REPORT TO LAW & LEGISLATION COMMITTEE
City of Sacramento

915 I Street, Sacramento, CA 95814-2671

STAFF REPORT
September 7, 2010

Honorable Members of the
Law and Legislation Committee

Title: 2010 Regulatory Improvement Code Changes **(M09-034)**

Location/Council District: Citywide/All

Recommendation: It is recommended that the Law and Legislation Committee review and recommend approval of the proposed ordinances and forward their recommendation to the City Council.

Contact: Sandra Yope, Senior Planner, (916) 808-7158, Joy Patterson, Principal Planner, (916) 808-5607

Presenters: Sandra Yope, Senior Planner, (916) 808-7158

Department: Community Development

Division: Planning

Organization No: 21001221

Description/Analysis

Issue: In establishing the Regulatory Improvement Team, the City Council directed staff to bring forward code changes that promote an appropriate regulatory environment, facilitate and streamline the development process, and create clear and consistent directives.

Staff has prepared four ordinances that propose numerous amendments to the Zoning Code, the Subdivision Code, and other parts of the City Code. The first two ordinances include a bundle of code changes that incorporates Council directed changes, streamlines land use entitlement processing, corrects previous omissions or errors in the code, and creates uniformity between processes in Title 17, the Zoning Code, and Title 16, the Subdivision Code. There are also changes proposed related to industrial uses that were changed in the original bundle of changes to implement the 2030 General Plan and after further review are being returned to the previous requirements prior to last year's change. The third ordinance cleans up and clarifies the Home Occupation chapter of Title 17.

The final ordinance streamlines the sidewalk café (in the public right-of-way [ROW]) permitting process and places the review with the Department of Transportation who issues the encroachment permit.

The most significant changes in the bundle include adding and changing definitions relating to auto related uses, definitions for thrift or secondhand stores, and changing the allowed time for reestablishing a discontinued a deemed or existing special permit use from two years to one year.

Policy Considerations: These ordinances are consistent with the City Council focus areas of Economic Development and Sustainability and Livablility. Updating the zoning ordinance will help to facilitate implementation of the 2030 General Plan. The proposed ordinances are consistent with the Community Development Department's strategic areas to promote an appropriate regulatory environment and streamline the process

Committee/Commission Action: The proposed code amendments will be presented to the Planning Commission on August 26, 2010. The action of the Commission will be presented at the hearing.

Environmental Considerations:

California Environmental Quality Act (CEQA): The adoption of the ordinances is not a "project" covered by the California Environmental Quality Act (CEQA) under CEQA Section 21065 and CEQA Guidelines Section 15060(c)(2).

Sustainability Considerations: The zoning code updates foster sustainability by encouraging economic development and infill development within the City.

Rationale for Recommendation: This furthers implementation of the 2030 General Plan implementation by streamlining the zoning ordinance. The proposed code amendments will clarify and further streamline entitlement processing by reducing redundant processes and clarifying confusing language found in the code. The proposed amendments also clean up previous errors, omissions, and make code language consistent with previously adopted ordinances.

Financial Considerations: None.

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.

Respectfully Submitted by: David Kwong, Planning Manager

2010 Regulatory Improvement Code Changes (M09-034) **September 7, 2010**

Approved by: _____
Max Fernandez
Director of Community Development

Recommendation Approved:

_____
For Gus Vina
City Manager

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Attachment 1

Proposed Amendments to the City Code

Staff has prepared four ordinances. The first proposed ordinance includes the City Council directed changes to the Zoning Code. Both the first and second proposed ordinances incorporate numerous changes to both Title 17 and Title 16. The proposed changes that simplify the development process or requirements are considered streamlining. Those proposed changes that eliminate confusing code language, correct errors, or ensure conformance with state law and other parts of the City Code are considered clarifying. The final area is uniformity for those changes that create consistency between processes, requirements, or other codes.

Council Directed:

- Changes the definitions for auto sales, service, repair, storage and rental to be more expansive and separates all service and repair related activities from sales, rental and storage activities, and also includes all types of vehicles both registered and non-registered. (Sections 17.16.010, 17.24.030 A and B, 17.24.050)
- Establishes the minimum 1,000 foot required distance between "fuel storage yards" and residential properties as a fixed standard applicable to all "fuel storage yards."(Sections 17.16.010, 17.24.050)
- Adds a definition for thrift store or secondhand store and adds this use to the land use tables. (Sections 17.16.010, 17.24.030 A and B, 17.94.030)
- Reduces the period of time that a discontinuance of a use with a deemed special permit will cause automatic revocation of the special permit from two years to one year, to be consistent with the provisions of discontinuance of non-conforming uses. (Section 17.88.030)

Streamlining:

- Exempt re-roofing projects from Design Review for structures less than 50 years old and that meet specific criteria. Exempt HVAC installations from Design Review that meet specific criteria. (Section 17.132.290)
- Removed the special permit requirement in the C-4 and M-1 zones that was added last year as part of the General Plan Update Zoning Code changes for towing services. Allow dairy processing plant, food processing plant, and terminal yard, trucking by right in the M-1 zone. Staff visited several of the facilities and determined the uses are compatible in the zone without a special permit. (Section 17.24.040 Tables A and B)

Clarifying/Administrative Clean-Up Language:

Title 17, Zoning Code Changes:

- Add a "Terminal yard, trucking" definition as a result of the General Plan update to clarify the difference between a terminal trucking yard and a warehouse/distribution facility with trucks. (Section 17.20.010)
- Correct numerous code section references to reflect previously adopted code changes or additions made to the Zoning Code. Clean up the land use charts to eliminate duplicative entries which can be confusing. (Sections 17.20.020, 17.24.020 Tables A and B, 17.24.030 Tables A and B, 17.24.040 Tables A and B, 17.080.050, 17.108.060,17.200.040, 17.204.010)
- Add clarifying language to code sections to help clarify intent of the section. (Sections 17.24.050 Footnotes 11 and 80, 17.76.020,17.196.010)

Title 16, Subdivision Code Changes:

- Makes numerous administrative text changes to clean up previous errors or omissions and to make the language consistent with other sections of the City Code and ensure compliance with state law. (Sections 16.04.040, 16.08.010, 16.12.20, 16.40.130, 16.52.020)
- Add clarifying language to code sections to help clarify intent. (Sections 16.40.220, 16.40.240, 16.52.010 and 16.52.020.

Uniformity:

Title 17, Zoning Code Changes:

- Change the noticing requirements for text changes to the General Plan and specific plans to require publication only. (Section 17.204.020)
- Add lighting standards for parking areas (Section 17.64.030)

Title 16, Subdivision Code Changes:

- Require that when halfplex lots are created, the halfplex must be constructed and have a final inspection as a condition of finaling the map. This eliminates potential density conflict issues and lots created for halfplexes that later have entitlement requests to turn them into substandard single family lots. (Sections 16.04.040, 16.28.060, 16.32.090, 16.32.150)
- Changed the call-up provisions to only the mayor and the councilmember whose district the project is located to be consistent with all other call-up provisions. (Section 16.24.100)

The third ordinance amends the Home Occupation Requirements found in Title 17 by clarifying the rules and identifying common home occupations. Additionally, the internal permitting process was changed so that Home Occupation Permits (HOP) are issued by either Revenue or Planning and are reviewed by Planning for compliance. The code changes reflect the process changes.

The final ordinance amends Titles 3 and 17 relating to sidewalk cafes in the public ROW and streamlines the process by moving permitting to the Department of Transportation

(DOT) who already issues the encroachment permit. Previously applications were filed with the Community Development Department with a fee; however, the actual encroachment permit was issued by DOT resulting in an unnecessarily cumbersome and lengthy process. The development and design standards will not change as those requirements in their entirety were moved from Title 17 to Title 3.

Attachment 2

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING SECTIONS 17.16.010, 17.20.020, 17.24.020, 17.24.030, 17.24.040, 17.24.050, 17.64.030, 17.76.020, 17.80.050, 17.88.030, 17.94.030, 17.108.060, 17.132.290, 17.196.010, 17.200.040, 17.204.010, AND 17.204.020 OF TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) RELATING TO APPLICATION PROCESSING AND CODE MAINTENANCE (M09-034)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Section 17.16.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The definition of "auto sales (new or used), service, repair, storage and rental" in Section 17.16.010 is amended to read as follows:

"Auto sales (new or used), ~~service, repair,~~ storage, ~~and~~ or rental" means establishments primarily engaged in the sale, ~~maintenance, service, repair,~~ long term storage, ~~and~~ or rental or leasing of automobiles, motorcycles, scooters, mopeds, light trucks, vans, trailers, and recreational vehicles subject to registration with the California Department of Motor Vehicles. ~~Automobiles include vehicles registered by the Department of Motor Vehicles.~~ This term does not include h~~H~~eavy trucks and tractors ~~are not included in the definition of automobiles~~. Sales~~, service, and repair~~ of heavy trucks and tractors are ~~considered~~ included within the category of truck and tractor sales, service, and repair. ~~Auto parts stores with no service or repair would not be included in this use but would be considered retail stores.~~ See also "towing service and vehicle storage yard."

~~1. "Auto sales" means the use of any building, land area, or other premises for the display and sale of new or used automobiles. The sale of light trucks, vans, trailers, recreational vehicles, or motorcycles is considered auto sales. "Auto sales" includes any preparation or repair work conducted as an accessory use.~~

~~2. "Auto service and repair" means establishments primarily engaged in furnishing automotive maintenance, service, repair or painting.~~

~~3. "Auto storage" means establishments primarily engaged in long term storage of autos. See also "Towing Service and Vehicle Storage Yard."~~

~~4. "Auto rental" means establishments primarily engaged in the rental or leasing of autos.~~

B. The following definition of "auto service or repair" is added to Section 17.16.010 to read as follows:

"Auto service or repair" means establishments primarily engaged in the maintenance, service, diagnosis, repair, or painting of automobiles, motorcycles, scooters, mopeds, light trucks, vans, trailers, and recreational vehicles subject to registration with the California Department of Motor Vehicles. Included in this definition are body shops, automotive paint shops, tire stores, muffler shops, auto electric shops, van conversion shops, lubrication centers, auto-sound shops, auto-alarm shops, auto-upholstery shops, wheel alignment shops, and similar automotive-related repair and installation businesses. "Auto service or repair" does not include service stations, as defined in this section, or automotive telecommunication or computer installers. "Auto service or repair" does not include auto parts stores with no service or repair, which are considered retail stores. Service and repair of heavy trucks and tractors are included within the category of truck and tractor sales, service, and repair.

C. The definition of "fuel storage yard" in Section 17.16.010 is amended to read as follows:

"Fuel storage yard" means portions of properties where flammable and combustible liquids and gasses are received by tank vessels, pipe lines, tank cars or tank vehicles, and are stored above ground, ~~or~~ blended in bulk, or compressed, for the purpose of distributing such liquids by tank vessels, pipelines, tank cars, tank vehicles, or containers.

D. The definition of "gas station" in Section 17.16.010 is deleted.

~~"Gas station" means any building, land area, or other premises, or portion thereof, used primarily for the retail dispensing or sales of vehicular fuels. Servicing and repair of automobiles; sale and installation of lubricants, tires, batteries, and similar vehicle accessories; and a car wash facility may be allowed based upon the regulations of the zone of the site. A gas station use with greater than one hundred (100) square feet of retail sales, unrelated to automobile service, shall be considered to include a convenience market and must meet the regulations for a convenience market (see Section 17.24.050, footnote 34).~~

E The following definition of "service station" is added to Section 17.16.010 to read as follows:

"Service station" means any building, land area, or other premises, or portion thereof, used primarily for the retail dispensing or sales of vehicular fuels. Servicing and repair of automobiles; sale and installation of lubricants, tires, batteries, and similar vehicle accessories; and a car wash facility may be allowed based upon the

regulations of the zone of the site. A service station use with greater than one hundred (100) square feet of retail sales, unrelated to automobile service, shall be considered to include a convenience market and must meet the regulations for a convenience market (see Section 17.24.050, footnote 34).

F. The following definition of "secondhand store" is added to section 17.16.010 to read as follows:

"Secondhand store" and "thrift store" mean an establishment operated by a private person or not-for-profit organization that devotes 40% or more of floor space to the display of used merchandise, including used appliances, furniture, household items, clothing, or other personal property, that is offered for sale to the public.

G. The following definition of "terminal yard, trucking" is added to section 17.16.010 to read as follows:

"Terminal yard, trucking" means a major assemblage station and maintenance and repair facility, as at a terminus where trucks originate or terminate, or at which they are distributed or combined.

H. The following definition of "thrift store" is added to section 17.16.010 to read as follows:

"Thrift store" See "secondhand store."

I. The definition of "warehouse" in Section 17.16.010 is amended to read as follows:

"Warehouse and distribution center" means a building or portion of a building used primarily for the long- or short-term storage of goods and materials awaiting transportation or distribution, and not generally accessible to the general public. Incidental storage, repair, and maintenance of trucks associated with the distribution of goods from the warehouse are allowed.

J. Except as specifically amended by the amendments to definitions set forth in subsections A through I, Section 17.16.010 remains unchanged and in full force and effect.

SECTION 2. Section 17.20.020 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.20.020 Overlay zones.

The following overlay zones are discussed in more detail in Chapters 17.136 through 17.176 and are listed here for convenient reference only:

I-5	Interstate 5 corridor overlay zone	Ch. 17.140
EA	Executive airport overlay zone	Ch. 17.144
LI	Labor intensive overlay zone	Ch. 17.148
AOL	Ascot Avenue overlay zone	Ch. 17.152
FF	Floodway fringe overlay zone	Ch. 17.156
FW	Floodway overlay zone	Ch. 17.156
PC	American River parkway corridor overlay zone	Ch. 17.160
NC	Neighborhood corridor overlay zone	Ch. 17.164
UN	Urban neighborhood overlay zone	Ch. 17.168
MC	Midtown commercial overlay zone	Ch. 17.172
BC	Building conservation overlay zone	Ch. 17.176
TO	Transit Overlay Zone	17.178

SECTION 3. Section 17.24.020 Residential Land Use Chart of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Table 17.24.020A is amended to read as set forth in Exhibit 1 to this Ordinance.

B. Table 17.24.020B is amended to read as set forth in Exhibit 2 to this Ordinance.

C. Except as specifically amended as set forth in Exhibits 1 and 2 of this Ordinance, section 17.24.020 and Tables 17.24.020A and 17.24.020B remain unchanged and in full force and effect.

SECTION 4. Section 17.24.030 Commercial Land Use Chart of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Table 17.24.030A is amended to read as set forth in Exhibit 3 to this Ordinance.

B. Table 17.24.030B is amended to read as set forth in Exhibit 4 to this Ordinance.

C. Except as specifically amended as set forth in Exhibits 3 and 4 of this Ordinance, section 17.24.030 and Tables 17.24.030A and 17.24.030B remain unchanged and in full force and effect.

SECTION 5. Section 17.24.040 Industrial and Agricultural Land Use Charts of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Table 17.24.040A is amended to read as set forth in Exhibit 5 to this Ordinance.

B. Table 17.24.040B is amended to read as set forth in Exhibit 6 to this Ordinance.

C. Except as specifically amended as set forth in Exhibits 5 and 6 of this Ordinance, section 17.24.040 and Tables 17.24.040A and 17.24.040B remain unchanged and in full force and effect.

SECTION 6. Section 17.24.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Footnote 4 of Section 17.24.050 is amended to read as follows:

4. Entire business shall be conducted within a building. No outdoor storage or display of new and/or used merchandise is permitted in this zone. ~~Outdoor display and storage shall include but not be limited to new and used tires, appliances, furniture, auto parts, equipment, planting and landscaping supplies.~~

B. Footnote 11 of Section 17.24.050 is amended to read as follows:

11. Auto sales (new or used), storage, or rental and auto service or repair. ~~Auto Repair~~ Auto sales (new or used) and auto rental are not allowed in residential zones. Auto storage and auto service or repair are not allowed in residential zones except as a permissible accessory use as expressly provided in this subsection (11). Auto service or ~~R~~repair ~~or maintenance of automobiles and other vehicles~~ shall be considered a permissible accessory use in a residential zone only if the work is being done on a vehicle registered to a resident of the premises. Auto s~~S~~torage ~~of automobiles and other vehicles~~ shall be considered a permissible accessory use in a residential zone only if the vehicle being stored is registered to a resident of the premises. Any such vehicle being serviced, repaired, ~~maintained,~~ or stored must be located on an approved paved surface and must not violate any other provision of this title or the city code. No more than two vehicles may be undergoing service or repair ~~or maintenance~~ or may be stored on any premises at any one time. A vehicle that is inoperable or in pieces is presumed by this definition to be undergoing repair. No person shall operate an auto service or repair or auto storage business in a residential zone.

C. Subsection (a) of Footnote 80 of Section 17.24.050 is amended to read as follows:

a. Purpose. The purpose of this footnote is to encourage appropriate transit-supportive uses on existing vacant or underutilized parcels located in whole or in part within a quarter-mile radius of a light rail station. Certain commercial and light industrial uses otherwise allowed by right in these areas are not considered transit-supportive and, therefore, are made subject to review on a case-by-case basis to ensure that new development within a quarter-mile radius of light rail stations is pedestrian friendly, supports light rail ridership, and does not preclude future transit-supportive development. The special permit, plan review, and other requirements and regulations contained in this footnote are intended to apply only to buildings constructed or expanded on or after September 28, 2004 and uses established on or after September 28, 2004, as provided below. In addition, the special permit, plan review, and other requirements and regulations contained in this footnote apply only to uses and buildings located on properties within a quarter-mile radius of a light rail station. Therefore, if the use or building is located on a property that is beyond a quarter-mile radius of a light rail station, the requirements and regulations contained in this footnote do not apply and the use is allowed, subject to any other requirements of the zone in which the use is located.

D. Footnote 82 of Section 17.24.050 is amended to read as follows:

82. Fuel storage yards.

Fuel storage yards are permitted in this zone, subject to the following limitations and requirements:

a. No fuel storage yard shall be established or located within one thousand (1,000) feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone or residential use.

b. A planning commission special permit issued pursuant to and subject to the findings required by Chapter 17.212 is required to establish a fuel storage yard that meets all of the following criteria:

~~a~~i. The fuel storage yard will be located on a parcel that is greater than two acres in size;

~~b. The parcel is located within one thousand (1,000) feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone or residential use;~~

~~c~~ii. The parcel would contain one or more tanks of five hundred (500) gallon or greater capacity containing liquefied or compressed flammable or combustible gases;

~~d~~iii. Liquefied or compressed flammable or combustible gases are generated or manufactured on the site; and

~~e~~iv. Liquefied or compressed flammable or combustible gases are distributed in containers with a capacity of greater than twenty (20) gallons.

E. Except as specifically amended by the amendments to footnotes 4, 11, 80, and 82, Section 17.24.050 remains unchanged and in full force and effect.

SECTION 7. Section 17.64.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection J is added to Section 17.64.030 to read as follows:

J. Exterior Lighting.

~~Lighting, if provided, shall reflect away from residential areas and public streets.~~Exterior lighting conforming to the following requirements shall be provided for all parking lots:

1. Exterior lighting shall be provided to meet the following performance standards:

a. Minimum maintained illumination of 1.5 foot candles per square foot of parking area during business hours;

b. Minimum maintained illumination of .25 foot candles per square foot of surface area of all walkways, alcoves, and passageways serving the parking lot from one-half hour before dusk to one-half hour after dawn.

2. Exterior lighting shall be designed in coordination with the landscaping plan to minimize interference between the light standards and required illumination and the landscape trees and required shading.

3. All light fixtures shall be vandal resistant.

4. Exterior lighting shall be shielded or otherwise designed to avoid spill-over illumination of adjacent streets and properties.

B. Except as specifically amended by the addition of subsection J, Section 17.64.030 remains unchanged and in full force and effect.

SECTION 8. Section 17.76.020 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection A of Section 17.76.020 is amended to read as follows:

A. Residential Developments (Single-Family, ~~and~~ Two-Family, and Multi-Family)—Front and Street Side Yard.

Walls or fences not exceeding four feet in height may be placed along the front and street side property lines or within the front yard and street side yard setback areas subject to the following exceptions.

