

**ACCESSORY DWELLING UNIT ZONING CODE UPDATES  
CLEAN DISCUSSION DRAFT**

**ORDINANCE NO. SZC 2018-\_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF SACRAMENTO TO AMEND THE ZONING CODE  
OF SACRAMENTO COUNTY RELATING TO ACCESSORY DWELLING UNITS**

The Board of Supervisors of the County of Sacramento, State of California, do ordain as follows:

SECTION 1: The Zoning Code of Sacramento County, Ordinance No. 2015-0003 is amended to revise various provisions as described in Exhibit A.

SECTION 2: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof, and, before expiration of 15 days from the date of its passage, it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published within the County of Sacramento, State of California.

On a motion by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, at a regular meeting thereof this \_\_\_\_\_ day of \_\_\_\_\_ 2018, by the following vote, to wit:

AYES: Supervisors,

NOES: Supervisors,

ABSENT: Supervisors,

ABSTAIN: Supervisors,

RECUSAL: Supervisors,

(PER POLITICAL REFORM ACT (§ 18702.5.))

\_\_\_\_\_  
Chair of the Board of Supervisors  
of Sacramento County, California

(S E A L)

ATTEST: \_\_\_\_\_  
Clerk, Board of Supervisors

**V6**

**CLEAN DISCUSSION DRAFT**

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**EXHIBIT A**



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**TABLE 3.2. ALLOWED ACCESSORY USES<sup>1</sup> [AMENDED 02-24-2017][AMENDED 05-11-2017][AMENDED 06-22-2017][12-01-2017]**

**KEY**  
 P= Permitted Primary Use  
 MC= Minor Use Permit  
 CZ = Conditional Use Permit by the Zoning Administrator  
 A = Permitted Accessory Use  
 Grey Boxes = Refer to Applicable Use Standards in Sections Identified

Zoning Districts	Agricultural		Agricultural-Residential		Residential				Recreation	Mixed Use		Commercial	Industrial		Use Standard							
	AG-160, AG-80, AG-40, AG-20	UR	IR	AR-10, AR-5, AR-1	RD-1, RD-2	RD-3, RD-4	RD-5, RD-7	RD-10, RD-15	RD-20, RD-25, RD-30, RD-40	RR	O	C-O	NMC	CMC	NMZ	BP	LC <sup>2</sup>	GC <sup>3</sup>	MP	M-1	M-2	
G. Home Occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A				3.9.3.F
H. Incidental Agricultural Accessory Structures, Uses, and Keeping of Animals	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
I. Repair of Farm Equipment or Auto-mobiles for Personal Use	A	A	A	A	A	A	A															3.9.3.L
J. Residential Garage Sales	A	A	A	A	A	A	A	A	A	A	A											3.9.3.M
K. Residential Swimming Pools and Spa Equipment	A	A	A	A	A	A	A	A	A	A	A											3.9.3.O
L. Incidental Office/Retail Sales																				A	A	3.9.3.J

<sup>1</sup> All accessory uses are subject to the general accessory use standards in Section 3.9.1, in addition to the specific standards cited in this table.  
<sup>2</sup> Includes former SC zoning district; interim standards for SC zoning districts should refer to Title IV of the Sacramento County Zoning Code.  
<sup>3</sup> Includes former AC and TC zoning districts; interim standards for AC and TC zoning districts should refer to Title IV of the Sacramento County Zoning Code.

### **3.9 ACCESSORY USE STANDARDS**

#### **3.9.1. Purpose**

This Section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. An accessory use is “incidental and customarily subordinate” to a principal use if it complies with the standards set forth in this Section.

#### **3.9.2. General Regulations for All Accessory Uses and Structures**

All accessory uses and structures shall comply with the general standards in this Section.

##### **3.9.2.A. Approval of Accessory Uses and Structures**

All principal uses allowed in a zoning district shall be deemed to include the accessory uses, structures, and activities allowed for that district, as set forth in Table 3.2. Accessory uses and structures are not permitted until the primary use or structure is permitted or has been issued final building permits.

##### **3.9.2.B. Compliance with This Code**

1. All accessory uses and structures shall be subject to the standards set forth in this Section, and also the use-specific standards of this Chapter and the applicable design and dimensional standards of Chapter 5. In the case of any conflict between the accessory use standards of this Section and any other requirement of this Code, the more restrictive standard in the opinion of the Planning Director shall apply.
2. Accessory uses shall comply with all standards of this Code applicable to the principal use with which they are associated. Parking requirements shall be met for both the principal use and any accessory use.

##### **3.9.2.C. Same Lot**

The accessory use or structure shall be conducted and located on the same lot as the principal use.

