

ORDINANCE NO. 2019-0027

Adopted by the Sacramento City Council

August 27, 2019

**An Ordinance Amending Various Sections of
Title 17 of the Sacramento City Code, Relating to Tobacco Retailing**

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

SECTION 1.

The city council finds the following:

1. As amended by this ordinance, the Planning and Development Code complements, supports, and facilitates the implementation of the goals, policies, and other provisions of the general plan and the city's specific plans and transit village plans; and
2. The amendments in this ordinance promote the public health, safety, convenience, and welfare of the city.

SECTION 2.

A. Section 17.108.210 of the Sacramento City Code is amended as follows:

1. The definition of "tobacco paraphernalia" is added to read as follows:
"Tobacco paraphernalia" has the same meaning as in section 5.138.030.
2. The definition of "tobacco product" is added to read as follows:
"Tobacco product" has the same meaning as in section 5.138.030.
3. The definition of "tobacco retailer" is amended to read as follows:
"Tobacco retailer" has the same meaning as in section 5.138.030.
4. The definition of "tobacco retailing" is added to read as follows:
"Tobacco retailing" has the same meaning as in section 5.138.030.

B. Except as specifically amended in subsection A above, all provisions of section 17.108.210 remain unchanged and in full effect.

SECTION 3.

A. Section 17.208.510 (R-4 zone) of the Sacramento City Code is amended as follows:

1. A row is added to the table set forth in subsection A.2 (Permitted uses; commercial and institutional uses) to read as follows:

Tobacco retailing	Permitted in a store that has greater than 15,000 square feet of gross floor area if the total area of shelving allocated to tobacco products and tobacco paraphernalia does not exceed 250 square feet.
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2. The “tobacco retailer” row in subsection B.2 (Conditional uses; commercial and institutional uses) is amended to read as follows:

Tobacco retailing	Permitted with a conditional use permit in a store that has 15,000 square feet or less of gross floor area or allocates more than 250 square feet of shelving to tobacco products and tobacco paraphernalia.	ZA
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B. Except as amended in subsection A above, all provisions of section 17.208.510 remain unchanged and in full effect.

SECTION 4.

A. Section 17.208.610 (R-4A zone) of the Sacramento City Code is amended as follows:

1. A row is added to the table set forth in subsection A.2 (Permitted uses; commercial and institutional uses) to read as follows:

Tobacco retailing	Permitted in a store that has greater than 15,000 square feet of gross floor area if the total area of shelving allocated to tobacco products and tobacco paraphernalia does not exceed 250 square feet.
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2. The “tobacco retailer” row in subsection B.2 (Conditional uses; commercial and institutional uses) is amended to read as follows:

Tobacco retailing	Permitted with a conditional use permit in a store that has 15,000 square feet or less of gross floor area or allocates more than 250 square feet of shelving to tobacco products and tobacco paraphernalia.	ZA
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- B. Except as amended in subsection A above, all provisions of section 17.208.610 remain unchanged and in full effect.

SECTION 5.

- A. Section 17.208.710 (R-5 zone) of the Sacramento City Code is amended as follows:

1. A row is added to the table set forth in subsection A.2 (Permitted uses; commercial and institutional uses) to read as follows:

Tobacco retailing	Permitted in a store that has greater than 15,000 square feet of gross floor area if the total area of shelving allocated to tobacco products and tobacco paraphernalia does not exceed 250 square feet.
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2. The “tobacco retailer” row in subsection B.2 (Conditional uses; commercial and institutional uses) is amended to read as follows:

Tobacco retailing	Permitted with a conditional use permit in a store that has 15,000 square feet or less of gross floor area or allocates more than 250 square feet of shelving to tobacco products and tobacco paraphernalia.	ZA
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- B. Except as amended in subsection A above, all provisions of section 17.208.710 remain unchanged and in full effect.

SECTION 6.

