

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**

MARIEMONT/GORDON HEIGHTS NEIGHBORHOOD PRESERVATION AREA

531-20. INTENT. It is the intent of the Board of Supervisors in adopting this Neighborhood Preservation Ordinance to preserve and protect the existing single family residential estate atmosphere of the property described in Section 531-26, to preserve the unique social, architectural and environmental characteristics of the Mariemont/Gordon Heights area, and to prevent further encroachment of commercial uses in the area.

531-21. DEVELOPMENT STANDARDS. The uses, conditions and development standards applicable to property in the RD-2 zone shall be applicable to the property described in Section 531-26, as well as any additional standards included in this section. 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.

The following development standards shall apply to the property designated on Section 531-26.

- (a) Each lot shall be a minimum of 30,000 square feet in area.
- (b) Each lot shall have a minimum width of one-hundred twenty-five (125) feet. The width 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.
- (c) No structures shall exceed two (2) stories, and any two-story structures shall have side yards of at least thirty (30) feet.
- (d) Each lot shall have a minimum public street frontage of one-hundred twenty-five (125) feet and setback of fifty (50) feet. The public street frontage for lots fronting on a curved street, or on the 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. Side yards shall be at least twenty (20) feet and rear yards at least thirty-five (35) feet. Side street yards shall be at least twenty-five (25) feet.

531-22. 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, Ordinance No. 77-110 as amended.

531-23. VARIANCES. The variance provision of Article 2, Chapter 10, Title 1 of the Sacramento County Zoning Code, Ordinance No. 77-110, as amended, shall apply to this Ordinance, except that the Board of Supervisors shall be the appropriate authority to hear and decide all variances.

531-24. 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 Articles 1 through 6, of Chapter 20 of Title I, of the Sacramento County Zoning Code, as amended.

531-25. FINDINGS. During the public hearings on this Ordinance, the Planning Commission and the Board of Supervisors determined that:

- (a) The area described in Section 531-26 is a unique area of narrow streets and large wide lots and a spacious estate-type atmosphere. The 125 foot lot width requirement is necessary to prevent lot splits and preserve the unique characteristics of the neighborhood.
- (b) The Mariemont/Gordon Heights 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 Mariemont/Gordon Heights 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.

MARIEMONT/GORDON HEIGHTS

SECTION 531-26