

# ATTACHMENT 1

## 20-42.130 Accessory dwelling units.

Accessory dwelling units shall comply with the requirements of this Section, where allowed by Division 2 (Zoning Districts and Allowable Land Uses).

- A. Purpose. The provisions of this Section are intended to set standards, in compliance with California [Government Code](#) Sections 65852.2, and 65852.22, for the development of accessory dwelling units so as to increase the supply of smaller and affordable housing while ensuring that such housing remains compatible with the existing neighborhood.
- B. General requirements. An accessory dwelling unit:
  1. May be located on any lot that allows a single-family or multifamily residential use and includes a proposed or existing dwelling.
  2. Is not subject to the density requirements of the General Plan, but shall otherwise be consistent with the General Plan text and diagrams.
  3. Shall not be allowed on, or adjacent to, real property that is listed in the California Register of Historic Places.
  4. Shall not be used for rentals with terms of less than 30 days.
  5. Shall not be sold separate from the primary residence
  6. Shall be required to dedicate street right-of-way in accordance with Section 18-12.030 of the Santa Rosa City Code when the right-of-way is needed to support a circulation element identified in the General Plan or any associate specific plan, unless otherwise approved through a waiver process described in Section 18-12.050.
- C. Permit requirements. An application for an accessory dwelling unit that complies with all applicable requirements of this Section shall be approved ministerially.
- D. Application and processing requirements.
  1. Step one—Submittal. The application for an accessory dwelling unit permit shall be submitted to the Department concurrent with an application for a building permit. In addition to the standard submittal requirements for a building permit, an application for an accessory dwelling unit permit shall include all of the following (except as noted below):
    - a. Plot plan. A plot plan, drawn to scale, showing the dimensions of the perimeter of the parcel proposed for the accessory dwelling unit; the location and dimensioned setbacks of all existing and proposed structures on the site and structures located within 50 feet of the site; all easements, building envelopes, and special requirements of the subdivision as shown on the Final Map and improvement plans, if any; and average slope calculations for the site.
    - b. Floor plan. A floor plan, drawn to scale, showing the dimensions of each room, and the resulting floor area. The use of each room shall be identified, and the size and location of all windows and doors shall be clearly shown.
    - c. Elevations. Architectural elevations of each side of the proposed structure showing all wall height dimensions, openings, exterior finishes (including siding and window materials), original and finish grades, , paint color, and roof pitch. The color of the existing or proposed primary residence shall be included if necessary to demonstrate compliance with Section E.6. or E.13., below.

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Applications for accessory dwelling units which do not modify a building's exterior are not required to submit c above.

2. Step two—Decision. The Department shall act on an application for an accessory dwelling unit permit within 60 days of submittal of a complete application. The accessory dwelling unit permit shall be issued only if the proposed accessory dwelling unit complies with all applicable standards in this Section.

3. Utility connection fees.

a. Except as provided in Subsection D.3.b, a separate new utility connection and payment of a connection fee or capacity charge pursuant to State law and City fee schedule will be required for any new accessory dwelling unit.

b. No new or separate utility connection or related connection fee or capacity charge will be required for accessory dwelling units that are internal conversions of existing space within a single-family residence or an accessory structure, or for accessory dwelling units that are 750 square feet or smaller.

E. Development standards. An accessory dwelling unit permit shall be issued only if the unit complies with the following development standards:

1. General. No development standards shall be applied that would prohibit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and four-foot rear setbacks to be constructed in compliance with all other local development standards.

2. Setbacks.

a. Single-family residential districts including single-family PD districts. An accessory dwelling unit shall comply with the following setback requirements:

(1) A new attached or detached one-story accessory dwelling unit shall provide a minimum four-foot side and four-foot rear setback, and a front setback consistent with that of the primary dwelling unit in a standard zoning district, or the most similar zoning district in the case of a PD .

(2) A new attached or detached two-story accessory dwelling unit shall provide a minimum eight-foot side and eight-foot rear setback for two-story portions of the structure, and a minimum four-foot side and four-foot rear setback for one-story portions of the structure. The front setback shall be consistent with that of the primary dwelling unit in a standard zoning district, or the most similar zoning district in the case of a PD.

b. Multifamily districts including multifamily PD districts. An accessory dwelling unit shall comply with the following setback requirements.

