

## 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**

## FAIR OAKS VILLAGE NEIGHBORHOOD PRESERVATION AREA

537-20. INTENT. It is the intent of the Board of Supervisors in adopting this Neighborhood Preservation Ordinance to protect the unique single-family residential character of the Fair Oaks Village neighborhood. The Board of Supervisors finds that Fair Oaks Village neighborhood is a distinctive, semi-rural neighborhood that contains a special blend of characteristics that should be preserved. The unique features of Fair Oaks Village neighborhood include: an eclectic mix of home styles, sizes, ages and values; low density; exiting narrow streets frequently used for walking; very few curbs, gutters or sidewalks; very few streetlights; an abundance of large, mature trees; and a diverse wildlife population.

It is the intent of the Board of Supervisors to recognize the special qualities of the Fair Oaks Village neighborhood and to allow development that is consistent with the area. This Article will implement goals of the Fair Oaks Community Plan relating to preservation of the Fair Oaks Village neighborhood as a unique and desirable residential neighborhood, as well as preservation and enhancement of its environment and historical character.

537-21. APPLICABILITY. The provisions of this Article shall apply only to those properties that are zoned RD-5 and RD-5 (PC) as described in Section 537-27.

537-22. EXHIBITS. The following exhibits are incorporated herein and made part of this Article:

- a. Section 537-27. Map indicating boundaries of the Fair Oaks Neighborhood Preservation Area.
- b. Section 537-28. Examples for calculating residential dwelling height.
- c. Section 537-29. List of Assessor's Parcel Numbers for properties subject to this Article.

537-23. PERMITTED USES. Unless otherwise specified in this Article, provisions of Title I, II, III of this Code shall apply to the properties described in Section 537-27. Those uses provided for by the underlying land use zones as currently defined this Code shall be permitted and conditionally permitted in the area described in Section 537-27.

537-24. DEVELOPMENT STANDARDS. The uses, conditions, and development standards applicable to the underlying zone shall be applicable to the property described in Section 537-27. Prior to approval of discretionary land use projects (including, but not limited to, rezoning, conditional use permits, subdivision maps, parcel maps, and variances), and non-discretionary actions such as building permits, the following shall occur:

- a. Existing streets shall be maintained without curbs, gutters, sidewalks, and sidewalks (Class C standards), and without street lighting, wherever possible.
- b. Each new lot created by subdivision within the RD-5 (NPA) zone shall have a minimum net area of 8,712 square feet (one-fifth acre). No existing lot shall be deemed non-conforming as a result of adoption of this NPA.
- c. The following maximum total coverage shall apply to all newly or remodeled building

construction within the area. Structures that shall be included in the coverage calculation are primary dwellings, accessory dwellings, sheds that are over 120 square feet, detached garages and barns. Structures that shall not be included in the coverage calculation are covered porches, eaves, gazebos, patio covers, awnings, retractable sun screens, decks, umbrellas, fountains and pools.

