

## GARDEN HIGHWAY SPECIAL PLANNING AREA

501-250. INTENT. The land area between the Garden Highway and the Sacramento River possesses unique environmental amenities that require special treatment and regulation. The land is subject to flooding and is within the 100-year floodplain. It is not uncommon in high water years that substantial portions of the area are flooded for short periods of time.

The land has been, over the years, divided into many small lots, a substantial number of which have been developed with single family detached dwellings. Of the area that remains undeveloped, portions thereof are subject to physical constraints of flooding, shallow depth from the levee to the river, plus over-flight of aircraft from nearby airports.

Notwithstanding existing development to the contrary, any new development must comply with severe sewage disposal restrictions which add to the constraints for development.

It is the express purpose of the Board of Supervisors in adopting this Ordinance to take into consideration the historical residential development and property divisions and to legalize all nonconforming uses, buildings and lots to the extent consistent with the provisions of this Ordinance, State law, and the County General Plan. The Board realizes that there is a unique blend of lot sizes, setbacks, building pad locations, and sewage disposal considerations that call for this special regulation. By the adoption hereof, this Ordinance supersedes all existing zoning regulations on the land, subject to the provisions herein.

501-251. DEFINITIONS. For the purpose of this Ordinance, the following definitions are applicable:

- (a) Accessory Buildings. A detached subordinate building on the same premises as the main building or buildings, the use of which is customarily incidental to that of the main building or to the use of the land.
- (b) Airport Approach Zone. As used herein, this term shall refer to any parcel falling within the boundaries of the Airport Approach zones, as delineated on the "Sacramento Metropolitan Airport Planning Boundary Map" and on Section 501-269 of this Article.
- (c) Developed Residential Parcels. As used herein, this term shall mean any parcel, as shown on Section 501-262 and listed on Section 501-263, which was developed with a residential dwelling prior to October 4, 1978.
- (d) Undeveloped Residential Parcels. As used herein, this term shall mean any parcel, as shown on Section 501-262 and listed on Section 501-265, which did not contain a residential dwelling prior to October 4, 1978.
- (e) Developed Commercial-Recreational Parcels. As used herein, this term shall mean any parcel, shown on Section 501-262 and listed on Section 501-264, which was developed with a commercial-residential structure prior to October 4, 1978.

- (f) Undeveloped Commercial-Residential Areas. As used herein, this term shall mean any parcel, shown on Section 501-262 and listed on Section 501-267, which did not contain commercial structures or uses prior to October 4, 1978. These parcels may, subject to the provisions of this Ordinance, develop with commercial-recreational uses.
- (g) Expansion of Existing Structures. For the purpose of this Ordinance, this term shall mean the enlargement of any building or structure over its existing building line, floor space, or height which existed prior to October 4, 1978.
- (h) Open Space Parcels. As used herein, this term shall mean parcels undeveloped as of October 4, 1978, and falling within the influence of the Airport Approach zones. These parcels have generally been acquired by the County of Sacramento and are listed on Section 501-268 of this Article.
- (i) Rebuilding of Existing Structures. Section 120-33 of the Zoning Code shall apply.

501-252. DEVELOPMENT PLAN REVIEW. Any application for a building permit or a grading permit within the area covered by Section 1 of this Ordinance shall be reviewed by the Planning Director for compliance with the provisions of this Ordinance. Such application shall be submitted as a development plan review with accompanying fees, as adopted by the Board of Supervisors. The Director shall, within fifteen (15) days of receipt of development plans, review the application to determine if the proposed construction or use conforms to the development standards prescribed in this Ordinance. The Director may require information pursuant to Section 110-80 of the Zoning Code.

If the proposed development does not comply with the development criteria of this Special Planning Area, the Director shall disapprove the application and inform the applicant and abutting property owners, by letter, within five (5) days of the decision. Should an adjacent owner or the applicant wish, each may file an appeal with the Secretary of the Project Planning Commission within ten (10) calendar days of the date of the Director's letter. If denied, the applicant may still commence with construction, only upon approval of a use permit as provided in Article 9, Chapter 10, of Title I of the Zoning Code. If the Planning Director determines that the proposed development plans are in conformance with the requirements of this Ordinance, with or without conditions, he/she shall approve the plans and inform the applicant and abutting property owners within five (5) days of the decision. The right of appeal shall be the same as the described above for a denial.

