construction ADUs attached to an existing single-family dwelling are allowed as follows:

a. One attached ADU is permitted per lot, where no detached ADU exists. An existing JADU may be converted to an attached ADU permitted by this subsection if no attached or detached ADU exists.

b. In addition to meeting all requirements of this chapter, the following shall apply:

(1) Expansions of existing non-habitable accessory structures attached to the primary single-family dwelling or expansions of existing living area for the creation of an ADU, including attached garages, shall not exceed the following:

i. That square footage needed to bring the total square footage of the ADU up to 850 square feet for a one bedroom unit or 1000 square feet for a two or more bedroom unit, when zoning district setbacks are maintained.

ii. 800 square feet where setbacks less than zoning district standards but not less than four-feet can be maintained.

iii. No more than 150 square feet beyond the same physical dimensions of the converted space, only if needed to accommodate ingress and egress, which may occur in side or rear setbacks if acceptable for fire and safety.

(2) The ADU shall have exterior access separate from the main entrance of the proposed or existing single-family dwelling.

4. Detached, new construction or repurposed existing accessory structure conversion ADUs on a lot with a proposed or existing single-family dwelling are allowed as follows:

a. One detached, new construction, or repurposed existing accessory structure conversion ADU is permitted per lot with a proposed or existing single-family dwelling where no attached ADU exists.

b. In addition to meeting all requirements of this chapter, distances between buildings shall be provided pursuant to Table 17.14.120, unless legal nonconformity of a repurposed building exists pursuant to Chapter 17.38.

5. ADUs within portions of existing multifamily dwelling structures are allowed as follows:

a. A minimum of one ADU and a maximum of up to 25 percent of the number of existing multifamily dwelling units are permitted within existing multifamily dwelling structures. The ADUs must be within the portions the existing multifamily dwelling structure that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

b. In addition to meeting all requirements of this chapter, the following shall apply:

(1) All calculations resulting in fractional units shall be rounded down to the nearest whole number.

(2) An ADU greater than 800 square feet shall not exceed fifty percent (50%) of the square footage of the largest multifamily dwelling unit.

(3) Addition of another principal dwelling unit to a lot is not permitted as long as an ADU is present.

6. Detached ADUs on lots with an existing multifamily dwelling are allowed as follows:

a. Not more than two detached ADUs are permitted.

b. In addition to meeting all requirements of this chapter, the following shall apply:

(1) Distances between buildings shall be provided pursuant to Table 17.14.120

(2) Addition of another principal dwelling unit to a lot is not permitted as long as an ADU is present.

17.29.050 – JADU and ADU Maximum Size.

A. Junior Accessory Dwelling Units.

1. A JADU may not be smaller than the minimum efficiency unit size established in Health and Safety Code Section 17958.1, currently set at 150 square feet.

2. A JADU may not exceed 500 square feet.

B. Accessory Dwelling Units.

1. No ADU with fewer than two bedrooms may exceed 850 square feet except for ADUs constructed within the living area of an existing single-family dwelling or existing floor area of a detached accessory structure.

2. No ADU with two or more bedrooms may exceed 1,000 square feet, except for ADUs constructed within the living area of an existing single-family dwelling or existing floor area of a detached accessory structure.

3. When an ADU is constructed solely through the conversion of an existing building or structure or in the same location and to the same dimensions as an existing structure, it shall be limited in size to the existing square footage of the building or structure converted or replaced, except that the existing building or structure may be expanded up to 150 sq. ft. for the purposes of ingress and egress to the ADU only.

17.29.060 – Ratio of ADU to Primary Dwelling Size.

A. Single-Family Dwellings. The total floor area of either an attached or detached ADU shall not exceed fifty percent (50%) of the existing primary single-family dwelling, provided that an ADU of at least 800 square feet is permitted.

B. Multi-Family Dwellings. An ADU greater than 800 square feet shall not exceed fifty percent (50%) of the square footage of the largest existing multifamily dwelling unit, provided that an ADU of at least 800 square feet is permitted.

17.29.070 – ADUs and JADUs in Density Calculations.

