

ORDINANCE NO. ()

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, AMENDING SONOMA COUNTY CODE CHAPTER 26 REGARDING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS, AND FINDING THE ORDINANCE EXEMPT FROM CEQA UNDER PUBLIC RESOURCES CODE § 21080.17

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

Section I. Purpose and Findings. This ordinance is adopted pursuant to state Government Code sections 65852.2 and 65852.22. The Board finds and declares the following in support of the adoption of this Ordinance:

1. General Plan Consistency. The proposed changes to Chapter 26 implement State law and would establish development standards to encourage construction of ADUs consistent with goals, policies, and programs in the General Plan Housing Element to encourage the construction of small rental units, such as accessory dwelling units.
2. Zoning Consistency. The proposed Chapter 26 amendments would update existing provisions in Article 88 to comply with State law.

Section II. Sonoma County Code Section 26-4-020(A)(1) is amended to read as follows:

Accessory Dwelling Unit (ADU). 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. An ADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the single-family or multifamily dwelling is or will be situated. An ADU may be an efficiency unit, as defined in state Government Code § 65852.2; or a manufactured home, as defined in state Government Code § 65852.2.

Section III. Sonoma County Code Section 26-4-020(E)(1) is amended to read as follows:

Efficiency Kitchen. A cooking facility with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the dwelling unit.

Section IV. Sonoma County Code Section 26-4-020(J)(1) is amended to read as follows:

Junior Accessory Dwelling Unit (JADU). A dwelling unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A

JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

Section V. Sonoma County Code Section 26-24-020 is amended to read as follows:

A. **Definition.** 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. An ADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the single-family or multifamily dwelling is or will be situated. An ADU may be an efficiency unit, as defined in state Government Code § 65852.2; or a manufactured home, as defined in state Government Code § 65852.2.

B. **Standards.**

1. See Section 26-88-060 (Accessory Dwelling Units).

Section VI. Sonoma County Code Section 26-24-190(A) is amended to read as follows:

Definition. A dwelling unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

Section VII. Table 10-1 in Sonoma County Code Section 26-10-030 is amended to include Accessory Dwelling Units as a permitted use as follows:

Table 10-1: Allowed Land Uses in Commercial Zones

Key of symbols for Table 10-1:

P = Permitted Use

P* = Permitted Use, subject to discretionary approval criteria

C = Conditional Use

- = Prohibited Use

† = Permit requirement indicated in Use Regulations column

Land Use	CO Zone	C1 Zone	C2 Zone	C3 Zone	LC Zone	CR Zone	AS Zone	K Zone	Use Regulations
Agricultural & Resource-Based Land Use Category									
Agricultural Crop Production and Cultivation	-	-	-	-	-	-	P	P	26-18-020
Agricultural Processing	-	-	-	-	-	C	C	-	26-18-030
Agricultural Support Services	-	-	-	-	-	P*/C	P*/C	-	26-18-050
Animal Keeping: Beekeeping	P	P	P	P	P	P	P	P	26-18-060
Animal Keeping: Livestock Feed Yards	-	-	-	-	-	C	C	-	26-18-090
Farm Retail Sales	-	-	-	-	-	-	P	-	26-18-140

