



Article 06.

LEA Land Extensive Agriculture District.

§ 26-06-005 Purpose.

§ 26-06-010 Permitted uses.

* Amended by Ord. 5569 Exhibit F (effective 7/8/05) *

§ 26-06-020 Uses permitted with a use permit.

* Amended by Ord. 5569 Exhibit F (effective 7/8/05) *

§ 26-06-030 Permitted residential density and development criteria.

* Amended by Ord. 5569 Exhibit G (effective 7/8/05) *

Sec. 26-06-005. Purpose.

Purpose: to enhance and protect lands best suited for permanent agricultural use and capable of relatively low production per acre of land; and to implement the provisions of the land extensive agriculture land use category (Section 2.7.2) of the general plan and the policies of the agricultural resources element. (Ord. No. 4643, 1993.)

Sec. 26-06-010. Permitted uses.

* Amended by Ord. 5569 Exhibit F (effective 7/8/05) *

(a) On parcels exceeding two (2) acres, raising, feeding, maintaining and breeding of farm animals. When such farming involves animals which are continuously confined, such as veal calves, poultry, hogs and pigs, dairy cows or similar livestock which may result in concentrations of animal waste, the use shall be subject to issuance of a zoning permit based upon written approval of the Sonoma County public health department and the applicable Regional Water Quality Control Board of a confined animal management plan. Horses, goats, sheep and similar farm animals are not considered to be confined animals for purposes of this chapter. The plan shall include provisions for:

- (1) Containment of waste to the site,
- (2) Reuse or disposal of waste in accordance with health and/or water quality regulations,
- (3) Mitigation of potential water quality impacts due to surface runoff of waste,
- (4) Control of vectors,

In the event that the confined animal use is proposed within five hundred feet (500') of a nonagricultural land use category, it shall require prior approval of a use permit;

(b) On parcels of two (2) acres or less, raising, feeding, maintaining and breeding of not more than one of the following per twenty thousand (20,000) square feet of area:

- (1) Five (5) hogs or pigs,
- (2) One (1) horse, mule, cow or steer,

(3). Five (5) goats, sheep or similar animals,

(4) Fifty (50) chickens or similar fowl,

(5) Fifty (50) ducks or geese or one hundred (100) rabbits or similar animals.

(6) The above limitations may be modified by the planning director upon submittal of a proposal statement which describes the extent of the domestic farming use and which is signed by the owners of all property within three hundred feet (300') of the subject property. The planning director may require the applicant to obtain a use permit if the director determines that the project might be detrimental to surrounding uses.

(7) 4-H and FFA animal husbandry projects are permitted without limitation of parcel size; provided, that the parcel contains at least twenty thousand (20,000) square feet and provided further, a letter of project authorization is first submitted by the project advisor. The planning director may require the applicant to obtain a use permit when the director determines that the project might be detrimental to surrounding uses;

(c) Beekeeping;

(d) The growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain and similar food and fiber crops, including wholesale nurseries. Except as noted below, agricultural cultivation shall not be permitted in the following areas:

(1) Within one hundred feet (100') from the top of the bank of the Russian River Riparian Corridor,

(2) Within fifty feet (50') from the top of the bank of designated flatland riparian corridors,

(3) Within twenty-five feet (25') from the top of the bank of designated upland riparian corridors.

Agricultural cultivation may be allowed in those areas set out in subsections (d)(1) through (3) of this section upon approval of a management plan which includes appropriate mitigations for potential erosion, bank stabilization and biotic impacts. This plan may be approved by the planning director or by use permit pursuant to Section 26-06-020(a);

(e) Agricultural support services involving no more than one (1) employee and occupying no more than one half (1/2) acre of land and subject, at a minimum to the criteria of general plan Policies AR-5c and AR-5d. Such services may include incidental sales of products related to the support service use but shall not include additional walk-in, over-the-counter retail sales.

The following factors shall be considered in determining an agricultural support service to be "clearly subordinate to on-site agricultural production" as provided in Policy AR-5c:

(1) The geographic area of the lot devoted to the support service use in comparison to that remaining in agricultural production,

(2) Whether or not new structures or significant expansion of existing structures are needed to accommodate the support service use,

(3) The relative number of employees devoted to the support service use in comparison to that needed for agricultural production;

(f) Incidental cleaning, grading, packing, polishing, sizing and similar preparation of crops which are grown on the site, but not including agricultural processing;

(g) Temporary or seasonal sales and promotion and incidental storage of crops which are grown or animals which are raised on the site;

(h) Residential uses include the following:

(1) Single-family detached dwelling unit(s) in accordance with the residential density permitted by the general plan land use element, or permitted by a "B" combining district, whichever is more restrictive. These unit(s) may be manufactured homes, but only one (1) may be a manufactured home without a permanent foundation.

A manufactured home without a permanent foundation shall require prior approval of a zoning permit notice of which shall be posted at least ten (10) days prior to issuance, during which an appeal may be filed and processed pursuant to Section 26-92-040. Issuance of the zoning permit shall be subject, at a minimum, to the following conditions:

(i) The manufactured home shall be at least twelve feet (12') in width except those that are owned and occupied on the effective date of the ordinance codified in this chapter,

(ii) The manufactured home shall be skirted. All skirting shall be of a type approved by the state of California,

(iii) The manufactured home shall have one (1) patio awning with a minimum dimension of nine feet (9') by twenty feet (20') and either a garage, carport or awning with a minimum dimension of ten feet (10') and twenty feet (20') for covered parking,

(iv) All manufactured home sites shall be landscaped, and

(v) The manufactured home shall be occupied by the owner of the property or a relative of the owner,

(2)(2) One (1) detached farm family dwelling unit per lot, provided that the following requirements are met:

(i) An agricultural easement having a term equal to the useful life of the structure, but in no event less than twenty (20) years, shall be offered to the county at the time of application,

(ii) A covenant shall be recorded, in a form satisfactory to county counsel, which acknowledges that, in the event that the agricultural use is terminated on the property, the farm family dwelling shall become a nonconforming residential use,

(3) One (1) dwelling unit for full-time agricultural employees for each of the following agricultural uses conducted on the site:

(i) At least fifty (50) mature cows or one hundred (100) beef cattle,

(ii) At least twenty (20) acres of grapes, apples, pears, prunes,

(iii) At least twenty thousand (20,000) broilers, fifteen thousand (15,000) egg-layers, or three thousand (3,000) turkeys,

(iv) At least two hundred fifty (250) sheep or goats, fifty (50) dairy goats or hogs,

(v) At least thirty (30) mature horses,

(vi) Wholesale nurseries with a minimum of either one (1) acre of propagating greenhouse or outdoor containers or three (3) acres of field-grown plant materials,

(vii) Any other agricultural use which the planning director determines to be of the same approximate agricultural value and intensity as subsections (h)(3)(i) through (vi) of this section.

The dwelling unit(s) may be conventionally built homes or manufactured homes (with or without permanent foundations), provided that manufactured homes without a permanent foundation shall require a zoning permit approved in the manner described in Section 26-06-010(h)(1). Prior to the issuance of building or zoning permits for the employee unit(s), the property owner shall place on file with the planning department an affidavit that the unit(s) will be used to house persons employed on the premises for agricultural purposes. Further, a covenant shall be recorded, in a form satisfactory to county counsel, which acknowledges that in the event that the agricultural use is terminated on the property, the agricultural employee dwelling shall become a nonconforming residential use,

(4) Self-contained recreational vehicles and/or travel trailers to house persons solely employed on the site for agricultural purposes for less than ninety (90) days, subject to the following:

The property owner must submit a written affidavit to the planning department, stating that the recreational vehicle and/or travel trailer will only be used to house persons solely employed on the site of a bona fide agricultural enterprise. A bona fide agricultural enterprise is defined for this purpose as an operation which derives its primary and principal income from agricultural production. The recreational vehicle or trailer shall be immediately removed from the site when it is no longer occupied by persons who are solely employed on the site,

(5) Seasonal farmworker housing which meets the standards set forth in Section 26-88-010(l). Seasonal farmworker housing shall also conform to such public health, building and fire safety criteria established by resolution or ordinance of the board of supervisors,

(6) Year-round farmworker housing which meets the standards set forth in Section 26-88-010(p). Year-round farmworker housing shall also conform to such public health, building, and fire safety criteria as may be established by resolution or ordinance of the board of supervisors,

(7) One guest house per lot,

(8) One (1) travel trailer per lot for use as temporary housing in accordance with Section 26-88-010(q) and provided that a travel trailer administrative permit is obtained and renewed annually;

(9) One (1) second dwelling unit per lot, pursuant to Section 26-88-060, provided that the water supply for the second dwelling unit is proposed to be located within a designated Class 1, 2 or 3 groundwater availability area. Second units may be established within designated Class 4 water-scarce areas only where a hydro-geotechnical report, as defined, certifies that the establishment and continuation of the secondary residential use will not have significant adverse impacts on local or cumulative groundwater availability or yield.