(1) A new attached or detached one-story detached accessory dwelling unit shall provide a minimum four-foot side and four-foot rear setback, except when abutting an R-3 zoning district, in which case no minimum side or rear setback is required. The front setback shall be consistent with a primary dwelling unit in the applicable standard zoning district, or the most similar standard zoning district in the case of a PD.

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- (2) A new attached or detached two-story accessory dwelling unit shall provide a minimum eight-foot side and eight-foot rear setback for two-story portions of the structure, and a minimum four-foot side and four-foot rear setback for one-story portions of the structure, except when abutting an R-3 zoning district, in which case no minimum side or rear setback is required. The front setback shall be consistent with a primary dwelling unit in the applicable standard zoning district, or the most similar standard zoning district in the case of a PD.
- c. No setback shall be required for an existing legally constructed living area, garage, or other accessory structure that is converted to an accessory dwelling unit with independent exterior access from an existing or proposed residence. A setback of five feet from the side and rear property lines is required for an accessory dwelling unit constructed above an existing legally constructed garage.
- d. Any new attached accessory dwelling unit, detached accessory dwelling unit or expansion of the single-family dwelling to support the internal conversion for an accessory dwelling shall be designed to maintain appropriate setbacks, as described in E.2.a. and b. above, from the future width of any abutting public streets. Future street configurations shall be based on the widths, standards and right-of-way lines in the circulation element of the Santa Rosa General Plan, the City Street Design and Construction Standards, City street lists or specifically addressed in a resolution adopted by the City Council.
3. Maximum floor area.
- a. New detached unit. No newly constructed detached accessory dwelling unit may contain habitable space in excess of 1,200 square feet.
- (1) An automatic fire sprinkler system shall be installed throughout structures that exceed 1,200 square feet total floor area.
- b. New attached unit. No newly constructed attached accessory dwelling unit may contain habitable space in excess of 50 percent of the existing residential square footage.
- (1) An automatic fire sprinkler system shall be installed throughout all buildings that undergo any combination of substantial remodel, addition or both that exceed 50 percent of the existing total floor area.
- c. Internal conversion. An accessory dwelling unit created entirely by the internal conversion of an existing single-family dwelling shall not occupy more than 45 percent of the existing habitable space of the residence, excluding the garage, nor shall it exceed 1,200 square feet. An accessory dwelling unit created entirely by the internal conversion of a detached accessory structure shall not exceed a maximum of 1,200 square feet.
- (1) An automatic fire sprinkler system shall be installed throughout all buildings that undergo any combination of substantial remodel, addition or both that exceed 50 percent of the existing total floor area.
4. Height limit.
- a. A one-story accessory dwelling unit shall not exceed a maximum height of 16 feet. A two-story accessory dwelling unit shall not exceed a maximum height of 27 feet. No accessory dwelling unit shall exceed 27 feet in height.
- b. When an accessory dwelling unit is located above an existing or proposed garage, the entire combined structure shall not exceed 27 feet in height.

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5. Lot coverage. An accessory dwelling unit shall comply with the lot coverage requirements of the applicable zoning district or the most similar zoning district in the case of a PD, except as referenced in Section E.1., above.
6. Architectural compatibility. Architectural compatibility between the accessory dwelling unit and primary dwelling unit shall be demonstrated by matching one or more of the following qualities of the accessory dwelling unit to the proposed or existing primary dwelling unit:
  - a. Color
  - b. Siding material and style, or
  - c. Architectural features.
7. Privacy. A balcony, window or door of a second story accessory dwelling unit shall be designed to lessen privacy impacts to adjacent properties. Appropriate design techniques include obscured glazing, window placement above eye level, screening treatments, or locating balconies, windows and doors toward the existing on-site residence.
8. Existing development. A residential dwelling must already exist on the lot or shall be constructed on the lot in conjunction with the construction of the accessory dwelling unit.
9. Number per lot.
  - a. A maximum of one accessory dwelling unit and one junior accessory dwelling unit shall be permitted on any single-family lot zoned for single-family uses.
  - b. The number of accessory dwelling units allowed within a multifamily dwelling are limited to not more than 25% of the existing number of multifamily dwelling units on the property, except that at least one accessory dwelling unit shall be allowed. These accessory dwelling units shall be allowed within the portions of dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings
  - c. No more than two, detached, 800 square feet, 16-foot, attached ADUs are permitted on any multifamily lot developed with an existing or proposed multi-family use.
10. Parking. One off-street parking space is required for an accessory dwelling unit, except as set forth below. The off-street parking shall be permitted uncovered, compact, tandem and in setback areas, unless the review authority determines that tandem parking or parking within a setback is not feasible due to specific site or topographical or fire and life safety conditions. No off-street parking shall be required if one or more of the following circumstances exist:
  - a. The accessory dwelling unit is 750 square feet or less in area, or is a studio unit.
  - b. The accessory dwelling unit is located within one-half mile walking distance of public transit.
  - c. The accessory dwelling unit is located within a historic preservation district.
  - d. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
  - e. When on-street parking permits are required but not offered to the occupant of an accessory dwelling unit.