##### **3.9.2.D. [DELETED]**

##### **3.9.2.E. Temporary Accessory Uses and Structures**

Temporary accessory uses and structures shall be governed by the temporary use permit use standards set forth in Section 3.10, and procedures and standards set forth in Section 6.4.7, “Temporary Use Permits.”

##### **3.9.2.F. [DELETED]**

#### **3.9.3. Use-Specific Standards for Accessory Uses**

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.D. Accessory Dwelling Unit**

1. Where permitted by Section 3.2, only one Accessory Dwelling Unit (ADU) is allowed on a lot.
2. An ADU is only allowed when a property is developed as a Single Family Residence.

3. One ADU is allowed on a lot that includes Accessory Structures.
4. Either the primary dwelling or ADU must be occupied by the property owner at all times. Applicants must record a deed restriction on the property reflecting this requirement prior to issuance of Final Building Permits.
5. An ADU shall comply with the Development Standards of Code Section 5.4.5.F. or request a Special Development Permit for deviations, as allowed by that Section. It must also undergo a Design Review per Section 6.3.2.A. (Table 6.2).
6. A structure used as an ADU shall meet the requirements of California Government Code Section 65852.2, as that section may be amended from time to time.

### 3.9.3.G. Incidental Agricultural Accessory Structures, Uses, and Keeping of Animals

Incidental agricultural accessory structures, uses and 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.

#### 3. Development Standards for Structures

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 zones (Table 5.6) and Section 5.4.5.B. in Residential zones (Table 5.10- Agricultural Accessory Structures). Agricultural Accessory Structures include private stables and corrals, barns used primarily for agricultural purposes, and chicken coops.

### 3.9.3.CC Accessory Structures

#### 1. Accessory Structures include:

- a. Ancillary accessory structures, including; detached garages, carports, workshops, studios, greenhouses, and storage sheds.
  - b. Recreation-related accessory structures, including; swimming pools and spas, cabanas or pool houses, enclosures for swimming pools or spas.
  - c. Patios and deck structures, including; uncovered detached above ground decks or patios, and detached ground-level patios or decks when covered.
  - d. Fences, when accessory to a primary residential use and greater than allowed heights listed in Section 5.2.5.
  - e. Cargo containers, with use standards as listed in Section 3.9.3.T and development standards as listed in Section 5.4.5.
2. Accessory Structures do not include raised landscape planters or edging of up to 18 inches in height.
  3. Accessory Structures are not limited in number. However, total square footage is limited by the provisions of Section 5.4.5.B, (Table 5.10).
  4. Accessory Structures shall not be used for habitation, as defined.
  5. **Development Standards.**

**Comment [JCB1]: DISCUSSION ITEM:** Owner-occupancy restrictions are allowed under the State ordinances. However, enforcement of this restriction has proven difficult for jurisdictions that have adopted it.

Should development of an ADU be subject to owner-occupancy restrictions on the property? Are there other mechanisms to ensure upkeep of properties with two rental units that could work? (For example, registration with the Rental Housing Inspection Program.)

**Comment [JCB2]: DISCUSSION ITEM:** Currently, the Zoning Code does not differentiate between habitable and non-habitable accessory structures. This has resulted in issues and inconsistencies when categorizing structures submitted for building permits. (I.e., Is it a structure meant for permanent habitation? A short guest stay? Both?) Further, both PER and BID struggle with how to keep structures permitted for sleeping purposes but not classified as dwelling units from being illegally converted to dwelling units when often the difference is only a cooking facility.

Staff has included a use standard for accessory structures that prohibits habitation. Related development standard updates include the requirement that structures used for habitation be developed as ADUs.

Is this reasonable? Should there be an allowance for guest houses that does not require them to be considered separate dwellings? How is this best accomplished?

No structure accessory to a primary residential dwelling shall be built, enlarged, or moved unless the development standards of Section 5.4.5 are met. However, structures related to incidental agricultural uses in Agricultural and Agricultural-Residential zoning districts may utilize the standards found in Section 5.3.2.C (Table 5.6).

## **5.2. GENERAL STANDARDS AND EXCEPTIONS**

### **5.2.1. SETBACK STANDARDS FOR ALL ZONING DISTRICTS**

#### **5.2.1.F. Building Attachments and Additions [AMENDED 06-22-2017]**

1. An accessory structure will be considered attached to the primary dwelling, but not a portion of the primary dwelling as described in 5.2.1.F.2, below, if the accessory structure shares a wall with the primary dwelling.
2. For an accessory structure to be considered a portion of the primary dwelling for the purposes of square footage allowances (i.e., an addition), the following development standards must be met:
  - a. The accessory structure must share a wall with the primary dwelling. This shared area must span at least 30 percent of the shared wall of the subordinate building.
  - b. The addition must have internal access to the primary dwelling.
  - c. If the addition includes conditioned space, that space must be accessed from conditioned space in the primary dwelling. (I.e., internal access to the subordinate building must be from a family room or other living space, rather than a garage.)
  - d. The addition shall not include a kitchen or cooking facilities. (See Section 5.4.5 for Accessory Structure standards.)

