



COMMUNITY DEVELOPMENT AND
SUSTAINABILITY DEPARTMENT
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Accessory Dwelling Units and Guest Houses

Purpose: For ease of reference, this handout explains the development standards for accessory dwelling units and guest houses contained in Municipal Code Sections 40.01.010, 40.03.040A, 40.26.010, 40.26.450 and 40.30A. This handout does not include the Downtown and Traditional Residential Neighborhood Guidelines Area. Listed below are the definitions, permit processes, and standards for Secondary Dwelling Units and Guest Houses.

Definitions

Accessory Dwelling Unit: Any residential dwelling unit which provides complete independent living facilities on the same parcel where at least, but no more than, one legal single-family residence exists and includes the permanent provisions for living, sleeping, eating, cooking, and sanitation (also known as secondary dwelling unit, “granny” unit, in-law unit, etc.).

Guest House: Living quarters or conditioned space within an accessory building for the use of persons living or employed on the premises, or for temporary use by guests of the occupants of the premises. Such quarters may have bathroom facilities (toilet, sink, tub/shower) and shall have no kitchen facilities. Such quarters shall not be rented or otherwise be used as a separate dwelling.

Permit Processes

Ministerial: A project which only requires a building permit is considered “ministerial.” Any application for an accessory dwelling unit that meets the location and development standards contained in Section 40.26.450 (Ministerial Accessory Dwelling Units) shall be approved by the Planning Division ministerially without discretionary review, neighborhood noticing, or public hearing.

Discretionary: A project which requires review and approval through a planning application process, prior to submitting a building permit application, is considered “discretionary.” A proposed accessory dwelling unit that does not meet the standards for ministerial approval may be considered through an Administrative Use Permit (AUP) process. Guest houses also require an AUP. Some of the location and development standards are more lenient with discretionary review than those required for ministerial approval. Discretionary review allows staff and the general public to provide input regarding the proposed project during the review period. The AUP review requires a planning application, processing fees, four to six weeks to process, and a notice to neighbors and property owners within 500 feet of the project. See the reverse page for the standards of both ministerial and discretionary accessory dwelling units, and discretionary guest houses.

Submittal Requirements for Ministerial Approval

Applications for accessory dwelling units that meet the standards for ministerial approval require a building permit. The application must include the following documents in addition to those that may be required by the Building Division:

- Plot Plan (Drawn to Scale). Dimension the perimeter of the parcel on which the accessory dwelling unit will be located. Indicate the location and dimensioned setbacks, and dimensions of all existing and proposed structures on the site. Provide location and dimensions of all easements, right-of-way(s), parking, and paved areas.
- Floor Plans. Complete floor plans of both existing and proposed conditions shall be provided. Each room shall be dimensioned and resulting floor area calculation included. The use of each room shall be labeled. The size and location of all doors, closets, walls, and cooking facilities shall be clearly depicted.
- Elevations. North, south, east, and west elevations that show all exterior structure dimensions, all architectural projections, and all openings for both the primary residence and the proposed accessory dwelling unit.
- Floor Area Ratio, Usable Open Space and Lot Coverage calculations. Rear-yard coverage calculation if within the rear setback area for the house.

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Accessory Dwellings Units and Guest Houses