1. Exception—Wrought Iron Fences.

A decorative open metal wrought iron or tubular steel fence not exceeding six feet in height may be placed along the front and street side property lines or within the front yard and street side yard setback areas. This exception does not authorize solid walls or fences composed of woven wire, wood, or materials other than open metal wrought iron or tubular steel. A post or pilaster, consisting of masonry, brick or other solid material not exceeding eighteen (18) inches square and six feet tall, may be used to support a wrought iron or tubular steel fence at a minimum distance between posts of six feet.

2. Exception—Street Side Yard Setback Area.

a. Fence Location. A fence or wall not exceeding six feet in height may be placed within the street side yard setback area if it is either located at least five feet from the street side property line, or is placed on a line parallel to the street which represents the extension of the wall of the main building which is nearest to the street.

b. Landscaping Requirement. Climbing vines, shrubs or trees shall be planted along the base of that portion of the wall or fence that fronts a public street. The remaining setback area between the fence and property line shall be landscaped with grass or other low ground cover. All plants shall be properly irrigated and maintained. Only living vegetation may be used to meet the landscaping requirements.

3. Exception—Gate Feature.

A decorative gateway feature is permitted as long as the feature has a maximum height of ten (10) feet, a maximum length of eight feet and a maximum width of twenty-four (24) inches.

B. Subsection B of Section 17.76.020 is amended to read as follows:

B. Residential Development (Single-Family, ~~and~~ Two-Family, and Multi-Family)—Rear and Interior Side Yard.

Walls or fences not exceeding six feet in height may be placed along the rear or interior side property lines or within the rear or interior side yard setback areas. A decorative gateway feature is permitted as long as the feature has a maximum height of ten (10) feet, a maximum length of eight feet and a maximum width of twenty-four (24) inches. Fences exceeding six feet in height are allowed outside the required rear and interior side yard setback areas (i.e., within the building envelope of the lot).

C. Subsection C of Section 17.76.020 is amended to read as follows:

C. Multiple Family Developments—Wall Requirement.

Any residential development consisting of three or more units which is located on a single parcel shall provide a minimum of six foot high solid wall of masonry, brick or similar material along all property lines which border the on-site parking lot and which abut a single-family or two-family residential zone or residence. ~~Said~~ The six foot ~~wall,~~wall ~~however,~~ shall not extend into any required front yard or street side yard setback areas of the multiple family development or adjacent residential development. The height of the wall in the front or street side setback areas shall comply with subsection A of this section.

D. Except as specifically amended by the amendments to subsections A, B, and C, section 17.76.020 remains unchanged and in full force and effect.

SECTION 9. Section 17.80.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The chart set forth in Section 17.80.050 is amended to read as follows:

Type of Accessory Structure	Minimum Setbacks	Max. Lot Coverage	Max. Lot Coverage of Required Rear Yard	Minimum Distance from Main Building	Maximum Height	Driveway	Other Standards
Garage	1	2	3	4	5	6	7,8
Carport	1	2	3	4	5	6	7,8
Covered patio or covered unenclosed structure	1	2	3	9	5	N/A	—
Uncovered deck	10	11	3	12	13	N/A	14
Covered deck	1	2	3	9	~~12~~ 5	N/A	14
Enclosed structure	1	2	3	4	5	6	7,15

B. Except as specifically amended by the amendments to the chart set forth in subsection A, Section 17.80.050 remains unchanged and in full force and effect.

SECTION 10. Section 17.88.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Footnote 10 of Section 17.88.030 is amended to read as follows:

10. Discontinuance of a Nonconforming Use.

a. Except as provided in subsections ~~(10)~~(~~a~~c) and ~~(10)~~(~~b~~d) of this ~~section~~footnote 10, any ~~nonconforming use of a~~ lot, building, or structure occupied by a nonconforming use ~~which~~ that becomes vacant and remains unoccupied for a continuous period of one year or more shall not be thereafter occupied except by a use which conforms to the use regulations of the zone in which it is located.

b. Except as provided in subsections (c) and (d) of this footnote 10, the special permit for any use of a lot, building, or structure that is considered to have a special permit pursuant to footnote 7 of this section shall be deemed automatically revoked if the use is voluntarily or involuntarily interrupted for a continuous period of one year or more.

~~a~~c. Exception—Nonconforming Residential Uses in Residential and Nonresidential Zones. If a nonconforming residential use remains vacant and unoccupied for a continuous period of one year it may be re-established subject to an approved zoning administrator's special permit pursuant to Chapter 17.212 of this title. For nonconforming residential uses, the use shall not be considered discontinued unless all of the units on the lot or in the building remain vacant and unoccupied for a continuous period of one year.

~~b~~d. Exception—Pending Application(s) for Change of Use. For purposes of this chapter, a lot, building, or structure for which a request for a change from one nonconforming use to another nonconforming use is filed pursuant to subsection (9)(a) of this section shall be considered to have been discontinued from the date that the old use ceases until the date that the application for change of use is filed. Two applications for a change from one non-conforming use to another nonconforming use may be made pursuant to subsection (9)(a) of this section. If the first application is denied and less than thirty (30) days remain of the one-year period, or if the one-year period has expired, a second application may be filed not later than thirty (30) days from the date of denial of the first application. For purposes of this subsection, the date of denial shall be the date the decision becomes final.

B. Except as specifically amended by the amendments to footnote 10, Section 17.88.030 remains unchanged and in full force and effect.

SECTION 11. Section 17.94.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (D)(1)(g) of Section 17.94.030 is amended to read as follows:

g. ~~Junk store~~Secondhand store;

B. Except as specifically amended by the amendment to subsection (D)(1)(g), Section 17.94.030 remains unchanged and in full force and effect.

SECTION 12. Section 17.108.060 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (C)(3) of Section 17.108.060 is amended to read as follows:

3. "A" Frame and Portable Signs. Notwithstanding the provisions of Section 15.148.670(E) of this code, in-lieu of a detached monument sign, the director of the department of transportation ~~zoning administrator~~ may approve "A" frame and portable signs in the public right-of-way, subject to an encroachment ~~permit.~~permit.

B. Except as specifically amended by the amendments to subsection (C)(3), Section 17.108.060 remains unchanged and in full force and effect.

SECTION 13. Section 17.132.290 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection D of Section 17.132.290 is amended to read as follows:

D. Projects Exempt from Design Review.

Notwithstanding the provisions of subsections A, B, and C of this section to the contrary, design review shall not be required for the following projects:

1. Remodels or repairs to the interior of any existing building or structure;

2. The following repair and replacement projects~~;~~, provided, the value of the work does not exceed ten thousand dollars ($10,000.00), and the work proposed does not alter, expand or otherwise modify the existing structure:

a. The repair or replacement of stairs, rails and porches to match the design and materials existing at the time of the proposed work, provided the portion to be repaired or replaced when added to the portion(s) repaired or replaced in the previous ~~thirty-six (36)~~36 months does not exceed ~~fifty (50) percent~~50% of the existing porch or stair area of the structure,

b. The repair or replacement of roofing to match the design and materials existing at the time of the proposed work, provided the portion to be repaired or replaced when added to the portion(s) repaired or replaced in the previous ~~thirty-six (36)~~36 months does not exceed ~~twenty-five (25) percent~~25% of the existing roof area of the structure,

c. The repair or replacement of exterior siding materials to match the design and materials existing at the time of the proposed work, provided the portion to be repaired or replaced when added to the portion(s) repaired or re-placed in the previous ~~thirty-six (36)~~36 months does not exceed ~~twenty-five (25) percent~~25% of the existing siding area of the structure,

d. The repair or replacement of windows and exterior doors to match the design and materials existing at the time of the proposed work, provided the portion to be repaired or replaced when added to the portion(s) repaired or replaced in the previous ~~thirty-six (36)~~36 months does not exceed ~~fifty (50) percent~~25% of the existing windows or ~~fifty (50) percent~~50% of the existing doors of the structure;

3. New construction of single-family residential units utilizing, without substantial deviation, registered house plans approved for use in the design review district where the proposed construction is located;

4. The construction or installation of public utility boxes and public utility sheds;

5. Billboards;

6. Properties located within a planned unit development subject to Chapter 17.180.

7. Re-roofing projects on buildings or structures that are less than 50 years old and that are not listed in the Sacramento Register of Historic and Cultural Resources, if the project conforms to the following criteria:

a. The new roofing will match the original roofing.

b. If repair or replacement of existing gutters is proposed, the new gutters will match existing. If there are no existing gutters, new fascia or OG gutters can be provided. Downspouts shall be repaired or replaced to match existing.

c. No change or cutting is proposed to original exposed rafter tails, if any.

8. HVAC installations that conform to the following criteria:

a. Ground-mounted units.

i. The new unit replaces, in the same location, an existing unit, and the new unit does not exceed the size of the existing unit by more than 25%; or

ii. The new unit is fully screened behind a solid fenced area and will not be visible from any street views, or existing shrubs or building will screen the unit and will not be visible from any street views.

b. Roof-mounted units.

i. The new unit replaces, in the same location, an existing unit, and the new unit does not exceed the size of the existing unit by more than 25%; or

ii. The new unit is fully screened by the building such that no portion of the new unit is visible from any street views.

B. Except as specifically amended by the amendments to subsection D, Section 17.132.290 remains unchanged and in full force and effect.

SECTION 14. Section 17.196.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

A. All applications for entitlements described in this title shall be in writing and shall be filed ~~in the neighborhoods, planning and development services department~~with the planning director upon forms provided by the city.

B. Fees shall be charged to permit applicants to cover all aspects of administration of the planning department and all other city departments relating to entitlement applications under this title, including but not limited to application intake; processing; review and evaluation; hearings and appeals; meetings, consultations, and research; preparation and revisions to plans and policies that the city is required to adopt to make necessary findings and determinations; environmental reviews and studies; and other service charges, enforcement, and administrative overhead. The amount or method of calculation of all fees (including deposits) authorized by and charged under this title shall be established by resolution of the city council.

C. Each application shall be accompanied by appropriate fees, plans, specifications and other information required by the planning director. Any application relating to the use of a specific parcel of property shall include a description of the present use and all existing trees and other natural features. The commission or council may, by resolution, specify information to be included with applications for particular types of projects.

~~C~~D. The applicant shall attest by signature on the application that all submitted statements and documents are truthful.

SECTION 15. Section 17.200.040 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (A)(1) of Section 17.200.040 is amended to read as follows:

1. Planning Director.

The planning director shall make a report of the following decisions to the city council as soon as reasonably practicable after the decision is made: (i) entitlements under this title first heard by the planning commission which are approved or conditionally approved by the planning commission; (ii) entitlements under this title first heard and decided by the zoning administrator and thereafter approved, conditionally approved, or denied by the planning commission upon appeal; ~~and~~ (iii) entitlements under this title first heard and decided by the planning director and thereafter approved, conditionally approved, or denied by the planning commission upon appeal, and (iv) a permit for activities affecting heritage trees first heard and decided by the director of transportation or the director's authorized representative under section 12.64.050 of this code and thereafter approved, conditionally approved or denied by the planning commission upon appeal under section 12.64.060 of this code.

B. Except as specifically amended by the amendments to subsection (A)(1), Section 17.200.040 remains unchanged and in full force and effect.

SECTION 16. Section 17.204.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.204.010 Initiation of a plan amendment.

An amendment to the general plan land use designation or any ~~community or~~ specific plan land use designation may be initiated by the planning director, planning commission, city council, or an application by the property owner submitted to the planning director pursuant to Chapter 17.196 of this title. An amendment to the text of the general plan, including ~~or~~ any community plan, or specific plan may be initiated by the planning director, the planning commission, or the city council.

SECTION 17. Section 17.204.020 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection B of Section 17.204.020 is amended to read as follows:

B. Procedures—Planning Commission.

The procedural requirements for the hearing before the planning commission and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. For an amendment to the text of the general plan or specific plan, n~~N~~otice of the hearing shall be given by publication pursuant to subsection (C)(2)(a) of Section 17.200.010. For an amendment to the general plan land use designation or any specific plan land use designation, notice shall be given by publication and by mail pursuant to subsections (C)(2)(a) and (c) of Section 17.200.010, except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property. After completion of notice and public hearing, the planning commission may recommend approval, denial, or modification of the plan amendment and forward to the city council for action.

B. Except as specifically amended by the amendments to subsection (B), Section 17.204.020 remains unchanged and in full force and effect.

Exhibit 1 Table 17.24.020 A--Residential land use chart.

Use	RE	R1	R1A	R1B	R2	R2A	R2B	R3	R3A	R4	R4A	R5	RMX	RO	OB
Accessory dwlg for ag purposes															
Alternative ownership housing types (townhouse, row house, cluster housing, patio dev't, condo and non-condo housing)		8	8	8		8	8	8	8	8	8	8	8/69	8	
~~Antenna/communication tower *~~	~~58~~	~~58~~	~~58~~	~~58~~	~~58~~	~~58~~	~~58~~	~~58~~	~~58~~	~~58~~	~~58~~	~~58~~	~~58/69~~	~~58~~	~~58/18~~
Apartments *						75	75	75	75	75	75	75	69/75	75	
Artist's live/work *	49	49	49	49	49	49	49	49	49	49	49	49	49/69	49	49/18
Condominiums, conversion to *				3	3	3	3	3	3	3	3	3	3/69	3	
Deep lot development *		62			62										
Dormitory *		47		47	47	47	47	47	47	47	47	47	47/69	47	
Duplex (attached or detached) *		37	37	27	1	1	1	1	1	1	1	1	1/69	1	
Family care facility *		x	x	x	x	x	x	x	x	x	x	x	5/69	x	5/18
Family day care facility *		x	x	x	x	x	x	x	x	x	x	x	69	x	18
Family day care home (child care) *		42	42	42	42	42	42	42	42	42	42	42	42/69	42	42/18
Franklin Villa community serv'g use								74							
Fraternity/sorority *		47		47	47	47	47	47	47	47	47	47	47/69	47	
Halfplexes *		37	37	27	5	5	5	5	5	5	5		5/69		
Home occupation *	6	6	6	6	6	6	6	6	6	6	6	6	6/69	6	6
Mobilehome/manufactured home * Used as a single-family dwelling	26	26	17	26	26	26	26	26	26	26	26	26	26/69	26	
Mobilehome/manufactured home * Used as watchperson's qtrs															
Mobilehome park *	59	59	59	59	59	59	59	59	59	59	59	59	59/69	59	5/18
Modelhome complex/temporary sales office	48	48	48	48	48	48	48	48	48	48	48	48	48/69		
Residential care facility *		5	5	5	5	5	5	5	5	5	5	5	5/69	5	
Residential hotel—SRO *											50	50	50/69	50	
Rooming and boarding house *		2	2	2	2	5	5	5	5				5/69		
~~School—Public or private (K—12) *~~	~~5~~	~~5~~	~~5~~	~~5~~	~~5~~	~~5~~	~~5~~	~~5~~	~~5~~	~~5~~	~~5~~	~~5~~	~~5/69~~	~~5~~	~~5/18~~
Second residential unit *	30	30	30	30	30	30	30	30	30	30	30	30	30	30	
Single-family dwelling *	26	26	17	26	26	26	26	26	26	26	5	5	26/69	26	
Temporary residential building	65	65	65	65	65	65	65	65	65	65	65	65	65/69	65	65
Temporary residential shelters		5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Watchperson's quarters															

Exhibit 2 **Table 17.24.020 B--Residential land use chart.**

Use	EC	HC	SC	C1	C2	C3	C4	M1	M1 (S)	M2	M2 (S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-F
Acc dwlg for ag																	72	72		
Alternative ownership housing*			8/15	8	8	8	8	8	8	8	8									
~~Antenna/com tower *~~	~~58/53~~	~~58/16~~	~~58/15~~	~~58~~	~~58~~	~~58~~	~~58~~	~~58~~	~~58/20~~	~~58~~	~~58/20~~	~~58/53~~	~~58/53~~	~~58~~	~~58/70~~	-	~~58/72~~	~~57/72~~	~~58/19~~	~~58~~
Apartments	53		5/15	76	76	76	13	13	13/20	13	13/20									
Artist's live/work *53	53	49/16	49/15	49	49	49	49	49	49/20	49	49/20	49/53	49/53	49	49/70		49/72	49/72		
Condo, conversion *			3/15	3	3	3														
Deep lot development *																				
Dormitory *			47/15	47	47	47														
Duplex *			5/15	76	76	76	13	13	13/20	13	13/20									
Family care facility *		16	15	x	x	x														
Family day care facility *		16	15	x	x	x	5	5	5/20	5	5/20			x			72	72		
Family day care home *		42/16	42/15	42	42	42	42	42	42/20	42	42/20	5/53	5/53	42	5/70		42/72	42/72		
Franklin Villa com serv'g																				
Fraternity/sorority *			47/15	47	47	47														
Halfplexes			5/15	76	76	76	13	13	13/20	13	13/20									
Home occupation *	6		6	6	6	6	6	6	6	6	6	6/53	6/53	6	6/70		6/72	6/72	6/19	
Mobile/manuf. home * Used as SF dwelling			5/15	5	5	5	13	13	13/20	13	13/20						26/62	26/72		
Mobile/manuf. home * Used as a watch qtrs	53/25	25/16	25/15	25	25	25	25	25	25/20	25	25/20						25/72			
Mobilehome parks *		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70					
Modelhome complex/temp sales office																				
Res care facility *		5/16	5/15	5	5	5	5	5	5/20	5	5/20			5			5/72			
Residential hotel—SRO *				50	50	50	50	50	50/20	50	50/20									
Rooming and boarding house			5/15	5	5															
~~(K—12) *~~	-	~~5/16~~	~~5/15~~	~~5~~	~~5~~	~~5~~	~~5~~	~~5~~	~~5/20~~	~~5~~	~~5/20~~	~~5/53~~	~~5/53~~	~~5~~	~~5/70~~	~~5/71~~	~~5/72~~	~~5/72~~	-	-
Second residential unit *																				
Single-family dwelling *			5/15	76	76	5	13	13	13/20	13	13/20						26/72	26/72		
Temporary residential building	65	65	65	65	65	65	65	65	65	65	65	65					65/72	65/72		

Use	EC	HC	SC	C1	C2	C3	C4	M1	M1 (S)	M2	M2 (S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-F
Temporary residential shelters		5/16	5/15	5	5	5	78	78	78/20	78	78/20	5/53	5/53	5	5/70	5/71	5/72	5/72		
Watchperson's quarters	53/25	25	25	25	25	25	25	25	25	25	25	25/53	25/53	25	25	25	25/72	25/72		

Exhibit 3 *Table 17.24.030 A--Commercial land use chart*

Use	RE	R1	R1A	R1B	R2	R2A	R2B	R3	R3A	R4	R4A	R5	RMX	RO	OB
Adult entertainment business*															
Adult related establishment *															
~~Advertising signs and structures~~															
Airport *	5	5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Alcoholic beverage sales for off-premises consumption											7/40	7/40	40/69		
Amusement centers—Indoor only											7	7	5/69		
Amusement center—Outdoor	5	5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
~~Antenna/communication tower *~~	~~58~~	~~58~~	~~58~~	~~58~~	~~58~~	~~58~~	~~58~~	~~58~~	~~58~~	~~58~~	~~58~~	~~58~~	~~58/69~~	~~58~~	~~58/18~~
Appliance repair shop											7	7	69		
Astrology and related practices *											7	7			23/18
Athletic club/fitness center *											7	7	69		18
Auto sales (new or used), ~~service, repair,~~ storage, or rental *	11	11	11	11	11	11	11	11	11	11	11	11		11	
Auto service or repair*	11	11	11	11	11	11	11	11	11	11	11	11		11	
Bakery or bakery goods store											7	7	9/69		64/18
Bank—savings and loan											7	7	69		18
Bar, nightclub *											7/40	7/40	40/69		64/18
Barber, beauty shop											7	7	69		64/18
Bed and breakfast inn *		28		28	28	28	28	28	28	28	28	28	29/69	28	
Beer and wine sales for off-premises consumption											7/40	7/40	40/69		
Boat dock/marina—Private	5	5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Building /landscape contractor shop															
Bus/transit terminal, depots, & passenger stations—Public & private *		5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Bus and other transit vehicle maintenance and storage *		5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Cabinet shop															
Cemetery	5	5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Check cashing center*												7/84	69/84		18/84
Child care center *	52	52	52	52	52	52	52	52	52	52	52	52	52/69	52	51/18
Church and allied facilities	5	5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Cleaning plant, commercial															
College campus *	5	5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
College extension *	5	5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Commercial services *											7	7	69		18
Community center -Teen, senior public or private		5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Convenience market/store *											7/32	7/32	32/69		64/18
Copy shop											7	7	69		64/18
Delivery service															
Diet center, tanning center											7	7	69		18
Drive-in theater	5	5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Drive-through service facility *													44/69		44/18
Dry cleaning, laundry agency											7	7	69		64/18
Equipment rental & sales yard															
Flea market *															
Florist											7	7	69		64/18
Food store/grocery/deli											7/32	7/32	32/69		64/18
Furniture refinishing															
Furniture store															
Golf course or driving range	5	5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Gun/rifle range *															
Heliport or helistop *	57	57	57	57	57	57	57	57	57	57	57	57	57/69	57	57/18
Hotel *															
Janitorial service company															
Kennel *	5	5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18

