

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**

**ARDEN PARK NEIGHBORHOOD PRESERVATION AREA
(5-31-3)**

531-30. **INTENT.** It is the intent of the Board of Supervisors in adopting this Neighborhood Preservation Ordinance to preserve and protect the existing single family residential atmosphere of the property, described in Exhibit "531-32.1" through "531-32.6", to preserve the unique social, architectural and environmental characteristics of the Arden Park Area, and to prevent further encroachment of commercial uses in the area.

531-31. **DEFINITIONS.** Except as provided specifically herein, the provisions of Title I, Chapter 25, Article 1, shall apply to all property within this NPA.

- (a) **Single-Family Dwelling.** The term "single-family dwelling" excludes every form of multifamily dwelling, boarding or lodging house, sanitarium, and hospital, as defined in Title I of the Zoning Code.
- (b) **Accessory Structure.** As defined in Section 130-02 of the Zoning Code.
- (c) **Incidental Agriculture.** As defined in Section 130-07 of the Zoning Code.
- (d) **Private Use Garden.** A garden kept on a hobby-type basis for personal use or consumption.

531-32.1 **EXHIBIT—RD-3 (NPA).** The boundaries of that portion of the NPA zoned for RD-3 uses is shown on exhibit labeled "531-32.1".

531-32.2 **EXHIBIT—SC (NPA).** The boundaries of that portion of the NPA zoned for SC (Shopping Center) uses is shown on exhibit labeled "531-32.2".

531-32.3 **EXHIBIT—LC (NPA).** The boundaries of that portion of the NPA zoned for LC (Limited Commercial) uses is shown on exhibit labeled "531-32.3".

531-32.4 **EXHIBIT—BP (NPA).** The boundaries of that portion of the NPA zoned BP (Business Professional) uses is shown on exhibit labeled "531-32.4".

531-32.5 **EXHIBIT—RD-5 (NPA).** The boundaries of that portion of the NPA zoned for RD-5 (Residential Density) uses is shown on exhibit "531-32.5".

531-32.6 **EXHIBIT—STREET RIGHT-OF-WAY AND SETBACK.** The street right-of-way and setback, as required by the NPA, is shown on exhibit labeled "531-32.6".

531-32.7 **EXHIBIT—SETBACK AND HEIGHT DIAGRAMS.** The setback and height for primary dwellings, as required by the NPA, is shown on exhibit labeled "531-32.7".

531.33. **EXISTING BUILDINGS AND LOTS.** Each structure and lot in existence on December 27, 1978, which was legally created and complied with the standards of the underling zones, shall be deemed conforming.

531-34. PERMITTED AND CONDITIONALLY PERMITTED USES. Uses permitted, and uses permitted subject to the issuance of a conditional use permit, shall be regulated by the underlying zone, except for the development standards, which are set forth in this Article.

531-35. LOT STANDARDS.

- (a) For all lots shown on Exhibits “531-32.2” through “531-32.4”, the lot area, width, frontage, and building height, shall be regulated by the underlying zone.
- (b) For all lots shown on Exhibits “532-32.1” and “531-32.5”, the following lot standards shall apply:

Minimum lot area	10,000 square feet
Minimum lot width	65 feet
Minimum public street frontage	65 feet

531-36. DEVELOPMENT STANDARDS.

(a) PRIMARY DWELLINGS.

- (1) Front Yard. No building, or projection thereof, shall be located nearer any street than the setback line shown for that street on Exhibit “532-32.6”.

NOTE: Within the Arden Park NPA, the public street right-of-way line usually falls within that area which is developed as "front yard" (i.e., within the front yard landscaping, rather than at the back of the curb). To determine the right-of-way line, take the “Half Right-of-Way In Feet”, as shown on Exhibit “531-32.6”. Using the center of the street as the beginning point, measure the half right-of-way. This established the right-of-way line. To determine the setback, measure from the right-of-way line as the point of beginning.

- (2) Side Street Yard. No building, or projection thereof, shall be located nearer than 25 feet to any side yard street.

NOTE: Although this ordinance allows a 25 foot setback on side street yards, there is still a recorded setback. If this recorded setback is in excess of 25 feet, that portion must be abandoned prior to construction at the 25 foot side yard setback.