## **5.3. AGRICULTURAL, AGRICULTURAL-RESIDENTIAL, AND RECREATIONAL ZONING DISTRICTS**

This Section provides overall development and design standards for agricultural uses, agricultural-residential, and recreation zoning districts. Refer to Section 3.4 for applicable special use regulations.

### **5.3.1. Development Standards for Agricultural Uses**

#### **5.3.1.A. Development Standards Summary for Agricultural, Agricultural-Residential, and Recreational Zoning Districts**

Table 5.4 provides the development standards for all Agricultural, Agricultural-Residential, and Recreational zoning districts.

**Table 5.4 Development Standards Summary for Agricultural, Agricultural-Residential, and Recreational Zoning Districts**

Minimum Standards	AG-160	AG-80	AG-40	AG-20	UR	IR	RR	O	AR-10	AR-5	AR-2	AR-1
Lot Area (gross acres, unless otherwise specified)	160 [1], [2], [3]	80 [1], [2]	40 [1], [2]	20 [1], [2]	20 [3]		20 (net) [3]	3 (net)	10 [3]	5 [3]	2 [4]	1 [4]
Lot Width (feet)	1,000		500		500	250	300	200	300	250	150	75
Street Frontage (feet) [5]	N/A								300	250	150	75
Residential Yard Setbacks and Height	See Table 5.7.											
General Agricultural Structures	See Table 5.5.											
Incidental Agricultural Accessory Structures	See Table 5.6.											
Accessory Structures	See Table 5.10											
Accessory Dwelling Units	See Table 5.11											

PUPF = Public Utilities, Public Facilities easement (per Section 5.2.1)

[1] Parcels may be created smaller than the lot area specified for the following uses: agricultural processing; agricultural organizations; agricultural sales; agricultural warehousing; agricultural specialty services; animal feed lot/sales; agricultural equipment repairs, maintenance; kill floors; hospitals; cemetery; commercial riding stables, boarding stables and riding academies; private social center; lodge, fraternal hall; animal hospital and veterinarian office; kennel/cattery; places of worship; public or private school, college, or university; child day care center; residential care home for more than six children or adults; public and government buildings or uses; airport; public utilities and public service facilities; outdoor recreation uses; fraternity/sorority house; and similar and like uses subject to the approval of a Conditional Use Permit. These uses shall also be subject to the following standards:

- Lot area and width shall be the minimum required for the operation of the proposed use and its necessary infrastructure and still comply with all applicable setback requirements of this Section. Final determination of the minimum area and width necessary for any proposed use above shall rest with the administrative hearing body empowered to grant such requests. For any parcel encumbered by the Williamson Act Contract, said lot area shall also comply with the provisions of Government Code Section 66474.4.
- As a condition of approval of the reduction in lot area for any of the proposed uses above, the owner or owners of the property shall convey to the County the right to develop or construct principal residences on the lot created and on the remainder of the property in order to guarantee that the reduction in the lot area will not result in an increase in the density of residential uses than otherwise permitted in the zoning district in which the property is located.

[2] Minimum required lot size may be reduced for certain uses, subject to Design Review approval.

[3] [DELETED]

[4] Subdivision projects shall be required to have public water.

[5] Up to four lots may be served by a private drive without meeting the street frontage requirement. [AMENDED]

**5.3.2. Accessory Structures in Agricultural and Agricultural-Residential Zones**

**5.3.2.A. Applicability**

Four options are available for accessory structures on property zoned Agricultural or Agricultural-Residential:

1. For General Agricultural Structures, such as paddocks, barns, and commercial stables used for General Agricultural Uses, as defined, use the Development Standards in Table 5.5.
2. For Incidental Agricultural Accessory Structures related to incidental keeping of animals or incidental agricultural uses, use the Development Standards in Table 5.6.
3. For Accessory Structures (not related to agricultural uses), such as a pool house or detached garage, use the Development Standards in Section 5.4.5 and Table 5.10.
4. For Accessory Dwelling Units, use the Development Standards in Section 5.4.5 and Table 5.11.

NOTE: In any case, the combination of Incidental Agricultural Accessory Structures and Accessory Structures in Agricultural and Agricultural-Residential zones shall not exceed 5,000 square feet. General Agricultural Structure and Accessory Dwelling Unit square footage does not count toward this maximum.