Table 17.24.030A (Continued)

Use	RE	R1	R1A	R1B	R2	R2A	R2B	R3	R3A	R4	R4A	R5	RMX	RO	OB
Laboratory—Medical, dental, optical											14	14	14/69	14	18
Laundry, commercial plant															
Laundromat—Self service cleaner											7	7	69		
Major medical facility *															
Medical clinic or office *											7	7	69	77	18
Mini storage/locker building															
Mortuary															
Motel *															
Non-profit organization—Food prep for off-site consumption *		5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Non-profit organization—Food storage and distribution *		5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Non-profit organization—Meal service facility *		5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Non-residential care facility *		5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Nursery for plants and flowers															
Offices											7	7	69	77	18
Parking lot, garage or facility		43	43	43	43	43	43	43	43	43	43	43	43/69	43	43/18
Penal institution		5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Pest control company															
Photographic studio											7	7	69		18
Prescription pharmacy, optician											14	14	69	14	18
Printing and blueprinting															64/18
Produce stand	5	5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
~~Recycling facilities~~															
Residential Hotel—SRO *											50	50	50/69	50	
Restaurant *											7	7	69		64/18
Retail stores *											7	7	/69		64/18
RV/Mobilehome sales yard															
RV storage (commercial)															
School—Public or private (K—12) *		5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
School—Vocational *															
School—Dance/music/art/martial arts *											7	7	69		
Secondhand store*															
Service Station *															
Sidewalk cafes											55	55	55/69		
Sign shop															
Social club—Public or private		5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Social service financial management facility *															5
Somatic practitioner/somatic practitioner establishment *											67	67	67/69	67	67/18
Sports complex															
Superstore															
Temporary building	65	65	65	65	65	65	65	65	65	65	65	65	65/69	65	65
Temporary commercial use													83	83	83
Theater—Movie or stage															
~~Tire shop (including recapping)~~															
Towing service & vehicle storage yard *															
Tutoring center *											7/68	7/68	68/69	5/68	18/68
Veterinarian clinic/hospital	5	5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Wholesale stores and distributors *															

Exhibit 4 **Table 17.24.030 B--Commercial land use chart**

Use	EC	HC	SC	C1	C2	C3	C4	M1	M1 (S)	M2	M2 (S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-F
Adult entertainment business*					22	22	22	22	22/20	22	22/20									
Adult related est *					24	24	24	24	24/20	24	24/20									
~~Advertising signs~~																				
Airport *		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
Alcoholic beverage sales for off-premises cons	40		40/15	40	40	40	40	40	40/20	40	40/20	40/53								
Amusement ctr—Indoor only		16	15	5	x	x	x	x	20	x	20									
Amusement ctr—Outdoor		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
~~Antenna/com tower *~~	~~58/53~~	~~58/16~~	~~58/15~~	~~58~~	~~58~~	~~58~~	~~58~~	~~58~~	~~58/20~~	~~58~~	~~58/20~~	~~58/53~~	~~58/53~~	~~58~~	~~58/70~~	~~58/71~~	~~58/72~~	~~58/72~~	~~58/19~~	
Appliance repair shop			15	x	x	x	x	x	20	x	20	53								
Astrology etc. *					x	x	x	x	20	x	20									
Athletic club *	53		15	x	x	x	x	x	x	x	x									
Auto sales (new/used), ~~service, repair,~~ storage, rental	53				10/79/80	10	80	80	20/80	80	20/80									
Auto service or repair*	53				4/10/79/80	4/10	80	80	20/80	80	20/80									
Bakery	53		9/15	9	x	x	x	x	20	x	20	14/53	14/53							
Banks			15	x	x	x	x	x	20	x	20	14/53	14/53							
Bar, nightclub *	40/53	40/16	40/15	40	40	40	40	40	40/20	40	40/20	40/53								
Barber, beauty shop	53		15	x	x	x	x	x	20	x	20									
Bed and breakfast inn *	53			29	29	29														
Beer and wine sales for off-premises cons	40		40/15	40	40	40	40	40	40/20	40	40/20	40/53								
Boat dock/marina		5/16	5/15	5	5	5	5	5	5/20	5	5/20						5/72	5/72	5/19	
Bldg/landscape contractor shop					4	4	x	x	20	x	20									
Bus terminal—Public and private *		5/16	5/15	5	x	x	x	x	20	x	20					5/71	5/72	5/72		
Bus et. al. vehicle maintenance & storage *		5/16	5/15	5	5	5	x	x	20	x	20					5/71	5/72	5/72		
Cabinet shop					4	4	x	x	20	x	20	53								
Cemetery		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5			5/72	5/72		
Check cashing center*			15/84	84	84	84	84	84	20/84	84	20/84	14/53/84	14/53/84							
Child care center *	51/53	52/16	51/15	51	51	51	52	52	52/20	52	52/20	52/53	52/53	51	52/70	52/71	52/72			
Church et al.	5/53	5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
Cleaning plant					9/80	9	80	80	20/80	80	20/80									
College campus *	5/53	5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
College extension *	53		15		x	x	x	x	20	x	20									
Commercial services *	53		15	x	x	x	12	12	12/20	12	12/20				14/70					
Community center public or private		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
Convenience mkt *	53	34/16	34/15	32	34	34	34	34	34/20											
Copy shop				x	x	x	x	x	20	x	20						5/72			
Delivery service							9	x	20	x	20	53								
Diet center, etc.	53		15	x	x	x	x	x	20	x	20									
Drive-in theater		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
Drive-thru fac *	44/53	44/16	44/15	44	44	44	44	44	44/20	44	44/20									
Dry cleaning	53		15	x	x	x	x	x	20	x	20									
Equipment rental/sales yard					10/79/80	10	10/80	10/80	10/20/80	10/80	10/20/80									
Flea market *					45		45	45	45/20	45	45/20				45/70					
Florist	53		15	x	x	x	x	x	20	x	20									

Food/grocery/deli	53		15	32	x	x	x	x	20	x	20				14/70					

Table 17.24.030B (Continued)

Use	EC	HC	SC	C1	C2	C3	C4	M1	M1 (S)	M2	M2 (S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-I
Furniture refinishing					4	4	x	x	20	x	20									
Furniture store			15		x	x	x	x	20	x	20									
Golf course or range		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
Gun/rifle range *							66	66	66	66	66									
Heliport or helistop *	57/53	57/16	57/15	57	57	57	57	57	57/20	57	57/20	57/53	57/53	57	57/70	57/71	57/72	57/72	57/19	
Hotel *	53	16	5/15		x	21	x	x	20	x	20									
Janitorial svc co					9	9	x	x	20	x	20	53								
Kennel *		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
Laboratory	53		15		x	x	x	x	20	x	20	53	53	x						
Laundry, commercial					9/80	9	80	80	20/80	80	20/80									
Laundromat	53		15	x	x	x	x	x	20	x	20									
Major medical fac *														5						
Medical clinic/ofc	53		15	x	x	x	35	35	35/20	35	35/20			x	14/70					
Mini storage/ locker bldg	53				5/80	5	36/80	36/80	20/36/80	36/80	20/36/80	53/80								
Mortuary					x	x	x	x	20	x	20									
Motel *	53	16	5/15		x	21	x	x	20	x	20									
Non-profit org— Food prep for off-site con *		5/16	5/15	5	x	x	x	x	20	x	20	5/53	5/53	x			5/72			
Non-profit org— Food storage & dist *		5/16	5/15	5	9	9	9	x	20	x	20	5/53	5/53	5			5/72			
Non-profit org— Meal service facility *		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5			5/72			
Non-res care fac *		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70		5/72			
Nursery			15		80		80	80	20/80	80	20/80									
Offices	53		15	x	x	x	35	35	35/20	35	35/20	14/53	53		14/70					
Parking lot, garage	43/53	43/16	43/15	43	43	43	43	43	43/20	43	43/20									
Penal institution		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
Pest control company							9	x	20	x	20	53								
Photographic studio			15	x	x	x	x	x	20	x	20									
Prescription, optician	53		15	x	x	x	x	x	20	x	20				70					
Printing & blueprinting	53				x	x	x	x	20	x	20		53							
Produce stand		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
~~Recycling facilities~~			~~41/15~~	~~41~~	~~41~~	~~41~~	~~41~~	~~41~~	~~41/20~~	~~41~~	~~41/20~~						~~41/72~~			
Residential hotel— SRO *				50	50	50	50	50	50/20	50	50/20									
Restaurant *	53	16	15	x	x	x	x	x	20	x	20	53	53		14/70				5/19	
Retail stores *	53		15	x	x	x	12	12	12/20	12	12/20				14/70					
RV/mobilehome sales yard					10/79	10	10	10	10/20	10	10/20									
RV storage (commercial)					79		x	x	20	x	20									
School (K—12) *		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72		
School—Vocational *	53		15		x	x	x	x	20	x	20									
School—Dance etc. *	53		15	5	x	x	x	x	20	x	20									
Secondhand store*	53		15	x	x	x	12	12	12/20	12	12/20				14/70					
Service station	53	16	10/15		10/79/80	10	10/80	10/80	10/20/80	10/80	10/20/80									
Sidewalk cafe	55/53			55	55	55	55	55	55											
Sign shop					x	x	x	x	20	x	20									
Social club		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
Social svc financial mgt*	5		5		5	5	5	5	5	5	5									

Table 17.24.030B (Continued)

Use	EC	HC	SC	C1	C2	C3	C4	M1	M1 (S)	M2	M2 (S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-F
Somatic practitioner/somatic practitioner establishment*	67/53	67/16	67/15	67	67	67	67	67	67/20	67	67/20			67						
Sports complex															5/70					
Superstore			81	/81	81	81	81	81	20/81	81	20/81									
Temporary building	65	65	65	65	65	65	65	65	65	65	65	65/53	65/53	65	65/70	65/71	65/72	65/72	65/19	65
Temporary commercial use	83	83	83	83	83	83	83	83	83	83	83	83	83	83	83	83	83	83	83	83
Theater—Movie or stage		73/16	73/15	73	73	X	73	73	73/20	73	73/20				73/70					
~~Tire shop~~					~~4/79~~	4	x	x	~~20~~	x	~~20~~									
Towing svc & storage yd *					38	38	~~395~~ 395	~~395~~ 395	~~395~~ /20	39	39/20									
Tutoring center *	53/68		15/68	68	68	68	68	68	68/20	68	68/20	14/68	5/68							
Vet clinic/ hospital	53/60	5/16	60/15	5	60	5	60	60	60/20	60	60/20	53	53	5	5/70	5/71	5/72	5/72	5/19	
Wholesale stores	53				9	9	9	80	20/80	80	20/80									

Exhibit 5 Table 17.24.040 A--Industrial and agricultural land use chart

Use	RE	R1	R1A	R1B	R2	R2A	R2B	R3	R3A	R4	R4A	R5	RMX	RO	OB
Agriculture—General uses															
Agriculture—No structures															
Animal or poultry slaughter															
Antenna/communication tower *	58	58	58	58	58	58	58	58	58	58	58	58	58	58	58/18
Assembly of electrical &/or electronic equipment															
Assembly of plastic &/or rubber items															
Auto dismantler *															
Beverage bottling plant															
Billboard manufacture															
Boat building (small)															
Concrete batch plant															
Cement or clay products manufacturing															
Contractor's storage yard															
Dairy processing plant															
Electrical transmission facilities	61	61	61	61	61	61	61	61	61	61	61	61	61	61	61/18
Food processing plant															
Fuel storage yard *															
Garment shop															
Hazardous waste facilities *															
Hog ranch															
Ice manufacture—Cold storage plant															
Junk yard *															
Laboratory—Research, experimental															
Livestock sales yard															
Lumber yard—Retail															
Machine shop															
Manufacturing, assembly, and treatment of merchandise															
Mining operations—Surface *	46				46	46	46	46	46	46	46	46		46	46/18
Monument works, stone															
Planing mill															
Public utility yard															
Railroad ROW, use of															
Railroad yard or shops															
Reclamation or disposal operation	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5/18
Recycling facilities															
Riding stables															
Solid waste landfill	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5/18
Solid waste transfer station	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5/18
Terminal yard, trucking															
Truck and tractor sales, service, and repair															
Warehouse and distribution center*															
~~Wholesale store *~~															
Wells, gas or oil	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5/18

Exhibit 6 Table 17.24.040 B--Industrial and agricultural land use chart

Use	EC	HC	SC	C1	C2	C3	C4	M1	M1 (S)	M2	M2 (S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-F
Ag—General uses																	x	x	19	
Ag—No structures																	x	x	19	x
Animal slaughter							5	5	5/20	5	5/20	5/53	5/53				5/72	5/72	5/19	
Antenna *		58/16	58/15	58	58	58	58	58	58/20	58	58/20	58/53	58/53	58	58/70	58/71	58/72	59/72	58/19	
Assembly—Electrical electronic equip	53						9	x	20	x	20	53	53							
Assembly—Plastic/rubber	53						9	x	20	x	20	53	53							
Auto dismantler *								5	5/20	5	5/20									
Beverage bottling plant							x	x	20	x	20									
Billboard manufacture							x	x	20	x	20									
Boat building (small)							x	x	20	x	20									
Concrete batch plant								5	5/20	x	20									
Cement/clay products							x4	x4	x4/20	x	20	53								
Contractors storage yd							5	x	20	x	20									
Dairy processing plant							5	x~~5~~	~~5~~/20	x	20									
Electrical trans fac	53/61	61/16	61/15	61	61	61	61	61	61/20	61	61/20	61/53	61/53	61	61/70	61/71	61/72	61/72	61	61
Food processing plant								~~5~~x	~~5~~/20	x	20									
Fuel storage yard *							82	82	20/82	82	20/82									
Garment shop							9	x	20	x	20	53								
Hazardous waste fac *								54	54/20	54	54/20									
Hog ranch																	5/72	5/72	5/19	
Ice manufacture							x	x	20	x	20									
Junk yard *								5	5/20	5	5/20									
Lab—Research	53						x	x	20	x	20	53	53							
Livestock sales yard							5	5	5/20	5	5/20	53	53				5/72	5/72	5/19	
Lumber yard—Retail							5	x	20	x	20									
Machine shop							x	x	20	x	20	53								
Manufactur'g, assembly treatment—Merch	53							x	20	x	20	53	53							
Mining operations *	46/53	46/16	46/15	46	46	46	46	46	46/20	46	46/20	46/53	46/53	46	46/70	46/71	46/72	46/72	46/19	
Monument works, stone							x	x	20	x	20									
Planing mill								5	5/20	x	20									
Public utility yard							5	5	5/20	x	20					x				
Railroad ROW, use of							63	63	63/20	63	63/20									
Railroad yard or shops										x	20									
Reclamation operation	5/53	5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
Recycling facilities							41	41	41/20	41	41/20						41/72			
Riding stables																	72	72	19	
Solid waste landfill	5/53	5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
Solid waste transfer stn	5/53	5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
Terminal yard, trucking							5	~~5~~x	~~5~~/20	x	20									
Truck and tractor sales, service, and repair							5	5	5/20	x	20									

Warehouse and distribution center*	53					x	x	x	20	x	20	53	53							
~~Wholesale store~~	~~53~~	-	-	-	~~9~~	~~9~~	~~9~~	~~80~~	~~20/80~~	~~80~~	~~20/80~~	-	-	-	-	-	-	-	-	-
Wells, gas or oil	5/53	5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	

Attachment 3

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING SECTIONS 17.16.010, 17.20.020, 17.24.020, 17.24.030, 17.24.040, 17.24.050, 17.64.030, 17.76.020, 17.80.050, 17.88.030, 17.94.030, 17.108.060, 17.132.290, 17.196.010, 17.200.040, 17.204.010, AND 17.204.020 OF TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) RELATING TO APPLICATION PROCESSING AND CODE MAINTENANCE (M09-034)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Section 17.16.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The definition of "auto sales (new or used), service, repair, storage and rental" in Section 17.16.010 is amended to read as follows:

"Auto sales (new or used), storage, or rental" means establishments primarily engaged in the sale, long term storage, or rental or leasing of automobiles, motorcycles, scooters, mopeds, light trucks, vans, trailers, and recreational vehicles subject to registration with the California Department of Motor Vehicles. This term does not include heavy trucks and tractors. Sales of heavy trucks and tractors are included within the category of truck and tractor sales, service, and repair. See also "towing service and vehicle storage yard."

B. The following definition of "auto service or repair" is added to Section 17.16.010 to read as follows:

"Auto service or repair" means establishments primarily engaged in the maintenance, service, diagnosis, repair, or painting of automobiles, motorcycles, scooters, mopeds, light trucks, vans, trailers, and recreational vehicles subject to registration with the California Department of Motor Vehicles. Included in this definition are body shops, automotive paint shops, tire stores, muffler shops, auto electric shops, van conversion shops, lubrication centers, auto-sound shops, auto-alarm shops, auto-upholstery shops, wheel alignment shops, and similar automotive-related repair and installation businesses. "Auto service or repair" does not include service stations, as defined in this section, or automotive telecommunication or computer installers. "Auto service or repair" does not include auto parts stores with no service or repair, which are

considered retail stores. Service and repair of heavy trucks and tractors are included within the category of truck and tractor sales, service, and repair.

C. The definition of "fuel storage yard" in Section 17.16.010 is amended to read as follows:

"Fuel storage yard" means portions of properties where flammable and combustible liquids and gasses are received by tank vessels, pipe lines, tank cars or tank vehicles, and are stored above ground, blended in bulk, or compressed, for the purpose of distributing such liquids by tank vessels, pipelines, tank cars, tank vehicles, or containers.

D. The definition of "gas station" in Section 17.16.010 is deleted.

E The following definition of "service station" is added to Section 17.16.010 to read as follows:

"Service station" means any building, land area, or other premises, or portion thereof, used primarily for the retail dispensing or sales of vehicular fuels. Servicing and repair of automobiles; sale and installation of lubricants, tires, batteries, and similar vehicle accessories; and a car wash facility may be allowed based upon the regulations of the zone of the site. A service station use with greater than one hundred (100) square feet of retail sales, unrelated to automobile service, shall be considered to include a convenience market and must meet the regulations for a convenience market (see Section 17.24.050, footnote 34).

F. The following definition of "secondhand store" is added to section 17.16.010 to read as follows:

"Secondhand store" and "thrift store" mean an establishment operated by a private person or not-for-profit organization that devotes 40% or more of floor space to the display of used merchandise, including used appliances, furniture, household items, clothing, or other personal property, that is offered for sale to the public.

G. The following definition of "terminal yard, trucking" is added to section 17.16.010 to read as follows:

"Terminal yard, trucking" means a major assemblage station and maintenance and repair facility, as at a terminus where trucks originate or terminate, or at which they are distributed or combined.

H. The following definition of "thrift store" is added to section 17.16.010 to read as follows:

"Thrift store" See "secondhand store."

I. The definition of "warehouse" in Section 17.16.010 is amended to read as follows:

"Warehouse and distribution center" means a building or portion of a building used primarily for the long- or short-term storage of goods and materials awaiting transportation or distribution, and not generally accessible to the general public. Incidental storage, repair, and maintenance of trucks associated with the distribution of goods from the warehouse are allowed.

J. Except as specifically amended by the amendments to definitions set forth in subsections A through I, Section 17.16.010 remains unchanged and in full force and effect.

