





**Summary:**

The Sacramento City Council has adopted an urgency ordinance placing a moratorium on new and the expansion of existing check cashing centers and facilities in the City of Sacramento. The purpose of the moratorium is to allow time for staff to gather data and develop regulations for check cashing facilities in the city.

Currently, the zoning regulations in Title 17 of the City Code allow check cashing centers by right in most commercial zones, with the exception that they are prohibited in some Special Planning Districts.

The Department of Corporations has jurisdiction over the business-practices of these facilities statewide (California Financial Code §23000-23106).

Check cashing centers are believed to concentrate their locations in lower-income neighborhoods. Accessibility to these centers for their targeted customers appears to contribute to, and worsen, the challenged economic conditions of the communities they serve.

The regulating of these businesses has been controversial in that there are many advocates in the community in support of a permanent ordinance restricting these uses while there have been many industry proponents who oppose restriction and contest the premise of the predatory nature of these facilities.

**Background Information:**

On October 16, 2007, City Council adopted Ordinance No. 2007-080, an emergency measure that established a 45-day moratorium on check cashing centers and facilities. On November 27, 2007, City Council adopted Ordinance No. 2007-089 extending the moratorium an additional ten months and fifteen days. On October 7, 2008, City Council adopted Ordinance 2008-048 which extended the moratorium for an additional period of one year, the maximum extension period allowed by Government Code section 65858. The previous staff reports and ordinances regarding the creation and extensions of the urgency ordinance are attached as a reference.

During the time the moratorium has been in effect, staff has continued research on the blighting effects of check cashing facilities, as per Government Code section 65858 (d). This research included the monitoring of jurisdictions nationally in terms of how other local municipalities are addressing the concerns of check cashing centers in their respective communities. Research yields various stages of legislative acts at the local level including moratoriums, prohibitions, and permanent ordinances to minimize the impacts of these establishments. Staff has been in contact with other jurisdictions seeking direction in their investigations of blighting effects due to check cashing facilities.

In addition to monitoring other cities and counties nationwide, staff has been tracking action on the state level in California. Assembly Bill (AB) 2845 was introduced to the State Assembly this past spring. The bill was significantly amended during the

legislative process, and subsequently, never passed out of the originating house, thus not becoming law. In the city's communications with the lead author's office in the State Assembly, it is yet to be determined whether another bill will be introduced next year.

### **Public/Neighborhood Outreach and Comments:**

On November 19, 2008, staff conducted a meeting with industry proponents, community advocates, and business operators to discuss a permanent ordinance. The discussion focused on permanent regulations of these centers; particularly, that staff would be recommending a special permitting process for uses classified as check cashing centers. In attendance were industry proponents, community advocates, and representatives of check cashing stores and companies. Below is a summary of the comments received at this meeting in regards to proposed permanent regulations.

#### *Comments Received at the 11/19/08 Check Cashing Meeting:*

- Desire to see existing businesses reviewed by a hearing body for compliance to proposed standards
- Would like to have other financial institutions (banks, credit unions, etc.) incorporated into any proposed regulation
- Proposed distancing requirements/over-proliferation concerns between check cashers, as well as other land uses (residential, school, convenience stores, etc.)
- Concern over the financial impacts not being addressed with the special permit process and how that contributes to neighborhood blight
- Inquiry into whether the Business Operation Tax for certain regulated uses be more expensive than other uses as a device to discourage establishment of these businesses
- Recommendation of zoning district and redevelopment area limitations
- Limitation of operating hours, facades/aesthetics, lighting to reduce loitering, and possible criminal activity
- If business is in violation of state or federal practicing laws, or whose license is not in good standing with the California Department of Corporations, that this be considered when there is a request for a special permit

### **Proposed Ordinance Amending the Zoning Code:**

The proposed Ordinance includes revisions to the Zoning Code that would include a more specific definition for check cashing centers and facilities, impose a requirement for a special permit, and place upon them specific regulations for operation as a part of the discretionary approval of the special permit. The amendments to the code are the result of staff research, policy direction, and outreach. The goal is to provide regulations and limitations of these establishments for the welfare of the public, while improving the readability and application of the Zoning Code by citizens, development project applicants, and City staff.