(i) The following nonagricultural uses; provided, that the applicant must demonstrate that the use meets a local need, avoids conflict with agricultural activities and is consistent with Objective AR-4.1 and Policy AR-4a of the Agricultural Resources Element.

(1) Boarding of horses subject to issuance of a zoning permit,

(2) Home occupations,

(3) Small residential community care facilities,

(4) Occasional cultural events, provided that a written notice stating "The Sonoma County Planning Department will issue a zoning permit for a cultural event (state nature and duration) on this property if a written appeal is not received within ten (10) days from the date of this notice." is posted on the property at least ten (10) days prior to issuance of a zoning permit, and no appeal pursuant to Section 26-92-040 has been received from any interested person, and provided that approval is secured from the following departments: sheriff, public health, fire services, building inspection and public works. In the event of an appeal, a hearing on the project shall be held pursuant to Section 26-92-040,

(5) Management of land for watershed, for fish and wildlife habitat, fish rearing ponds, hunting and fishing, where these uses are incidental to the primary use,

(6) Small family day care,

(7) Pet fancier facilities, provided, that a pet fancier license is obtained from the division of animal regulation and renewed annually,

(8) Public parks,

(9) Craft sales and garage sales not exceeding two (2) sales days per calendar year provided that prior notification is given to the California Highway Patrol and that adequate off-street parking is provided;

(10) Attached commercial telecommunication facilities subject to the applicable criteria set forth in Section 26-88-130,

(11) Minor freestanding commercial telecommunication facilities, subject to the applicable criteria set forth in Section 26-88-130, and subject to approval of a zoning permit, including environmental review, for which notice, including a site plan and one (1) elevation with dimensions for such facility, is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section,

(12) Noncommercial telecommunication facilities eighty feet (80') or less in height subject to the applicable criteria set forth in Section 26-88-130. Facilities between forty feet (40') and eighty feet (80') in height are subject to approval of a ministerial zoning permit for which notice is mailed to adjacent property owners and posted on the subject property at least ten (10) days prior to issuance of the permit and provided that no appeal pursuant to Section 26-92-040 has been received from any interested person. In the event of an appeal, a hearing on the project shall be held pursuant to the above section,

(13) Small wind energy systems not located within a county-designated urban service area or within two thousand five hundred feet (2,500') of a county-designated urban service area, subject to zoning permit approval and the standards in Section 26-88-135;

(j) Accessory buildings and uses appurtenant to the operation of the permitted uses. Accessory buildings may be constructed on vacant parcels of two (2) acres or more in advance of a primary permitted use. On vacant parcels less than two (2) acres, accessory buildings may only be constructed if less than one hundred twenty (120) square feet or as incidental to an existing agricultural use;

(k) Minor timberland conversions, subject to compliance with the requirements of Section 26-88-

(l) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in this section;

(m) Bed and breakfast inns, containing not more than one (1) guest room, contained within a single-family dwelling, subject to issuance of a zoning permit. No bed and breakfast inn shall displace nor interfere with any existing agricultural use on the property. No bed and breakfast inn shall be located on land under Williamson Act contract. Food service shall be limited to breakfast served to inn guests only, and shall be subject to the approval of the Sonoma County department of health services. No weddings, lawn parties or similar activities shall be permitted. No outdoor amplified sound shall be permitted. At least ten (10) days prior to issuance of a zoning permit pursuant to this subsection, a written notice stating: "The Sonoma County Permit and Resource Management Department will issue a zoning permit for a one guest room bed and breakfast inn on the property located at [address and APN] if a written appeal is not received within ten (10) days from the date of this notice" shall be posted on the subject parcel and shall be mailed or delivered to all owners of real property as shown on the latest equalized assessment roll within three hundred feet (300') of the subject parcel. If no written appeal is received during the ten (10) day period following the posting and mailing or delivery of notice, a zoning permit shall be issued if the proposed inn satisfies the requirements of this subsection. In the event of a timely appeal, a hearing on the proposed inn shall be held before the board of zoning adjustments pursuant to Section 26-92-040 and the proposed inn shall be evaluated under the provisions of this subsection and the standards set forth in Section 26-92-080. (Ord. 5435 § 2(d), 2003; Ord. 5429 § 3(a), 2003; Ord. No. 5361 § 2(b), 2002; Ord. No. 5342 § 4, 2002; Ord. No. 5265 § 1(b), 2001; Ord. No. 5016 § 1(B), 1997; Ord. No. 4985 § 1(b), 1996; Ord. No. 4973 § 3(a), 1996; Ord. No. 4723 § 1(c), 1993; Ord. No. 4653 § 1(d), 1993; Ord. No. 4643, 1993.)

Sec. 26-06-020. Uses permitted with a use permit.

** Amended by Ord. 5569 Exhibit F (effective 7/8/05) **

(a) Agricultural cultivation in the following areas, for which a management plan has not been approved pursuant to Section 26-06-010(d):

(1) Within one hundred feet (100') from the top of the bank in the Russian River Riparian Corridor,

(2) Within fifty feet (50') from the top of the bank in designated flatland riparian corridors,

(3) Within twenty-five feet (25') from the top of the bank in designated upland riparian corridors;

(b) Livestock feed yards, animal sales yards;

(c) Commercial mushroom farming;

(d) Commercial stables not permitted under Section 26-06-010(i)(1), riding academies, equestrian riding and driving clubs, and hunting clubs;

(e) Commercial aquaculture, provided that, at a minimum, the use does not adversely affect biotic resources and does not take place on prime soils;

(f) Agricultural support services with more than one (1) employee or occupying more than one-half acre of land, but otherwise subject to the same criteria as Section 26-06-010(e);

(g) Preparation of agricultural products which are not grown on site, processing of agricultural products of a type grown or produced primarily on site or in the local area. storage of

agricultural products grown or processed on site, and bottling or canning of agricultural products grown or processed on site, subject, at a minimum, to the criteria of general plan Policies AR-5e and AR-5f;

(h) Slaughterhouses, animal processing plants, rendering plants, fertilizer plants or yards which serve agricultural production in the local area and subject, at a minimum, to the criteria of general plan Policies AR-5e and AR-5f;

(i) Retail nurseries involving crops/plants which are not grown on the site;

(j) Tasting rooms and other temporary, seasonal or year-round sales and promotion of agricultural products grown or processed in the county subject to the minimum criteria of general plan Policies AR-6d and AR-6g. This subsection shall not be interpreted so as to require a use permit for uses allowed by Section 26-06-010(g);

(k) Promotional or marketing accommodations for private guests, provided that the use, at a minimum, meets all of the following criteria:

- (1) The use promotes or markets agricultural products grown or processed on the site,
- (2) The scale of the use is appropriate to the production and/or processing use on the site,
- (3) The use complies with general plan Policies AR-6d and AR-6g,
- (4) No commercial use of private guest accommodations is allowed;

(l) Dwelling unit(s) for full-time agricultural employees which are transferred from another lot within this district and which is under the same ownership as the subject property. The number of units allowed shall be determined by the standards in Section 26-06-010(h)(3). The units shall be located on the receiving parcel such that they are closer to the primary dwelling unit than to the property line;

(m) Farm labor camps not permitted by Section 26-06-010(h);

(n) The following nonagricultural uses; provided, that the applicant must demonstrate that the use meets a local need, avoids conflict with agricultural activities and is consistent with Objective AR-4.1 and Policy AR-4a of the Agricultural Resources Element.