A. ADUs and JADUs shall not be considered to exceed the allowable density for the lot upon which they are located.

B. Although ADUs and JADUs are not considered as exceeding allowable density for the lot, the square footage of all the structures on a lot, including existing ADUs and JADUs, and both habitable and non-habitable accessory structures are to be included in calculations toward maximum floor area ratio or lot coverage for additions to the primary dwelling unit, including JADUs, and for the construction of any subsequent accessory structures.

17.29.080 – ADU Setbacks.

A. Any Size ADU Within Existing Building Area. No setback shall be required for 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 ADU or to a portion of an ADU. Portions of the ADU constructed outside of the existing structure shall comply with the setbacks of the zoning district.

B. ADUs of 800 Square Feet or Less.

1. Setbacks of no more than four feet from the side and rear lot lines shall be required for an ADU that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

2. Front setbacks shall be pursuant to the setback for the zoning district.

3. An Administrative Adjustment may not be granted to lessen required setbacks.

C. ADUs greater than 800 Square Feet.

1. Side and rear setbacks of no more than four feet shall be required for any ADU in excess of 800 square feet.

2. Front setbacks shall be pursuant to the setback for the zoning district.

D. Fire and Safety Setbacks. Setbacks in all instances shall be sufficient for fire and safety, as determined by City fire and safety personnel.

17.29.090 - ADU and JADU Design Standards.

A. The City may apply design standards on ADUs to prevent adverse impacts on any real property that is listed in the California Register of Historic Resources.

B. The City may impose standards including, but not limited to, design, development, and historic district design standards on ADUs. ADUs in a historic district shall adhere to the Historic Preservation Design Standards for that district.

C. For all new construction ADUs, roof forms and pitch shall match the principal residence.

D. Any garage door(s) shall be removed from a garage or other accessory structure that is converted to an ADU or JADU, and the opening shall be treated and finished to match the building.

E. Exception. An ADU or JADU that complies with the requirements of Government Code section 65852.2(e) shall not be subject to design and development standards unless otherwise provided herein.

17.29.100 - Lot Size.

There shall be no minimum lot size in order to construct an ADU or JADU.

17.29.110 - Number of Bedrooms.

To ensure the accessory status of ADUs, to provide for reasonable livability, and to accommodate differing bedroom counts to fulfill diverse living needs in the community, the number of bedrooms in an ADU or JADU shall be proportionate to the square feet of living area for the ADU or JADU as follows:

- A. ADUs or JADUs 150 to 500 square feet shall be limited to one bedroom.
- B. ADUs 501 to 1,000 square feet shall be limited to two bedrooms.
- C. ADUs created from repurposed accessory structures having more than 1,000 square feet may have one additional bedroom for each 500 square foot increment of living area.

17.29.120 - Rental, Occupancy, and Conveyance.

- A. An ADU may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.
- B. Owner occupancy is not required for an ADU or primary residence until after January 1, 2025, at which time owner occupancy shall be required for new ADUs if the applicable provision of state law is not extended.
- C. Owner-occupancy is required for a single-family dwelling with a JADU. The owner may reside in either the remaining portion of the single-family dwelling or in the JADU. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
- D. ADU and JADU rentals shall be for a term longer than 30 days and shall not be eligible as a short term rental.

17.29.130 – Parking.

A. No additional parking shall be required in association with the creation of a JADU. However, any required parking for the primary residence that is eliminated for the creation of a JADU shall be replaced on-site in conformance with all requirements of Chapter 17.14.

B. Except as specified in Section 17.29.130.D, an ADU requires one additional parking space per ADU or per bedroom, whichever is less.

1. Required parking spaces may be provided as tandem parking on a driveway only if the required parking space is not within the setback established for the zoning district.

2. Required parking spaces may also be provided in a tandem configuration within a carport or garage meeting the setback requirements of the zoning district.

3. Each parking space must maintain 20 feet deep by 10 feet wide interior clear dimensions.

4. In the event that required ADU parking is unable to be provided pursuant to subsections 1 or 2 above, and the parking area meeting the dimensions of subsection 3 can be accommodated on-site within required setbacks, an alternate parking location shall be determined by the Community Development Director.

C. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off street parking spaces are not required to be replaced. Only those portions of garage, carport, or covered parking structure necessary to accommodate the ADU are authorized for demolition. Any remaining area with interior dimensions of at least 18 feet long by 9 feet wide shall remain as parking when required for the primary residence.

