

CHAPTER 3: USE REGULATIONS

Any text with an italic yellow background is intended to be descriptive caption text only and will not be visible in the amended Code.

Unless otherwise specified, “XX-XX-XXXX” and “Month XX, YYYY” shall refer to the effective date of this Zoning Ordinance Amendment.

3.1. PURPOSE AND ORGANIZATION

No changes.

3.2. TABLES OF ALLOWED USES

3.2.1. Tables Organization [AMENDED 04-07-2016]

No changes.

3.2.2. Explanation of Table Abbreviations

No changes.

3.2.3. Use for Other Purposes

No changes.

3.2.4. Uses Not Provided in the Tables [AMENDED 02-24-2017][AMENDED 05-11-2017]

No changes.

3.2.5. Allowed Uses in All Zoning Districts [AMENDED 09-09-2022][AMENDED 06-06-2024]

Table 3.1 Allowed Uses

No changes.

Only the portions of Tables 3.2 and 3.3 being modified by this Zoning Ordinance Amendment are shown below.

TABLE 3.2: ALLOWED ACCESSORY USES¹ [AMENDED 02-24-2017][AMENDED 05-11-2017][AMENDED 06-22-2017][AMENDED 12-01-2017][AMENDED 05-11-2018][AMENDED 01-12-2019][AMENDED 06-20-2019][AMENDED 09-18-2019][AMENDED 07-16-2020][AMENDED 01-15-2021][AMENDED 09-09-2022] ~~[AMENDED XX-XX-XXXX]~~**KEY**

P = Permitted Primary Use

UPP = Conditional Use Permit by the
Planning Commission

Grey Boxes = Refer to Applicable

UPM = Minor Use Permit

Use Standards in Sections Identified

UPZ = Use Permit by the Zoning Administrator A = Permitted Accessory Use

Zoning Districts	Agricultural			Agricultural Residential		Residential					Recreation			Mixed Use			Commercial			Industrial			Use Standard
Use, Service or Facility	AG-20 through AG-160	UR	IR	AR-10 AR-5	AR-2 AR-1	RD-1 RD-2	RD-3 RD-4	RD-5 RD-7 RD-10	RD-15 through RD-40	RM-2	RR	O	C-O	NMC	CMC	CMZ	BP	LC ⁴³	GC ⁴⁴	MP	M-1	M-2	
H. Incidental Agricultural Accessory Structures ⁴⁶ , Uses, and or Keeping of Animals	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	3.9.3.G

⁴⁶ Residential Accessory Structures, Home Occupations, ~~and/or~~ Incidental Agricultural Accessory Structures, **Uses, and/or Keeping of Animals** are only applicable to properties developed with a primary dwelling **including multifamily and nonresidential zones with no more than one existing legal non-conforming primary dwelling (see Use Standard for additional requirements).**

⁴³ Includes former SC zone; interim standards for SC zone should refer to Title IV of the Code.

⁴⁴ Includes former AC and TC zones; interim standards for AC and TC zones should refer to Title IV of the Code.

3.3. USE STANDARDS, GENERALLY

No changes.

3.4. AGRICULTURAL USE STANDARDS

No changes.

3.5. RESIDENTIAL USE STANDARDS

No changes.

3.6. PUBLIC, CIVIC, AND INSTITUTIONAL USE STANDARDS

No changes.

3.7. COMMERCIAL USE STANDARDS

No changes.

3.8. INDUSTRIAL USE STANDARDS

No changes.

3.9. ACCESSORY USE STANDARDS [AMENDED 05-11-2018]**3.9.1. Purpose**

No changes.

3.9.2. General Regulations for All Accessory Uses and Structures [AMENDED 05-11-2018]

No changes.

3.9.3. Use-Specific Standards for Accessory Uses [AMENDED 05-11-2018]

The specific standards of this Section shall apply in addition to the general standards of Section 3.9.2. In the event of conflict, the more restrictive standard in the opinion of the Planning Director shall apply.

3.9.3.A. through 3.9.3.F.

No changes.