The Project Planning Commission shall be the appropriate authority for all applicable use permits, unless otherwise specified in this Article.

501-253. USE PERMIT APPLICATION REQUIREMENTS. The procedures, as delineated in Chapter 10, Article 3, Title I of the Zoning Code, shall apply to this Article.

501-254. DEVELOPED RESIDENTIAL PARCELS.

- (a) Grandfather Provisions. Parcels developed with residential dwellings as of October 4, 1978, are deemed to be conforming as to building setbacks, yards, lot area, lot

width, and building height for the parcels described in Section 501-263, attached hereto, and made a part of this Article.

- (b) Permitted Uses.
  - (1) Single-family dwellings and accessory residential structures
  - (2) Incidental agricultural uses
  - (3) Private boat docks, swim floats, and fishing piers (if they comply with the "Waterside" Development Standards, as listed in Section 501-260 of this Article.
  - (4) Home occupations, as delineated in Chapter 5, Article 8, Title I of the Zoning Code.
- (c) Uses Requiring a Conditional Use Permit.
  - (1) Guest house
  - (2) Permanent moorage or anchorage (for a period exceeding six (6) months in a 12 month period) of houseboats existing as of July 1, 1982.
- (d) Development Standards. Existing (as of October 4, 1978) building setbacks, yards, lot area, lot width, and building height for developed residential parcels shall be the standard for additions to existing buildings, or even rebuilding. However, the development standards for undeveloped residential parcels, as delineated in this Ordinance, shall not be exceeded.

**501-255. DEVELOPED RESIDENTIAL PARCELS IN THE AIRPORT APPROACH ZONE.**

The category involves all parcels containing existing residences as of October 4, 1978, which fall within the Airport Approach zone and are listed on Section 501-269 of this Article.

- (a) Permitted uses. Existing dwellings and accessory buildings constructed prior to October 4, 1978.
- (b) Uses requiring a conditional use permit. Any expansion of existing buildings specified in "a", above, or new construction. The purpose of this section is to consider the impact on the airport, as well as the impact on the occupants of the dwelling of the effect of any enlargement or expansion of an existing building or major reconstruction.

Expansion or rebuilding of existing residences or accessory structures which may be subject to the following conditions:

- (1) Noise attenuation measures to reduce interior noise levels
- (2) Height restriction
- (3) Hold harmless agreements

All Use Permits for any parcel listed on Section 501-269 shall be heard by the Board of Supervisors, upon recommendation from the Project Planning Commission.

- (c) Development Standards. Same as of this Article.

501-256. DEVELOPED COMMERCIAL-RECREATIONAL PARCELS.

- (a) Grandfather Provision. Commercial-recreational uses and structures in place as of October 4, 1978, are deemed to be conforming as to building setback, lot area, lot width, and building height for the parcels described in Section 501-264, attached hereto, and made a part of this Article.
- (b) Permitted Uses. All commercial-recreational uses in operation prior to October 4, 1978.
- (c) Uses Requiring a Conditional Use Permit.
- (1) Boat launches (including ramps, elevators, and slings)
  - (2) Water recreation equipment rental and sales
  - (3) Yacht broker and retail sales of marine equipment
  - (4) Boat rentals, sales and repair
  - (5) Marinas, including permanent moorage or anchorage of houseboats
  - (6) Snack bar, restaurant or cafe
  - (7) Condominiums and townhouses, only if public access to and along the river is provided
  - (8) Professional offices in conjunction with a proprietor's residence
  - (9) Permanent moorage or anchorage (for a period of time exceeding six months in a twelve (12) month period) of houseboats existing as of July 1, 1982.
- (d) Development Standards. Existing (as of October 4, 1978) building setbacks, yards, lot area, lot width, and building height on land or on water for developed commercial-recreational parcels shall be the standard for additions to existing buildings. Any rebuilding shall conform to the standards of Section 501-258 (c).

501-257. UNDEVELOPED RESIDENTIAL PARCELS. This category includes all parcels vacant as of October 4, 1978, designated for residential use and described in Section 501-265, attached hereto.