**5.3.2.B. Development Standards for General Agricultural Structures in Agricultural and Agricultural-Residential Zones**

1. The provisions of this Section shall apply to properties zoned Agricultural or Agricultural-Residential. NOTE: AR-1 properties shall have a width greater than 150 feet for this section to apply.
2. The following development standards in Table 5.5 apply to General Agricultural structures and commercial stables, constructed, enlarged, or otherwise modified.

<b>Table 5.5 Development Standards for General Agricultural Structures in Agricultural and Agricultural-Residential Zones</b>		
<b>STANDARD</b>	<b>General Agricultural</b>	
	<b>Minimum Yard Setback Requirements (feet)</b>	<b>Height Limit (feet) [1]</b>
Front Yard (Without PUPF/With PUPF)	50 / 55	50
Interior Side Yard	50 [2]	50
Rear Yard	50 [2]	50
Side Street Yard (Without PUPF/With PUPF)	50 / 55	50
N/A = Not Applicable; PUPF = Public Utilities, Public Facilities easement (per Section 5.2.1)		
[1] Water tanks, silos, granaries, barns, antennas, and similar accessory or necessary mechanical structures may exceed a height of 50 feet provided they do not exceed any other height restrictions imposed on the specific location of the structure.		

**Table 5.5 Development Standards for General Agricultural Structures in Agricultural and Agricultural-Residential Zones**

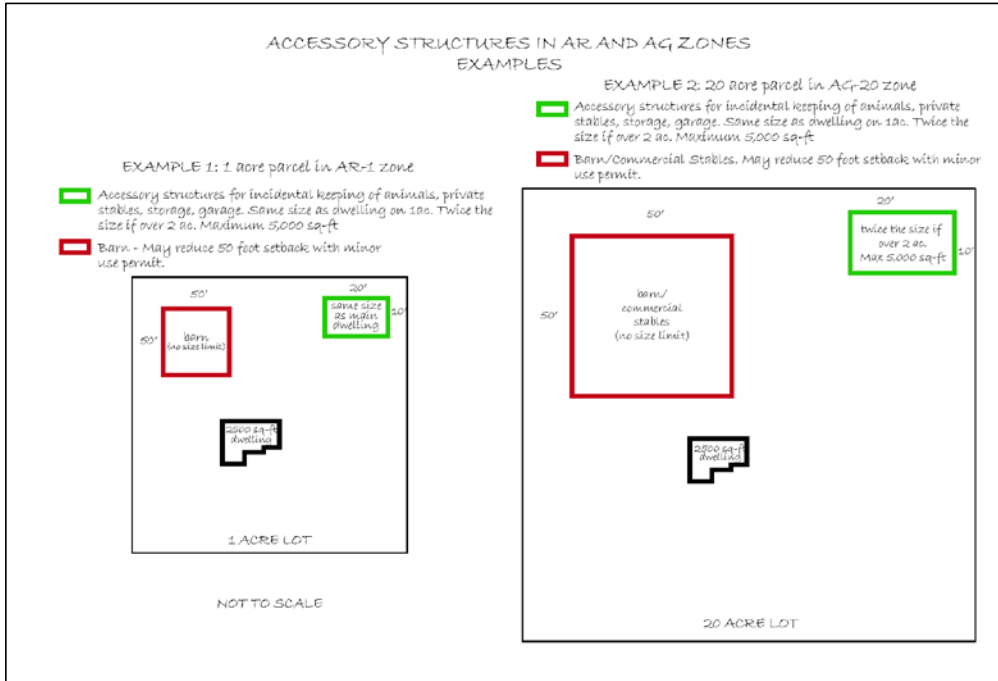
STANDARD	General Agricultural	
	Minimum Yard Setback Requirements (feet)	Height Limit (feet) [1]
[2] Deviations from setbacks are permitted with a Minor Use Permit.		

**5.3.2.C. Development Standards for Incidental Agricultural Accessory Structures in Agricultural and Agricultural-Residential Zones**

The following development standards in Table 5.6 apply to Incidental Agricultural Accessory Structures in the Agricultural and Agricultural-Residential zones, constructed, enlarged, or otherwise modified.

**Table 5.6 Development Standards for Incidental Agricultural Accessory Structures in Agricultural and Agricultural-Residential Zones [AMENDED 12-01-2017]**

