

City of Sonoma

ORDINANCE # 01 - 2017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA AMENDING TITLE 19 OF THE SONOMA MUNICIPAL CODE BY ESTABLISHING REGULATIONS PROVIDING FOR ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS IN ACCORDANCE WITH STATE LAW

The City Council of the City of Sonoma hereby ordains as follows:

Section 1. Amendments to "Zones and Allowable Uses", Title 19, Section 19.10.05 of the Sonoma Municipal Code.

Title 19, Section 19.10.050 is hereby amended as set forth in Exhibit "A".

Section 1. Amendments to "Parking and Loading Standards", Title 19, Chapter 19.48, of the Sonoma Municipal Code.

Section 19.48.040 (Number of parking spaces required) of Title 19, Chapter 19.48, is hereby amended as set forth in Exhibit "B".

Section 3. Amendments to "Special Use Standards" (Title 19, Division IV) of the Sonoma Municipal Code establishing standards and requirements for Accessory Dwelling Units.

Chapter 19.50 is hereby amended as set forth in Exhibit "C".

Section 4. Amendments to "Definitions" (Title 19, Division VIII) of the Sonoma Municipal Code.

Section 19.92.020 (Definitions of Specialized Terms and Phrases) is hereby amended by the addition of the following:

"Accessory Dwelling Unit", means an attached or detached residential dwelling unit which provides complete independent living facilities for one (1) or more persons, and includes separate permanent provisions for entry, living, sleeping, eating, cooking and sanitation on the same parcel as a single-family dwelling (Government Code § 65852.2). An accessory dwelling unit may also be provided as an efficiency dwelling unit (Health & Safety Code § 17958.1) and/or a manufactured home (Health & Safety Code § 18007), as defined in this section.

"Accessory Dwelling Unit", Junior, means a living space not exceeding five hundred (500) square feet in size and contained entirely within an existing single-family dwelling. A junior accessory dwelling unit shall include an efficiency kitchen, and may include separate sanitation facilities or share sanitation facilities with the existing structure.

"Efficiency Dwelling Unit", means a small, self-contained dwelling unit containing a habitable room of not less than 150 square feet of floor area and a minimum horizontal dimension of 7 feet. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable rooms. An additional one hundred (100) square feet of floor area within the unit shall be provided for each occupant of such a unit in excess of two (2).

"Efficiency kitchen", means a removable kitchen that contains a sink with a maximum waste line diameter of 1.5 inches; cooking appliances that are removable by a cord and plug connection and that do not require natural gas, propane, or electrical service greater than 120 volts; a limited food preparation counter; and storage cabinets. The entire kitchen shall not exceed six (6) lineal feet, except that if existing counter space is being converted to efficiency kitchen use then the counter space shall not exceed eight (8) lineal feet.

"Manufactured home" means a dwelling unit including mobile homes and factory-built housing as defined in Sections 18210.5 and 19971, respectively, of the California Health and Safety Code.

Section 5. Amendments to "Housing Allocation Process" (Title 19, Chapter 19.94) of the Sonoma Municipal Code.

Section 19.94.070 (Exceptions to Allocation Process) of Title 19, Chapter 19.48, is hereby amended as follows:

19.94.070 Exceptions to allocation process.

The following types of development shall be exempt from the allocation process in that a qualifying development may apply for a building permit or planning approval, as applicable, at any time:

A. Small projects shall be exempt from the planning approval allocation process, but the number of small projects approved in any one development year shall be deducted from the 65-unit allocation of the following year, as described in SMC 19.94.040(C).

B. Condominium conversions where no additional dwelling units are created.

C. Second units Accessory Dwelling Units and Accessory Dwelling Units, Junior.

D. Density bonus units.

E. Inclusionary units provided at the low income level (except within projects located in the Sonoma residential zone) or at the very low income level.

F. Inclusionary units provided in numbers in excess of the normal requirement.

G. As determined by the city council on a case-by-case basis, applications in which at least 60 percent of the proposed units qualify as affordable housing, as defined in this chapter, and which involve city participation in planning, financing or development. (Note: to qualify for consideration, the level of city participation must exceed that which occurs in the normal development review process.)

A preapplication shall be filed for any project exempted under this subsection (G), and the allocations associated with the project shall be subtracted from the annual pool of development allocations in accordance with the allocation process, based on the date of the preapplication.