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- f. When there is a car share vehicle located within one block of the accessory dwelling unit.
- g. To qualify for an exception, the applicant must provide supporting evidence, such as a map illustrating the location of the accessory dwelling unit and its proximity to a public transit stop or car share vehicle or its location within a historic preservation district, or proof of local parking permit requirements.
- h. No replacement off-street parking spaces are required when an accessory dwelling unit is created through the conversion or demolition, of a garage, carport or covered parking structure.
  - 11. Standards for proposed accessory structures attached to an existing or proposed accessory dwelling unit.
    - a. A proposed accessory structure with a floor area less than 50 percent of the accessory dwelling unit floor area:
      - (1) Shall be processed ministerially in conjunction with the accessory dwelling unit.
      - (2) Shall comply with the lot coverage, height, and setback requirements of this Section.
    - b. A proposed accessory structure with a floor area that exceeds 50 percent of the total floor area of the accessory dwelling unit:
      - (1) Is subject to any discretionary review required by this Zoning Code.
      - (2) Shall comply with lot coverage, height, and setback requirements for an accessory structure in the applicable standard zoning district or the most similar standard zoning district in the case of a PD.
      - (3) Shall comply with any applicable hillside and/or creekside setbacks.

## 12. Standards for hillside areas.

- a. Applicability. The development standards outlined below shall apply to accessory dwelling unit development on that portion of a site with a slope of 10 percent or greater.
- b. Development standards. An accessory dwelling unit exceeding 16 feet in height, or 800 square feet, shall observe 15-foot setbacks from side and rear property lines. When a building site abuts another parcel with a difference in vertical elevation of three feet or more, the required side and/or rear yard shall be measured from the nearest toe or top of slope to the structure, whichever is closer. Accessory dwelling units that are 800 square feet or less, and no greater than 16 feet in height, shall provide a minimum four-foot side and four-foot rear setback, consistent with this Section.

## 13. Standards for Historic Preservation Districts.

- a. Applicability. The requirements outlined below shall apply to new accessory dwelling units within the Historic (-H) Combining District.
- b. Architectural Compatibility. Architectural compatibility between the accessory dwelling unit and primary dwelling unit shall be demonstrated by one of the following means:
  - (1) Matching each of the following qualities of the accessory dwelling unit to the proposed or existing primary dwelling unit:
    - a. Color
    - b. Siding material and pattern, and

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c. Architectural features, or

(2) Through the preparation of a historic resource survey by a qualified professional that concludes the proposed accessory dwelling unit will not negatively impact historic resources on the property, will be consistent with Secretary of the Interior Standards for Treatment of Historic Properties.

14. Standards for creekside development.

- a. Applicability. The development standards outlined below shall apply to accessory dwelling unit development within the specified distances to waterways as indicated in Section 20-30.040 – Creekside Development.
- b. Development standards. An accessory dwelling unit exceeding 16 feet in height, or 800 square feet, shall observe setbacks referenced in Section 20-30.040. Accessory dwelling units that are 800 square feet or less, and no greater than 16 feet in height, shall provide a minimum four-foot side and four-foot rear setback, consistent with this Section.

F. Junior accessory dwelling unit. The following provisions are intended to set standards, in compliance with California [Government Code](#) Section 65852.22, for the development of junior accessory dwelling units so as to increase the supply of smaller and affordable housing while ensuring that such housing remains compatible with the existing neighborhood. It is not the intent of this Section to override lawful use restrictions as set forth in Conditions, Covenants and Restrictions.

