







Hi, we're here to help

The City of Westminster is proud to provide the Accessory Dwelling Unit Guide to help you, the property owner, build an Accessory Dwelling Unit (also known as ADU) on your property.

This "**How To**" guide is here to help you through the process.

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WHAT IS AN ADU?

Accessory Dwelling Units (ADUs) are self-contained living accommodations, independent of a primary home, that provide provisions for living, sleeping, eating, cooking and sanitation. An ADU can be either attached or detached from the primary single-family residence, but it must be located on the same parcel.

A Junior ADU (JADU) is living quarters that may be proposed within the walls of an existing or proposed single-family home and is 500 square feet or less. The difference between an ADU and a JADU is that a JADU may share central systems and bathroom with the primary home, while including a smaller kitchen with smaller plug-in appliances. In addition, the property owner must reside on site when there is a JADU. A JADU within a primary home is subject to the provisions of the Westminster Zoning Code Single Family Residential Room Addition requirements.



Understand your property and how much space you can work with. By doing this, you can have a clearer understanding of your options.

TYPES OF ADUS

DETACHED

Free-standing structure.



ATTACHED

Shares at least one wall with the primary house.



CONVERSION

Converting an entire garage, a portion of the garage, or any existing habitable area into an ADU or Junior ADU.



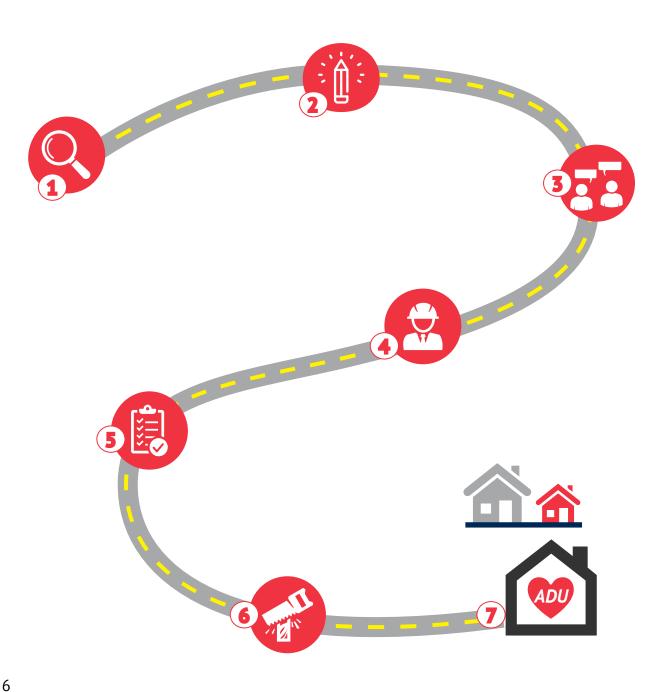




STEPS TO AN ADU

- 1 Determine eligibility
- 2 Determine feasibility
- Hire a professional to prepare architectural/construction plans
- 4 ADU/JADU City Pre-Screening

- 5 Submit plans to the Community Development Department for Plan Check and Zoning Clearance review/approval
- 6 Construction and inspections of the ADU
- **7** Ready for occupancy!





DETERMINE ELIGIBILITY

This can be done through research on the City's website, or by speaking with a Staff Planner.



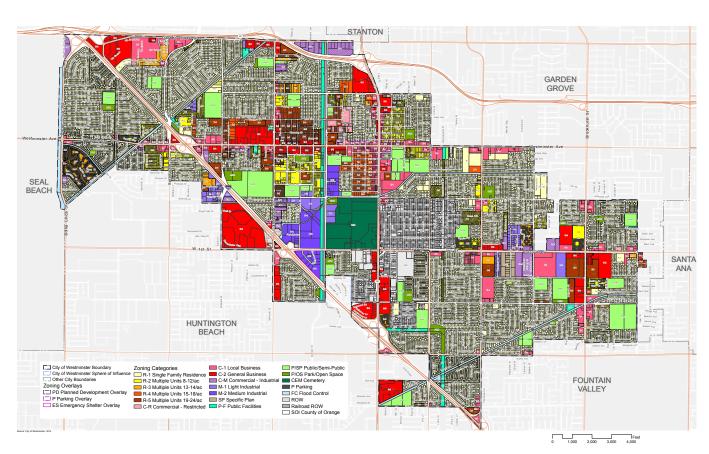
FIND YOUR ZONING

ADUs are allowed on any property that is zoned for residential land uses.