- (3) Rear Yard. There shall be a rear yard of not less than 35 feet, except if the lot is less than 175 feet in depth, the rear yard shall be 20 percent of the average lot depth to a minimum of 20 feet. There shall be no encroachment into the rear yard, even if equal side yard area is available.
- (4) Side Yards. There shall be a side yard on each side of a main building of not less than five feet for a one-story building, and 7.5 feet for both stories of a two-story building. If the existing first story is less than 7.5 feet from a property line, the setback for the second floor from that property line shall be not less than 7.5 feet. (See Zoning Code

Section 130-174 for the definition of “Story”.) Items such as fireplaces, balconies, and bay windows shall not extend into required side yards as defined herein, but existing fireplaces may remain and be extended vertically. If the existing side yard is less than 7.5 feet, the roof height within 7.5 feet from the property line shall be not greater than 14 feet from the existing grade to the edge of a flat roof or midpoint of a sloping roof, and not more than 18 feet to the highest point of a sloping roof. (Refer to Section 531-32.7, Setback and Height Diagrams.)

- (5) **Building Height.** No primary building or structure erected on, or moved onto property, in this zone, shall have a height greater than two stories, and not greater than 24 feet in height to the edge of a flat roof or midpoint of a sloping roof. In no case shall the highest point or peak of a roof be higher than 30 feet from the existing grade. (See Zoning Code Section 130-86.5 for the definition of “Existing Grade”.) Chimneys, antennae, and similar minor appurtenances may extend beyond this height. (Refer to Section 531-32.7, Setback and Height Diagrams.)
- (b) **RESIDENTIAL ACCESSORY DWELLINGS.** The following standards shall apply to any residential accessory dwelling constructed after February 1, 1998. Any residential accessory dwelling constructed prior to February 1, 1989 shall comply with the standards of Zoning Code Section 305-83.
- (1) **LOT AREA.** Each lot shall have a minimum lot area of 20,000 square feet.
 - (2) **DWELLING SIZE.** Each residential accessory dwelling shall have a maximum floor area of not more than 640 square feet.
 - (3) **SETBACKS.** The primary dwelling setbacks as indicated in Section (a)(1-4) above, shall apply to all residential accessory dwellings.
 - (4) **BUILDING HEIGHT.** No residential accessory dwelling erected on, or moved onto, property in this zone shall have a height greater than 16 feet and shall not exceed one story.
 - (5) **NUMBER OF ACCESSORY UNITS.** Only one habitable accessory structure (guest house or residential accessory dwelling) shall be permitted on any lot.
 - (6) There shall be a minimum of 20 feet between a residential accessory dwelling and the primary residence.
 - (7) **PARKING.** At least two off-street parking spaces per dwelling unit shall be provided.
 - (8) **SURFACE OF PARKING AND DRIVEWAY AREAS.** Each dwelling unit shall be served by a driveway with a dust free surface constructed to the standards of the Public Works Agency.
 - (9) **SEWER AND WATER.** Public sewer and water facilities shall be provided in the RD zones.

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- (10) The property upon which an accessory dwelling is located shall remain as an undivided parcel, unless all standards of the underlying zone can be met.
- (11) **ADDITIONAL REQUIREMENTS.** The appropriate authority may apply additional conditions to a use permit relative, but not limited to, dwelling size, location, access, height, etc., if special circumstances arise requiring such mitigation of anticipated adverse impacts to neighboring residences.
- (c) **OTHER ACCESSORY STRUCTURES.** The following standards shall apply to all accessory structures, except residential accessory structures and swimming pools.
- (1) Accessory structures shall not be located:
- Within six (6) feet of the main building.
- Within setbacks shown on recorded plats and listed on Exhibit “531-32.6” for front yards and corner side-street-yards.
- Within five (5) feet of the side property line.
- Within three (3) feet of the rear property, public easement (if any), otherwise within three (3) feet of the rear property line, except guest houses, which shall maintain a rear yard as specified in subsection (a) (3) above (Primary Dwellings).
- (2) The gross floor area of accessory structures shall not exceed standards found in Section 305-82 (b and c) of this Code. The height of the structure shall not exceed 12 feet as measured from the grade to the plate line of the structure.
- (3) Guest houses shall be regulated by “Other Accessory Structures” (Section (c) above), except the floor area shall have a maximum of 640 square feet and only one habitable accessory structure (residential accessory structure or guest house) shall be considered per lot.
- (4) Fences. Fences shall not exceed six (6) feet in height, and shall not extend beyond either the required front or side-street property setback line (as shown on the recorded plat for that property and listed on Exhibit “531-32.6”), except for the following:
- a) The fence is less than three (3) feet in height.
- b) Parcels abutting Watt Avenue. A solid fence not exceeding six (6) feet in height may be placed no closer than five (5) feet from the right-of-way line on both the front yard and side yards; however, the Visibility Ordinance, County Code Section 12.12.010 and 12.13.020, provisions must be met.
- c) Fences or other structures shall not be erected within the Right-of-Way per Section 531-36(a)(1).