The attached ordinance defines these establishments to include the following:

“Check cashing center” includes check cashing centers and payday lender businesses as defined below:

1. Check cashing center means an establishment that, for compensation, engages in the business of cashing checks, warrants, drafts, money orders or other commercial paper serving a similar purpose. This classification, and includes an establishment primarily engaged in cashing payroll or personal checks for a fee or advancing funds on future checks.

2. Payday lender business (also known as deferred deposit transaction businesses and advanced payday lenders) means an establishment that offers, originates, or makes a deferred deposit transaction. A “deferred deposit transaction” is a transaction whereby a person defers depositing a customer’s personal check until a specific date, pursuant to a written agreement.

A check cashing center does not include a state or federally chartered bank, savings association, credit union, or similar financial institution. This classification does not include, or retail stores or other establishments selling consumer goods, including consumables, where the cashing of that incidentally charge a fee not exceeding \$2.00 to cash checks or money orders is incidental to the main purpose of the business. as a service to customers.

Additionally, the proposed ordinance will repeal the moratorium of these businesses that is currently in force, at the time in which the permanent Ordinance takes effect. This will be 30 days after City Council approval of the Ordinance.

**Proposed Regulations:**

To address the impacts these centers have on surrounding areas, staff proposes the standard Special Permit findings, any special regulations of the zone and/or Special Planning District, and the following performance standards. These performance standards are designed to reduce proliferation, blight, and nuisance:

1. No check cashing center shall be established or located within one thousand (1,000) feet, measured from the nearest property lines of each of the affected parcels, of any other check cashing center, church, school, residential zone, residential use, or financial institution including a state or federally chartered bank, savings association, or credit union.
2. Operation of the check cashing center shall be restricted to between the hours of seven a.m. and seven p.m. unless different hours of operation are approved by condition of the special permit.

The goal of the distancing and hours of operation restrictions are to alleviate adverse impacts of operations of these establishments on surrounding communities. By creating a buffer zone of 1,000 feet around check cashing centers as it pertains to the above-referenced uses, the impacts of operation of the establishments are likely to be

minimized on the protected uses. Churches and schools are traditionally family-oriented uses geared toward the betterment of individual and community in which the potential blighting affects of check cashing centers could have a negative influence. In regards to the distancing requirements between residentially used or zoned properties, the regulations set forth are needed to reduce blight and retain neighborhood integrity. The hours of operation restrictions will assist to mitigate issues pertaining to loitering, criminal activity, and the general welfare of the establishment and surrounding neighborhoods.

Without City review and approval, the establishment of check cashing centers could adversely affect the public health, safety, and welfare of the communities in which they are located. The failure to properly regulate check cashing businesses can undermine the City's efforts to improve areas experiencing blight and plagued by the over-proliferation of uses that can contribute negatively to the community. Staff proposes a Special Permit requirement for all check cashing businesses as defined by this ordinance to evaluate conformance with the above standards.

#### **Environmental Considerations:**

Under the California Environmental Quality Act (CEQA) guidelines, continuing administrative activities do not constitute a project and are therefore exempt from review, pursuant to Section 15061(b)(3)-No Significant Effect.

#### **Sustainability Considerations:**

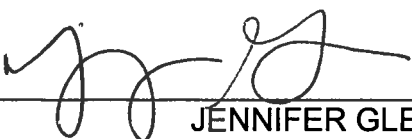
There are no sustainability considerations applicable to the extension of the moratorium on check cashing centers and facilities.