3.9.3.G. Incidental Agricultural Accessory Structures, Uses, and/or Keeping of Animals [AMENDED 02-24-2017][AMENDED 12-01-2017][AMENDED XX-XX-XXXX]

Incidental agricultural accessory structures, uses and/or keeping of animals is allowed, ~~except in multifamily and RM-2 zoning districts unless developed as a duplex or halfplex,~~ subject to the regulations contained in this section. These provisions apply only to small-scale, non-commercial agricultural activities that are incidental and accessory to the primary residential use of the property.

All new incidental agricultural accessory structures, uses/and or keeping of animals established after Month XX, YYYY shall comply with the applicable standards in Section 3.9.3.G.1 through 3.9.3.G.4.

Any incidental agricultural uses and/or keeping of animals established prior to [Month

XX, YYYY] shall come into compliance with all applicable provisions in this Section or obtain registration through the Agricultural Commissioner as provided herein, within one (1) month following issuance of written notification by the County. Additional time may be granted at the discretion of the Chief Code Enforcement Office and/or Planning Director.

For purposes of Sacramento County Code Section 8.08.050, the incidental keeping of animals on residentially zoned properties shall not be considered a farm or agricultural facility, nor an area where keeping of farm animals or fowl is permitted, and shall remain subject to the County Noise Ordinance (County Code Chapter 6.68). Accordingly, the incidental keeping of animals is subject to all applicable provisions of Chapter 8.08 and related nuisance regulations.

1. General Standards

- a. The keeping of animals must be incidental to a permitted residential use.
- b. The conditions, standards, and requirements of Title 8 of the SCC are met to the satisfaction of the Chief of Animal Control.
- c. ~~All areas devoted to such uses shall comply with the standards applicable to stables and corrals related to dust, odor, flies and other nuisances included in Section 3.4.6.C. These standards are applicable to the incidental keeping of animals.~~ All areas devoted to such uses shall not allow dust, odor, flies, or any other problematic insects, substances, etc. to cause nuisance or annoyance to persons in the neighborhood or the public and at a minimum shall comply with the following:
 - i. All areas shall be maintained so as to be sufficiently dust-free so that no visible quantity of dust is observable at the property lines of the parcel. This shall be done by maintaining sufficient natural vegetation, by watering down the area as often as necessary to prevent dust accumulation, or by utilizing other more effective dust prevention methods.
 - ii. The operator shall take every reasonable precaution to prevent the breeding of flies or the emission of dust or odors into neighboring properties or the surrounding area. Reasonable precautions shall include:
 - 1. Routine manure and bedding clean out of animal enclosures (i.e., stalls, pens, coops) and routine cleanup of manure deposited on the property.
 - 2. Disposal of animal waste in the manner set forth below or any other manner that is more effective:
 - a. Properly drying or composting away from neighboring properties.
 - b. Burying to a minimum depth of two feet.
 - c. Removal to approved disposal site.
 - iii. All areas shall be maintained in a sanitary condition and in compliance with the following standards:
 - a. Water usage and drainage shall not mix with manure accumulation and shall not be disposed of in a manner contrary to local and state requirements.
 - b. Animal feed shall be stored and utilized in a manner that will not

encourage or facilitate rodent infestations.

- d. The provisions of these use standards shall not apply to public or private stables **(see Section 3.4.6.C)**, or where such animals are kept as a general **or commercial** agricultural use.
- e. Animals allowed pursuant to this Section must be kept in an area separate from where crops intended for sale or consumption are grown.

2. Development Standards for Structures [AMENDED 01-15-2021]

Structures used for incidental agriculture and the incidental keeping of animals shall be consistent with the development standards found in Section 5.3.2.C. for Agricultural and Agricultural-Residential zoning districts (Table 5.6) and Section 5.4.5.A in Residential zones (Table 5.10.B). Incidental Agricultural Accessory Structures are limited to private stables and corrals, barns used primarily for agricultural purposes, aviaries, and chicken coop. **Equipment and materials used to contain, shelter, or otherwise support the keeping of animals including but not limited to barrels, poles, fencing, and similar appurtenances shall also comply with the applicable development standards.**

