

ORDINANCE NO. 2693

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAVIS AMENDING AND UPDATING ARTICLE 40 OF THE CITY OF DAVIS MUNICIPAL CODE TO CLARIFY THE ACCESSORY DWELLING UNIT PROVISIONS OF THE ZONING ORDINANCE

WHEREAS, the General Plan of the City of Davis, Implementation Goal 1 is to, “Maintain the General Plan and the City's overall planning process as a dynamic, responsive document”; and

WHEREAS, Action Item e., under Implementation Goal 1 is to, “Modify and improve programs based on the periodic evaluations”; and

WHEREAS, the General Plan Housing Element Program 1.16 is to, “Facilitate Production of ADUs” and calls for updating the accessory dwelling unit ordinance, as needed in accordance with State law; and

WHEREAS, it is the purpose of the Zoning Ordinance of the City of Davis to establish a precise and detailed plan for the use of land in the City based on the General Plan; and

WHEREAS, Article 40 of the Davis Municipal Code establishes various zones, permitted and conditional uses, development standards and entitlement process procedures to promote the orderly and harmonious growth of the City and the stability of land values and investments and the general welfare of the City; and

WHEREAS, the procedures set forth in Article 40 provide for a process to review proposed residential, commercial and industrial projects and to ensure that the architectural design of proposed projects is suitable for purposes of the building and the site and will enhance the character of the neighborhood and community, and will ensure that the proposed use is compatible with the existing properties and anticipated future developments within the City; and

WHEREAS, the City Council finds that there is a need to update from time to time, and to bring the ordinance into compliance with state law, those provisions which have been found to ineffectively promote the general welfare of the City and hamper general economic development; and

WHEREAS, the City Council therefore finds that this Ordinance is necessary for the maintenance and preservation of the health, safety and welfare of the City; and

WHEREAS, on July 22, 2026, the Planning Commission held a public hearing and voted 4 to 0 to recommend to City Council approval of ordinance amendments to the City's accessory dwelling unit provisions related to the review and standards for processing accessory dwelling units and junior accessory dwelling units in compliance with changes to State Law; and

WHEREAS, on August 18, 2026, the City Council held a public hearing and considered the Planning Commission's input regarding the review and standards for processing accessory dwelling units and junior accessory dwelling units.

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

SECTION 1. The recitals set forth above are true and correct and are incorporated herein.

SECTION 2. The definitions for "Accessory dwelling unit (ADU)" and "Accessory dwelling unit, junior (JADU)" in Section 40.01.010 (Definitions) of Article 40.01 (In General) of Chapter 40 (Zoning) of the Davis Municipal Code are hereby amended to read as follows:

Accessory dwelling unit (ADU) has the meaning set forth in Government Code Section 66313(a) and means an attached or 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. An accessory dwelling unit includes the following: an efficiency unit, as defined in Health and Safety Code Section 17958.1, and a manufactured home, as defined in Health and Safety Code Section 18007.

Accessory dwelling unit, junior (JADU) has the meaning set forth in Government Code Section 66313(d) and means a residential dwelling unit that is no more than 500 square feet of interior livable space and is contained entirely within a single-family residence, which shall include an attached garage. A JADU shall include an efficiency kitchen, and may include separate bathroom facilities or share bathroom facilities with the single-family residence.

SECTION 3. Section 40.26.450 (Ministerial accessory dwelling units and junior accessory dwelling units) of Article 40.26 (Special Uses) of Chapter 40 (Zoning) of the Davis Municipal Code is hereby retitled and amended to read as follows:

40.26.450 Accessory dwelling units and junior accessory dwelling units.

(a) Purpose. The purpose of this section is to implement the requirements of State Government Codes, Title 7, Division 1, § 66310 – 66342 to allow ministerial accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in a manner that encourages their development but simultaneously minimizes impacts on traffic, parking, density, and other areas where the city is still permitted to exercise local control.