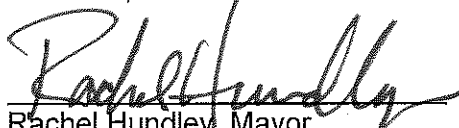
Section 6. Exemption from Environmental Review.

The amendments to the Municipal Code effected by this ordinance are exempt from environmental review pursuant to Section (b)(3) of title 14 of the California Code of Regulations, as they are intended to implement requirements of State law.

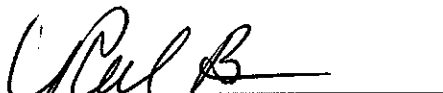
Section 7. Effective Date.

This ordinance shall become effective thirty (30) days from and after the date of its passage.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Sonoma this 17th day of APRIL, 2017.


Rachel Hundley, Mayor

ATTEST:


Rebekah Barr, MMC, City Clerk

State of California)
County of Sonoma)
City of Sonoma)

I, Rebekah Barr, City Clerk of the City of Sonoma, do hereby certify that the foregoing ordinance was adopted on November 7, 2016 by the following vote:

AYES: AGRIMONTI, EDWARDS, COOK, HARRINGTON, HUNDLEY
NOES:
ABSENT:


Rebekah Barr, MMC, City Clerk

Exhibit "A"

**Amendments to "Zones and Allowable Uses" (Title 19, Section 19.10.050)
of the Sonoma Municipal Code**

A. Table 2-4 (Residential Uses and Permit Requirements) is hereby amended as follows:

Allowed Uses and Permit Requirements for Residential Districts (1)			Permit Required by District (2)				P	Use permitted		
							UP	Use Permit required		
							L	License required		
							—	Use not allowed		
Land Use (1)	R- HS	R-R	R-L	R-S	R-M	R-H	R-O	R-P	Specific Use Regulations	
<i>Residential Uses (2)</i>										
Duplex	—	—	UP	P	P	UP	UP	—		
Emergency Shelters	—	—	—	—	UP	UP	UP	—	19.50.033	
Home Occupation	P	P	P	P	P	P	P	P	19.50.035	
Live/Work Facilities	—	—	—	—	UP	—	—	—		
Mobile Home Park	—	—	—	—	—	—	—	UP	19.50.035	
Multi-family Dwelling (Four or fewer units)	—	—	—	UP	P	P	P	—		
Multi-family Dwelling (Five or fewer units)	—	—	—	UP	UP	UP	P	—		
Residential Accessory Structures	P	P	P	P	P	P	P	P		
Residential Care Homes, Six or fewer clients	—	—	P	P	P	—	—	—		
Residential Care Homes, Seven or more clients	—	—	—	—	UP	—	—	—		
Single-Family Dwellings	P	P	P	P	P	UP	—	—	19.50.035	
Accessory Dwelling Units	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>19.50.090</u>	
Accessory Dwelling Units, Junior	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>19.50.090</u>	
Supportive	—	—	P/UP	P/UP	P/UP	P/UP	—	—		

Housing (3)									
Transitional Housing (3)	—	—	P/UP	P/UP	P/UP	P/UP	—	—	

B. Table 2-3 (Mixed Uses and Permit Requirements) is amended as follows:

Allowed Uses and Permit Requirements for Mixed Use Zoning Districts (1)	Permit Required by District (2)	P UP L —	Use permitted Use Permit required License required Use not allowed
Land Use	MX		Specific Use Regulations
<i>Residential Uses (4)</i>			
Emergency Shelters/Transitional Housing	UP		19.50.033
Live/Work Facilities	UP		19.50.050
Multi-family Dwelling (Four or fewer units)	P		
Multi-family Dwelling (Five or fewer units)	UP		
Residential Care Homes, Seven or more clients	UP		
Single-Family Dwellings	P (5)		
Supportive Housing, four or fewer units	P		
Supportive Housing, five or more units	UP		
Transitional Housing, four or fewer units	P		
Transitional Housing, five or more units	UP		

Notes:

1. See SMC 19.10.050(C) regarding uses not listed. See Division VIII for definitions of the listed land uses.
2. New development in the Mixed Use zone shall include a residential component unless waived by the planning commission through use permit review (see SMC 19.10.020(C)).
3. Uses within these categories are allowed only if the planning commission finds that the use will not result in the encroachment of incompatible commercial uses within an established residential area.
4. New residential developments subject to the city's growth management ordinance.
5. Limited to a single residence on an existing lot of record; otherwise, use permit approval is required.