Land Use	CO Zone	C1 Zone	C2 Zone	C3 Zone	LC Zone	CR Zone	AS Zone	K Zone	Use Regulations
Farm Stands	-	-	-	-	-	-	P	-	26-18-150
Mushroom Farming	-	-	-	-	-	C	C	-	26-18-190
Nursery, Wholesale	-	-	-	C	-	-	P	P	26-18-200
Tasting Rooms	-	-	-	-	-	p*	p*	-	26-18-210
Industrial, Manufacturing, Processing and Storage Land Use Category									
Animal Product Processing	-	-	-	-	-	C	C	-	26-20-020
Fertilizer Plants						C			26-20-030
Laboratories	-	-	-	C	-	-	-	-	26-20-040
Laundry Plants	-	-	-	P	-	-	-	-	26-20-050
Manufacturing/Processing, Light	-	-	-	P	-	-	-	-	26-20-070
Manufacturing/Processing, Medium	-	-	-	P	-	-	-	-	26-20-080
Recycling Collection Facilities	†	†	†	†	†	†	†	†	† See 26-20-090 & 26-88-070
Recycling Processing Facilities	†	†	†	†	†	†	†	†	† See 26-20-100 & 26-88-070
Storage: Contractor's Storage Yard	-	-	-	C	-	-	-	-	26-20-110
Storage: Manufacture Home Storage	-	-	-	C	-	-	-	-	26-20-120
Storage: Personal Storage	-	-	-	P	-	-	-	-	26-20-130
Storage: Vehicle, Boat, and RV Storage	-	-	-	C	-	-	-	-	26-20-140
Storage: Warehouses	-	-	-	P	-	-	-	-	26-20-150
Storage: Wholesale and Distribution	-	-	-	P	-	-	-	-	26-20-160
Wrecking and Salvage Yards	-	-	-	C	-	-	-	-	26-20-170
Recreation, Education & Public Assembly Land Use Category									
Camp, Organized	-	-	-	-	-	-	-	C	26-22-020
Campgrounds	-	-	-	-	-	-	-	C	26-22-030
Civic Institution	C	-	-	-	-	-	-	C	26-22-040
Community Meeting Facilities	C	C	C	-	C	C	-	C	26-22-050
Country Clubs	-	-	-	-	-	-	-	C	26-22-060
Educational Institutions: Colleges and Universities	-	C	P	-	C	-	-	C	26-22-070
Educational Institutions: Specialized Education and Training	-	C	P	-	C	-	-	C	26-22-090
Golf Course	-	-	-	-	-	-	-	C	26-22-100
Parks and Playgrounds	C	-	-	-	-	-	-	P/C	26-22-110

Land Use	CO Zone	C1 Zone	C2 Zone	C3 Zone	LC Zone	CR Zone	AS Zone	K Zone	Use Regulations
Periodic Special Events	P	P	P	P	P	P	P	P	26-22-120
Recreation and Sports Facilities: Health/Fitness Facility	C	-	C	C	C	C	-	C	26-22-130
Recreation and Sports Facilities: Recreation Facility, Indoor	C	-	C	C	C	C	-	C	26-22-140
Recreation and Sports Facilities: Recreation Facility, Outdoor	-	-	-	-	-	-	-	C	26-22-150
Recreation and Sports Facilities: Rural Sports and Recreation	-	-	-	-	-	-	-	C	26-22-160
Recreation and Sports Facilities: Shooting Ranges	-	-	-	-	-	-	-	C	26-22-170
Sports and Entertainment Assembly	-	-	-	-	-	-	-	C	26-22-180
Studios for Art Crafts, Dance, Music	-	C	-	-	C	-	-	C	26-22-190
Theater and Entertainment Venues	-	-	C	C	-	-	-	-	26-22-200
Visitor/Interpretive Center	-	-	-	-	-	-	-	P	26-22-210
Residential Land Use Category									
Accessory Dwelling Unit	P	P	P	P	P	P	P	P	26-24-020; 26-88-060
Caretaker Dwelling	-	-	-	-	C	-	C	C	26-24-080
Dwelling, Single-Family	C	C	C	C	C	P	P	C	26-24-130
Family Day Care Home, Large	-	P	P	-	P	P	P	P	26-28-150; 26-88-080
Family Day Care Home, Small	-	P	P	-	P	P	P	P	26-28-150
Home Occupation	P	-	-	-	-	P	P	P	26-24-180; 26-88-121
Junior Accessory Dwelling Unit	P	P	P	P	P	P	P	P	26-24-190; 26-88-061
Live/Work	C	C	C	C	C	C	C	C	26-24-200; 26-88-122
Mixed-Use Development	C	P*/C	P*/C	-	P*/C	-	-	C	26-24-210; 26-88-123
Permanent Supportive Housing	P	P	P	P	P	P	P	-	26-24-230
Residential Community Care, Large	C	C	C	C	C	-	C	C	26-24-240
Residential Community Care, Small	P	P	P	-	P	P	P	P	26-24-240
Single-Room Occupancy, Large	-	C	C	-	C	-	-	-	26-24-250; 26-88-125
Single-Room Occupancy, Small	-	-	C	-	C	-	-	-	26-24-250; 26-88-125