- (5) Swimming pools and spas shall be regulated by Title III, Chapter 5, Article 6 of the Zoning Code.
- (d) **DUPLEX UNITS.** The development standards for duplex units shall be as outlined in Title III, Chapter 5, Article 4, of the Zoning Code. Any accessory structure in conjunction with a duplex shall comply with standards as outlined in this NPA.
- (e) **DEVELOPMENT STANDARDS, NON RESIDENTIAL.** Development standards appropriate to the respective underlying zones shall be applied to the property described in Exhibits “531-32.2” through “532-32.4”, except that:
 - (1) Reconstruction or expansion of nonresidential uses within the area described in Exhibit “531-32.2” through “531-32.4” shall require development plan review and approval by the Board of Supervisors. This review shall include, but not be limited to, the provision of adequate separation and buffering between residential and nonresidential uses, and to mitigate impacts on residential areas.

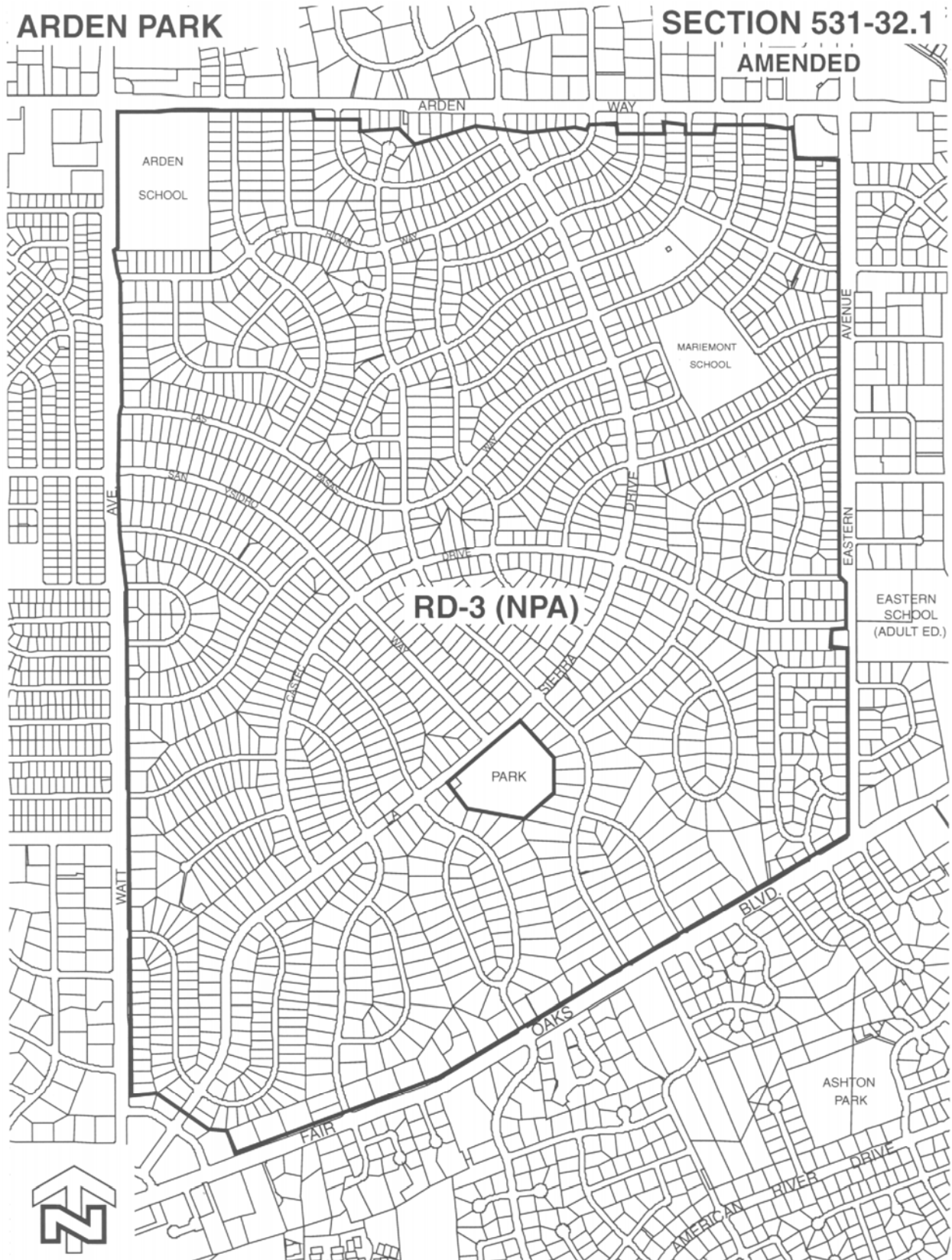
531-36.5 **ENLARGEMENTS OF EXISTING STRUCTURES IN THE NPA.** An enlargement may be made to an existing nonconforming building or structure located in the NPA, provided that said enlargement (addition or expansion) conforms to the regulations specified in this NPA. (See Zoning Code Section 130-36 for the definition of a “Nonconforming Building”.)