3. Lot Area

The minimum lot area for any lot used for an incidental agricultural use or for public or private boarding or riding stables as defined in this Code shall be as follows: The lot area may be decreased subject to the issuance of a Special Development Permit by the Zoning Administrator **unless otherwise provided for in this Section (3.9.3.G).**

- a. For any commercial or public stable the minimum lot area shall be three acres.
- b. For any private stable, the minimum lot area shall be 20,000 square feet.
- c. **Where permitted by Table 3.2, the minimum lot area for the keeping of small animals (animals less than 75 pounds), (other than pets as defined in Chapter 7.3) including crowing fowl (except roosters), on a noncommercial scale as an incidental use, shall be 10,000 square feet. The keeping of roosters is subject to the following restrictions:**
 - i. **In AG, UR, IR, RR, AR, RD-1, RD-2, RD-3 zones, the keeping of roosters as an incidental agricultural use shall be limited to following:**
 - 1. **10,000 sf to 1 acre: maximum five roosters**
 - 2. **1 acre to 20 acres: five roosters per acre, not to exceed 15 roosters**
 - 3. **20.01 acres to 40 acres: maximum of 25 roosters.**
 - 4. **40 acres or larger: maximum of 50 roosters**
 - ii. **In RD-4 through RD-7 zones, the keeping of roosters as an incidental agricultural use shall be limited to following:**
 - 1. **10,000 sf to 1 acre: maximum of 3 roosters**
 - 2. **1 acre or larger: 3 roosters, plus 1 additional rooster per 10,000 sf, not to exceed 10 roosters.**

~~The keeping of crowing fowl as an incidental agricultural use shall be allowed in all zones other than RD-10 through RD-40, RM-2, O, Mixed Use, and M-2.~~

- d. On lots less than 10,000 square feet, the keeping of egg-laying **fowl, not classified**

as crowing fowl, such as chickens, non-quacking ducks, pigeons, and quail, are
~~chickens and ducks is~~ allowed subject to the following restrictions:

- i. Animals must be kept in rear yard areas only.
 - ii. Residentially zoned parcels may have one of these animals for every 1,000 square feet of parcel area or one for every 200 square feet of rear yard area, whichever is less.
 - iii. Nonresidentially zoned parcels that are developed with a legally established single family dwelling may have one of these animals for every 400 square feet of parcel area or one for every 200 square feet of rear yard area, whichever is less.
 - iv. A covered coop with a roof and four sides must be provided for chickens to voluntarily retreat to and roost at night.
 - v. These animals must be kept in a structure or fenced area at least 20 feet from all neighboring residential dwellings at all times.
 - vi. 10 square feet of space shall be available for each animal for foraging and roaming.
- e. The keeping of goats, sheep, steer, fowl, and other similar animals may be temporarily allowed on parcels less than the minimum lot size or in greater number than specified in Section 3.9.3.G.3.a through 3.9.3.G.3.d if the following requirements are met: 20,000 square feet, and hogs on lots greater than two acres, with a Minor Use Permit if part of a Future Farmers of America or, 4-H Club educational program or, if kept by independent exhibitors as defined by the California Department of Food and Agriculture.
- i. Educational Programs: Animals kept as part of recognized educational programs, such as Future Farmers of America, or 4-H Club may be raised on parcels smaller than the minimum lot sizes specified in Section 3.9.3.G.3.a through 3.9.3.G.3.d. Only animals participating in an educational program are permitted under this provision.
 - ii. Hobbyists, Breeders and Exhibitors: Legitimate poultry hobbyists, breeders, independent exhibitors, or individuals maintaining poultry for other legitimate purposes, as determined by the Agricultural Commissioner, must register with the Agricultural Commissioner obtain a Minor Use Permit in order to reduce the minimum lot size or maximum animal number cited above. The registration with Agricultural Commissioner will determine the appropriate standards for incidental animal keeping such as, but not limited to, number of allowed animals, coop size, foraging space, and setbacks.