- (1) Game preserves and refuges,
- (2) Public schools, subject, at a minimum, to the criteria of general plan Policy LU-6e,
- (3) Private nursery, primary or secondary schools, and churches subject, at a minimum, to the criteria of general plan Policy LU-6f,
- (4) Campgrounds with a maximum of thirty (30) sites; provided, that the subject area is not under a Williamson Act contract, and subject, at a minimum, to the criteria of general plan Policy AR-6e,
- (5) Cemeteries,
- (6) Commercial kennels,
- (7) Private landing strips,
- (8) Bed and breakfast inns, containing not more than five (5) guest rooms, subject to

Article 82 (Design Review), Article 86 (Parking Regulation), and the criteria of general plan Policy AR-6e. No bed and breakfast inn shall displace nor interfere with any existing agricultural use on the property. No bed and breakfast inn shall be located on land under Williamson Act contract. Food service shall be limited to breakfast served to inn guests only, and shall be subject to the approval of the Sonoma County department of health services. Weddings, lawn parties or similar activities may be allowed if specifically authorized by the use permit. No outdoor amplified sound shall be permitted at any time. No bed and breakfast inn shall include the use of more than one (1) single-family dwelling and one (1) accessory structure for transient occupancy. No more than two (2) of the five (5) guest rooms allowed by this section may be located in the accessory structure, if any. If an accessory structure is used for transient occupancy, the total floor area available for use by guests, including guest rooms and common areas, shall not exceed six hundred forty (640) square feet. There shall be no internal doorway or passage between the area available for use by guests and any remaining area of the accessory structure, (Ord. No. 5265 1(c), 2001; Ord. No. 3662.)

(9) Minor public service uses or facilities (transmission and distribution lines and telecommunication facilities excepted), including but not limited to reservoirs, storage tanks, pumping stations, transformer stations, fire and police stations and training centers, service yards and related parking lots which, at a minimum, meet the criteria of general plan Policy PF-2s and which are not otherwise exempt by state law,

(10) Intermediate and major freestanding commercial telecommunication facilities subject at a minimum to the applicable criteria set forth in Section 26-88-130,

(11) Noncommercial telecommunication facilities greater than eighty feet (80') in height subject at a minimum to the applicable criteria set forth in Section 26-88-130,

(12) Exploration and development of low temperature geothermal resources for other than power development purposes, provided that, at a minimum, it is compatible with surrounding land uses,

(13) Application of sludge from wastewater treatment plants to agricultural land subject, at a minimum, to the criteria of general plan Policies PF-2q and PF-2r,

(14) Art studios and arts and crafts centers not involving retail or wholesale sales. A use permit for such uses may be granted only when the use is conducted within an existing abandoned agricultural building feasible for such use,

(15) Granges and similar community service facilities which do not adversely impact agriculture in the area,

(16) Large residential community care facility,

(17) Day care center,

(18) Large family day care,

(19) Golf courses and driving ranges shall be at the sole discretion of the county and subject, at a minimum, to the following criteria:

(i) The proposed use is adjacent to a designated urban service boundary or includes an irrevocable offer of offsite unutilized development rights for all lands between the use and the urban service boundary,

(ii) Permanent open space or agricultural preservation is provided for the site of the proposed use and all areas for which development rights are acquired,

(iii) The use is located in close proximity to an existing wastewater treatment facility and includes the use of reclaimed wastewater in accordance with the regulations of the applicable regional water quality control agency,

(iv) The use is subject to design review approval and includes setbacks, buffers or other measures designed to minimize its impact on existing and potential agricultural uses in the area,

(v) Under no circumstances shall housing be included as part of the use, provided that a caretaker unit may be considered,

(vi) The use must be compatible with and not result in limitations on any agricultural operation,

(vii) The use shall not be conducted on lands subject to a Williamson Act contract or included in a Timber Production zone,

(viii) Facilities associated with the golf course and/or driving range shall be limited to those which serve golfers on the course or range, such as locker and shower facilities, pro shop with incidental sales of golfing equipment, snack bar and maintenance operations. Such facilities shall not include restaurants, other retail sales, lodging or similar uses,

(ix) Driving ranges shall not be operated during nighttime hours.

In the event that the above uses are proposed within a designated community separator, the criteria established by general plan Policy OS-1c shall supersede the above criteria.

(20) Craft sales and garage sales involving three (3) or four (4) sales days per year;

(21) Small wind energy systems located within a county-designated urban service area or within two thousand five hundred feet (2,500') of a county-designated urban service area, subject to the standards in Section 26-88-135.

(o) Other nonresidential uses which in the opinion of the planning director are of a similar and compatible nature to those uses described in Section 26-06-020. (Ord. No. 5435 § 2(c), 2003; Ord. No. 5429 § 3, 2003; Ord. No. 5361 § 2(j), 2002; Ord. No. 5342 § 5, 2002; Ord. 4973 § 3 (b), 1996; Ord. No. 4781 § 2(B), 1994; Ord. No. 4643, 1993.)

Sec. 26-06-030. Permitted residential density and development criteria.

** Amended by Ord. 5569 Exhibit G (effective 7/8/05) **

The use of land and structures within this district is subject to this article, the general regulations of this chapter, and the provisions of any district which is combined herewith. Policies and criteria of the general plan and any applicable specific or area plan or local area development guidelines shall supersede the standards herein.

(a) Density. Residential density shall be between sixty (60) and three hundred twenty (320) acres per dwelling unit as shown in the general plan land use element or permitted by a B combining district, whichever is more restrictive. However, dwelling units described in Section 26-06-010(h)(2) through (7) inclusive may be permitted in addition to the residential density.

(b) Minimum Lot Size. The minimum lot size for creation of new parcels shall be 1.5 acres, provided that it shall also meet the criteria of general plan Policies AR-8c and AR-3b. In such cases where lots are clustered, a protective easement shall be applied to the remaining large parcel(s) which indicates that density has been transferred to the clustered area.

(c) Minimum Lot Width. The minimum average lot width within each lot is one hundred twenty-five feet (125').

(d) Maximum Building Height.

(1) Thirty-five feet (35') except that agricultural buildings and structures may reach up to fifty feet (50'). Additional height may be permitted provided that site plan approval in accordance with Article 82 is first secured.

(2) Maximum height for telecommunication facilities is subject to the provisions of this article and Section 26-88-130.

(e) Maximum Lot Coverage. Thirty-five percent (35%). Lot coverage limitations may be waived by the planning director for commercial greenhouses and swimming pools.

(f) Yard Requirements.

(1) Front Yard. Thirty feet (30') except where combined with any B district and in no case shall the setback be less than fifty-five feet (55') from the centerline of all roads and streets, except as may be otherwise indicated on the district maps.

(2) Side Yard. Minimum ten feet (10').

(3) Rear Yard. Twenty feet (20').

(4) Watering troughs, feed troughs, accessory buildings used for the housing or maintenance of farm animals and accessory buildings and runs used for the housing or maintenance of kennel animals shall be located at least fifty feet (50') from the front property line, twenty feet (20') from any side or rear property line, and thirty feet (30') from any dwelling on the adjacent property.

(5) No garage or carport opening facing the street shall be located less than twenty feet (20') from any exterior property line, except that where twenty-five percent (25%) or more of the lots on any one block or portion thereof in the same zoning district have been improved with garages or carports, the required front yard may be reduced to a depth equal to the average of the front yards of the such garages or carports. However, in no case shall the front yards be reduced to less than ten feet (10'). Further, the permit and resource management department director may require a use permit if the reduction might result in a traffic hazard.

Notwithstanding the above, if a residence is elevated to meet flood requirements, the space underneath the structure may be utilized for a garage or carport if it will meet building codes, even if the ten (10') foot to (20') foot setback cannot be met, subject to approval of administrative design review.

(6) Cornices, eaves, canopies, bay windows, fireplaces and/or other cantilevered portions of structures, and similar architectural features may extend two feet (2') into any required yard. The maximum length of the projections shall not occupy more than one-third of the total length of the wall on which it is located. Uncovered porches, fire escapes or landing places may extend six feet (6') into any required front or rear yard and three feet (3') into any required side yard.

(7) Where twenty-five percent (25%) or more of the lots on any one (1) block or portion thereof in the same zoning district have been improved with buildings, the required front yard may be reduced to a depth equal to the average of the front yards of the improved lots, subject to the limitations of Section 26-06-030(f)(5).