SECTION 2. Section 17.20.020 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.20.020 Overlay zones.

The following overlay zones are discussed in more detail in Chapters 17.136 through 17.176 and are listed here for convenient reference only:

I-5	Interstate 5 corridor overlay zone	Ch. 17.140
EA	Executive airport overlay zone	Ch. 17.144
LI	Labor intensive overlay zone	Ch. 17.148
AOL	Ascot Avenue overlay zone	Ch. 17.152
FF	Floodway fringe overlay zone	Ch. 17.156
FW	Floodway overlay zone	Ch. 17.156
PC	American River parkway corridor overlay zone	Ch. 17.160
NC	Neighborhood corridor overlay zone	Ch. 17.164
UN	Urban neighborhood overlay zone	Ch. 17.168
MC	Midtown commercial overlay zone	Ch. 17.172
BC	Building conservation overlay zone	Ch. 17.176

TO	Transit Overlay Zone	17.178

SECTION 3. Section 17.24.020 Residential Land Use Chart of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Table 17.24.020A is amended to read as set forth in Exhibit 1 to this Ordinance.

B. Table 17.24.020B is amended to read as set forth in Exhibit 2 to this Ordinance.

C. Except as specifically amended as set forth in Exhibits 1 and 2 of this Ordinance, section 17.24.020 and Tables 17.24.020A and 17.24.020B remain unchanged and in full force and effect.

SECTION 4. Section 17.24.030 Commercial Land Use Chart of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Table 17.24.030A is amended to read as set forth in Exhibit 3 to this Ordinance.

B. Table 17.24.030B is amended to read as set forth in Exhibit 4 to this Ordinance.

C. Except as specifically amended as set forth in Exhibits 3 and 4 of this Ordinance, section 17.24.030 and Tables 17.24.030A and 17.24.030B remain unchanged and in full force and effect.

SECTION 5. Section 17.24.040 Industrial and Agricultural Land Use Charts of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Table 17.24.040A is amended to read as set forth in Exhibit 5 to this Ordinance.

B. Table 17.24.040B is amended to read as set forth in Exhibit 6 to this Ordinance.

C. Except as specifically amended as set forth in Exhibits 5 and 6 of this Ordinance, section 17.24.040 and Tables 17.24.040A and 17.24.040B remain unchanged and in full force and effect.

SECTION 6. Section 17.24.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Footnote 4 of Section 17.24.050 is amended to read as follows:

4. Entire business shall be conducted within a building. No outdoor storage or display of new and/or used merchandise is permitted in this zone.

B. Footnote 11 of Section 17.24.050 is amended to read as follows:

11. Auto sales (new or used), storage, or rental and auto service or repair. Auto sales (new or used) and auto rental are not allowed in residential zones. Auto storage and auto service or repair are not allowed in residential zones except as a permissible accessory use as expressly provided in this subsection (11). Auto service or repair shall be considered a permissible accessory use in a residential zone only if the work is being done on a vehicle registered to a resident of the premises. Auto storage shall be considered a permissible accessory use in a residential zone only if the vehicle being stored is registered to a resident of the premises. Any such vehicle being serviced, repaired, or stored must be located on an approved paved surface and must not violate any other provision of this title or the city code. No more than two vehicles may be undergoing service or repair or may be stored on any premises at any one time. A vehicle that is inoperable or in pieces is presumed by this definition to be undergoing repair. No person shall operate an auto service or repair or auto storage business in a residential zone.

C. Subsection (a) of Footnote 80 of Section 17.24.050 is amended to read as follows:

a. Purpose. The purpose of this footnote is to encourage appropriate transit-supportive uses on existing vacant or underutilized parcels located in whole or in part within a quarter-mile radius of a light rail station. Certain commercial and light industrial uses otherwise allowed by right in these areas are not considered transit-supportive and, therefore, are made subject to review on a case-by-case basis to ensure that new development within a quarter-mile radius of light rail stations is pedestrian friendly, supports light rail ridership, and does not preclude future transit-supportive development. The special permit, plan review, and other requirements and regulations contained in this footnote are intended to apply only to buildings constructed or expanded on or after September 28, 2004 and uses established on or after September 28, 2004, as provided below. In addition, the special permit, plan review, and other requirements and regulations contained in this footnote apply only to uses and buildings located on properties within a quarter-mile radius of a light rail station. Therefore, if the use or building is located on a property that is beyond a quarter-mile radius of a light rail station, the requirements and regulations contained in this footnote do not apply and the use is allowed, subject to any other requirements of the zone in which the use is located.

D. Footnote 82 of Section 17.24.050 is amended to read as follows:

82. Fuel storage yards.

Fuel storage yards are permitted in this zone, subject to the following limitations and requirements:

a. No fuel storage yard shall be established or located within one thousand (1,000) feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone or residential use.

b. A planning commission special permit issued pursuant to and subject to the findings required by Chapter 17.212 is required to establish a fuel storage yard that meets all of the following criteria:

i. The fuel storage yard will be located on a parcel that is greater than two acres in size;

ii. The parcel would contain one or more tanks of five hundred (500) gallon or greater capacity containing liquefied or compressed flammable or combustible gases;

iii. Liquefied or compressed flammable or combustible gases are generated or manufactured on the site; and

iv. Liquefied or compressed flammable or combustible gases are distributed in containers with a capacity of greater than twenty (20) gallons.

E. Except as specifically amended by the amendments to footnotes 4, 11, 80, and 82, Section 17.24.050 remains unchanged and in full force and effect.

SECTION 7. Section 17.64.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection J is added to Section 17.64.030 to read as follows:

J. Exterior Lighting.

Exterior lighting conforming to the following requirements shall be provided for all parking lots:

1. Exterior lighting shall be provided to meet the following performance standards:

a. Minimum maintained illumination of 1.5 foot candles per square foot of parking area during business hours;

b. Minimum maintained illumination of .25 foot candles per square foot of surface area of all walkways, alcoves, and passageways serving the parking lot from one-half hour before dusk to one-half hour after dawn.

2. Exterior lighting shall be designed in coordination with the landscaping plan to minimize interference between the light standards and required illumination and the landscape trees and required shading.

3. All light fixtures shall be vandal resistant.

4. Exterior lighting shall be shielded or otherwise designed to avoid spill-over illumination of adjacent streets and properties.

B. Except as specifically amended by the addition of subsection J, Section 17.64.030 remains unchanged and in full force and effect.

SECTION 8. Section 17.76.020 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection A of Section 17.76.020 is amended to read as follows:

A. Residential Developments (Single-Family, Two-Family, and Multi-Family)Front and Street Side Yard.

Walls or fences not exceeding four feet in height may be placed along the front and street side property lines or within the front yard and street side yard setback areas subject to the following exceptions.

1. Exception—Wrought Iron Fences.

A decorative open metal wrought iron or tubular steel fence not exceeding six feet in height may be placed along the front and street side property lines or within the front yard and street side yard setback areas. This exception does not authorize solid walls or fences composed of woven wire, wood, or materials other than open metal wrought iron or tubular steel. A post or pilaster, consisting of masonry, brick or other solid material not exceeding eighteen (18) inches square and six feet tall, may be used to support a wrought iron or tubular steel fence at a minimum distance between posts of six feet.

2. Exception—Street Side Yard Setback Area.

a. Fence Location. A fence or wall not exceeding six feet in height may be placed within the street side yard setback area if it is either located at least five feet from the street side property line, or is placed on a line parallel to the street which represents the extension of the wall of the main building which is nearest to the street.

b. Landscaping Requirement. Climbing vines, shrubs or trees shall be planted along the base of that portion of the wall or fence that fronts a public street. The remaining setback area between the fence and property line shall be landscaped with grass or other low ground cover. All plants shall be properly irrigated and maintained. Only living vegetation may be used to meet the landscaping requirements.

3. Exception—Gate Feature.

A decorative gateway feature is permitted as long as the feature has a maximum height of ten (10) feet, a maximum length of eight feet and a maximum width of twenty-four (24) inches.

B. Subsection B of Section 17.76.020 is amended to read as follows:

B. Residential Development (Single-Family, Two-Family, and Multi-Family)Rear and Interior Side Yard.

Walls or fences not exceeding six feet in height may be placed along the rear or interior side property lines or within the rear or interior side yard setback areas. A decorative gateway feature is permitted as long as the feature has a maximum height of ten (10) feet, a maximum length of eight feet and a maximum width of twenty-four (24) inches. Fences exceeding six feet in height are allowed outside the required rear and interior side yard setback areas (i.e., within the building envelope of the lot).

C. Subsection C of Section 17.76.020 is amended to read as follows:

C. Multiple Family Developments—Wall Requirement.

Any residential development consisting of three or more units which is located on a single parcel shall provide a minimum of six foot high solid wall of masonry, brick or similar material along all property lines which border the on-site parking lot and which abut a single-family or two-family residential zone or residence. The six foot wall shall not extend into any required front yard or street side yard setback areas of the multiple family development or adjacent residential development. The height of the wall in the front or street side setback areas shall comply with subsection A of this section.

D. Except as specifically amended by the amendments to subsections A, B, and C, section 17.76.020 remains unchanged and in full force and effect.

SECTION 9. Section 17.80.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The chart set forth in Section 17.80.050 is amended to read as follows:

Type of Accessory Structure	Minimum Setbacks	Max. Lot Coverage	Max. Lot Coverage of Required Rear Yard	Minimum Distance from Main Building	Maximum Height	Driveway	Other Standards
Garage	1	2	3	4	5	6	7,8
Carport	1	2	3	4	5	6	7,8
Covered patio or covered unenclosed structure	1	2	3	9	5	N/A	—
Uncovered deck	10	11	3	12	13	N/A	14
Covered deck	1	2	3	9	5	N/A	14
Enclosed structure	1	2	3	4	5	6	7,15

B. Except as specifically amended by the amendments to the chart set forth in subsection A, Section 17.80.050 remains unchanged and in full force and effect.

SECTION 10. Section 17.88.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Footnote 10 of Section 17.88.030 is amended to read as follows:

10. Discontinuance of a Nonconforming Use.

a. Except as provided in subsections (c) and (d) of this footnote 10, any lot, building, or structure occupied by a nonconforming use that becomes vacant and remains unoccupied for a continuous period of one year or more shall not be thereafter occupied except by a use which conforms to the use regulations of the zone in which it is located.

b. Except as provided in subsections (c) and (d) of this footnote 10, the special permit for any use of a lot, building, or structure that is considered to have a special permit pursuant to footnote 7 of this section shall be deemed automatically revoked if the use is voluntarily or involuntarily interrupted for a continuous period of one year or more.

c. Exception—Nonconforming Residential Uses in Residential and Nonresidential Zones. If a nonconforming residential use remains vacant and unoccupied for a continuous period of one year it may be re-established subject to an approved zoning administrator's special permit pursuant to Chapter 17.212 of this title. For nonconforming residential uses, the use shall not be considered discontinued unless all of the units on the lot or in the building remain vacant and unoccupied for a continuous period of one year.

d. Exception—Pending Application(s) for Change of Use. For purposes of this chapter, a lot, building, or structure for which a request for a change from one nonconforming use to another nonconforming use is filed pursuant to subsection (9)(a) of this section shall be considered to have been discontinued from the date that the old use ceases until the date that the application for change of use is filed. Two applications for a change from one non-conforming use to another nonconforming use may be made pursuant to subsection (9)(a) of this section. If the first application is denied and less than thirty (30) days remain of the one-year period, or if the one-year period has expired, a second application may be filed not later than thirty (30) days from the date of denial of the first application. For purposes of this subsection, the date of denial shall be the date the decision becomes final.

B. Except as specifically amended by the amendments to footnote 10, Section 17.88.030 remains unchanged and in full force and effect.

SECTION 11. Section 17.94.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (D)(1)(g) of Section 17.94.030 is amended to read as follows:

g. Secondhand store;

B. Except as specifically amended by the amendment to subsection (D)(1)(g), Section 17.94.030 remains unchanged and in full force and effect.

SECTION 12. Section 17.108.060 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (C)(3) of Section 17.108.060 is amended to read as follows:

3. "A" Frame and Portable Signs. Notwithstanding the provisions of Section 15.148.670(E) of this code, in-lieu of a detached monument sign, the director of the department of transportation may approve "A" frame and portable signs in the public right-of-way, subject to an encroachment permit.

B. Except as specifically amended by the amendments to subsection (C)(3), Section 17.108.060 remains unchanged and in full force and effect.

SECTION 13. Section 17.132.290 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection D of Section 17.132.290 is amended to read as follows:

D. Projects Exempt from Design Review.

Notwithstanding the provisions of subsections A, B, and C of this section to the contrary, design review shall not be required for the following projects:

1. Remodels or repairs to the interior of any existing building or structure;

2. The following repair and replacement projects; provided, the value of the work does not exceed ten thousand dollars ($10,000.00), and the work proposed does not alter, expand or otherwise modify the existing structure:

a. The repair or replacement of stairs, rails and porches to match the design and materials existing at the time of the proposed work, provided the portion to be repaired or replaced when added to the portion(s) repaired or replaced in the previous 36 months does not exceed 50% of the existing porch or stair area of the structure,

b. The repair or replacement of roofing to match the design and materials existing at the time of the proposed work, provided the portion to be repaired or replaced when added to the portion(s) repaired or replaced in the previous 36 months does not exceed 25% of the existing roof area of the structure,

c. The repair or replacement of exterior siding materials to match the design and materials existing at the time of the proposed work, provided the portion to be

repaired or replaced when added to the portion(s) repaired or re-placed in the previous 36 months does not exceed 25% of the existing siding area of the structure,

d. The repair or replacement of windows and exterior doors to match the design and materials existing at the time of the proposed work, provided the portion to be repaired or replaced when added to the portion(s) repaired or replaced in the previous 36 months does not exceed 25% of the existing windows or 50% of the existing doors of the structure;

3. New construction of single-family residential units utilizing, without substantial deviation, registered house plans approved for use in the design review district where the proposed construction is located;

4. The construction or installation of public utility boxes and public utility sheds;

5. Billboards;

6. Properties located within a planned unit development subject to Chapter 17.180.

7. Re-roofing projects on buildings or structures that are less than 50 years old and that are not listed in the Sacramento Register of Historic and Cultural Resources, if the project conforms to the following criteria:

a. The new roofing will match the original roofing.

b. If repair or replacement of existing gutters is proposed, the new gutters will match existing. If there are no existing gutters, new fascia or OG gutters can be provided. Downspouts shall be repaired or replaced to match existing.

c. No change or cutting is proposed to original exposed rafter tails, if any.

8. HVAC installations that conform to the following criteria:

a. Ground-mounted units.

i. The new unit replaces, in the same location, an existing unit, and the new unit does not exceed the size of the existing unit by more than 25%; or

ii. The new unit is fully screened behind a solid fenced area and will not be visible from any street views, or existing shrubs or building will screen the unit and will not be visible from any street views.

b. Roof-mounted units.

i. The new unit replaces, in the same location, an existing unit, and the new unit does not exceed the size of the existing unit by more than 25%; or

ii. The new unit is fully screened by the building such that no portion of the new unit is visible from any street views.

B. Except as specifically amended by the amendments to subsection D, Section 17.132.290 remains unchanged and in full force and effect.

SECTION 14. Section 17.196.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

A. All applications for entitlements described in this title shall be in writing and shall be filed with the planning director upon forms provided by the city.

B. Fees shall be charged to permit applicants to cover all aspects of administration of the planning department and all other city departments relating to entitlement applications under this title, including but not limited to application intake; processing; review and evaluation; hearings and appeals; meetings, consultations, and research; preparation and revisions to plans and policies that the city is required to adopt to make necessary findings and determinations; environmental reviews and studies; and other service charges, enforcement, and administrative overhead. The amount or method of calculation of all fees (including deposits) authorized by and charged under this title shall be established by resolution of the city council.

C. Each application shall be accompanied by appropriate fees, plans, specifications and other information required by the planning director. Any application relating to the use of a specific parcel of property shall include a description of the present use and all existing trees and other natural features. The commission or council may, by resolution, specify information to be included with applications for particular types of projects.

D. The applicant shall attest by signature on the application that all submitted statements and documents are truthful.

SECTION 15. Section 17.200.040 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (A)(1) of Section 17.200.040 is amended to read as follows:

1. Planning Director.

The planning director shall make a report of the following decisions to the city council as soon as reasonably practicable after the decision is made: (i) entitlements under this title first heard by the planning commission which are approved or conditionally approved by the planning commission; (ii) entitlements under this title first heard and decided by the zoning administrator and thereafter approved, conditionally approved, or denied by the planning commission upon appeal; (iii) entitlements under this title first heard and decided by the planning director and thereafter approved,

conditionally approved, or denied by the planning commission upon appeal, and (iv) a permit for activities affecting heritage trees first heard and decided by the director of transportation or the director's authorized representative under section 12.64.050 of this code and thereafter approved, conditionally approved or denied by the planning commission upon appeal under section 12.64.060 of this code .

B. Except as specifically amended by the amendments to subsection (A)(1), Section 17.200.040 remains unchanged and in full force and effect.

SECTION 16. Section 17.204.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.204.010 Initiation of a plan amendment.

An amendment to the general plan land use designation or any specific plan land use designation may be initiated by the planning director, planning commission, city council, or an application by the property owner submitted to the planning director pursuant to Chapter 17.196 of this title. An amendment to the text of the general plan, including any community plan, or specific plan may be initiated by the planning director, the planning commission, or the city council.

SECTION 17. Section 17.204.020 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection B of Section 17.204.020 is amended to read as follows:

B. Procedures—Planning Commission.

The procedural requirements for the hearing before the planning commission and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. For an amendment to the text of the general plan or specific plan, notice of the hearing shall be given by publication pursuant to subsection (C)(2)(a) of Section 17.200.010. For an amendment to the general plan land use designation or any specific plan land use designation, notice shall be given by publication and by mail pursuant to subsections (C)(2)(a) and (c) of Section 17.200.010, except that the notice by mail required by subsection (C)(2)(c)(i)(C) of Section 17.200.010 shall be given to the owners of real property located within five hundred (500) feet of the subject real property. After completion of notice and public hearing, the planning commission may recommend approval, denial, or modification of the plan amendment and forward to the city council for action.

B. Except as specifically amended by the amendments to subsection B, Section 17.204.020 remains unchanged and in full force and effect.

Exhibit 1 Table 17.24.020 A--Residential land use chart.

