

# Accessory Dwelling Units

## PJR-032

**Purpose:** This handout summarizes the regulations of the Sonoma County Zoning Ordinance for accessory dwelling units. The text of the ordinance is located in Attachment #1. This handout and referenced zoning ordinance do not apply to property in the coastal zone.

### What is an accessory dwelling unit?

An accessory dwelling unit is a small permanent home that may be established in addition to the main dwelling on a parcel zoned for residential use. Accessory dwelling units may be attached or detached from the main dwelling. Accessory units may involve new construction, conversion of an existing structure, or designation of an existing home as an accessory dwelling unit so that a new main residence can be built.

### Who can live in an accessory dwelling unit?

Anyone can live in an accessory dwelling unit. There are no requirements that accessory units be owner occupied or that the occupant be related to the property owner. Accessory dwelling units may not be rented on a transient basis (periods less than 30 days) and may not be used as a vacation rental.

### Where are accessory dwelling units allowed?

Accessory units are allowed in residential zones (R1, R2, R3, RR, and AR) and in agricultural and resource zones (LIA, LEA, DA, and RRD). Accessory dwelling units are not allowed in the Planned Community (PC) zone, or in areas designated as an Accessory Dwelling Unit Exclusion Combining (Z) zone. Certain private property restrictions may also prohibit accessory units. These restrictions are generally found in private Conditions, Covenants and Restrictions (CC&R's) that affect specific developments or subdivisions. A property title report should provide references to these types of private restrictions.

### What permits are required for accessory dwelling units?

The type of permits and/or approvals required for accessory dwelling units vary with a property's location, type of sewage disposal and water supply, and the unit size. In addition to the zoning and building permits required for the accessory unit, supporting permits that may be required include: a grading permit, septic permit, well permit, sewer permit, public water permit and/or an encroachment permit. Most accessory dwelling units can be approved with a zoning permit. Zoning and building permits for accessory dwelling units will be approved or denied within 120 days of a complete submittal if all required supporting permits are issued first. Use Permits are no longer required.

### Conversion of an existing structure in the R1 zoning district

An accessory dwelling unit created from an existing structure in the R1 zoning district may qualify for a simplified permit process. A building permit will be issued if the proposed accessory unit:

- Is located in the R1 (Low Density Residential) zoning and not in the Z (Accessory Dwelling Unit Exclusion) combining zone; and
- Is built within a portion of an existing single-family dwelling or a legal, permitted accessory structure existing as of January 1, 2017; and
- Has an exterior entrance separate from the single-family dwelling; and
- Has side and rear setbacks sufficient for fire safety.



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If the unit qualifies for this simplified process, separate water and sewer connections are not required. The property owner will record a deed restriction before final occupancy of the unit. No other zoning standards, such as required parking and setbacks, apply. A planner will determine if the proposed accessory dwelling unit qualifies for this simplified process.

### **Accessory dwelling unit sizes**

The minimum size of an accessory dwelling unit is 70 square feet, which is the minimum size for an efficiency dwelling unit under State law. The maximum size of an accessory dwelling is 1,000 square feet on a parcel that meets the minimum parcel size (see below). However, an accessory unit of 640 square feet with a maximum of one bedroom is allowed on parcels of 1.50-1.99 acres that have potable water.

### **Accessory dwelling unit minimum parcel sizes**

Whether a particular lot can be developed with an accessory dwelling unit in addition to the main dwelling depends on the zoning of the parcel, the parcel size, the suitability for sewage disposal, and availability of adequate water supplies. Generally, a parcel must be at least 2.0 acres. The minimum parcel size is 1.50 acres if the accessory unit is 640 square feet, has only one bedroom, and the parcel has potable water. If served by public sewer and located within a designated urban service area, the minimum parcel size is 5,000 square feet.

An applicant should confirm with the Permit and Resource Management Department (PRMD) the minimum parcel size requirement that applies to the applicant's parcel. Accessory dwelling units must satisfy the same building code, septic system, water, and zoning requirements as any home constructed in the County.

Soil suitability for a septic system and water availability are significant factors that determine whether a permit for an accessory dwelling unit can be issued. Property owners are advised to investigate septic suitability and water availability prior to proceeding with design plans. The construction of an accessory dwelling unit represents a new use on the property which must meet current codes with respect to the septic system for the unit. If one septic system is to serve both the main dwelling and accessory unit, the septic system must meet current code requirements and be adequately sized for the proposed sewage discharge (based upon total number of bedrooms in the two units).