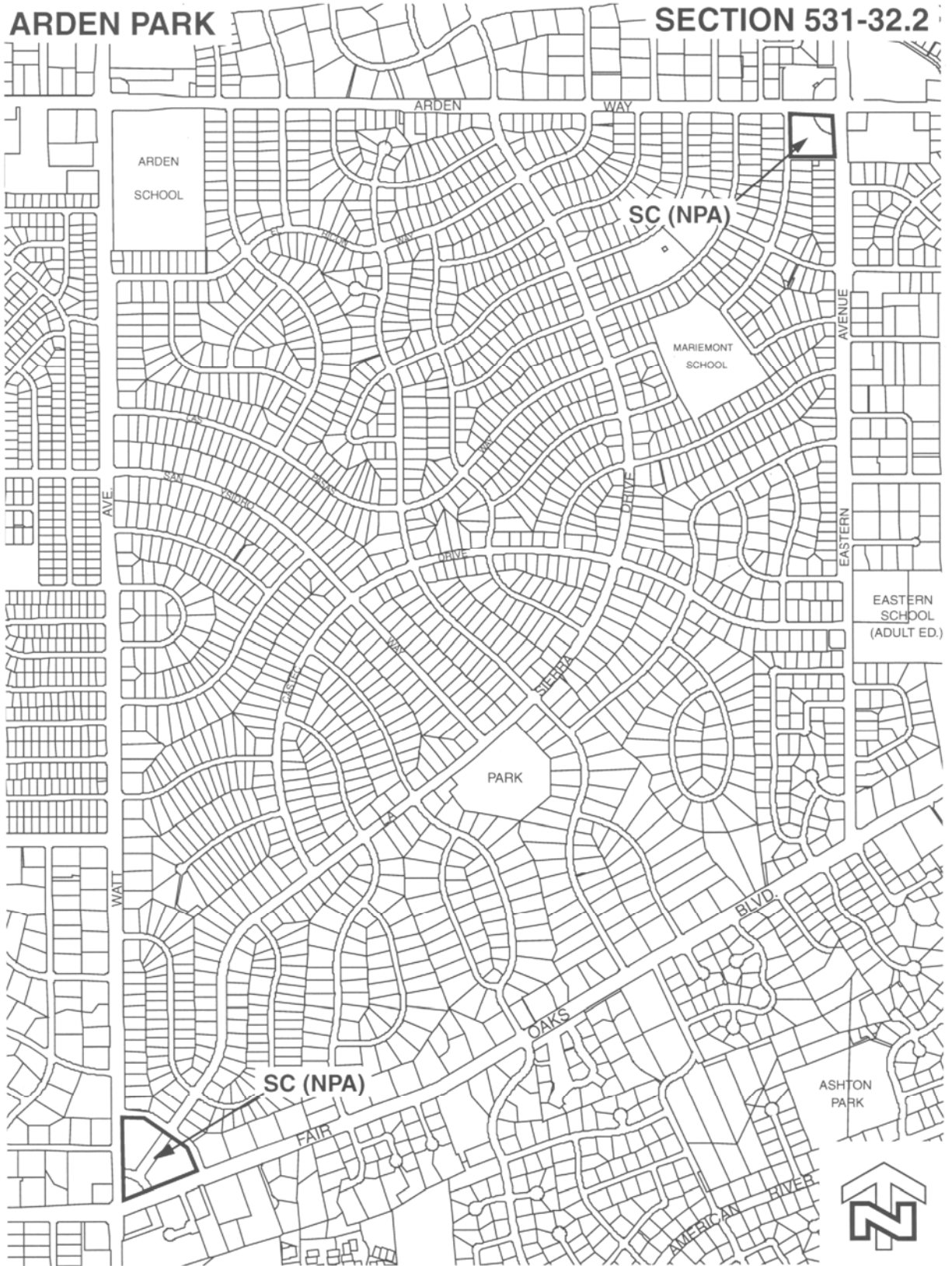
531.37. **VARIANCES.** The variance provision of Article 2, Chapter 10, Title I, of the Sacramento County Zoning Code, Ordinance No. 77-110, as amended, shall apply to this Ordinance, except that the Board of Supervisors shall be the appropriate authority to hear and decide all variances.