1. General requirements. A junior accessory dwelling unit:
  - a. May be located on any lot that allows single-family or multifamily dwellings and that contains only one existing or proposed single-family detached dwelling. Only one junior accessory dwelling unit shall be permitted per parcel.
  - b. Is not subject to the density requirements of the General Plan, but shall otherwise be consistent with the General Plan text and diagrams.
- c. Shall not be used for rentals with terms of less than 30 days.  
2. Permit requirements. An application for a junior accessory dwelling unit that complies with all applicable requirements of this Section shall be approved ministerially.
3. Application and processing requirements.
  - a. Step one—Submittal. The application for a junior accessory dwelling unit permit shall be submitted to the Department concurrent with an application for a building permit. In addition to the standard submittal requirements for a building permit, an application for a junior accessory dwelling unit permit shall include all of the following:
    - (1) Plot plan. If any expansion of the foundation is required for a junior accessory dwelling unit, a plot plan, drawn to scale, showing the dimensions of the perimeter of the parcel proposed for the junior accessory dwelling unit; the location and dimensioned setbacks of all existing and proposed structures on the site and structures located within 50 feet of the site; all easements, building envelopes, and special requirements of the subdivision as shown on the Final Map and improvement plans, if any; and average slope calculations for the site.

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- (2) Floor plan. A floor plan, drawn to scale, showing the dimensions of each room, the area devoted to the junior accessory dwelling unit, and the resulting floor areas of the junior accessory dwelling unit and of the primary residence. The use of each room shall be identified, and the size and location of all windows and doors shall be clearly shown. The plan shall identify whether separate or shared sanitation facilities are proposed.
  - (3) Deed restrictions. Deed restrictions completed, signed and ready for recordation in compliance with Subsection G.
- b. Step two—Decision. The Department shall act on an application for a junior accessory dwelling unit permit within 60 days of submittal of a complete application. A junior accessory dwelling unit permit shall be issued only if the proposed junior accessory dwelling unit complies with all applicable standards in this Section.
- c. Utility connection fees.
  - (1) No new or separate utility connection and no connection fee for water, sewer, or power is required for a junior accessory dwelling unit.
4. Development standards. A junior accessory dwelling unit permit shall be issued only if the unit complies with the following development standards:
  - a. Maximum floor area. The junior accessory dwelling unit shall not exceed 500 square feet in total floor area.
  - b. Existing development. The junior accessory dwelling unit shall be contained entirely within the existing walls of an existing or proposed single-family dwelling, which includes the walls of an attached garage.. However, an additional 150 square feet is permitted to allow for a separate entrance into the unit.
  - c. Kitchen. The junior accessory dwelling unit must contain a kitchen with the following minimum criteria:
    - (1) A kitchen sink having a clear working space of not less than 30 inches in front;
    - (2) A cooking appliance having a clear working space of not less than 30 inches in front;
    - (3) A refrigeration facility having a clear working space of not less than 30 inches in front;
    - (4) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
  - d. Sanitation. Bathroom facilities may be separate from or shared with the single-family dwelling. A separate bathroom facility shall be provided if the junior accessory dwelling unit does not include an interior entry into the primary residence.
  - e. Entrance. The junior accessory dwelling unit shall include an exterior entrance separate from the main entrance to the single-family dwelling. The junior accessory dwelling unit may include a second interior doorway for sound attenuation.
  - f. Parking. Off-street parking shall not be required for junior accessory dwelling units.

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G. Deed restrictions. Prior to occupancy of a junior accessory dwelling unit, the property owner shall file with the County Recorder a deed restriction containing a reference to the deed under which the property was acquired by the owner and stating that:

1. The junior accessory dwelling unit shall not be sold separately from the single-family residence;
2. The junior accessory dwelling unit shall be considered legal only so long as either the primary residence or junior accessory dwelling unit is occupied by the owner of record of the property. Such owner-occupancy, however, shall not be required if the property owner is a governmental agency, land trust or non-profit housing organization;
3. The restrictions shall run with the land and be binding upon any successor in ownership of the property. Lack of compliance shall void the approval junior accessory dwelling unit and may result in legal action against the property owner;
4. The developer of a subdivision that includes junior accessory dwelling units shall record the deed restrictions required by this Subsection prior to the recordation of the Final Map or Parcel Map. Each lot with a junior accessory dwelling unit shall remain unoccupied until the property transfers ownership, allowing for compliance with the recorded owner-occupancy restriction;
5. A junior accessory dwelling unit shall not exceed 500 square feet of total floor area and shall comply with the development standards in Subsection F.