(8) Accessory buildings may be constructed within the required yards on the rear half of

(c) Accessory buildings may be constructed within the required yards on the rear half of the lot; provided, that such building(s) shall not occupy more than thirty percent (30%) of the width of any rear yard. Such accessory buildings shall not be located closer than ten feet (10') to the main buildings on adjacent lots. Notwithstanding the foregoing, swimming pools may occupy more than thirty percent (30%) of the width of any rear yard. A minimum of three feet (3') shall be maintained between the wall of a pool and the rear and side property lines, and from the main building on the same lot. Conventional pool accessory equipment (pump, filters, etc.) shall be exempt from setback restrictions. Additional setbacks may be required under the Uniform Building Code. (Ord. No. 3932.)

(9) The yard requirements of subsections (f)(1) and (2) of this section may be reduced up to fifty percent (50%) for agricultural buildings and structures if necessary for efficient farming operation. (Ord. No. 4973 § 3(c), 1996; Ord. No. 4927 §§ 1, 6, 11, 1996; Ord. No. 4643, 1993.)

HOME OCCUPATIONS AND LIVE-WORK USES

- I. Subsection (i) (2) of Section 26-04-010 (Land Intensive Agriculture) of the Sonoma County Code is amended, as follows:

"Home Occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit. Any Home Occupation use on a parcel under Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules, regulations and ordinances adopted thereunder."

- II. Subsection (i) (2) of Section 26-06-010 (Land Extensive Agriculture) of the Sonoma County Code is amended, as follows:

"Home Occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit. Any Home Occupation use on a parcel under Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules, regulations and ordinances adopted thereunder."

- III. Subsection (i) (2) of Section 26-08-010 (Diverse Agriculture) of the Sonoma County Code is amended, as follows:

"Home Occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit. Any Home Occupation use on a parcel under Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules, regulations and ordinances adopted thereunder."

- IV. Subsection (o) of Section 26-10-010 (Resources and Rural Development) of the Sonoma County Code is amended, as follows:

"Home Occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit. Any Home Occupation use on a parcel under Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules, regulations and ordinances adopted thereunder."

- V. Subsection (o) of Section 26-12-010 (Resources and Rural Development - Agricultural Preserve) of the Sonoma County Code is amended, as follows:

"Home Occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit. Any Home Occupation use on a parcel under Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules, regulations and ordinances adopted thereunder."

- VI. **Subsection (b) of Section 26-16-010 (Agriculture and Residential) of the Sonoma County Code is amended, as follows:**
- "Home Occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit. Any Home Occupation use on a parcel under Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules, regulations and ordinances adopted thereunder."*
- VII. **Subsection (b) of Section 26-18-010 (Rural Residential) of the Sonoma County Code is amended, as follows:**
- "Home Occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit."*
- VIII. **Subsection (b) of Section 26-20-010 (Low Density Residential) of the Sonoma County Code is amended, as follows:**
- "Home Occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit."*
- IX. **Subsection (b) of Section 26-22-010 (Medium Density Residential) of the Sonoma County Code is amended, as follows:**
- "Home Occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit."*
- X. **Subsection (b) of Section 26-24-010 (High Density Residential) of the Sonoma County Code, as follows:**
- "Home Occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit."*
- XI. **Subsection (b) of Section 26-26-030 (Planned Community) of the Sonoma County Code is amended, as follows:**
- "Home Occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit."*
- XII. **Subsection (l) of Section 26-28-010 (Administrative and Professional Office) of the Sonoma County Code is amended, as follows:**
- "Home Occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit."*

XII. Subsection (b) of Section 26-38-010 (Rural Commercial) of the Sonoma County Code is amended, as follows:

"Home Occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit."

XIII. Subsection (b) of Section 26-40-010 (Agricultural Services) of the Sonoma County Code is amended, as follows:

"Home Occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit."

XIV. Subsection (d) of Section 26-42-010 (Recreation and Visitor-Serving Commercial) of the Sonoma County Code is amended, as follows:

"Home Occupations subject to the requirements of Section 26-88-121 and approval of a zoning permit."

XV. Article 88 (General Use) of Chapter 26 of the Sonoma County Code is amended to add a new Section 26-88-121, Home Occupations, to read as follows:

26-88-121 - Home Occupations

(A) Purpose. This section provides standards for Home Occupations. These standards are intended to ensure that home occupations are incidental and secondary to residential use of the site, and are compatible with surrounding residential uses.

(B) Limitations on Use. The following business activities are prohibited as home occupations:

(1) Adult entertainment activities/businesses;

(2) Animal hospitals and clinics; pet care services such as grooming, doggie day cares or kennels of any size;

(3) Automotive and other vehicle repair, services, painting, storage, or upholstery, or the repair of engines, including automobiles, boats, motorcycles, trucks, or recreational vehicles;

(4) Boatmaking;

(5) Commercial cabinet or furniture making, furniture

refinishing/antique restoration & sales:

- (6) Dismantling, junk, scrap, or storage yards;
- (7) Food processing, canning, baking, etc., including catering, or motorized mobile food vendors such as coffee carts or taco trucks;
- (8) Gun and weapons sales;
- (9) Hair salons, day spas, and other uses which generate higher water and sewer demands, and higher customer visits;
- (10) Uses which involve medical procedures;
- (11) Uses that require the handling of any hazardous (including biologically hazardous) or toxic materials, substances or wastes (as defined by California or federal law), except for small, nonreportable or unregulated quantities that are used in woodworking, painting, or photography, or in the making of jewelry, ceramics, pottery, and sculpture;
- (12) Uses that require explosives or highly combustible materials;
- (13) Uses that may trigger building modifications to meet California Building Code requirements related to Americans with Disability Act (ADA) or such that a change of occupancy classification is required;
- (14) Welding, machine shop operations, or metal fabricating;
- (15) Other uses that the Director determines to be similar in impact to those listed above.

(C) Allowable home occupations. Allowable home occupations include, but are not limited to:

- (1) Art and craft work such as ceramics, painting, photography, sculpture, woodwork, and similar cottage industries that do not involve reportable or regulated quantities of hazardous or flammable substances, where such operations will not generate noise, dust, or odors.
- (2) Office-only uses by architects, attorneys, consultants, writers and owners of electronic commerce businesses, and similar uses.

- (3) One-on-one services such as music, art, and dance lessons, tutors, licensed counseling and massage therapy.
- (4) Tailoring and sewing.
- (5) Other home occupation uses which in the opinion of the planning director are of a similar and compatible nature to those uses described above.

(D) Design and Development Standards. Each home occupation shall comply with all of the following:

- (1) **Location/Size.** The home occupation shall be conducted entirely within one of the following:
 - (a) A portion of the dwelling which does not exceed more than 25 percent of the total floor area of the dwelling;
 - (b) A garage or portion thereof, (up to a maximum of 500 square feet) which does not displace any required parking;
 - (c) A detached accessory structure or portion thereof (up to a maximum of 500 square feet)
- (2) **Technical codes.** A home occupation shall comply with all of the codes adopted by reference at Sonoma County Code Section 7-13 (including the Uniform Building Code, Uniform Plumbing Code, National Electrical Code, Uniform Fire Code, and Uniform Mechanical Code) and shall require building, septic division and other clearances as determined necessary by the Director.
- (3) **Utilities.** The home occupation shall not require any utility services modification, other than a modification required for normal residential use, that would be classed as commercial or industrial in load or design, and in no event shall electrical current to the home residence or home occupation exceed 220 volts.
- (4) **Exterior appearance.** The home occupation shall not require any change of the residential character or the outside appearance of the dwelling, either by the use of colors, materials, lighting, noise, or signs other than signage permitted by this Section.
- (5) **Parking Requirements.** Home Occupations shall comply with the parking standards set forth in Section 26-88-010 (g). The decision maker may modify this requirement to decrease or increase the

required parking as appropriate to allow for the reuse of existing structures with limited parking, so long as adequate on-site parking for clients is demonstrated.