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

- (a) The area described in Exhibit “531-32.1” is a unique area of winding streets with large lots and a spacious atmosphere. The 65-foot lot width requirement is necessary to prevent lot splits and preserve the unique characteristics of the neighborhood.
- (b) The Arden Park 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 majority of the existing lots in this area meet the development requirements of this Ordinance.
- (d) It is in the best interest of the residents of Arden Park and the County of Sacramento that the character of the existing single family residential neighborhood be preserved, protected, and maintained, and that, therefore, further commercial development is incompatible with the character of the area and the needs of the people of the County of Sacramento.

- (e) It is necessary to limit the number of parcels within this NPA upon which a residential accessory structure may be located due to the following unique combination of circumstances of this neighborhood: narrow public street width, lack of sidewalks for pedestrian traffic, long narrow lots having narrow public street frontages, narrow side yards, and limited vehicular access to rear yard areas. these factors create a need to discourage further on-street parking to avoid potential public safety hazards.







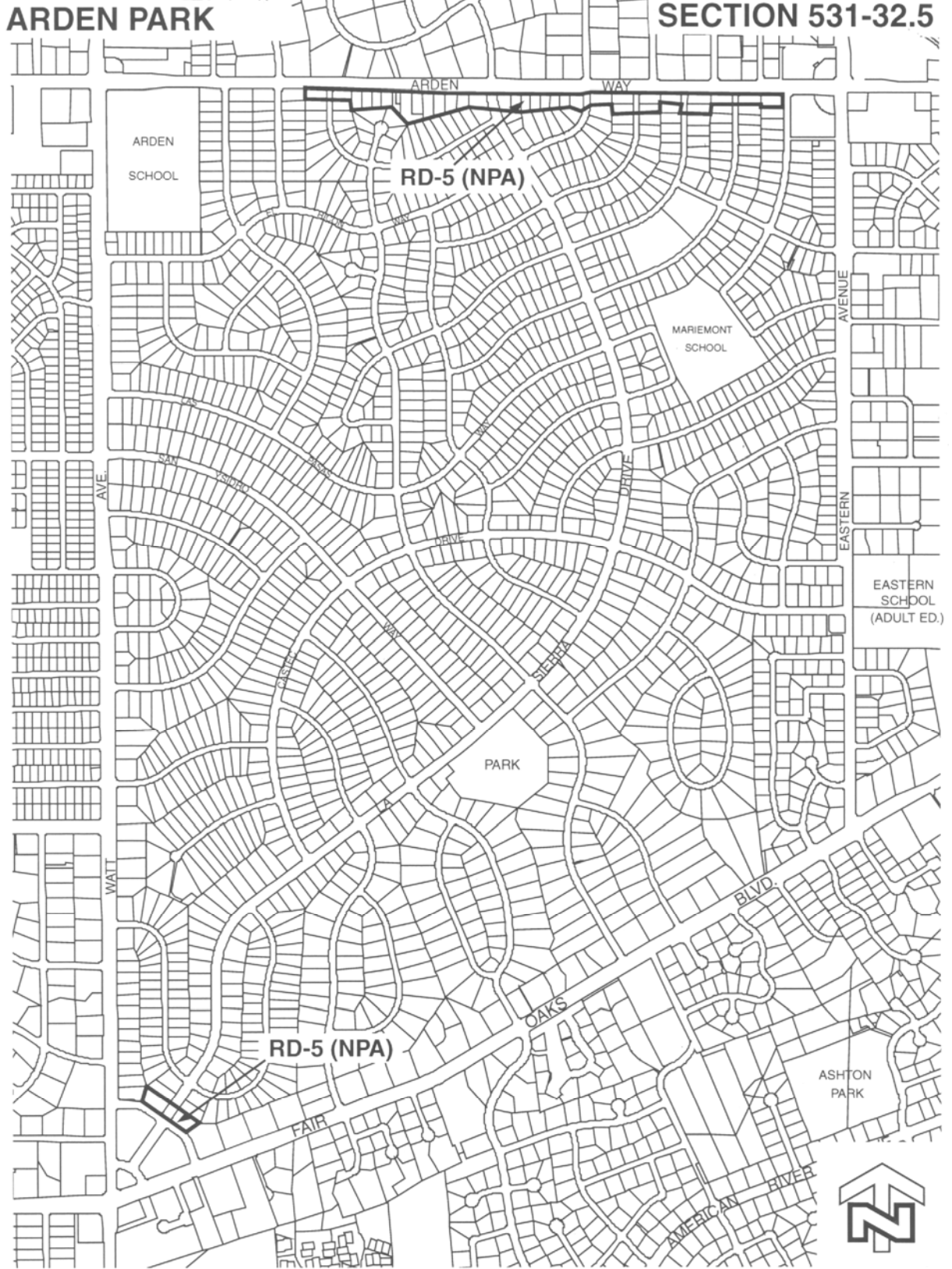


EXHIBIT “531-32.6”

<i>Streets</i>	<i>Half Right-of-Way</i>	<i>Recorded Setback</i>
Arden Way		
School up to and including 3701 Laguna	40 feet	20 feet
3804 Arden	40 feet	25 feet
(Lots 1247-1249)		
3808, 3812, 3818 Arden	40 feet	30 feet
Arroyo Grande Drive	21 feet	30 feet
Berrendo Drive		
Arroyo Grand to Eastern	21 feet	30 feet
Bodega Court	21 feet	30 feet