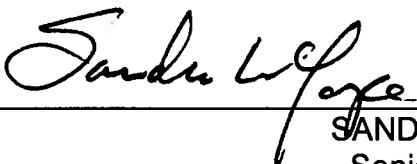
#### **Policy Considerations:**

The purpose of the proposed ordinance is to reduce the impacts of Check Cashing centers on the surrounding communities. These establishments are believed to concentrate their locations in lower-income neighborhoods. Accessibility to these centers for their targeted customers appears to contribute to, and worsen, the challenged economic conditions of the communities they serve. The goal of this ordinance is to regulate this activity. All new, expanding, and relocating check cashing centers, where permitted, will be subject to the issuance of a special permit and costs for review of each application will be borne by the applicant.

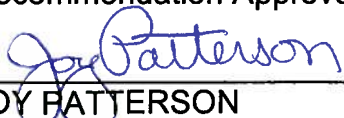
The permanent regulations are consistent with the City's Strategic Plan focus areas to achieve sustainability and livability in the City of Sacramento.

While the City's General Plan is being updated, the City Council has adopted a vision for the future of the City, as well as several guiding principles to help guide the update and achieve this vision. The applicable guiding principle that this proposal complies with is to "Maintain and improve the quality and character of residential neighborhoods in the City."

Respectfully submitted by:   
JENNIFER GLEN  
Assistant Planner

Approved by:   
SANDRA YOPE  
Senior Planner

Recommendation Approved:

  
JOY PATTERSON  
Principal Planner

Attachments:

- Attachment 1 Redlined Draft Ordinance amending sections 17.16.010, 17.94.030, 17.98.030, 17.100.030, 17.108.020, 17.108.030, and 17.124.040 of Title 17 of the Sacramento City Code (The Zoning Code) relating to check cashing centers and repealing Ordinance No. 2007-080, as extended by Ordinance No. 2007-089 and Ordinance No. 2008-048.
- Attachment 2 Draft Ordinance amending sections 17.16.010, 17.94.030, 17.98.030, 17.100.030, 17.108.020, 17.108.030, and 17.124.040 of Title 17 of the Sacramento City Code (The Zoning Code) relating to check cashing centers and repealing Ordinance No. 2007-080, as extended by Ordinance No. 2007-089 and Ordinance No. 2008-048.

Redlined

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AMENDING SECTIONS 17.16.010, 17.24.030, 17.24.050, 17.94.030, 17.98.030, 17.100.030, 17.108.020, 17.108.030, AND 17.124.040 OF TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) RELATING TO CHECK CASHING CENTERS AND REPEALING ORDINANCE NO. 2007- 080, AS EXTENDED BY ORDINANCE NO. 2007-089 AND ORDINANCE NO. 2008-048 (MXX-XXX)

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

SECTION 1. Section 17.16.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The definition for "check cashing center" set forth in Section 17.16.010 is amended to read as follows:

"Check cashing center" means ~~an~~:

1. An establishment that, for compensation, engages in the business of cashing checks, warrants, drafts, money orders or other commercial paper serving a similar purpose. ~~This classification, and includes an establishment primarily engaged in cashing payroll or personal checks for a fee or advancing funds on future checks.~~

2. An establishment that offers, originates, or makes a deferred deposit transaction, also known as a payday lender business. A "deferred deposit transaction" is a transaction whereby a person defers depositing a customer's personal check until a specific date, pursuant to a written agreement.

A check cashing center does not include a state or federally chartered bank, savings association, credit union, or similar financial institution. ~~This classification does not include, or retail stores or other establishments selling consumer goods, including consumables, where the cashing of that incidentally charge a fee not exceeding \$2.00 to cash checks or money orders is incidental to the main purpose of the business. as a service to customers.~~

B. The definition for “check cashing facility” set forth in Section 17.16.010 is deleted.

~~“Check cashing facility” means an establishment primarily engaged in cashing payroll or personal checks for a fee or advancing funds on future checks, not including banks, credit unions or savings and loans.~~

C. Except as specifically amended as set forth in subsections A. and B., above, section 17.16.010 shall remain unchanged and in full force and effect.

