

ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS — ORDINANCE UPDATE

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Zoning Code Modernization Program

- Phase 1 and 2:
 - ▣ Reformatting of existing code, minor changes to comply with state and federal laws
 - ▣ Approved in February 2021
- Phase 3:
 - ▣ Intended to simplify application processes and reduce processing timelines



What are ADUs and JADUs?

- Dwelling units allowed in conjunction with primary single- or multifamily dwellings
- JADUs created from space in a single family residence, have an efficiency kitchen, and may share bathroom facilities with the primary dwelling
- ADUs generally limited to 1,200 sf, JADUs to 500 sf



Background

- 2017 – last major changes to ADU and JADU ordinance
 - ▣ Ministerial with 120 day review period
 - ▣ Increased unit size limit from 800 sf to 1000 sf
- 2018 – expanded size limit to 1,200 sf
- 2019 – removal of Z Combining District (ADU Exclusion) from 2000 ag. parcels countywide
- 2020 – changes to state law went into affect
 - ▣ County's ordinance null & void

Permit Requirements

POLICY	COUNTY'S EXISTING REGULATIONS	PROPOSED ORDINANCE IN COMPLIANCE STATE LAW
Permit Requirements	<ul style="list-style-type: none"> • A zoning permit and building permit are required. • ADU and JADU applications are processed within 120 days of submittal of a complete application. 	<ul style="list-style-type: none"> • Only a ministerial building permit is required. • ADU and JADU applications are processed within 60 days of submittal of a complete application.
Minimum Lot Size	<ul style="list-style-type: none"> • Tiered floor area standards apply based on the type of water and sanitation service available and the lot size. • ADUs that do not the minimum lot size are subject to a discretionary process. 	<ul style="list-style-type: none"> • No minimum lot size is required.
Multifamily ADUs	<ul style="list-style-type: none"> • ADUs on lots with multifamily structures are prohibited. 	<ul style="list-style-type: none"> • ADUs are permitted on lots with existing or proposed multifamily dwellings.

Development Standards

POLICY	COUNTY'S EXISTING REGULATIONS	PROPOSED ORDINANCE IN COMPLIANCE STATE LAW
Conversions	<ul style="list-style-type: none"> Development standards apply uniformly to ADUs. 	<ul style="list-style-type: none"> ADUs constructed entirely by the conversion of existing space in a single-family residence or legally permitted residential accessory structure are exempt from development standards.
Development Standards – Yard Size	<ul style="list-style-type: none"> Base zoning district setbacks apply, except that a reduced rear-yard setback of five feet is allowed in General Plan-designated Urban Service Areas within the RR (Rural Residential), R1 (Low Density Residential), R2 (Medium Density Residential), and R3 (High Density Residential) zoning districts. 	<ul style="list-style-type: none"> Four-foot side- and rear-yard setbacks apply to ADUs created by new construction. No setback is required for ADUs created by conversion of existing legally established space in a primary residence or accessory structure.
Development Standards – Exemptions	<ul style="list-style-type: none"> The size of an ADU is limited by lot coverage. 	<ul style="list-style-type: none"> Any development standard, such as lot coverage, that would preclude development of an ADU at least 800 square feet in size, 16 feet in height, with four-foot side- and rear-yard setbacks may not be applied.

Design Standards

POLICY	COUNTY'S EXISTING REGULATIONS	PROPOSED ORDINANCE IN COMPLIANCE STATE LAW
Design Standards	<ul style="list-style-type: none">• ADUs must be similar or compatible with the primary residence in terms of certain architectural criteria, and building materials and colors.• ADUs within the SR (Scenic Resource), HD (Historic District), and LG (Local Guidelines) Combining Districts are required to meet the provisions of those districts.	<ul style="list-style-type: none">• Only objective design standards may be applied.



Other Changes

POLICY	COUNTY'S EXISTING REGULATIONS	PROPOSED ORDINANCE IN COMPLIANCE STATE LAW
Replacement Parking	<ul style="list-style-type: none"> Replacement parking is required if a garage or carport was demolished or converted in conjunction with construction of an ADU. 	<ul style="list-style-type: none"> ADUs created by the conversion of a garage, carport, or covered parking structure are not required to provide replacement parking.
ADU Prohibitions	<ul style="list-style-type: none"> ADUs on a property subject to a Williamson Act contract are prohibited. 	<ul style="list-style-type: none"> Removes the Zoning Code prohibition of ADUs on contracted land. The County's Uniform Rules for Agricultural Preserves and Farmland Security Zones is the regulatory document for uses on contracted land. The current Uniform Rules prohibit ADUs on properties subject to a Williamson Act contract.
JADU Requirements	<ul style="list-style-type: none"> JADUs must be created through conversion of an existing bedroom in the primary single-family residence, with internal access between the JADU and primary residence. 	<ul style="list-style-type: none"> JADUs may be created within the space of a proposed or existing single-family residence. Internal access between the JADU and the single-family residence is not required.

Recommendation

Approve a resolution finding that the proposed ordinance is statutorily exempt from CEQA under Public Resources Code 21080.17, and adopt the ordinance repealing and replacing sections 26-88-060 and 26-88-061 and amending sections 26-4-020, 26-24-020, and 26-24-190 of the Sonoma County Zoning Code.