- A. Section 17.212.110 (RMX zone) of the Sacramento City Code is amended as follows:

1. A row is added to the table set forth in subsection A.2 (Permitted uses; commercial and institutional uses) to read as follows:

Tobacco retailing	Permitted in a store that has greater than 15,000 square feet of gross floor area if the total area of shelving allocated to tobacco products and tobacco paraphernalia does not exceed 250 square feet.
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2. The “tobacco retailer” row in subsection B.2 (Conditional uses; commercial and institutional uses) is amended to read as follows:

Tobacco retailing	Permitted with a conditional use permit in a store that has 15,000 square feet or less of gross floor area or allocates more than 250 square feet of shelving to tobacco products and tobacco paraphernalia.	ZA
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B. Except as amended in subsection A above, all provisions of section 17.212.110 remain unchanged and in full effect.

SECTION 7.

A. Section 17.216.110 (OB zone) of the Sacramento City Code is amended as follows:

1. A row is added to the table set forth in subsection A.2 (Permitted uses; commercial and institutional uses) to read as follows:

Tobacco retailing	Permitted in a store that has greater than 15,000 square feet of gross floor area if the total area of shelving allocated to tobacco products and tobacco paraphernalia does not exceed 250 square feet.
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2. The “tobacco retailer” row in subsection B.2 (Conditional uses; commercial and institutional uses) is amended to read as follows:

Tobacco retailing	Permitted with a conditional use permit in a store that has 15,000 square feet or less of gross floor area or allocates more than 250 square feet of shelving to tobacco products and tobacco paraphernalia.	ZA
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B. Except as amended in subsection A above, all provisions of section 17.216.110 remain unchanged and in full effect.

SECTION 8.

A. Section 17.216.210 (OB-2 zone) of the Sacramento City Code is amended as follows:

1. A row is added to the table set forth in subsection A.2 (Permitted uses; commercial and institutional uses) to read as follows:

Tobacco retailing	Permitted in a store that has greater than 15,000 square feet of gross floor area if the total area of shelving allocated to tobacco products and tobacco paraphernalia does not exceed 250 square feet.
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2. The “tobacco retailer” row in subsection B.2 (Conditional uses; commercial and institutional uses) is amended to read as follows:

Tobacco retailing	Permitted with a conditional use permit in a store that has 15,000 square feet or less of gross floor area or allocates more than 250 square feet of shelving to tobacco products and tobacco paraphernalia.	ZA
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B. Except as amended in subsection A above, all provisions of section 17.216.210 remain unchanged and in full effect.

SECTION 9.

A. Section 17.216.310 (OB-3 zone) of the Sacramento City Code is amended as follows:

1. A row is added to the table set forth in subsection A.2 (Permitted uses; commercial and institutional uses) to read as follows:

Tobacco retailing	Permitted in a store that has greater than 15,000 square feet of gross floor area if the total area of shelving allocated to tobacco products and tobacco paraphernalia does not exceed 250 square feet.
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2. The “tobacco retailer” row in subsection B.2 (Conditional uses; commercial and institutional uses) is amended to read as follows:

Tobacco retailing	Permitted with a conditional use permit in a store that has 15,000 square feet or less of gross floor area or allocates more than 250 square feet of shelving to tobacco products and tobacco paraphernalia.	ZA
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B. Except as amended in subsection A above, all provisions of section 17.216.310 remain unchanged and in full effect.

SECTION 10.

A. Section 17.216.510 (SC zone) of the Sacramento City Code is amended as follows:

1. A row is added to the table set forth in subsection A.1 (Permitted uses; commercial and institutional uses) to read as follows:

Tobacco retailing	Permitted in a store that has greater than 15,000 square feet of gross floor area if the total area of shelving allocated to tobacco products and tobacco paraphernalia does not exceed 250 square feet.
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2. The “tobacco retailer” row in subsection B.2 (Conditional uses; commercial and institutional uses) is amended to read as follows:

Tobacco retailing	Permitted with a conditional use permit in a store that has 15,000 square feet or less of gross floor area or allocates more than 250 square feet of shelving to tobacco products and tobacco paraphernalia.	ZA
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B. Except as amended in subsection A above, all provisions of section 17.216.510 remain unchanged and in full effect.

