

ORDINANCE NO. 97-029

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF MAY 27 1997

AN ORDINANCE AMENDING SECTIONS 7-C, 8-C, AND 8-E OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED, TO ALLOW DEVELOPMENT OF SINGLE FAMILY RESIDENCES IN THE R-1A ZONE WITHOUT A SPECIAL PERMIT IN SPECIFIED SITUATIONS AND TO ESTABLISH A PLANNING DIRECTOR'S SPECIAL PERMIT REQUIREMENT FOR DEVELOPMENT OF SINGLE FAMILY RESIDENTIAL USES IN PLANNED UNIT DEVELOPMENTS IN SPECIFIED SITUATIONS (M97-005)

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

Section 1.

Section 7-C of the Comprehensive Zoning Ordinance (Ordinance No. 2550, Fourth Series as amended) is hereby amended to read as follows:

- C. **SPECIAL PERMIT REQUIRED:** A Special Permit granted by the Planning Commission is required by any development within the R-1A zone except as provided in paragraphs 1 and 2 below. The Commission, in granting said Special Permit, may modify any of the provisions of Chapter 40 of the City Code in accordance with Section 2-H-3 of this ordinance. (See Ordinance No. 3362, Fourth Series, Section 2) (Ordinance No. 87-061, June 2, 1987)
1. **Exception - Residential Development that Meets R-1 Setbacks and Lot Coverage:** No Special Permit shall be required for single family residential development within the R-1A zone which meets all setback and lot coverage requirements applicable to development in the R-1 zone.

FOR CITY CLERK USE ONLY

97-029

ORDINANCE NO.: _____

DATE ADOPTED: MAY 27 1997

2. **Exception - Single Family, Duplex and Halfplex Development within a PUD:** A Subject to the provisions and restrictions of Section 8 of this Ordinance, a Planning Director's Special Permit, rather than a Planning Commission Special Permit, shall be required for single family, duplex, or halfplex residential development on property zoned R-1A, provided that all of the following requirements are satisfied: i) the property is designated for planned unit development (PUD) pursuant to Section 8; ii) PUD Guidelines and a Schematic Plan have been approved for such development; and iii) the PUD Guidelines provide that a Planning Director's Special Permit may be approved to allow for single family development.

Section 2.

Section 8-C of the Comprehensive Zoning Ordinance (Ordinance No. 2550, Fourth Series as amended) is hereby amended to read as follows:

C. APPLICABILITY: (Ordinance No. 4060, Fourth Series, Effective June 1, 1987)

1. **PUD Designation:** The PUD designation appearing on the official zoning map indicates that the property so classified is subject to the requirements and restrictions set forth in this Section in addition to the indicated land use zone (underlying zone); provided, however, that in granting a Special Permit for a development pursuant to this Section, the Planning Commission may modify regulations set forth in this Ordinance otherwise applicable to such property in accordance with the standards and procedures set forth in Subsection E of this Section.
2. **Criteria:** The PUD designation may be applied to all areas of the City for which the Council determines that: the purpose and criteria of this Section are met or for which the Council determines that due to the mixture of conditions, or the relation of the property to adjacent land uses and its community; that development in accordance with the requirements and restrictions of this Section is necessary in order to properly evaluate the interrelationships of land uses, buildings, structures, and other features of the area and to provide design and other controls as may be necessary to insure that the development of the area will be consistent with the General Plan and all applicable specific plans, will not be injurious to the public welfare, nor to other property in the vicinity of the development and will be in harmony with the general purposes and intent of the Zoning Ordinance.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 97-029

DATE ADOPTED: MAY 27 1997

3. **Special Permit Required:** Except as otherwise provided in this Section, a Special Permit from the Planning Commission shall be required for development within an area designated for a planned unit development.
4. **Planning Director's Special Permit:** Single family, duplex, or halfplex development within a PUD may be approved pursuant to a Planning Director's Special Permit provided that all of the following requirements are met at the time of application:
 - a. no legislative entitlements are required prior to the development of the project;
 - b. the property is designated for planned unit development (PUD) pursuant to Section 8;
 - c. PUD Guidelines and a Schematic Plan have been approved for development of the property, and the application is consistent with the Guidelines and Schematic Plan;
 - d. the PUD Guidelines provide that a Planning Director's Special Permit may be approved to allow for single family, duplex, or halfplex development;
 - e. the property for which a Planning Director's Special Permit is sought has been subdivided into buildable lots or a tentative map which has not expired has been approved for such subdivision; and
 - f. the number of residential lots for which a Planning Director's Special Permit is sought does not exceed one hundred and fifty (150) lots.

If one or more of the requirements set forth above are not satisfied, then a Planning Commission Special Permit shall be required.

Section 3.