STANDARD	Maximum Percent of the Habitable Floor Area of Primary Dwelling [1]		
	50% [2][3]	100% [2]	200% [2]
<b>General Standards</b>			
Net Lot Area	Less than 1 Acre	1-2 Acres	Over 2 Acres
<b>Minimum Yard Setback Requirements (feet)</b>			
Front Yard (Without PUPF/With PUPF)	25 / 30	20 / 25	20 / 25
Interior Side Yard	10	10	10
Rear Yard	10	20	20
Side Street Yard (Without PUPF/With PUPF)	12.5 / 18	12.5 / 18	12.5 / 18
<b>Maximum Height of Structure (feet)</b>			
Height of Structure to the Peak of the Roof	24	Same as permitted for primary dwelling	Same as permitted for primary dwelling
N/A = Not Applicable; PUPF = Public Utilities, Public Facilities easement (per Section 5.2.1)			
[1] The total floor area for all of the Accessory Agricultural Structures and Accessory Structures combined in Agricultural and Agricultural-Residential Zones shall not exceed 5,000 square feet.			
[2] Exceptions to these area requirements may be permitted with a Minor Use Permit.			
[3] The size of accessory structures on legal nonconforming parcels less than one (1) acre in size may be increased to greater than 50 percent with a minor use permit.			
[4] [DELETED]			
[5] [DELETED]			



**Figure 5-10:**

**5.3.3. Development Standards for Accessory Dwellings for Agricultural Employees**

The following standards shall be met:

1. Income requirements as listed in Section 3.9.3.C.
2. For each lot, a minimum gross area of five (5) acres per agricultural accessory dwelling unit is permitted.
3. The agricultural accessory dwelling setbacks and height shall meet the setbacks and height required for the primary dwelling.

For accessory dwelling units not related to agricultural employees, refer to Section 5.4.5.F.

For farmworker housing, see Section 3.5.2.B.

**5.4.5. Accessory Structures and Accessory Dwelling Units**

**5.4.5.A. Applicability**

1. For Accessory Structures in all zones and Incidental Agricultural Accessory Structures in Residential zoning districts, use Development Standards for Accessory Structures, Section 5.4.5.B and 5.4.5.E, as applicable.
2. For Accessory Dwelling Units in all zones, use the Development Standards of Section 5.4.5.F. Note: Accessory Dwelling Units contained within the existing space of a permitted single-family residence or accessory structure, with independent

exterior access from the existing residence, and sufficient side and rear setbacks for fire safety, are not subject to these development standards.

**5.4.5.B. Development Standards for Accessory Structures**

1. The development standards in Table 5.10 apply to all Accessory Structures listed in Section 3.9.3.CC and Incidental Agricultural Accessory Structures in Residential Zones that are constructed, enlarged, or otherwise modified. Accessory Structures are also subject to the development standards listed in Section 5.4.5.E.
2. Deviations from the standards of Sections 5.4.5.B and 5.4.5.E. may be permitted with a Special Development Permit by the Zoning Administrator, subject to the General Findings in Section 6.4.6.H.1.

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<b>Table 5.10</b>		<b>Development Standards for Accessory Structures in Residential Zoning Districts</b>			
<b>STANDARD</b>	<b>Accessory Structures</b> [1] [2] [8]	<b>Incidental Agricultural Accessory Structures</b>			
		<b>General</b>	<b>Chicken Coops</b>	<b>Hog Barn/ Pen</b>	
<b>General Standards</b>					
Maximum Square Footage (sq. ft.)	The area of all accessory structures on a single parcel, except accessory dwelling units and swimming pools, shall not exceed; <ul style="list-style-type: none"> <li>For lots less than 20,000 sq. ft. in area: 50 percent of the habitable floor area of the primary residential dwelling. [3]</li> <li>For lots 20,000 sq. ft. in area or greater, 100 percent of the habitable floor area of the primary dwelling. [3]</li> </ul>		30 [4]	500 sq.ft. (pen area)/ 500 sq.ft. (Building Area)	
Maximum Building Coverage	30 percent of rear yard [3]		N/A	N/A	
Maximum Height (feet)	16 (14 feet to plate line and limited to one story)	24	8	16 [5]	
<b>Minimum Yard Setback Requirements (feet)</b>					
Front Yard (Without PUPF/With PUPF)	20 / 25	25 / 30	N/A [6]	N/A [6]	
Interior Side Yard	3 [7]	10	3 [9]	50	
Rear Yard	3 [7]	10	3 [9]	50	
Side Street Yard (Without PUPF/With PUPF)	12.5 / 18	12.5 / 18	3-[9]	50	
Primary Structure	[10]	10	N/A	N/A	
<b>Maximum Permitted Encroachment Into Required Yard Areas (feet)</b>					
Front Yard and Side Street Yard	Air Conditioning Equipment: 5 [11] Other Mechanical Equipment: 5 [11]		5-[11]	N/A	
Interior Side Yard and Rear Yard	Air Conditioning Equipment: 0 Other Mechanical Equipment: 5 [12]		N/A	N/A	