Click the link below to view the zoning map and locate your property zoning.



https://bit.ly/westminsterzoning



Sample Zoning Map



DETERMINE FEASIBILITY

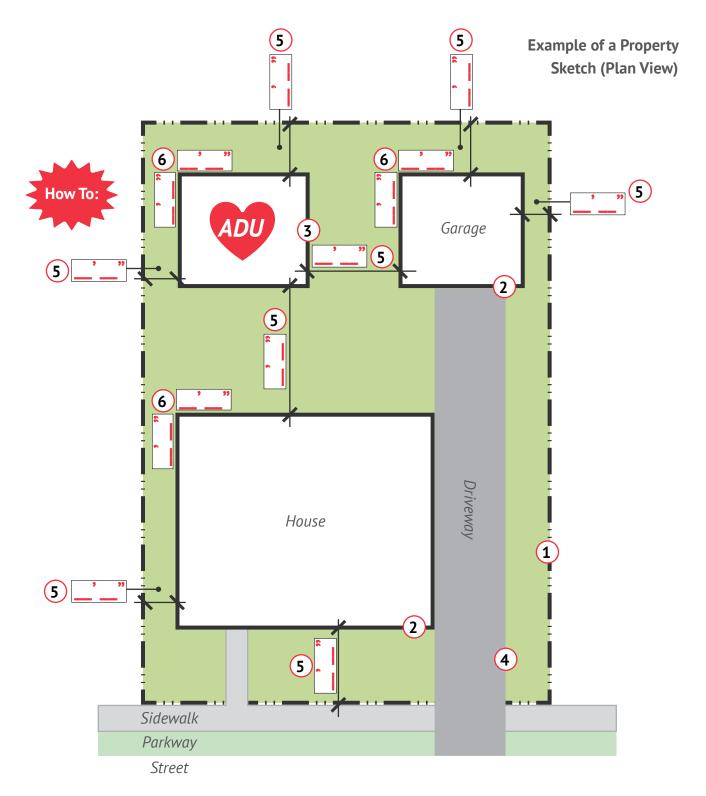
How to determine if your ADU/JADU project is feasible:

Review the attached development standards table. This will give important information on minimum setbacks, maximum height, maximum unit size, etc.		
Determine if property is in the flood zone by going to the FEMA website. If you are in a flood zone, your project will be subject to flood zone requirements and you should consult with the City's Development Engineering Division for additional guidance. https://bit.ly/femafloods		
Review the title report for any easements on the property.		
Verify if there is unpermitted construction on the property, by obtaining copies of all building permits from the Building Division. Unpermitted construction must be demolished or legalized, prior to issuance of any permits for an ADU/JADU.		
When legalizing any unpermitted construction, it is often challenging to maintain the unpermitted areas while remaining compliant with all applicable codes and regulations. In addition, please be aware that permit and inspection fees are doubled when legalizing any unpermitted construction.		
Use the information gathered above to sketch an ADU site plan. Refer to the guidance for preparing a site plan sketch on the next page		
Consult Planning for questions about development standard from the Zoning Code, Engineering for questions about flood zone or grading plan requirements, and Building for questions about the California Building Code or California Residential Code. Staff is available during business hours at the counter or on the phone for guidance*.		
*TI * * * * * * * * * * * * * * * * * *		

Refer to City handouts on flood zones and how to find easements.

https://bit.ly/westminsterfloods https://bit.ly/easementguide *This is step is optional but recommended so owner can obtain valuable information about their property. However the property owner may skip this step and hire a design professional to identify this property data.

Sketching a site plan allows for the City and your design team to understand your ADU idea. A rough preliminary sketch does not have to be perfect, but it should be informative enough to get the conversation moving.



WHAT TO INCLUDE:

- 1 Draw the boundary of your property.
- 2 Draw outline of the primary house and any other existing structures.
- 3 Draw outline of ADU in the proposed location.
- (4) Draw locations of driveway and major trees.
- **5** Show distance from existing structures and proposed ADU/JADU to property lines. Measure in feet and inches.
- **6** Show approximate dimensions/size of existing structures and proposed ADU/JADU. Measure in feet and inches.