(b) Definitions. For the purpose of this section, the following definitions apply. Otherwise, the words and phrases shall have the meanings respectively ascribed to them by Section 40.01.010.

Livable Space means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

Manufactured home has the meaning set forth in Section 18007 of the Health and Safety Code.

Primary dwelling for purposes of this section, means the existing or proposed single-family or multifamily dwelling on the lot where an ADU would be located.

Public transit for purposes of this section, has the meaning set forth in Government Code Section 66313(m).

(c) Permitting Procedures.

- (1) Before constructing an ADU or converting an existing structure or portion of an existing structure or residence to an ADU or JADU, the applicant shall obtain permits in accordance with the requirements of this section.
- (2) The director or designee shall ministerially review and approve an ADU permit application and shall not require a public hearing, provided that the submitted application is complete and demonstrates that the ADU complies with the requirements contained in this section and any other applicable law.
- (3) ADU permit applications subject to ministerial approval shall be processed within the timelines established by California Government Code Section 66317.
- (4) Where an ADU permit application is submitted with an application for a primary dwelling that is subject to discretionary review under this Code, the ADU permit application will be considered separately without discretionary review or a public hearing, following action on the portion of the project subject to discretionary review.
- (5) In addition to obtaining an ADU permit, the applicant shall be required to obtain a building permit and any other applicable construction or related permits prior to the construction of the ADU.

(d) Building Permit Application Only Accessory Dwelling Units and Junior Accessory Dwelling Units

- (1) Applicability. The purpose of this subsection is to implement California Government Code Section 66323 regulating accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) that must be approved through a building permit. To the extent any provision of this subsection conflicts with state law, state law shall prevail.
- (2) Building Permit Only Standards. ADUs and JADUs that satisfy the requirements of Government Code Section 66323, as the same may be amended from time to time, this subsection (d), the California Building Standards Code, as amended by the city, and any other applicable laws, shall

- be allowed to be constructed with a building permit only and shall not be subject to any of the locally adopted development standards identified in subsection (e).
- (3) Height. ADUs in compliance with Government Code Section 66323(a)(4) may be built to a height of 18 feet. An additional two feet of height is allowed to accommodate a roof pitch.
- (4) Prohibition on Short Term Rentals. An ADU or JADU approved pursuant to this subsection shall be rented only for terms longer than 30 days.
- (5) JADU Owner Occupancy. If a JADU shares sanitation facilities with the single-family dwelling, either the JADU or the remaining portion of the structure shall be occupied by the owner of record. Owner occupancy shall not be required if the owner of record is another governmental agency, land trust, or housing organization.
- (6) JADU Covenant Required. Prior to the issuance of a certificate of occupancy for a JADU, the property owner shall record a declaration of restrictions, in a form approved by the city attorney, placing the following restrictions on the property, the property owner, and all successors in interest:
- (A) The JADU shall not be sold, transferred, or assigned separately from the primary dwelling, but may be rented.
 - (B) The JADU shall not be used for short term rentals for less than 31 consecutive days.
 - (C) Unless the JADU includes a sanitation facility independent of the primary dwelling, either the JADU or primary dwelling shall be occupied by the owner of record.
 - (D) The property owner and all successors in interest shall maintain the ADU and/or JADU and the property in accordance with all applicable ADU and/or JADU requirements and standards.
- (7) Fire Sprinklers. ADUs and JADUs are required to provide fire sprinklers if they are required for the primary dwelling. The construction of an ADU or JADU shall not trigger a requirement for fire sprinklers to be installed in an existing multifamily dwelling.
- (8) Nonconforming Zoning Conditions, Building Code Violations, and Unpermitted Structures. The City shall not deny an ADU or JADU application due to a nonconforming zoning condition, Building Code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU in compliance with Government Code Section 66322(b).
- (9) Services, Impact Fees, and Utility Connections. ADUs approved pursuant to this Section shall be subject to fees and utility connection requirements pursuant to Subsection (e)(11).