- (6) **Signs.** A home occupation shall be limited to one attached, non-illuminated, two square-foot sign.
- (E) **Operating Requirements.**
- (1) **Employees.** No person shall be employed in the Home Occupation other than residents of the dwelling.
- (2) **Hours of Operation.** Customer visits and deliveries shall be limited to the hours of 8 am to 6 pm Monday through Fridays, and shall not occur on state and federal holidays.
- (3) **Number of home occupation activities.** No more than one home occupation is allowed per legal dwelling unit on the property.
- (4) **Visits and deliveries.** Not more than four customers or clients shall be allowed to visit the dwelling for any service or product during any one day, nor more than two customers or clients at any one time. Not more than a total of 10 deliveries and/or pickups of materials, goods, supplies or products are allowed in any one week.
- (5) **Commercial vehicles.** No more than one single one-ton or smaller commercial vehicle related to the business use shall be kept at the dwelling site.
- (6) **Outdoor storage/activity.** No outdoor storage of materials or equipment related to the home occupation shall be permitted. No outdoor activity related to the home occupation shall be permitted.
- (7) **Offsite Effects.** No home occupation activity shall result in offsite dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances as determined by the director.
- (8) **Noise.** Noise levels generated by a home occupation shall meet the requirements of the Noise Element of the General Plan.
- (9) **Safety.** Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.

(F) Signed Affidavit. The property owner and applicant, if other than the property owner, shall sign affidavits agreeing to abide by and conform to the Design and Development Standards, operating requirements and all provisions of the Sonoma County Code pertaining to the conduct of Home Occupations. The affidavit(s) shall acknowledge that the approval of the Home Occupation permit shall in no way permit any activity contrary to the Sonoma County Code, or any activity which would constitute a nuisance under state or local law. The affidavit(s) shall further acknowledge that it is the property owner's and applicant's responsibility to ensure that the home occupation is not contrary to a covenant, code or restriction governing the property.

XVI. Section 26-86-010(b) (Required Parking) is amended to add the following at the end of the subsection:

Use	Parking Spaces
<u>"Home Occupations</u>	<u>A home occupation shall provide at least one parking space, in addition to that required by the residential use of the property.."</u>

XVII. Section 26-04-020 (Land Intensive Agriculture) of the Sonoma County Code is amended to re-designate subsection (o) as subsection (p), and to add a new subsection (o), to read as follows:

"Live/Work Uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Any Live/Work use on a parcel under Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules, regulations and ordinances adopted thereunder."

XVIII. Section 26-06-020 (Land Extensive Agriculture) of the Sonoma County Code is amended to re-designate subsection (o) as subsection (p), and to add a new subsection (o), to read as follows:

"Live/Work Uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Any Live/Work use on a parcel under Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules, regulations and ordinances adopted thereunder."

XIX. Section 26-08-020 (Diverse Agriculture) of the Sonoma County Code is amended to re-designate subsection (o) as subsection (p), and to add a

new subsection (o), to read as follows:

"Live/Work Uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Any Live/Work use on a parcel under Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules, regulations and ordinances adopted thereunder."

XX. Subsection (s) of Section 26-10-020 (Resources and Rural Development) of the Sonoma County Code is amended to read as follows:

~~(s) Home occupations with one (1) non-resident employee, but which otherwise meet the definition of home occupation in Section 26-02-140;~~ Live/Work Uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Any Live/Work use on a parcel under Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules, regulations and ordinances adopted thereunder."

XXI. Section 26-12-020 (Resources and Rural Development - Agricultural Preserve) of the Sonoma County Code is amended to delete subsection (o), and renumber the remaining subsections accordingly.

XXII. Subsection (j) of Section 26-16-020 (Agriculture and Residential) of the Sonoma County Code is amended to read as follows:

~~(j) Home occupations with one (1) non-resident employee, but which otherwise meet the definition of home occupation in Section 26-02-140;~~ Live/Work Uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Any Live/Work use on a parcel under Williamson Act contract must be consistent with Government Code Section 51200 et seq. (the Williamson Act) and local rules, regulations and ordinances adopted thereunder."

XXIII. Section 26-18-020 (Rural Residential) of the Sonoma County Code is amended to re-designate Subsection (u) as subsection (v), and to add a new subsection (u), to read as follows:

"Live/Work Uses in conjunction with an otherwise allowed residential use subject to the requirements of Section 26-88-122."

XXIV. Section 26-20-020 (Low Density Residential) of the Sonoma County Code is amended to re-designate Subsection (o) as subsection (p), and to add a new subsection (o), to read as follows:

"Live/Work Uses in conjunction with an otherwise allowed residential use subject

to the requirements of Section 26-88-122."

- XXV. Section 26-22-020 (Medium Density Residential) of the Sonoma County Code is amended to re-designate Subsection (o) as subsection (p), and to add a new subsection (o), to read as follows:

"Live/Work Uses in conjunction with an otherwise allowed residential use subject to the requirements of Section 26-88-122."

- XXVI. Section 26-26-040 (Planned Community) of the Sonoma County Code is amended to re-designate Subsection (j) as subsection (k), and to add a new subsection (j), to read as follows:

"Live/Work Uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Live/Work uses shall not be permitted in a Mixed Use Development, SRO Unit, or Caretaker Unit."

- XXVII. Section 26-28-020 (Administrative and Professional Office) of the Sonoma County Code is amended to re-designate Subsection (q) as subsection (r), and to add a new subsection (q), to read as follows:

"Live/Work Uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Live/Work uses shall not be permitted in a Mixed Use Development, SRO Unit, or Caretaker Unit."

- XXVIII. Section 26-30-020 (Neighborhood Commercial) of the Sonoma County Code is amended to re-designate Subsection (w) as subsection (x), and to add a new subsection (w), to read as follows:

"Live/Work Uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Live/Work uses shall not be permitted in a Mixed Use Development, SRO Unit, or Caretaker Unit."

- XXIX. Section 26-32-020 (Retail and Business Service) of the Sonoma County Code is amended to re-designate Subsection (z) as subsection (aa), and to add a new subsection (z), to read as follows:

"Live/Work Uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Live/Work uses shall not be permitted in a Mixed Use Development, SRO Unit, or Caretaker Unit."

- XXX. Section 26-34-020 (General Commercial) of the Sonoma County Code is amended to re-designate Subsection (ii) as subsection (jj), and to add a new subsection (ii), to read as follows:

"Live/Work Uses in conjunction with a legally established single family residential

unit subject to the requirements of Section 26-88-122. Live/Work uses shall not be permitted in a Mixed Use Development, SRO Unit, or Caretaker Unit."

- XXXI. Section 26-36-020 (Limited Commercial) of the Sonoma County Code is amended to re-designate Subsection (jj) as subsection (kk), and to add a new subsection (jj), to read as follows:

"Live/Work Uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Live/Work uses shall not be permitted in a Mixed Use Development, SRO Unit, or Caretaker Unit."

- XXXIV. Section 26-38-020 (Rural Commercial) of the Sonoma County Code is amended to add a new subsection (c), to read as follows:

"Live/Work Uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Live/Work uses shall not be permitted in a Mixed Use Development, SRO Unit, or Caretaker Unit."

- XXXV. Section 26-40-020 (Agricultural Services) of the Sonoma County Code is amended to re-designate Subsection (u) as subsection (v), and to add a new subsection (u), to read as follows:

"Live/Work Uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Live/Work uses shall not be permitted in a Mixed Use Development, SRO Unit, or Caretaker Unit."

- XXXVI. Section 26-42-020 (Recreation and Visitor Serving Commercial) of the Sonoma County Code is amended to re-designate Subsection (aa) as subsection (bb), and to add a new subsection (aa), to read as follows:

"Live/Work Uses in conjunction with a legally established single family residential unit subject to the requirements of Section 26-88-122. Live/Work uses shall not be permitted in a Mixed Use Development, SRO Unit, or Caretaker Unit."

- XXXVII. Article 88 (General Use) of Chapter 26 of the Sonoma County Code is amended to add a new Section 26-88-122, to read as follows:

"26-88-122 - Live/Work Uses

- (A) **Purpose.** This section provides standards for Live/Work Uses. These standards are intended to ensure that Live/Work Uses are incidental and secondary to an otherwise allowed residential use of the site, and compatible with, surrounding residential uses. The standards of this section shall not apply to Mixed Use Developments, which are instead subject to 26-88-123 (Mixed Use).

