

ORDINANCE NO. 98-008

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF FEB 03 1998

AN ORDINANCE AMENDING SECTION 2.93 OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED, RELATING TO THE DEL PASO BLVD. SPECIAL PLANNING DISTRICT (M96-061)

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

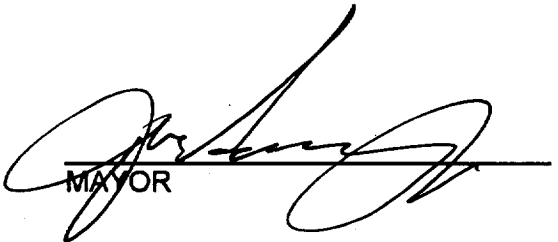
Section 1

Section 2.93 of the Comprehensive Zoning Ordinance (Ordinance No. 2550, Fourth Series, as amended), relating to the Del Paso Blvd. Special Planning District, is hereby amended to read as shown on the attached Exhibit:


PASSED FOR PUBLICATION: January 27, 1998

PASSED: February 3, 1998

EFFECTIVE: March 5, 1998


MAYOR

ATTEST:


CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 98-008
DATE ADOPTED: FEB 03 1998

SECTION 2.93 DEL PASO BLVD SPECIAL PLANNING DISTRICT (SPD)
(Added July 28, 1994 Ordinance #94-028. Revised Feb 3, 1998 Ordinance #98-008)

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A. PURPOSE AND INTENT

1. General

The Del Paso Blvd *Special Planning District (SPD) boundaries are identified on a map attached as Appendix A (SPD Map). When established in 1994, the Del Paso Blvd SPD area consisted of C-2 zoned properties located along Del Paso Blvd., between approximately Globe Avenue and El Camino Ave. In 1997, the SPD boundary was expanded and M-1 zoning standards were adopted.*

This *SPD area consists of a number of different neighborhoods, including residential uses, light industrial uses, and commercial uses. The SPD zoning regulations are intended to assist in the preservation of the economic climate in these neighborhoods through the retention of existing businesses while accommodating new development in the area.*

The City Council further finds and declares that, given the history, nature and scope of recent development along Del Paso Blvd, *including The Triangle Area, special rules are necessary to regulate new non-conforming uses within the Del Paso Special Planning District. However, it is appropriate to allow for the existing non-conforming uses to continue, as regulated by Section 12 of the Zoning Ordinance (Non-Conforming Use Regulations).*

2. Goals

The general goals for properties within the Del Paso Blvd. SPD are as follows:

- a. Maintain and improve the character, quality and vitality of this unique commercial neighborhood, drawing on the opportunities for an arts and entertainment orientation.
- b. Provide the opportunity for a balanced mixture of uses in neighborhoods adjacent to transit facilities and transportation corridors.
- c. Maintain the neighborhood stability of existing commercial neighborhoods while allowing for existing non-conforming uses to continue to serve the community needs in this area.
- d. Retain and improve economic vitality of this commercial neighborhood.
- e. Provide the opportunity for reuse and rehabilitation of heavy commercial and industrial uses to take advantage of the light rail facilities in the area reducing the number of obsolete and under-utilized buildings and sites.
- f. Promote land use characteristics for M-1 and C-2 properties which consider the neighborhood changes that result from the westerly extension of Arden Way across the Natomas East Main Drainage Canal.
- g. Promote orderly transition of land uses from under-utilized buildings and sites to new commercial and industrial uses.
- h. Development standards and conditions for parking areas, as stated in this section 2.93(E), are intended to promote economic development, while recognizing the need to maintain landscaped street frontages and promote aesthetic improvement of the area through a quality landscaped environment.

- i. Discourage outdoor storage in the SPD by limiting stored materials to those that are incidental to primary business uses in the M-1 and C-2 Zones and enforcing minimum standards for outdoor storage of materials and products. By discouraging outdoor storage, the city can serve to reverse the adverse aesthetic conditions.

B. C-2 SPD: SPECIAL REGULATIONS & RESTRICTIONS

Development for properties with C-2 zoning within Del Paso Blvd SPD shall be subject to the following special rules and regulations, in addition to the other regulations of the Comprehensive Zoning Ordinance. In the event of conflict between the provisions of this section and other provisions of the Comprehensive Zoning Ordinance, the provisions of this section shall prevail.