HIRE A PROFESSIONAL TO PREPARE ARCHITECTURAL/CONSTRUCTION PLANS

It is important to hire a qualified professional for assistance with the design and permitting process. Whether it is a licensed architect, licensed engineer, or licensed contractor, a qualified individual can help you design and construct a safe and quality ADU in compliance with all applicable regulations and codes. Beware of the "low ball" bid, often you get what you pay for. While it may seem like a good deal in the beginning, the process may take longer and it may end up costing more.

These professionals will create a set of architectural plans that include: a site plan, a floor plan, elevations, and a roof plan. Bring these plans with you to the next step, Step #4.

Refer to publications from the California Architects Board for hiring a licensed professional. https://bit.ly/caarchitectsboard



ADU/JADU CITY PRE-SCREENING

The Planning, Engineering, and Building Divisions will screen the application, accompanying documents, and plans over-the-counter for completeness and for general compliance with various codes and regulations such as the Zoning Code, flood zone, and civil requirements. You will receive comments on your plans immediately. As a result, your plans may need to be revised by your selected professional. The pre-screening will repeat until the application and plans are determined to be complete by all divisions, and all design issues have been resolved. Applications that are not complete, or plans with unresolved design issues, will not be permitted to submit for formal review. Once plans are fully screened and formal submittal has been authorized, you may proceed to the next step.

ADUs proposed with other construction are generally not eligible for an expedited over-the-counter review process described above (subject to the discretion of the Planning Division), and may not proceed directly to Step 5 below. For more information on the expanded review process, refer to the Zoning Clearance or Development Review Application Packet (and not the ADU Application Packet). Exceptions may be made subject to the discretion of the Planners at the City's Planning counter.

Refer to the City of Westminster Planning Division

ADU Application for application and plan submittal requirements. https://bit.ly/aduapplication

Pro Tip



PREPARE CONSTRUCTION PLANS

Once the design has been screened by the Engineering Division, Building Division, and Planning Division, the applicant must prepare full construction documents, which include architectural plans, construction details, and civil plans (if required). If the project is in the flood zone, the project design must also comply with flood requirements. All comments received in the pre-screening must be addressed.

The applicant then submits construction plans to the Building Division to begin formal construction plan check review and Zoning Clearance review. The City will only accept complete applications and plans. Failure to properly prepare construction plans will cause delays in the approval process.

CONSTRUCTION PLAN AND ZONING CLEARANCE REVIEW

All applicable departments/divisions will perform a complete review of the construction documents. Corrections and re-submittal may be required throughout the review process.

Construction plans will subject to a maximum of three rounds of review. The first review will take approximately four weeks to complete, and each subsequent review will take approximately two weeks. It is critical to work with qualified professionals for quick processing. If more than three rounds of corrections are required, the applicant will be required to choose to extend the review time or begin the process again. Additional plan check fees will apply for projects that require more than three rounds of review.

BUILDING PERMIT ISSUANCE AND ZONING CLEARANCE APPROVAL

If all submitted plans adhere to applicable codes, then Building permits are issued and approval of the Zoning Clearance is provided. Prior to the issuance of any permits, park impact fees must be paid and a covenant must be recorded, if required. Currently, covenants are required for JADUs that state the property owner will reside on the property.

The estimated processing time for an ADU is 60 days. The plan check process for ADUs and JADUs is a 60-day period from the date a complete plan check application is submitted to the Building and Safety Division, to the date permits are issued. ADU plan check reviews, which are not acted upon by the City within the 60-day period, will automatically be approved.



CONSTRUCTION AND INSPECTIONS OF THE ADU

Permits ensure that minimum safety standards are met in the design, construction, quality of materials, use, and occupancy of all structures. The building standards are adopted by the State as part of the Health and Safety Code to provide equal and fair treatment of all applicants across the State. The Building Division ensures that the building codes are met through plan review, permit issuance and inspections.

At the time of permit issuance, you will receive a set of approved plans and an inspection card that has a list of required inspections. Construction can then begin!

You are required to have an inspection at the end of all major phases of the project. To schedule an inspection, call the inspection request line at (714) 895-2898.

The approved set of plans, inspection card, permits and all contractors' proof of license must be available at the job site during inspections.

Once construction has passed all inspections, then the ADU/JADU is ready for occupancy!

