

## Aspen 1-New Brighton (New Brighton) Special Planning District

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**SECTION 1.** Amend 17.20.030 to include the New Brighton Special Planning District (“SPD”) in table.

**SECTION 2.** Chapter 17.XXX of Title 17 of the Sacramento City Code (the Zoning Code) is enacted as follows:

### **Chapter 17.XXX New Brighton Special Planning District**

#### **17.XXX.010 Purpose and Intent.**

- A. The New Brighton Special Planning District (“SPD”) establishes procedures, consistent with Chapter 17.92, to govern the use of the New Brighton Project (“Project”) site as an infill project within a mining reuse district. The SPD designates the land uses within the boundaries of the New Brighton Project area and is the primary policy and regulatory document used to guide redevelopment of the Project site. The development guidelines for the Project site are incorporated into the SPD through reference to the New Brighton Planned Unit Development (“PUD”).
- B. The goals of the New Brighton SPD are as follows:
1. Create, facilitate, and encourage the flexible transition from historic industrial uses of this infill property to a new urban mixed-use development which could not occur comprehensively under the conventional Zoning Code.
  2. Provide greater flexibility in permitted and conditionally permitted uses and in applicable development standards to promote a wide variety of housing types of varying densities which are unavailable under typical zoning, thereby providing certainty for the City, developers, and lenders.
  3. Promote the harmonious co-existence of a range of land uses and income types by providing a mixture of housing types which emphasize high quality architecture and site planning.
  4. Foster healthy communities through urban farming, community gardens, and a comprehensive network of open space, trails, and recreational amenities.
  5. Establish the critical elements of a park community including strong entry features, abundant street trees, an attractive and visually interesting streetscape, and neighborhood parks interspersed within residential neighborhoods.
  6. Advance educational opportunities throughout the Plan Area by providing appropriate locations for school sites, life long learning opportunities and conjunctive learning with the Urban Farm.

7. Incorporate multi-modal transit opportunities into the Plan Area in order to support transit and a reduction in vehicle miles traveled.
8. Embrace sustainable design elements such as green building techniques, adaptive reuse of the project site, natural detention, Low Impact Development (LID) and biofiltration to enhance water quality.

**17.XXX.020 New Brighton SPD Boundaries.**

The New Brighton SPD is comprised of approximately two hundred and thirty-two (232) acres of property located at the southwest corner of Jackson Highway and South Watt Avenue as illustrated by **Figure 1**.

**17.XXX.030 Conflicting Requirements.**

Development within the New Brighton SPD shall be subject to the special rules and regulations set forth in this Chapter, in addition to the other regulations of this Title and Code. If a conflict between the provisions of this Chapter and other provisions of this Title and Code occurs, the provisions of this Chapter shall prevail.

**17.XXX.040 Zoning and Uses.**

A. Land Use Zones.

Land use zones for the New Brighton SPD are defined in Chapters 17.20, 17.24, 17.28, and 17.48, and modified as follows:

1. R-1A - Single-Family Residential Zone. The R1-A zone is applied as stated in Title 17 of the City code, with the following exceptions.
  - a. Residential Uses
    - i. This zone does not permit the following uses:
      1. Mobilehome park;
      2. Rooming and boarding house; and,
      3. Temporary residential shelters.
  - b. Commercial Uses
    - i. This zone permits the following uses contingent upon Zoning Administrator Special Permit:
      1. Produce stand or stand for the sale of agricultural products.
      2. Nursery for plants and flowers.
    - ii. Additionally, this zone does not permit the following uses:
      1. Non-residential care facility.
  - c. Industrial Uses
    - i. Additionally, this zone permits, as of right, the following uses:

1. Drainage and detention/retention facilities, including water-quality facilities;
  2. Edible landscaping; and,
  3. Passive and active recreational uses such as community gardens, interpretive signage, seating areas, trails, and similar type uses.
2. RMX - Residential Mixed Use Zone. This zone will allow for a maximum density of 40 units per net acre. Additionally, under this SPD, the RMX zone is exempt from the provisions of 17.28.030. The RMX zone is applied as stated in Title 17 of the City code, with the following exceptions.
- a. Residential Uses
    - i. This zone does not permit the following uses:
      1. Dormitory;
      2. Fraternity/sorority;
      3. Mobilehome parks;
      4. Rooming and boarding house;
      5. Single-family dwelling;
      6. Temporary residential building; and,
      7. Temporary residential shelter.
  - b. Commercial Uses
    - i. This zone permits the following uses contingent upon Zoning Administrator Special Permit:
      1. Nursery for plants and flowers.
  - c. Industrial Uses
    - i. Additionally, this zone permits, as of right, the following uses:
      1. Drainage and detention/retention facilities, including water-quality facilities;
      2. Edible landscaping; and,
      3. Passive and active recreational uses such as community gardens, interpretive signage, seating areas, trails, and similar type uses.
3. SC - Shopping Center Zone. This is a general shopping center zone and shall be applied as indicated under Section 17.20.010, with the following exceptions.
- a. Residential Uses
    - i. This zone permits the following uses contingent upon Zoning Administrator Special Permit:
      1. Alternative ownership housing types (townhouse, row house, cluster housing, cooperatives, patio dev't, condo and non-condo housing).
    - ii. Additionally, this zone does not permit the following uses:
      1. Dormitory;
      2. Duplex (attached or detached);