- (a) Permitted Uses.
- (1) One (1) single-family dwelling and accessory buildings.

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- (2) Incidental agricultural uses.
  - (3) Private boat docks, swim floats and fishing piers, subject to the Waterside Development Standards, as listed in Section 501-260 of this Article.
  - (4) Home occupations, as delineated in Chapter 5, Article 8, Title I of the Zoning Code.
- (b) Uses requiring a conditional use permit.
- (1) Guest house.
  - (2) Existing (prior to October 4, 1978) undeveloped parcels that do not meet the lot area and depth requirements of this section may be considered for development by the Zoning Administrator through the Use Permit procedure, as set forth in Article 3, Chapter 10 of the Zoning Code, when a finding can be made that the adverse impact of the following areas of concern have been adequately mitigated:
    - a) Use of septic systems
    - b) Methods of construction
    - c) Approaches for bank and building pad stabilization
    - d) Amount of off-street parking, including adequate access
    - e) Retention of significant vegetation
    - f) Amount, location, and type of fill
    - g) Retention of an estate atmosphere with possible views of the river
    - h) Yard requirements for building setbacks may be reduced to retain heritage oak trees when the required distance can be maintained between proposed structures and existing structures on adjacent parcels and when substituted yard areas maintain the required amount of open space.
  - (3) Permanent moorage or anchorage (for a period of time exceeding six (6) months in a twelve (12) month period of houseboats existing as of July 1, 1982.
- (c) Development Standards.
- (1) Lot area. Of 26,500 square feet, or greater, net area. Net area shall be determined by multiplying the average width of the lot by the average depth measured from the toe of the levee, as determined by the Reclamation District 1000, to the top of the bank along the river. The average width and depth shall be determined by averaging the longest and shortest dimensions.

- (2) Lot depth. Ninety (90) feet or greater, measured from the toe of the levee to the top of the bank along the river.
  - (3) Lot width. One-hundred (100) feet at front yard setback line.
  - (4) Front yard. Sixty-five (65) feet from the center line of the road or ten (10) feet from the toe of the levee, whichever is greater; provided, in no instance, shall a building be erected at a distance greater than 150 feet from the center line of the road.
  - (5) Side yard. Twenty (20) feet for all dwellings, five (5) feet for one-story accessory structures, and seven and one-half (7-1/2) feet for two-story accessory structures.
  - (6) Rear yard. Thirty (30) feet from the top of the bank along the river.
  - (7) Height. No building or structure shall be erected so that the highest point thereof is more than thirty (30) feet above the elevation of the nearest levee.
  - (8) Sewage disposal. Any development shall comply with the regulations of the County Environmental Management Department, as provided in the Sacramento County Code and regulations adopted pursuant thereto.
  - (9) DELETED.
  - (10) DELETED.
  - (11) Building coverage. The maximum area for the building pad shall not exceed twenty-five percent (25%) of the net lot area. Any fill for the pad shall require the approval of the County Health Agency and Water Resources Division.
  - (12) Existing trees. Trees which exceed nine (9) inches in diameter at a height of four (4) feet shall not be removed, except when such trees are located in the building pad area. The Director shall not approve the construction of a new dwelling if heritage or landmark trees must be removed from the building pad area, unless the construction attempts to preserve such heritage and landmark trees through careful design.
  - (13) Parking. No less than two (2) off-street parking spaces shall be provided for each dwelling unit, which shall be designed so as not to back out onto the Garden Highway, and there shall be provisions for two (2) off-street parking spaces above the 100-year floodwaters. Any driveway access to the highway shall be designed to have adequate sight distance in both directions and off-street stacking for at least two (2) vehicles.
- (d) Exceptions to Development Standards. Any undeveloped residential parcel, as shown on Section 501-262, shall comply with the development standards of this Article, unless a variance or tentative map was approved for a particular parcel subsequent to October 4, 1978. In such cases, the conditions of approval of those prior actions shall

supersede this Article. All affected parcels are listed on Section 501-265, attached hereto, and made a part of this Article.

501-258. UNDEVELOPED COMMERCIAL-RECREATIONAL PARCELS. This category includes all parcels vacant as of October 4, 1978, designated for commercial-recreational uses and are described on Section 501-267, attached thereto, and made a part of this Article.