Amendments to "Parking and Loading Standards", Title 19, Chapter 19.48, of the Sonoma Municipal Code

Section 19.48.040 (Number of parking spaces required) of Title 19, Chapter 19.48 is hereby amended as follows:

Table 4-4

Parking Requirements by Land Use

Land Use Type: Residential Uses	Vehicle Spaces Required
Group quarters (including boarding houses, rooming houses, and dormitories)	One space for each bed, plus one space for each eight beds for guest parking, plus one space for each employee on largest shift.
Duplex housing units	One and one-half space for each unit.
Mobile homes (in mobile home parks)	One space for each mobile home, plus one guest parking space for each four units.
Multifamily dwellings, condominiums and other attached dwellings	One and one-half space for each unit with one space for each unit covered, plus guest parking at the rate of 25% of total required spaces.
Mixed use developments	Determined by use permit.
Live-work developments	One space per 300 sq. ft. of the area devoted to work space, plus one space for every four units.
Secondary residential <u>Accessory dwelling units</u>	<u>See section 19.50.090 (Accessory Dwelling Units)</u> Attached: One covered or uncovered space in addition to that required for a single-family unit. Detached: One covered space in addition to that required for a single-family unit.
<u>Accessory dwelling units, Junior</u>	<u>None Required.</u>
Senior housing projects	One space for each two units with half the spaces covered, plus one guest parking space for each 10 units.
Senior congregate care facilities	0.5 space for each residential unit, plus one space for each four units for guests and employees.
Single-family housing	One space in a garage or carport per unit.

Amendments to "Special Use Standards" (Title 19, Division IV) of the Sonoma Municipal Code establishing standards and requirements for Accessory Dwelling Units

Section 19.95.090 of the Sonoma Municipal Code is hereby repealed and replaced as follows:

19.50.090 Accessory Dwelling Units. This section provides requirements for the establishment of accessory dwelling units, including junior accessory dwelling units, in zoning districts where they are allowed by SMC 19.10.050, Allowable land uses and permit requirements.

A. General Requirements. All accessory dwelling units and junior accessory dwelling units, shall be subject to the following requirements:

- 1. Owner and Resident.** The applicant shall be the owner of the property and shall reside on the property in either the main or second unit (upon construction).
- 2. Number of Accessory Dwelling Units Allowed.** Only one accessory dwelling unit shall be allowed per parcel.
- 3. Rental of Unit.** An accessory dwelling unit may be rented for periods of 30 days or more, although rental is not required. The rental of an accessory unit for periods of less than 30 days shall be prohibited.
- 4. Sale of a Unit Prohibited.** Individual sale of either the main or the accessory dwelling unit is prohibited.
- 5. An accessory dwelling unit shall not be located on any parcel already containing a dwelling unit that is non-conforming with respect to land use or density, or developed with a duplex, triplex, apartment, planned development, or condominium.**
- 6. No more than one accessory dwelling unit shall be located on a parcel.**

B. Development Standards for Accessory Dwelling Units. Accessory dwelling units that comply with the requirements, criteria, and limitations set forth below shall be reviewed and approved ministerially, through the issuance of a zoning clearance, pursuant to section 19.54.020 of the Development Code. Unless a longer timeframe is requested by the applicant, the required zoning and building permits for an accessory dwelling unit shall be approved or denied within 120 days from submittal of an application that includes all materials required to process the permits.

- 1. Site Requirements.** A minimum parcel size shall not be required, but all applicable residential zoning district requirements regarding coverage and floor area ratio shall be met. A primary residence must be in existence on the lot for which the accessory dwelling unit is proposed at the time the application for a zoning clearance is made.
- 2. Floor Area.**