Structure	Development Standards: Accessory Dwelling Units & Guest Houses												
Code Reference	Front Yard Setback	Rear Yard Setback	Interior Side Setback	Street Side Setback	Maximum Height	Min. Dist. From Other Structures	Lot Coverage	Usable Open Space	Rear Yard Coverage	Parking Requirement	Floor Area Ratio (FAR)	Maximum Size	Building Permit Required
Ministerial Attached 2nd Unit	Same as Primary Dwelling Unit	Same as Primary Dwelling Unit (a)	Same as Primary Dwelling Unit (a)	Same as Primary Dwelling Unit	Same as Primary Dwelling Unit	In conformance with building code	Same as Primary Dwelling Unit (typically 40% max.)	Same as Primary Dwelling Unit (typically 20% min.)	30% max. in all cases	No additional parking required	Included in FAR of Primary Dwelling (In most cases 40%)	10% of lot size or 800 sq. ft., whichever is less	Yes
Ministerial Detached 2nd Unit	15 feet	10 feet (zero feet for alley) 5 feet with CUP (a)(b)	5 feet (zero feet for alley) (a)	Same as Primary Dwelling Unit	15 ft	In conformance with building code	50% max. for all structures combined	Same as Primary Dwelling Unit (typically 20% min.)	30% max. in all cases	No additional parking required	Included in FAR of Primary Dwelling (In most cases 40%)	10% of lot size or 800 sq. ft., whichever is less	Yes
Discretionary ADU with AUP – Attached or Detached	15 feet for 1 st and 2 nd story	10 feet for 1 st and 2 nd story (zero feet for alley) 5 feet with CUP (a)(b)	5 feet for 1 st and 2 nd story (zero feet for alley) (a)	15 feet for 1 st and 2 nd story	30 ft	In conformance with building code	50% max. for all structures combined	Same as Primary Dwelling Unit (typically 20% min.)	30% max. in all cases	One additional parking space	Included in FAR of Primary Dwelling (In most cases 40%)	1200 sq. ft.	Yes
Discretionary Detached Guest House with AUP	15 feet	10 feet (zero feet for alley) 5 feet with CUP (b)	5 feet (zero feet for alley)	Same as Primary Dwelling Unit	15 feet may be increased with a CUP by PC	6 feet	50% max. for all structures combined	Same as Primary Dwelling Unit (typically 20% min.)	30% max. in all cases	No additional parking required	Included in FAR of Primary Dwelling (In most cases 40%)	No specific size limit	Yes

- (a) The minimum interior side yard and rear yard setbacks shall be 3 feet for accessory dwelling units if said yards adjoin: an alley, park, greenbelt, or a zoning district other than a district which principally permits single-family dwellings or two-family dwellings (that is, R-1, R-2 and Planned Development districts of a similar nature excluding the R-2 CD district). The other districts include those which principally permit multiple-family dwellings, nonresidential uses, agriculture, public and semipublic facilities, or similar principal permitted uses.
- (b) Section 40.26.010 (Accessory Buildings/Structures) of the Zoning Code states that an applicant may apply for a CUP to reduce the required 10' rear setback for an accessory structure to a minimum of 5' for lots not adjoining an alley. Such CUP shall be reviewed by the Planning Commission.

Other standards:

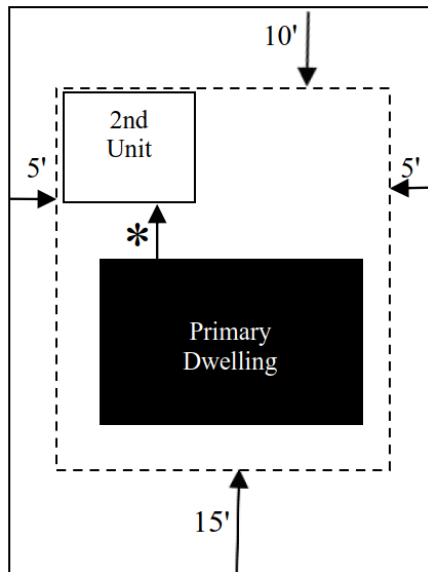
- **Ministerial Garage Conversion:** No setback shall be required for an existing garage that is converted to a ministerial accessory dwelling unit, or to a portion of a ministerial accessory dwelling unit.
- **Ministerial Units Above Garage:** A setback of no more than five feet from the side and rear lot lines shall be required for a ministerial accessory dwelling unit constructed above a functional garage.
- **Ministerial Conversion of Habitable Accessory Structure:** Conversion of an existing habitable structure, such as a pool house or studio, shall be permitted provided the structure has access to a street or alley independent from the primary residence, and the side and rear setbacks are sufficient for fire safety.
- **Number of Units Per Lot:** A maximum of one accessory dwelling unit or one guest house may be permitted on any lot zoned for single family residential, where at least one, but no more than one, single family residence exists on the property. No ministerial accessory dwelling unit will be permitted on a property containing two or more dwellings.
- **Parking:** See Municipal Code Sections 40.25.070 and 40.25.080 for standards related to driveway and parking improvements, location, dimensions.