**SECTION 2.** Section 17.24.030 (Commercial Land Use Chart) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The matrix set forth in Table 17.24.030 A is amended to add “Check cashing center” to read as follows:

Uses Allowed	RE	R-1	R-1A	R-1B	R-2	R-2A	R-2B	R-3	R-3A	R-4	R-5	RMX	RO	OB
Check cashing center*											7/84	69/84		18/84

B. The matrix set forth in Table 17.24.030 B is amended to add “Check cashing center” to read as follows:

Uses Allowed	EC	HC	SC	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MIP	MRD	H	SPX	TC	A	AOS	F	AR P-F	
Check cashing center*			15/84	84	84	84	84	84	20/84	84	20/84	14/53/84	14/53/84								

C. Except as specifically amended for the uses indicated, section 17.24.030 and Tables 17.24.030 A and 17.24.030 B shall remain unchanged and in full force and effect.

**SECTION 3.** Section 17.24.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Footnote 84 is added to section 17.24.050 to read as follows:

84. Check Cashing Centers.  
a. A special permit shall be required to establish a check cashing center in this zone.

b. Locational Requirements. In addition to the other requirements for approval of a special permit, no special permit shall be issued or approved for a check cashing center unless the proposed location satisfies all of the following locational requirements:

i. Proximity to Other Specified Establishments.

No check cashing center shall be established or located within one thousand (1,000) feet, measured from the nearest property lines of each of the affected parcels, of any other check cashing center, church, school, or financial institution including a state or federally chartered bank, savings association, or credit union.

ii. Proximity to Residential Zones and Residential Uses.

No check cashing center shall be established or located within one thousand (1,000) feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone or residential use.

iii. Definitions.

For purposes of the locational requirement, the following definitions shall apply:

“Church” means a structure or place which is used primarily for religious worship and related religious activities.

“School” means any child or day care facility; or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.

iv. Relevant Date for Determining Compliance with Locational Requirements.

Only those uses lawfully established as of the date that the application for a check cashing center special permit is determined or deemed to be complete shall be considered for purposes of determining whether the locational requirements are met.

c. Hours of Operation.

Operation of the check cashing center shall be restricted to between the hours of seven a.m. and seven p.m. unless different hours of operation are approved by condition of the special permit.

B. Except as specifically amended by adding footnote 84, section 17.24.050 shall remain unchanged and in full force and effect.

**SECTION 4.** Section 17.94.030 (Broadway/Stockton Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (C) of Section 17.94.030 is amended to read as follows:

C.- Prohibited Uses.

In addition to other uses prohibited by this title in the underlying zones, the following uses are prohibited in all zones within the Broadway/Stockton SPD.

1. Auto sales;
2. Auto storage;
3. Bar;
4. Bus and other transit vehicle maintenance storage;
5. Check cashing ~~facility~~center;
6. Liquor store—Fifteen thousand (15,000) feet or less of gross floor area;
7. Towing service;
8. Used tire sales.

B. Except as specifically amended by the amendments to subsection (C), section 17.94.030 shall remain unchanged and in full force and effect.

**SECTION 5.** Section 17.98.030 (McClellan Heights and Parker Homes Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (D)(2) of Section 17.98.030 is amended to read as follows:

2. Notwithstanding any provision in this Chapter 17.98 to the contrary, and in addition to all other uses prohibited in the C-2 zone under this title, the following uses in the C-2 zone are prohibited in the McClellan Heights and Parker Homes SPD:

- a. Adult entertainment business;
- b. Adult related establishment;
- c. Auto sales (new or used), service, repair, storage, or rental;

d. Check cashing center;

e. ~~Check cashing facility;~~

~~f.~~ Cleaning plant;

~~g.~~ Equipment rental/sales yard;

~~h.~~ Laundry, commercial plant;

~~i.~~ Mini-storage/locker building;

~~j.~~ Money lender;

~~k.~~ Pawnshop;

~~l.~~ Reclamation operation;

~~m.~~ Recycling facilities, except convenience recycling;

~~n.~~ RV /mobilehome sales yard;

~~o.~~ RV storage (commercial);

~~p.~~ Tire shop; and

~~q.~~ Towing service and vehicle storage yard.