Use	RE	R1	R1A	R1B	R2	R2A	R2B	R3	R3A	R4	R4A	R5	RMX	RO	OB
Accessory dwlg for ag purposes															
Alternative ownership housing types (townhouse, row house, cluster housing, patio dev't, condo and non-condo housing)		8	8	8		8	8	8	8	8	8	8	8/69	8	
Apartments *						75	75	75	75	75	75	75	69/75	75	
Artist's live/work *	49	49	49	49	49	49	49	49	49	49	49	49	49/69	49	49/18
Condominiums, conversion to *				3	3	3	3	3	3	3	3	3	3/69	3	
Deep lot development *		62			62										
Dormitory *		47		47	47	47	47	47	47	47	47	47	47/69	47	
Duplex (attached or detached) *		37	37	27	1	1	1	1	1	1	1	1	1/69	1	
Family care facility *		x	x	x	x	x	x	x	x	x	x	x	5/69	x	5/18
Family day care facility *		x	x	x	x	x	x	x	x	x	x	x	69	x	18
Family day care home (child care) *		42	42	42	42	42	42	42	42	42	42	42	42/69	42	42/18
Franklin Villa community serv'g use								74							
Fraternity/sorority *		47		47	47	47	47	47	47	47	47	47	47/69	47	
Halfplexes *		37	37	27	5	5	5	5	5	5	5		5/69		
Home occupation *	6	6	6	6	6	6	6	6	6	6	6	6	6/69	6	6
Mobilehome/manufactured home * Used as a single-family dwelling	26	26	17	26	26	26	26	26	26	26	26	26	26/69	26	
Mobilehome/manufactured home * Used as watchperson's qtrs															
Mobilehome park *	59	59	59	59	59	59	59	59	59	59	59	59	59/69	59	5/18
Modelhome complex/temporary sales office	48	48	48	48	48	48	48	48	48	48	48	48	48/69		
Residential care facility *		5	5	5	5	5	5	5	5	5	5	5	5/69	5	
Residential hotel—SRO *											50	50	50/69	50	
Rooming and boarding house *		2	2	2	2	5	5	5	5				5/69		
Second residential unit *	30	30	30	30	30	30	30	30	30	30	30	30	30	30	
Single-family dwelling *	26	26	17	26	26	26	26	26	26	26	5	5	26/69	26	
Temporary residential building	65	65	65	65	65	65	65	65	65	65	65	65	65/69	65	65
Temporary residential shelters		5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Watchperson's quarters															

Exhibit 2 **Table 17.24.020 B--Residential land use chart.**

Use	EC	HC	SC	C1	C2	C3	C4	M1	M1 (S)	M2	M2 (S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-F
Acc dwlg for ag																	72	72		
Alternative ownership housing*			8/15	8	8	8	8	8	8	8	8									
Apartments	53		5/15	76	76	76	13	13	13/20	13	13/20									
Artist's live/work *53	53	49/16	49/15	49	49	49	49	49	49/20	49	49/20	49/53	49/53	49	49/70		49/72	49/72		
Condo, conversion *			3/15	3	3	3														
Deep lot development *																				
Dormitory *			47/15	47	47	47														
Duplex *			5/15	76	76	76	13	13	13/20	13	13/20									
Family care facility *		16	15	x	x	x														
Family day care facility *		16	15	x	x	x	5	5	5/20	5	5/20			x			72	72		
Family day care home *		42/16	42/15	42	42	42	42	42	42/20	42	42/20	5/53	5/53	42	5/70		42/72	42/72		
Franklin Villa com serv'g																				
Fraternity/sorority *			47/15	47	47	47														
Halfplexes			5/15	76	76	76	13	13	13/20	13	13/20									
Home occupation *	6		6	6	6	6	6	6	6	6	6	6/53	6/53	6	6/70		6/72	6/72	6/19	
Mobile/manuf. home * Used as SF dwelling			5/15	5	5	5	13	13	13/20	13	13/20						26/62	26/72		
Mobile/manuf. home * Used as a watch qtrs	53/25	25/16	25/15	25	25	25	25	25	25/20	25	25/20						25/72			
Mobilehome parks *		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70					
Modelhome complex/temp sales office																				
Res care facility *		5/16	5/15	5	5	5	5	5	5/20	5	5/20			5			5/72			
Residential hotel—SRO *				50	50	50	50	50	50/20	50	50/20									
Rooming and boarding house			5/15	5	5															
Second residential unit *																				
Single-family dwelling *			5/15	76	76	5	13	13	13/20	13	13/20						26/72	26/72		
Temporary residential building	65	65	65	65	65	65	65	65	65	65	65	65					65/72	65/72		
Temporary residential shelters		5/16	5/15	5	5	5	78	78	78/20	78	78/20	5/53	5/53	5	5/70	5/71	5/72	5/72		
Watchperson's quarters	53/25	25	25	25	25	25	25	25	25	25	25	25/53	25/53	25	25	25	25/72	25/72		

Exhibit 3 *Table 17.24.030 A--Commercial land use chart*

Use	RE	R1	R1A	R1B	R2	R2A	R2B	R3	R3A	R4	R4A	R5	RMX	RO	OB
Adult entertainment business*															
Adult related establishment *															
Airport *	5	5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Alcoholic beverage sales for off-premises consumption											7/40	7/40	40/69		
Amusement centers—Indoor only											7	7	5/69		
Amusement center—Outdoor	5	5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Appliance repair shop											7	7	69		
Astrology and related practices *											7	7			23/18
Athletic club/fitness center *											7	7	69		18
Auto sales (new or used), storage, or rental *	11	11	11	11	11	11	11	11	11	11	11	11		11	
Auto service or repair*	11	11	11	11	11	11	11	11	11	11	11	11		11	
Bakery or bakery goods store											7	7	9/69		64/18
Bank—savings and loan											7	7	69		18
Bar, nightclub *											7/40	7/40	40/69		64/18
Barber, beauty shop											7	7	69		64/18
Bed and breakfast inn *		28		28	28	28	28	28	28	28	28	28	29/69	28	
Beer and wine sales for off-premises consumption											7/40	7/40	40/69		
Boat dock/marina—Private	5	5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Building /landscape contractor shop															
Bus/transit terminal, depots, & passenger stations—Public & private *		5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Bus and other transit vehicle maintenance and storage *		5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Cabinet shop															
Cemetery	5	5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Check cashing center*												7/84	69/84		18/84
Child care center *	52	52	52	52	52	52	52	52	52	52	52	52	52/69	52	51/18
Church and allied facilities	5	5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Cleaning plant, commercial															
College campus *	5	5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
College extension *	5	5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Commercial services *											7	7	69		18
Community center -Teen, senior public or private		5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Convenience market/store *											7/32	7/32	32/69		64/18
Copy shop											7	7	69		64/18
Delivery service															
Diet center, tanning center											7	7	69		18
Drive-in theater	5	5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Drive-through service facility *													44/69		44/18
Dry cleaning, laundry agency											7	7	69		64/18
Equipment rental & sales yard															
Flea market *															
Florist											7	7	69		64/18
Food store/grocery/deli											7/32	7/32	32/69		64/18
Furniture refinishing															
Furniture store															
Golf course or driving range	5	5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Gun/rifle range *															
Heliport or helistop *	57	57	57	57	57	57	57	57	57	57	57	57	57/69	57	57/18
Hotel *															
Janitorial service company															
Kennel *	5	5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18

Exhibit 3 Table 17.24.030A (Continued)

Use	RE	R1	R1A	R1B	R2	R2A	R2B	R3	R3A	R4	R4A	R5	RMX	RO	OB
Laboratory—Medical, dental, optical											14	14	14/69	14	18
Laundry, commercial plant															
Laundromat—Self service cleaner											7	7	69		
Major medical facility *															
Medical clinic or office *											7	7	69	77	18
Mini storage/locker building															
Mortuary															
Motel *															
Non-profit organization—Food prep for off-site consumption *		5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Non-profit organization—Food storage and distribution *		5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Non-profit organization—Meal service facility *		5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Non-residential care facility *		5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Nursery for plants and flowers															
Offices											7	7	69	77	18
Parking lot, garage or facility		43	43	43	43	43	43	43	43	43	43	43	43/69	43	43/18
Penal institution		5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Pest control company															
Photographic studio											7	7	69		18
Prescription pharmacy, optician											14	14	69	14	18
Printing and blueprinting															64/18
Produce stand	5	5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Residential Hotel—SRO *											50	50	50/69	50	
Restaurant *											7	7	69		64/18
Retail stores *											7	7	/69		64/18
RV/Mobilehome sales yard															
RV storage (commercial)															
School—Public or private (K—12) *		5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
School—Vocational *															
School—Dance/music/art/martial arts *											7	7	69		
Secondhand store*															
Service Station *															
Sidewalk cafes											55	55	55/69		
Sign shop															
Social club—Public or private		5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Social service financial management facility *															5
Somatic practitioner/somatic practitioner establishment *											67	67	67/69	67	67/18
Sports complex															
Superstore															
Temporary building	65	65	65	65	65	65	65	65	65	65	65	65	65/69	65	65
Temporary commercial use													83	83	83
Theater—Movie or stage															
Towing service & vehicle storage yard *															
Tutoring center *											7/68	7/68	68/69	5/68	18/68
Veterinarian clinic/hospital	5	5	5	5	5	5	5	5	5	5	5	5	5/69	5	5/18
Wholesale stores and distributors *															

Exhibit 4 **Table 17.24.030 B--Commercial land use chart**

Use	EC	HC	SC	C1	C2	C3	C4	M1	M1 (S)	M2	M2 (S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-F
Adult entertainment business*					22	22	22	22	22/20	22	22/20									
Adult related est *					24	24	24	24	24/20	24	24/20									
Airport *		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
Alcoholic beverage sales for off-premises cons	40		40/15	40	40	40	40	40	40/20	40	40/20	40/53								
Amusement ctr—Indoor only		16	15	5	x	x	x	x	20	x	20									
Amusement ctr—Outdoor		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
Appliance repair shop			15	x	x	x	x	x	20	x	20	53								
Astrology etc. *					x	x	x	x	20	x	20									
Athletic club *	53		15	x	x	x	x	x	x	x	x									
Auto sales (new/used), storage, rental	53				10/79/80	10	80	80	20/80	80	20/80									
Auto service or repair*	53				4/10/79/80	4/10	80	80	20/80	80	20/80									
Bakery	53		9/15	9	x	x	x	x	20	x	20	14/53	14/53							
Banks			15	x	x	x	x	x	20	x	20	14/53	14/53							
Bar, nightclub *	40/53	40/16	40/15	40	40	40	40	40	40/20	40	40/20	40/53								
Barber, beauty shop	53		15	x	x	x	x	x	20	x	20									
Bed and breakfast inn *	53			29	29	29														
Beer and wine sales for off-premises cons	40		40/15	40	40	40	40	40	40/20	40	40/20	40/53								
Boat dock/marina		5/16	5/15	5	5	5	5	5	5/20	5	5/20						5/72	5/72	5/19	
Bldg/landscape contractor shop					4	4	x	x	20	x	20									
Bus terminal—Public and private *		5/16	5/15	5	x	x	x	x	20	x	20					5/71	5/72	5/72		
Bus et. al. vehicle maintenance & storage *		5/16	5/15	5	5	5	x	x	20	x	20					5/71	5/72	5/72		
Cabinet shop					4	4	x	x	20	x	20	53								
Cemetery		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5			5/72	5/72		
Check cashing center*			15/84	84	84	84	84	84	20/84	84	20/84	14/53/84	14/53/84							
Child care center *	51/53	52/16	51/15	51	51	51	52	52	52/20	52	52/20	52/53	52/53	51	52/70	52/71	52/72			
Church et al.	5/53	5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
Cleaning plant					9/80	9	80	80	20/80	80	20/80									
College campus *	5/53	5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
College extension *	53		15		x	x	x	x	20	x	20									
Commercial services *	53		15	x	x	x	12	12	12/20	12	12/20				14/70					
Community center public or private		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
Convenience mkt *	53	34/16	34/15	32	34	34	34	34	34/20											
Copy shop				x	x	x	x	x	20	x	20						5/72			
Delivery service							9	x	20	x	20	53								
Diet center, etc.	53		15	x	x	x	x	x	20	x	20									
Drive-in theater		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
Drive-thru fac *	44/53	44/16	44/15	44	44	44	44	44	44/20	44	44/20									
Dry cleaning	53		15	x	x	x	x	x	20	x	20									
Equipment rental/sales yard					10/79/80	10	10/80	10/80	10/20/80	10/80	10/20/80									
Flea market *					45		45	45	45/20	45	45/20				45/70					
Florist	53		15	x	x	x	x	x	20	x	20									
Food/grocery/deli	53		15	32	x	x	x	x	20	x	20				14/70					

Exhibit 4 Table 17.24.030B (Continued)

Use	EC	HC	SC	C1	C2	C3	C4	M1	M1 (S)	M2	M2 (S)	MIP	MRD	H	SPX	TC	A	AOS	F	AR P-I
Furniture refinishing					4	4	x	x	20	x	20									
Furniture store			15		x	x	x	x	20	x	20									
Golf course or range		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
Gun/rifle range *							66	66	66	66	66									
Heliport or helistop *	57/53	57/16	57/15	57	57	57	57	57	57/20	57	57/20	57/53	57/53	57	57/70	57/71	57/72	57/72	57/19	
Hotel *	53	16	5/15		x	21	x	x	20	x	20									
Janitorial svc co					9	9	x	x	20	x	20	53								
Kennel *		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
Laboratory	53		15		x	x	x	x	20	x	20	53	53	x						
Laundry, commercial					9/80	9	80	80	20/80	80	20/80									
Laundromat	53		15	x	x	x	x	x	20	x	20									
Major medical fac *														5						
Medical clinic/ofc	53		15	x	x	x	35	35	35/20	35	35/20			x	14/70					
Mini storage/ locker bldg	53				5/80	5	36/80	36/80	20/36/80	36/80	20/36/80	53/80								
Mortuary					x	x	x	x	20	x	20									
Motel *	53	16	5/15		x	21	x	x	20	x	20									
Non-profit org— Food prep for off-site con *		5/16	5/15	5	x	x	x	x	20	x	20	5/53	5/53	x			5/72			
Non-profit org— Food storage & dist *		5/16	5/15	5	9	9	9	x	20	x	20	5/53	5/53	5			5/72			
Non-profit org— Meal service facility *		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5			5/72			
Non-res care fac *		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70		5/72			
Nursery			15		80		80	80	20/80	80	20/80									
Offices	53		15	x	x	x	35	35	35/20	35	35/20	14/53	53		14/70					
Parking lot, garage	43/53	43/16	43/15	43	43	43	43	43	43/20	43	43/20									
Penal institution		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
Pest control company							9	x	20	x	20	53								
Photographic studio			15	x	x	x	x	x	20	x	20									
Prescription, optician	53		15	x	x	x	x	x	20	x	20				70					
Printing & blueprinting	53				x	x	x	x	20	x	20		53							
Produce stand		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
Residential hotel—SRO *				50	50	50	50	50	50/20	50	50/20									
Restaurant *	53	16	15	x	x	x	x	x	20	x	20	53	53		14/70				5/19	
Retail stores *	53		15	x	x	x	12	12	12/20	12	12/20				14/70					
RV/mobilehome sales yard					10/79	10	10	10	10/20	10	10/20									
RV storage (commercial)					79		x	x	20	x	20									
School (K—12) *		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72		
School—Vocational *	53		15		x	x	x	x	20	x	20									
School—Dance etc. *	53		15	5	x	x	x	x	20	x	20									
Secondhand store*	53		15	x	x	x	12	12	12/20	12	12/20				14/70					
Service station	53	16	10/15		10/79/80	10	10/80	10/80	10/20/80	10/80	10/20/80									
Sidewalk cafe	55/53			55	55	55	55	55	55											
Sign shop					x	x	x	x	20	x	20									
Social club		5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
Social svc financial mgt*	5		5		5	5	5	5	5	5	5									

Exhibit 4 Table 17.24.030B (Continued)

Use	EC	HC	SC	C1	C2	C3	C4	M1	M1 (S)	M2	M2 (S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-F
Somatic practitioner/somatic practitioner establishment*	67/53	67/16	67/15	67	67	67	67	67	67/20	67	67/20			67						
Sports complex															5/70					
Superstore			81	/81	81	81	81	81	20/81	81	20/81									
Temporary building	65	65	65	65	65	65	65	65	65	65	65	65/53	65/53	65	65/70	65/71	65/72	65/72	65/19	65
Temporary commercial use	83	83	83	83	83	83	83	83	83	83	83	83	83	83	83	83	83	83	83	83
Theater—Movie or stage		73/16	73/15	73	73	X	73	73	73/20	73	73/20				73/70					
Towing svc & storage yd *					38	38	39	39	39 /20	39	39/20									
Tutoring center *	53/68		15/68	68	68	68	68	68	68/20	68	68/20	14/68	5/68							
Vet clinic/ hospital	53/60	5/16	60/15	5	60	5	60	60	60/20	60	60/20	53	53	5	5/70	5/71	5/72	5/72	5/19	
Wholesale stores	53				9	9	9	80	20/80	80	20/80									

Exhibit 5 Table 17.24.040 A--Industrial and agricultural land use chart

Use	RE	R1	R1A	R1B	R2	R2A	R2B	R3	R3A	R4	R4A	R5	RMX	RO	OB
Agriculture—General uses															
Agriculture—No structures															
Animal or poultry slaughter															
Antenna/communication tower *	58	58	58	58	58	58	58	58	58	58	58	58	58	58	58/18
Assembly of electrical &/or electronic equipment															
Assembly of plastic &/or rubber items															
Auto dismantler *															
Beverage bottling plant															
Billboard manufacture															
Boat building (small)															
Concrete batch plant															
Cement or clay products manufacturing															
Contractor's storage yard															
Dairy processing plant															
Electrical transmission facilities	61	61	61	61	61	61	61	61	61	61	61	61	61	61	61/18
Food processing plant															
Fuel storage yard *															
Garment shop															
Hazardous waste facilities *															
Hog ranch															
Ice manufacture—Cold storage plant															
Junk yard *															
Laboratory—Research, experimental															
Livestock sales yard															
Lumber yard—Retail															
Machine shop															
Manufacturing, assembly, and treatment of merchandise															
Mining operations—Surface *	46				46	46	46	46	46	46	46	46		46	46/18
Monument works, stone															
Planing mill															
Public utility yard															
Railroad ROW, use of															
Railroad yard or shops															
Reclamation or disposal operation	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5/18
Recycling facilities															
Riding stables															
Solid waste landfill	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5/18
Solid waste transfer station	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5/18
Terminal yard, trucking															
Truck and tractor sales, service, and repair															
Warehouse and distribution center*															
Wells, gas or oil	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5/18

Exhibit 6 *Table 17.24.040 B--Industrial and agricultural land use chart*

Use	EC	HC	SC	C1	C2	C3	C4	M1	M1 (S)	M2	M2 (S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-F
Ag—General uses																	x	x	19	
Ag—No structures																	x	x	19	x
Animal slaughter							5	5	5/20	5	5/20	5/53	5/53				5/72	5/72	5/19	
Antenna *		58/16	58/15	58	58	58	58	58	58/20	58	58/20	58/53	58/53	58	58/70	58/71	58/72	59/72	58/19	
Assembly—Electrical electronic equip	53						9	x	20	x	20	53	53							
Assembly—Plastic/rubber	53						9	x	20	x	20	53	53							
Auto dismantler *								5	5/20	5	5/20									
Beverage bottling plant							x	x	20	x	20									
Billboard manufacture							x	x	20	x	20									
Boat building (small)							x	x	20	x	20									
Concrete batch plant								5	5/20	x	20									
Cement/clay products							x	x	x/20	x	20	53								
Contractors storage yd							5	x	20	x	20									
Dairy processing plant							5	x	20	x	20									
Electrical trans fac	53/61	61/16	61/15	61	61	61	61	61	61/20	61	61/20	61/53	61/53	61	61/70	61/71	61/72	61/72	61	61
Food processing plant								x	20	x	20									
Fuel storage yard *							82	82	20/82	82	20/82									
Garment shop							9	x	20	x	20	53								
Hazardous waste fac *								54	54/20	54	54/20									
Hog ranch																	5/72	5/72	5/19	
Ice manufacture							x	x	20	x	20									
Junk yard *								5	5/20	5	5/20									
Lab—Research	53						x	x	20	x	20	53	53							
Livestock sales yard							5	5	5/20	5	5/20	53	53				5/72	5/72	5/19	
Lumber yard—Retail							5	x	20	x	20									
Machine shop							x	x	20	x	20	53								
Manufactur'g, assembly treatment—Merch	53							x	20	x	20	53	53							
Mining operations *	46/53	46/16	46/15	46	46	46	46	46	46/20	46	46/20	46/53	46/53	46	46/70	46/71	46/72	46/72	46/19	
Monument works, stone							x	x	20	x	20									
Planing mill								5	5/20	x	20									
Public utility yard							5	5	5/20	x	20					x				
Railroad ROW, use of							63	63	63/20	63	63/20									
Railroad yard or shops										x	20									
Reclamation operation	5/53	5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
Recycling facilities							41	41	41/20	41	41/20						41/72			
Riding stables																	72	72	19	
Solid waste landfill	5/53	5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
Solid waste transfer stn	5/53	5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	
Terminal yard, trucking							5	x	20	x	20									
Truck and tractor sales, service, and repair							5	5	5/20	x	20									
Warehouse and distribution center*	53					x	x	x	20	x	20	53	53							
Wells, gas or oil	5/53	5/16	5/15	5	5	5	5	5	5/20	5	5/20	5/53	5/53	5	5/70	5/71	5/72	5/72	5/19	

Attachment 4

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING SECTIONS 16.04.040, 16.08.010, 16.12.020, 16.24.100, 16.28.060, 16.32.090, 16.32.150, 16.40.130, 16.40.220, 16.40.240, 16.52.010, AND 16.52.020 OF TITLE 16 OF THE SACRAMENTO CITY CODE (THE SUBDIVISION CODE) RELATING TO APPLICATION PROCESSING AND CODE MAINTENANCE (M09-034)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Section 16.04.040 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended as follows:

A. The following changes are made to the definitions set out in Section 16.04.040:

1. The definition of "director of planning and development" is deleted.

~~"Director of planning and development" means the director of the planning and development department of the city of Sacramento, or the duly authorized representative of said director~~

2. A definition of "halfplex dwelling" is added to Section 16.04.040 to read as follows:

"Halfplex dwelling" means a building comprised of two dwelling units designed for occupancy by two families living independently of each other, where each dwelling unit is attached to the other and located on a lot that may be separately owned or conveyed."