Accessory Dwellings Units and Guest Houses (Ministerial Process)

Note: These setbacks are for example purposes only. Setbacks for a parcel can be obtained from the Community Development Department. This handout does not include parcels subject to the Davis Downtown and Traditional Residential Neighborhood Guidelines.

Example of Detached Ministerial Accessory Dwelling Unit:

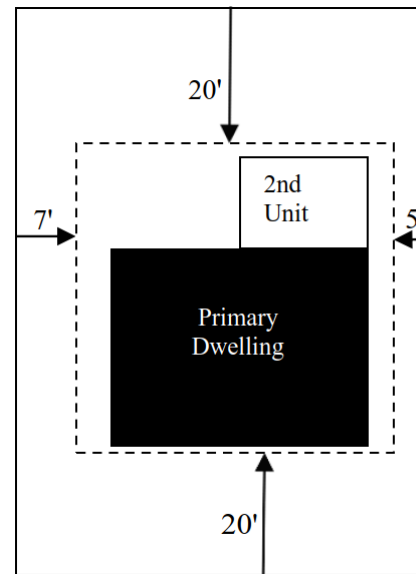
Plan view of typical lot with accessory structure setbacks. The dashed line represents the minimum setbacks for the accessory dwelling unit.



* Separation of structures per building code

Example of Attached Ministerial Accessory Dwelling Unit:

Plan view of typical lot with typical R-1 setbacks. The dashed line represents the minimum setbacks for the primary dwelling and for the accessory dwelling unit.



Accessory Dwellings Units and Guest Houses (Discretionary "Administrative Use Permit" Process)

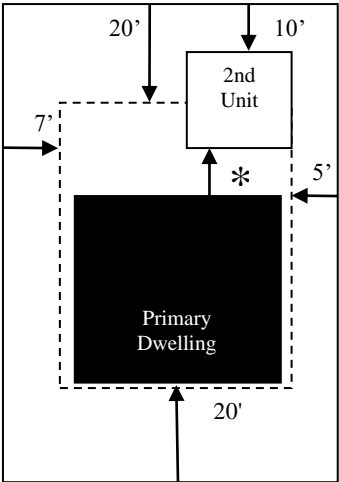
Note: These setbacks are for example purposes only. Setbacks for a parcel can be obtained from the Community Development Department. This handout does not include parcels subject to the Davis Downtown and Traditional Residential Neighborhood Guidelines.

Example of Attached or Detached Accessory Dwelling Unit through Administrative Use Permit (AUP)

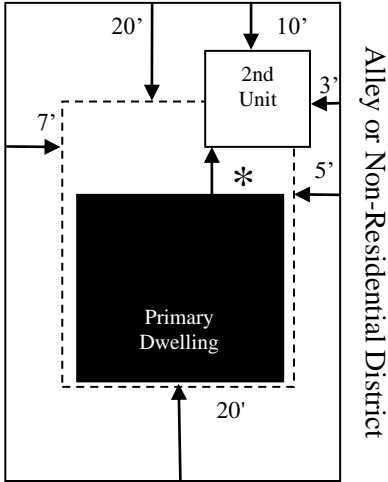
Plan view of typical lot with typical R-1 setbacks.
The dashed line represents the primary structure minimum setbacks.

Example illustrates a detached (or attached) Secondary Unit outside the primary structure's rear setback, but within the setbacks permitted with an AUP in the R-1 district.

Example illustrates a detached (or attached) Secondary Unit outside the primary structure rear setback, but with an interior side yard on the right side adjoining an alley or non-residential district.



*Separation of structures per building code or attached



*Separation of structures per building code or attached