(a) Permitted Uses.

- (1) Single-family dwellings and accessory residential structures
- (2) Incidental agricultural uses
- (3) Private boat docks, swim floats, and fishing piers (if they comply with the "Waterside" Development Standards, as listed in Section 501-260 of this Article.
- (4) Home occupations, as delineated in Chapter 5, Article 8, Title I of the Zoning Code.

(b) Uses Requiring a Conditional Use Permit.

- (1) Boat launches
- (2) Water recreation equipment rental and sales
- (3) Yacht broker and retail sales of marine equipment
- (4) Boat rentals, sales and repair
- (5) Marinas, including permanent moorage or anchorage of houseboats
- (6) Snack bars, restaurants and cafes
- (7) Condominiums and townhouses.
- (8) Professional offices in conjunction with proprietor's residence.
- (9) Permanent moorage or anchorage (for a period of time exceeding six (6) months in a twelve (12) month period) of houseboats existing as of July 1, 1982.

All Use Permits for any parcel listed in Section 501-267 shall be heard by the Board of Supervisors, upon recommendation from the Project Planning Commission.

(c) Development Standards.

- (1) Lot area. Each parcel shall have a minimum net lot area of 20,000 square feet.
- (2) Lot width. Each parcel shall have a minimum width of one-hundred (100) feet.

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- (3) **First-Floor Elevation.** No building or structure designed for human habitation shall be erected, altered, enlarged or moved onto the parcel with a first-floor elevation lower than required by the Sacramento County Water Agency Drainage Ordinance, as amended, and regulations adopted pursuant thereto.
  - (4) **Sewage.** Any development shall comply with the regulations of the County Environmental Management Department, as provided in the Sacramento County Code and regulations adopted pursuant thereto.
  - (5) **Height.** No building or structure shall be erected so that the highest point thereof is more than thirty (30) feet above the elevation of the nearest levee.
  - (6) **Signs.** Signs shall be subject to the development standards of the Business and Professional (BP) office zone, as specified in Chapter 35, Article 2, Title I of the Zoning Code.
  - (7) **Parking.** Parking, as required by the Zoning Code.
  - (8) **Special considerations.** The appropriate authority, in addition to any conditions authorized by Section 110-34 of the Zoning Code, shall give due consideration to and may impose reasonable conditions for the following:
    - (aa) Public access to, from, and along the river
    - (bb) The adequacy of vehicular access
    - (cc) The convenience of off-street parking and the lighting thereof
    - (dd) Health Department acceptance of pump-out facilities, holding tanks and other sewage facilities
    - (ee) Water supply, to the satisfaction of the County Environmental Management Department
    - (ff) The availability of public access to the waterway(s)
    - (gg) Deleted.
    - (hh) The measures proposed to reduce the impact of any loss of vegetation and for fowl or animals habitats
    - (ii) The location and anchorage of any private docks, piers, floats and swimming areas
    - (jj) The location, size and lighting of any signs
    - (kk) Hours of operation

- (ll) Night lighting
- (mm) Noise levels at the boundaries of the parcels
- (nn) Screen planting and/or fencing to protect adjacent uses

501-259. UNDEVELOPED OPEN SPACE PARCELS. This category involves all parcels designated on Section 501-268 and undeveloped as of October 4, 1978. (These parcels generally fall within the Airport Approach zones, as shown on the "Sacramento Metropolitan Airport Planning Boundary Map.")

- (a) Permitted Uses. The following uses and improvements are permitted subject to development plan review by the Planning Director and the Director of the County Parks and Recreation Department.
  - (1) Picnic areas, including tables and recreation facilities, provided no permanent structures are erected on the parcel
  - (2) Parking facilities, not to exceed two percent (2%) of the parcel
  - (3) Access to and from the river
  - (4) Rest area for boaters, cyclists, etc.
  - (5) Parks operated by the County, or any district
  - (6) Agricultural uses, limited to grazing of domestic animals
  - (7) Utility facilities such as pump stations, electric substations and sewer outfalls
- (b) Development Standards.
  - (1) Lot area. Each parcel shall have a minimum net lot area of 20,000 square feet.
  - (2) Lot width. Each parcel shall have a minimum width of one-hundred (100) feet.
  - (3) Vegetation. No perennial vegetation shall be removed without the approval of the Director, unless the vegetation is diseased, requires removal to prevent further plant disease, or the growth presents a hazard to users of the parcels.