Bolsa Court (40 feet radius in court)	21 feet	30 feet
Buena Vista Drive		
Watt Avenue to San Ysidro	25 feet	30 feet
Casmalia Way	21 feet	30 feet
Castec Drive	30 feet	30 feet
Cavente Way	21 feet	30 feet
Chica Way	21 feet	25 feet

<i>Streets</i>	<i>Half Right-of-Way</i>	<i>Recorded Setback</i>
Corona Way		
(Lots 25-27, 30-33) El Encino 741, 751, 761, 791, 801, 807, 815	21 feet	25 feet
(Lots 16, 24, 28, 29, 34) 3531 San Lucas/731, 771, 781, 817 El Encino	21 feet	12.5 feet
Coronado Boulevard		
(Lots 137, 206) 2721 Fair Oaks/651, 650 Coronado	25 feet	40 feet
All other lots between Fair Oaks and La Sierra	25 feet	35 feet
La Sierra to Castec	21 feet	30 feet
Corta Way	21 feet	30 feet
Cresta Way (except park)	21 feet	30 feet
Eastern Avenue		
Arden Way to Puente Puente to Fair Oaks (see lots below)	66 feet	25 feet
(Lots 1508, 834, G) 4230 Puente, 1641 Castec, 1201 Eastern	40 feet	30 feet
(Lots 1, 23, 24, 6, 7) 816, 721, 731 El Encino/770, 760 Watt	40 feet	12.5 feet
(Lots 2, 9, 10, 35, 36, 37) 820, 730, 714 Watt/814, 812, 810 El Encino	40 feet	25 feet
El Chorro Way		
Los Molinos to Fair Oaks	21 feet	35 feet
(Lots 305, 321) 801 Los Molinos/800 El Charro	21 feet	40 feet

<i>Streets</i>	<i>Half Right-of-Way</i>	<i>Recorded Setback</i>
El Encino Way	21 feet	30 feet
El Nido Way	25 feet	30 feet
El Ricon Way	25 feet	30 feet
El Sur Way Los Molinos to Castec to Eastern	25 feet 21 feet	30 feet 30 feet
El Tejon Way	21 feet	30 feet
El Toro Way	21 feet	30 feet
Entrada Road Fallenleaf to Eastern	21 feet	25 feet
(Lots 17, 29) 621 La Sierra/781 El Encino	21 feet	12.5 feet
Esperanza Drive	21 feet	30 feet
Fair Oaks Boulevard Eastern to and including		
(Lots 2, 32, 33) 820 Watt/807, 815 El Encino	66 feet	25 feet
(Lot 1, 34) 816, 817 El Encino	66 feet	12.5 feet
(Lot 897) 4191 Fair Oaks to Watt	70 feet	50 feet

