

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**

THE TOWN OF FREEPORT NEIGHBORHOOD PRESERVATION AREA

533-10. INTENT. It is the intent of the Board of Supervisors in adopting this Neighborhood Preservation Ordinance to preserve and protect the existing river town atmosphere of the property described in Section 533-15, to preserve the unique historical characteristics of the town of Freeport, and to minimize incompatible design in the area.

533-11. DEVELOPMENT PLAN REVIEW. Construction or modification of one- and two-family residences on existing parcels is not subject to development plan review. Any other proposal to construct a new building, change the use, alter the external appearance of a principle building, erect a sign, or provide cooperative public parking lots on property regulated herein shall be subject to a development plan review subject to the provision of Article 7, Chapter 10, Title I of the Zoning Code, as follows:

- (a) **APPROPRIATE AUTHORITY.** The Director of the Planning and Community Development Department shall be the appropriate authority to review all plans submitted pursuant to the requirements of this Section, as prescribed by Section 110-84 of the Zoning Code. The Director may waive the requirement for development plan review for minor projects deemed to be insignificant to the intent of this Ordinance. The Director may refer development plan review to the Project Planning Commission if he deems such action to be appropriate; reasonable fees to recover the cost of the review may be collected from the applicant.
- (b) **COMMUNITY COUNCIL REVIEW.** All applications requiring development plan review pursuant to this section shall be referred to the Delta Citizens Municipal Advisory Council for review, prior to final approval of the development plans.
- (c) **DESIGN.** This Ordinance does not prescribe a specific style or scheme for development of the Freeport area. Rather, it attempts to encourage development which is sensitive to the character of the area and will relate to the existing construction and development in the town. Particular attention will be given to the height, location, shape and proportion of structures, parking, and the scale of the projects as they relate to the overall community identity.
- (d) **LOCATION OF BUILDINGS.** Setbacks for new structures shall be determined on a case-by-case basis at the time specific development plans are submitted for approval, pursuant to this Section. These setbacks shall be based upon existing development adjacent to and in the vicinity of the facility and any other factors which contribute to preserving the atmosphere of the town. Setbacks shall be sufficient to incorporate shade trees and planters into the project design, especially within front and side yards adjacent to Freeport Boulevard.

- (e) **LANDSCAPING.** Landscaping is required in areas where on-site parking is provided and where buildings are set back from the sidewalk. This landscaping shall include street trees, sidewalk planters, planter strips, shrubs, groundcover, or a combination of the above. Areas which may be required to be landscaped include slopes along the levee, front yards, or other open areas.
- (f) **GRADING.** Grading shall be restricted in areas where significant trees may be endangered. Tree removal is also prohibited prior to approval by the Director. Applicants are encouraged to design their projects so that the existing healthy trees may be preserved and utilized in the landscaping of the development.
- (g) **PARKING.** Parking facility plans will be reviewed as part of the development plan review process. Minimum parking requirements shall be determined by the provisions of the Zoning Code, except that the Director may permit the required parking to be provided off-site. Additional landscaping may be required to screen parking areas from public view. Community parking lots and shared parking arrangements may be approved by the Director in order to create parking areas of sufficient size to feasibly incorporate landscaping.