SECTION 11.

A. Section 17.216.610 (C-1 zone) of the Sacramento City Code is amended as follows:

1. A row is added to the table set forth in subsection A.2 (Permitted uses; commercial and institutional uses) to read as follows:

Tobacco retailing	Permitted in a store that has greater than 15,000 square feet of gross floor area if the total area of shelving allocated to tobacco products and tobacco paraphernalia does not exceed 250 square feet.
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2. The “tobacco retailer” row in subsection B.2 (Conditional uses; commercial and institutional uses) is amended to read as follows:

Tobacco retailing	Permitted with a conditional use permit in a store that has 15,000 square feet or less of gross floor area or allocates more than 250 square feet of shelving to tobacco products and tobacco paraphernalia.	ZA
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B. Except as amended in subsection A above, all provisions of section 17.216.610 remain unchanged and in full effect.

SECTION 12.

A. Section 17.216.710 (C-2 zone) of the Sacramento City Code is amended as follows:

1. A row is added to the table set forth in subsection A.2 (Permitted uses; commercial and institutional uses) to read as follows:

Tobacco retailing	Permitted in a store that has greater than 15,000 square feet of gross floor area if the total area of shelving allocated to tobacco products and tobacco paraphernalia does not exceed 250 square feet.
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2. The “tobacco retailer” row in subsection B.2 (Conditional uses; commercial and institutional uses) is amended to read as follows:

Tobacco retailing	Permitted with a conditional use permit in a store that has 15,000 square feet or less of gross floor area or allocates more than 250 square feet of shelving to tobacco products and tobacco paraphernalia.	ZA
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B. Except as amended in subsection A above, all provisions of section 17.216.710 remain unchanged and in full effect.

SECTION 13.

A. Section 17.216.810 (C-3 zone) of the Sacramento City Code is amended as follows:

1. A row is added to the table set forth in subsection A.2 (Permitted uses; commercial and institutional uses) to read as follows:

Tobacco retailing	Permitted in a store that has greater than 15,000 square feet of gross floor area if the total area of shelving allocated to tobacco products and tobacco paraphernalia does not exceed 250 square feet.
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2. The “tobacco retailer” row in subsection B.2 (Conditional uses; commercial and institutional uses) is amended to read as follows:

Tobacco retailing	Permitted with a conditional use permit in a store that has 15,000 square feet or less of gross floor area or allocates more than 250 square feet of shelving to tobacco products and tobacco paraphernalia.	ZA
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B. Except as amended in subsection A above, all provisions of section 17.216.810 remain unchanged and in full effect.

SECTION 14.

A. Section 17.216.910 (C-4 zone) of the Sacramento City Code is amended as follows:

1. A row is added to the table set forth in subsection A.2 (Permitted uses; commercial and institutional uses) to read as follows:

Tobacco retailing	Permitted in a store that has greater than 15,000 square feet of gross floor area if the total area of shelving allocated to tobacco products and tobacco paraphernalia does not exceed 250 square feet.
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2. The “tobacco retailer” row in subsection B.2 (Conditional uses; commercial and institutional uses) is amended to read as follows:

Tobacco retailing	Permitted with a conditional use permit in a store that has 15,000 square feet or less of gross floor area or allocates more than 250 square feet of shelving to tobacco products and tobacco paraphernalia.	ZA
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B. Except as amended in subsection A above, all provisions of section 17.216.910 remain unchanged and in full effect.

SECTION 15.