501-260. SPECIAL DEVELOPMENT STANDARDS.

- (a) Waterside Development. All uses, expressly or conditionally authorized by this Ordinance, shall maintain an unrestricted navigation channel on the river adjacent to the parcel. The more restrictive of the following shall apply:
  - (1) No facility, structure, dock or float or similar structure device shall extend into the river more than 1/3 of the horizontal distance across the river. The horizontal

distance shall be measured at right angles from the mean lower low water (MLLW) line of the parcel.

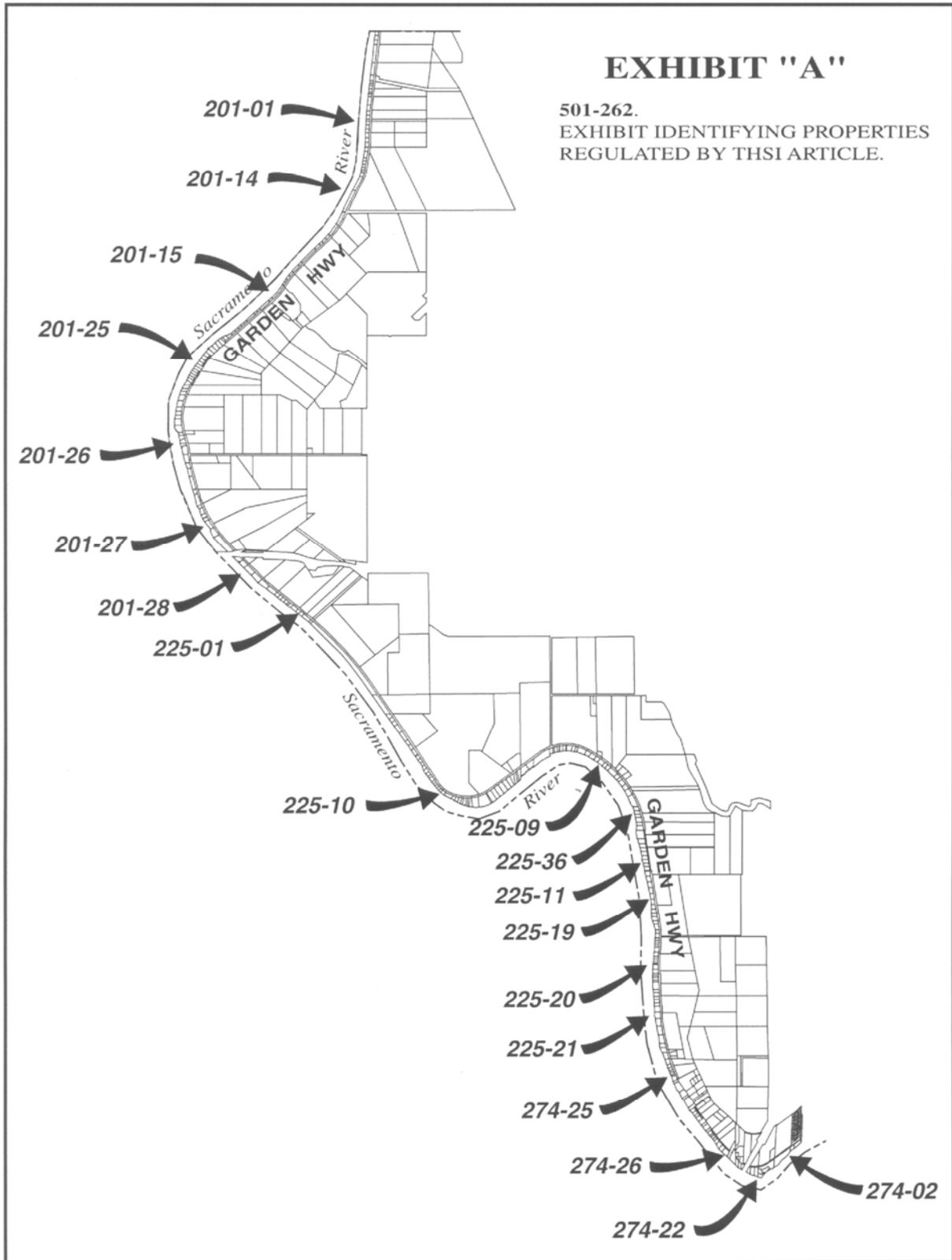
- (2) No facility, structure, dock or float, or similar structure or device shall project into the river so that there is less than three-hundred (300) feet between the facility, structure, dock or float and the opposite bank; assuming the opposite bank remains undeveloped. The distance shall be measured from the farthest extension of any facility, etc., into the river.