Section 8-E of the Comprehensive Zoning Ordinance (Ordinance No. 2550, Fourth Series as amended) shall be amended to read as follows:

- E. **PLANNED UNIT DEVELOPMENT PROJECTS:** Except as otherwise provided in this Section, a Special Permit for a planned unit development project shall be issued pursuant to this Subsection E. The Planning Commission in the Special Permit may modify zoning regulations relating to height, setback and area requirements, and other provisions

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 97-029

DATE ADOPTED: MAY 27 1997

of this Code, provided that the following standards shall be applied:

1. **Design Standards:** The proposed development project must be designed to provide over all standards of open space, circulation, off-street parking and other conditions in such a way as to form a harmonious, integrated project of such quality to justify exceptions to the normal regulations of this Ordinance.
 - a. In order to preserve the design and character of Planned Unit Developments (PUD), the development guidelines adopted for the PUD may specify a sign program that allows for signage that otherwise would be prohibited under chapter 3.12 of Title 3 of the City Code (Sign Ordinance) or that prohibits signage that otherwise would be allowed under this Ordinance. (Added Ord#94-029 Effec 7/28/94)

2. **Density Standards:** The density standards of the zone in which the property is located shall apply to residential uses except that the Commission may authorize a greater density if the proposed design will result in a development project which provides greater open spaces and other desirable features not a regular requirement of the zone. The total number of dwelling units permitted on the residential portion of planned unit development project, or a segment thereof, shall be determined by dividing the total area of the site by the density factor for the zoning district in which it is located, subject to the following conditions:
 - a. The following shall not be included in the site area for computing the number of dwelling units permitted: public streets, park or recreation areas, or other publicly owned facilities, flood areas, river levee easements, drainage channels or canals, or other similar unbuildable site areas.
 - b. If Commission determines that the following site features materially contribute to the improvement of the overall project as a planned unit development, the area of such site features may be included for determining the allowable residential density of a project: privately owned and developed open space, recreation or park area, park strips, private driveways, parking areas, transmission tower easements, and other similar features.
 - c. In no case, however, shall the density of a project be increased beyond the ratio permitted in district in which the project is located.

FOR CITY CLERK USE ONLY

97-029

ORDINANCE NO.: _____

DATE ADOPTED: **MAY 27 1997**

⑦

3. **Uses:** Accessory uses primarily for the convenience of the occupants of the development may be permitted by the Planning Commission. Except for such permitted accessory uses, the property shall be used only for the uses permitted in the zone in which it is located which have been expressly authorized in the Special Permit approving the planned unit development project.
- a. Child care centers shall be permitted as an ancillary use to serve the Planned Unit Development project. The child care center's building square footage in an Office or Business Park PUD shall be exempt from the total allowable building square footage for the Office/Business Park PUD when maximums are specified. (Ordinance No. 88-014, April 21, 1988)
4. **Preliminary Review:** Preliminary plans shall be submitted to the Planning Director for preliminary review prior to submission of an application for a Special Permit or other entitlement for development within a planned unit development. The contents and process for preliminary review are set forth in Section 25-G of the Zoning Ordinance. (Ord. No. 91-092, Effective January 17, 1992)
5. **Tentative Plans:** After return of preliminary plans, the applicant, prior to filing his application, shall submit more detailed tentative plans to the Planning Director for his review and comments.
- a. The plans shall include the previously described overall schematic plan and more detailed plans of the various elements of the proposed development, said detailed plans to be prepared at a scale sufficient to permit evaluation of all pertinent site details. In addition, elevation drawings shall be included which will clearly indicate the architectural character of the proposed developments.
- b. If residential developments are proposed, the plans shall indicate the approximate number of dwelling units, the density of dwelling units, and the type of dwelling units proposed.
- c. The plans shall indicate the character of the proposed development, including its relationship with the adjacent areas.
- d. If the proposed project is to be developed as several stages, the plans shall indicate the anticipated sequence of development.

FOR CITY CLERK USE ONLY

97-029

ORDINANCE NO.:

DATE ADOPTED:

MAY 27 1997

8

- e. The plans shall show the proposed method by which the applicant will govern the maintenance and continued protection of the Planned Unit Development specifics including all common areas.

6. Special Permit - Application - Procedure - Notice:

- a. Applications: Applications for a Special Permit under this Section shall be filed with the Planning Commission and shall be subject to a filing and investigation fee. Said application shall be accompanied by sufficient copies of the proposed development plans as determined by the Planning Director and other material as s/he may deem warranted. The Commission may limit permissible uses within a zoning district, prescribe the time limitation within which the development shall take place, prescribe the sequence of the development, and impose such other terms and conditions as are reasonably necessary to insure that development occurs in the manner proposed by the applicant.
- b. The procedural requirements for a Planned Unit Development Special Permit hearing shall be governed, to the extent the provisions of this Section do not conflict therewith, by the provisions of Sections 15A and 18 of this Ordinance.
- c. The hearing for a Planned Unit Development Special Permit may, at the discretion of the Planning Director, be combined with the hearing at which the Planned Unit Development Designation and/or rezoning of property to accomplish the plan is considered. (Amended Ordinance 92-006 February 27, 1992).