Land Use	CO Zone	C1 Zone	C2 Zone	C3 Zone	LC Zone	CR Zone	AS Zone	K Zone	Use Regulations
Transitional Housing	P	P	P	P	P	P	P	-	26-24-270; 26-88-127
Retail Land Use Category									
Alcoholic Beverage Sales, Large		P	P	-	P	C			26-26-020
Alcoholic Beverage Sales, Small	-	C	C	C	C	C	-	-	26-26-020; 26-88-195
Bar, Tavern, Nightclub	-	C	P	C	C	C	-	C	26-26-030
Building and Landscape Materials Sales	-	-	-	P	-	-	C	-	26-26-040
Farm Equipment and Supplies Sales and Rental	-	-	-	P	P		C	-	26-26-050
Fuel Dealers	-	-	-	C	C	C	-	-	26-26-070
Fuel Station	-	C	C	C	C	C	-	-	26-26-080
General Retail	-	P*	P	P	P*	C	-	C	26-26-090
Heavy Equipment Sales and Rentals	-	-	-	C	C	C	-	-	26-26-100
Manufactured Homes Sales and Rentals	-	-	-	P	-	-	-	-	26-26-110
Nursery, Retail	-	-	P	-	C	-	C	-	26-26-120
Outdoor Vendor	-	C	C	-	C	-	-	-	26-26-130
Restaurant	-	P/C	P/C	-	P/C	-	-	P/C	26-26-140
Vehicles/Boats Sales and Rentals	-	-	C	P	-	-	-	-	26-26-150
Services Land Use Category									
Adult Entertainment Establishment	-	-	-	C	-	-	-	-	26-28-020; 26-88-010(f)
Banks and Financial Institutions	P	P	P	-	P	C	-	-	26-28-030
Business Support Services	-	-	C	P	-	-	-	-	26-28-040
Commercial Kennels	-	-	C	C	C	C	C	-	26-18-070
Day Care Center	C	C	C	C	C	C	C	C	26-28-080
Homeless Shelter: Emergency	-	-	C	C	C	C	-	-	26-28-090; 26-88-127
Homeless Shelter: Small Scale	-	-	C	P	P	C	-	-	26-28-090; 26-88-127
Lodging: Bed and Breakfast (B&B)	-	C	P	-	C	C	-	C	26-28-130
Lodging: Hosted Rental	-	-	-	P	P	-	-	-	26-28-140
Lodging: Hotel, Motel, and Resort	-	-	C	-	-	-	-	C	26-28-150
Lodging: Vacation Rental	-	-	P	-	P	-	-	P	26-28-160
Maintenance and Repair Service, Non-Vehicular	-	-	P	P	-	-	-	-	26-28-170
Medical Services: Hospitals	C	C	-	-	-	-	-	-	26-28-180

Land Use	CO Zone	C1 Zone	C2 Zone	C3 Zone	LC Zone	CR Zone	AS Zone	K Zone	Use Regulations
Medical Services: Offices and Outpatient Care	P	-	-	-	P	C	-	-	26-28-190
Personal Services	-	P	P	-	P	P	-	C	26-28-200
Professional Office	P	P	P	-	P	-	-	P*	26-28-210
Vehicle Maintenance and Repair	-	-	C	P	C	C	C	-	26-28-220
Veterinary Clinic	C	C	C	C	C	C	-	-	26-28-230
Transportation, Energy, Public Facilities Land Use Category									
Airfields and Landing Strips: Restricted Use Airfield	-	-	-	-	-	-	-	-	26-30-030
Dispatch Facility	-	-	-	C	-	-	-	-	26-30-040
Low Temperature Geothermal Resource Development	C	C	C	C	C	C	C	C	26-30-050
Marinas	-	-	-	-	-	-	-	C	26-30-060
Parking Facilities	-	-	C	C	-	-	-	-	26-30-080
Public Safety Facilities	C	C	C	C	C	C	C	C	26-30-090
Public Utility Facilities	C	C	C	C	C	C	C	C	26-30-100
Renewable Energy Facilities	†	†	†	†	†	†	†	†	† See 26-30-110 and Section 26-88-200
Telecommunications Facilities	†	†	†	†	†	†	†	†	† See 26-30-120 and Section 26-88-130
Truck/Bus/Freight Terminal	-	-	C	C	C	C	-	-	26-30-130
Other Land Uses									
Commercial Cannabis Uses	†	†	†	†	†	†	†	†	† See 26-88-250; 26-88-254; 26-88-256