501-261. NEW PARCELS. Notwithstanding the provisions of any Ordinance or Code to the contrary, the following are requirements for new parcels created within the area regulated by this Ordinance.

- (a) Minimum lot area. One acre net, measured from the toe of the levee to the top of the bank along the river.
- (b) All building pad locations, access drives, fill areas, and tree cover shall be shown on all tentative parcel map and tentative subdivision map applications.
- (c) Sewage disposal method must meet requirements of Environmental Management Department, prior to approval of the parcel map or tentative subdivision map.
- (d) Minimum lot depth shall be 200 feet from the center line of the road to the top of the riverbank.

Amended November 8, 1989

Amended June 5, 2002 (SZC-2002-0010)



## 501-263 EXHIBIT "B"

## Category I: Developed parcels with residential dwellings.

201-010-37	225-102-51	225-200-04
201-010-41	225-102-55 (Amended to add 6/5/02)	225-200-03
201-010-42	225-090-52	225-200-02
201-140-44	225-090-53	225-210-30
201-140-36	225-090-46	225-210-31
201-150-53	225-090-34	225-210-32
201-150-36	225-090-33	225-210-43
201-150-37	225-090-31	225-210-42
201-150-34	225-090-29	274-250-31
201-250-36	225-090-28	274-250-30
201-250-37	225-090-27	274-250-45
201-250-40	225-090-26	274-250-44
201-250-27	225-090-55	274-250-27
201-250-20	225-090-54	274-250-26
201-260-36	225-090-22	274-250-25
201-260-37	225-090-21	274-250-24
201-260-13	225-090-20	274-250-35
201-260-39	225-090-19	274-250-34
201-250-33	225-090-17	274-250-41
201-250-24	225-090-16	274-250-19
201-270-46	225-360-14	274-250-18
201-270-49	225-110-12	274-250-17
201-270-50	225-110-11	274-260-35
201-270-51	225-110-10	274-260-36
201-280-11	225-110-09	274-260-14
201-280-10	225-110-08	274-260-16
201-280-09	225-110-07	274-260-18
201-280-08	225-110-06	274-260-19
201-280-01	225-110-05	274-260-20
201-330-22	225-110-04	274-260-22
201-330-24	225-110-03	274-260-24
201-330-25	225-110-02	274-260-25
201-330-27	225-110-01	274-260-26
201-330-28	225-160-01	274-220-45
201-330-29	225-260-01	274-220-24
225-102-11	225-260-04	274-220-56
225-102-54	225-260-05	274-220-55
225-102-57	225-260-07	274-021-10
225-102-24	225-260-11	274-021-09
225-102-30	225-200-17	274-021-08
225-102-33	225-200-16	274-021-05
225-102-34	225-200-19	274-021-04
225-102-52	225-200-20	274-021-03
225-102-49	225-200-11	274-030-08
225-102-37	225-200-10	274-220-57
225-102-43	225-200-08	274-021-57
225-102-45	225-200-22	
225-102-50	225-200-23	
	225-200-05	

EXHIBIT "C"

Category II: Developed parcels with commercial recreation.

201-280-07	274-021-02
201-280-03	274-021-47
201-280-57	274-021-50
201-280-58	

EXHIBIT "D"

Category I: Undeveloped parcels for residential use.