~~Only animals kept as part of a market program are allowed.~~
 - iii. Structures utilized for the keeping of animals are subject to the development standards found in Section 5.3.2.C. for Agricultural and Agricultural-Residential zoning districts (Table 5.6) and Section 5.4.5.A. B- in Residential Zones (Table 5.10.B -Agricultural Accessory Structures).
 - iv. The keeping of animals under this Section is subject to all applicable County codes, including, but not limited to, prohibited conduct as specified in Title 8 of the SCC. Failure to comply with County Code, the standards of this Section,

or any conditions required by the Agricultural Commissioner as part of a registration approval may result in enforcement action and/or the revocation of the registration.

- f. For any other incidental agricultural use, the minimum lot area shall be 20,000 square feet.

4. Enforcement

As provided for by Section 6.6, ~~of the Code, incidental egg-laying chicken and duck-keeping~~ any privileges or allowances granted under this section may be withdrawn from any property by written notification to the property owner by the Planning Director. Withdrawal must be done with cause.

Any condition or combination of circumstances that, in the opinion of the Director in consultation with applicable County agencies, creates problems contrary to public health, safety, or general welfare or so as to constitute a public nuisance or is in conflict with this Section, any sections referenced herein, or Title 8 of the SCC, will be deemed considered a violation of this the Code and valid cause to grounds for withdrawal of privileges or allowances granted under this Section. ~~egg-laying chicken and duck-keeping privileges.~~ Once any property owner has been ~~noticed~~ notified of the withdrawal of privileges to keep animals on a particular property, such privileges may be reestablished only upon written request and approval of the Director, in consultation with applicable County agencies. A Director's Determination may be appealed to the Board of Zoning Appeals ~~Board of Supervisors~~. Where privileges are withdrawn, all animals, structures, fencing and appurtenances related to animal-keeping shall be abated as provided for in Section 6.6.9. of the Code.

3.9.3.H. through 3.9.3.CC.

No changes.

3.9.4. Prohibited Accessory Uses

No changes.

3.9.5. [DELETED 07-16-2020]

No changes.

CHAPTER 5:

Table 5.6 Development Standards for Incidental Agricultural Accessory Structures in Agricultural and Agricultural-Residential Zoning Districts [AMENDED 12-01-2017][AMENDED 05-11-2018][<u>AMENDED XX-XX-XXXX</u>]			
STANDARD	Maximum Percent of the Habitable Floor Area of the Primary Dwelling [1] <u>NET LOT AREA</u>		
	50% [2][3]	100% [2]	200% [2]

	<u>LESS THAN 20,000 SF</u>	<u>20,000 SF -2 ACRES</u>	<u>OVER 2 ACRES</u>
<u>General Standards-Maximum Size [1][2][3]</u>			
<u>Net Lot Area-The area of all incidental agricultural structures shall not exceed:</u>	<u>Less than 1 Acre 50% of the habitable floor area of the primary dwelling</u>	<u>1-2 Acres 100% of the habitable floor area of the primary dwelling</u>	<u>Over 2 Acres 200% of the habitable floor area of the primary dwelling</u>
<u>Minimum Yard Setback Requirements (feet)</u>			
Front Yard	25 (Without PUPF) / 30 (With PUPF)	20 (Without PUPF) / 25 (With PUPF)	
Interior Side Yard	10	10	
Rear Yard	10	20	
Side Street Yard	12.5 (With PUPF) / 18 (Without PUPF)		
<u>Maximum Height of Structure (feet)</u>			
Height of Structure to the Peak of the Roof	24	Same as permitted for primary dwelling	
PUPF = Public Utilities, Public Facilities easement (per Section 5.2.1)			
[1] The total floor area for all Incidental Agricultural Accessory Structures and general Residential Accessory Structures combined in agricultural and agricultural-residential zoning districts shall not exceed 5,000 square feet. Exceptions to these area requirements may be permitted with a Minor Use Permit, <u>provided that the lot size and primary dwelling square footage potentially allow for a combination of such accessory structures to exceed 5,000 square feet.</u>			
[2] Exceptions to these area requirements <u>in agricultural and agricultural-residential zoning districts</u> may be permitted with a Minor Use Permit.			
[3] The size of accessory structures on legal nonconforming parcels less than one acre in size may be increased to greater than 50 percent with a Minor Use Permit.			