Section VIII. Table 12-1 in Sonoma County Code Section 26-12-030 is amended to include Accessory Dwelling Units as a permitted use as follows:

Table 12-1: Allowed Land Uses in Industrial Zones

Key of symbols for Table 12-1:

P = Permitted Use

P* = Permitted Use, subject to discretionary approval criteria

C = Conditional Use

- = Prohibited Use

† = Permit requirement indicated in Use Regulations column

Land Use	MP Zone	M1 Zone	M2 Zone	M3 Zone	Use Regulations
Agricultural & Resource-Based Land Use Category					
Agricultural Crop Production and Cultivation	-	P	P	P	26-18-020
Agricultural Processing	C	C	C	C	26-18-030
Animal Keeping: Beekeeping	P	P	P	P	26-18-060
Timber Saw Mills and Lumber Production	-	-	C	C	26-18-240
Industrial, Manufacturing, Processing and Storage Land Use Category					
Animal Product Processing	-	-	C	-	26-20-020
Fertilizer Plants			C		26-20-030
Laboratories	P	P	P	P	26-20-040
Laundry Plants	-	P	P	P	26-20-050
Manufacturing/Processing, Heavy	-	C	C	C	26-20-060
Manufacturing/Processing, Light	P	P	P	P	26-20-070
Manufacturing/Processing, Medium	P	P	P	P	26-20-080
Recycling Collection Facilities	†	†	†	†	† See 26-20-090 & 26-88-070
Recycling Processing Facilities	†	†	†	†	† See 26-20-100 & 26-88-070
Storage: Contractor's Storage Yard	-	C	C	C	26-20-110
Storage: Manufactured Home Storage	-	P	P	P	26-20-120
Storage: Personal Storage	-	P	P	P	26-20-130
Storage: Vehicle, Boat, and RV Storage	-	P	P	P	26-20-140
Storage: Warehouses	P	P	P	P	26-20-150
Storage: Wholesale and Distribution	P	-	P	-	26-20-160
Wrecking and Salvage Yards	-	-	C	C	26-20-170
Recreation, Education & Public Assembly Land Use Category					
Community Meeting Facilities	C	C	C	C	26-22-150
Periodic Special Events	P	P	P	P	26-22-120
Recreation and Sports Facilities: Health/Fitness Facility	C	C	C	C	26-22-130
Recreation and Sports Facilities: Recreation Facility, Indoor	C	C	C	C	26-22-140
Recreation and Sports Facilities: Shooting Ranges	-	-	C	C	26-22-170
Theater and Entertainment Venues	P	-	-	-	26-22-200
Residential Land Use Category					
Accessory Dwelling Unit	P	P	P	P	26-24-020; 26-88-060
Caretaker Dwelling	C	C	C	C	26-24-080