B. Subsection (E)(2) of Section 17.98.030 is amended to read as follows:

2. Notwithstanding any provision in this Chapter 17.98 to the contrary, and in addition to all other uses prohibited in the M-1 zone under this title, the following uses in the M-1 zone are prohibited in the McClellan Heights and Parker Homes SPD:

a. Adult entertainment business;

b. Adult related establishment;

c. Animal slaughter;

d. Auto dismantler;

e. Auto sales (new or used), service, repair, storage, or rental;

f. Check cashing center;

g. ~~Check cashing facility;~~

~~h.~~ Concrete batch plant;

ih. Hazardous waste facility;

ji. Junkyard;

kj. Livestock sales yard;

lk. Mini-storage/locker building;

ml. Money lender;

nm. Pawnshop;

on. Planing mill

po. Solid waste landfill; and

qp. Solid waste transfer station.

C. Except as specifically amended by the amendments to subsections (D)(2) and (E)(2), section 17.98.030 shall remain unchanged and in full force and effect.

**SECTION 6.** Section 17.100.030 (Northgate Boulevard Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (C) of Section 17.100.030 is amended to read as follows:

C. Prohibited Uses. Notwithstanding the provisions of subsections (A) and (B) of this section, and in addition to all other uses prohibited in the RMX and C-2 zones under this title, the following uses are prohibited in the RMX zone and the C-2 zone in the Northgate SPD.

1. Drive-through service facility;
2. Mini-storage/locker building;
3. Auto sales (new or used), service, repair, storage, or rental; except that vehicle storage is permitted if incidental to a use that is otherwise permitted;
4. Towing service and vehicle storage yard;
5. RV mobile home sales yard;

6. RV storage (commercial);
7. Check cashing center ~~and check cashing facility~~;
8. Pawn shops; and
9. Money lenders.

B. Except as specifically amended by the amendments to subsection (C), section 17.100.030 shall remain unchanged and in full force and effect.

**SECTION 7.** Section 17.108.020 (Del Paso Boulevard Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (A) of Section 17.108.020 is amended to read as follows:

A. 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 Boulevard SPD:

1. Adult entertainment business;
2. Adult related establishment;
3. Astrology and related practices;
4. Tattoo and/or body piercing parlors;
5. Used appliance sales;
6. Auto sales (new and used), storage;
7. RV/mobilehome sales yard;
8. RV storage;
9. RV repair;
10. Mini storage/surface storage;
11. Used tire storage and sales;
12. Check cashing center ~~and check cashing facility~~;
13. Money lender;

14. Mortuary;
15. Card room;
16. Bingo activities licensed under Chapter 5.24 of this code;
17. Retail tobacco store;
18. Laundromat.

B. Except as specifically amended by the amendments to subsection (A), section 17.108.020 shall remain unchanged and in full force and effect.

**SECTION 8.** Section 17.108.030 (Del Paso Boulevard Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (A) of Section 17.108.030 is amended to read as follows:

A. 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 Boulevard SPD:

1. Adult entertainment business;
2. Adult related establishment;
3. Astrology and related practices;
4. Tattoo and/or body piercing parlors;
5. Used appliance sales;
6. Auto sales (new and used), storage;
7. RV/mobilehome sales yard;
8. RV storage;
9. RV repair;
10. Recycling facilities;
11. Auto dismantler;
12. Used tire storage and sales;
13. Check cashing center ~~and check cashing facility~~;

14. Money lender;
15. Pawn shop;
16. Mortuary;
17. Card room;
18. Bingo activities licensed under Chapter 5.24 of this code;
19. Retail tobacco stores;
20. Laundromat.

B. Except as specifically amended by the amendments to subsection (A), section 17.108.030 shall remain unchanged and in full force and effect.