- a. An attached accessory dwelling unit shall have a floor area not exceeding 30 percent of the existing living area of the main dwelling, and a minimum floor area of 150 square feet.
 - b. A detached accessory dwelling unit shall have a floor area not exceeding 850 square feet, and a minimum floor area of 150 square feet. Any accessory dwelling unit exceeding 650 square feet in area shall not exceed 50 percent of the existing living area of the main dwelling.
 - c. The limitations set forth above notwithstanding, an Efficiency Unit shall be allowed regardless of the size of the main unit.
3. Unit Type. An accessory dwelling unit may be within, attached to, or detached from the primary dwelling unit. A detached second accessory dwelling unit may take the form of a manufactured home on a permanent foundation. If detached, the accessory dwelling unit shall be separated from the main dwelling unit a minimum of 10 feet.
 4. Setbacks. Setbacks for the accessory dwelling unit shall comply with those established in the zoning district where the parcel is located. Detached accessory dwelling units shall comply with setback restrictions for accessory structures while attached accessory dwelling units shall comply with setback restrictions for primary structures. The foregoing limitations notwithstanding, setbacks for an accessory dwelling unit converted from a legal, permitted garage shall be considered conforming. The required minimum side and rear yard setbacks for an accessory dwelling unit constructed above an existing garage shall be five feet (5').
 5. Height/One-Story Limitation. Each accessory dwelling unit shall comply with the height limitations established in the zoning district where the structure is located. Detached accessory dwelling units shall be limited to a single story and shall comply with height restrictions for accessory structures. Attached accessory dwelling units shall comply with height restrictions for primary structures.
 6. Design Compatibility. The accessory dwelling unit shall be similar or compatible in character to the primary residence on the site in terms design and landscaping. Accessory dwelling units shall also comply with requirements or guidelines set forth in any applicable overlay district or development guideline.
 7. Parking. Off-street parking shall be provided in compliance with Chapter 19.48 SMC, Parking and Loading Standards.
 8. Landscaping. Accessory dwelling unit units located within 15 feet of an adjoining residence shall require landscaping. In the event that the existing development lacks landscaping, the applicant shall submit a landscape screening plan, which shall specify irrigation and plant varieties.
 9. Condominiums and Planned Developments. Accessory dwelling units proposed in conjunction with proposed condominium units or proposed planned developments shall not be permitted under this subsection, but may be allowed subject to the approval of a conditional use permit as set forth under subsection (D) of this section.
- C. Development Standards for Junior Accessory Dwelling Units. Junior accessory dwelling units that comply with the requirements, criteria, and limitations set forth below shall be reviewed and approved ministerially, through the issuance of a zoning clearance. Unless a

longer timeframe is requested by the applicant, the required zoning and building permits for a junior accessory dwelling unit shall be approved or denied within 120 days from submittal of an application that includes all materials required to process the permits.

1. Site Requirements. A minimum parcel size shall not be required, but all applicable residential zoning district requirements regarding coverage and floor area ratio shall be met. A primary residence must be in existence on the lot for which the accessory unit is proposed at the time the application for a zoning clearance is made.
2. Size. A junior accessory dwelling unit shall not exceed five hundred (500) square feet in floor area. If the bathroom is shared with the remainder of the single-family dwelling, it shall not be included in the square footage calculation.
3. Location. A junior accessory dwelling unit shall be installed within a legally established bedroom within the existing walls of a fully permitted single-family dwelling.
4. Access. A separate entrance to the junior accessory dwelling unit shall be provided, and interior access to the remainder of the single-family dwelling shall be maintained. Two doors may be installed within one frame for noise attenuation.
5. Kitchen. A junior accessory dwelling unit shall contain an efficiency kitchen, as defined in Section 19.92.020. The efficiency kitchen must be removed when the junior accessory dwelling unit use ceases.
6. Sanitation. A junior accessory dwelling unit may include a full bathroom, or the occupant(s) may use a full bathroom inside the remainder of the single-family dwelling.
7. Parking. A parking space is not required for the junior accessory dwelling unit.

D. Density. As provided by Government Code Section 65852.2(b)(5), accessory dwelling units are exempt from the density limitations of the general plan, provided that no more than one (1) second accessory dwelling unit may be located on any parcel.

E. Parking.

1. Required Parking: One (1) off-street parking space with an all-weather surface shall be provided for the exclusive use of the accessory dwelling unit, in addition to the parking that is required for the primary dwelling. The parking space for the accessory dwelling unit may be allowed in the driveway and in tandem. Required parking shall be waived if:
 - a. The parcel containing the accessory dwelling unit is within 1/2 mile of a public transit stop; or
 - b. The accessory dwelling unit is located within a federal, state, or locally-designated historic district;
 - c. The accessory dwelling unit is part of the existing single-family dwelling or an existing accessory structure; or
 - d. On-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or
 - e. A car share vehicle is located within one block of the property in which the accessory dwelling unit is located.

2. Replacing Required Parking. If a garage or carport that provides required parking space(s) for the primary unit is demolished in conjunction with construction of an accessory dwelling unit, the required replacement spaces may be located in any configuration, covered or uncovered, or tandem, or by parking lift (unless exempt from parking altogether).

F. Exceptions. Exceptions to the standards set forth in subsection (B) of this section may be allowed in compliance with SMC 19.54.050.