

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**

BEYERFORD HEIGHTS NEIGHBORHOOD PRESERVATION AREA

SECTION 530-10. INTENT. It is the intent of the Board of Supervisors in adopting this Neighborhood Preservation Area Ordinance to preserve and protect this existing single family residential neighborhood, a unique area of winding streets with large wide lots and a spacious rural estate atmosphere, to prevent splitting of existing lots which would increase the density of the neighborhood and create traffic impacts, to prevent the encroachment of commercial uses in the area, and to preserve the visual character of the neighborhood.

SECTION 530-11. EXHIBITS. Section 530-11.1, as amended and attached to this Ordinance, is hereby incorporated herein and made a part of this article.

SECTION 530-12. EXISTING BUILDINGS AND LOTS. Each structure and lot in existence on February 15, 1978, which complied with the standards of the RE-1 zone shall be deemed conforming structures and lots.

SECTION 530-13. PERMITTED AND CONDITIONALLY PERMITTED USES. The uses applicable to the RE-1 (Estate) zone, Section 404-41 through 404-47 of this Code, shall be applicable, except as follows:

- (a) The following permitted and conditionally permitted uses, shall require a minimum lot area of not less than five (5) acres:
 - (1) Public and private schools, kindergarten through high school
 - (2) Day care homes of more than six (6), but not in excess of ten (10) children
 - (3) Churches and incidental uses on the same lot
 - (4) Colleges and universities

SECTION 530-14. DEVELOPMENT PLAN REVIEW. Construction or expansion of uses other than single-family dwellings and related accessory uses shall require development plan review and approval by the Project Planning Commission. This review shall include the applicable development standards of Title III of this Code and the provision of adequate separation and buffering between single family dwellings and other permitted uses such that impacts on the residential area are mitigated.

SECTION 530-15. DEVELOPMENT STANDARDS. The development standards applicable to the RE-1 (Estate) zone, Section 404-41 through 404-47 of this Code shall be applicable except as follows:

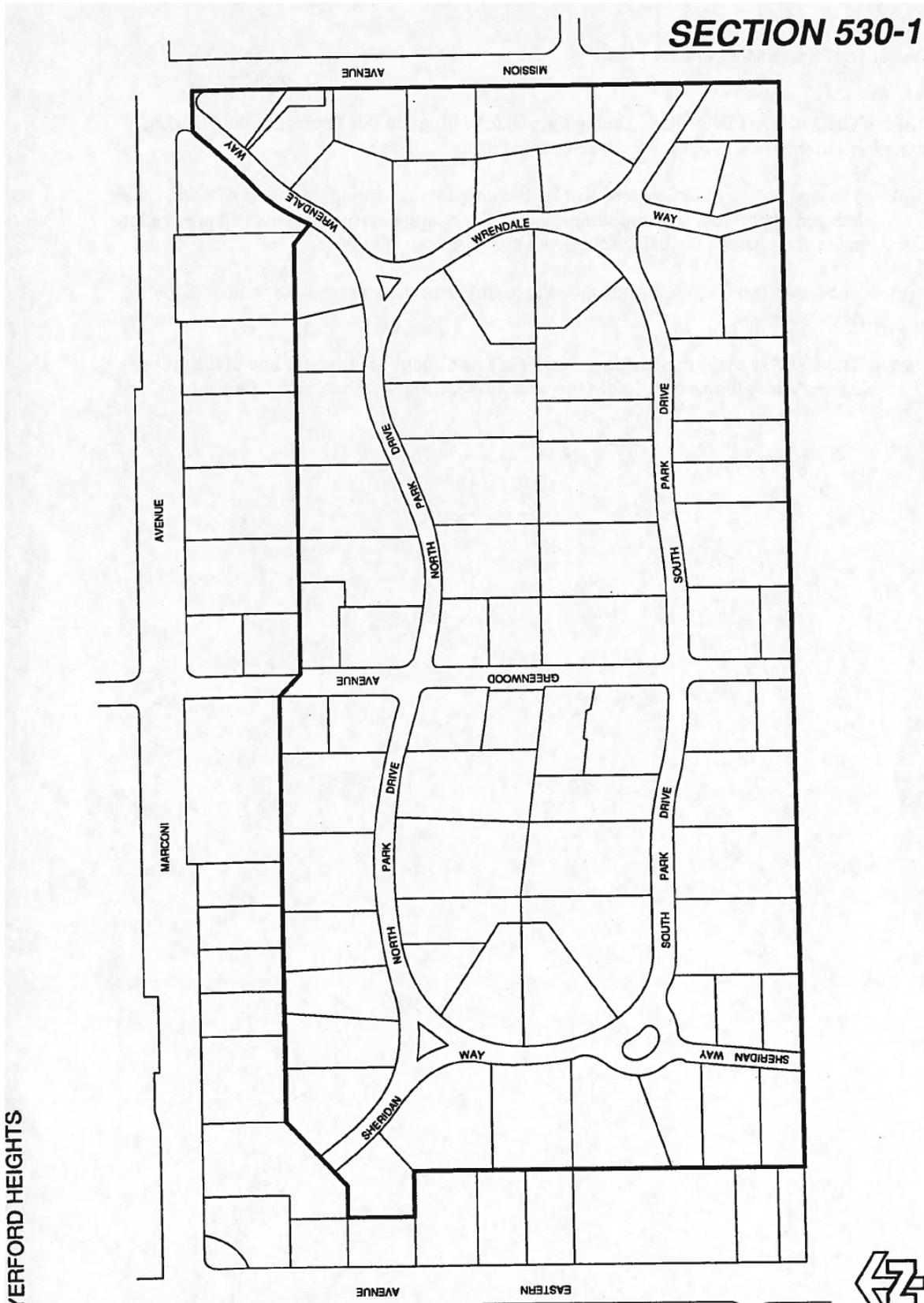
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- (a) All development occurring after February 15, 1978, and prior to August 8, 1987, shall comply with the following standards:
- (1) Each lot shall have a minimum width of one hundred (100) feet. The width for lots fronting on a curved street or curved portion of a cul-de-sac street shall be measured along a chord located thirty-five (35) feet from the edge of the street right-of-way.
 - (2) Each lot shall have a minimum public street frontage of one-hundred (100) 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 thirty-five (35) feet from the edge of the street right-of-way.
- (b) All development occurring after August 8, 1987, shall comply with the following standards:
- (1) Lot Area. Each lot have a minimum net area of twenty-five thousand (25,000) square feet.
 - (2) Lot Width. Each lot shall have a minimum width of one hundred and twenty (120) feet. The lot width is the horizontal distance between the side lot lines, measured at right angles to the lot depth, at a point midway between the front and rear lot lines.
 - (3) Public Street Frontage. Each lot shall have a minimum public street frontage of one hundred twenty (120) feet. Lots fronting on a curved street shall be measured along a chord located fifty (50) feet from the edge of the street right-of-way.
 - (4) Height. No building or structure erected on or moved onto property within the area shall have a height greater than two (2) stories and shall not exceed twenty-five (25) feet at the peak of the roof as measured from grade.
 - (5) Side Yard. There shall be a side yard of at least (20) feet in width for any two-story building.
 - (6) Fences. Any solid fence that is located on an interior or corner lot in the side or front yard shall not be more than thirty (30) inches in height if within thirty-five (35) feet of the edge of the street right-of-way. Fences up to six (6) feet in height are permitted in the side street yard of corner lots, provided that the fence shall be located no closer than twelve (12) feet from the side street property line (right-of-way) and shall be visually softened by shrubbery.
 - (7) Spas, Saunas and Swimming Pools. Spas, saunas, swimming pools and related mechanical equipment shall be set back a minimum of twelve (12) feet from the side property line, side street and rear property lines, and shall comply with the front yard setback of the RE-1 zone.

SECTION 530-16. VARIANCES. The variance provision of Article 2, Chapter 10, Title I of this Code, shall apply to this article.

SECTION 530-17. FINDINGS. During the public hearings on this Ordinance the Planning Commission and the Board of Supervisors determined that:

- (a) The area described in Section 530-11.1 is a unique area of winding streets with large wide lots and a spacious estate type atmosphere. The additional requirements will prevent lot splits and preserve the unique characteristics of the neighborhood.
- (b) The Beyerford 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 existing lots in this area meet the requirements of this Ordinance.

SECTION 530-11.1



VERFORD HEIGHTS