1. Prohibited Uses: In addition to other uses prohibited in the underlying zone, the following additional uses are prohibited for properties with C-2 zoning in the Del Paso Blvd SPD:
 - a. Adult bookstores, Adult theaters, Adult entertainment; Massage Parlors, Escort Services;
 - b. Astrology, palm readers, and related practices;
 - c. Hotels, Motels, and Bed & Breakfast Inns;
 - d. Tattoo *and/or* Body piercing parlors;
 - e. Used Appliance sales;
 - f. Warehouses (storage only - no other use);
 - g. Auto Sales lots and outdoor Auto storage;
 - h. Recreational Vehicles (sales, storage, or repair);
 - i. Mini Storage/Surface Storage;
 - j. Used Tire Storage & Sales;

2. Planning Commission Approval Required: The following uses, although generally discouraged because of over-concentration problems and the potential nuisance and other problems associated with such uses, are permitted in the C-2 zone in the Special Planning District, subject to the issuance of a Special Permit by the Planning Commission, provided that, in addition to other findings required by Section 15 of this Ordinance, the Planning Commission must find that the use will meet one or more of the goals set forth above:
 - a. Auto repair services;
 - b. Social services;
 - c. Thrift stores/Pawn shops;

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3. Manufacturing Establishments: Notwithstanding the provisions of 2-E-9 of the Comprehensive Zoning Ordinance, the Zoning Administrator may approve the use of a total of 20,000 square feet of gross floor area of a building for manufacturing purposes, subject to the following requirements:
- a. The manufacturing use shall not create noise levels that exceed the standards set forth in Section 66.201 of the City Code.
 - b. Building expansions shall meet the adopted Design Guidelines for North Sacramento Project Area.
 - c. New buildings in the C-2 zone shall be designed to be convertible to the commercial uses of the underlying C-2 zone.

4. Residential Uses in C-2 Zones: Notwithstanding the provisions of Section 2-B, the Zoning Administrator may allow residential uses in the C-2 zone, provided that the Zoning Administrator may not approve a density exceeding R-3 density (29 dwelling units per net acre).

5. Fraternity and Sorority Uses in Certain C-2 Zone Areas:

Notwithstanding Section 2-E-47, the Zoning Administrator may allow fraternity-Sorority House-Dormitory uses for the C-2 Zone lying between Arden Way, El Monte Ave., and Colfax St., by Zoning Administrator's Special Permit.

6. Design Review Guidelines

Properties within the Del Paso SPD are subject to the North Sacramento Design Review Guidelines. These guidelines address aesthetics, setbacks, fencing and landscaping.

C. **M-1 SPD: SPECIAL REGULATIONS & RESTRICTIONS**

Development for properties with M-1 zoning within Del Paso Blvd SPD shall be subject to the following special rules and regulations, in addition to the other regulations of the Comprehensive Zoning Ordinance. In the event of conflict between the provisions of this section and other provisions of the Comprehensive Zoning Ordinance, the provisions of this section shall prevail.

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1. **Prohibited Uses:** In addition to other uses prohibited in the underlying zone, the following additional uses are prohibited for properties with M-1 zoning in the Del Paso Blvd SPD:

- a. Adult bookstores, Adult theaters, Adult entertainment; Massage Parlors, Escort Services;
- b. Astrology, palm readers, and related practices;
- c. Hotels, Motels, and Bed & Breakfast Inns;
- d. Tattoo and/or Body piercing parlors;
- e. Used Appliance sales;
- f. Auto sales lots and outdoor Auto storage;
- g. Recreational Vehicles storage, sales and repair;
- h. Recycling Operations;
- i. Auto Dismantling.
- j. *Used Tire storage and sales:*
- k. *Thrift stores and Pawn shops.*

2. **Planning Commission Approval Required:** The following uses, although generally discouraged because of over-concentration problems and the potential nuisance and other problems associated with such uses, are permitted in the M-1 zone in the Special Planning District, subject to the issuance of a Special Permit by the Planning Commission, provided that, in addition to other findings required by Section 15 of this Ordinance, the Planning Commission must find that the use will meet one or more goals for The Triangle area, as set forth in Section 2.93A.2.

