ORDINANCE NO. 2007-095

Adopted by the Sacramento City Council

December 4, 2007

ADDING CHAPTER 17.98 TO TITLE 17 OF THE CITY CODE (THE ZONING CODE) ESTABLISHING THE MCCLELLAN HEIGHTS AND PARKER HOMES SPECIAL PLANNING DISTRICT (M03-190)

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

Chapter 17.98 is added to Title 17 of the Sacramento City Code (the Zoning Code) to read as follows:

Chapter 17.98

MCCLELLAN HEIGHTS AND PARKER HOMES SPECIAL PLANNING DISTRICT

17.98.010 Purpose and intent.

A. The McClellan Heights and Parker Homes special planning district (SPD) is intended to establish development standards to implement the goals and policies of the McClellan Heights and Parker Homes Land Use and Infrastructure Plan (Plan), which encompasses a portion of the North Sacramento Community Plan. These regulations further the following Plan goals:

1. Strengthen the residential character and identity of the McClellan Heights and Parker Homes neighborhoods;

2. Provide high-quality, safe housing in a variety of housing types and levels of affordability;

3. Ensure that McClellan Heights and Parker Homes neighborhoods have access to neighborhood-serving retail and other amenities to meet community needs;

4. Ensure safety and compatibility between residential land uses and the adjacent McClellan Airport;

5. Ensure safety and compatibility between residential land uses and nonresidential uses within the Plan area, particularly as existing non-conforming uses transition to land uses allowed in the Plan; and

6. Promote opportunities for new open space and community facilities to meet the needs of residents.

B. The SPD is also intended to help protect the health, safety and general welfare of the residents in the vicinity of the McClellan Airport, a general aviation airport operated by the County of Sacramento that lies northeast of the Plan area, by ensuring that new development will be compatible with the McClellan Airport Comprehensive Land Use Plan to effectuate the policies reflected in the Airport Land Use Commission Law (Chapter 4, Article 3.5 of the California Public Utilities Code, Sections 21670 et seq.).

C. The restrictions in this SPD are also intended to prevent new problems of land use incompatibility between industrial and residential developments and prevent existing incompatible land uses from expanding or changing to another incompatible use.

17.98.020 McClellan Heights and Parker Homes SPD boundaries.

The McClellan Heights and Parker Homes special planning district zone is that area designated "McClellan Heights/Parker Homes Special Planning District" as depicted in Exhibit 1 set out at the end of this chapter, and is generally that area of North Sacramento bounded by North Avenue and the I-80 freeway on the south, Raley Boulevard on the west, Bell Avenue on the north, and Winters Street on the east.

17.98.030 Use regulations.

A. Land Uses.

Development within the McClellan Heights and Parker Homes special planning district shall be subject to the requirements and restrictions of this Chapter 17.98 in addition to those of the underlying zoning district. In the event of a conflict between a provision in this chapter and a provision contained in another section of this title, the provision of this chapter shall prevail.

B. McClellan Airport Comprehensive Land Use Plan.

The McClellan Airport planning boundaries and the McClellan Airport overflight zone encompass a portion of the SPD as set out in the McClellan Airport Comprehensive Land Use Plan (CLUP). Three categories of land use restrictions are included in the CLUP for the area within the overflight zone: (i) land use restrictions to minimize the number of people exposed to hazards related to aircraft operations and accidents; (ii)

residential land use restrictions or conditions to minimize the number of persons exposed to noise from aircraft operations; and (iii) height restrictions to protect the navigable airspace around the airport for aircraft safety. The County of Sacramento has adopted noise contours for the McClellan Airport based on projected aircraft operations in the year 2022. A depiction of the location of the 2022 McClellan Airport 60 CNEL noise contour within the SPD boundary is provided in Exhibit 2 at the end of this chapter. The following restrictions apply to developments within the SPD that are located within the McClellan Airport overflight zone:

1. Any proposed new construction or expansion of existing buildings or structures on property that is within the CLUP overflight zone must be consistent with CLUP Land Use Compatibility Guidelines for Safety.