(Ord. 2018-020 § 2; Ord. 2017-024 § 7; Ord. 3968 §§ 15, 16, 2011; Ord. 3711 § 1 Exh. A, 2005; Ord. 3677 § 1, 2004)

## **18-12.015 Exemptions.**

Notwithstanding the provisions of Section 18-12.010, improvements will not be required as follows:

- (A) Single-family, duplexes, triplexes and four-plexes:
  - (1) Repairs and remodels as determined by the Director of Building and Code Compliance would not trigger public improvements regardless of value,
  - (2) External additions, swimming pools, etc., less than \$100,000.00 value will not trigger public improvement requirements;
  - (3) Internal conversion of any existing residential square footage to an accessory dwelling unit or a junior dwelling unit;
  - (4) Attached or detached accessory dwelling units that have existing non-compliant curb and gutter, sidewalk and driveway approaches in place that match the design of the surrounding properties and meet the street design standards in place at the time of installation. The City Engineer may require replacement of existing improvements if it's been identified that any portion of the existing public improvements are materially detrimental to the public welfare;
  - (5) Attached or detached accessory dwelling units that do not have permanent public improvements located at the property's street frontage or at one of the adjacent property boundaries;
- (B) Shopping centers larger than 200,000 square feet:



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- (1) Internal or external remodels less than \$200,000.00 value will not trigger public improvements,
  - (2) All external remodels exceeding a \$200,000.00 value would trigger public improvements on the nearest public street frontage only except that the cost of any improvement directly impacted or necessitated by the business shall be borne by the applicant,
  - (3) All remodels and/or additions exceeding \$500,000.00 value shall trigger all public improvement requirements regardless of frontage;
- (C) Except as provided in subsections (A) and (B) of this section, all other properties including, but not limited to, multifamily residential, commercial and industrial properties shall be subject to public improvement requirements where the cost of any improvement to an existing building exceeds a value of \$200,000.00. (Ord. 4080 § 3, 2016; Ord. 4015 § 1, 2013; Ord. 3957 § 3, 2010; Ord. 2780 § 4, 1989)

## **20-28.040 Historic (-H) combining district.**

A. Purpose. The -H combining district is intended to recognize, preserve, and enhance Santa Rosa's locally designated historic resources.

B. Applicability. The -H combining district shall apply to all properties within designated preservation districts, including both contributing and non-contributing parcels. Additionally, the -H combining district shall apply to all locally designated landmark properties. The -H combining district may be combined with any primary zoning district established by Section [20-20.020](#) (Zoning Map and Zoning Districts).

C. Allowed land uses and permit requirements. Any land use normally allowed in the primary zoning district by this Division may be allowed within the -H combining district, subject to the land use permit requirements of the primary district, the procedural requirements of Chapter [20-58](#) (Historic and Cultural Preservation), and any district specific standards as outlined below.

D. Character defining elements.

1. Purpose. Character defining elements are specific to each preservation district and are intended to identify those physical aspects that represent the historical significance of the district and are essential to maintaining and enhancing the unique character of the individual district.

2. Applicability. The character defining elements provide an outline of the historic context for each preservation district to project sponsors such as developers, property owners, architects, and designers. These district specific frameworks will be used by City staff, boards and commissions, and the City Council when evaluating project proposals that impact properties or existing buildings within designated preservation districts. Although each individual element may not be appropriate to each project, each project shall enhance the contextual framework of the district.

E. Site planning and development standards. Development within the -H combining district shall comply with the following standards, and the requirements of Chapter [20-58](#) (Historic and Cultural Preservation). In the event of any conflict between the following standards and those of the primary zoning district, those applicable to the -H combining district shall apply.

1. Processing Review Procedures. The Processing Review Procedures for Owners of Historic Properties were adopted by the City Council as Santa Rosa's local guidelines for alterations to properties within designated preservation districts or individually designated

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landmark properties. These guidelines are referred to in findings for approval of a Landmark Alteration Permit and provide a basis for objective and consistent decision-making by the review authority.