Land Use	MP Zone	M1 Zone	M2 Zone	M3 Zone	Use Regulations
Junior Accessory Dwelling Unit	P	P	P	P	26-24-190; 26-88-061
Residential Community Care Facility, Large	C	C	C	C	26-24-240; 26-88-125
Work/Live	-	C	-	-	26-24-280
Retail Land Use Category					
Building and Landscape Materials Sales	-	P	P	P	26-26-040
Farm Equipment and Supplies Sales and Rentals	-	P	P	P	26-26-050
Fuel Dealers	-	-	-	C	26-26-070
Fuel Station	C	C	C	-	26-26-080
Heavy Equipment Sales and Rental	-	P	-	P	26-26-100
Restaurants	P/C	C	C	-	26-26-140
Vehicles/Boat Sales and Rentals	-	P	-	P	26-26-150
Services Land Use Category					
Banks and Financial Institutions	C	C	C	-	26-28-030
Business Support Services	P	P	P	P	26-28-040
Day Care Center	C	C	C	C	26-28-080
Homeless Shelter, Emergency	C	P	C	-	26-28-090; 26-88-127
Homeless Shelter, Small Scale	C	P	C	-	26-28-090; 26-88-127
Lodging: Hotel, Motel, and Resort	C	C	C	-	26-28-150
Maintenance and Repair Service, Non-Vehicular	P	P	P	P	26-28-170
Professional Office	P*	P	P	P	26-28-210
Vehicle Maintenance/Repair	-	C	C	C	26-28-220
Veterinary Clinic	-	C	-	-	26-28-230
Transportation, Energy, Public Facilities Land Use Category					
Airfields and Landing Strips: Restricted Use Airfield	-	C	C	C	26-30-030
Dispatch Facility	-	C	-	-	26-30-040
Low Temperature Geothermal Resource Development	C	C	C	C	26-30-050
Public Safety Facilities	P	C	C	C	26-30-090
Public Utility Facilities	P	C	C	C	26-30-100
Renewable Energy Facilities	†	†	†	†	† See Section 26-30-110 and Section 26-88-200
Telecommunications Facilities	†	†	†	†	† See Section 26-30-120 and Section 26-88-130
Truck/Bus/Freight Terminal	-	C	C	C	26-30-130

Land Use	MP Zone	M1 Zone	M2 Zone	M3 Zone	Use Regulations
Other Land Uses					
Commercial Cannabis Uses	†	†	†	†	† See 26-88-250; 26-88-254; 26-88-256

Section IX. Sonoma County Code Section 26-88-060 is repealed and replaced in its entirety as shown in Exhibit A.

Section X. Sonoma County Code Section 26-88-061 is repealed and replaced in its entirety as shown in Exhibit B.

Section XI. Adoption of the ordinance is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code § 21080.17 and CEQA Guidelines §15282(h), which provide that CEQA does not apply to adoption of an ordinance implementing Gov. Code § 65852.2 regarding accessory dwelling units.

Section XII. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section XIII. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the ___ day of _____, 2021, and finally passed and adopted this ___ day of _____, 2021, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

Gorin: Rabbitt: Coursey: Gore: Hopkins:
Ayes: Noes: Absent: Abstain:

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Sheryl Bratton,
Clerk of the Board of Supervisors

EXHIBIT A:
SEC. 26-88-060 – ACCESSORY DWELLING UNITS

- (a) **Purpose.** This section implements the requirements of Government Code § 65852.2 and the provisions of the General Plan Housing Element that encourage the production of affordable housing by means of accessory dwelling units (ADUs).
- (b) **Definitions.** As used in this section:
- (1) “Multifamily” means a structure with two or more attached dwellings on a single lot.
 - (2) “Objective standards” mean numeric and/or fixed standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the applicant and the public official prior to submittal.
 - (3) “Primary residence” means an existing or proposed single-family dwelling or multifamily structure on the lot on which the ADU or ADUs is or are proposed to be established.
 - (4) “Accessory structure” means a legally permitted structure that is accessory and incidental to a primary residence located on the same lot.
 - (5) “Existing space” means floor area that is legally permitted or recognized as legal by the Director.
 - (6) “Floor area” shall be calculated by measuring the exterior perimeter of applicable areas and the length of any common walls.
 - (7) “Groundwater Availability Zone” means an area designated as Groundwater Availability Class 1, 2, 3, or 4 pursuant to the General Plan Water Resources Element and depicted on Sonoma County’s Groundwater Availability Map maintained by the Permit and Resource Management Department.
 - (8) “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
 - (9) “Studio” means a dwelling unit in which the living area is not separated from the sleeping area.
- (c) **Applicability.**
- (1) ADUs shall be ministerially permitted in zoning districts that allow single-family or multifamily dwellings, in compliance with Government Code § 65852.2, the requirements of this section, and all other requirements of the applicable zoning district in which an ADU is permitted. The Department shall act on an application to create an ADU within 60 days from the date it receives a completed application if there is an existing single-family or multifamily dwelling on the lot.
 - (2) On lots in LIA, LEA, and DA zoning districts, ADUs shall be permitted in conjunction with a primary residence, except where a lot is eligible for one or more agricultural dwelling units and an application has been filed for an ADU, that lot shall be eligible for one

fewer agricultural dwelling unit. Where a lot contains the maximum agricultural dwelling units permitted on the lot, those units are deemed ADUs and no additional ADUs are permitted. In this section, "agricultural dwelling unit" includes farm family dwelling units, caretaker units, year-round farmworker housing, or agricultural employee dwelling units.