- a. Auto repair services;
- b. Social services;

3. **Special Permit Requirements for Office Use in M-1 Zone:**

Notwithstanding the provisions of Section 2-E-35 of the Land Use Regulations, office uses zoned M-1-SPD are not required to be incidental to an industrial use, and are permitted as a matter of right up to 35% of the gross floor area of the building(s) on the property used for the underlying business. The Zoning Administrator shall also have authority to issue a special permit for up to 40,000 square feet of office uses for properties zoned M-1-SPD.

4. **Outdoor Storage Use in the M-1 Zone:**

Outdoor storage is not allowed unless such use is incidental to allowed Manufacturing uses in the M-1 Zone. Outdoor storage that is incidental to the allowed Manufacturing uses, may be approved within 100 feet by right. A

Zoning Administrator's Special Permit shall be required for outdoor storage up to 300 feet from the manufacturing use. All outdoor storage shall be adequately screened within an area enclosed on all sides by a solid fence (such as woven wire with slats), or a solid wall which is at least six feet (6') in height.

5. Design Review Guidelines

Properties within the Del Paso SPD are subject to the North Sacramento Design Review Guidelines. These guidelines address aesthetics, setbacks, fencing and landscaping.

D. SPECIAL HEIGHT & AREA REGULATIONS

Deviations: Zoning Administrator Approval Required: Notwithstanding any of the provisions of this Ordinance, the Zoning Administrator shall have the authority to approve the following deviations from the requirements of this Ordinance for C-2 & M-1 properties in the SPD:

1. Procedure: Except as expressly provided otherwise, a Zoning Administrator's Special Permit shall be required, and shall be subject to the notice, hearing, appeal and other requirements of the provisions set forth in Section 15-H of this Ordinance; provided that the Zoning Administrator shall, in addition to the findings required for approval of a Special Permit, find that the granting of the deviation will not be materially detrimental to other properties or land uses in the area.
2. Permissible Deviations: The Zoning Administrator shall have the authority to approve deviations from the non-use requirements specified below for the C-2 & M-1 zones, provided that the Zoning Administrator shall, in addition to the findings required for approval of a Special Permit, find that the granting of the deviation will not be materially detrimental to other properties or land uses in the area. Applications for deviations may be considered and approved for the following:
 - a. Setbacks: Notwithstanding the provisions of Section 3-B-19, front yard setbacks may be reduced or waived for C-2 & M-1 properties in the SPD.
 - b. Height: Architectural features (such as landmark towers) may exceed the applicable height limits, subject to each of the following:
 - (1) The height of the architectural features may not exceed fifty-five feet (55'); and

- (2) The square footage of the architectural feature, measured at the point of the applicable height limit, may not exceed 20% of the total building footprint.

E. SPECIAL PARKING REGULATIONS & RESTRICTIONS:

Deviations: Zoning Administrator Approval Required: Notwithstanding any of the provisions of this Ordinance, the Zoning Administrator shall have the authority to approve the following deviations from the requirements of this Ordinance for C-2 & M-1 properties in the SPD:

1. ***Procedure:*** Except as expressly provided otherwise, a Zoning Administrator's Special Permit shall be required, and shall be subject to the notice, hearing, appeal and other requirements of the provisions set forth in Section 15-H of this Ordinance; provided that the Zoning Administrator shall, in addition to the findings required for approval of a Special Permit, find that the granting of the deviation will not be materially detrimental to other properties or land uses in the area.
2. ***Permissible Deviations:*** The Zoning Administrator shall have the authority to approve deviations from the non-use requirements specified below for the C-2 & M-1 zones, provided that the Zoning Administrator shall, in addition to the findings required for approval of a Special Permit, find that the granting of the deviation will not be materially detrimental to other properties or land uses in the area. Applications for deviations may be considered and approved for the following:

