

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**

VICTORY AVENUE NEIGHBORHOOD PRESERVATION AREA

SECTION 530-40. INTENT. It is the intent of the Board of Supervisors in adopting this Neighborhood Preservation Area (NPA) to provide for a suitable use of the property, while giving adequate protection and preserving low density residential uses from adverse and incompatible impacts of existing and proposed heavy and light commercial uses. The existing problem uses includes truck stops, tractor sales area, a proposed auction yard, storage areas, etc., that abut low density residential areas. The subject property is part of an identifiable neighborhood located on Victory Avenue, Lenhart Road, Rangeview Road and Stevenson Drive east of Stockton Boulevard. By placing additional controls of development on this land, there will not be undue hardship to the property owners. Additionally, the use of the subject property will not be unduly restricted.

SECTION 530-41. BOUNDARIES. The boundaries of this Neighborhood Preservation Area are shown on the exhibit labeled 530-41.

SECTION 530-42. PERMITTED USES. Uses permitted in this Neighborhood Preservation Area shall include those permitted in the underlying commercial and residential land use zones as described in Section 3.2.5. Table 3.1 “Allowed Uses” of the Zoning Code of Sacramento County.

SECTION 530-43. DEVELOPMENT PLAN REVIEW. No development shall take place on any property to which this Article applies until final development plans have been approved by the Project Planning Commission as provided herein. The Planning Commission shall approve the development plan if the location and design of the proposed use mitigates potential adverse effects consistent with development standards established, below. The Planning Commission shall not approve development plans under provisions of this section unless it first finds that the proposed development will not create adverse noise, visual, air quality, health, or safety impacts on abutting residential uses.

- (a) Multifamily residential projects on parcels rezoned by the County to satisfy the Regional Housing Needs Assessment (RHNA) for lower income households, as listed in Section 530-43(b), are exempt from the requirements of Section 530-43. Such projects must provide at least 20 percent of proposed housing units as affordable to lower-income households.
- (b) The parcels rezoned by the County to satisfy the 2021-2029 Housing Element Cycle Regional Housing Needs Assessment (RHNA) for lower-income households are as follows:
 - (1) APNs 115-0202-002-0000 & 115-0202-005-0000 (Note: The NPA Combining Zoning District only applies to the western most portion of APN -005.)

SECTION 530-44. DEVELOPMENT STANDARDS.

- (a) Reference to Underlying Land Use Zone. All lot requirements, buildings setbacks, parking requirements, sign regulations, or other regulations not specifically described herein, shall conform to those regulations outlined in the Zoning Code of Sacramento County for the particular underlying land use zone.

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- (b) **Height Regulations.** No building or structure on property in this Neighborhood Preservation Area shall have a height greater than 20 feet, or one story.
- (1) This requirement shall not apply to those parcels listed in Section 530-43(b) if developed with a multifamily project that provides at least 20 percent of proposed housing units as affordable to lower income households. Height regulations applicable to the underlying land use zone shall apply.
- (c) **Commercial Area Setback Adjacent to Residential Zone.** When abutting any residential or agricultural-residential land use zone, the abutting yard shall be at least 75 feet in width, except for office uses which may be as close as 25 feet. The common boundary between said residential or agricultural-residential land use zone and the commercial land use zone to which this Ordinance applies shall be demarcated by an 8 foot high solid barrier wall constructed of wood, rock, brick, or other masonry material. Chain-link fence with slats shall not be permitted. The required 75-foot setback (25 feet for office uses) shall be fully landscaped and shall include a combination of trees and shrubs designed to screen commercial uses from the view of abutting residential uses. The planter shall be provided with a permanent irrigation system. Trees capable of reaching a height of at least 30 feet at maturity shall be planted at least every 30 feet on-center along the required barrier wall.
- (d) **Residential Area Setback Adjacent to Commercial Zones.** When abutting any commercial land use zone, the abutting yard shall be least 25 feet in width. The required 25-foot setback shall be fully landscaped, excluding driveways, and shall include a combination of trees and shrubs to screen the adjacent commercial uses from the view of residential uses. Trees capable of reaching a height of at least 30 feet at maturity shall be planted at least every 30 feet on center along the common property line with the abutting commercial land use zones. This improvement shall only be required for new construction and/or tentative subdivision map approval.
- (1) This requirement shall not apply to those parcels listed in Section 530-43(b) if developed with a multifamily project that provides at least 20 percent of proposed housing units as affordable to lower income households. Setback requirements applicable to the underlying land use zone shall apply.
- (e) **Commercial Area Landscaping.** Excluding driveways, all front yard and side street yard setbacks shall include a minimum four (4) foot wide landscaping planter abutting the public and private street rights-of-way. The planter shall include live landscaping and a permanent irrigation system. At least one tree shall be provided per fifty (50) feet of frontage on public and private streets. All plantings shall be kept in a healthy and growing condition. Irrigation systems shall be kept in working order.
- (f) **Uncovered Storage in Commercial Area.** Uncovered storage shall be permitted within

six (6) feet of a residential land use zone provided that stored materials will not be visible from adjoining residential areas or public and private streets. Development standards for uncovered storage shall include but not be limited to the following:

- (1) Storage areas shall be enclosed by a minimum six (6) foot high solid wood, rock, brick, or other masonry fence, excepting that storage areas which are located in an interior portion of the lot (i.e., not visible from the street) may be fenced with a chain-link fence. All required fences shall be maintained in a manner which provides the desired screening of stored materials.
 - (2) Stored materials shall not be stacked in such a manner that it extends above the height of the required fence.
 - (3) Within the six (6) foot side yard area, full landscaping as described in Section 530-43(e), above, shall be required.
- (g) Loading Areas. Loading areas shall be provided as required in Section 3.9.3.W. "Loading Dock" and 5.9.10. "Truck Loading and Unloading Areas" of the Sacramento County Zoning Code. Loading areas, including space necessary for maneuvering vehicles, shall not be located in the required 75-foot setback from abutting residential or agricultural-residential land use zones and shall not extend into required landscape areas. The Commission shall not approve a development plan which includes a loading area, unless it finds that the location will not result in a significant noise impact on abutting residential uses.
- (h) Lighting. No unshielded reflectors, spotlights, floodlights, or other sources of illumination shall be located and directed such that they shine toward or are directly visible from abutting residential or Agricultural-Residential property.
- (i) Signs. On-site signs shall be permitted as provided by Section 5.10. "Sign Regulations" of the Sacramento County Zoning Code. Off-site signs shall also be permitted as provided in Section 5.10. "Sign Regulations" of the Sacramento County Zone Code, except that no off-site sign shall be located such that it is visible from any adjoining residential or agricultural-residential land use one.

SECTION 530-45. Findings.

- (a) Residential neighborhoods and abutting heavy commercial areas subject to this NPA Ordinance are unique in that the two uses are juxtaposed in a manner which does not provide the necessary buffering between uses normally provided by a gradual transition of compatible land use zones. Additionally, existing commercial uses are known to be in conflict with residential uses, notably, the large truck stops. Regulations and standards contained herein will provide sufficient buffering to preserve and protect both residential and commercial uses.
- (b) The area to which this NPA Ordinance applies encompasses and would affect an

identifiable neighborhood in the South Sacramento Community Plan area.

- (c) The NPA Ordinance provides for a responsible use of commercial property abutting residential uses in a manner which will encourage its long-term individual use and, therefore, does not constitute undue hardship on property owners within the zone.

Exhibit "A" Section 530-41

