

AMENDED

ORDINANCE NO. 96-029

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF MAY 28 1996

ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED BY REZONING 9.7± ACRES FROM OB-PUD (OFFICE BUILDING PLANNED UNIT DEVELOPMENT) & 1.9± ACRES OF MULTI-FAMILY RESIDENTIAL PLANNED UNIT DEVELOPMENT (R-3{PUD}) TO SHOPPING CENTER PLANNED UNIT DEVELOPMENT (SC{PUD}) FOR THE NATOMAS GARDENS PROPERTY LOCATED AT THE NORTHWEST CORNER OF SAN JUAN ROAD AND NORTHGATE BOULEVARD

(P95-045)(APN: 250-010-069,070; 250-0390-033)

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

SECTION 1

The territory described in the attached exhibit(s), of which is in the Office Building Planned Unit Development (OB-PUD) and Multi-Family (R-3{PUD}) zone(s) established by Ordinance No. 2550, Fourth Series, as amended, is hereby removed from said zones and placed in the Shopping Center PUD (SC{PUD}) zone.

- A. The current zoning designations for the subject property, which constitutes 11.6± acres in the **OB-PUD and R-3(PUD)** is hereby *removed* from said zone; and
- B. *Replaced* with the following zones as shown on the attached exhibit:
 - 1. 9.7± acres of **SC-PUD** [Shopping Center Planned Unit Development]; and
 - 2. 1.9± acres of **SC-PUD** [Shopping Center Planned Unit Development]

SECTION 2

This action rezoning the property described in the attached exhibit(s) is adopted subject to the following conditions and stipulations:

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- a. The applicant shall execute and record, in a form satisfactory to the City Attorney, an Irrevocable Offer to Dedicate (IOD) 5.0± acres, as shown on the attached Schematic Plan, to the City for public use. The legal agreement shall be executed and the IOD shall be granted within 90 days of the effective date of this Ordinance. The 5.0± acre site shall be dedicated to the City prior to final map recordation. No improvements to 5.0± acres are required.

If the foregoing is not satisfied within the specified time frame, rezoning of the property to its original zoning, Community Plan and General Plan designations may be initiated.

- b. If an application for a building permit or other construction permit is filed for said parcel which is not in conformity with the proposed development plans and representation submitted by the applicant and as approved by the Planning Commission on January 25, 1996, on file in the office of the Planning Division, or any provision or modification thereof as subsequently reviewed and approved by the Planning Commission, no such permit shall be issued, and the Planning Division shall report the matter to the Planning Commission as provided for in Section 13-A-3-b of the Comprehensive Zoning Ordinance No. 2550, Fourth Series, as amended.
- c: No application for a Special Permit for a supermarket may be approved prior to expiration of twenty-four (24) months from the effective date of this Ordinance. For the purposes of this condition, a "supermarket" shall mean: 1) a store that is engaged primarily in the sale of groceries as measured by the square footage of the store devoted to such sales and which has not less than 35,000 square feet devoted to grocery sales; or 2) a general merchandise store which sells groceries and which has floor space of thirty-five thousand (35,000) square feet or greater devoted to the sale of groceries. For purposes of this condition, groceries shall mean groceries, produce, and dairy\deli products. Provided that the Zoning Ordinance is amended to authorize the City Council to hear and decide special permit applications, a special permit approved by the City Council shall be required for any store with more than fifteen thousand (35,000) square feet devoted, or proposed to be devoted, to the sale of groceries; and provided that if the Zoning Ordinance is not so amended, then a special permit shall be required for such store in the manner specified in the Zoning Ordinance.

SECTION 3

The City Clerk of the City of Sacramento is hereby directed to amend the official zoning maps which are a part of the Comprehensive Zoning Ordinance, Ordinance No. 2550, Fourth Series, as amended, to conform to the provisions of this Ordinance.