3. Fraternity/sorority;
  4. Halfplexes;
  5. Mobilehome/manufactured home used as a single-family dwelling;
  6. Mobilehome/manufactured home used as watchperson's quarters;
  7. Mobilehome parks;
  8. Rooming and boarding house;
  9. Single-family dwelling; and,
  10. Watchperson's quarters.
- b. Commercial Uses
- i. This zone permits the following uses contingent upon Zoning Administrator Special Permit:
    1. Cabinet shop;
    2. Copy shop;
    3. Community events – farmers market, amphitheater, outdoor movies, similar uses;
    4. Medical marijuana dispensary;
    5. Printing and blueprinting;
    6. Sidewalk café;
    7. Sign shop;
    8. Tire shop; and,
    9. Wholesale stores and distributors.
  - ii. Additionally, this zone does not permit the following uses:
    1. Check cashing center;
    2. Tattoo parlor.
- c. Industrial Uses
- i. This zone permits, as of right, the following uses:
    1. Drainage and detention/retention facilities, including water-quality facilities;
    2. Edible landscaping; and,
    3. Passive and active recreational uses such as community gardens, interpretive signage, seating areas, trails, and similar type uses.
4. A - Agricultural Zone. Under this SPD, the A Zone will implement the overall vision of New Brighton by providing a place to produce, showcase, and distribute local produce. Consistent with this goal, this zoning district permits general agricultural and farming activities, educational facilities including a school, community gathering areas, office, retail, and up to 50 residential units. A minimum of 15 acres shall be utilized for general agricultural activities which raise, produce, or keep plants or small animals. The A zone shall be applied as stated in Chapters 17.20, 17.24, and 17.48 with the following exceptions.
- a. Residential Uses
- i. This zone permits the following uses contingent upon Zoning Administrator Special Permit:

1. Alternative ownership housing types (townhouse, row house, cluster housing, cooperatives, patio dev't, condo and non-condo housing);
  2. Apartments;
  3. Artist's live/work;
  4. Condominiums, conversion to;
  5. Dormitory;
  6. Duplex (attached or detached);
  7. Family day care facility;
  8. Family day care home (child care);
  9. Halfplexes;
  10. Mobilehome/manufactured home used as a single-family dwelling;
  11. Mobilehome/manufactured home used as watchperson's quarters;
  12. Rooming and boarding house;
  13. School – public or private;
  14. Single-family dwelling; and,
  15. Watchperson's quarters.
- ii. This zone does not permit the following uses:
1. Temporary residential shelter.
- b. Commercial Uses
- i. This zone permits the following uses contingent upon Zoning Administrator Special Permit:
    1. Bakery or bakery goods store;
    2. Beer and wine sales for off-premises consumption;
    3. College extension;
    4. Convenience market/store;
    5. Florist;
    6. Food store/grocery/deli;
    7. Nursery;
    8. Restaurant;
    9. Retail stores ancillary to the primary use;
    10. Sidewalk cafes;
    11. Temporary building; and,
    12. Tutoring center.
  - ii. This zone permits, as of right, the following uses subject to Plan Review:
    1. Community events (reoccurring) – farmers market, amphitheater, outdoor movies, similar uses;
    2. Temporary commercial use, i.e. pumpkin patch, craft fairs, seasonal events and markets, Christmas tree lots, etc.; and,
    3. Produce stand or stand for the sale of agricultural products.
- c. Industrial Uses