**SECTION 9.** Section 17.124.040 (Sacramento Railyards Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (E) of Section 17.124.040 is amended to read as follows:

E. Prohibited Uses. The following uses are prohibited in the Sacramento Railyards SPD:

1. All uses, unless otherwise specified above, listed in the Industrial and Agricultural land use tables in sections 17.24.040(A) and 17.24.040(B);

2. Mobile home park;

3. Penal institution;

4. Check cashing center ~~and check cashing facility~~.

B. Except as specifically amended by the amendments to subsection (E), section 17.124.040 shall remain unchanged and in full force and effect.

**SECTION 10.** Ordinance No. 2007-080, as extended by Ordinance No. 2007-089 and Ordinance No. 2008-048, establishing a moratorium on check cashing centers, is repealed.

**ATTACHMENT 2**

**ORDINANCE NO.**

Adopted by the Sacramento City Council

Date Adopted

**AMENDING SECTIONS 17.16.010, 17.24.030, 17.24.050,  
17.94.030, 17.98.030, 17.100.030, 17.108.020, 17.108.030,  
AND 17.124.040 OF TITLE 17 OF THE SACRAMENTO  
CITY CODE (THE ZONING CODE) RELATING TO CHECK  
CASHING CENTERS AND REPEALING ORDINANCE NO.  
2007- 080, AS EXTENDED BY ORDINANCE NO. 2007-089  
AND ORDINANCE NO. 2008-048 (MXX-XXX)**

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

**SECTION 1.** Section 17.16.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The definition for “check cashing center” set forth in Section 17.16.010 is amended to read as follows:

“Check cashing center” means:

1. An establishment that, for compensation, engages in the business of cashing checks, warrants, drafts, money orders or other commercial paper serving a similar purpose, and includes an establishment primarily engaged in cashing payroll or personal checks for a fee or advancing funds on future checks.

2. An establishment that offers, originates, or makes a deferred deposit transaction, also known as a payday lender business. A “deferred deposit transaction” is a transaction whereby a person defers depositing a customer’s personal check until a specific date, pursuant to a written agreement.

A check cashing center does not include a state or federally chartered bank, savings association, credit union, or similar financial institution, or retail stores or other establishments selling consumer goods, including consumables, that incidentally charge a fee not exceeding \$2.00 to cash checks or money orders as a service to customers.

B. The definition for “check cashing facility” set forth in Section 17.16.010 is deleted.

C. Except as specifically amended as set forth in subsections A. and B., above, section 17.16.010 shall remain unchanged and in full force and effect.

**SECTION 2.** Section 17.24.030 (Commercial Land Use Chart) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The matrix set forth in Table 17.24.030 A is amended to add "Check cashing center" to read as follows:

Uses Allowed	RE	R-1	R-1A	R-1B	R-2	R-2A	R-2B	R-3	R-3A	R-4	R-5	RMX	RO	OB
Check cashing center*											7/84	69/84		18/84

B. The matrix set forth in Table 17.24.030 B is amended to add "Check cashing center" to read as follows:

Uses Allowed	EC	HC	SC	C-1	C-2	C-3	C-4	M-1	M-1(S)	M-2	M-2(S)	MIP	MRD	H	SPX	TC	A	AOS	F	AR P-F	
Check cashing center*			15/84	84	84	84	84	84	20/84	84	20/84	14/53/84	14/53/84								

C. Except as specifically amended for the uses indicated, section 17.24.030 and Tables 17.24.030 A and 17.24.030 B shall remain unchanged and in full force and effect.

**SECTION 3.** Section 17.24.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Footnote 84 is added to section 17.24.050 to read as follows:

84. Check Cashing Centers.

a. A special permit shall be required to establish a check cashing center in this zone.

b. Locational Requirements. In addition to the other requirements for approval of a special permit, no special permit shall be issued or approved for a check cashing center unless the proposed location satisfies all of the following locational requirements:

i. Proximity to Other Specified Establishments.

No check cashing center shall be established or located within one thousand (1,000) feet, measured from the nearest property lines of each of the affected parcels, of any other

check cashing center, church, school, or financial institution including a state or federally chartered bank, savings association, or credit union.

ii. Proximity to Residential Zones and Residential Uses.