ASSOCIATED FEES

Fees are a part of the application/development process. The City collects a plan check fee, a permit fee and fees for other agencies such as the Fire Authority. Plan check fees are collected at the time of submittal. Permit fees are collected at the time of permit issuance. Fees offset the costs of processing and inspecting development.

Check in with the following Departments and agencies regarding their specific fees and for any other permit/fees that an ADU may incur for specific project features (i.e. water meter upsizing, fire sprinkler permit, encroachment permits, etc.)

Reference Phone Numbers:

• Fire (OCFA): (714) 573-6100

• Planning: (714) 548-3247

• Public Works: (714) 548-3460

• Water: (714) 894-3796

- Midway City Sanitary District: (714) 893-3553
- Westminster School District: (714) 536-7521, ext. 17250
- Huntington Beach Union High School District: (714) 536-7521, ext. 17250
- Garden Grove Unified School District: (714) 663-6442
- Ocean View School District: (714) 847-7083

FEE ESTIMATION WORKSHEET

PAYMENT INFORMATION	FEE DESCRIPTION	AMOUNT*
	Zoning Clearance Fee	\$
	Building & Safety Plan Check Fee	\$
Due at Application Submittal	Planning Plan Check Fee	\$
	Public Works Plan Check Fee	\$
	Fire (OCFA) Plan Check Fee	\$
	Building, Mechanical, Electrical, & Plumbing Permit Inspection Fee*	\$
Due at Permit Issuance	State Required Fees	\$
	Parks Development Impact Fees**	\$
	Local School District	\$
Fees Paid Directly to Water Department (Due Prior to Permit Final)	Water Fees	\$

^{*}Fees subject to change, confirm all fees with City Staff at beginning of ADU project process.

^{**} Parks Development Fees are determined by the size and type of ADU/JADU being proposed and the underlying property zoning. Check the City's Park Fee Handout to confirm amount. https://bit.ly/westminsterparkfees





DETAILS TO CONSIDER

COSTS

Costs vary dramatically, make sure you have an attainable budget. A good project budget should consider all the costs required to design, permit, finance, and build an ADU. Construction is usually the largest expense in a development budget, but never the only one. Costs to consider include:

- Design and submittal materials
- Contractor
- Demolition (if required)
- Application fees, building permit fees, utility connection fees, and impact fees
- Financing (e.g., lender fees, interest payments, etc.)
- Other professionals based on specific needs (e.g., surveyor, structural engineer, etc.)
- Furnishings and finishes

ADDRESSES

The ADU will be assigned a unique address number if it fits within the current numbering scheme. If both the main dwelling unit and ADU share an address, each unit will be assigned a letter in sequential order (i.e., A for the front unit, and B for the rear unit). A new address will not be assigned for a JADU.

SOLAR PANELS

ADUs are subject to the California Energy Code requirement for the installation of solar panels if the unit(s) is/are a newly constructed, non-manufactured, detached ADU. Per the California Energy Commission, the panels can be installed on the ADU or on the primary dwelling unit.



BEING A LANDLORD

State law governs the landlord-tenant relationship. It is important to research the rules that apply to being a landlord. Please review the State-published document regarding landlord and tenant laws at https://www.courts.ca.gov/documents/California-Tenants-Guide.pdf

Landlord responsibilities:

- Keep up with safety codes and property maintenance to sustain a livable, clean, and safe rental property.
- Abide by the rules and regulations of the Fair Housing Act to protect tenants from discrimination.
- Ensure all leases are 31 days or longer. Short term vacation rentals are not a permitted use for ADUs.
- For properties with a JADU, the property owner shall sign and record restrictive covenants on the property title that includes a prohibition on the sale of a JADU separate from the sale of the single-family residence, requires owner-occupancy, does not permit rentals for periods less than 31 days, and restricts the size and attributes of the JADU to those that conform with the Zoning Code."

THE CITY IS HERE TO HELP. PLEASE FEEL FREE TO CONTACT US FOR ASSISTANCE. ENJOY YOUR NEW ADU!



DEVELOPMENT STANDARDS FOR ACCESSORY DWELLING UNITS (ADU) WITH SINGLE-FAMILY RESIDENTIAL

ADU DEVELOPMENT STANDARDS

Except for the standards identified in the table below, **ADUs shall conform to the development standards of the underlying zone** (1). To determine if the single-family residential standards below apply to an ADU refer to the following definitions:

• Single-family dwelling unit. A detached building containing no more than one dwelling unit which is designed to be occupied, or occupied, by not more than one family, including all domestic employees for such family.