(B) Limitations on Uses. *The following business activities are prohibited as Live/Work uses:*

- (1) Adult entertainment activities/businesses;*
- (2) Animal hospitals and clinics*
- (3) Automotive and other vehicle repair, services, painting, storage, or upholstery, or the repair of engines, including automobiles, boats, motorcycles, trucks, or recreational vehicles;*
- (4) Boatmaking;*
- (5) Commercial cabinet or furniture making.*
- (6) Dismantling, junk, scrap, or storage yards;*
- (7) Mobile food vendors such as coffee carts, or taco trucks;*
- (8) Gun and weapons sales;*
- (9) Uses which involve medical procedures;*
- (10) Uses that require the handling of any hazardous (including biologically hazardous) or toxic materials, substances or wastes (as defined by California or federal law), except for small, nonreportable or unregulated quantities that are used in woodworking, painting, or photography, or in the making of jewelry, ceramics, pottery, and sculpture;*
- (11) Uses that require explosives or highly combustible materials;*
- (12) Welding, machine shop operations, or metal fabricating (except for artisan metal sculpture); and*
- (13) Other uses that the Director determines to be similar in character to those listed above.*

(C) Allowable Live/Work Uses. *Allowable Live/Work uses include, but are not limited to:*

- (1) Art and craft work such as ceramics, painting, photography, sculpture, woodwork, and similar cottage industries that may involve minor use of hazardous or flammable substances as allowed by the Department of Emergency Services; or operations which generate noise, dust, or odors provided that they are*

determined to be compatible with the surrounding land uses.

- (2) Office uses by architects, attorneys, consultants, writers and owners of electronic commerce businesses, and similar uses.
- (3) One-on-one and group services such as music, art, and dance lessons, tutors, licensed counseling and massage therapy, etc.
- (4) Tailoring and sewing.
- (5) Limited, brief, pet care services such as grooming (but not doggie daycares or kennels) located outside of Urban Service Areas.
- (6) Furniture refinishing/antique restoration.
- (7) Hair salons, day spas and other uses which generate higher water and sewer demands, and higher customer visits.
- (8) Uses that may trigger building modifications to meet California Building Code requirements related to Americans with Disability Act (ADA) such that a change of occupancy classification is require.
- (9) Other Live/Work uses which in the opinion of the Director are of a similar and compatible nature to those uses described above.

(D) Design and Development Standards. Each Live/Work Use shall comply with all of the following:

- (1) **Location/Size.** The Live/Work Use shall be conducted within one of the following:
 - (i) A portion of the dwelling which does not exceed more than 25 percent of the total floor area of the dwelling;
 - (ii) A garage or portion thereof which does not displace any required parking;
 - (iii) A detached accessory structure or portion thereof.
- (2) **Technical Codes.** A Live/Work Use shall comply with all of the codes adopted by reference at Sonoma County Code Section 7-13 (including the Uniform Building Code, Uniform Plumbing Code, National Electrical Code, Uniform Fire Code and Uniform Mechanical Code) and shall require building, septic and other clearances determined necessary by the Director.

- (3) **Utilities.** The Live/Work Use shall not require any utility services modification, other than a modification required for normal residential use, that would be classed as commercial or industrial in load or design, and in no event shall electrical current to the home residence or Live/Work Use exceed 220 volts.
- (4) **Exterior appearance.** The Live/Work Use shall not require any change of the residential character or the outside appearance of the dwelling, either by the use of colors, materials, lighting, noise, or signs other than signage permitted by this Section.
- (5) **Parking Requirements.** Live/Work uses shall comply with the parking standards set forth in Section 26-88-010 (g). The decision maker may modify this requirement to decrease or increase the required parking as appropriate to allow for the reuse of existing structures with limited parking or to accommodate authorized employees and/or customer or client visits. Adequate on-site parking for customers or clients must be demonstrated.
- (6) **Signs.** A Live/Work Use shall be limited to one attached, non-illuminated, two square-foot sign.

(E) Operating Requirements.

- (1) **Employees.** Up to two persons other than residents of the dwelling may be employed, unless otherwise provided by use permit.
- (2) **Hours of Operation.** Customer visits and deliveries shall be limited to the hours of 8 am to 6 pm Monday through Fridays, unless otherwise provided by use permit, and shall not occur on state and federal holidays.
- (3) **Number of Live/Work activities.** No more than one Live/Work Use is allowed per legal dwelling unit on the property.
- (4) **Visits and deliveries.** Not more than eight customers or clients shall be allowed to visit the dwelling for any service or product during any one day, nor more than four customers or clients at any one time. Not more than a total of 10 deliveries and/or pickups of materials, goods, supplies or products are allowed in any one week unless otherwise authorized by use permit.
- (5) **Commercial vehicles.** No more than one single one-ton or smaller commercial vehicle related to the business activity shall be kept at the dwelling site.

- (6)** Outdoor storage/activity. *No outdoor storage of materials or equipment related to the business activity shall be permitted. No outdoor activity related to the business activity shall be permitted.*
- (7)** Offsite Effects. *No Live/Work Use activity shall result in offsite dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances as determined by the director.*
- (8)** Noise. *Noise generated by Live/Work uses shall be consistent with the Noise Element of the General Plan.*
- (9)** Safety. *Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.*
- (F)** Signed Affidavit. *The property owner and applicant, if other than the property owner, shall sign affidavits agreeing to abide by and conform to the conditions of the use permit and all provisions of the Sonoma County Code pertaining to the conduct of Live/Work uses, including, but not limited to, the provisions of this Section. The affidavit(s) shall acknowledge that the approval of the Live/Work Use permit shall in no way permit any activity contrary to the Sonoma County Code, or any activity which would constitute a nuisance under state or local law. The affidavit(s) shall further acknowledge that it is the property owners' and applicant's responsibility to ensure that the Live/Work Use is not contrary to a covenant, code or restriction governing the property."*
- (G)** Exercise and Duration of Live/Work Permit. *Use permits for live/work uses shall be exercised only by the applicant and/or property owner, and shall expire upon change of tenancy or sale or transfer of the property. All use permits issued for a live/work use shall include the following provision: 'This use permit shall expire upon change of tenancy or sale or transfer of the property'.*

XXXVIII. Section 26-86-010(b) (Required Parking) is amended to add the following at the end of the subsection:

"Use	Parking Spaces
<u>Live/Work Units</u>	<u>At least one parking space, in addition to that required by the</u>

residential use of the property. An additional parking space shall be provided for each non-resident employee."

WORK LIVE USES

- I. Section 26-46-020 (M1) of the Sonoma County Code is amended to re-designate subsection (o) to subsection (p), and to add a new subsection (o), to read as follows:

"In urban service areas, work/live units subject to the requirements of Section 26-88-124 (Work/Live Unit)."

- II. Article 88 (General Use) of Chapter 26 of the Sonoma County Code is amended to add a new Section 26-88-124 (Work/Live Units), to read as follows:

"26-88-124 - Work/Live Units

- (a) Purpose. This Section provides standards for the development of new work/live units and for the reuse of existing commercial and industrial structures to accommodate work/live opportunities where allowed by the applicable zoning district regulations. A work/live unit shall function predominantly as work space with incidental residential accommodations that meet basic habitability requirements. The standards of this Section do not apply to mixed use projects, which are instead subject to Section 26-88-123 (Mixed Use Projects).
- (b) Limitations on use. The nonresidential uses within a work/live project shall be limited to those commercial and industrial uses allowed within the applicable zoning district. In no case, however, shall a work/live unit be established or used for any of the following activities:
- (1) Adult entertainment activities/businesses;
 - (2) Automotive and other vehicle repair, services, painting, storage, or upholstery, or the repair of engines, including automobiles, boats, motorcycles, trucks, or recreational vehicles;
 - (3) Welding, machining, or any open flame work;
 - (4) Storage or shipping of flammable liquids or hazardous materials beyond that normally associated with a residential use;
 - (5) Any other activity or use determined by the Director to be incompatible with residential activities and/or to have the possibility of adversely affecting the health or safety of work/live unit residents, because of the potential for the use to create excessive dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or to be unreasonably hazardous because of materials, processes, products, or wastes.

(c) Allowable building intensity. Work/live units shall comply with the building intensity limitations of the applicable zoning district.

(d) Design and development standards.