Accessory dwelling units served by a well in a Water Scarce Area have additional requirements. If the well is located in a Class 3 or Class 4 Water Scarce Area, the applicant must provide a well test conducted between July 15 and October 1 demonstrating the well meets minimum water yield requirements. If the well is located in a Class 4 Water Scarce Area, the applicant must also provide a report demonstrating the accessory unit will not generate additional groundwater use. An applicant may use a variety of water-saving techniques to satisfy this requirement. Techniques include, but are not limited to, rainwater catchment, retrofitting the existing house with water-saving features, and replacing water-intensive landscaping with low water use landscaping. Water Scarce Areas are classified in the Sonoma County General Plan Resource Conservation Element "Groundwater Availability Maps." See Attachment #1 for more information.

Accessory unit permits require a site review by a building inspector. Geotechnical or other reports may be required based upon this review.

### **Permit fees for an accessory dwelling unit**

Permit application fees can vary depending upon the type of construction and the availability of public sewer and water. Prior to issuance of the building and zoning permits for any accessory dwelling unit, development impact fees (i.e. school, park, and traffic impact fees), sewer and water connection fees (if new connections are created), and/or well and septic plan check and permit fees are also required. The cost of these fees varies depending upon



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the location of the property and the various districts that provide services to the parcel. For current estimated fees, see PRMD's Estimated Permit Fees handout.

## **Attachments**

Accessory Dwelling Unit - Attachment 1



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**Accessory Dwelling Unit - Attachment #1  
(Effective January 24, 2017)**

**Article 88. - General Exceptions and Special Use Standards.**

**Sec. 26-88-060. - Accessory dwelling units.**

(a) Purpose. This section implements the requirements of Government Code Section 65852.2 and the provisions of the general plan housing element that encourage the production of affordable housing by means of accessory dwelling units.

(b) Applicability. Except as otherwise provided by this section, accessory dwelling units shall be ministerially permitted only in compliance with the requirements of this section, and all other requirements of the applicable zoning district in the following agricultural and residential zoning districts: LIA (Land Intensive Agriculture), LEA (Land Extensive Agriculture), DA (Diverse Agriculture), RRD (Rural Resources and Development), AR (Agricultural Residential), RR (Rural Residential), R1 (Low Density Residential), R2 (Medium Density Residential), and R3 (High Density Residential). Accessory dwelling units are prohibited in the Z (accessory dwelling unit exclusion) combining district.

(c) Permit Requirements. A ministerial zoning permit (Section 26-92-170) shall be required for an accessory dwelling unit. Additionally, accessory dwelling units must comply with all other applicable building codes, fire codes, and requirements, including evidence of adequate septic capacity and water yield.

(d) Appeals. Notwithstanding the provisions of Article 92 or any other provision of this Chapter, decisions to approve an application for an accessory dwelling unit that meets all applicable standards set forth in this article, and decisions to deny an application for failure to meet all applicable standards, are final and not subject to appeal.

(e) Time Limits. Unless a longer timeframe is voluntarily 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.

(f) Use. Accessory dwelling units may not be sold separately from the main unit or separated by subdivision, but may be rented separately. Occupant(s) need not be related to the property owner. Accessory dwelling units may not be rented on a transient occupancy basis (periods less than thirty (30) days). These requirements shall be included in a recorded deed restriction.

(g) Unit Type. An accessory dwelling unit may be attached or detached from the primary dwelling on the site. A detached accessory dwelling unit may also be a manufactured home on a permanent foundation, in compliance with Section 26-02-140.

(h) Timing. An accessory dwelling unit allowed by this section may be constructed prior to, concurrently with, or after construction of the primary dwelling.

(i) 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) accessory dwelling unit may be located on any parcel. An accessory dwelling unit may 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 or condominium.



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(j) Site Requirements.

(1) Water Availability.

(i) Except as provided in subsection (b) of this section, an accessory dwelling unit shall be permitted only in designated groundwater availability classification areas 1 or 2, or where public water is available.

(ii) An accessory dwelling unit in a Class 3 groundwater availability area shall be permitted only if:

(A) The domestic water source is located on the subject parcel, 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 this code.