<b>Table 5.10</b>		<b>Development Standards for Accessory Structures in Residential Zoning Districts</b>		
<b>STANDARD</b>	<b>Accessory Structures</b> [1] [2] [8]	<b>Incidental Agricultural Accessory Structures</b>		
		<b>General</b>	<b>Chicken Coops</b>	<b>Hog Barn/ Pen</b>
<p>N/A = Not Applicable; PUPF = Public Utilities, Public Facilities easement (per Section 5.2.1)</p> <p>[1] Swimming pools and spas may not be located within the required front or side street yard; within a recorded setback, except the rear yards of through lots unless otherwise prohibited by a recorded subdivision map; within a public utility easement; or within a public easement. These regulations shall not affect requirements of SPA zoning districts.</p> <p>[2] Also see additional development standards of Section 5.4.5.E for Accessory Structures.</p> <p>[3] For the purpose of this calculation, all enclosed or roofed space shall be counted as space occupied by accessory buildings. This restriction does not apply to swimming pool area.</p> <p>[4] A minimum of three (3) square feet per bird shall be provided to a maximum of 30 square feet.</p> <p>[5] Not to exceed one (1) story and plat line not to exceed 10 feet.</p> <p>[6] Chicken and hog keeping is allowed in the rear yard only.</p> <p>[7]-Accessory structures must maintain a minimum three (3) foot setback from property lines for any portion of the structure, unless a greater setback is required in Footnote [10]. NOTE: smaller structures or sheds which do not exceed 120 square feet in area or nine (9) feet in height overall may be placed on the property line.</p> <p>[8]-Fences over seven (7) feet in height are permitted when setback three (3) feet from an interior property line after first securing an approved building permit. Fences over seven (7) feet in height may be permitted on interior property lines with a Special Development Permit by the Zoning Administrator. See Section 5.2.5, "Development Standards for Walls and Fences" for complete fencing standards. Fence height may be modified by a condition of approval where the Zoning Administrator finds that due to site features different screening requirements are necessary.</p> <p>[9]- A minimum 20 foot setback from all neighboring residential dwellings.</p> <p>[10]-If less than six (6) feet from the wall of the primary residence, accessory structures of any size must meet the same setback as the primary residence.</p> <p>[11]-Provided said equipment is within a solid fenced yard or enclosure.</p> <p>[12]-Provided equipment shall be no closer than two (2) feet from any property line.</p>				

**Figure 5-11:** [DELETED]

**5.4.5.C. [DELETED]**

**5.4.5.D. [DELETED]**

**5.4.5.E. Additional Development Standards for Accessory Structures**

1. Accessory Structures that meet the development standards of Table 5.10 and this Section are allowed in all zones that allow primary single family residential uses.
2. Additional Development Standards for Accessory Structures:
  - a. Structures shall not be used for habitation, as defined. However, structures can include conditioned space.
  - b. Structures may not have internally accessible rooms, other than a bathroom. This includes closets greater than three feet in depth, storage rooms of any size, bedrooms, or closed off kitchens.
  - c. Structures are limited to two plumbing fixtures, except when a property has a pool. In this case, an ancillary pool house may have three plumbing fixtures.
  - d. Structures shall not include a stove or range/cooktop.
  - e. Building Plans Will Be Marked “Non-Habitable Structure- Not To Be Used for Sleeping” by PER reviewer.
3. Requests for Deviations
 

Accessory Structures that do not meet an applicable development standard may request a Special Development Permit to permit deviations, subject to the General Findings in Section 6.4.6.H.1.

**Comment [JCB3]: DISCUSSION ITEM:** These are new, more stringent, standards for accessory structures. They are being proposed to better differentiate living units from general accessory structures. This should make building permit review more streamlined and leave less ability for property owners to convert accessory structures to illegal living quarters.

Do these standards seem reasonable? What, if anything, should be changed, added or deleted?

**5.4.5.F. Development Standards for Accessory Dwelling Units in All Zones**

The development standards in Table 5.11 and Section 5.4.5.F. apply to Accessory Dwelling Units (ADUs) that are constructed, enlarged, or otherwise modified in all zones. [Note; per State law, ADUs contained within the existing space of a legally permitted single-family residence or accessory structure, with independent exterior access from the existing residence and sufficient side and rear setbacks for fire safety, are not subject to the provisions of this Section.]

Table 5.11 Development Standards Accessory Dwelling Units (ADUs) in All Zones		
Standard	Structure	Mobilehome/ Manufactured Home
Number of ADUs Per Lot	1	
Minimum ADU Size (Habitable Square Footage)	150 sq ft	
Maximum ADU Size- Detached (Habitable Square Footage)	For lots of less than 5,200 sq ft - Special Development Permit required for any size ADU For lots of 5,200 sq ft to less than 20,000 sq ft - 800 sq ft For lots of 20,000 sq ft or greater - 1,200 sq ft	

**Comment [JCB4]: DISCUSSION ITEM:** These ADU size limits would be by-right. They are larger than the current standards, but within the range that most jurisdictions reviewed permit.