2. No new residential development requiring a discretionary permit or entitlement shall be allowed within the McClellan Airport noise contour that exceeds 65 CNEL. All residential development requiring a discretionary permit or entitlement that is located within the McClellan Airport noise contour that exceeds 60 CNEL shall be required to record an official statement that discloses to current and future property owners that the property is subject to overflights and associated noise and other impacts of aircraft operating at McClellan Airport.

3. No building, structure or other object may be located within the overflight zone if it: (a) exceeds 100 feet measured from the ground, (b) reflects the light of the sun or directs a steady light or a flashing light towards the area where aircraft approach to or departure from McClellan Airport, or (c) would generate a substantial volume of smoke, attract a large concentration of birds, generate electrical interference, or which would otherwise affect safe navigation in the vicinity of McClellan Airport.

C. RMX Zone in the McClellan Heights and Parker Homes SPD.

1. Uses permitted in the RMX zone within the McClellan Heights and Parker Homes SPD are the same as the uses permitted in this title for the RMX zone. If this title requires the approval of a special permit or other discretionary entitlement(s) or imposes other restrictions or requirements on the establishment of a particular use in the RMX zone outside of the McClellan Heights and Parker Homes SPD, approval of the same discretionary entitlement and compliance with the same restrictions or requirements shall be required to establish the use in the RMX zone within the McClellan Heights and Parker Homes SPD.

2. On lots greater than three thousand two hundred (3,200) square feet in size, a commercial use allowed in the RMX zone may occupy up to one hundred (100) percent of the building square footage subject to approval of a planning commission special permit. In granting the special permit for commercial use under this subsection (C)(2) and in addition to the findings required by Chapter 17.212, the planning commission shall find that the proposed use supports the surrounding residential mixed-use development and the existing residential neighborhood.

D. C-2 Zone in the McClellan Heights and Parker Homes SPD.

1. Except as provided in subsection (D)(2) of this section, uses permitted in the C-2 zone within the McClellan Heights and Parker Homes SPD are the same as the uses permitted in this title for the C-2 zone. If this title requires the approval of a special permit or other discretionary entitlement(s) or imposes other restrictions or requirements on the establishment of a particular use in the C-2 zone outside of the McClellan Heights and Parker Homes SPD, approval of the same discretionary entitlement and compliance with the same restrictions or requirements shall be required to establish the use in the C-2 zone within the McClellan Heights and Parker Homes SPD.

2. Notwithstanding any provision in this Chapter 17.98 to the contrary, and in addition to all other uses prohibited in the C-2 zone under this title, the following uses in the C-2 zone are prohibited in the McClellan Heights and Parker Homes SPD:

a. Adult entertainment business;
b. Adult related establishment;
c. Auto sales (new or used), service, repair, storage, or rental;
d. Check cashing center;
e. Check cashing facility;
f. Cleaning plant;
g. Equipment rental/sales yard;
h. Laundry, commercial plant;
i. Mini-storage/locker building;
j. Money lender;
k. Pawnshop;
l. Reclamation operation;
m. Recycling facilities, except convenience recycling;
n. RV /mobilehome sales yard;
o. RV storage (commercial);
p. Tire shop; and
q. Towing service and vehicle storage yard.

3. Notwithstanding any provision in this Chapter 17.98 to the contrary, and in addition to all other uses conditionally permitted in the C-2 zone under this title, the following uses in the C-2 zone are conditionally permitted in the McClellan Heights and Parker Homes SPD and require a special permit:

a. Somatic practitioners establishment.

E. M-1 Zone in the McClellan Heights and Parker Homes SPD.

1. Except as provided in subsections (E)(2) and (E)(3) of this section, uses permitted in the M-1 zone within the McClellan Heights and Parker Homes SPD are the same as the uses permitted in this title for the M-1 zone. In addition to the provisions of subsection (E)(3), if this title requires the approval of a special permit or other discretionary entitlement(s) or imposes other restrictions or requirements on the establishment of a particular use in the M-1 zone outside of the McClellan Heights and Parker Homes SPD, approval of the same discretionary entitlement and compliance with the same restrictions or requirements shall be required to establish the use in the M-1 zone within the McClellan Heights and Parker Homes SPD.