(iii) Accessory dwelling units shall not be established within designated Class 4 groundwater availability classification areas except where both requirements for Class 3 areas, above, are met and a groundwater report prepared by a qualified professional determines that the accessory dwelling unit would not result in a net increase in water use. On site water reduction may occur through implementation of water conservation measures, rainwater catchment or recycled water reuse system, water recharge project, or participation in a local groundwater management project.

(2) Minimum Parcel Size.

(i) An accessory dwelling unit shall be permitted only on parcels with a minimum gross lot area of at least two (2) acres, except as provided for below:

(A) An accessory dwelling unit shall be permitted on a parcel with a minimum of one and one-half (1.5) acres gross lot area if both of the following standards are satisfied:

(i) The property is served by public water service, a community water system, or an on-site well that has been demonstrated to meet current potable water supply standards as defined in Sonoma County Code Chapter 25B-3; and

(ii) The accessory unit does not exceed 640 square feet and contains a maximum of one bedroom.

(B) In designated urban service areas, where the parcel is served by public sewer, accessory dwelling units shall be permitted only on parcels with a minimum gross lot area of at least five thousand (5,000) square feet.

(k) Design and Development Standards.

(1) Height. In designated urban service areas, an accessory dwelling unit shall not exceed sixteen feet (16') in height except that where the unit is attached to the primary unit, or where the accessory dwelling unit is proposed to be located above a garage, carport or barn, the maximum height shall be that established for the primary dwelling in the underlying zoning district. In no case shall the provision of an accessory dwelling unit result in a substantial reduction in solar access to surrounding properties.

(2) Design. The accessory dwelling unit shall be similar or compatible in character to the primary residence on the site and to the surrounding residences in terms of roof pitch, eaves, building materials, colors and



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landscaping. Accessory units located within the SR (Scenic Resources) combining district shall be designed to meet the requirements in 26-24-020 (Community Separators and Scenic Landscape Units) or 26-24-030 (Scenic Corridors). Accessory units within the HD (Historic District) combining district shall meet the requirements of Section 26-68-025 (Standards Governing Decisions of County Landmarks Commission). However, review of accessory units within the HD combining district shall be completed administratively by the Director or his/her designee without public hearing. Accessory units located within the LG (Local Guidelines) Combining District shall meet the standards of Article 63 (LG Local Guidelines Combining District). Otherwise, no other design standards shall apply. Accessory dwelling units shall also meet all other standards set forth in any applicable combining district, specific plan or area plan, or local area development guidelines. Nothing in this subsection shall be construed to require discretionary review or permits for an accessory unit.

(3) Size. An accessory unit shall not exceed one thousand (1,000) square feet in floor area and shall not be larger than the single-family dwelling.

(i) Calculating the Size of Accessory Dwelling Units. Floor area shall be calculated by measuring the exterior perimeter of the accessory dwelling unit and the length of any common walls. In the case of straw bale or similar construction, floor area may be calculated using interior dimensions. Any storage space or other enclosed areas attached to the accessory dwelling unit shall be included in the size calculation, except: a) an attached garage, as described in subsection (i)(3)(ii) of this section; or b) where the accessory dwelling unit is constructed over or attached to an unconditioned accessory structure, as described in subsection (i)(3)(iii) of this section.

Accessory dwelling units located above garages of greater than 400 square feet shall be accessed through an exterior staircase only. Wherever an accessory dwelling unit is located above a garage, the total enclosed floor area of the second floor may not exceed one thousand (1,000) square feet.

(ii) Allowable Garage Area. An attached garage up to four hundred (400) square feet in unconditioned floor area shall be permitted for an accessory dwelling unit provided that all required setbacks are met. No conditioned space shall be allowed within the garage area. An access door between the attached garage and the accessory dwelling unit may be provided. A deed restriction shall be recorded limiting the floor area of the accessory dwelling unit to one thousand (1,000) square feet, and declaring that no portion of the attached garage is to be utilized as a part of the conditioned residential space.