A. Section 17.220.110 (M-1 zone) of the Sacramento City Code is amended as follows:

1. A row is added to the table set forth in subsection A.2 (Permitted uses; commercial and institutional uses) to read as follows:

Tobacco retailing	Permitted in a store that has greater than 15,000 square feet of gross floor area if the total area of shelving allocated to tobacco products and tobacco paraphernalia does not exceed 250 square feet.
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2. The “tobacco retailer” row in subsection B.2 (Conditional uses; commercial and institutional uses) is amended to read as follows:

Tobacco retailing	Permitted with a conditional use permit in a store that has 15,000 square feet or less of gross floor area or allocates more than 250 square feet of shelving to tobacco products and tobacco paraphernalia.	ZA
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B. Except as amended in subsection A above, all provisions of section 17.220.110 remain unchanged and in full effect.

SECTION 16.

A. Section 17.220.210 (M-1(S) zone) of the Sacramento City Code is amended as follows:

1. A row is added to the table set forth in subsection A.2 (Permitted uses; commercial and institutional uses) to read as follows:

Tobacco retailing	Permitted in a store that has greater than 15,000 square feet of gross floor area if the total area of shelving allocated to tobacco products and tobacco paraphernalia does not exceed 250 square feet.
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2. The “tobacco retailer” row in subsection B.2 (Conditional uses; commercial and institutional uses) is amended to read as follows:

Tobacco retailing	Permitted with a conditional use permit in a store that has 15,000 square feet or less of gross floor area or allocates more than 250 square feet of shelving to tobacco products and tobacco paraphernalia.	ZA
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B. Except as amended in subsection A above, all provisions of section 17.220.210 remain unchanged and in full effect.

SECTION 17.

A. Section 17.220.310 (M-2 zone) of the Sacramento City Code is amended as follows:

1. A row is added to the table set forth in subsection A.2 (Permitted uses; commercial and institutional uses) to read as follows:

Tobacco retailing	Permitted in a store that has greater than 15,000 square feet of gross floor area if the total area of shelving allocated to tobacco products and tobacco paraphernalia does not exceed 250 square feet.
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2. The “tobacco retailer” row in subsection B.2 (Conditional uses; commercial and institutional uses) is amended to read as follows:

Tobacco retailing	Permitted with a conditional use permit in a store that has 15,000 square feet or less of gross floor area or allocates more than 250 square feet of shelving to tobacco products and tobacco paraphernalia.	ZA
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B. Except as amended in subsection A above, all provisions of section 17.220.310 remain unchanged and in full effect.

SECTION 18.

A. Section 17.220.410 (M-2(S) zone) of the Sacramento City Code is amended as follows:

1. A row is added to the table set forth in subsection A.2 (Permitted uses; commercial and institutional uses) to read as follows:

Tobacco retailing	Permitted in a store that has greater than 15,000 square feet of gross floor area if the total area of shelving allocated to tobacco products and tobacco paraphernalia does not exceed 250 square feet.
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2. The “tobacco retailer” row in subsection B.2 (Conditional uses; commercial and institutional uses) is amended to read as follows:

Tobacco retailing	Permitted with a conditional use permit in a store that has 15,000 square feet or less of gross floor area or allocates more than 250 square feet of shelving to tobacco products and tobacco paraphernalia.	ZA
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- B. Except as amended in subsection A above, all provisions of section 17.220.410 remain unchanged and in full effect.

SECTION 19.

- A. The “tobacco retailer” row in subsection A.2 of section 17.224.210 (SPX zone; conditional uses; commercial and institutional uses) is deleted.
- B. Except as amended in subsection A above, all provisions of section 17.224.210 remain unchanged and in full effect.

SECTION 20.