- (10) Density. In accordance with state law, ADUs are an accessory use to the primary dwelling on the lot. ADUs shall not be considered to exceed the allowable density for the lot.

(e) Local Standards for Accessory Dwelling Units

- (1) Applicability. The purpose of this subsection is to implement California Government Code Sections 66314 through 66322 regulating those accessory dwelling units (ADUs) that do not qualify for approval through subsection (d). To the extent any provision of this subsection conflicts with state law, state law shall prevail.
- (2) Location Restrictions. One ADU shall be allowed on a lot with a proposed or existing primary dwelling that is zoned to allow single-family or multifamily residential use.
- (3) Local Development Standards. ADUs processed pursuant to this subsection shall comply with the following development standards. However, pursuant to subsection (d), no local standard shall be applied in a manner that would physically preclude the construction of an ADU with at least 800 square feet of interior livable space and with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(A) Size Restrictions.

- (i) If there is an existing primary dwelling, an Attached ADU shall not exceed fifty percent of the gross floor area for the primary dwelling.
- (ii) A detached ADU with zero or one bedroom shall not exceed 850 square feet of interior livable space.
- (iii) A detached ADU with two or more bedrooms shall not exceed 1,000 square feet of interior livable space.
- (iv) In no case shall an ADU be less than 150 square feet of interior livable space, or the minimum square footage to allow an "efficiency unit" as defined in Health and Safety Code Section 17958.1, as that law may be amended.

(B) Height Restrictions.

- (i) Eighteen feet for a detached ADU on a lot with an existing or proposed single-family or multifamily dwelling, including an additional two feet to accommodate roof pitch as described in subparagraph (D)(i) below.
- (ii) Eighteen feet for a detached ADU on a lot with an existing or proposed multifamily, multistory dwelling.
- (iii) Twenty-five feet or the height limitation that applies to the primary dwelling as required by the zone in which the property is located, whichever is lower, for an attached ADU.

- (iv) An attached ADU may be constructed on or as the second story of an existing primary single-family residence (including the garage area) provided it complies with clause (iii) above.

(C) Setbacks.

- (i) No new setback shall be required for an ADU that is constructed within an existing structure or a new ADU that is constructed in the same location and with the same dimensions as an existing structure.
- (ii) For all new ADUs not constructed within an existing structure or one constructed in the same location and with the same dimensions as an existing structure, the required minimum setback from side and rear lot lines shall be four feet. An ADU shall comply with all required front yard setbacks otherwise required by this Code unless it can be demonstrated that application of the front yard setback precludes the construction of an 800 square foot accessory dwelling unit.

(D) Design.

- (i) The ADU shall have the same roof pitch as the primary dwelling with matching eave details, but may vary by up to 2/12 more or 2/12 less than the roof pitch of the primary dwelling unit. For example, if the roof pitch of the primary residence is 1:12 or less, the roof pitch of the ADU may be up to 4:12. If the ADU is located in a historic conservation zone, it must follow the roof pitch requirements for the design style allowed in that zone or subarea.
- (ii) An ADU shall not require exterior alterations to the street-facing façade of a property that is historically designated or in a conservation overlay district.

(E) Lot Coverage. An ADU shall comply with all required lot coverage standards otherwise required in the underlying zone.

(F) Floor Area Ratio. An ADU shall comply with all required FAR requirements otherwise required in the underlying zone.

(G) Useable Open Space. An ADU shall comply with all required useable open space standards otherwise required in the underlying zone.

(4) Exterior Access. An ADU shall have a separate exterior access. Access stairs, entry doors and decks must be located across from the primary residence or the alley, if applicable.

(5) Fire Sprinklers. ADUs are required to provide fire sprinklers if they are required for the primary dwelling. The construction of an ADU or JADU shall not trigger a requirement for fire sprinklers to be installed in an existing multifamily dwelling.