Work/live units shall be subject to review and approval of a Master Site Plan and Proposal Statement demonstrating that the project meets all of the following criteria, as well as the design standards of the applicable zoning district.

(1) General Prerequisites.

- (i)** At the time of application approval and for the reasonably foreseeable future, the industrial site and surrounding area is suitable for joint residential and industrial use.
- (ii)** The project is designed to provide flexible workspace in conjunction with living areas that are conducive to a work environment.
- (iii)** Residential and industrial uses are integrated in such a manner as to address noise, hazardous materials, and other health and safety issues onsite as well as offsite.

(2) Commercial and Industrial Space Requirements.

- (i)** The project site must remain primarily in commercial or industrial use. At no time shall more than 50% of the combined floor area of all buildings constructed on the project site be dedicated or used for work/live units. All remaining floor area on the project site shall be dedicated and reserved exclusively for other commercial and industrial uses allowable in the applicable zoning district.
- (ii)** In addition, no less than 50 % of the floor area of each work/live unit shall be designated, reserved and regularly used as work space for commercial or industrial uses.
- (iii)** All designated work space shall be designed to accommodate commercial or industrial uses as evidenced by the provision of flooring, interior storage, ventilation, storefront windows, roll-up doors and/or other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity.

- (3) **Integration of Living Space.** Living space shall be physically integrated into the work/live unit and shall not be separately rented, leased, or sold. Mezzanines and lofts within the unit may be used as living space subject to compliance with the other provisions of this Section.
- (4) **Design Review.** Work/live units shall be subject to the design standards and procedures set forth in Article 82 and approval by the Design Review Committee.
- (5) **Parking Requirements.** Work/live units shall comply with the parking standards set forth in Section 26-88-010. The decision maker may modify this requirement to decrease or increase the required parking as appropriate to allow for the reuse of existing structures with limited parking or to accommodate authorized employees and/or customer or client visits.
- (6) **Compliance with Building and Fire Codes:** All work/live units shall comply with all of the codes adopted by reference at Sonoma County Code Section 7-13 (including the Uniform Building Code, Uniform Plumbing Code, National Electrical Code, Uniform Fire Code and Uniform Mechanical Code). If a structure contains mixed occupancies of work/live units and other nonresidential uses, occupancies other than work/live shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the work/live units and other occupancies, as determined by the Building Official.

(e) **Operating requirements.**

- (1) **Occupancy.** A work/live unit shall be occupied and used only by the operator or employee of the business within the unit.
- (2) **Sale or rental of portions of unit.** The living space of the work/live unit shall not be rented, leased, sold or occupied separately from the working space. No portion of a work/live unit shall, at any time, be rented, leased, or sold as a commercial or industrial space by any person not living in the unit.
- (3) **Notice to occupants.** The owner or developer of any structure containing work/live units shall provide written notice to all work/live occupants and users that the surrounding area may be subject to levels of dust, fumes, noise, or other effects associated with commercial and industrial uses at higher levels than would be expected in more typical residential areas. Noise and other standards shall be those applicable to commercial or industrial

properties in the applicable zoning district.

(4) On-premises sales. On-premise sales of goods shall be limited to those produced within the work/live unit and shall be permitted only where such incidental sales are allowed by the zoning district. All on-premise sales of goods shall be incidental to the primary production work within the unit.

(5) Nonresident employees. The occupant of the work/live unit may employ up to two persons who do not reside in the work/live unit to work in the unit, provided that adequate parking is provided as determined by use permit.

(6) Noise. Noise generated by Work/Live uses shall be consistent with the Noise Element of the General Plan.

(f) Changes in use. No portion of the work/live unit designated and approved as work space shall be converted to residential use without modification of the use permit, to ensure the continuing conformance with the use limitations, design and development standards and operating requirements of this section. Changes in the non-residential portion of the use shall also require a modification of the use permit to ensure conformance with the use limitations, design and development standards and operating requirements of this section.

(g) Findings for approval. No use permit shall be approved for a work/live unit unless the decision-maker makes all of the following findings, in addition to the findings required for use permit approval by Section 26-92-080 (Use Permit - Findings).

(1) The site is located within an existing urban service area.

(2) Public services and infrastructure are adequate to serve the use.

(3) The project complies with the standards and development criteria set forth in this Section.

(4) The establishment of work/live units will not displace, conflict with or inhibit other commercial or industrial uses on site.

(5) The proposed use of each work/live unit is a bona fide commercial or industrial activity consistent with Subsection B (Limitations on use), above;

(6) The structure containing work/live units and each work/live unit within the structure has been designed to ensure that they will

function predominantly as work spaces for commercial or industrial uses with incidental residential accommodations meeting basic habitability requirements in compliance with applicable regulations; and

(7) The establishment of work/live units, as conditioned, is compatible with surrounding land use and will not conflict with nor inhibit commercial or industrial uses on adjacent or nearby parcels;

(8) The exterior appearance of the structure will be compatible with adjacent commercial or industrial uses where adjacent land is zoned for commercial or industrial uses."

III. Subsection (g) of Section 26-86-010 (Required Parking) of the Sonoma County Code is amended to add the following at the end of the subsection:

<u>Use</u>	<u>Parking Spaces</u>
<u>"Work/Live Units</u>	<u>2 spaces /unit (need not be covered)"</u>



Article 78.

B Combining Districts.

§ 26-78-005 Purpose.

§ 26-78-010 Generally.

Sec. 26-78-005. Purpose.

Purpose: to specify residential density and/or minimum parcel or lot size for a particular parcel, lot or area (Ord. No. 4643, 1993.)

Sec. 26-78-010. Generally.

The following regulations shall apply to the respective B districts:

Combining District:	Requirements:
B6	The adopted zoning maps shall specify the maximum permitted density, determined by gross acreage for all residential uses. Minimum front, side and rear yard requirements and the minimum parcel or lot size, if not otherwise specified, shall conform to the base district with which the B6 district is combined unless specifically approved otherwise by the planning commission.
B7	Minimum parcel or lot size shall be as specified on the recorded final or parcel maps and the parcels or lots shall not be further subdivided. The B7 combining district signifies that the lot has been frozen in order to restrict further subdivision of large remaining parcels left after approval of a clustered subdivision as provided in general plan Policy LU-6c. A lot line adjustment may be applied for, processed, and approved pursuant to Chapter 25 of the Sonoma County Code and this chapter. Minimum front, side and rear yard requirements shall conform to the base district with which the B7 district is combined unless specifically approved otherwise by the planning commission.
B8	<p>Minimum parcel or lot size shall be as specified on the recorded final or parcel map and the parcels or lots shall not be further subdivided. The B8 combining district signifies that the lot has been frozen for one of the following reasons:</p> <ol style="list-style-type: none"> 1. The property is designated rural residential on the general plan land use map, but is subject to a Williamson Act contract; 2. The property lies within the designated urban service boundary surrounding a city where the county intends to limit urban development until annexation or similar occurrence pursuant to a general plan area policy; 3. The property is subject to a specific plan or area plan policy where the county intends to limit urban development for the reasons set forth in the applicable plan.

A lot line adjustment may be applied for, processed, and approved pursuant to Chapter 25 of the Sonoma County Code and this chapter. Minimum front, side and rear yard requirements shall conform to the base district with which the B8 district is combined unless specifically approved otherwise by the planning commission. (Ord. No. 4643, 1993.)



Article 76.

Z Second Unit Exclusion Combining District.

§ 26-76-005 Purpose.

§ 26-76-010 Permitted uses.

Sec. 26-76-005. Purpose.

Purpose: the purpose of this district is to provide for the exclusion of second units in the following areas:

- (a) Areas where there is an inadequate supply of water for drinking or firefighting purposes;
- (b) Areas where there are inadequate sewer services or danger of groundwater contamination;
- (c) Areas where the addition of second units would contribute to existing traffic hazards or increase the burden on heavily impacted streets, roads or highways; and
- (d) Areas where, because of topography, access or vegetation, there is a significant fire hazard. (Ord. No. 4643, 1993.)

Sec. 26-76-010. Permitted uses.

All uses permitted in the respective district with which the Z district is combined shall be permitted in the Z district, except for the establishment, placement or construction of a second unit otherwise authorized by Section 26-92-040. (Ord. No. 4643, 1993.)