7. Planning Director's Special Permit - Application - Procedure - Notice:

- a. Application: Applications for a Planning Director's Special Permit under this Section shall be filed with the Planning Director and shall be subject to a filing and investigation fee. The application shall be accompanied by sufficient copies of the development plans and such other materials determined by the Planning Director to be necessary to consider the application, including but not limited to an acoustical study, transportation systems management plan, air quality mitigation plan, street and/or signal phasing plan, and executed agreements with other local agencies.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 97-029
DATE ADOPTED: MAY 27 1997

- b. **Notice, Procedure and Appeal:** No public hearing shall be required. The application for a Planning Director's Special Permit shall be accompanied by proof that the applicant has given notice to the owners of all property within 100 feet of the subject property. The notice shall describe the scope and nature of the requested special permit. After the decision on the Planning Director's Special Permit, the Planning Director shall provide written notice by mail to all the property owners within 100 feet of the subject property and their right to appeal the decision to the Planning Commission within ten days of the notice pursuant to Section 18 of this ordinance. No fee shall be charged for the appeal to the Planning Commission by any aggrieved person other than the applicant. The decision of the Planning Commission regarding an appeal of a Planning Director's Special Permit may be appealed to the City Council within ten days of the action taken by the Planning Commission.
- c. **Decision, findings:** The Planning Director or his/ her designee may grant a Planning Director's Special Permit only when the following findings are satisfied based on evidence presented in the application:
- 1) That the proposed development will be consistent with the objectives of the general plan or specific plan for the area in which it is to be located.
 - 2) That the proposed development will be consistent with the adopted planned unit development guidelines and schematic plan within which the project is to be located.
 - 3) That the proposed development will not be detrimental to the public health, safety, or welfare.
- d. **Conditions:** In granting a Planning Director's Special Permit, the Planning Director or his/ her designee may impose such terms and conditions as are reasonably necessary to insure that development occurs in the manner proposed by the applicant and approved by the City.
- e. **Modification, Deviation:** Upon application by the holder of a Planning Director's Special Permit, the Planning Director or his/ her designee may approve modifications to the original proposal if and only if the findings in subsection 7-c above are satisfied. Applications for modifications or deviations shall be noticed, processed, and subject to appeal in the same manner as applications of Planning Director's Special Permits.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: 97-029
DATE ADOPTED: MAY 27 1997

- f. **Term:** The term of the Planning Director's Special Permit shall be governed by the provisions of Section 15-D; provided that, except as provided below, the Special Permit shall vest as to a particular building only when a building permit has been issued for construction of that building and construction has physically commenced. Notwithstanding the foregoing provisions, the Planning Director may approve the phasing of development of a project for which a Planning Director's Special Permit has been issued. The provisions of Section 15-D-4 shall govern the phasing of development by the Planning Director.
- g. **Time Extension:** Applications for time extensions shall be noticed, processed, and subject to appeal in the same manner as applications of Planning Director's Special Permits.
- h. **Issuance of Building Permit upon Recordation of Final Map:** Except as specifically provided otherwise in this Ordinance, no building permit may be issued to construct a residential unit which is a part of a development project for which a Planning Director's Special Permit has been approved and for which a tentative map has been approved but no final map has been recorded, unless and until the final map is recorded, either in its entirety or for a phase which includes the lot for which the building permit is sought.
8. **Rezoning - Application - Procedure - Notice:** A Special Permit for a Planned Unit Development does not establish a zoning classification or enlarge the uses provided in the classification. If the Planned Unit Development requires rezoning of property to accomplish the proposed project, the hearing for a rezoning may, at the discretion of the Planning Director, be combined with the hearing at which the Planned Unit Designation and/or the issuance of the Special Permit to accomplish the plan is considered. (Amended Ordinance 92-006 2-27-92).
9. **Expiration:** In any case where a Special Permit has been granted under this Section, a building permit must be obtained therefore and construction started within said two year period; provided, however, that for good cause the Planning Commission may extend the term of the Special Permit for additional one-year periods upon written application prior to the expiration date. (Amended Ordinance 92-006 2/27/92).

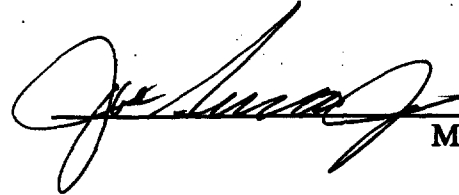
FOR CITY CLERK USE ONLY

ORDINANCE NO.: 97-029

DATE ADOPTED: MAY 27 1997

10. Conditions on Transfer: Repealed - Ordinance No. 4060, Effective June 1, 1978).

PASSED FOR PUBLICATION: May 20, 1997
PASSED: May 27, 1997
EFFECTIVE: June 26, 1997


MAYOR

ATTEST:


CITY CLERK

M97-005

9

FOR CITY CLERK USE ONLY

97-029

ORDINANCE NO.: _____

DATE ADOPTED: MAY 27 1997

(12)