Table 5.10.B Development Standards – Incidental Agricultural Accessory Structures ~~for Incidental Animal Keeping in Residential Zoning Districts~~

Standard	NET LOT AREA		
	LESS THAN 20,000 SF	20,000 SF TO 2 ACRES	OVER 2 ACRES
Aviaries/Chicken Coops			
Maximum Height to Peak of Roof (ft)	8		
Maximum Square Footage [1]	30 [2]	60 [2]	120 [2]
Front Yard	Not allowed in required Front Yard		
Interior Side and Rear Yard	15		
Side Street Yard	12.5		
Hog Barn/Pen – Limited to 1 adult hog			
Minimum Lot Size	20,000 sf		
Maximum Height to Peak of Roof (ft)	16		
Maximum Square Footage [1]	500 square feet		
Required Yards From All Property Lines (setback)	50		
N/A = Not Applicable, PUPF = Public Utilities, Public Facilities easement (per Section 5.2.1)			
[1] Incidental animal keeping structures, enclosed or not, shall be subject to the maximum allowance for incidental agriculture structures provided in Table 5.6.			
[2] A minimum of three square feet per bird shall be provided to a maximum of 30 square feet. Pursuant to Section 3.9.3.G.3.e.ii, sites with an approved Registry from the Agricultural Commissioner may deviate from the minimum coop size, foraging space, and setbacks as provided for on the approved Registry.			

CHAPTER 7: DEFINITIONS AND ACRONYMS

This section clarifies interpretation of common wording and language issues that may occur in this Code.

7.1. WORD USAGE AND CONSTRUCTION OF LANGUAGE

No changes.

7.2. INTERPRETATIONS

No changes.

7.3. CODE TERMS AND USE DEFINITIONS

This Section defines the terms used in this Code and the uses contained in Chapter Three, Use Regulations.

Only terms being modified by this Zoning Ordinance Amendment are shown below.

Agricultural Uses, General/~~Commercial~~ [AMENDED 03-09-2016][~~AMENDED XX-XX-XXXX~~]

The primary use of ~~the premises a lot~~ for ~~agriculture~~ **agricultural purposes**, including **but not limited to:** the cultivation of the soil for the production and harvesting of crops; the care and breeding of livestock; **and** poultry **for food production or for recognized breeding and exhibition programs;** pastureland; horticulture; dairying; viticulture; aquaculture; silviculture (timber management); floriculture; **and** apiaries (beekeeping), **whereas such use constitutes the lot's principal dedicated activity and/or the primary source of income for the operator. This definition also includes the ancillary** ~~and the~~ storage and minor repair of agricultural vehicles and equipment used for the processing and transportation of the products ~~grown~~ **produced** on the premises. **The keeping of roosters shall not be considered an agricultural use unless directly associated with food production or a recognized breeding or exhibition program, and shall not include uses associated with animal fighting or other unlawful activities.**

~~Incidental~~ Agricultural Uses, ~~Incidental~~ [AMENDED 02-24-2017]

Row crop cultivation and animal husbandry other than kennels, hog farms, feedlots, and the keeping of pets, provided the activity is conducted on a hobby-type basis for personal use or consumption; ~~or~~ for urban agricultural purposes and further provided that such activity is not a primary use of the premises.

~~Incidental Keeping of Animals~~ [AMENDED 02-24-2017][~~AMENDED XX-XX-XXXX~~]

~~Any animal husbandry activity conducted on a hobby-type basis for personal use or consumption; or, for urban agricultural purposes other than kennels, hog farms, feedlots, and the keeping of pets; and which is not the primary use of the premises. The keeping of crowing fowl is not included as incidental keeping of animals.~~

Structure, Incidental Agricultural Accessory [ADDED 05-11-2018] [~~AMENDED XX-XX-XXXX~~]

A structure that supports agricultural activity, ~~or~~ animal husbandry, **or incidental keeping of animals** conducted on a hobby-type basis for personal use or consumption; ~~or~~ for urban agricultural purposes. ~~and f~~Further provided that such activity is not a primary use of the premises. Incidental Agricultural Accessory Structures are limited to private stables and corrals, barns used primarily for agricultural purposes, **hog barns/pens**, and aviaries/chicken coops (**shelter for fowl**).

7.4. ACRONYMS

No changes.