- (6) Separation. A detached ADU shall be located at least five feet from the primary dwelling unless the construction of an 800 square foot ADU meeting all setbacks and height limitations is precluded.
- (7) Properties Listed on the California Register of Historic Resources. An ADU that has the potential to adversely impact any historical resource listed on the California Register of Historic Resources, shall be designed and constructed in accordance with the "Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings" found at 36 CFR 68.3, as the same may be amended from time to time.
- (8) Parking.
 - (A) No additional vehicle parking space is required for an ADU.
 - (B) When an ADU is created by converting or demolishing a garage, carport or covered parking structure, replacement of parking space(s) eliminated by the construction of the ADU shall not be required as long as the ADU remains in use as a legal ADU.
- (9) Building Code and Fire Code. All ADUs shall satisfy the requirements of the California Building Standards Code, as amended by the City in Chapter 8, Buildings, of this Code and the Fire Code of the City of Davis and shall require a building permit from the chief building official.
- (10) Density. In accordance with state law, ADUs are an accessory use to the primary dwelling on the lot. ADUs shall not be considered to exceed the allowable density for the lot.
- (11) Services, impact fees, and utility connections.
 - (A) ADUs shall not be allowed where roadways, public utilities or services are inadequate in accordance with the general plan and zoning designation for the lot.
 - (B) ADUs and JADUs shall have adequate water and sewer services. These services may be provided from the water and sewer points of connection for the primary dwelling and not be a separate set of services. For an ADU that is not a conversion of an existing space, a separate utility connection directly between the accessory dwelling unit and the utility may be required. Consistent with Government Code Section 66324 and 66311.5, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit.
 - (C) The owner of an ADU shall be subject to the payment of all sewer, water and other applicable fees, including impact fees set forth in Government Code Section 66000 et seq., except as follows:

- (i) ADUs that are less than 750 square feet of interior livable space shall not be subject to impact fees.
- (ii) ADUs that are 750 square feet of interior livable space or more shall be charged impact fees that are proportional in relation to the square footage of the primary dwelling unit.

(f) Separate Sale or Conveyance. In accordance with the standards set forth in Government Code Section 66341, an ADU may be sold or conveyed separately from the primary residence to a qualified buyer if all the following apply:

- (1) The ADU or the primary dwelling was built or developed by a qualified nonprofit corporation.
- (2) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all the requirements specified in paragraph (10) of subdivision (a) of Section 02.1 of the Revenue and Taxation Code.
- (3) The property is held pursuant to a recorded tenancy in common agreement that includes all of the items set forth in Government Code Section 66341(c).
- (4) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.
- (5) If requested by a utility providing service to the primary residence, the ADU has a separate water, sewer, or electrical connection to that utility."

SECTION 4. The City Council hereby finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq.) ("CEQA") and the CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.) because this Ordinance implements the provisions of Article 2 (commencing with Section 66314) and Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 of the Government Code and is therefore exempt from CEQA pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h). In addition, the City Council finds that this Ordinance is exempt from further environmental review pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that amendments to the City's ADU and JADU regulations in accordance with State Law will have a significant effect on the environment.

SECTION 5. In compliance with Government Code Section 66326, the City Manager or his designee is hereby directed to submit a copy of this Ordinance to the Department of Housing and Community Development within 60 days after adoption.

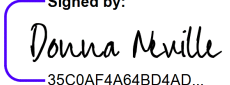
SECTION 6. This Ordinance shall take effect thirty (30) days after passage.

SECTION 7. The City Clerk shall certify to the adoption of this Ordinance and shall cause this Ordinance or a summary thereof to be published as required by law.

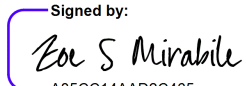
INTRODUCED on the 18th day of August, 2026, and PASSED AND ADOPTED by the City Council of the City of Davis on this 1st day of September, 2026, by the following vote:

AYES: Chapman, Deos, Partida, Vaitla, Neville

NOES: None

Signed by:

35C0AF4A64BD4AD...
Donna Neville
Mayor

ATTEST:

Signed by:

A85CC14AAD2C465...
Zoe S. Mirabile, CMC
City Clerk