

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**

ARDEN OAKS NEIGHBORHOOD PRESERVATION AREA

531-10. INTENT. It is the intent of the Board of Supervisors in adopting this Neighborhood Preservation Ordinance (NPA) to preserve and protect the existing single family residential estate atmosphere of the property illustrated in Section 531-16, to preserve the unique social, architectural and environmental characteristics of the Arden Oaks area, and to prevent further encroachment of commercial uses in the area.

531-11. DEVELOPMENT STANDARDS. The uses, conditions and development standards applicable to the property illustrated in Section 531-16, as well as any additional standards included in this section. Any change in zoning to a newly adopted residential land use shall, in order to satisfy the intent of this Ordinance, maintain the following development standards:

1. Lot Area. Each lot shall have a minimum net area of 30,000 square feet.
2. Lot Width. Each lot shall have a minimum width and public street frontage of one-hundred and ten (110) feet. The width and frontage for lots fronting on a curved street or curved portion of a cul-de-sac street shall be measured along a chord located fifty (50) feet from the edge of the street right-of-way.
3. Height. No structures shall exceed two (2) stories and 30 feet in height.
4. Yard Area/ Setback Requirements
 - a. Primary Residence and Habitable Accessory Structures. No primary residence or habitable accessory structures shall be constructed, extended, or moved onto any lot unless the following yards are maintained:
 1. Front yard of not less than fifty (50) feet;
 2. Rear yard of not less than thirty-five (35) feet;
 3. Side yards of not less than twenty (20) feet for a single story residence or habitable accessory structure or from the single story portion of a two story residence, and thirty (30) feet for a two story residence;
 4. Side street yards of not less than twenty-five (25) feet for a single story residence or habitable accessory structure or from the single story portion of a two story residence, and thirty (30) feet for a two story residence.
 - b. Accessory Structures. Non-habitable accessory structures described in Section 5.4.5 of the Sacramento County Zoning Code, shall not be located within a required front or side yard, or within twenty (20) feet of a side or rear property line. Examples of non-habitable accessory structures include, but are not limited to: pools, pool equipment, tennis/sports courts, and sheds. Fences under seven (7) feet in height shall maintain setbacks as provided in Table 5.10 of the Sacramento County Zoning Code.
 - c. Border Properties. Properties identified as Border Parcels as illustrated in Section 531-16 shall be required to meet the yard area requirements contained in Section 531-11 of

this Ordinance. However, a rear or side yard area that is adjacent to Arden Way, Watt Avenue, or property outside of the Arden Oaks NPA boundary shall be regulated by the provisions of Section 5.4.5 of the Sacramento County Zoning Code as it relates to setbacks for non-habitable accessory structures.

5. Uses permitted, and uses permitted subject to the issuance of a conditional use permit by the appropriate authority in the RD-2 Zone, shall be permitted subject to the conditions in this NPA, except that those uses designated as "institutional uses" in the Zoning Code shall require a minimum lot size of three (3) acres.

531-12. VIOLATIONS. Violation of the provisions of this Ordinance, or exhibits made part of this Ordinance, shall be deemed a violation of Sacramento County Zoning Code, Section 6.6.8.

531-13. VARIANCES. The variance provision of Section 6.5.1 of the Sacramento County Zoning Code shall apply to this Ordinance, except that the Board of Supervisors shall be the appropriate authority to hear and decide all variances.

531-14. CONTINUANCE OF NONCONFORMING USES. The continuance of uses made nonconforming by the adoption of this Ordinance shall be permitted to continue, pursuant to the provisions of Section 1.9 of the Sacramento County Zoning Code.

531-15. FINDINGS. During the public hearings on this Ordinance, the Planning Commission and the Board of Supervisors determined that:

- a. The area illustrated in Section 531-16 is a unique area of winding streets and large wide lots and a spacious estate-type atmosphere. The 110 foot lot width requirement is necessary to prevent lot splits and preserve the unique characteristics of the neighborhood.
- b. The Arden Oaks neighborhood is of sufficient size to constitute an identifiable neighborhood.
- c. This NPA zone is reasonable and will not cause undue hardship for any of the property owners, since the majority of the existing lots in this area meet the development requirements of this Ordinance.
- d. It is in the best interest of the residents of Arden Oaks and the County of Sacramento that the character of the existing single family residential neighborhood be preserved, protected and maintained, and that therefore development not consistent with this NPA is incompatible with the character of the area and the needs of the people of the County of Sacramento.

531-16. Arden Oaks Neighborhood Preservation Area Boundary