2. Secretary of the Interior's Standards. The Secretary of the Interior's Standards for Rehabilitation are the accepted standards used on the national, state, and local level for assessing the impacts of alterations to historic resources and their significance. These standards have been adopted by reference within the Processing Review Procedures, and consistency with applicable standards is a required finding for approval of a Landmark Alteration Permit.

3. Height limits.

a. Purpose. In an effort to preserve and enhance neighborhood character within designated preservation districts, height limits within the combining district are more restrictive than the height limits of the primary zoning district.

b. Height limit. No structure within the -H combining district shall exceed a maximum height of 35 feet and two stories, except as provided in subsection (E)(3)(c).

c. Increased height. A structure may be approved with a height over 35 feet or two stories provided that:

(1) The review authority finds that the increased height does not detract from the character of the preservation district or any adjacent contributing properties; and

(2) The review authority may require conditions of approval that pertain to the placement of screens, the location and type of openings, the location and projections of sun decks, porches, balconies, patios, and similar architectural amenities, to enhance or preserve the residential privacy of the proposed structures and of any adjacent existing or anticipated residential structures or uses.

4. Setbacks.

a. Purpose. The historic development pattern is a unique and defining feature in each of the City's preservation districts and on each landmark property. Standard setback requirements may not be sensitive to such unique attributes and therefore it is important to allow flexibility in determining appropriate setbacks to preserve and enhance existing conditions or character.

b. Applicability. Reduced setbacks may be applied to development within a designated preservation district or on a designated local landmark. The reduced setback may be applied to new buildings as well as the addition or expansion of an existing building.

c. Reduced setbacks. A reduction of setbacks required by the primary zoning district may be approved provided that:

(1) The review authority first finds that the reduced setback will not significantly impair the residential privacy of the proposed structures or any adjacent existing or anticipated residential structures or use; and

(2) The review authority first finds that the reduced setback enhances and protects the historic development pattern of the preservation district or any adjacent

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contributing properties and that approving a reduced setback facilitates a superior project.

## Chapter 20-32 HILLSIDE DEVELOPMENT STANDARDS

### 20-32.050 Site planning and development standards.

Each structure shall be located in the most accessible, least visually prominent, most geologically stable, portion or portions of the site, and at the lowest feasible elevation. Structures shall also be aligned with the natural contours of the site to the maximum extent feasible. Siting structures in the least prominent locations is especially important on open hillsides where the high visibility of construction should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features.

A. Site access. Each driveway shall be located and designed to follow natural terrain contours to the maximum extent feasible, minimize grading, and comply with the following standards.

1. Shared driveways that serve more than one parcel are encouraged, and may be required, to reduce the total amount of grading and pavement.
2. Drainage from a driveway shall be directed in a controlled manner to the drainage facilities of the nearest road wherever feasible, subject to the approval of the City Engineer.
3. A driveway shall not have a grade steeper than five percent within 10 feet of a garage or carport entry. Driveway finished grade shall not exceed an average of 15 percent.

B. Setbacks. A proposed structure shall comply with the following setback requirements instead of those of the applicable zoning district, except Accessory Dwelling Units, as stated in Section 20-42.120 E.

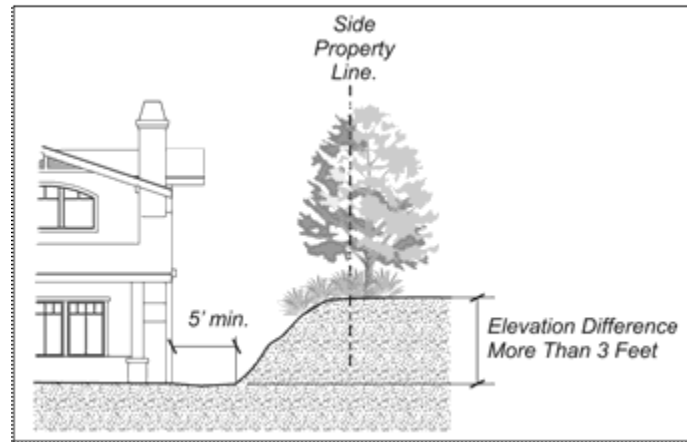
TABLE 3-3—HILLSIDE SETBACKS

Setback Location	Minimum Setback
Front	20 ft
Side	15 ft, except as provided in Section 20-32.050.C. and 20-42.120 E.
Rear	15 ft, except as provided in Section 20-32.050.C. and 20-42.120 E.
Residential Garage	19 ft from rear of public sidewalk, or 19 ft from street property line or street plan line, whichever is greater.