- (3) ADUs are prohibited in the Z (Accessory Dwelling Unit Exclusion) Combining District.
- (4) ADUs with water provided by a groundwater well or spring in Class 3 and 4 Groundwater Availability Zones shall be limited as follows:
 - (i) In Class 3 areas, ADUs shall be permitted only if:
 - (A) The domestic water source is located on the subject lot, or a mutual water source is available; and
 - (B) Groundwater yield is sufficient for the existing and proposed use, pursuant to Section 7-12 of the Sonoma County Code.
 - (ii) In Class 4 areas, or critical habitat areas as identified by the County and informed by State or Federal agency publications of critical habitat areas for fisheries, an ADU shall be permitted only if:
 - (A) Both requirements for Class 3 areas, above, are met; and
 - (B) The ADU can be shown to have a net zero increase in water usage on the lot, following the most recent guidance, policy, or procedure adopted by the Director of Permit Sonoma.
- (d) **Density.** As provided by Government Code § 65852.2, ADUs do not exceed the allowable density for the lot on which the ADU is located, and are consistent with the General Plan and zoning for the lot.
- (e) **Permit Requirements.** Construction permits (including, but not limited to, building, grading, well, septic, and sewer permits, as applicable) shall be required to establish an ADU. ADUs must comply with applicable building and fire codes, including providing evidence of adequate wastewater disposal capacity, water supply, access, and that any required permits have been obtained and all applicable fees have been paid. Water supply must be demonstrated pursuant to Section 7-12 of this Code.
- (f) **Fees.** Applicable development fees shall be charged proportionately by the square footage of the ADU in relation to the square footage of the primary residence. On a lot that contains a multifamily dwelling, the proportionality shall be based on the average square footage of the units within the multifamily dwelling structure. No fees shall be charged for ADUs of less than 750 square feet.
- (g) **Timing.** An ADU is allowed on a lot with an existing or proposed primary dwelling unit. A certificate of occupancy for an ADU shall not be issued prior to a certificate of occupancy for the primary residence. Existing dwellings meeting the standards of this ordinance may be re-designated as an ADU, when a new primary dwelling unit is proposed, and with the approval of a zoning permit.

(h) **Development Standards.**

- (1) **Unit Type.** An ADU may be attached to an existing primary residence, converted from a portion of the existing living area of the primary residence, detached and on the same legal lot as a primary residence, converted from the entirety of or a portion of an existing accessory structure, or attached to an existing or proposed accessory structure.
- (2) **Number of Units.** The number of ADUs allowed on a single lot shall be:
 - (i) **On a lot that contains an existing or proposed single-family dwelling:** One ADU.
 - (ii) **On a lot that contains an existing multifamily dwelling:** Two ADUs, detached from the multifamily structure, or up to 25 percent of the existing units in the multifamily dwelling, but at least one, converted from existing non-livable space in a multifamily structure.
 - (iii) **On a lot that contains a proposed multifamily dwelling:** One ADU.
- (3) **Location.** ADUs shall be located subject to the following setbacks, and in conformance with any easements and building envelopes:
 - (i) **Front Yard Setback:** As established by the base zoning district.
 - (ii) **Side and Rear Yard Setbacks:** Four feet.
 - (iii) No setback shall be required for an ADU converted from existing space within the primary residence or an accessory structure, or for an ADU constructed in the same location and to the same dimensions as an existing accessory structure.
 - (iv) **Riparian Corridor Setbacks.** ADUs shall observe applicable setbacks of the Riparian Corridor (RC) Combining District as provided in Article 65 of this Code. If the setback would not permit an 800 square foot ADU that is no more than 16 feet in height, then the ADU shall provide a minimum of four-foot side and rear yard setbacks and comply with applicable permit requirements for development within the Riparian Corridor setback. An application for an ADU proposed within the RC setback shall not be considered complete until the applicable permit for development within the Riparian Corridor setback is obtained.
 - (v) ADUs shall adhere to subsection (m), Construction Standards.
- (4) **Height.**
 - (i) **Detached, new construction:**
 - (A) On lots with an existing or proposed single-family residence, ADUs shall be limited to the height limit for accessory structures established by base zoning district, except that the maximum allowed height shall not be less than 16 feet.