D. No parking is required for an ADU in any of the following instances:

1. The ADU is located within one-half mile walking distance of public transit as defined by the Department of Housing and Community Development.

2. The ADU is located within an architecturally and historically significant historic district.

3. The ADU is part of the proposed or existing primary residence or an accessory structure.

4. In the event on-street parking permits are required but not offered to the occupant of the ADU.

5. When there is a permanently reserved parking space or parking facility specifically for a car share vehicle located within one block of the accessory dwelling unit.

17.29.140 - Open Space.

Open space requirements of Sections 17.14.110 and 17.19.090 are not applicable for the construction of an ADU up to 800 square feet but shall apply for an ADU greater than 800 square feet.

17.29.150 – ADU and JADU Height.

ADUs and JADUs may not exceed the greater of 16 feet in height or the height of existing space being converted.

17.29.160 - Nonconformities.

A. The correction of nonconforming zoning conditions shall not be required for the creation of an ADU or JADU. However, all space for occupancy and all newly permitted construction must meet fire and building and safety codes.

B. A single-family residentially designated property with an existing legal or legally non-conforming accessory dwelling unit shall not be considered a multiple-family property and the existing, subsequently constructed, dwelling unit shall be considered an ADU, regardless of size, location, or configuration.

17.29.170 - Fire Sprinklers.

The installation of fire sprinklers shall not be required in an ADU if sprinklers are not required for the primary residence. Construction of an ADU may impose fire sprinkler requirements for the primary residence and ADU.

17.29.180 – Impact Fees.

No impact fees shall be imposed upon the development of an ADU less than 750 square feet. Impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

17.29.190 – Prohibited Dwelling Units.

A. The following ADUs and JADUs proposed or created after adoption of this ordinance are prohibited:

1. Any ADU or JADU with no primary dwelling existing or proposed on-site.
2. An attached or detached ADU greater than 1,000 square feet except for an ADU constructed within the floor area of an existing single-family dwelling or existing detached accessory structure.

3. An ADU with one or fewer bedrooms and greater than 850 square feet except for an ADU constructed within the floor area of an existing single-family dwelling or existing detached accessory structure.

4. An ADU on property not zoned for single-family residential, duplex residential, multi-family, or mixed use. An exception shall be for properties developed with an existing legal single-family residence, continually used as a residence, as the sole use of the property and the property is legally nonconforming only due to non-residential zoning.

5. A JADU on any property that does not consist of a single-family residence as the primary use.

6. A JADU over 500 square feet.

7. Any ADU or JADU that does not meet the requirements of this chapter.

B. The following are not an ADU or JADU and may not be occupied as a permanent dwelling unit in any residential zoning district nor may permanent utility connections be provided for them:

1. Park trailers as defined in Health and Safety Code Section 18009.3.

2. Recreational vehicles as defined in Health and Safety Code Section 18010.

3. Trailer coaches as defined in Vehicle Code Section 635.

17.29.200 - Deed Restriction Required

Recordation of a deed restriction, approved as to form by the City Attorney, shall be required for any ADU or JADU and shall:

A. Run with the land.

B. Be filed with the City after recording.

C. Prohibit the sale of the ADU or JADU separate from the sale of the primary dwelling.

D. Include a statement that the deed restriction may be enforced against future purchasers.

E. Deed restrictions for JADUs shall restrict the size and attributes as stated in the permit.

17.29.210 – General ADU requirements

- A. No passageway shall be required in conjunction with construction of an ADU.
- B. An ADU shall have an individual numeric address provided on-site in a location visible from the public right-of-way. Numbers shall be assigned by the Department of Public Works.
- C. No fencing that separates an ADU from the existing or proposed primary single family dwelling is permitted.
- D. The occupants of a JADU or ADU shall be permitted egress over all areas of the property that are not covered with a structure.
- E. If ambiguity arises concerning the application of any provisions of this chapter, the Community Development Director shall provide an interpretation in furtherance of state law for the provision of housing.