Should they be larger? Smaller? Does the breakout by lot size work for clarity and fairness?

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Maximum ADU Size- Attached (Habitable Square Footage)	Same size limitations as for Detached ADUs, except that attached units cannot exceed 50% of the primary dwelling habitable square footage.	N/A
Maximum Non-Habitable Square Footage Attached to ADU	50% of the ADU Habitable Square Footage	N/A
Minimum Building Width	N/A	
Maximum Building Height	Same height and story limits as for primary dwellings. See Section 5.4.2.B.	
General Setbacks	Same setbacks as for primary dwellings. See Section 5.4.2.B	
Minimum Setback from Primary Dwelling	Attached Unit: N/A Detached Unit: 10 feet	10 feet
Minimum Building Attachment	An attached ADU must share a wall with the primary residence. The shared area must span at least 30 percent of the shared wall of the subordinate building.	N/A
Foundation	All ADUs shall be constructed on a permanent foundation.	
Equipment Encroachment Allowances	Encroachment Allowances as Listed in Section 5.4.5.B., Table 5.10	
Parking Requirements	See Section 5.4.5.F.2.b.	

**Comment [JCB5]: DISCUSSION ITEM:** Currently ADUs are limited to a single story, 16 foot height maximum. This change would allow for two story ADUs by right, provided they meet development standards.

Should two story ADUs be allowed? Does allowing two story ADUs help reduce structural footprints, or allow for ADUs on smaller lots?

1. **Requests for Deviations.** Deviations from development standards listed in this Section may be permitted with a Special Development Permit, subject to the General Findings in Section 6.4.6.H.1 and Additional Findings in Section 6.4.6.H.4. However, deviations from the maximum permitted size are not allowed beyond 1,200 square feet.
2. **Design and Additional Development Standards for Accessory Dwelling Units in All Zones.**
  - a. **Design Review.** All ADUs are required to comply with the Countywide Design Guidelines- Single Family Design Guidelines, as required in Section 6.3.2.A of this Code.  
  
A Design Review shall be completed for all ADUs prior to issuance of building permits or concurrent with review of a Special Development Permit if required.  
  
In addition to compliance with the Countywide Design Guidelines, the Design Review shall confirm that:

**Comment [JCB6]: DISCUSSION ITEM:** State Ordinance allows for a ministerial permitting process for new ADUs (other than renovation of existing space).

In some jurisdictions this is simply a building permit.

In others, a separate Administrative Permit specifically for the ADU is required. Usually, this additional process is used to confirm the compatibility of the proposed ADU with the existing primary dwelling and surrounding neighborhood.

PER staff is proposing use of the existing Nondiscretionary Design Review program for a similar compatibility review.

Should ADUs in Sacramento County be subject to additional permitting? If so, what criteria should be reviewed?

- (i) The ADU is architecturally compatible with, and subordinate to, the primary residence in that:
  - 1. The exterior finish materials of a detached ADU are visually similar or complementary to those of the primary residence with respect to type, size, placement, and color.
  - 2. The exterior finish materials of an attached ADU are visually similar to the primary residence, with the goal of appearing as a single cohesive unit.
  - 3. The roof pitch of a detached ADU may vary from the primary dwelling, however flat-roofed structures are discouraged.
  - 4. The roof pitch of an attached ADU should be the same as the predominate roof pitch of the primary residence.
  - 5. The primary entrance to an attached ADU shall not be constructed on the façade of the primary residence that faces a public right of way, unless other placement options are not viable.
- (ii) The ADU has been sited and designed to poses minimal visual impact to, and maintain the privacy of, surrounding properties by:
  - 1. Greater setbacks than the minimum required are utilized when possible and beneficial to lessen visual impact of the ADU on surrounding properties.
  - 2. Windows, patios and balconies are faced away from neighboring properties to the greatest extent feasible.
  - 3. Landscaping is used as screening to enhance residential privacy.
- b. **Parking.** For ADUs, one (1) parking space per bedroom shall be provided, except that parking is not required where:

- (i) The accessory dwelling unit is located within one-half mile of public transit, including transit stations and bus stations.
  - (ii) The accessory dwelling unit is located within an architecturally and historically significant historic district.
  - (iii) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
  - (iv) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
  - (v) Where there is a car share vehicle located within one block of the accessory dwelling unit.
- c. Conversion of Covered Parking. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, replacement parking shall not be required and may be located in any configuration on the same lot as the accessory dwelling unit.
  - d. Sewer and Water. Public sewer and water facilities shall be provided in the Residential zoning districts. If public sewer and water are not available, the project may be considered subject to Environmental Health approval.
  - e. Parcel Subdivision. The property upon which an accessory dwelling is located shall remain an unsubdivided parcel, unless all standards of the parent zoning district can be met.
  - f. Additional Requirements. The appropriate authority may apply additional conditions to a Special Development 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.