Article 64.

SR Scenic Resources Combining District.

§ 26-64-005 Purpose.

§ 26-64-010 Development criteria.

§ 26-64-020 Community separators and scenic landscape units.

§ 26-64-030 Scenic corridors.

§ 26-64-040 Telecommunication facilities in the SR district.

§ 26-64-050 Design review approval.

Sec. 26-64-005. Purpose.

Purpose: to preserve the visual character and scenic resources of lands in the county and to implement the provisions of Sections 2.1, 2.2 and 2.3 of the general plan open space element. (Ord. No. 4643, 1993.)

Sec. 26-64-010. Development criteria.

Maximum building heights, minimum lot areas and lot widths, yard requirements and maximum percentages of lot coverage shall comply with the requirements for the districts with which the SR regulations are combined unless otherwise provided herein. (Ord. No. 4643, 1993.)

Sec. 26-64-020. Community separators and scenic landscape units.

(a) All structures, except certain telecommunications facilities as provided for in Section 26-64-040, located within community separators and scenic landscape units illustrated on Figures OS-5a through OS-5i, inclusive, of the general plan open space element and included within the SR district shall be subject to the following criteria:

- (1) Structures shall be sited below exposed ridgelines;
- (2) Structures shall use natural landforms and existing vegetation to screen them from view from public roads. On exposed sites, screening with native, fire resistant plants may be required;
- (3) Cuts and fills are discouraged, and where practical, driveways are screened from public view;
- (4) Utilities are placed underground where economically practical;

The above criteria shall not apply to agricultural accessory structures which do not require a use permit in the district with which this district is combined.

In the event that compliance with these standards would make a parcel unbuildable, structures shall be sited where minimum visual impacts would result.

(b) In addition to the criteria listed in subsection (a) of this section, the following standards shall apply to subdivisions within community separators and scenic landscape units and included

within the SR district unless otherwise provided herein:

- (1) Building envelopes shall be established for structures. Use of height limitations should be considered, if necessary to further mitigate visual impacts;
- (2) Clustering shall be used to reduce visual impact where consistent with the applicable base district;
- (3) Building sites and roadways shall be located to preserve trees and tree stands as provided in Section 26-88-040(m) of this chapter;
- (4) To the extent allowed by law, dedication of a permanent scenic or agricultural easement shall be required at the time of subdivision for projects in community separators. Consider requiring such easements in critical scenic landscape units pursuant to general plan Policy OS-2g.

(c) Where development occurs on parcels located both within scenic landscape units and adjacent to scenic corridors, the more restrictive provisions set forth in this article shall apply.

(d) Additional or varied development may be allowed in designated community separators and scenic landscape units in accordance with general plan Policies OS-1c, and OS-2c, respectively.

(e) Minor timberland conversions shall be allowed within community separators and scenic landscape units, subject to compliance with the requirements of this article and Section 26-88-140.

(f) Certain single-family dwelling units and appurtenant structures within the area covered by the Taylor Mountain/Sonoma Mountain development guidelines shall be subject to Section 26-90-050, as specified therein. Where the provisions of this section conflict with the provisions of Section 26-90-050, the general plan, or any applicable area plan, the more restrictive provisions shall apply. (Ord. No. 5132 § 2, 1999; Ord. No. 4985 § 1(d), 1996; Ord. No. 4973 § 12(a), 1996; Ord. No. 4643, 1993.)

Sec. 26-64-030. Scenic corridors.

The following provisions shall apply to properties along scenic corridors illustrated on Figures OS-5a through OS-5i, inclusive, of the general plan open space element unless otherwise provided herein:

(a) All structures located within scenic corridors established outside of the urban service area boundaries shown on Figures LU-5a through LU-5i, inclusive, of the general plan land use element shall be subject to the setbacks of thirty percent (30%) of the depth of the lot to a maximum of two hundred feet (200') from the centerline of the road. Development within the setback shall be prohibited with the following exceptions, where such uses are allowed by the base district with which this district is combined:

(1) New barns and similar agricultural support structures which are added to existing farm complexes provided that such structures proposed within a state scenic highway or where local design review exists by community choice in an adopted specific or area plan are subject to design review;

(2) New barns and similar agricultural support structures which do not require a use permit in this chapter; provided, however, that such structures proposed within a State Scenic Highway or where local design review exists by community choice in an adopted specific or area plan are subject to design review;

(3) Maintenance, restoration, reconstruction or minor expansion of existing structures;

(4) Certain telecommunication facilities as provided in Section 26-64-040;

(5) Other new structures provided they are subject to design review and

(i) They are associated with existing structures,

(ii) There is no other reasonable location for the structure,

(iii) The location within the setback is necessary for the use, or

(iv) Existing vegetation and topography screen the use;

(6) Compliance with the setback would render the parcel unbuildable;

(7) Satellite dishes which are not visible from the roadway.

(b) Where the scenic corridor setback provided for in Section 26-64-030(a), conflicts with the scenic corridor setback along Highway 12 established by Ordinance 1810, the latter shall apply.

(c) A building setback of twenty feet (20') shall be applied along the Highway 101 scenic corridor to properties which are within the urban service area boundaries shown on Figures LU-5b, -5c, -5e, -5g, and -5h of the general plan land use element, to be reserved for landscaping.

(d) Where development occurs on parcels located both within scenic landscape units and adjacent to scenic corridors, the more restrictive provisions set forth in this article shall apply.

(e) Building permits within the setback established in Section 26-64-030(a) along Bohemian Highway between Occidental and Freestone and Bodega Highway between Bodega and Freestone shall be referred to the county landmarks commission for review and recommendation. (Ord. No. 4973 § 12(b), 1996; Ord. No. 4643, 1993.)

Sec. 26-64-040. Telecommunication facilities in the SR district.

The following provisions shall apply to telecommunication facilities on properties in community separators, scenic landscape units, and scenic corridors as shown on Figures OS-5a through OS-5i, inclusive, of the general plan open space element.

Telecommunication facilities which are allowed by the applicable base district shall meet the provisions of said base district and the applicable standards of Section 26-64-020 or 26-64-030,, except that:

(a) An attached commercial telecommunication facility shall also be subject to design review approval.

(b) A noncommercial telecommunication facility shall be located, designed, and screened to blend with the existing natural or built surroundings so as to minimize visual impacts to the extent feasible. While cuts and fills are discouraged, they should be considered if, on balance, they enhance the overall scenic quality of the designated scenic resource area.

(c) A freestanding commercial telecommunication facility may be considered subject to the following additional criteria:

(1) The facility shall be subject to approval of a use permit.

(2) While cuts and fills are discouraged, they should be considered if they result in enhancement of the overall scenic quality of the designated scenic resource area.

(3) An alternatives analysis shall be prepared by or on behalf of the applicant, subject to the approval of the decision making body, which meets the requirements of Section 26-88-130(a)(3)(xiv).

(4) A visual analysis, which may include photo montage, field mock up, or other techniques, shall be prepared by or on behalf of the applicant which identifies the potential visual impacts, at design capacity, of the proposed facility and its feasible alternatives. Consideration shall be given to views from public areas as well as from private residences, but shall focus on preservation of scenic resources. The analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable telecommunication facilities, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication service. (Ord. No. 4973 § 12(c), 1996.)

Sec. 26-64-050. Design review approval.

(a) All plans for land divisions or development projects shall be reviewed and approved, conditionally approved, or denied by the planning director on the basis of compliance with the provisions of this article. Where a use permit is required and following design review approval, development plans shall be reviewed and acted upon by the board of zoning adjustments/planning commission. Where a local citizen's committee has been recognized by the board of supervisors, development plans shall be submitted to such committee for review and advisory recommendation prior to action by the planning director.

(b) For purposes of this section, "development project" means construction, alteration, or modification of a residential, commercial, or industrial structure or appurtenant structure, except as follows. Agricultural uses and structures, including agricultural employee housing and farm family dwellings, are exempt from design review under this section to the extent consistent with the agricultural resources and open space elements of the Sonoma County general plan or other sections of this chapter.

(c) Nothing in this section is intended to trigger the requirements of the California Environmental Quality Act beyond what would exist in the absence of this section. (Ord. 5132 § 3, 1999.)