2. Notwithstanding any provision in this Chapter 17.98 to the contrary, and in addition to all other uses prohibited in the M-1 zone under this title, the following uses in the M-1 zone are prohibited in the McClellan Heights and Parker Homes SPD:

a. Adult entertainment business;
b. Adult related establishment;
c. Animal slaughter;
d. Auto dismantler;
e. Auto sales (new or used), service, repair, storage, or rental;
f. Check cashing center;
g. Check cashing facility;
h. Concrete batch plant;
i. Hazardous waste facility;
j. Junkyard;
k. Livestock sales yard;
l. Mini-storage/locker building;
m. Money lender;
n. Pawnshop;
o. Planing mill
p. Solid waste landfill; and
q. Solid waste transfer station.

4. Notwithstanding any provision in this Chapter 17.98 to the contrary, and in addition to all other uses conditionally permitted in the M-1 zone under this title, the following uses in the M-1 zone are conditionally permitted in the McClellan Heights and Parker Homes SPD and require a special permit:

a. Cleaning plant;

b. Equipment rental/sales yard;
c. Laundry, commercial;
d. Reclamation operation;
e. Recycling facilities, except convenience recycling;
f. Tire shop; and
g. Towing service and vehicle storage yard.

17.98.040 Performance and development standards.

A. All regulations of the underlying zone and the development standards set out in this title are applicable to developments within the McClellan Heights and Parker Homes special planning district (SPD), unless a more restrictive or a more permissive regulation is specifically set forth in this Chapter 17.98.

B. RMX Zone in the McClellan Heights and Parker Homes SPD.

Except as specifically set forth in this subsection (B), the provisions of this title relating to height, yard, court, lot coverage/building size, and lot area per dwelling unit requirements for the RMX zone shall apply in the McClellan Heights and Parker Homes SPD.

1. The maximum density shall be as provided in Chapter 17.28; provided, that the planning commission shall have the authority to issue a special permit to allow an increase in the maximum density.

2. The height limit for buildings or portions of buildings located 100 feet or less from an R- or R1A- zoned lot is thirty-five (35) feet. The height limit for buildings or portions of buildings located more than 100 feet from an R- or R1A- zoned lot is forty-five (45) feet, except if the building has twenty-five (25) percent or more square feet of gross floor area in residential use, then the height limit shall be fifty-five (55) feet. The planning commission has the authority to issue a special permit to allow an increase in the maximum height limit.

3. Residential projects and the residential portion of mixed-use projects shall provide a minimum of fifty (50) square feet of usable private open space for each residential unit. The private open space shall be specifically designed for recreational or passive enjoyment of the outdoors and may be comprised of yards, decks, patios, or balconies. Private usable open space shall be directly accessible from the dwelling unit it serves.

17.98.050 Design Review.

The McClellan Heights and Parker Homes special planning district is within the boundaries of the Del Paso Heights Design Review District and the new construction of, or an addition to an existing, building or structure is subject to design review under Chapter 17.132.

17.98.060 Nonconforming Uses.

A. Except as provided in subsection B of this section, the nonconforming use regulations set forth in Chapter 17.88 of this title shall apply to the nonconforming uses, buildings, structures and lots within the McClellan Heights and Parker Homes special planning district.

B. Notwithstanding any other provision of this title, the building code, or other city laws or regulations to the contrary, and notwithstanding that the development project or building permit may involve a use otherwise prohibited or conditionally permitted in the McClellan Heights and Parker Homes SPD, the following provisions shall apply:

1. Development projects in the McClellan Heights and Parker Homes SPD which required and received approval of a special permit, variance, plan review, design review or other discretionary entitlement under this title as it existed prior to the effective date of this Chapter 17.98, and which entitlement was valid and had not expired as of the effective date of this Chapter 17.98, may be issued building permits and the uses may be established in the manner and within the time periods specified in Section 17.212.100, Section 17.216.050, Section 17.220.060 and Section 17.132.320 of this title, as applicable, including any time extensions in the manner specified in the foregoing sections.

2. Applications for a discretionary entitlement under this title as it existed prior to the effective date of this Chapter 17.98 for a development project or to expand or use an existing building in the McClellan Heights and Parker Homes SPD which were complete and pending on June 1, 2007 shall be processed and may be approved pursuant to the provisions of this title as it existed prior to the effective date of this Chapter 17.98, and building permits may be issued and the uses may be established consistent with the application.