### **6.3.2. Design Review**

#### **6.3.2.A. General**

Compliance with the County-wide Design Guidelines is required for any commercial, industrial, residential, mixed-use, institutional, or public works project that meets Section 6.3.2.A.1 and either 6.3.2.A.2 or 6.3.2.A.3.

- 1. Located in any one of the following existing or proposed land use zoning districts:
  - a. Commercial Zoning Districts: BP, LC, GC, SC, AC, TC, CO.
  - b. Mixed-Use Zoning Districts: NMC, CMC, CMZ.
  - c. Industrial Zoning Districts: MP, M-1, M-2.
  - d. Special Zoning Districts: SPA.
  - e. Nonresidential development in any residential zoning district.
  - f. Single-Family and Multi-Family Residential development in any zoning district. Design Review of single-family projects shall be pursuant to Table 6.2.
  - g. Structures related to commercial and institutional uses in Agricultural and Agricultural-Residential Zoning Districts.

**TABLE 6.2:**

<b>Residential Development Scenarios</b>	<b>Site Design</b>	<b>Building Design</b>	<b>Landscape Design</b>	<b>Point in process when Design Submittal Triggered</b>
Subdivisions 20 lots or more with density 8 d/u per net acre or less	X	X	X	Site Design with tentative map. Building and Landscape Design prior to building permit submittal.
Subdivisions with density greater than 8 d/u per net acre	X	X	X	All concurrent with tentative map
Subdivisions less than 20 lots with density 8 d/u per net acre or less, custom lot subdivisions, and all parcel maps	X	Only if condition of approval	Only if condition of approval	Site Design with tentative map. Building Design and Landscape Design if required, prior to issuance of building permit.
New homes on existing lots, remodels, or additions		Only if condition of map	Only if condition of map	Per direction of map condition
Accessory Dwelling Units [1]	X	X		Site and Building Design prior to issuance of building permit, or concurrent with entitlement review, if required.

[1] Design Review must also confirm compliance with criteria listed in Section 5.4.5.F.2.

**6.4.6. Special Development Permits**

**6.4.6.H.4 Deviation from Development Standards for Accessory Dwelling Units.**

In addition to the general findings in Section 6.4.6.H.1, the appropriate authority shall not issue a Special Development Permit to allow deviations from the ADU standards of Section 5.4.5.F, unless it makes one or more of the following findings:

- a. The deviation maintains or enhances the subordinate nature of the ADU.
- b. The deviation allows for ADU design that better integrates the unit with the primary dwelling and surrounding development.
- c. The location of natural features or existing site improvements will cause visual intrusion or compromised privacy for surrounding dwellings, if strict adherence to development standards is required.

**7.3 CODE TERMS AND USE DEFINITIONS**

This Section defines the terms used in this Code and the uses contained in Chapter 3, Use Regulations.

**Attached/Attachment**

A structure that shares a common wall with another structure.

**Den (family room, sewing room, study, loft studio or similar rooms)**

A room which is open (has no door and has one wall that is at least 50 percent open to the interior portion of the dwelling) or at least one side, does not contain a wardrobe, closet or similar facility, and which is not designed or used for sleeping purposes. A room which does not adhere to the above open wall requirement can also be considered a den if it opens directly into a garage area and is designated for common living space.

**Dwelling, Accessory Unit**

An attached or detached dwelling unit, accessory to a primary dwelling, which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An Accessory Dwelling Unit also includes the following:

- An efficiency unit, as defined in Section 17958.1 of California Health and Safety Code.
- A manufactured home, as defined in this Chapter and in Section 18007 of the California Health and Safety Code.

**Habitable Area**

Areas within a structure, typically a residential occupancy, used for living, sleeping, eating or cooking purposes. Bathrooms, closets, hallways, laundry rooms, storage rooms and utility spaces are not habitable areas.

**Structure, Incidental Agricultural Accessory**

A structure that supports agricultural activity or animal husbandry 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 Agricultural Accessory Structures include private stables and corrals, barns used primarily for agricultural purposes, and chicken coops.

**Structure, Accessory**

A structure that is accessory to a permitted primary residential use and is developed in a manner that does not allow for sleeping (i.e., non-habitable) or include independent living facilities. Examples include detached garages, workshops, sheds, gazebos, and pool houses. Does not include Accessory Dwelling Units or Incidental Agricultural Accessory Structures.

**7.4 ACRONYMS**

**ABC** - Department of Alcoholic Beverage Control

**ADA** – Americans with Disabilities Act [AMENDED 12-01-2017]

**ADU** – Accessory Dwelling Unit