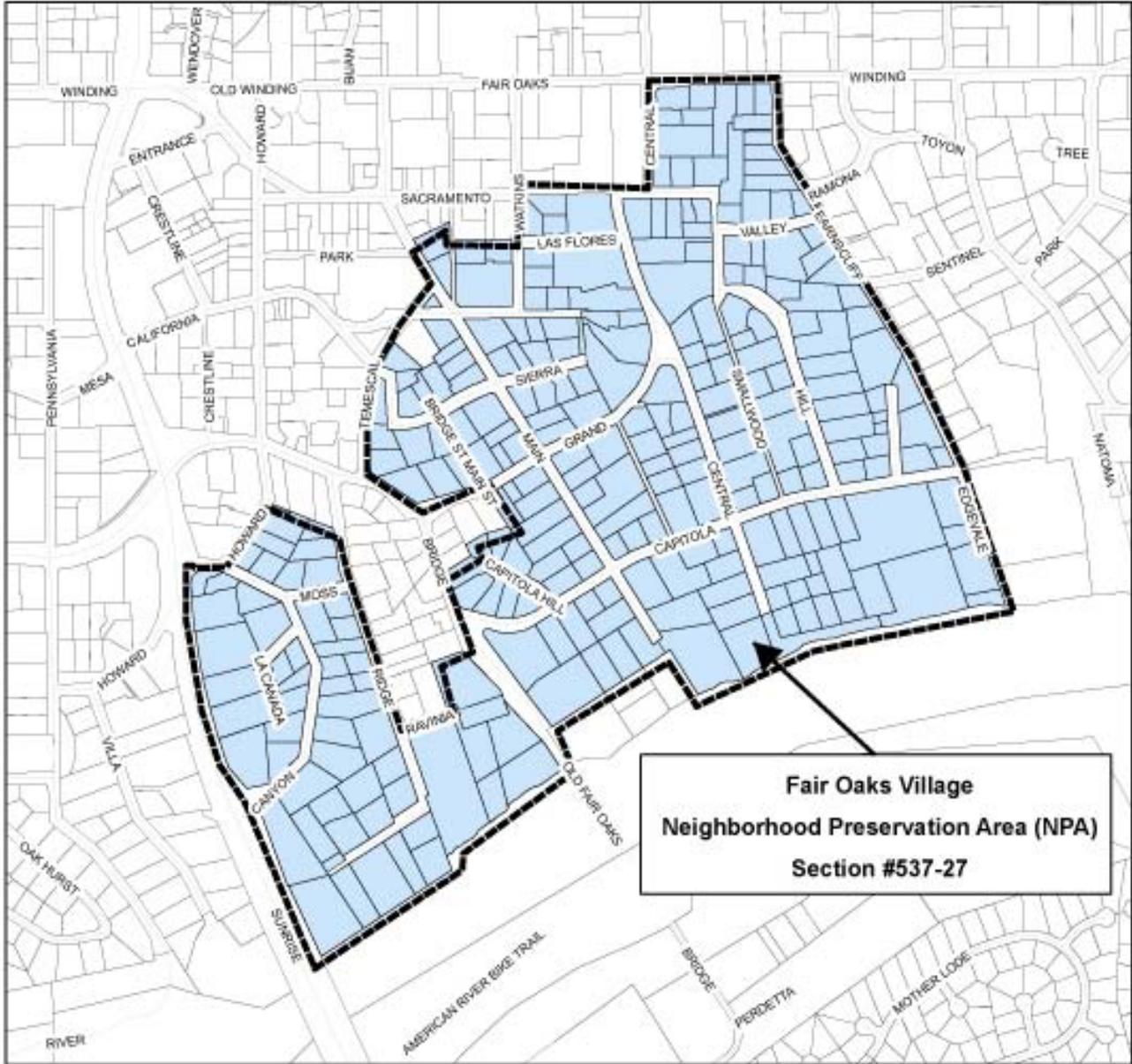
1. Single story homes on lots less than  $\frac{1}{4}$  acre – lot coverage shall not exceed 40%.
  2. Two story homes on lots less than  $\frac{1}{4}$  acre – lot coverage shall not exceed 33%.
  3. Single story or two story homes on lots  $\frac{1}{4}$  acre or larger – lot coverage shall not exceed 25%.
- d. Building height for residential dwellings shall be measured from the ridgeline of the structure to the ground directly beneath, not to exceed 36 feet. For sloped lots, the measurement of the ridgeline height shall be an average as measured from the various sides of the structure. Section 537-28 illustrates several examples for calculating building height for residential dwellings.
- e. Applications for variances within the NPA shall be noticed to all property owners within the NPA and shall be subject to approval by the Fair Oaks Community Council.

**537-25. RECONSTRUCTION OF NONCONFORMING STRUCTURES** Notwithstanding any other provision of the Sacramento County Zoning Code, where pre-existing homes or other structures are made nonconforming as a result of adoption of this NPA, the owner shall be entitled to repair or rebuild the home or structure to its prior size, footprint, square footage and height in the event it is damaged or destroyed. Any reconstruction shall not exceed the dimensions of the preexisting home or structure. This section shall apply only to homes or structures that were originally constructed in accordance with valid building permits. This provision shall not be read to waive any obligation of the property owner to obtain required permits for building construction.

**537-26. FINDINGS.** During the public hearings on this Ordinance, the Fair Oaks Community Council and the Board of Supervisors determined that:

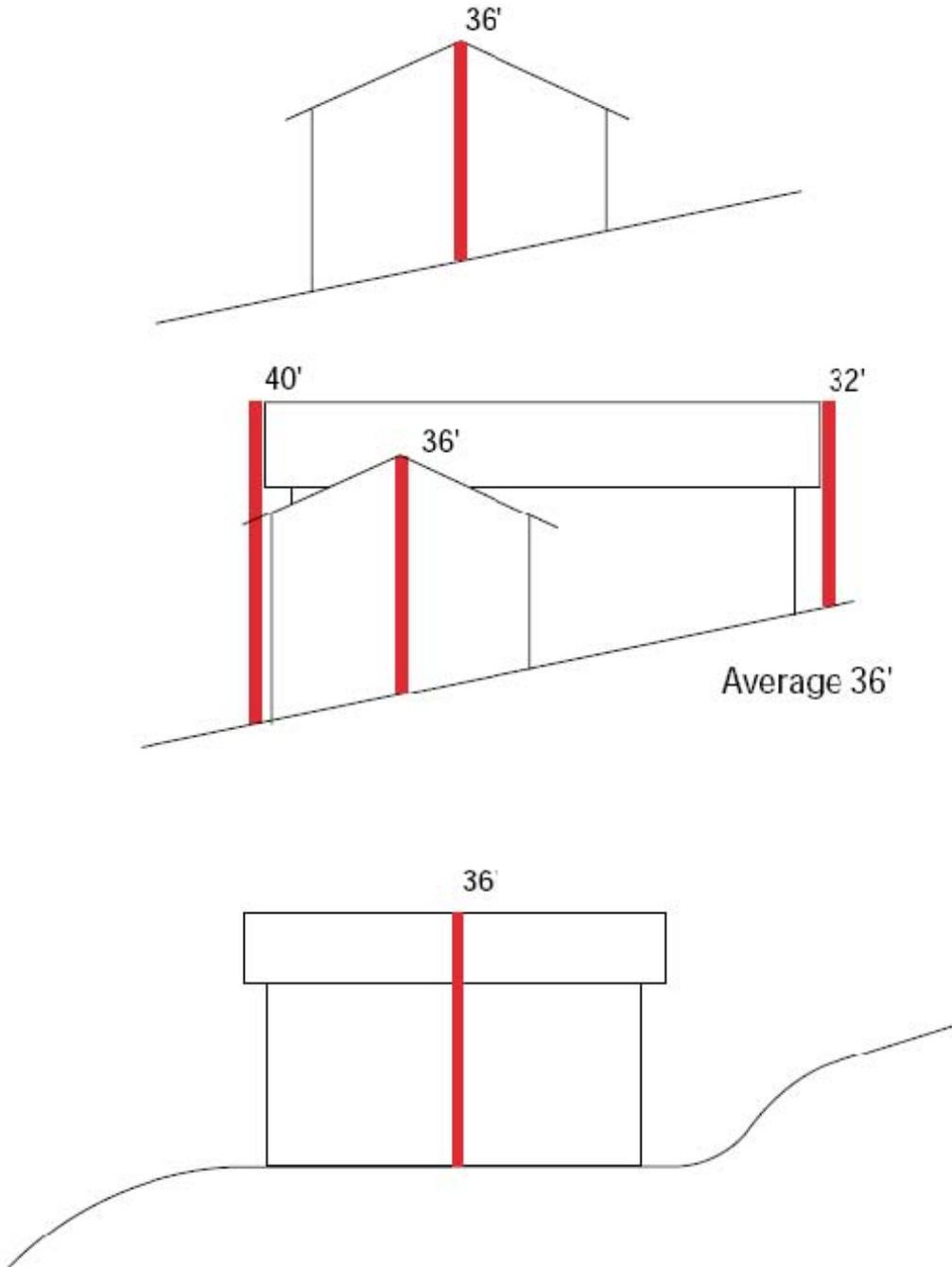
- a. The Fair Oaks Village neighborhood as depicted in Section 537-27 is of sufficient size to constitute an identifiable neighborhood. The area is largely developed with single-family residential uses and contains a special blend of characteristics that should be preserved.
- b. The area described in Section 537-27 is a distinctive area of semi-rural character typified by tranquil, uncongested streets and roads, narrow public streets, dense trees and vegetation, abundant wildlife and safe walking areas. The diversity of single family residences, lot sizes and architecture contribute to the charm and uniqueness of the area.
- c. It is in the best interest of the residents of the Fair Oaks Neighborhood and the County of Sacramento that the unique semi-rural character of this area be preserved, protected and maintained and that any future developments should be designed to complement the existing character of the area.

Section 537-27



Section 537-28

### Examples of how structure height is measured



## Section 537-29

## Fair Oaks Village NPA Parcels

244-0232-007	244-0282-022	244-0293-007
244-0232-022	244-0263-010	
244-0283-007	244-0282-015	
246-0250-015	244-0274-001	
244-0241-031	244-0282-023	
244-0282-013	244-0263-017	
244-0232-023	244-0271-001	
244-0241-009	244-0282-024	
244-0282-004	244-0263-015	
244-0283-008	244-0271-003	
244-0283-009	244-0275-009	
244-0241-035	244-0274-003	
244-0232-008	244-0271-002	
244-0282-012	244-0263-018	
244-0232-009	244-0263-004	
244-0241-030	244-0271-005	
244-0283-016	244-0271-004	
244-0263-025	244-0263-013	
244-0282-016	244-0271-009	
244-0241-036	244-0263-005	
244-0263-024	244-0275-016	
244-0283-012	244-0275-020	
244-0282-020	244-0271-010	
244-0241-037	244-0263-008	
244-0283-011	244-0271-008	
244-0241-038	244-0275-019	
244-0263-019	244-0302-019	
244-0283-010	244-0263-006	
244-0241-039	244-0271-007	
244-0263-023	244-0302-018	
244-0301-002	244-0263-007	
244-0282-019	244-0293-013	
246-0250-009	244-0293-001	
244-0282-014	244-0293-018	
244-0282-017	244-0302-017	
244-0234-001	244-0293-014	
244-0301-003	244-0293-026	
244-0301-004	244-0293-006	
244-0234-003	244-0293-019	
244-0282-021	244-0293-004	
244-0282-018	244-0293-016	
244-0263-002	244-0293-027	
244-0301-005	244-0293-015	
244-0301-012	244-0293-017	
244-0274-002	244-0293-010	
244-0301-013	244-0293-009	
244-0234-002	244-0293-008	