Adopted by the City of Sacramento City Council on December 4, 2007 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, and Waters.

Noes: None.

Abstain: None.

Absent: Mayor Fargo.

Kevin McCarty, Vice-Mayor

Attest:

for Shirley Concolino, City Clerk

Passed for Publication: November 20, 2007
Published: November 23, 2007
Effective: January 3, 2008

Exhibit 1

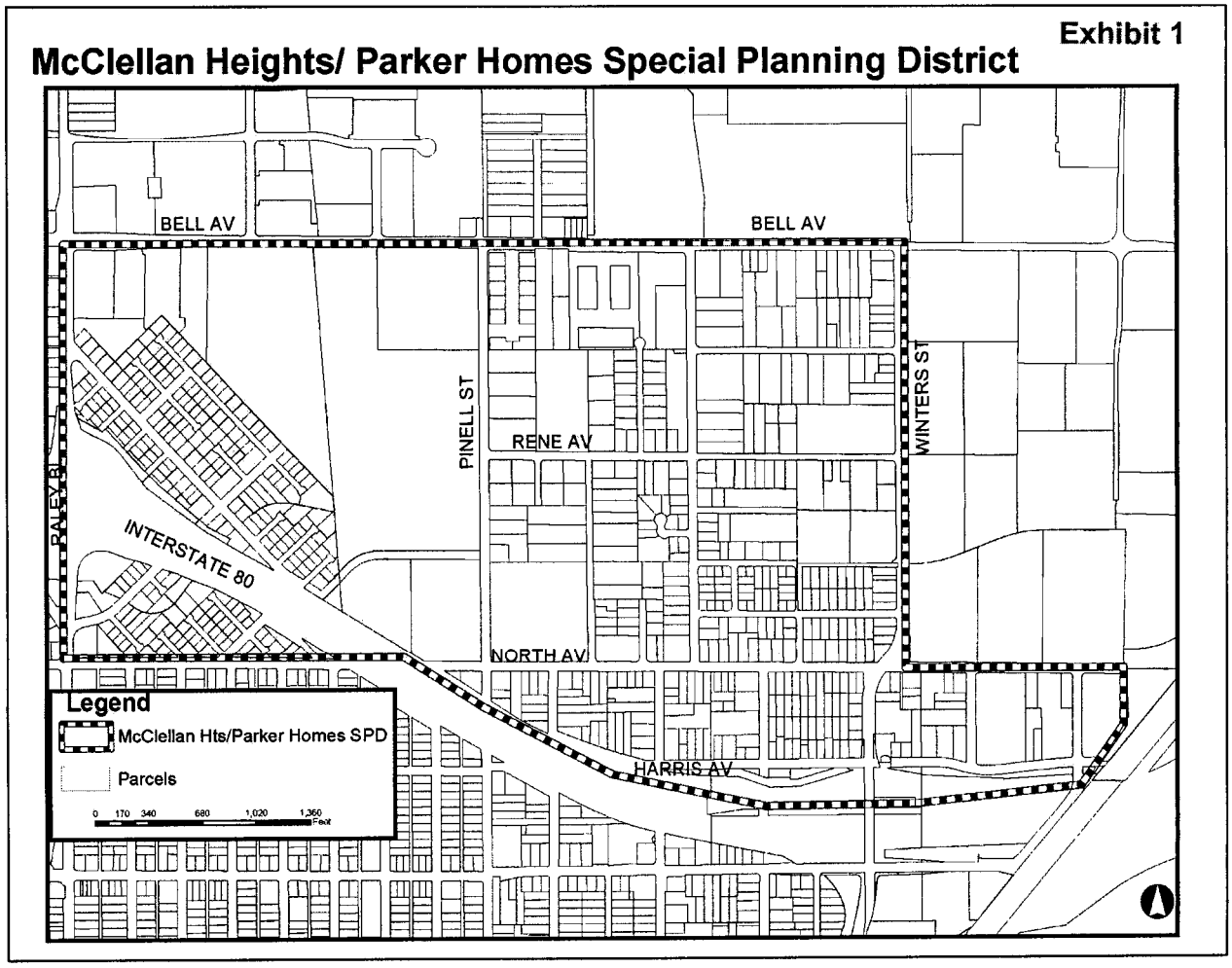
Exhibit 1
McClellan Heights/ Parker Homes Special Planning District
BELL AV
BELL AV
PINELL ST
RENE AV
WINTERS ST
RALEY BL
INTERSTATE 80
NORTH AV
HARRIS AV
Legend
McClellan Hts/Parker Homes SPD
Parcels
0 170 340 680 1,020 1,360 Feet