3. Uses--Zoning Administrator Approval Required: Notwithstanding any other provisions of this Ordinance, the Zoning Administrator shall have the authority to approve the parking uses and standards listed below for properties in the C-2 & M-1 zones in the Special Planning District:
- a. Procedure: Except as expressly provided otherwise, a Zoning Administrator's Special Permit shall be required, and shall be subject to the notice, hearing, appeal and other requirements of the provisions set forth in Section 15-H of this Ordinance.
 - b. Uses: Subject to the criteria and requirements set forth below, and additional provisions for the El Monte Triangle as stated in 2.93 (D), the Zoning Administrator shall have the authority to approve the following uses in the C-2 & M-1 zones:
 - (1) Stand-Alone Parking Facilities: Notwithstanding the provisions of Section 6.D.2, the Zoning Administrator may approve a stand-alone parking facility for Del Paso Blvd.
 - (2) Temporary Parking Lot: The Zoning Administrator may approve a temporary parking lot for properties on Del Paso Blvd., subject to the following requirements:
 - (a) Period of Validity, Non-Renewability, Non-Transferability: The approval shall be valid for two (2) years, shall terminate on the second anniversary date, shall not be renewable, and such permit shall not be transferable.
 - (b) Surface: The surface of the parking lot shall be double chip seal over four inches (4") of rock with soil preparation or shall meet the provisions of Section 6-D-3.
 - (c) Markings: All parking spaces shall be marked by striping.
 - (d) Landscaping and Shading: The standard requirements for landscaping and shading shall not apply to temporary parking lots.

(3) Valet Parking Lot Standards in C-2 & M-1 Zones:

For both C-2 and M-1 zones within the Del Paso Blvd Special Planning District, including areas within The Triangle, as described in Appendix A, off-site valet parking lots may be approved by the Zoning Administrator. Such off-site valet parking lots are exempt from the 50% tree shading "special requirement", as set forth in Section 6: (Off Street Parking) of the Zoning Ordinance. However, to qualify for this tree shading exemption, the minimum width of planters abutting a public street shall be 4 feet.

(4). Off-Street Parking: Parking improvements not strictly meeting City standards may be approved.

(5) Off-Street Vehicle Parking for Small Buildings: Notwithstanding the provisions of Section 6-A-1, a parking waiver or reduction in the number of spaces may be approved for buildings less than ten thousand square feet (10,000 sqft) in area.

F. **SPECIAL SIGNAGE REGULATIONS & RESTRICTIONS:**

The following special sign standards shall be applied to C-2 & M-1 properties in the Del Paso Blvd. SPD:

1. General Rule: Except where specifically set forth in the paragraphs below, the provisions of the City's Sign Ordinance shall apply. All signs shall be subject to the design review provisions of the adopted North Sacramento Redevelopment Area Design Guidelines and shall require a Sign Permit. The Zoning Administrator shall have the authority to approve deviations from the Sign Ordinance for the following provisions:
2. Procedure: Except as expressly provided otherwise, a Zoning Administrator's Special Permit shall be required, and shall be subject to the notice, hearing, appeal and other requirements of the provisions set forth in Section 15-H of this Ordinance; provided that the Zoning Administrator shall, in addition to the findings required for approval of a Special Permit, find that the granting of the deviation will not be materially detrimental to other properties or land uses in the area.
3. Permissible Deviations: The Zoning Administrator shall have the authority to approve deviations from the Sign Ordinance. Applications for deviations may be considered and approved for C-2 properties in the SPD for the following:

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- a. Refacing Existing Non-Conforming Signs: Notwithstanding the provisions of the Sign Ordinance, the Zoning Administrator may approve the refacing of existing non-conforming signs which exceed the allowed sign area.

- b. Permanent Window Signs--Neon: Notwithstanding the provisions of Section 3.12.197 of the Sign Ordinance, the Zoning Administrator may approve permanent window signs exceeding four (4) square feet in area may be approved, subject to the following criteria:
 - (a) The sign is constructed of neon tubing, and the sign backing is constructed of clear plexiglass in order to minimize obstruction of views through the window.

 - (b) The sign meets Uniform Electric Code provisions.

- c. "A" Frame & Portable Signs: Notwithstanding the provisions of Section 3.08.156 (e) of the Sign Ordinance, in-lieu of a detached monument sign, the Zoning Administrator may approve "A" frame and portable signs in the public right-of-way, subject to an encroachment permit.

- d. Signs - Integrated Architectural Features: Notwithstanding the provisions of Section 3.05.105 of the Sign Ordinance, the Zoning Administrator may approve signs which exceed the maximum area of the Sign Ordinance where these signs are a part of an integrated architectural feature of a building.

- e. Maximum Signage Area: Notwithstanding the provisions of Section 3.05.081 of the Sign Ordinance, the Zoning Administrator may approve a sign which exceeds 300 square feet, provided that such sign area does not exceed 360 square feet, for embellishments or to accommodate irregular shapes.

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