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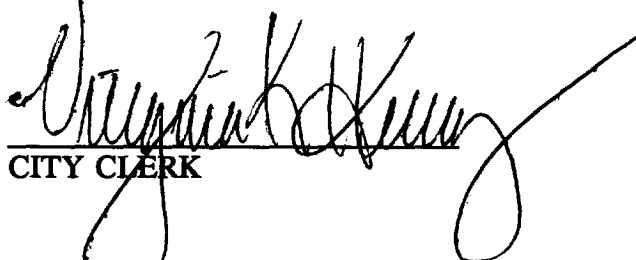
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PASSED FOR PUBLICATION: April 2, 1996

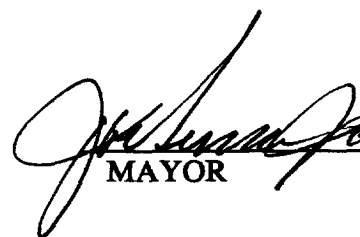
DATE ENACTED : May 28, 1996

DATE EFFECTIVE: June 27, 1996

ATTEST:


CITY CLERK

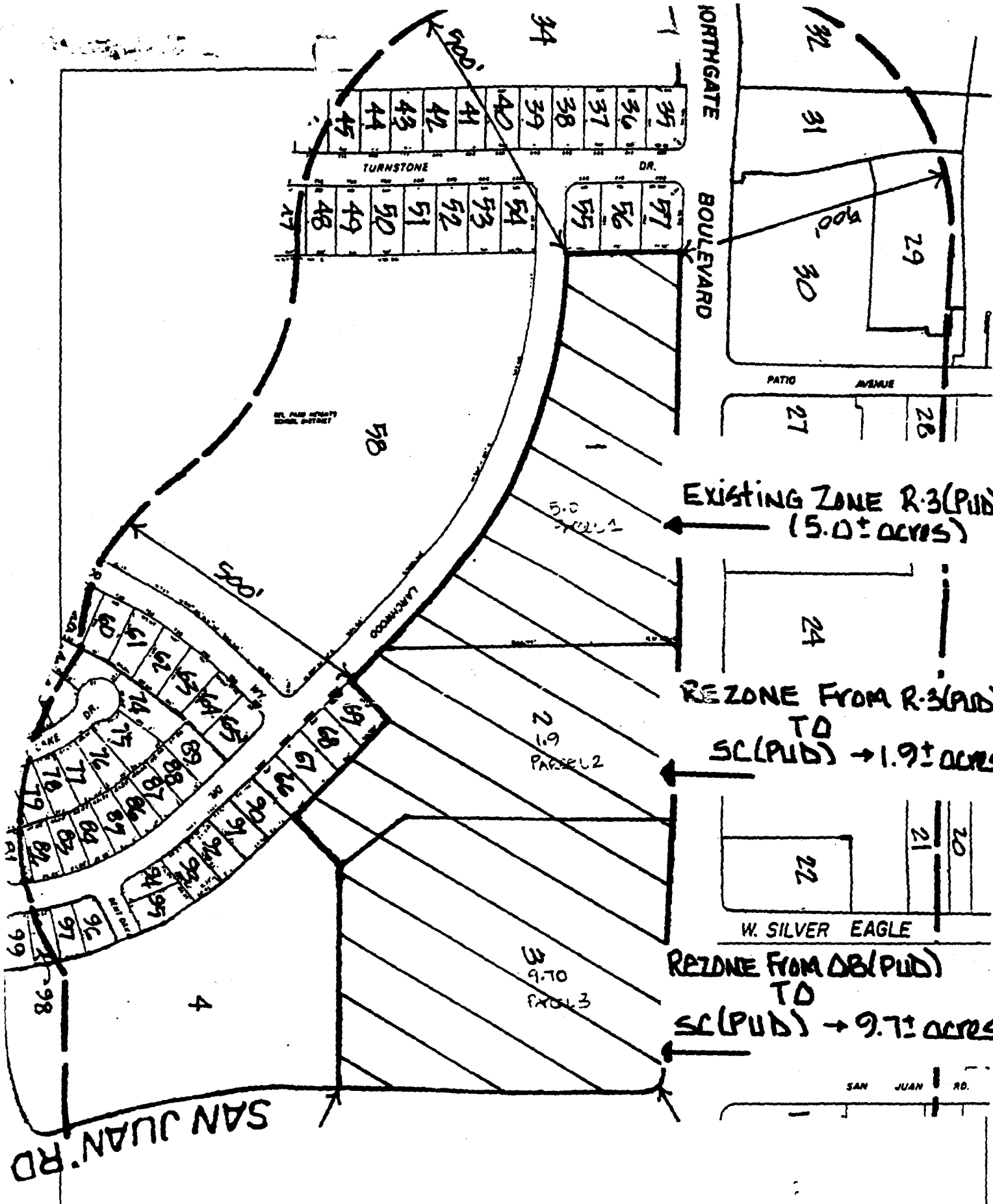
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REZONE EXHIBIT MAP

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