

ORDINANCE NO. 2002-036

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF OCT - 8 2002

AN ORDINANCE ADDING SECTION 17.132.035 TO TITLE 17 OF THE CITY CODE, PERTAINING TO MINIMUM DESIGN REQUIREMENTS

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

Section 1

Section 17.132.035 is added to Title 17 of the City Code to read as follows:

Section 17.132.035 Minimum Design Requirements

- A. In addition to establishing design review districts and design review guidelines plans pursuant to Section 17.132.030 above, the Council may establish minimum design requirements applicable to development projects of a specified size, type, or location; provided that the minimum design requirements shall not apply to projects that are subject to discretionary design review pursuant to this chapter, to projects for which a special permit is required under this Code or to projects that are within a PUD. Minimum design requirements shall be adopted by resolution and shall be enacted in the same manner as a design guidelines plan is enacted pursuant to Section 17.132.030 above. Design requirements established pursuant to this section shall be mandatory in nature; and the review for consistency with the adopted design requirements and approval shall be ministerial and non-discretionary in nature.

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- B. A development project subject to minimum design requirements adopted pursuant to this Section shall comply with the applicable minimum design requirements, and no building permit shall be issued for a project that is not consistent with the minimum design requirements; provided that an applicant may seek to deviate from one or more minimum design requirements by filing an application for discretionary design review. An application to deviate from one or more minimum design requirements for a project which is subject to minimum design requirements pursuant to a resolution adopted in accordance with this section shall be subject to discretionary design review pursuant to this chapter as if it were a project located within a design review district and it shall be developed pursuant to the design approved during the discretionary design review process. Nothing in this provision is intended to permit a project otherwise subject to discretionary design review pursuant to any other provision of this Code Ordinance or other applicable City law or regulation to proceed without having undergone such discretionary design review.
- C. An applicant for a development project who disagrees with an interpretation and application of an applicable minimum design requirement established pursuant to this section may request review of that interpretation by the Planning Director by filing a written request for review with the Planning Director. The Planning Director shall review the matter and render his or her decision on the request within a reasonable period of time. No hearing shall be required, and the decision of the Planning Director shall be final.

Section 2

The establishment of minimum design requirements is currently authorized by uncodified City Ordinance No. 96-007. The primary purpose, intent and effect of Section 1 of this ordinance is to codify the minimum design requirements process in Title 17 (the Zoning Code) of the City Code. The provisions of this ordinance shall supercede Ordinance No. 96-007. Minimum design requirements established by resolutions adopted pursuant to Ordinance No. 96-007 shall continue in existence and shall be in full force and effect.

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Section 3

A resolution establishing minimum design requirements for new construction of single and two family residential dwellings has been processed concurrently with this ordinance, and in the manner specified in Section 1 of this ordinance as well as in the manner specified in uncodified Ordinance No. 96-007. It is the intent of the Council that this resolution, and the minimum design requirements it establishes, shall take effect upon the effective date of this Ordinance.

DATE PASSED FOR PUBLICATION: **OCT - 1 2002**


DATE ENACTED: **OCT - 8 2002**

DATE EFFECTIVE: **NOV - 7 2002**



MAYOR

ATTEST:



CITY CLERK

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