- A. Section 17.224.310 (TC zone) of the Sacramento City Code is amended as follows:
 - 1. Subsection A is amended to read as follows:
 - A. Permitted uses. The following uses are permitted by right in the TC zone, subject to the limitations specified:

Use	Limitations
1. Commercial and Institutional Uses	
Temporary commercial building	Subject to special use regulations in section 17.228.126
Tobacco retailing	Permitted in a store that has greater than 15,000 square feet of gross floor area if the total area of shelving allocated to tobacco products and tobacco paraphernalia does not exceed 250 square feet.
2. Public/Quasi-Public Uses	
Community market	Subject to special use regulations in section 17.228.124
Freeways and highways, including interchanges and bridges	
Public streets	

Public utility yard	
Solar energy system, commercial (city property)	Allowed in this zone and exempt from the provisions of this title

2. A row is added to the table set forth in subsection B.2 (Conditional uses; commercial and institutional uses) to read as follows:

Tobacco retailing	Permitted with a conditional use permit in a store that has 15,000 square feet or less of gross floor area or allocates more than 250 square feet of shelving to tobacco products and tobacco paraphernalia.	ZA
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- B. Except as amended in subsection A above, all provisions of section 17.224.310 remain unchanged and in full effect.

SECTION 21.

- A. Section 17.224.410 (HC zone) of the Sacramento City Code is amended as follows:

1. The “tobacco retailer” row in subsection A.1 (Permitted uses; commercial and institutional uses) is amended to read as follows:

Tobacco retailing	Permitted in a store that has greater than 15,000 square feet of gross floor area if the total area of shelving allocated to tobacco products and tobacco paraphernalia does not exceed 250 square feet.
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2. A row is added to the table set forth in subsection B.2 (Conditional uses; commercial and institutional uses) to read as follows:

Tobacco retailing	Permitted with a conditional use permit in a store that has 15,000 square feet or less of gross floor area or allocates more than 250 square feet of shelving to tobacco products and tobacco paraphernalia.	ZA
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- B. Except as amended in subsection A above, all provisions of section 17.224.410 remain unchanged and in full effect.

SECTION 22.

- A. Subsection B.2 of section 17.424.050 (Del Paso Boulevard/Arden Way Special Planning District; OB office building zone; prohibited uses) of the Sacramento City Code is amended to read as follows:
 - 2. Tobacco retailing.
- B. Except as amended in subsection A above, all provisions of section 17.424.050 remain unchanged and in full effect.

SECTION 23.

- A. Subsection C of section 17.424.060 (Del Paso Boulevard/Arden Way Special Planning District; C-2 zone) of the Sacramento City Code is amended to read as follows:
 - C. Allowed uses—Tobacco retailing. Tobacco retailing is allowed in the C-2 zone within the Del Paso Boulevard/Arden Way SPD with a zoning administrator conditional use permit.
- B. Except as amended in subsection A above, all provisions of section 17.424.060 remain unchanged and in full effect.

SECTION 24.

- A. Subsection C of section 17.424.070 (Del Paso Boulevard/Arden Way Special Planning District; M-1 zone) of the Sacramento City Code is amended to read as follows:
 - C. Allowed uses—Tobacco retailing. Tobacco retailing is allowed in the M-1 zone within the Del Paso Boulevard/Arden Way SPD with a zoning administrator conditional use permit.
- B. Except as amended in subsection A above, all provisions of section 17.424.070 remain unchanged and in full effect.

SECTION 25.

- A. The “tobacco retailer” row in subsection B.2 of section 17.442.040 (Entertainment and Sports Center Special Planning District; conditional uses; commercial and institutional uses) is amended to read as follows:

Tobacco retailing	Permitted with a conditional use permit in a store that has 15,000 square feet or less of gross floor area or allocates more than 250 square feet of shelving to tobacco products and tobacco paraphernalia.	PD
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B. Except as amended in subsection A above, all provisions of section 17.442.040 remain unchanged and in full effect.

Adopted by the City of Sacramento City Council on August 27, 2019, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings, Schenirer, Warren and Mayor Steinberg

Noes: None

Abstain: None

Absent: None

Attest: **Mindy Cuppy** Digitally signed by Mindy Cuppy
Date: 2019.09.05 12:36:49
-07'00'

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.

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