	JADU / ADU WITH SINGLE-FAMILY RESIDENCE (2)			
	Junior ADU	CONVERTED ADU	ATTACHED ADU	DETACHED ADU
		Property	 Eligibility	
Zoning	ADUs are only permitted in zones that allow for residential development.			
Existing Development Type	An ADU shall only be allowed on a lot within the City that contains or will be developed with a legal single-family or multiple-family residence.			
	Site Design Considerations			
Number of Accessory Dwelling Type Permitted Per Lot	One JADU, and One converted ADU, attached ADU, or detached ADU is permitted on lots with an existing or proposed single-family dwelling			
Front Setback	Note (1)	N/A	Minimum 50' from the cer highway upon which the b from the ultimate right-of-	
Side Setback	Note (1)	N/A	4' minimum	
Rear Setback	Note (1)	N/A	4' minimum	
Distance Between Structures	Note (1)	N/A	6' minimum from accessory structures	R1 District: 6' minimum R2 – R5 Districts: 10' from other dwelling units, and 6' from accessory structures
Lot Coverage	Note (1)	N/A	ADUs which exceed 800 Shall meet the lot coverage underlying zone. • R1, R2, & R3 Districts • R4: 50% • R5: 60%	ge requirements of the
Public/Private Easements	No portion of an ADU (whether new construction or converted from existing space) may encroach into any public or private easement such as a utility easement unless the easement holder has provided written permission to construct the ADU in the manner proposed. Roof eaves may not be eliminated to meet the easement requirements. To establish a rebuttable presumption of compliance with these easement requirements, applicants may provide to the city a written declaration, in a form acceptable to the City Attorney, affirming under penalty of perjury compliance with these requirements.			
Parking Requirements	None One parking space for ADUs with one-bedroom or more (with exemptions)			
Replacement Parking	No replacement parking required when a garage, carport, or covered parking structure is demolished for a new ADU.			

	JADU / ADU WITH SINGLE-FAMILY RESIDENCE (2)			
	Junior ADU CONVERTED ADU ATTACHED ADU DETACHED ADU		DETACHED ADU	
		ADU Design Co	onsiderations	
Maximum Size	500 SF	No Maximum	1,200 SF or 50% of the living area of the primary single family dwelling, whichever is greater	1,200 SF
Maximum Height	Note (1)	N/A May be contained within existing 1st or 2nd floor area of a SFR	With existing SFR: 16', one story With new SFR: Note (2)	16', one story
Design	Note (1) See WMC Section 17.400.120.	The exterior design features of the ADU shall be similar to and compatible with the primary dwelling. These features shall include, but are not limited to roofing material, roof design, roof pitch, exterior building finish/materials, and color. The color of the ADU shall match the color of the primary dwelling.		
Open Space	Note (1)	N/A	area with a primary of setback less than 20', ADU shall meet the complicable to single-some dwelling with a reduction 17.210. R2 - R5 Districts: • For ADUs which excessions 17.220.	
	ADU		requirements of the u required. See WMC Se	underlying zone is ection 17.210.015.
Entrance(s)		J entrance must be separate from primary home entrance		
Kitchen	Efficiency or full kitchen required	Full kitchen required		
Raised Landings		ns shall only lead into an exterior entryway of an ADU and shall not exceed 50 an six inches in excess of the width of the adjoining doorway.		
Porches and Patio Covers	Except an unenclosed covere the ADU shall not be require	all comply with the requirements of the underlying zone. red porch or covered area attached to a detached ADU with direct access from edto meet the requirement of Municipal Code Section 17.400.130.B.2.a gs) to have at least 1,000 square feet of contiguous open space in the rear yard.		
		Miscella	neous	
Deed Restrictions	The owner of the property must record a deed restriction that prohibits the sale of the JADU from the existing dwelling unit, requires owner occupancy, and prohibits short term rentals.	N/A		
Owner Occupancy	Required in either the primary dwelling or JADU	Not required		
Impact Fees	Exempt	Applicant shall pay all applicable development impact fees, if any (See Section 3.62.040, "Park and recreation mitigation requirements"). ADUs less than 750 SF are exempt.		
Nonconforming	ADUs shall not be required t authorization to construct.	d to correct legal nonconforming zoning conditions as a pre-condition to obtaining		
	Notes: (1) ADUs shall conform to the development standards of the underlying zone. (2) An ADU attached to a new SFR must comply with maximum height in the underlying zone. IMPORTANT: If all or a portion of an ADU is contained within the 2nd floor of a new SFR, the ADU will be subject to ALL development standards applicable to a SFR. SFR: Single Family Residential			