SECTION XXI:

Orange Municipal Code Table 17.34.060.A, “Off-Street Parking and Loading – Required Number of Parking Spaces for Residential Uses,” is hereby amended in its entirety to read as follows:

**Table 17.34.060.A
REQUIRED NUMBER OF PARKING SPACES FOR RESIDENTIAL USES**

USE	REQUIRED NUMBER OF SPACES
Accessory Dwelling Unit	Parking shall be provided as specified in Chapter 17.29.
Single-family Dwelling	2 enclosed garage spaces/unit up to 4 bedrooms accessed by a 12 foot wide 20 foot long driveway. For 5 or more bedrooms, 1 additional enclosed space. For bedroom additions to homes built prior to the effective date of Ordinance 17-08, refer to Section 17.34.020.A. Enclosed or covered spaces demolished or converted by creation of an ADU shall not require replacement.
	For PUDs, units with 3 or more bedrooms shall provide an additional 1.5 guest parking spaces per dwelling unit. Of this requirement, 1 open parking space may be provided at the residence subject to compliance with Section 17.16.060.

Duplex, Duplex Residential		2 parking spaces per unit, one of which shall be in an enclosed garage. Enclosed or covered spaces demolished or converted by creation of an ADU shall not require replacement.		
Multifamily Residential (3 units or more)	Development Size—3 units to 50 units		Development Size—51+ Units	
	If unenclosed resident parking is provided (e.g. parking structure, surface parking lots, carports):	If enclosed resident parking is provided:	If unenclosed resident parking is provided (e.g. parking structure(s), surface parking lots, carports):	If enclosed resident parking is provided:
	Studio—1.3 spaces/unit	Studio—1.4 spaces/unit	Studio—1.2 spaces/unit	Studio—1.4 spaces/unit
	One Bedroom—1.8 spaces/unit	One Bedroom—1.9 spaces/unit	One Bedroom—1.7 spaces/unit	One Bedroom—1.9 spaces/unit
	Two Bedroom—2.3 spaces/unit	Two Bedroom—2.3 spaces/unit	Two Bedroom—2.0 spaces/unit	Two Bedroom—2.3 spaces/unit
	Three Bedrooms—2.6 spaces/unit	Three Bedrooms—2.6 spaces/unit	Three Bedrooms—2.4 spaces/unit	Three Bedrooms—2.6 spaces/unit
	Each additional bedroom above three—0.4 spaces/bedroom/unit	Each additional bedroom above three—0.5 spaces/bedroom/unit	Each additional bedroom above three—0.3 spaces/bedroom/unit	Each additional bedroom above three—0.5 spaces/bedroom/unit
	<ul style="list-style-type: none"> • Of the above requirements a minimum of one space per unit shall be covered. A minimum of 0.2 spaces per unit shall (with a minimum of two guest spaces in a multifamily development) be provided as easily accessible and distinguishable guest parking in addition to the required parking for each unit. • For multifamily residential units without driveways that are at least 18 feet in length, a minimum of 0.3 spaces per unit shall (with a minimum of two guest spaces in a multifamily residential development) be provided as easily accessible and distinguishable guest parking in addition to the required parking for each unit. • If a space that would otherwise meet the definition of a room or bedroom omits one of four encompassing walls, that room shall not be counted as a bedroom for purposes of calculating required number of parking spaces. • Enclosed or covered spaces demolished or converted by creation of an ADU shall not require replacement. 			

SECTION XXII:

To the extent required to implement the provisions of this Ordinance, City staff is directed to modify any Administrative Policies in conflict herewith and return to the City Council for any City Council approvals deemed necessary.

SECTION XXIII:

If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION XXIV:

The City Clerk is hereby directed to certify the adoption of this Ordinance and cause a summary of the same to be published as required by law. This Ordinance shall take effect thirty (30) days from and after the date of its final passage.

ADOPTED this 13th day of April, 2021.

Mark A. Murphy, Mayor, City of Orange

ATTEST:

Pamela Coleman, City Clerk, City of Orange

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF ORANGE)

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the 9th day of March, 2021, and thereafter at the regular meeting of said City Council duly held on the 13th day of April, 2021 was duly passed and adopted by the following vote, to wit:

AYES: COUNCILMEMBERS: Murphy, Nichols, Monaco, Barrios, Dumitru, Gutierrez
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

Pamela Coleman, City Clerk, City of Orange