- i. This zone does not permit the following uses:
  - 1. Animal or poultry slaughter;
  - 2. Hog ranch.
- ii. Additionally, this zone permits, as of right, the following uses subject to Plan Review:
  - 1. Beekeeping;
  - 2. Building or stand for display and sale of crops;
  - 3. Composting;
  - 4. Drainage and detention/retention facilities, including water-quality facilities;
  - 5. Edible landscaping;
  - 6. Farm related commercial activity and structures, including restaurant and demonstration kitchen;
  - 7. Food processing and production such as small-scale production of bee honey, fruit preserves, olive oil, and similar type uses;
  - 8. Greenhouses;
  - 9. Nursery for plants and flowers;
  - 10. Offices related to the management and maintenance of a farm operation;
  - 11. Passive and active recreational uses such as community gardens, interpretive signage, seating areas, trails, and similar type uses;
  - 12. Riding academies and boarding;
  - 13. Solar farm or solar covered parking;
  - 14. Structures including but not limited to animal pens, barns, packing shed, storage; and,
  - 15. Tasting rooms for agricultural products, including but not limited to wine, olive oil and similar type uses.

5. AOS – Agricultural-Open Space Zone. This zoning district shall be applied as described in Chapters 17.20, 17.24, and 17.48 with the following exceptions.

a. Commercial Uses

- i. This zone permits, as of right, the following uses subject to Plan Review:
  - 1. Community park and/or park and recreation facilities;
  - 2. Community events (reoccurring) – farmers market, amphitheater, outdoor movies, similar uses; and,
  - 3. Produce stand or stand for the sale of agricultural products.

b. Industrial Uses

- i. This zone does not permit the following uses:
  - 1. Animal or poultry slaughter;
  - 2. Hog ranch;

3. Livestock sales yard;
- ii. Additionally, this zone permits, as of right, the following uses subject to Plan Review:
  1. Beekeeping;
  2. Building or stand for display and sale of crops;
  3. Composting;
  4. Drainage and detention/retention facilities, including water-quality facilities;
  5. Edible landscaping;
  6. Limited agriculture, including the cultivation of row, field, and orchard crops;
  7. Passive and active recreational uses such as community gardens, interpretive signage, seating areas, trails, and similar type uses; and,
  8. Parks – public and private including dog parks.

**B. Allowed Uses.**

All New Brighton SPD zones shall allow for the continuation of industrial uses, including but not limited to all existing buildings, structures, and equipment until such time as the use is terminated and able to transition to the land uses established in the New Brighton SPD. Existing land uses include, but are not limited to, those uses permitted in the M-2S and M-2SR zones under Section 17.24.040 of this Code in addition to the following existing uses:

1. Surface mining and reclamation;
2. Aggregate pre-wash facility;
3. Conveyor line and related facilities;
4. Soil drying beds and ponds;
5. Water ponds and related facilities; and
6. Agricultural fields.

**17.XXX.050 Development Standards.**

Development standards for the New Brighton SPD, including, but not limited to, setbacks, landscaping, building height, building intensity, security, parking, and pedestrian and auto traffic flow, shall be those provided within the New Brighton PUD and PUD Design Guidelines, or where not specified, consistent with Chapter 17.180. Likewise, design standards including, but not limited to, an overall design theme, façade treatments, lighting, and signing requirements, shall be those provided within the New Brighton Planned Unit Development and PUD Design Guidelines.

**17.XXX.060 Development Permitting Process – General Provisions.**

One of the goals of this Chapter is to encourage development of the New Brighton property by establishing a streamlined and certain permit process that provides certainty for the city, developers, and lenders, while also maximizing public review and input. As such, development in the New Brighton SPD shall be subject to the discretionary entitlement processes consistent with Chapters 16.24, 16.32, 17.92, 17.196, 17.212, 17.216 and 17.220.

- A. Plan Review.  
Uses requiring Planning Director Plan Review shall be processed, heard, and considered under Sections 17.196, 17.220.
- B. Zoning Administrator's Special Permit.  
Uses requiring a Zoning Administrator's Special Permit shall be processed, heard, and considered under Section 17.212.040.
- C. Variance.  
Uses requiring a variance shall be processed, heard, and considered under Chapter 17.216.
- D. Approval of Tentative Subdivision and Tentative Parcel Maps.  
The tentative map applications shall be processed, heard, and considered under Chapter 16.24, 16.32.
- E. Legislative Entitlements.  
If a development project for property within the New Brighton SPD requires one or more legislative entitlements that require approval by the City Council in addition to approval of an entitlement under this Chapter, a separate application for the legislative entitlements shall be submitted, processed, and heard pursuant to Chapters 17.204 and 17.208 of this Title. The development project application for the entitlements under this Chapter shall not be scheduled for hearing before the Planning Director unless and until the application for the legislative entitlements are approved. For purposes of this Section, legislative entitlements include general plan, community plan, and zoning amendments.