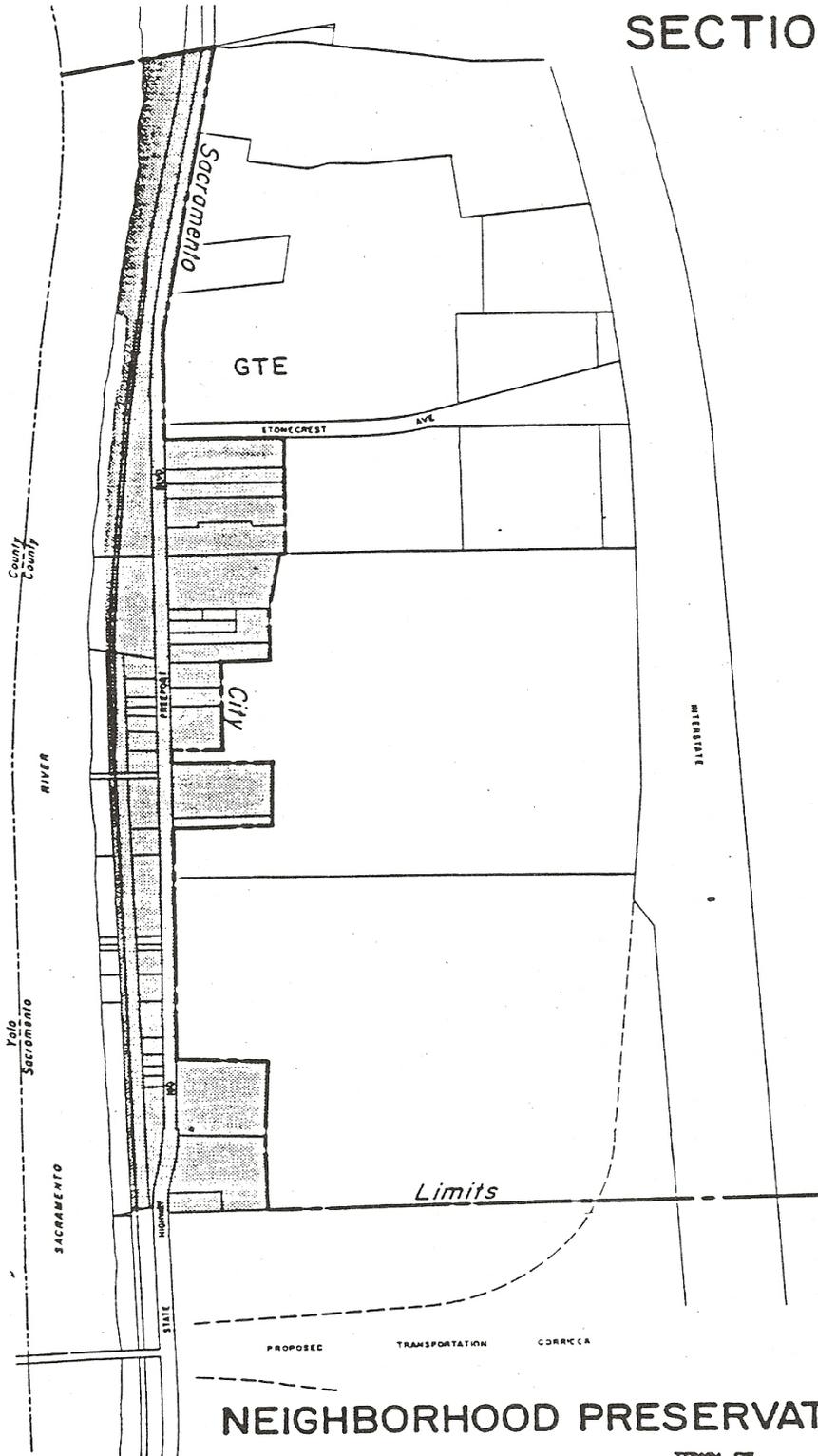
533-12. **VIOLATIONS.** Violation of the provisions of this Ordinance, or exhibits made part of this Ordinance, shall be deemed a violation of Sacramento County Zoning Code, Ordinance No. 83-10, as amended.

533-13. **VARIANCES.** The variance provision of Article 2, Chapter 10, Title I of the Zoning Code shall apply to this Ordinance.

533-14. **FINDINGS.** During the public hearings on this Ordinance, the Planning Commission and the Board of Supervisors determined that:

- (a) The Freeport community is historically unique in Sacramento County, having been conceived as a riverport community.
- (b) Urban development in the City of Sacramento is approaching Freeport, threatening the character of the town.
- (c) The area in Section 533-15 is of sufficient size to constitute an identifiable neighborhood.
- (d) Adoption of this Ordinance will not unduly restrict reasonable uses of the land, nor cause undue hardship on property owners.

SECTION 533-15



NEIGHBORHOOD PRESERVATION AREA

TOWN OF
FREEPORT

