

Background

A set of changes to State statutes related to Accessory Dwelling Units (also known as ADUs, granny units, or secondary units) took effect January 1, 2020, and limit the ability of local jurisdictions to regulate ADUs. Specifically, any local regulations that include more restrictive standards than the State statutes are null and void.

To comply with the new State statutes, the Sacramento County Board of Supervisors adopted a Zoning Ordinance Amendment on December 16, 2020 that updated general ADU standards to match those of the State statute. Clarifying language was also added to Chapter One of the Sacramento County Zoning Code, specifying that State ADU regulations override all more restrictive regulations within areas governed by Special Planning Area (SPA) and Neighborhood Preservation Area (NPA) Ordinances.

1.7.3.A. Controlling Ordinance [AMENDED 1-15-2021]

1. Where the provisions of this Code differ from the provisions established within an area controlled by a project-specific zoning ordinance, the regulations of the project-specific zoning ordinance shall control, except as specified in 1.7.3.A.2.
2. Language of this Code shall supersede any more restrictive language within Titles IV, V, and VI regarding Accessory Dwelling Units or Junior Accessory Dwelling Units.

Applicable ADU Standards

This memo is to inform property owners and any other interested parties that the regulations found in this SPA or NPA document related to ADUs, if more restrictive than the State statute, shall be void. Further, the standards found in the Sacramento County Zoning Code, Sections 3.2.5, 3.9.3.D, and 5.4.5.B are to be utilized for determining zoning compliance.

Approved January 28, 2021

**Leighann Moffitt, Planning Director
Office of Planning and Environmental Review**

MARSHALL--FAIR OAKS SPECIAL PLANNING AREA

505-50. **INTENT.** It is the intent of the Board of Supervisors in adopting this Special Planning Area Ordinance to allow increased residential density on the properties and, at the same time, protect the established adjoining residential development and preclude, insofar as possible, the creation of additional traffic conflict points on Fair Oaks Boulevard. To this end, the joining of properties into one or two coordinated cluster-type developments is encouraged.

505-51. **USES.**

- (a) Those uses listed in Table I of the Sacramento County Zoning Code, Section 201-02, as permitted and conditionally permitted in the RD-2 zoning district, shall both be permitted in this zone subject to the conditions specified in said Table and provided in Section 201-04 of the Zoning Code, unless otherwise specified herein.
- (b) Alternately, densities may be increased to a maximum average of ten (10) units per acre for cluster developments of single-family homes, townhouses, and condominiums when developed to the multiple-family standards of the Zoning Code and the standards listed under Section III and IV of this Ordinance.

505-52. **DENSITY.**

- (a) Lot and block subdivisions shall not exceed two (2) dwelling units per acre.
- (b) Projects developed with single-family, townhouses, and condominiums shall have a maximum density of ten (10) units per acre.

505-53. **DEVELOPMENT REVIEW.** Any development under the alternate provision, if not otherwise subject to review and approval, shall secure approval of development plans by the Project Planning Commission, after a review by the Carmichael Planning Advisory Council.

505-54. **STANDARDS.** Any development under the alternate provision shall be subject to the following standards:

- (a) Lot and block RD-2 developments shall be subject to the standards as set forth in Title III of the Zoning Code.
- (b) For development other than lot and block subdivisions, properties shall be joined such that any project has a minimum area of five (5) acres.
- (c) Access from the western portion of the SPA onto Fair Oaks Boulevard shall be limited to one point, subject to the recommendation of the Division of Highways and Bridges.

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- (d) No structure shall exceed one story, or 20 feet, when located within 100 feet of the west or north boundary of the SPA zone. Lots within this area shall conform to area and width standards as established for the RD-5 zoning district.
- (e) Structures within 100 feet of Fair Oaks Boulevard shall adhere to the following:
- (a) **Front Yard Setbacks.** An average setback of 50 feet of landscaped area must be provided. Any part of a building or parking area may encroach to a setback of 30 feet if the landscaped area in front of the buildings averages a setback of 50 feet. When the parking area is located between the building and the 50 foot average setback, landscaped berms averaging three (3) feet in height shall be provided.
- (1) Standards for reducing the setback to an average setback of 30 feet of landscaped area:
- (aa) Parking shall be to the rear of the structure.
- (bb) Structures fronting on Fair Oaks Boulevard shall not exceed 20 feet in height and shall not exceed one story.
- (cc) Any part of a building may encroach to a setback of 20 feet if the landscaped area in front of the building averages a setback of 30 feet and landscaped berms averaging three feet in height are provided.
- (f) Landscaping will be as required in Chapter 5, Article 2, with the following exception: The front yard landscaped area shall include shade trees placed so as to cover a minimum of 50 percent of the total front yard area with tree canopies within 15 years of securing a building permit. Groundcover, shrubs, and earth mounding, designed to complement the site plan, may be required by the appropriate hearing authority.
- (g) Except as otherwise provided in Section 505-54, development shall be of "cluster" or "zero lot-line" type to maximize land utilization. At the same time, this will allow for greater than normal setbacks providing for the protection of the developed property surrounding the SPA and greater landscape buffering along Fair Oaks Boulevard.