201-250-28	201-330-32
201-250-29	201-330-33
201-250-04	225-090-45
201-250-05	225-090-30
201-250-25	225-090-48
201-250-31	225-090-47
201-250-22	225-360-15
201-260-41	225-260-02
201-260-35	225-260-03
201-260-38	225-260-08
201-260-11	225-260-09
201-260-17	225-260-13
201-260-23	225-190-10
201-260-25	225-200-18
201-260-27	225-200-21
201-260-29	225-200-13
201-260-33	225-200-12
201-270-45	225-200-01
201-270-42	225-210-35
201-270-43	225-210-36
201-270-44	274-250-29
201-270-33	274-250-23
201-270-34	274-250-21
201-270-09	274-260-36
201-270-26	274-260-13
201-270-24	274-260-15
201-270-22	274-260-17
201-270-20	274-260-21
201-280-12	274-260-23
201-330-20	274-260-33
201-330-21	274-021-20
201-330-23	274-021-07
201-330-30	274-021-06
201-330-31	274-360-13

**EXHIBIT "E"**

Category I: Undeveloped lots, subject to variances and subdivisions approved since November, 1972.

201-250-30	201-330-26	225-210-44
201-250-09	225-360-01	225-210-45
201-250-21	225-360-02	225-210-46
201-260-15	225-360-03	225-210-47
201-260-40	225-360-11	225-210-48
201-260-31	225-260-06	225-200-09
201-250-32		

**EXHIBIT "F"**

Category I: Undeveloped parcels for commercial recreation.

274-220-25	274-270-06
274-220-23	274-030-56
274-220-22	274-030-26

501-268

## EXHIBIT "G"

Category I: Undeveloped parcels for open space.

201-010-14	225-102-05
201-010-13	225-102-06
201-010-12	225-102-07
201-010-07	225-102-08
201-010-09	225-102-09
201-010-44	225-102-10
201-010-35	225-102-12
201-010-36	225-102-13
201-010-38	<del>225-102-55</del> (DELETED 6/5/02)
201-010-39	225-102-56
201-010-40	225-102-20
201-010-43	225-102-21
201-010-33	225-102-22
201-010-34	225-102-23
201-140-42	225-102-25
201-140-46	225-102-26
201-140-45	225-102-27
201-140-47	225-102-28
201-140-43	225-102-29
201-140-15	225-102-31
201-140-52	225-102-32
201-140-50	225-102-53
201-140-51	225-102-49
201-140-49	225-102-38
201-140-35	225-102-39
201-150-52	225-102-40
201-150-54	225-102-41
201-150-10	225-102-42
201-150-11	225-102-44
201-150-13	225-102-47
201-150-15	225-090-35
201-150-38	225-090-32
201-150-44	225-090-25
201-250-34	225-090-18
201-250-35	225-090-07
201-250-38	225-260-12
201-250-39	
201-330-34	
225-010-15	
225-102-01	
225-102-02	
225-102-03	
225-102-04	

**EXHIBIT "H"**

**Category III: Airport Approach Zones.**

**North Area**

201-010-14	201-010-33	201-150-52
201-010-13	201-010-34	201-150-53
201-010-12	201-140-42	201-150-54
201-010-07	201-140-46	201-150-10
201-010-09	201-140-45	201-150-11
201-010-44	201-140-44	201-150-13
201-010-35	201-140-47	201-150-36
201-010-36	201-140-43	201-150-37
201-010-37	201-140-15	201-150-34
201-010-38	201-140-52	201-150-15
201-010-39	201-140-50	201-150-38
201-010-40	201-140-51	201-150-44
201-010-41	201-140-49	201-250-34
201-010-42	201-140-36	201-250-35
201-010-43	201-140-35	201-250-36

**South Area**

225-010-15	225-102-57	225-102-52
225-102-01	225-102-20	225-102-53
225-102-02	225-102-21	225-102-49
225-102-03	225-102-22	225-102-37
225-102-04	225-102-23	225-102-38
225-102-05	225-102-24	225-102-39
225-102-06	225-102-25	225-102-40
225-102-07	225-102-26	225-102-41
225-102-08	225-102-27	225-102-42
225-102-09	225-102-28	225-102-43
225-102-10	225-102-29	225-102-44
225-102-11	225-102-30	225-102-45
225-102-12	225-102-31	225-102-50
225-102-13	225-102-32	225-102-51
225-102-54	225-102-33	225-102-47
225-102-55	225-102-34	
225-102-56		