3. The definition of "planning director" is amended to read as follows;

"Planning director" means the principal administrative officer of the planning department established pursuant to Chapter 2.36 of this code given authority pursuant to this title.~~the director of the planning division of the planning and development department of the city of Sacramento, or the duly authorized representative of said director.~~

4. The definition of "planning division" is deleted.

~~"Planning division" means the planning division of the planning and development department of the city of Sacramen~~

B. Except as specifically amended by the provisions in subsection A, Section 16.04.040 remains unchanged and in full force and effect.

SECTION 2. Section 16.08.010 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended as follows:

A. Subsection D of Section 16.08.010 is amended to read as follows:

D. Zoning Administrator.

The zoning administrator shall be responsible for:

1. The approval, conditional approval, or denial of tentative maps for all subdivisions resulting in divisions of land into four or fewer parcels;

2. The approval, conditional approval, or denial of tentative maps for subdivisions described in subsections (A)(1) through (4) of Section 16.12.020.

~~2~~3. The approval, conditional approval or denial of subdivision modifications for all subdivisions resulting in the division of land into four or fewer parcels, for lot line adjustments under Chapter 16.16, and for mergers of contiguous parcels under common ownership without reversion under Chapter 16.20;

~~3~~4. The approval or denial of requests for extensions of time for tentative maps other than vesting tentative maps; and

~~4~~5. The approval, conditional approval, or denial of all post subdivision modifications of four or fewer parcels.

B. Except as specifically amended by the provisions in subsection A, Section 16.08.010 remains unchanged and in full force and effect.

SECTION 3. Section 16.12.020 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended as follows:

A. Subsection B of Section 16.12.020 is amended to read as follows:

B. A tentative map and a parcel map shall be required for those subdivisions described in subsections (A)(1) through (4) of this section, except that a parcel map may be waived ~~unless waived~~ by the planning commission or zoning administrator in accordance with the provisions of Section 16.32.150 of this title.

B. Except as specifically amended by the provisions in subsection A, Section 16.12.020 remains unchanged and in full force and effect.

SECTION 4. Section 16.24.100 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended to read as follows:

16.24.100 City council call-up review.

If a tentative map is approved or conditionally approved by the planning commission, the planning director shall forthwith make a written report of such approval to the city council. The mayor or councilmember in whose district the project is located ~~Any member of the city council~~ shall have the right to call up the tentative map for city council review by filing a written request with the planning director within ten (10) days of the final action by the planning commission. If the tenth day falls on a non-business day, the last day to call-up is the next business day. Upon the filing of a request by the mayor or ~~a~~ councilmember to call up a tentative map for city council review, the council shall notice and set the matter for a public hearing, which shall be held within thirty (30) days after the request for review has been filed or made, unless the subdivider consents to a continuance. Notice of the public hearing shall be given in the same manner as specified in Section 16.24.095(A) of this chapter. The hearing before the city council shall be shall be de novo, meaning that the city council shall hear the matter in the same manner that the design commission, preservation commission, or the planning commission heard the matter in the first instance. The council may add, modify or delete conditions if the council determines that such changes are necessary to ensure that the tentative map conforms to the Subdivision Map Act and this title. The city council may deny the tentative map on any of the grounds contained in Section 16.24.095(D) of this chapter. Within seven days following the conclusion of the hearing, the city council shall render its decision. If the city council does not act within the time limits set forth in this section, the tentative map shall be deemed to have been approved or conditionally approved as last approved or conditionally approved by the planning commission insofar as it complies with all other applicable provisions of the Subdivision Map Act, this title, this code and the general plan.

SECTION 5. Section 16.28.060 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended as follows:

A. Subsection K is added to Section 16.28.060 to read as follows:

K. If the final map creates one or more halfplex lots, the approved final inspection of the halfplexes constructed on each of the halfplex lots.

B. Except as specifically amended by the addition of Subsection K, Section 16.28.060 remains unchanged and in full force and effect.

SECTION 6. Section 16.32.090 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended as follows:

A. Subsection K is added to Section 16.32.090 to read as follows:

K. If the parcel map creates one or more halfplex lots, the approved final inspection of the halfplexes constructed on each of the halfplex lots.

B. Except as specifically amended by the addition of Subsection K, Section 16.32.090 remains unchanged and in full force and effect.

SECTION 7. Section 16.32.150 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended as follows:

A. Subsection C of Section 16.32.150 is amended to read as follows:

C. Conditions. In addition to the foregoing requirements of this section, the following conditions must be satisfied before a certificate of compliance for the property may be recorded:

1. The subdivider must comply with Section 16.32.100 of this chapter and the requirements of the Subdivision Map Act.

2. Property descriptions, drawings showing bearings and distances, and closure calculations must be submitted.

3. A preliminary title report or letter from a title company showing that the subdivider is the owner of the subject property must be submitted.

4. A filing fee established by resolution by the city council must be paid.

5. If the proposed land division creates one or more halfplex lots, the approved final inspection of the halfplexes constructed on each of the halfplex lots must be submitted.

B. Except as specifically amended by the addition of Subsection (C) (5), Section 16.32.150 remains unchanged and in full force and effect.

SECTION 8. Section 16.40.130 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended to read as follows:

16.40.130 ~~Alleys.~~ Reserved.

~~Alleys shall not be permitted in a single-family development except where a subdivision modification is approved.~~

SECTION 9. Section 16.40.220 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended to read as follows:

16.40.220 Lots—Width and area in the R-1 and R-2 zones.

Except as provided in Section 16.40.240(B) for lots in the central city, and except for lots within a planned unit development or lots subject to a special permit for alternative ownership housing type development under Section 17.24.050(8) of this code, the minimum width and area of all lots proposed for single-family and two-family residential uses in the R-1 and R-2 zones shall conform to the following standards~~restrictions~~. For lots proposed for halfplex development, these standards shall be applied to the combined area, width, and depth of the two halfplex lots:

A. Interior lots shall have a minimum width of fifty-two (52) feet at the front building setback line.

B. Corner lots shall have a minimum width of sixty-two (62) feet at the front building setback lines.

C. Lot depth shall not exceed one hundred sixty (160) feet and shall not be less than one hundred (100) feet in depth.

D. Interior lots shall have an area of not less than five thousand two hundred (5,200) square feet.

E. Corner lots shall have an area of not less than six thousand two hundred (6,200) square feet.

F. Side lot lines shall be normally at right angles or radial to street lines.

G. For lots proposed for halfplex development, the standards set forth in subsections A through F shall be applied to the combined area, width, and depth of the two halfplex lots.~~Corner lots subdivided for halfplex development shall have a combined area of six thousand two hundred (6,200) square feet, a minimum width of sixty-two (62) feet at the front building setback line, and a minimum depth of one hundred (100) feet.~~

SECTION 10. Section 16.40.240 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended to read as follows:

16.40.240 Lots—Width and area in zones other than R-1 and R-2 and in the central city.

A. Except as otherwise provided in Sections 16.40.220 and 16.40.230, and in subsection B of this section, and except for lots within a planned unit development or lots subject to a special permit for alternative ownership housing type development under Section 17.24.050(8) of this code, the area, depth and width of properties proposed in all zones other than the R-1 and R-2 zones (existing or proposed in connection with the subdivision) shall be reasonably adequate to provide for the off-street service and parking facilities required by the type of zone and development proposed; provided, in no event shall the lot area be less than five thousand two hundred (5,200) square feet for an interior lot of six thousand two hundred (6,200) square feet for a corner lot. For lots proposed for halfplex development, the minimum area requirement shall be applied to the combined area of the two halfplex lots.

B. The ~~minimum~~ width, depth, and area of all lots in any zone in the central city shall conform to the following ~~restrictions~~standards:

1. Interior and corner lots shall have a minimum width of forty (40) feet at the front building setback line.

2. Lot depth shall not exceed one hundred sixty (160) feet and shall not be less than eighty (80) feet in depth.

3. Interior and corner lots shall have an area of not less than three thousand two hundred (3,200) square feet.

4. Side lot lines shall be normally at right angles or parallel to street lines.

5. For lots proposed for halfplex development, the standards set forth in this subsection B shall be applied to the combined area, width, and depth of the two halfplex lots:~~Corner lots subdivided for halfplex development shall have a combined area of at least three thousand two hundred (3,200) square feet, a minimum width of forty (40) feet at the front building setback line, and a minimum depth of eighty (80) feet.~~

SECTION 11. Section 16.52.010 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended to read as follows:

16.52.010 Modification authority.

The zoning administrator, planning commission or city council may, in accordance with the provisions of this chapter, grant, conditionally grant, or deny requests by a subdivider for modifications to the requirements or standards imposed by these regulations, or to the design of or the conditions of approval of a tentative subdivision or parcel map; provided, however, that no modifications may be made to

any requirement imposed by the Subdivision Map Act; and further provided, that nothing herein shall be construed as altering or conflicting with the powers and duties of the planning director or planning commission to authorize variances from the regulations and requirements of the zoning ordinance. The subdivision review committee may recommend to the zoning administrator, planning commission or city council modifications relating to tentative maps that are subject to its review and approval. A minor change in the design of a subdivision ~~which is not violative of~~that does not violate the requirements or standards imposed by these regulations shall not be deemed to be a "modification" as the term is used herein. Where a modification is sought from the requirements or standards imposed by these regulations, and the same requirement is imposed by the city's zoning ordinance, a separate variance under the zoning ordinance shall not be required.

SECTION 12. Section 16.52.020 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended to read as follows:

16.52.020 Required findings and conditions.

A. Modifications to the Requirements or Standards.

~~Before granting any~~No modification to the requirements or standards imposed by these regulations~~,~~ shall be approved by the zoning administrator, planning commission or city council ~~shall make~~unless all the following findings are made:

~~A~~1. That the property to be divided is of such size or shape, or is affected by such topographic conditions, or that there are such special circumstances or conditions affecting the property that it is impossible, impractical, or undesirable in the particular case to conform to the strict application of these regulations;

~~B~~2. That the cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification;

~~C~~3. That the modification will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity;

~~D~~4. That granting the modification is in accord with the intent and purposes of these regulations and is consistent with the general plan and with all other applicable specific plans of the city. In granting a modification, the planning commission or city council may impose such conditions as are necessary to protect the public health, safety or welfare, and assure compliance with the general plan, with all applicable specific plans, and with the intent and purposes of these regulations.

B. Modifications to Design or Conditions of Approval of a Tentative Subdivision or Parcel Map.

No modification to the design or to a condition of approval of a tentative subdivision or parcel map shall be approved by the zoning administrator, planning commission or city council unless all of the findings required for approval of a tentative map under Chapter 16.24 are made in support of the tentative map with the modified condition.

Attachment 5

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING SECTIONS 16.04.040, 16.08.010, 16.12.020, 16.24.100, 16.28.060, 16.32.090, 16.32.150, 16.40.130, 16.40.220, 16.40.240, 16.52.010, AND 16.52.020 OF TITLE 16 OF THE SACRAMENTO CITY CODE (THE SUBDIVISION CODE) RELATING TO APPLICATION PROCESSING AND CODE MAINTENANCE (M09-034)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Section 16.04.040 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended as follows:

A. The following changes are made to the definitions set out in Section 16.04.040:

1. The definition of "director of planning and development" is deleted.

2. A definition of "halfplex dwelling" is added to Section 16.04.040 to read as follows:

"Halfplex dwelling" means a building comprised of two dwelling units designed for occupancy by two families living independently of each other, where each dwelling unit is attached to the other and located on a lot that may be separately owned or conveyed."

3. The definition of "planning director" is amended to read as follows;

"Planning director" means the principal administrative officer of the planning department established pursuant to Chapter 2.36 of this code given authority pursuant to this title.

4. The definition of "planning division" is deleted.

B. Except as specifically amended by the provisions in subsection A, Section 16.04.040 remains unchanged and in full force and effect.

SECTION 2. Section 16.08.010 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended as follows:

A. Subsection D of Section 16.08.010 is amended to read as follows:

D. Zoning Administrator.

The zoning administrator shall be responsible for:

1. The approval, conditional approval, or denial of tentative maps for all subdivisions resulting in divisions of land into four or fewer parcels;

2. The approval, conditional approval, or denial of tentative maps for subdivisions described in subsections (A)(1) through (4) of Section 16.12.020.

3. The approval, conditional approval or denial of subdivision modifications for all subdivisions resulting in the division of land into four or fewer parcels, for lot line adjustments under Chapter 16.16, and for mergers of contiguous parcels under common ownership without reversion under Chapter 16.20;

4. The approval or denial of requests for extensions of time for tentative maps other than vesting tentative maps; and

5. The approval, conditional approval, or denial of all post subdivision modifications of four or fewer parcels.

B. Except as specifically amended by the provisions in subsection A, Section 16.08.010 remains unchanged and in full force and effect.

SECTION 3. Section 16.12.020 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended as follows:

A. Subsection B of Section 16.12.020 is amended to read as follows:

B. A tentative map and a parcel map shall be required for those subdivisions described in subsections (A)(1) through (4) of this section, except that a parcel map may be waived by the planning commission or zoning administrator in accordance with the provisions of Section 16.32.150 of this title.

B. Except as specifically amended by the provisions in subsection A, Section 16.12.020 remains unchanged and in full force and effect.

SECTION 4. Section 16.24.100 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended to read as follows:

16.24.100 City council call-up review.

If a tentative map is approved or conditionally approved by the planning commission, the planning director shall forthwith make a written report of such approval to the city council. The mayor or councilmember in whose district the project is located shall have the right to call up the tentative map for city council review by filing a written request with the planning director within ten (10) days of the final action by the planning commission. If the tenth day falls on a non-business day, the last day to call-up is the next business day. Upon the filing of a request by the mayor or councilmember to call up a tentative map for city council review, the council shall notice and set the matter for a public hearing, which shall be held within thirty (30) days after the request for review has been filed or made, unless the subdivider consents to a continuance. Notice of the public hearing shall be given in the same manner as specified in Section 16.24.095(A) of this chapter. The hearing before the city council shall be shall be de novo, meaning that the city council shall hear the matter in the same manner that the design commission, preservation commission, or the planning commission heard the matter in the first instance. The council may add, modify or delete conditions if the council determines that such changes are necessary to ensure that the tentative map conforms to the Subdivision Map Act and this title. The city council may deny the tentative map on any of the grounds contained in Section 16.24.095(D) of this chapter. Within seven days following the conclusion of the hearing, the city council shall render its decision. If the city council does not act within the time limits set forth in this section, the tentative map shall be deemed to have been approved or conditionally approved as last approved or conditionally approved by the planning commission insofar as it complies with all other applicable provisions of the Subdivision Map Act, this title, this code and the general plan.

SECTION 5. Section 16.28.060 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended as follows:

A. Subsection K is added to Section 16.28.060 to read as follows:

K. If the final map creates one or more halfplex lots, the approved final inspection of the halfplexes constructed on each of the halfplex lots.

B. Except as specifically amended by the addition of Subsection K, Section 16.28.060 remains unchanged and in full force and effect.

SECTION 6. Section 16.32.090 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended as follows:

A. Subsection K is added to Section 16.32.090 to read as follows:

K. If the parcel map creates one or more halfplex lots, the approved final inspection of the halfplexes constructed on each of the halfplex lots.

B. Except as specifically amended by the addition of Subsection K, Section 16.32.090 remains unchanged and in full force and effect.

SECTION 7. Section 16.32.150 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended as follows:

A. Subsection C of Section 16.32.150 is amended to read as follows:

C. Conditions. In addition to the foregoing requirements of this section, the following conditions must be satisfied before a certificate of compliance for the property may be recorded:

1. The subdivider must comply with Section 16.32.100 of this chapter and the requirements of the Subdivision Map Act.

2. Property descriptions, drawings showing bearings and distances, and closure calculations must be submitted.

3. A preliminary title report or letter from a title company showing that the subdivider is the owner of the subject property must be submitted.

4. A filing fee established by resolution by the city council must be paid.

5. If the proposed land division creates one or more halfplex lots, the approved final inspection of the halfplexes constructed on each of the halfplex lots must be submitted.

B. Except as specifically amended by the addition of Subsection (C) (5), Section 16.32.150 remains unchanged and in full force and effect.

SECTION 8. Section 16.40.130 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended to read as follows:

16.40.130 Reserved.

SECTION 9. Section 16.40.220 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended to read as follows:

16.40.220 Lots—Width and area in the R-1 and R-2 zones.

Except as provided in Section 16.40.240(B) for lots in the central city, and except for lots within a planned unit development or lots subject to a special permit for alternative ownership housing type development under Section 17.24.050(8) of this code, the minimum width and area of all lots proposed for single-family and two-family residential uses in the R-1 and R-2 zones shall conform to the following standards. For lots proposed for halfplex development, these standards shall be applied to the combined area, width, and depth of the two halfplex lots:

A. Interior lots shall have a minimum width of fifty-two (52) feet at the front building setback line.

B. Corner lots shall have a minimum width of sixty-two (62) feet at the front building setback lines.

C. Lot depth shall not exceed one hundred sixty (160) feet and shall not be less than one hundred (100) feet in depth.

D. Interior lots shall have an area of not less than five thousand two hundred (5,200) square feet.

E. Corner lots shall have an area of not less than six thousand two hundred (6,200) square feet.

F. Side lot lines shall be normally at right angles or radial to street lines.

G. For lots proposed for halfplex development, the standards set forth in subsections A through F shall be applied to the combined area, width, and depth of the two halfplex lots.

SECTION 10. Section 16.40.240 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended to read as follows:

16.40.240 Lots—Width and area in zones other than R-1 and R-2 and in the central city.

A. Except as otherwise provided in Sections 16.40.220 and 16.40.230, and in subsection B of this section, and except for lots within a planned unit development or lots subject to a special permit for alternative ownership housing type development under Section 17.24.050(8) of this code, the area, depth and width of properties

proposed in all zones other than the R-1 and R-2 zones (existing or proposed in connection with the subdivision) shall be reasonably adequate to provide for the off-street service and parking facilities required by the type of zone and development proposed; provided, in no event shall the lot area be less than five thousand two hundred (5,200) square feet for an interior lot of six thousand two hundred (6,200) square feet for a corner lot. For lots proposed for halfplex development, the minimum area requirement shall be applied to the combined area of the two halfplex lots.

B. The width, depth, and area of all lots in any zone in the central city shall conform to the following standards:

1. Interior and corner lots shall have a minimum width of forty (40) feet at the front building setback line.

2. Lot depth shall not exceed one hundred sixty (160) feet and shall not be less than eighty (80) feet in depth.

3. Interior and corner lots shall have an area of not less than three thousand two hundred (3,200) square feet.

4. Side lot lines shall be normally at right angles or parallel to street lines.

5. For lots proposed for halfplex development, the standards set forth in this subsection B shall be applied to the combined area, width, and depth of the two halfplex lots:

SECTION 11. Section 16.52.010 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended to read as follows:

16.52.010 Modification authority.

The zoning administrator, planning commission or city council may, in accordance with the provisions of this chapter, grant, conditionally grant, or deny requests by a subdivider for modifications to the requirements or standards imposed by these regulations, or to the design of or the conditions of approval of a tentative subdivision or parcel map; provided, however, that no modifications may be made to any requirement imposed by the Subdivision Map Act; and further provided, that nothing herein shall be construed as altering or conflicting with the powers and duties of the planning director or planning commission to authorize variances from the regulations and requirements of the zoning ordinance. The subdivision review committee may recommend to the zoning administrator, planning commission or city council modifications relating to tentative maps that are subject to its review and approval. A minor change in the design of a subdivision that does not violate the requirements or standards imposed by these regulations shall not be deemed to be a "modification" as the term is used herein. Where a modification is sought from the requirements or

standards imposed by these regulations, and the same requirement is imposed by the city's zoning ordinance, a separate variance under the zoning ordinance shall not be required.

