

Accessory Dwelling Units

Effective Date: October, 2019

Changes to the State law in 2017 establish new rules for cities and counties regarding "Accessory Dwelling Unit" (ADU), (also known as second units, in-law units, or granny flats). They are typically located behind or within a primary single family unit. Ordinances 2925 and 2959 modify the Oxnard City Code (OCC), Chapter 16 "Zoning" as summarized below:

Summary Of ADU Ordinance Standards		
Permit Process	Within 120 days of the director receiving an application, the application is to be approved without a hearing per OCC §16-466 & §16-469.5 so long as the proposal meets all the requirements of the City Code. If the proposed property is historic then the application will default to applicable permitting procedures for development in that location, except that the unit is allowed per Govt. Code §65852.2.	
Zoning Requirements	The primary residence and accessory dwelling unit shall meet current zoning requirements for interior yard space, height, and landscaping for the zone in which they are located per OCC §16-467.	
Permitted Zones	ADUs are allowed in the following zones: R-1, R-1PD, R-1-7PD, R-1-8PD, R-2, R-2PD, R-3, R-3PD, and R-10PD (§16-467(B)). ADUs are allowed in the C-2 and CBD zones upon issuance of Special Use Permit (§16-469.5). Only one ADU may be permitted per lot (§16-467(N)). There must be an existing legal nonconforming or legal single-family dwelling unit on the lot (§16-467(C)).	
Setbacks	New Construction or Additions	All applicable setback requirements apply (§16-467(E)).
	Conversion of Existing Legal Space	Side and rear setbacks shall be sufficient for fire safety as determined by the Fire Marshal (§16-469). except that in no event shall (1) a setback be required for a garage that is converted into an ADU, or (2) a required setback exceed five feet from the side and rear lot lines for an accessory dwelling unit that is constructed above a garage (§16-467(E)).
Building and Architecture	All building code requirements for habitable spaces apply (§16-467(Q) and (§16-467(F)). An ADU shall comply with the architectural standards of §16-23 and shall be of materials, colors and in a style which are each compatible with the primary residence, as reasonably determined by the director (§16-467(H)).	
Sprinklers	Fire sprinklers are required for an ADU if they are required for the primary residence (§16-467(O)).	
Unit Size	The ADU's permissible floor area shall be equal to or less than 50% of the square footage of the primary residence, but not less than 220 square feet or more than 1,200 square feet. The maximum permissible floor area shall be increased to the extent necessary for ADA compliance. A larger ADU is allowed for qualifying lots over 9,000 sf (§16-469.6).	
Separate Entrances	The accessory dwelling unit shall have an entrance separate from the primary residence. Only one entrance may be visible from the front yard. A foyer with entrances to the primary residence and the ADU is allowed (§16-467(J)).	
Kitchen and Bathroom	The accessory dwelling unit shall contain its own kitchen facility and bathroom facility separate from the primary dwelling unit. The kitchen facility shall include a sink, refrigerator of more than five cubic feet capacity, a range or cooktop, and a separate complete bathroom (§16-467(F)).	
Parking Requirements	In addition to the required parking for the primary residence there shall be one additional parking space (§16-468(B)). The vehicular access to the ADU space shall be at least ten feet wide and paved, but the parking area is not required to be covered (§16-622(F)). ADU parking may be provided as tandem in an existing driveway or garage; or within a required side or rear yard setback except in specific circumstances per Municipal Code §16-622(f). The parking may not be located in a required front yard setback. The parking must be provided on the same lot as the primary residence. When required parking for the primary unit is converted as part of an ADU, replacement primary unit required parking shall be provided on the property (§16-468(D)). In certain situations, no ADU parking is required (§16-468(C)).	
Property Requirements	The applicant for the ADU shall be the owner of record and shall reside in one of the units. Before a certificate of occupancy is issued an approved covenant to this affect shall be recorded against the property (§16-467(K)). The unit shall not be sold separately from the primary residence (§16-467(L)).	
Rental Requirements	Either the accessory unit or the primary residence may be rented, but not both. Rental terms shall be 30 consecutive days or longer (§16-467(M))	