<i>Streets</i>	<i>Half Right-of-Way</i>	<i>Recorded Setback</i>
Fallenleaf		
Fair Oaks to Entrada	27 feet	25 feet
to Lozell	21 feet	25 feet
(Lot 5)		
780 Watt Avenue	21 feet	12.5 feet
Fitch Way	21 feet	30 feet
La Brea Way	30 feet	None Recorded*
La Goleta Way	21 feet	35 feet
Laguna Way	21 feet	30 feet
La Habra Way	21 feet	30 feet
La Playa Way	25 feet	30 feet
La Sierra Drive		
La Brea to San Lucas	39 feet	None Recorded*
to Arden	36 feet	30 feet
Las Cruces Way (except park)	21 feet	30 feet
Las Pasas Way	25 feet	30 feet
Lot H	25 feet	
Las Salinas Way	21 feet	30 feet

<i>Streets</i>	<i>Half Right-of-Way</i>	<i>Recorded Setback</i>
Lozell Court	21 feet	25 feet
Los Alamos Way	21 feet	30 feet
Los Coches Way	21 feet	30 feet
Los Molinos Way Cul-de-sac (40 foot radius) to El Ricon to La Sierra to Fair Oaks (Lots 267, 304) 801 Los Molinos, 4051 Fair Oaks, 800 Los Molinos	21 feet 25 feet 25 feet 25 feet	30 feet 30 feet 35 feet 40 feet
Puente Way	21 feet	30 feet
San Lucas (Lot 133) 3601 Fair Oaks	30 feet 30 feet	30 feet 50 feet
San Ramon Way (Lots 212, 265) 771 San Ramon, 3961 Fair Oaks All other lots between Fair Oaks and La Sierra La Sierra to Castec	25 feet 25 feet 21 feet	40 feet 35 feet 30 feet
Santa Rita Way	21 feet	35 feet
San Ysidro Way	30 feet	30 feet

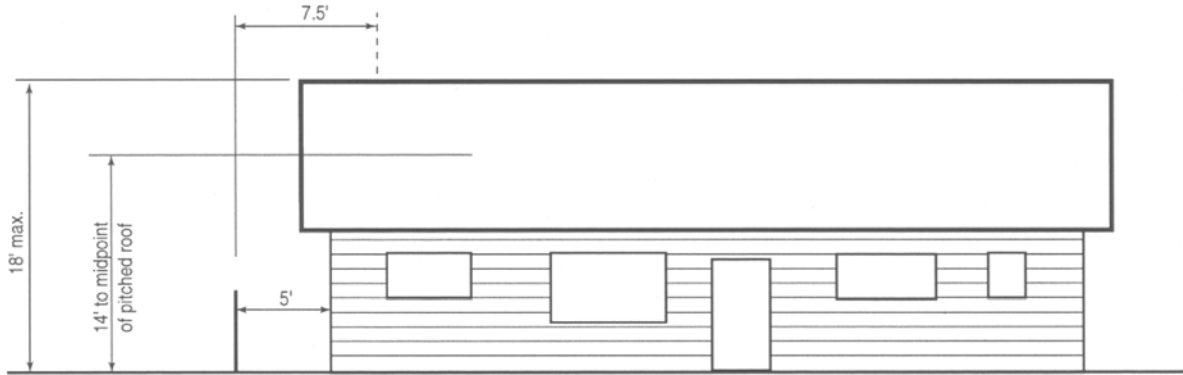
<i>Streets</i>	<i>Half Right-of-Way</i>	<i>Recorded Setback</i>
Tolenas Court (cul-de-sac 30 foot radius)	21 feet	30 feet
Watt Avenue		
to San Lucas	40 feet	None Recorded*
to Los Alamos	66 feet	30 feet
to Las Pasas	40 feet	30 feet
to El Ricon	66 feet	30 feet
(Lot 1079)		
1500 Watt, 3501 El Ricon	40 feet	30 feet
School	30 feet	None Recorded*

Note: If the lot is a corner lot, check both streets. The front yard and side yard may have different half right-of-way and different recorded setbacks.

* If there is no recorded setback indicated, the provisions of Section 305-02 shall apply.

