



City of  
**BUENA PARK**  
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## ACCESSORY DWELLING UNITS & JUNIOR ACCESSORY DWELLING UNITS

Adopted June 2025

### 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 (ADU) and junior accessory dwelling units (JADU) in compliance with California Government Code Sections 66314-66339, and to provide local standards for the development of accessory dwelling units and junior accessory dwelling units so as to increase the supply of smaller and affordable housing units in the city while ensuring that such units remain compatible with existing neighborhoods. An accessory dwelling unit also includes a manufactured home, as defined in Section 18007 of the Health and Safety Code.

- B. **Submittal Requirements and Application Processing.** Any application for an accessory dwelling unit or junior accessory dwelling unit shall include a site plan, floor plan, demolition 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.

If the City denies an application for an ADU or JADU, the City shall, within the 60-day period, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and provide a description of how the application can be corrected by the applicant.

Applications to replace a detached garage with an ADU shall require a demolition permit for the garage. The demolition permit will be reviewed with the application for the ADU and issued at the same time as the permit to construct the ADU.

- C. **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 (Single Family Residential Zones) of this Title 19 (Zoning), 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 the standards of this section, accessory dwelling units may be attached, detached, or located within an existing primary residence, which shall include an attached garage, or existing

accessory structure. Junior accessory dwelling units shall only be allowed on lots zoned for single-family residential use and which are developed with or are proposed to be developed with a single-family dwelling.

**2. Minimum Lot Size and Allowable Density.** Minimum lot size and density requirements shall not be applicable when determining minimum lot size or allowable density for development of an accessory dwelling unit or junior accessory dwelling unit.

**3. Height of Structure.** The height of an accessory dwelling unit shall not exceed sixteen (16) feet when measured from grade except as follows:

- a. Notwithstanding Section C.3 above, on single-family zoned lots, if the ADU is attached to the primary dwelling unit, the maximum height is two (2) stories not to exceed thirty (30) feet, or as high as the existing two-story primary dwelling unit, whichever is lower.
- b. Notwithstanding Section C.3 above, the maximum height of a detached ADU on a lot zoned for multifamily residential or residential mixed-use which are developed or proposed to be developed with a multifamily, multistory dwelling is 20 feet.
- c. Notwithstanding Section C.3 above, if a parcel contains an existing or proposed single-family or multifamily dwelling unit is located within one half of one mile of a “major transit stop” or a “high quality transit corridor” as those terms are defined in Section 21155 of the Public Resource Code, the maximum height of a detached ADU is 20 feet, measured from existing finished grade to the highest point of the roof.

**4. Access.** Any external access staircase for the accessory dwelling unit, whether attached or detached, shall not be located on street facing elevation(s) of the single-family or multi-family dwelling unit(s), as applicable.

**5. Setbacks.**

- a. An existing living area or accessory structure that is converted to an accessory dwelling unit, or an accessory dwelling unit that is constructed in the same location and to the same dimensions as an existing living area or accessory structure, may maintain the existing setbacks applicable to the existing area or structure. Any other accessory dwelling unit must maintain a minimum setback of four (4) feet to the rear-yard property line and four (4) feet to the side-yard property line.
- b. Any second story windows, decks, balconies or landing shall provide screening to minimize the loss of privacy for neighboring properties. A minimum second story balcony side or rear yard setback of 5 ft. to the property line shall be provided.
- c. An ADU that complies with all other applicable development standards may be built within the front yard setback of a lot if it is otherwise physically infeasible to build such an ADU on other areas of the lot while maintaining the minimum rear and side yard setbacks outlined in this Subsection (C)(5).

## **6. Number of Dwelling 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 to one (1) of the following options:
  - i. ADU Conversion. One (1) accessory dwelling unit may be located within an existing single-family dwelling or existing accessory structure, or within a single-family dwelling that is proposed to be constructed. Accessory dwelling units that are located within an existing accessory structure may include an expansion of not more than one hundred fifty (150) square feet beyond the existing or proposed physical dimensions of the structure for the exclusive purpose of accommodating ingress and egress to the accessory dwelling unit.
  - ii. New ADU. One (1) detached or attached newly constructed accessory dwelling unit may be located on lots which contain an existing single-family dwelling or which are proposed to be developed with a single-family dwelling.
  - iii. Junior ADU. One (1) junior accessory dwelling unit may be located within a single-family dwelling, which shall include an attached garage, or within a single-family dwelling that is proposed to be constructed. The junior accessory dwelling unit conversion may include an expansion of not more than one hundred fifty (150) square feet beyond the existing physical dimensions of the single-family dwelling only for the purpose of accommodating ingress and egress to the junior accessory dwelling unit.
  - iv. Unit Combinations. One (1) junior accessory dwelling unit under subsection C.6.a.iii above, plus one (1) detached accessory dwelling unit under subsection C.6.a.i or subsection C.6.a.ii above, may be located on lots which are or are proposed to be developed with a single-family dwelling.
- b. Multifamily Zones and Mixed Use Zones. The number of accessory dwelling units that may be constructed on any lot in multifamily residential zones and mixed use zones is limited as follows:
  - i. A maximum of two (2) newly constructed detached accessory dwelling units may be constructed on lots which are proposed to be developed with a multi-family dwelling unit.
  - ii. A maximum of eight (8) newly constructed detached accessory dwelling units may be constructed on lots which are developed with

multifamily dwelling units. However, the number of accessory dwelling units allowable shall not exceed the number of existing non-accessory dwelling units on the lot.

- iii. 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. The number of accessory dwelling units that may be developed within an existing multifamily dwelling shall not exceed 25 percent of the existing dwelling units within the multifamily dwelling structure (not counting any accessory dwelling units). At least one (1) such accessory dwelling unit conversion is permitted under this subsection. All such units shall comply with applicable fire and building code requirements.
- iv. Junior accessory dwelling units are not permitted in multifamily residential zones.