DEVELOPMENT STANDARDS FOR ACCESSORY DWELLING UNITS (ADU) WITH MULTIPLE-FAMILY RESIDENCE

ADU DEVELOPMENT STANDARDS

Except for the standards identified in the table below, **ADUs shall conform to the development standards of the underlying zone.** To determine if the single-family residential or multiple-family residential standards below apply to an ADU refer to the following definitions:

• Multiple-family residential. A multiple-family residential project or development shall include two or more units, detached or attached, on a lot or in a development in the R-2 through R-5 zoning districts.

	ADU WITH MULTIPLE-FAMILY RESIDENCE (1)		
	CONVERTED ADU	DETACHED ADU	
	<u> </u>		
	Property	Eligibility	
Zoning	ADUs are only permitted in zones that allow for re-	sidential development.	
Existing Development Type	An ADU shall only be allowed on a lot within the City that contains or will be developed with a legal single-family or multiple-family residence.		
	Site Design C	onsiderations	
Number of Accessory Dwelling TypePermitted Per Lot	 For lots with an existing MFR Minimum: 1 ADU Maximum: 25% of the number of existing units 	For lots with an existing or proposed MFR • Maximum: 2 detached ADUs	
Front Setback	N/A	Minimum 50' from the centerline of the street or highway upon which the building site fronts, or 20' from the ultimate right-of-way line, whichever is less	
Side Setback	N/A	4' minimum	
Rear Setback	N/A	4' minimum	
Distance Between Structures	N/A	R2 – R5 Districts: 10' from other dwelling units, and 6' from accessory structures	
area shall meet the lot coverage requirements of the underlying			
Public/Private Easements	No portion of an ADU (whether new construction or converted from existing space) may encroach into any public or private easement such as a utility easement unless theeasement holder has provided written permission to construct the ADU in the manner proposed. Roof eaves may not be eliminated to meet the easement requirements. To establish a rebuttable presumption of compliance with these easement requirements, applicants may provide to the city a written declaration, in a form acceptable to the City Attorney, affirming under penalty of perjury compliance with these requirements.		
Parking Requirements	None	One parking space for ADUs with one- bedroom or more (with exemptions)	
Replacement Parking	No replacement parking required when a garage, carport, or covered parking structure is demolished for a new ADU.		

	CONVERTED ADU DETACHED ADU		
	ADU Design Considerations		
Maximum Size	No Maximum • Must be constructed within the non- livable space (e.g., storage rooms, boilerrooms, hallways, attics, basements, or garages) of the existing multifamily dwelling structure provided that applicable building codes are met	1,200 SF	
Maximum Height	N/A	16', One Story	
Design	The exterior design features of the ADU shall be similar to and compatible with the primary dwelling. These features shall include, but are not limited to roofing material, roofdesign, roof pitch, exterior building finish/materials, and color. The color of the ADU shall match the color of the primary dwelling.		
Open Space	N/A	R1- R4 Districts: • For ADUs which exceed 800 SF in gross floor area with a primary dwelling that has a rear setback less than 20',the primary dwelling and ADU shall meet the open space requirements applicable to single-story portions of a primary dwelling with a reduced rearsetback. See WMC Section 17.210.015,Footnote 8.	
		 R2 - R5 Districts: For ADUs which exceed 800 SF in gross floor area, the primary dwelling must comply with the open space requirements of the underlying zone is required. See WMC Section 17.210.015. 	
Entrance(s)	ADU entrance must be separate from primary home entrance		
Kitchen	Full kitchen required		
Raised Landings	Raised landings and platforms shall only lead into an exterior entryway of an ADU and shall not exceed 50 inches in depth nor more than six inches in excess of the width of theadjoining doorway.		
	Porches and patio covers shall comply with the req	uirements of the underlying zone.	
Porches and Patio Covers	Except an unenclosed covered porch or covered area attached to a detached ADU with direct access from the ADU shall not be required to meet the requirement of Municipal Code Section 17.400.130.B.2.a (Detached Accessory Buildings) to have at least 1,000 square feet of contiguous open space in the rear yard.		
	Miscellaneous		
Deed Restrictions	N/A		
Owner Occupancy	Not required		
Impact Fees	Applicant shall pay all applicable development impact fees, if any (See Section 3.62.040, "Park and recreation mitigation requirements"). ADUs less than 750 SF are exempt.		
Nonconforming	ADUs shall not be required to correct legal nonconforming zoning conditions as a pre-condition to obtaining authorization to construct.		
Notes: (1) For projects involving a new ADU and new multiple-family residential development, the property mustcomply with all development standards applicable to MFR in the underlying zoning district including, but not limited to, lot coverage, open space, parking, and landscaping requirements; and the property shall not rely on any exceptions for ADUs that are 800 square feet or less.			