- (B) On lots with existing or proposed multifamily dwellings, ADUs shall be limited to 16 feet in height.
 - (ii) **Attached to the primary residence, or converted from existing space in the primary residence:** The ADU shall comply with the height limit established by the base zoning district.
 - (iii) **Attached to or converted from the entirety of or a portion of an accessory structure:** On lots with single family or multifamily dwellings, the ADU shall be limited to the [height limit for accessory structures established by the base zoning district, except that the maximum allowed height shall not be less than 16 feet, current height of the accessory structure, or 16 feet for new construction.](#) ~~An ADU created through the conversion of an existing accessory structure may include an expansion of no more than 150 square feet beyond the physical dimensions of the existing structure to accommodate ingress and egress.~~ In General Plan-designated Urban Service Areas, and where the unit is proposed to be located above an accessory structure, the maximum height shall be that established for the primary dwelling in the base zoning district.
- (5) **Unit Size.**
- (i) **Detached, new construction:**
 - (A) On lots with an existing or proposed single-family residence, the maximum floor area shall be 1,200 square feet.
 - (B) On lots with existing or proposed multifamily dwellings, the maximum floor area shall be 1,200 square feet.
 - (ii) **Attached to the primary residence or an accessory structure, new construction:** The maximum floor area shall be 1,200 square feet.
 - (iii) **Converted from existing space in a primary residence or an accessory structure:** The maximum size of an ADU created through the conversion of existing space shall be the dimensions of the structure plus an addition of no more than 150 square feet to accommodate ingress and egress. An expansion greater than 150 square feet may be permitted up to a maximum unit size of 1,200 square feet.
- (6) **Lot Size.** No minimum lot size shall be required.
- (7) **Lot Coverage.** The lot coverage limitation of the base zoning district shall be applied, unless it would not permit an ADU of 800 square feet, 16 feet in height, meeting four-foot side and rear yard setbacks.
- (i) **Parking.** One parking space shall be provided. The parking space for an ADU may be located in an existing driveway as tandem parking.
- (1) These parking requirements do not apply if the ADU meets any of the following criteria:
- (i) The ADU is on a lot that is located within one-half mile walking distance to a transit stop.

- (ii) The ADU is on a lot zoned HD (Historic District) Combining Zone.
 - (iii) The ADU is part of a proposed or existing primary residence or an existing accessory structure.
 - (iv) The ADU is located on a lot where on-street parking permits are required, but not offered to the occupancy of the ADU.
 - (v) The ADU is on a lot located within one block of a car share vehicle.
 - (vi) The ADU is a studio.
- (2) Replacement parking shall not be required when the ADU is created by converting an existing garage that provides parking for the primary dwelling unit.
- (j) **Standards for Conversions of Legal Nonconforming Residential Accessory Structures.** ADUs converted from residential accessory structures determined to be Legal Nonconforming, pursuant to Article 94 of the Sonoma County Zoning Ordinance, shall be subject to the following requirements:
- (1) A Legal Nonconforming residential accessory structure that is converted to an ADU, or reconstructed as an ADU to the same footprint and dimensions as the original structure, shall not be subject to setback requirements.
 - (2) A legal nonconforming residential accessory structure that is converted to an ADU may be expanded to 1,200 square feet if the expansion will comply with the height limit and setbacks for new detached ADUs, except as provided in subsection (h)(5)(iii)(A).
 - (3) Expansion of floor area within a nonconforming setback is limited to 10 percent, or at least 150 square feet if necessary to accommodate ingress and egress.
- (k) **Standards for ADUs Used to Meet the Affordable Housing Program Requirement.** In addition to the standards set forth above, an ADU that is proposed to be made available for rent to another household in compliance with Article 89 requirements shall meet the following additional standards:
- (1) **Separate Parking and Pathway.** A designated parking space and a path of travel into the ADU that does not cross the private yard space of the main home.
 - (2) **Doorways.** No connecting doorways between the ADU and the main unit, except for a shared laundry room or vestibule; and
 - (3) **Yard.** Provision of a separate yard or open space area from that of the main dwelling. For ADUs located above other structures, this requirement may be met through the provision of a deck with no dimension of less than six feet.
- (l) **Design Standards.** ADUs involving addition of floor area shall meet all objective design standards that apply to the lot. No discretionary review or permits shall be required to establish an ADU.
- (m) **Construction Standards.** Not exclusive of other applicable State and local building and fire regulations, ADUs shall comply with the following requirements.