C. Side and rear setback from slope. Where a building site abuts another parcel with a difference in vertical elevation of three feet or more, the required side and/or rear yard shall be measured from the

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nearest toe or top of slope to the structure, whichever is closer; provided that the distance from the base of the structure to the toe of the slope shall be a minimum of five feet. See Figure 3-9.



**Figure 3-9 – Side Setback Measurement**

(Ord. 3711 § 1 Exh. A, 2005; Ord. 3677 § 1, 2004)

20-30.040 Creekside development.

A. Purpose. This Section requires minimum setbacks from waterways for new structures, to provide reasonable protection to owners of riparian property and the public from the hazards of stream bank failures and flooding, while allowing owners of property near waterways reasonable use of and the opportunity to improve their properties consistent with general safety.

B. Applicability. No structure, including buildings of any type, swimming pools, including prefabricated swimming pools, driveways, streets, parking areas, patios, platforms, decks, fences, liquid storage tanks, mobile homes, broken concrete rubble, earth fill or other structural debris fill, or retaining walls, shall be placed within the creekside setbacks required by this Section.

1. Existing structures. An existing, lawfully constructed structure that is located within a setback required by this Section is subject to the requirements for nonconforming structures in Chapter [20-61](#) (Nonconforming Uses, Structures, and Parcels).

2. Exceptions. This Section shall not apply to:

Storm drainage, erosion control, and creekbank stability improvements that have been approved as required by law by the governmental agencies having jurisdiction over them.

3. Design guidelines. See also Section 4.4 (Creeks, Riparian Corridors, and Storm Drainage) of the City's Design Guidelines.

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C. Definitions. Definitions of the technical terms and phrases used in this Section may be found in Division 7 (Glossary), under “Waterway.”

D. Creekside setback requirements.

1. Waterway with defined bank. The exterior boundary of the setback area on each side of a natural or modified natural waterway shall be 50 feet from the top of the highest bank on that side of the waterway, as determined by the Director. When the bank of a natural or modified natural waterway is steeper than 2.5:1, the exterior setback boundary shall be measured by the projections of a slope of 2.5:1 from the toe of the stream bank to ground level, plus 50 feet. See Figure 3-1.

2. Waterway without defined bank. The exterior boundary of the setback area adjacent to the side of a natural or modified natural waterway, where the top of the stream bank is not defined, shall be 50 feet, measured horizontally, from the established 100-year storm freeboard level. See Figure 3-2.

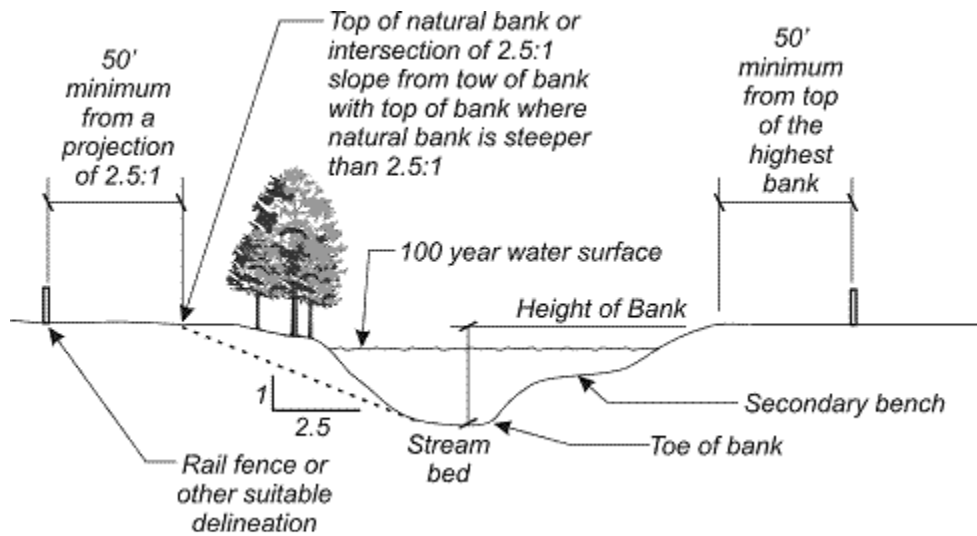


Figure 3-1 – Setback with defined bank (see exceptions Section 20-30.040.D.4.)