ADU WITH MULTIPLE-FAMILY RESIDENCE (1)

GLOSSARY OF TERMS

Accessory Dwelling Unit (ADU): "Accessory dwelling unit" means an attached or a detached 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. 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.





Architectural Plan Set: Technical drawings that show the design of a building with dimensions. These drawings can consist of a Site Plan, Floor Plan, Roof Plan and Elevations.

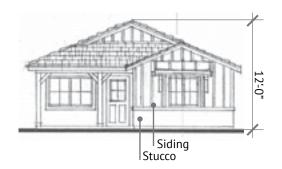
Building Code: A set of rules that specify the standards for the construction of buildings.

Construction Plan Set: Technical drawings used to construct the ADU. They serve as the instruction manual during the construction phase, and assist City inspectors at all major phases in the project. Construction plans include architectural plans and structural details.

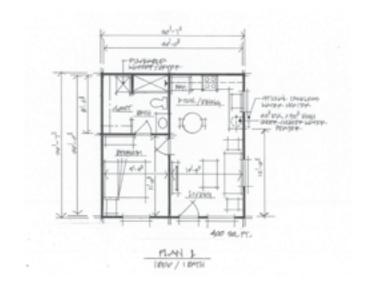
Development Standards Development Standards are established for each zone in the city that provide specific standards such as the required setback of buildings, maximum height, parking, landscaping requirements, and other development guidelines.

Easement: A portion of a lot that is reserved or used for utility, rights-of-way, access, or any public or private use, as indicated on a subdivision map, deed restriction, or other recorded document. More information regarding property easements may be found on the Easement Handout provided by the City of Westminster Planning Division.

Elevation Drawing: An elevation is drawn to scale showing a straight-on view of a home. The drawing shows the main features of a building including but not limited to, door, windows, decorative elements, and dimensions to get a better understanding of how the building looks. Proposed, colors and materials are noted.

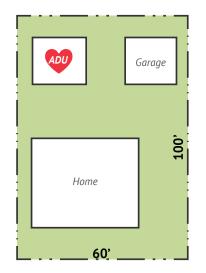


Floor Plan: A floor plan is drawn to a scale showing a view from above. It shows the interior of a building and identifies general room relationships, room sizes, type and use of rooms, and location of doors and windows, and dimensions.



Junior Accessory Dwelling Unit (JADU): "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

Lot Coverage: That portion of a lot or building site which is occupied by any building or structure, with a solid roof and enclosed on at least 3 sides, excepting paved area, walks, swimming pools, hot tubs, outdoor recreational amenities such as open air tennis and other on-site open air sport courts, children's play house and equipment.



Lot coverage Diagram

Lot Size: 60' x 100'= **6,000 SF Lot**

 Home:
 1,600 SF

 Garage:
 400 SF

 ADU:
 400 SF

 Total Building
 2,400 SF

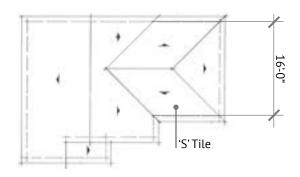
Coverage

 $2,400 \div 6,000 = 0.4$

LOT COVERAGE 40%

Right-Of-Way (ROW): The portion of the street, sidewalk and parkway that the City owns. Generally from back of sidewalk to back of sidewalk or property line to property line inclusive of street, sidewalks, and parkway.

Roof Plan: A plan drawn to a scale showing a view from above of the roof. These drawings show roof pitch and valleys, shape, depth of eaves, proposed materials and dimensions.



Zoning: Divides land into similar or compatible uses called zones, each of which has a set of regulations that differs from other zones.