## **7. Dwelling Size.**

- a. Newly constructed attached or detached accessory dwelling units shall not exceed 850 square feet for an accessory dwelling unit that provides up to one bedroom, and shall not exceed 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.
- b. The total floor area of any attached or detached accessory dwelling unit or a junior accessory dwelling unit shall be of a minimum of 150 square feet, or as specified in Section 17958.1 of the California Health and Safety Code.
- c. 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 this Title. Parking is limited to lawfully paved areas approved by the City. No parking for the accessory dwelling unit is required if any one (1) of the following conditions are met:

- a. The unit is located within one-half of one 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 single family dwelling or an accessory building.
- d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

- e. When there is a car share vehicle located within 1 block of the unit.
- f. When an existing garage, carport, or covered parking structure is demolished in conjunction with the development or conversion of an ADU, replacement off-street parking for the main dwelling unit shall not be required.
- g. When a permit application for an ADU is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the ADU or the parcel satisfies any other criteria listed in this paragraph.

**9. Location of Parking.** Parking required or proposed 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 side or rear yard setback subject to screening.
- e. Within the required front yard setback.
- f. Parking in setbacks and tandem driveway parking remain subject to the Building Code regarding egress and any other applicable site specific fire and/or life safety conditions of approval as determined by the Building Official.
- g. Onsite parking required for the accessory dwelling unit shall be maintained and available for parking purposes at all times.

**10. Vehicular Access.**

- a. The accessory dwelling unit shall utilize the same vehicular access that serves the existing main dwelling unit, unless:
  - i. The accessory dwelling unit has access from an alley contiguous to the lot; or
  - ii. The lot is a corner lot with a second driveway, and the second driveway is located on the side street; and
  - iii. A second driveway does not result in the loss of an on-street parking space.
- b. 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 with reference to objective and published thresholds established by the utility or service provider. To ensure access by public safety vehicles, an accessory dwelling unit may not be located on a lot that fronts a roadway that is narrower than the minimum road width standards established by the Orange County Fire Authority's Master Plans for Commercial and Residential Development (as the same may be amended from time to time), unless: (a) one (1) on-site parking space is provided for each bedroom included in the accessory dwelling unit; and (b) replacement on-site parking spaces are provided for any parking spaces that are lost or converted to accommodate the accessory dwelling unit; or alternatively, (c) a conditional use permit is issued pursuant to Section 19.128.020 of this code, provided that the conditional use permit shall be approved if affirmative findings are made based on the following criteria: (i) adequate street access and traffic capacity are or will be available to serve the proposed development as well as existing and anticipated development in the surrounding area; and (ii) adequate utilities and public services are or will be available to serve the proposed development as well as existing and anticipated development in the surrounding area.

**14. Building and fire codes.** The property owner shall comply with all current State and local building and fire codes. 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. The construction of an ADU, by itself, shall not trigger requirements to install fire sprinklers in any existing main dwelling.

**15. Park fees.** For accessory dwelling units of 750 square feet or more, a proportionate amount of Park Land Dedications and In-Lieu Fees shall be paid, based upon the City's adopted Development Impact Fee Schedule.

**16. Objective Design Standards.** Accessory dwelling units or junior accessory dwelling units 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 (i.e. slope, style), fascia, exterior building finish, color, exterior doors, windows, garage door, and architectural enhancements.

When an existing garage is converted into a JADU/ADU, the existing garage door, if visible from public or private right-of-way, shall be eliminated and replaced with a wall, windows, door, or other exterior design features which are architecturally consistent with the exterior design of the structure and the main dwelling.

Second story windows and glass doors shall be located to retain privacy between properties through such methods as offset or clerestory placement, use of opaque or view-obscuring glass.

Manufactured homes shall be equipped with skirting to give the appearance of the manufactured home being located on grade. Synthetic materials of a similar

appearance to the materials of the structure of the main dwelling and equivalent durability shall be permitted. Exterior siding shall be installed from the exterior finished grade to a point at or near the roof. However, if an approved solid wood, metal, concrete, or masonry perimeter foundation is used, the siding need not extend below the top of the foundation.

**17. Separate sale prohibited.** An accessory dwelling unit may not be sold separately from the primary residence.

**18. Short-term Rental Prohibited.** The minimum rental term of the accessory dwelling unit shall be no less than 30 days.

**19. Demolished or destroyed.** If the accessory dwelling unit is demolished or destroyed, or 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.

**20. Specific Junior Accessory Dwelling Units Requirements.** Notwithstanding anything contrary in this section, the requirements and standards of this subsection shall apply specifically to junior accessory dwelling units.

- a. The owner of the single-family lot shall occupy the single-family dwelling, any accessory dwelling unit that may exist on the lot in compliance with this section, or the junior accessory dwelling unit as their principal place of residence.
- b. As a condition to 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:
  1. The junior accessory dwelling unit cannot be sold separately from the primary residence; and
  2. The size and attributes of the junior accessory dwelling units shall conform at all times with the requirements of California Government Code section 66333 and the Buena Park Municipal Code; and
  3. Minimum rental term of either the junior accessory dwelling unit or primary residence shall be no less than 30 days; and
  4. 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,

and a food preparation counter or counters that is of reasonable size in relation to the size of the junior accessory dwelling unit.

- d. A junior accessory dwelling unit that does not include a separate bathroom shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
- e. The owner of a property with a junior accessory dwelling unit shall reside in one of the dwelling units on the property. This owner-occupancy requirement shall not apply to a junior accessory dwelling unit owned by a governmental agency, land trust, or housing organization.