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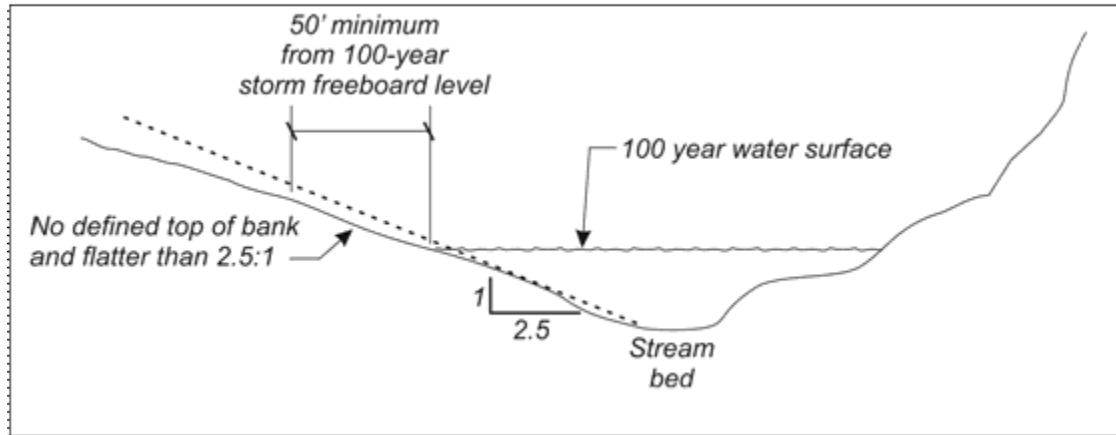


Figure 3-2 – Setback without defined bank (see exceptions Section 20-30.040.D.4.)

3. Channelized waterway. Where a fully channelized waterway exists and the channel is owned by, or under the control of the Sonoma County Water Agency, structures may be closer to the top of the bank than a distance of 2.5 times the depth of the bank plus 50 feet, provided that this encroachment into the setback area will not obstruct or impair the channel's hydraulic functions, impede Water Agency access or maintenance of the channel, or impair the stability of the slope, bank, or maintenance of the channel, or impair the stability of the slope, bank, or creekbed fountain, all as determined by and approved by the Department, the Public Work Department, and the Sonoma County Water Agency.

4. Exceptions.

a. The setbacks required in Section [20-30.040](#) shall be 30 feet for existing properties or adjacent areas within the City that were developed in compliance with applicable setback requirements in effect prior to September 3, 2004.

b. The setbacks required in Section [20-30.040](#) shall be 30 feet for new development that is surrounded by existing structures that were developed in compliance with applicable setback requirements in effect prior to September 3, 2004.

c. Setbacks for accessory dwelling units shall be provided consistent with Section 20-42.130 – Accessory Dwelling Units.

E. Bridges and utilities within setback areas. Bridges for motor vehicles, pedestrians, and/or bicycles, and/or public utility infrastructure may cross through a waterway setback area and over or under its channel, provided that the installation has received all required approvals from the City. "Bridges" as used in this Subsection includes the segments of the street connecting with the ends of the bridge and the use of box culverts to contain the waters of a waterway for a street overcrossing.

(Ord. 3711 § 1 Exh. A, 2005; Ord. 3677 § 1, 2004)

# ATTACHMENT 1

## 20-70.020 Definitions of specialized terms and phrases.

**Accessory Dwelling Unit.** 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. 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.

~~**Junior Accessory Dwelling Unit.** A unit that is no more than 500 square feet in size and contained entirely within an existing single family structure, and utilizing an existing bedroom, and containing an efficiency kitchen. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.~~

**Junior Accessory Dwelling Unit.** A unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit shall include an efficiency kitchen, and may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

**Habitable Space.** Conditioned space within a dwelling unit or guest house for living, sleeping, eating, or cooking (including closets, bathrooms, entries, and hallways).