505-55. VIOLATIONS. Violation of the provisions of this Ordinance, or exhibits made part of this Ordinance, shall be deemed a violation of the Sacramento County Zoning Code, Ordinance No. 83-10, as amended.

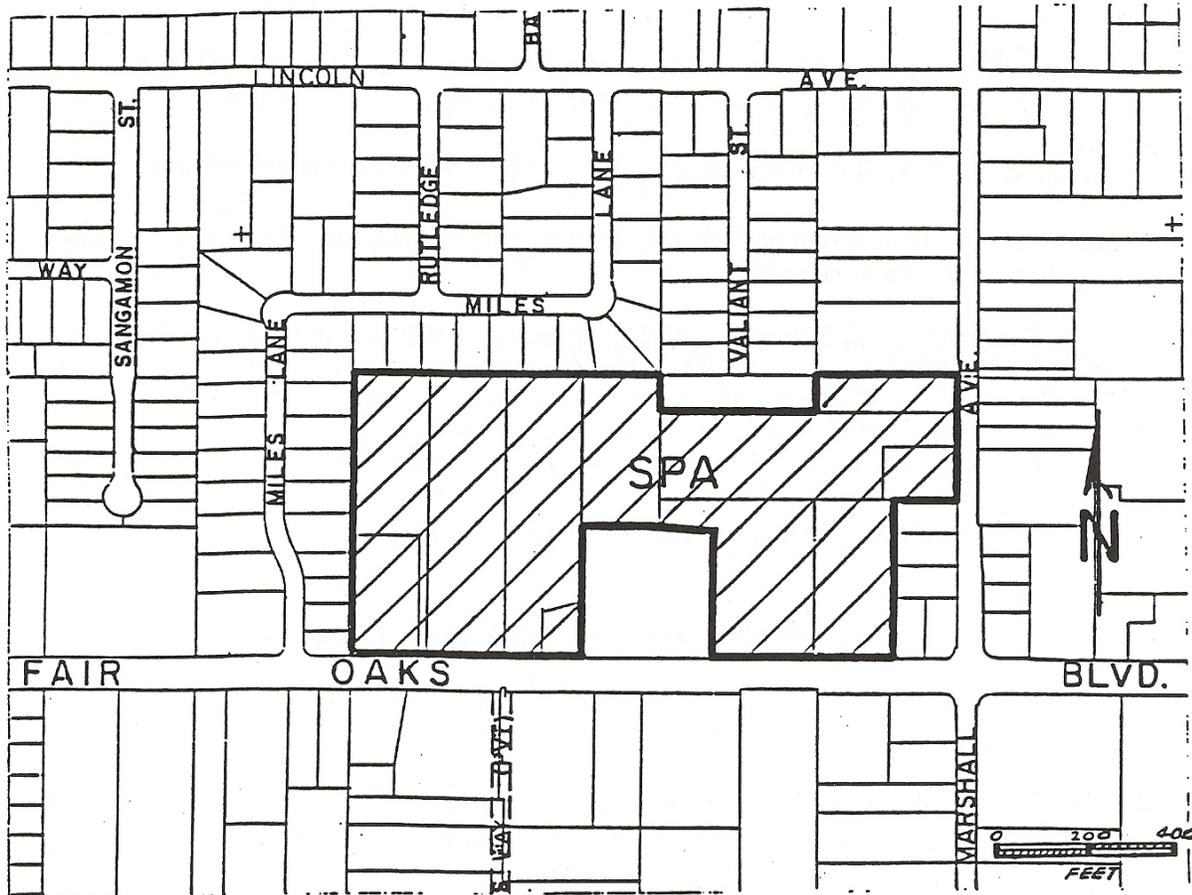
505-56. FINDINGS. During the public hearings on this Ordinance, the Planning Commission and the Board of Supervisors found that:

- (a) The development of numerous narrow deep parcels, varying in size from 12,000 square feet to 2-1/2 acres, will be enhanced by the potential for combining parcels such that greater

setbacks, landscaping and lower densities around the perimeter of the area will be more compatible with adjoining low density areas and a high speed traffic arterial.

- (b) Access to Fair Oaks Boulevard can be restricted, which will reduce traffic impacts.
- (c) Greater flexibility in design of the higher density areas will help save the numerous heritage trees and other trees on the site.
- (d) The unusual features of this site can best be protected by the special standards of a SPA.

SECTION 505-57



MARSHALL - FAIR OAKS SPA

PARCELS: 245-240-1,2,4,5,8,9,14,18,
23,24,26,27 & 28