(iii) Units Attached to Accessory Structures. Notwithstanding subsection (i)(3)(ii) above, an accessory dwelling unit may be located above or attached to a garage of more than four hundred (400) square feet, or a barn or other unconditioned accessory structure only where the garage or accessory structure clearly serves the primary residential or agricultural use of the property. In such cases, access to the accessory dwelling unit from the garage or accessory structure shall be provided by an exterior entrance only. Access doors between the attached structure and the accessory dwelling unit are prohibited. Accessory dwelling units located above unconditioned accessory structures and garages of greater than four hundred (400) square feet shall be accessed through an exterior staircase only. Wherever an accessory dwelling unit is located above an unconditioned accessory structure or garage of greater than four hundred (400) square feet, the total enclosed floor area of the second floor may not exceed one thousand (1,000) square feet. A deed restriction shall be recorded limiting the floor area of the accessory dwelling unit to one thousand (1,000) square feet, and declaring that no additional portion of the structure may be enclosed, converted, or utilized as conditioned or habitable space.

(4) Lot Coverage Limitation. The total lot coverage for parcels developed with an accessory dwelling unit shall not exceed that allowed within the applicable zoning district in which the parcel is located.

(5) Setback and Location Requirements.



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(i) An accessory dwelling unit and any attached or detached garage must comply with the setback requirements of the applicable zoning district and combining districts in which the accessory dwelling unit is located, with the following exceptions:

(A) The rear yard setback for accessory dwelling units located in urban service areas within zone districts RR, R1, R2, and R3 shall be reduced to five feet (5').

(B) Setbacks for an accessory dwelling unit converted from a legal, permitted garage shall be reduced to zero feet (0'). Side and rear yard setbacks for an accessory dwelling unit constructed above a garage shall be reduced to five feet (5').

(6) Access and Parking Requirements.

(i) Driveway Access. Both the primary unit and the accessory dwelling unit are strongly encouraged to be served by one common, all-weather surface access driveway with a minimum width of twelve feet (12'), connecting the accessory dwelling unit to a public or private road. Parking Required. 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 ½ mile of a public transit stop; or

(B) The accessory dwelling unit is located within the HD (Historic District) combining zone; or

(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.

(ii) Replacing Required Parking. If a garage or carport that provides required parking space(s) for the primary unit is demolished or converted in conjunction with construction of an accessory dwelling unit, the required replacement spaces may be provided as covered or uncovered spaces.

(iii) Surfaces. Wherever feasible, the use of permeable surfaces for parking, driveway and walkway areas is strongly encouraged. (7) Public Water and Sewer Connections. Accessory dwelling units approved under section 26-88-060(k) (Conversion of an Existing Structure) shall not be required to connect separately and directly to water or sewer systems and shall not be considered new residential uses for the purpose of calculating water and sewer connection fees or capacity charges. An accessory dwelling unit that is not approved under 26-88-060(k) may be required to connect separately and directly to water or sewer systems and may be subject to connection fees or capacity charges proportionate to the burden placed by the accessory dwelling unit on the utilities. Nothing in this subsection shall be construed to transfer responsibility for water and sewer services to the County from any utility district or zone or supersede the regulatory authority of any utility district or zone.



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(8) Standards for Accessory Dwelling Units Used to Meet the Affordable Housing Program Requirement. In addition to the standards set forth above, an accessory dwelling unit that is proposed to be made available for rent to another household in compliance with Article 89 requirements shall meet the following additional standards:

- (i) Separate Parking and Pathway. A designated parking space and a path of travel into the accessory dwelling unit that does not cross the private yard space of the main home.
- (ii) Doorways. No connecting doorways between the accessory dwelling unit and the main unit, except for a shared laundry room or vestibule; and
- (iii) Yard. Provision of a separate yard or open space area from that of the main dwelling. For accessory dwelling units located above other structures, this requirement may be met through the provision of a deck with no dimension of less than six (6) feet.

(l) Conversion of an Existing Structure in the R1 District. Notwithstanding the requirements of this section, a building permit for an accessory dwelling unit shall be approved if all the following circumstances are satisfied.

- (1) The parcel is located within the R1 (Low Density Residential) zoning district and is not within the Z (Accessory Dwelling Unit Exclusion) combining district; and
- (2) The accessory dwelling unit is located within the existing space of a single-family dwelling or a legal, permitted accessory structure in existence as of January 1, 2017; and
- (3) The accessory dwelling unit has exterior access independent from the single-family residence; and
- (4) The converted structure has side and rear setbacks sufficient for fire safety; and
- (5) The property owner records a deed restriction prohibiting transient occupancy (less than thirty (30) days) and separate sale, including subdivision.

Accessory dwelling units approved under this subsection shall not be required to provide new or separate water and sewer connections and shall not be charged a related connection fee or capacity charge.



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