SECTION 531-32.7

ARDEN PARK NPA
Setback and Height Diagrams
[Sections 531-36(a)(4) and (5)]



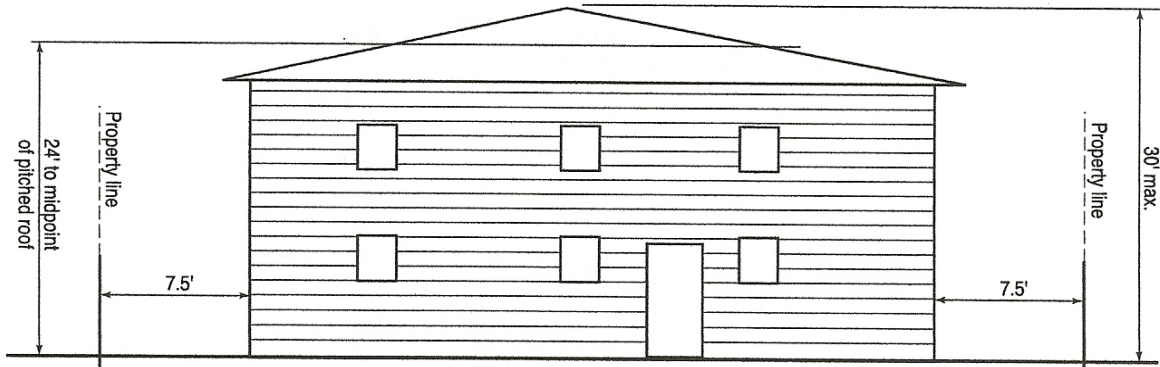
a) Front View - Gable Roof



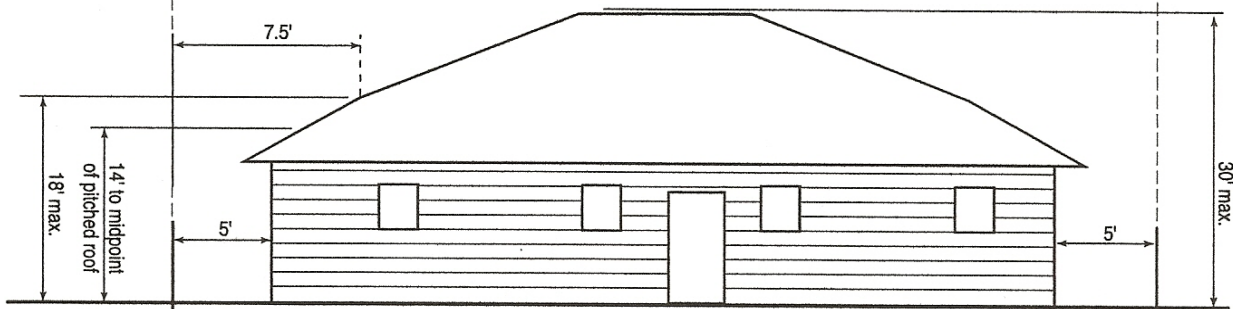
b) Side View - Gable Roof

SECTION 531-32.7

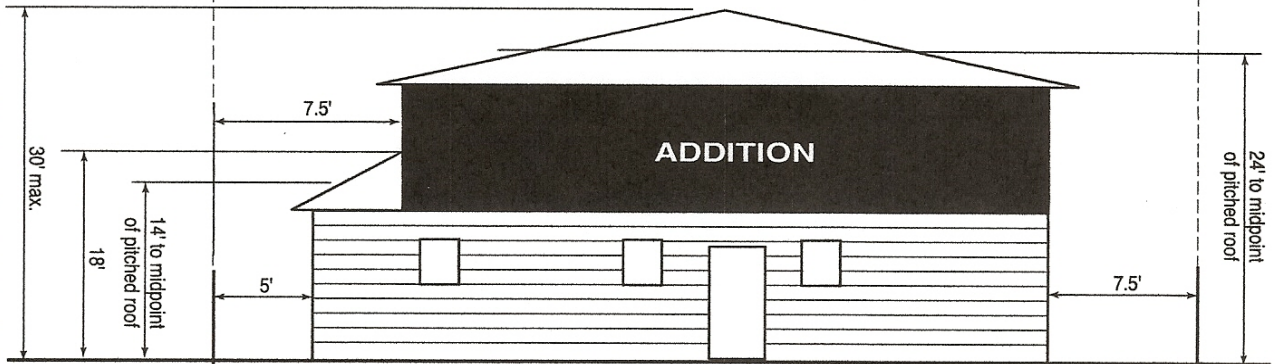
ARDEN PARK NPA Setback and Height Diagrams [Sections 531-36(a)(4) and (5)]



a) OK New 2-story house



b) OK New 1-story house or remodeled 1-story house



c1) OK Existing 1-story with a 1-story setback and second story addition, which conforms to 2-story setback