McClellan Heights/ Parker Homes 60 CNEL Noise Contour Map
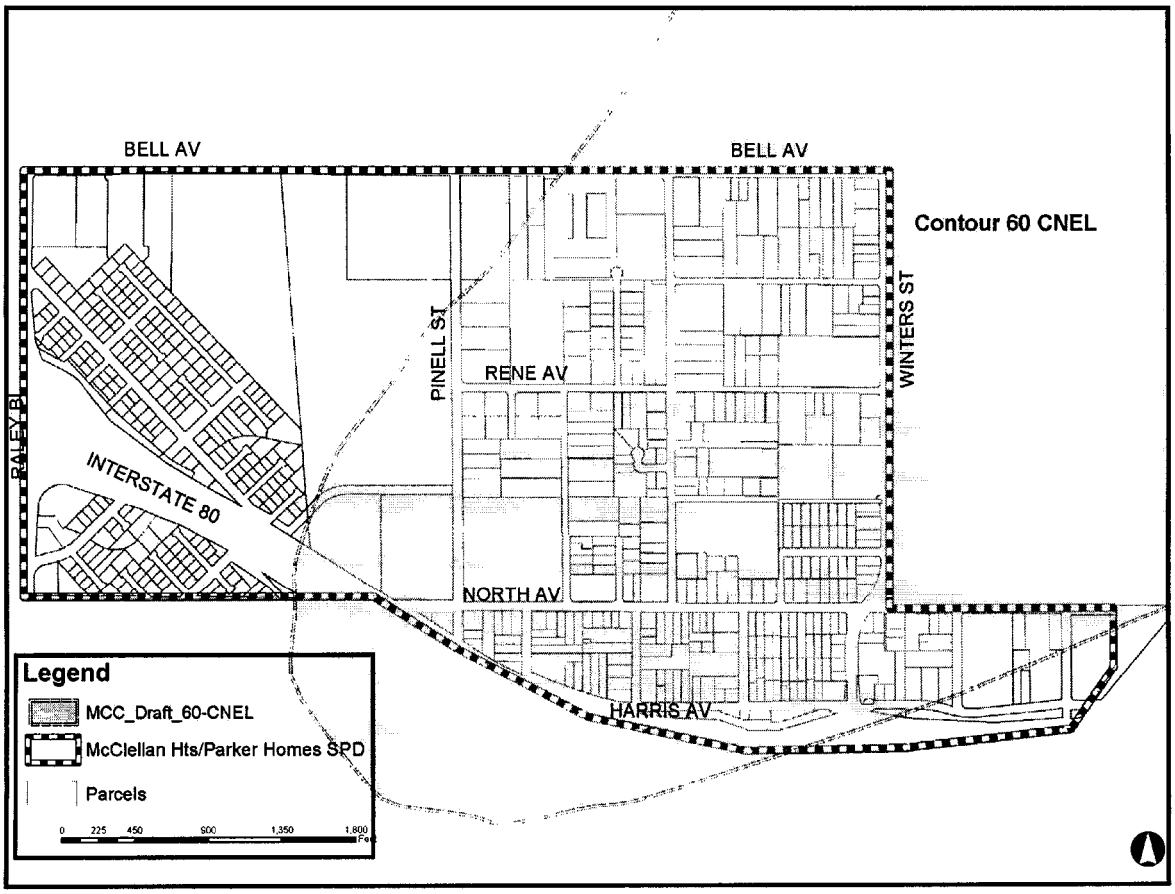
Exhibit 2