- (1) Structures within the State Responsibility Area (SRA) must comply with applicable local and State regulations for setbacks and fire-resistive construction.
 - (2) Structures outside of the SRA must comply with building code regulations for fire-resistive construction, unless more restrictive standards are required pursuant to state law or regulation.
 - (3) Fire sprinklers shall not be required in the ADU if the primary residence is not required to have fire sprinklers. Fire sprinklers may be required if a structure containing an ADU is greater than 1,200 square feet.
- (n) **Use Restrictions.**
- (1) **Ownership.** ADUs may be rented but shall not be sold or otherwise conveyed separate from the primary residence, except as specifically provided for by State law.
 - (2) **Duration of Tenancy.** ADUs may not be rented for periods of less than 30 days.

EXHIBIT B:
SEC. 26-88-061 – JUNIOR ACCESSORY DWELLING UNITS

- (a) **Purpose.** This section implements the requirements of Government Code § 65852.22 and the provisions of the General Plan Housing Element that encourage the production of affordable housing by means of accessory dwelling units.
- (b) **Definitions.** As used in this section:
 - (1) “Single-family residence” refers to the existing or proposed dwelling unit within which the junior accessory dwelling unit is established.
- (c) **Applicability.** Junior accessory dwelling units (JADUs) shall be ministerially permitted in zoning districts that allow single-family dwelling units as permitted uses, in compliance with Government Code § 65852.22, the requirements of this section, and all other requirements of the applicable zoning district. The Department shall act on an application to create a JADU within 60 days from the date it receives a completed application if there is an existing single-family dwelling on the lot.
- (d) **Permit Requirements and Fees.** Construction permits (including, but not limited to, a building, well, septic, and/or sewer permit) shall be required to establish a JADU. A JADU shall not be considered a separate or new dwelling unit for purposes of applying building codes, fire codes, well and septic requirements, or collection of impact fees.
- (e) **Timing.** A JADU may be established after or concurrently with the single-family residence.
- (f) **Development Standards.**
 - (1) **Number of Units.** One JADU is allowed per lot, within a single-family residence.
 - (2) **Unit Size.** The floor area of a JADU shall not exceed 500 square feet. If the bathroom is shared with the single-family residence, it shall not be included in the floor area.
 - (3) **Location.** A JADU shall be created from space in an existing, fully permitted, or proposed single-family dwelling or garage attached to the single-family residence.
 - (4) **Access.** A separate, exterior entrance to the JADU shall be provided.
 - (5) **Bathroom.** A JADU may include separate sanitation facilities, or may share sanitation facilities with the single-family residence.
 - (6) **Kitchen.** A JADU shall include an efficiency kitchen.
- (g) **Use Restrictions.**
 - (1) JADUs may be rented but shall not be sold separate from the single-family residence.
 - (2) JADUs may not be rented for periods of less than 30 days.
 - (3) The owner of the property must reside in either the single-family home or the newly created JADU.

- (4) **Deed Restriction.** The property owner shall record a deed restriction that:
- (i) Prohibits sale of the JADU separate from the single-family residence;
 - (ii) Specifies that the deed restriction runs with the land and is enforceable against future property owners;
 - (iii) Restricts the size and attributes of the JADU to those established by this section and Government Code § 65852.22; and
 - (iv) Makes the County a third-party beneficiary of the deed restriction with the right to enforce the provisions of the deed restriction.