SECTION 12. Section 16.52.020 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended to read as follows:

16.52.020 Required findings and conditions.

A. Modifications to the Requirements or Standards.

No modification to the requirements or standards imposed by these regulations shall be approved by the zoning administrator, planning commission or city council unless all the following findings are made:

1. That the property to be divided is of such size or shape, or is affected by such topographic conditions, or that there are such special circumstances or conditions affecting the property that it is impossible, impractical, or undesirable in the particular case to conform to the strict application of these regulations;

2. That the cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification;

3. That the modification will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity;

4. That granting the modification is in accord with the intent and purposes of these regulations and is consistent with the general plan and with all other applicable specific plans of the city. In granting a modification, the planning commission or city council may impose such conditions as are necessary to protect the public health, safety or welfare, and assure compliance with the general plan, with all applicable specific plans, and with the intent and purposes of these regulations.

B. Modifications to Design or Conditions of Approval of a Tentative Subdivision or Parcel Map.

No modification to the design or to a condition of approval of a tentative subdivision or parcel map shall be approved by the zoning administrator, planning commission or city council unless all of the findings required for approval of a tentative map under Chapter 16.24 are made in support of the tentative map with the modified condition.

Attachment 6

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE ADDING SECTION 17.224.005 TO, AND AMENDING SECTION 17.224.010 OF, TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) RELATING TO HOME OCCUPATIONS (M09-034)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 17.224.005 is added to of Title 17 of the Sacramento City Code (the Zoning Code) to read as follows:

17.224.005 Home occupation regulation—Intent--Definitions.

A. The provisions of this chapter shall control the conduct, establishment and maintenance of home occupations.

B. The intent of these regulations is to reduce and control the impact of a home occupation so that its effects on a neighborhood are undetectable from normal and usual residential activity.

C. For purposes of this chapter, the term "permitted residence" shall mean the dwelling unit (including accessory structures) for which a home occupation permit is issued under this chapter.

SECTION 2.

Section 17.224.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.224.010 Home occupation permits ~~regulations~~.

~~The provisions of this chapter shall control the conduct, establishment and maintenance of home occupations. The intent of these regulations is to reduce the impact of a home occupation to the degree that its effects on a neighborhood are undetectable from normal and usual residential activity.~~

A. Permit Required.

No home occupation shall be established unless and until a permit has been issued in accordance with the provisions of this chapter.

B. ~~Fee~~Application.

An application for a home occupation permit shall conform to and shall be governed by the requirements of Chapter 17.196, including the payment of an application fee ~~established by the fee and charge report.~~ ~~shall be paid by the applicant as part of the application for any home occupation permit which may be issued pursuant to this chapter by the zoning administrator.~~

C. Ministerial Permits.

~~The~~ A home occupation permit shall be issued by the zoning administrator for any of the following occupations upon ~~payment~~ acceptance of an application as complete under Section 17.196.020, including the payment of the required fee, and upon the filing of a signed declaration ~~by~~ of the applicant confirming that all of the ~~relevant~~ special conditions stated in this subsection C, and the general conditions stated in subsection E of this section that are applicable to the proposed occupation~~, if any,~~ will be satisfied.

1. General ~~Office~~ office ~~Uses~~uses, such as accountant, administrative assistant, answering service, appraiser, architect, attorney, bookkeeper, broker or agent (real estate, insurance, etc.), counselor, consultant, drafting service, engineer, interior decorator, secretarial service, ~~stenographer,~~ word processing service, and ~~telephone answering service~~other office uses whose characteristics are substantially similar to those listed, as determined by the zoning administrator .

~~2. Mobile vehicle glass installation and mobile vehicle detailing; subject to the following special conditions:~~

~~a. No storage of glass or other supplies at the home where the business is located.~~

~~b. No installation of glass or vehicle detailing at the home where the business is located.~~

~~c. The truck or van used for the service cannot be larger than a one ton truck.~~

~~d. The following requirements must be met to perform the service in a residential zone:~~

~~i. The vehicle which is to be worked upon must be registered to a current occupant of the premises where work is being performed;~~

~~ii. The elapsed time for the installation/detailing may not exceed forty-eight (48) hours from beginning and end of installation; and~~

~~iii. Work may not be performed on more than two vehicles at one time on the same premises or by the same person.~~

~~e. No work on the vehicle is permitted on a public street.~~

~~Vehicle detailing is defined as cleaning the exterior and/or interior passenger area and truck area of a vehicle. It may include washing, waxing, and polishing of a vehicle as well as interior carpet and upholstery cleaning. It does not permit cleaning under the hood of a vehicle (including engine cleaning and engine steam cleaning), painting, tinting or dying the vehicle or parts of the vehicle.~~

~~3~~2. Commission merchant,~~;~~ direct sale product distribution, ~~and~~ internet or mail order business.~~; subject to the following special conditions:~~

~~a. The home will be the mailing address and office only, the applicant will only take orders at the home and the orders will be filled by direct shipment from factory to the customer.~~

~~b. There is no storage of stock on the premises.~~

3. Dressmaker, tailor, fashion designer.

4. Mobile vehicle glass installation and mobile vehicle detailing~~;~~, subject to the following special conditions:

a. Vehicle detailing is limited to cleaning the exterior and/or interior passenger area and truck area of a vehicle. It includes washing, waxing, and polishing the vehicle and cleaning the interior carpet and upholstery. Cleaning under the hood of a vehicle (including engine cleaning and engine steam cleaning), painting, tinting or dying the vehicle or parts of the vehicle is prohibited.

~~No storage of glass or other supplies at the home where the business is located.~~

b. No installation of glass or vehicle detailing work is allowed at the ~~home~~ permitted residence~~where the business is located~~.

~~c. The truck or van used for the service cannot be larger than a one ton truck.~~

~~d. The following requirements must be met to perform the service in a residential zone:~~

~~i.~~c. If the installation or detailing work is to be performed on a vehicle at a location in a residential zone, the~~The~~ vehicle ~~which is to be worked upon~~ must be registered to a current occupant of the premises where work is ~~being~~ performed.~~;~~

~~ii.~~d. The elapsed time for the installation or ~~/~~detailing work may not exceed ~~forty-eight (48)~~ hours. ~~from beginning and end of installation; and~~

~~iii~~e. ~~Work~~ Installation or detailing work may not be performed on more than two vehicles at one time on the same premises.

~~e~~f. No ~~work on the vehicle~~installation or detailing work ~~is permitted~~shall be performed ~~on a~~ within a public street.

~~Vehicle detailing is defined as cleaning the exterior and/or interior passenger area and truck area of a vehicle. It may include washing, waxing, and polishing of a vehicle as well as interior carpet and upholstery cleaning. It does not permit cleaning under the hood of a vehicle (including engine cleaning and engine steam cleaning), painting, tinting or dying the vehicle or parts of the vehicle.~~

5. Pet services, such as pet sitting, pet grooming, pet training, and veterinarian care, subject to the following special condition:

a. No pet services shall be conducted at the permitted residence.

6. ~~Office for: contractor~~Contractor~~;~~, handyperson, ~~"handyman";~~ ~~"handywoman";~~ janitorial service~~;~~, landscape contractor~~;~~, and gardening service~~;~~, subject to the following special conditions:

a. The permitted residence ~~home will~~ may contain only an office related to the occupation. No employees ~~will~~ may report to the ~~home~~ permitted residence for work assignments ~~in conjunction with the occupation~~. One employee who is a nonresident of the permitted residence may work at the ~~residence per the restrictions outlined in~~permitted residence as provided in subsection (E)(1)(~~b~~d) of this section.

~~b. No equipment or supplies will be stored on the premises.~~

~~5. Dressmaker; and tailor; subject to the following special conditions:~~

~~a. No manufacturing for stock in trade.~~

~~b. No nuisance producing activity will occur in conjunction with the home occupation.~~

~~6.a. Artist's Live/Work Space—Residential Zones. Artist's live/work space may be established in any residential zone for the following arts activities involving the nonperforming arts: painting, sculpture, drawing, photography, film, video, small-scale glass works, ceramics, textiles, custom-made jewelry or apparel and woodworking.~~

~~b. Artist's Live/Work Space—Nonresidential Zones. Notwithstanding any other provision of this chapter, artist's live/work space may be established in nonresidential zones and include: painting, sculpture, drawing, photography, film, video, small-scale glass works, ceramics, textiles, custom-made jewelry or apparel and woodworking. Also music, dance and other performance arts for rehearsal only.~~

~~7. Interior decorator offices; photo laboratory; subject to the special condition that the residence will not be used as a studio.~~

7. Artist, subject to the following special condition:

a. Artist live/work must comply with the requirements of Chapter 17.24.

8. Tutoring, subject to the following special condition:

a. If tutoring is conducted at the permitted residence, all tutoring must be conducted inside the residence. ~~of individuals~~.

~~9. Somatic Practitioners. A somatic practitioner is a massage technician who meets the requirements for and holds a valid permit under the regulations of Chapter 5.124 of this code. In addition to abiding to the home occupation restrictions, a somatic practitioner must obtain a somatic practitioner's permit from the city revenue division. Clients and customers are not permitted to come to the home office of the somatic practitioner.~~

~~10~~9. Small ~~Appliance~~ equipment, appliance, and computer assembly, r~~R~~epair, or reconstruction, subject to the following special conditions:~~.~~

a. ~~The assembly, repair or reconstruction of small electronic, mechanical or garden equipment (including lawnmowers), or small household appliances, shall be permitted.~~ There shall be no pickup or delivery of items to the permitted residence by the public. All storage, assembly, repair, and reconstruction work ~~and testing of equipment~~ shall be performed within an enclosed building. ~~All~~ The equipment, ~~or~~ appliances, and computers assembled, repaired, or reconstructed~~, pursuant to this chapter,~~ at the permitted residence shall not exceed six feet in height, six feet in length, six feet in ~~or~~ width, ~~one hundred (~~100~~)~~ pounds in weight, ~~or~~ and five horsepower. No more than ~~twelve (~~12~~)~~ pieces of equipment, in any condition, shall be on-site at the permitted residence at any one time.

~~The assembly, repair, or reconstruction of major household appliances, including refrigerators, freezers, clothes washers, clothes dryers, dishwashers, stoves, heating equipment and air conditioning equipment, is not a permitted home occupation.~~

10. Healing arts professional, including physician, surgeon, chiropractor, physical therapist, acupuncturist, and somatic practitioner, subject to the following special condition:

a. Office visits and treatment shall not occur at the permitted residence.

11. Hair stylist, barber, and manicurist, subject to the following special condition:

a. Services to clients shall not be rendered at the permitted residence.

12. Swimming instructor, subject to the following special condition:

a. Swimming instruction shall not be given at or in a swimming pool at the permitted residence.

D. Discretionary Home Occupation Permits~~ Issued by the Zoning Administrator~~.

1. Except for the prohibited home occupations listed in subsection F of this section, t~~T~~he zoning administrator shall have the authority to issue a discretionary home occupation permit for the following:

a. ~~Any~~ A home occupation not listed in subsections (C)(1) through (C)(~~10~~12) of this ~~chapter~~section.

b. A home occupation listed in subsections (C)(1) through (C)(12) of this section that does not comply with one or more of the applicable special conditions there listed.

c. A home occupation that does not comply with the restrictions stated in subsection E of this section.~~;~~

~~b. Artists' Live/Work Space, Residential Zone. Any activity that the zoning administrator determines to be substantially similar to those activities specified in subsection (C)(6)(a) of this section.~~

~~c. Artists' Live/Work Space, Nonresidential Zone. Any activity that the zoning administrator determines to be substantially similar to those activities specified in subsection (C)(6)(b) of this section.~~

~~d. The use of a private swimming pool on residentially zoned land for the purpose of providing swimming instructions for compensation.~~

2. At least one public hearing shall be held on an application to the zoning administrator for a discretionary home occupation permit under this subsection D. The provisions of Section 17.212.040 governing notice, hearing, decision, and notification of a zoning administrator special permit shall apply to the hearing and decision on a discretionary home occupation permit~~procedural requirements for the hearing before the zoning administrator and the contents of the hearing notice shall be governed by the provisions of Chapter 17.200 of this title. Notice of the hearing shall be given by posting and by mail pursuant to subsections (C)(2)(b) and (c) of Section 17.200.010~~.

3. The zoning administrator may approve or conditionally approve a discretionary home occupation permit if the zoning administrator finds that the operation of the home occupation, as approved, will not adversely affect the public health, safety, and welfare, and will not produce effects inconsistent with the normal and usual activity in the surrounding neighborhood.~~attach such conditions as he or she deems necessary to the issuance of such a permit to make it consistent with the purposes of this chapter.~~

E. ~~Restrictions~~ Requirements ~~on~~ Applicable to All Home Occupation ~~Permits~~.

1. Requirements.

~~Notwithstanding~~In addition to the special conditions and other provisions in subsections C and D of this section, all home occupation ~~permits~~ shall satisfy all of the following ~~criteria, except as provided herein below~~requirements:~~.~~

a. All of the requirements stated in this subsection E shall apply to each permitted residence without regard to the number of home occupation permits issued for the residence.

b. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes. The home occupation may be conducted in the principal dwelling or accessory structures on the subject property provided that the area does not exceed ten 10% of the habitable floor area of the residence, including storage of items used or produced by the home occupation.

c. If the home occupation is conducted in a garage, parking for the permitted residence must still be maintained as required by this title.

~~a~~d. ~~A home occupation shall be limited to an office or business of a personal service nature only. No~~ A total of no more than three ~~occupants of the residence~~persons ~~shall~~ may be engaged in ~~a~~ home occupations at ~~the~~a ~~subject~~ permitted residence, of which no more than one person may be a non-resident of the permitted residence.

~~b. The business may have a maximum of one non-resident employee that works at the subject residence. If there is one employee on-site that is not a resident of the home, no more than two occupants of the residence shall be engaged in the home occupation at the residence (a maximum of three people at the residence may be~~

~~engaged in the home occupation).~~ The ~~business~~ home occupation may have more than one off-site employee or partner ~~so long as~~if ~~they do~~that person does not ~~report for~~ work at the ~~subject~~ permitted residence.

~~c~~e. ~~Clients/customers are permitted to visit the residence,~~ Uunless prohibited ~~above in the specific restrictions for certain~~by a special condition under subsection C of this section, or by a condition of approval of a discretionary home occupation permit under subsection D of this section, clients or customers are permitted to visit the permitted residence ~~home occupations~~; provided, that on any single day there shall be no more than one client or ~~/~~customer per hour and no more than eight customers or ~~/~~clients visiting the residence in a day. A family unit, such as a parent and child(ren) shall be considered one client or customer for purposes of this restriction.

~~d~~f. No more than two home occupation permits shall be granted per dwelling unit. ~~The limitations noted above regarding the number of employees and clients shall apply as if there were only one home occupation at the residence (i.e., the maximum number of people engaged in home occupations at the site is three, not six; the maximum number of nonresident employees permitted to work at the site is one, not two; the maximum number of clients per hours is one, not two; the maximum number of clients per day is eight, not sixteen (16)).~~

g. The permitted residence shall comply with all building code standards made applicable to the residence because of the operation of the home occupation.

~~e~~h. ~~No more than one truck of~~Only one vehicle of a size no larger ~~size~~ than one ton shall be permitted in conjunction with ~~any~~ a home occupation.

~~f. No home occupation permit shall be issued which involves food handling, processing or packing.~~

~~g. No home occupation permit shall be issued for an auto or vehicle repair shop. Vehicle glass installation and detailing only are permitted subject to the special conditions listed in subsection (C)(2) of this section.~~

~~h~~i. There shall be no sign, nameplate or any other form of advertising displayed on the ~~premises in which a home occupation is conducted~~permitted residence.

~~i. There shall be no goods, samples, materials or objects sold, manufactured for stock in trade, or displayed on the premises in conjunction with any home occupation.~~

~~j. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes. The home occupation may be conducted in the principal dwelling or accessory structures on the subject property provided that the area does not exceed ten (10) percent of the habitable floor area of the residence.~~

5. No home occupation shall be permitted which creates noise, odor, dust, vibration, fumes or smoke readily discernible at the exterior boundaries of the parcel on which the home occupation is situated.

6. No home occupation shall be permitted that will create any electrical disturbance adversely affecting the operation of any equipment located in any other dwelling unit or on property not owned by the person conducting the home occupation.

No home occupation shall be established unless and until a permit has been issued in accordance with the provisions of this chapter.

B. Application.

An application for a home occupation permit shall conform to and shall be governed by the requirements of Chapter 17.196, including the payment of an application fee.

C. Ministerial Permits.

A home occupation permit shall be issued by the zoning administrator for any of the following occupations upon acceptance of an application as complete under Section 17.196.020, including the payment of the required fee, and upon the filing of a signed declaration of the applicant confirming that all of the special conditions stated in this subsection C, and the general conditions stated in subsection E of this section that are applicable to the proposed occupation will be satisfied.

1. General office uses, such as accountant, administrative assistant, answering service, appraiser, architect, attorney, bookkeeper, broker or agent (real estate, insurance, etc.), counselor, consultant, drafting service, engineer, interior decorator, secretarial service, word processing service, and other office uses whose characteristics are substantially similar to those listed, as determined by the zoning administrator .

2. Commission merchant, direct sale product distribution, internet or mail order business.

3. Dressmaker, tailor, fashion designer.

4. Mobile vehicle glass installation and mobile vehicle detailing, subject to the following special conditions:

a. Vehicle detailing is limited to cleaning the exterior and/or interior passenger area and truck area of a vehicle. It includes washing, waxing, and polishing the vehicle and cleaning the interior carpet and upholstery. Cleaning under the hood of a vehicle (including engine cleaning and engine steam cleaning), painting, tinting or dying the vehicle or parts of the vehicle is prohibited.

b. No installation of glass or vehicle detailing work is allowed at the permitted residence.

c. If the installation or detailing work is to be performed on a vehicle at a location in a residential zone, the vehicle must be registered to a current occupant of the premises where work is performed.

Attachment 7

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE ADDING SECTION 17.224.005 TO, AND AMENDING SECTION 17.224.010 OF, TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) RELATING TO HOME OCCUPATIONS (M09-034)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 17.224.005 is added to of Title 17 of the Sacramento City Code (the Zoning Code) to read as follows:

17.224.005 Home occupation regulation—Intent--Definitions.

A. The provisions of this chapter shall control the conduct, establishment and maintenance of home occupations.

B. The intent of these regulations is to reduce and control the impact of a home occupation so that its effects on a neighborhood are undetectable from normal and usual residential activity.

C. For purposes of this chapter, the term "permitted residence" shall mean the dwelling unit (including accessory structures) for which a home occupation permit is issued under this chapter.

SECTION 2.

Section 17.224.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.224.010 Home occupation permits.

A. Permit Required.

~~k. If the home occupation occurs in a garage, parking for the residence must still be maintained as required by this title.~~

~~l. No nuisance producing activity shall be permitted as a home occupation.~~

~~m. No home occupation shall be permitted which creates noise, odor, dust, vibration, fumes or smoke readily discernible at the exterior boundaries of the parcel on which they are situated.~~

~~n. No home occupation shall be permitted which will create any electrical disturbance adversely affecting the operation of any equipment located in any other dwelling unit or on property not owned by the person conducting said home occupation.~~

~~o. No home occupation shall be permitted for the practice of the business or art of astrology or related practices which is subject to the licensing provisions of Chapter 5.16 of this code.~~

~~p. No home occupation shall be permitted to conduct any business or adult-related establishment which is subject to the permit requirements of Chapter 5.04 of this code.~~

2. Waiver of Requirements. The zoning administrator shall have the authority to issue a discretionary home occupation permit under subsection (D) of this section to ~~may~~ waive the requirements set forth in subsections (~~(E)(~~1)(a) through (~~(E)(~~1)(~~n~~i) of this subsection E. ~~upon a determination that the application involved a very unusual situation or hardship and that the public health, safety and general welfare will not be adversely affected thereby.~~

F. Prohibited Home Occupations.

1. No home occupation permit shall be issued for a use that involves food handling, processing or packing. This prohibition shall not apply to home occupations that involve the use of commercially prepackaged foods where the foods are not removed from the packaging.

2. No home occupation permit shall be issued for an auto or vehicle repair shop. Vehicle glass installation and detailing only are permitted subject to the special conditions listed in subsection (C)(4) of this section.

3. No home occupation permit shall be issued for any adult business or adult-related establishment that is subject to the permit requirements of Chapter 5.04 of this code.

4. No nuisance producing activity shall be permitted as a home occupation.

d. The elapsed time for the installation or detailing work may not exceed 48 hours.

e. Installation or detailing work may not be performed on more than two vehicles at one time on the same premises.

f. No installation or detailing work shall be performed within a public street.

5. Pet services, such as pet sitting, pet grooming, pet training, and veterinarian care, subject to the following special condition:

a. No pet services shall be conducted at the permitted residence.

6. Contractor, handyperson, janitorial service, landscape contractor, and gardening service, subject to the following special conditions:

a. The permitted residence may contain only an office related to the occupation. No employees may report to the permitted residence for work assignments. One employee who is a nonresident of the permitted residence may work at the permitted residence as provided in subsection (E)(1)(d) of this section.

7. Artist, subject to the following special condition:

a. Artist live/work must comply with the requirements of Chapter 17.24.

8. Tutoring, subject to the following special condition:

a. If tutoring is conducted at the permitted residence, all tutoring must be conducted inside the residence.

9. Small equipment, appliance, and computer assembly, repair, or reconstruction, subject to the following special conditions:

a. There shall be no pickup or delivery of items to the permitted residence by the public. All storage, assembly, repair, and reconstruction work shall be performed within an enclosed building. The equipment ,appliances, and computers assembled, repaired, or reconstructed at the permitted residence shall not exceed six feet in height, six feet in length, six feet in width, 100 pounds in weight, and five horsepower. No more than 12 pieces of equipment, in any condition, shall be on-site at the permitted residence at any one time.

10. Healing arts professional, including physician, surgeon, chiropractor, physical therapist, acupuncturist, and somatic practitioner, subject to the following special condition:

a. Office visits and treatment shall not occur at the permitted residence.

11. Hair stylist, barber, and manicurist, subject to the following special condition:

a. Services to clients shall not be rendered at the permitted residence.

12. Swimming instructor, subject to the following special condition:

a. Swimming instruction shall not be given at or in a swimming pool at the permitted residence.

D. Discretionary Home Occupation Permits.

1. Except for the prohibited home occupations listed in subsection F of this section, the zoning administrator shall have the authority to issue a discretionary home occupation permit for the following:

a. A home occupation not listed in subsections (C)(1) through (C)(12) of this section.

b. A home occupation listed in subsections (C)(1) through (C)(12) of this section that does not comply with one or more of the applicable special conditions there listed.

c. A home occupation that does not comply with the restrictions stated in subsection E of this section.

2. At least one public hearing shall be held on an application to the zoning administrator for a discretionary home occupation permit under this subsection D. The provisions of Section 17.212.040 governing notice, hearing, decision, and notification of a zoning administrator special permit shall apply to the hearing and decision on a discretionary home occupation permit.

3. The zoning administrator may approve or conditionally approve a discretionary home occupation permit if the zoning administrator finds that the operation of the home occupation, as approved, will not adversely affect the public health, safety, and welfare, and will not produce effects inconsistent with the normal and usual activity in the surrounding neighborhood.

E. Requirements Applicable to All Home Occupations.

1. Requirements.

In addition to the special conditions and other provisions in subsections C and D of this section, all home occupations shall satisfy all of the following requirements:

a. All of the requirements stated in this subsection E shall apply to each permitted residence without regard to the number of home occupation permits issued for the residence.

b. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes. The home occupation may be conducted in the principal dwelling or accessory structures on the subject property provided that the area does not exceed ten 10% of the habitable floor area of the residence, including storage of items used or produced by the home occupation.

c. If the home occupation is conducted in a garage, parking for the permitted residence must still be maintained as required by this title.

d. A total of no more than three persons may be engaged in home occupations at a permitted residence, of which no more than one person may be a non-resident of the permitted residence. The home occupation may have more than one off-site employee or partner if that person does not work at the permitted residence.

e. Unless prohibited by a special condition under subsection C of this section, or by a condition of approval of a discretionary home occupation permit under subsection D of this section, clients or customers are permitted to visit the permitted residence; provided, that on any single day there shall be no more than one client or customer per hour and no more than eight customers or clients visiting the residence in a day. A family unit, such as a parent and child(ren) shall be considered one client or customer for purposes of this restriction.

f. No more than two home occupation permits shall be granted per dwelling unit.

g. The permitted residence shall comply with all building code standards made applicable to the residence because of the operation of the home occupation.

h. Only one vehicle of a size no larger than one ton shall be permitted in conjunction with a home occupation.

i. There shall be no sign, nameplate or any other form of advertising displayed on the permitted residence.

2. Waiver of Requirements. The zoning administrator shall have the authority to issue a discretionary home occupation permit under subsection (D) of this section to waive the requirements set forth in subsections (1)(a) through (1)(i) of this subsection E.

F. Prohibited Home Occupations.

1. No home occupation permit shall be issued for a use that involves food handling, processing or packing. This prohibition shall not apply to home occupations that involve the use of commercially prepackaged foods where the foods are not removed from the packaging.

2. No home occupation permit shall be issued for an auto or vehicle repair shop. Vehicle glass installation and detailing only are permitted subject to the special conditions listed in subsection (C)(4) of this section.

3. No home occupation permit shall be issued for any adult business or adult-related establishment that is subject to the permit requirements of Chapter 5.04 of this code.

4. No nuisance producing activity shall be permitted as a home occupation.

5. No home occupation shall be permitted which creates noise, odor, dust, vibration, fumes or smoke readily discernible at the exterior boundaries of the parcel on which the home occupation is situated.

6. No home occupation shall be permitted that will create any electrical disturbance adversely affecting the operation of any equipment located in any other dwelling unit or on property not owned by the person conducting the home occupation.

Attachment 8

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING SECTION 3.76.040 OF TITLE 3 AND SECTIONS 17.16.010 AND 17.24.050 OF TITLE 17 (THE ZONING CODE) OF THE SACRAMENTO CITY CODE RELATING TO SIDEWALK CAFES (M09-034)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Section 3.76.040 of Title 3 of the Sacramento City Code is amended to read as follows:

3.76.040 ~~City manager or designee—Authority to issue~~ Sidewalk café revocable encroachment permits ~~for outdoor sidewalk cafes~~.

The city manager or designee may review applications for and approve or conditionally approve revocable permits for outdoor sidewalk cafes.

A. Sidewalk cafes are permitted on a city sidewalk, alley, or pedestrian mall located in the public right-of-way, in the zones indicated in section 17.24.030, subject to issuance of a sidewalk café revocable encroachment permit under this section and compliance with the application, development, and operational requirements of this section.

B. Applications for a sidewalk café revocable encroachment permit shall be made to the city manager or designee. A completed sidewalk cafe revocable encroachment permit application must be accompanied by two sets of plans drawn to scale, consisting of site (plot) plan and elevation drawings of proposed outdoor dining facilities. The site plan must show the location of tables, chairs, accessory service facilities, perimeter barrier element, and any fixed elements on the sidewalk/alley/mall within a twenty-five (25) foot radius around the sidewalk cafe area. Fixed elements include, but are not limited to, light and sign poles, trees/landscape strips, traffic signal poles, parking meters, raised planter curbs, tree-wells, flower pots, and waste containers. Plans must include the dimension of the clear zone, as defined in subsection E of this section, from outer perimeter of the sidewalk cafe fixture to nearest sidewalk fixtures. Elevation plans must show front and side view of sidewalk dining facilities, including all proposed above-grade improvements such as planter boxes, awnings, tables, and chairs.

C. A sidewalk café may be established only in conjunction with an adjacent restaurant use.

D. Sidewalk cafes shall not obstruct pedestrian traffic, accessibility to vehicles parked adjacent to the curb, or create public health or safety hazards.

E. A minimum four foot clear zone outside the CBD Special Planning District and a minimum six foot clear zone inside the CBD Special Planning District are required between the outside edge of any sidewalk cafe fixture and any fixed element within the sidewalk/alley/pedestrian mall right-of-way. Fixed elements include, but are not limited to, light and sign poles, trees/landscape strips, traffic signal poles, parking meters, raised planter curbs, tree-wells, flower pots, and waste containers. "Clear zone" means a paved pedestrian area that is maintained free of all obstructions.

F. The sidewalk café revocable encroachment permit holder solely shall be responsible for compliance with all federal and state laws relating to disabled access in the operation of a sidewalk cafe and in maintaining the clear zone required by subsection E of this section free of obstructions.

G. No parking shall be required for sidewalk cafes permitted under this section.

H. Sidewalk cafes shall be used only as seating areas. Storage, kitchen, or restroom uses are not allowed. Tables and/or chairs must be movable unless otherwise approved by the city manager or designee.

I. Placement of tables and/or chairs shall be limited to the public right-of-way frontage adjacent to the associated restaurant use as determined by the city manager or designee.

J. Service and consumption of alcoholic beverages in a sidewalk cafe shall comply with Chapter 9.04 of this code.

K. A decorative element separating sidewalk cafe seating area from adjacent pedestrian traffic must be provided. The design and materials of such element must complement and be compatible to the architectural design of the restaurant building facade or of a design that adds visual interest to the streetscape.

L. Sidewalk cafes may be uncovered, partially covered, or fully covered by means of umbrellas, awnings or canopies. Awning or canopy material covering a sidewalk cafe shall be temporary or retractable and may extend into the public right of way from the face of the building up to the maximum clear zone dimension of six feet. Width and height of awnings and canopies shall meet applicable building code requirements. Awnings, canopies and umbrellas must be made of fire-treated or nonflammable materials.

M. Decorative/accent lighting may be incorporated into the sidewalk cafe awning or canopy and shall meet all city code requirements.

N. Upon approval by the city manager or designee, the applicant shall obtain all required building/electrical permits prior to construction.

O. The permit issued under this section approving the sidewalk cafe and designating the allowed number of tables and/or chairs shall be displayed in a prominent location easily accessible to the public.

SECTION 2. Section 17.16.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Section 17.16.010 is amended by amending the definition of "Sidewalk" to read as follows:

"Sidewalk café" means a portion of a city sidewalk, alley, or pedestrian mall located in the public right-of-way immediately adjacent to an existing restaurant, where food and drink are served and consumed as an extension of and in conjunction with the adjacent restaurant. In reference to sidewalk cafes, a "sidewalk" includes all of the space between the property line and the outside curb line, whether used for pedestrian purposes, park purposes, or otherwise.

B. Except as specifically amended by the provisions of Subsection A, above, Section 17.16.010 remains unchanged and in full force and effect.

SECTION 3. Section 17.24.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Footnote 55 of Section 17.24.050 is amended to read as follows:

55. Sidewalk cafes are permitted in this zone on any ~~public right-of-way~~city sidewalk, alley, or pedestrian mall located in the public right-of-way, subject to the issuance of a sidewalk café revocable encroachment permit ~~review and approval~~ by the city manager or designee~~director~~ under section 3.76.040 of this code. Sidewalk cafes shall comply with the ~~following~~ development standards stated in section 3.76.040. No parking shall be required for sidewalk cafes permitted under this section and section 3.76.040. ~~and application pro~~

~~a. Sidewalk cafes shall not obstruct sidewalk pedestrian traffic, accessibility to vehicles parked adjacent to the curb, or create public health or safety hazards.~~

~~b. Sidewalk Clear Zone Requirement. A minimum four foot clear zone outside the central city and a minimum six foot clear zone inside the central city is required between the outside edge of any sidewalk cafe fixture and any fixed element within the sidewalk right-of-way. Fixed elements include, but are not limited to, light and sign poles, trees/landscape strips, traffic signal poles, parking meters, raised planter curbs, tree-wells, flower pots, and waste containers. "Clear zone" means a paved pedestrian area that is maintained free of all obstructions.~~

~~c. Obtain a revocable encroachment permit pursuant to this code.~~

~~d. No parking shall be required for sidewalk cafes on the public right-of-way. Outdoor cafes located on private property shall provide off-street parking in accordance with the provisions of Chapter 17.64 based on total indoor and outdoor seating.~~

~~e. Sidewalk cafes shall be used only as seating areas. Storage, kitchen, or restroom uses are not allowed. Tables and/or chairs must be movable unless otherwise approved by the director upon concurrence with other city agencies/departments.~~

~~f. Placement of tables and/or chairs shall be limited to the sidewalk area frontage adjacent to the use.~~

~~g. Tables and/or chairs shall be placed on sidewalks only in conjunction with a use that serves food and/or beverages. Service of alcoholic beverages on any sidewalk shall be pursuant to Title 9 of this code.~~

~~h. A decorative element separating outdoor cafe seating area from adjacent pedestrian traffic must be provided. The design and materials of such element must complement and be compatible to the architectural design of the restaurant building facade or of a design that adds visual interest to the streetscape.~~

~~i. Sidewalk cafes may be uncovered, partially covered or fully covered by means of umbrellas, awnings or canopies. Awning or canopy material covering a sidewalk cafe shall be temporary or retractable and may extend into the public right of way from the face of the building up to the maximum clear zone dimension of six feet. Width and height of awnings and canopies shall meet UBC requirements. Awnings, canopies and umbrellas must be made of fire-treated or nonflammable materials.~~

~~j. The applicant shall be solely responsible for compliance with all federal and state laws relating to disabled access in the operation of a sidewalk cafe and in maintaining the clear zone required by subsection 17.24.050(55)(b) free of obstructions.~~

~~k. Decorative/accent lighting may be incorporated into the outdoor cafe awning or canopy and shall meet all city code requirements.~~

~~l. The applicant for a sidewalk cafe shall apply for a revocable permit with the planning director. A completed sidewalk cafe revocable permit application must be accompanied by two sets of plans drawn to scale, consisting of site (plot) plan and elevation drawings of proposed outdoor dining facilities. The site plan must show the location of tables, chairs, accessory service facilities, perimeter barrier element and any fixed elements on sidewalk/mall within a twenty-five (25) foot radius around the outdoor cafe area. Fixed elements include, but are not limited to, light and sign poles, trees/landscape strips, traffic signal poles, parking meters, raised planter curbs, tree-wells, flower pots, and waste containers. Plans must include the dimension of the clear zone, as defined in subsection 17.24.050(55)(b)), from outer perimeter of outdoor cafe~~

~~fixture to nearest sidewalk fixtures. Elevation plans must show front and side view of outdoor dining facilities, including all proposed above-grade improvements such as planter boxes, awnings, tables, and chairs.~~

~~m. Upon approval by the director, the applicant shall obtain all required building/electrical permits prior to construction.~~

~~n. The permit issued under this subsection 17.24.050(55) approving the sidewalk cafe and designating the allowed number of tables and/or chairs shall be displayed in a prominent location easily accessible to the public.~~

B. Except as specifically amended by the amendment to footnote 55, Section 17.24.050 remains unchanged and in full force and effect.

Attachment 9

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING SECTION 3.76.040 OF TITLE 3 AND SECTIONS 17.16.010 AND 17.24.050 OF TITLE 17 (THE ZONING CODE) OF THE SACRAMENTO CITY CODE RELATING TO SIDEWALK CAFES (M09-034)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Section 3.76.040 of Title 3 of the Sacramento City Code is amended to read as follows:

3.76.040 Sidewalk café revocable encroachment permits.

A. Sidewalk cafes are permitted on a city sidewalk, alley, or pedestrian mall located in the public right-of-way, in the zones indicated in section 17.24.030, subject to issuance of a sidewalk café revocable encroachment permit under this section and compliance with the application, development, and operational requirements of this section.

B. Applications for a sidewalk café revocable encroachment permit shall be made to the city manager or designee. A completed sidewalk cafe revocable encroachment permit application must be accompanied by two sets of plans drawn to scale, consisting of site (plot) plan and elevation drawings of proposed outdoor dining facilities. The site plan must show the location of tables, chairs, accessory service facilities, perimeter barrier element, and any fixed elements on the sidewalk/alley/mall within a twenty-five (25) foot radius around the sidewalk cafe area. Fixed elements include, but are not limited to, light and sign poles, trees/landscape strips, traffic signal poles, parking meters, raised planter curbs, tree-wells, flower pots, and waste containers. Plans must include the dimension of the clear zone, as defined in subsection E of this section, from outer perimeter of the sidewalk cafe fixture to nearest sidewalk fixtures. Elevation plans must show front and side view of sidewalk dining facilities, including all proposed above-grade improvements such as planter boxes, awnings, tables, and chairs.

C. A sidewalk café may be established only in conjunction with an adjacent restaurant use.

D. Sidewalk cafes shall not obstruct pedestrian traffic, accessibility to vehicles parked adjacent to the curb, or create public health or safety hazards.

E. A minimum four foot clear zone outside the CBD Special Planning District and a minimum six foot clear zone inside the CBD Special Planning District are required between the outside edge of any sidewalk cafe fixture and any fixed element within the sidewalk/alley/pedestrian mall right-of-way. Fixed elements include, but are not limited to, light and sign poles, trees/landscape strips, traffic signal poles, parking meters, raised planter curbs, tree-wells, flower pots, and waste containers. "Clear zone" means a paved pedestrian area that is maintained free of all obstructions.

F. The sidewalk café revocable encroachment permit holder solely shall be responsible for compliance with all federal and state laws relating to disabled access in the operation of a sidewalk cafe and in maintaining the clear zone required by subsection E of this section free of obstructions.

G. No parking shall be required for sidewalk cafes permitted under this section.

H. Sidewalk cafes shall be used only as seating areas. Storage, kitchen, or restroom uses are not allowed. Tables and/or chairs must be movable unless otherwise approved by the city manager or designee.

I. Placement of tables and/or chairs shall be limited to the public right-of-way frontage adjacent to the associated restaurant use as determined by the city manager or designee.

J. Service and consumption of alcoholic beverages in a sidewalk cafe shall comply with Chapter 9.04 of this code.

K. A decorative element separating sidewalk cafe seating area from adjacent pedestrian traffic must be provided. The design and materials of such element must complement and be compatible to the architectural design of the restaurant building facade or of a design that adds visual interest to the streetscape.

L. Sidewalk cafes may be uncovered, partially covered, or fully covered by means of umbrellas, awnings or canopies. Awning or canopy material covering a sidewalk cafe shall be temporary or retractable and may extend into the public right of way from the face of the building up to the maximum clear zone dimension of six feet. Width and height of awnings and canopies shall meet applicable building code requirements. Awnings, canopies and umbrellas must be made of fire-treated or nonflammable materials.

M. Decorative/accent lighting may be incorporated into the sidewalk cafe awning or canopy and shall meet all city code requirements.

N. Upon approval by the city manager or designee, the applicant shall obtain all required building/electrical permits prior to construction.

O. The permit issued under this section approving the sidewalk cafe and designating the allowed number of tables and/or chairs shall be displayed in a prominent location easily accessible to the public.

SECTION 2. Section 17.16.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Section 17.16.010 is amended by amending the definition of "Sidewalk" to read as follows:

"Sidewalk café" means a portion of a city sidewalk, alley, or pedestrian mall located in the public right-of-way immediately adjacent to an existing restaurant, where food and drink are served and consumed as an extension of and in conjunction with the adjacent restaurant. In reference to sidewalk cafes, a "sidewalk" includes all of the space between the property line and the outside curb line, whether used for pedestrian purposes, park purposes, or otherwise.

B. Except as specifically amended by the provisions of Subsection A, above, Section 17.16.010 remains unchanged and in full force and effect.

SECTION 3. Section 17.24.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Footnote 55 of Section 17.24.050 is amended to read as follows:

55. Sidewalk cafes are permitted in this zone on any city sidewalk, alley, or pedestrian mall located in the public right-of-way, subject to the issuance of a sidewalk café revocable encroachment permit by the city manager or designee under section 3.76.040 of this code. Sidewalk cafes shall comply with the development standards stated in section 3.76.040. No parking shall be required for sidewalk cafes permitted under this section and section 3.76.040.

B. Except as specifically amended by the amendment to footnote 55, Section 17.24.050 remains unchanged and in full force and effect.