No check cashing center shall be established or located within one thousand (1,000) feet, measured from the nearest property lines of each of the affected parcels, of any existing residential zone or residential use.

iii. Definitions.

For purposes of the locational requirement, the following definitions shall apply:

“Church” means a structure or place which is used primarily for religious worship and related religious activities.

“School” means any child or day care facility; or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.

iv. Relevant Date for Determining Compliance with Locational Requirements.

Only those uses lawfully established as of the date that the application for a check cashing center special permit is determined or deemed to be complete shall be considered for purposes of determining whether the locational requirements are met.

c. Hours of Operation.

Operation of the check cashing center shall be restricted to between the hours of seven a.m. and seven p.m. unless different hours of operation are approved by condition of the special permit.

B. Except as specifically amended by adding footnote 84, section 17.24.050 shall remain unchanged and in full force and effect.

**SECTION 4.** Section 17.94.030 (Broadway/Stockton Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (C) of Section 17.94.030 is amended to read as follows:

C. Prohibited Uses.

In addition to other uses prohibited by this title in the underlying zones, the following uses are prohibited in all zones within the Broadway/Stockton SPD.

1. Auto sales;
2. Auto storage;
3. Bar;
4. Bus and other transit vehicle maintenance storage;
5. Check cashing center;
6. Liquor store—Fifteen thousand (15,000) feet or less of gross floor area;
7. Towing service;
8. Used tire sales.

B. Except as specifically amended by the amendments to subsection (C), section 17.94.030 shall remain unchanged and in full force and effect.

**SECTION 5.** Section 17.98.030 (McClellan Heights and Parker Homes Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (D)(2) of Section 17.98.030 is amended to read as follows:

2. Notwithstanding any provision in this Chapter 17.98 to the contrary, and in addition to all other uses prohibited in the C-2 zone under this title, the following uses in the C-2 zone are prohibited in the McClellan Heights and Parker Homes SPD:

- a. Adult entertainment business;
- b. Adult related establishment;
- c. Auto sales (new or used), service, repair, storage, or rental;
- d. Check cashing center;
- e. Cleaning plant;
- f. Equipment rental/sales yard;
- g. Laundry, commercial plant;

- h. Mini-storage/locker building;
- i. Money lender;
- j. Pawnshop;
- k. Reclamation operation;
- l. Recycling facilities, except convenience recycling;
- m. RV /mobilehome sales yard;
- n. RV storage (commercial);
- o. Tire shop; and
- p. Towing service and vehicle storage yard.

B. Subsection (E)(2) of Section 17.98.030 is amended to read as follows:

2. Notwithstanding any provision in this Chapter 17.98 to the contrary, and in addition to all other uses prohibited in the M-1 zone under this title, the following uses in the M-1 zone are prohibited in the McClellan Heights and Parker Homes SPD:

- a. Adult entertainment business;
- b. Adult related establishment;
- c. Animal slaughter;
- d. Auto dismantler;
- e. Auto sales (new or used), service, repair, storage, or rental;
- f. Check cashing center;
- g. Concrete batch plant;
- h. Hazardous waste facility;
- i. Junkyard;
- j. Livestock sales yard;
- k. Mini-storage/locker building;

- I. Money lender;
- m. Pawnshop;
- n. Planing mill
- o. Solid waste landfill; and
- p. Solid waste transfer station.

C. Except as specifically amended by the amendments to subsections (D)(2) and (E)(2), section 17.98.030 shall remain unchanged and in full force and effect.

**SECTION 6.** Section 17.100.030 (Northgate Boulevard Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (C) of Section 17.100.030 is amended to read as follows:

C. Prohibited Uses. Notwithstanding the provisions of subsections (A) and (B) of this section, and in addition to all other uses prohibited in the RMX and C-2 zones under this title, the following uses are prohibited in the RMX zone and the C-2 zone in the Northgate SPD.

1. Drive-through service facility;
2. Mini-storage/locker building;
3. Auto sales (new or used), service, repair, storage, or rental; except that vehicle storage is permitted if incidental to a use that is otherwise permitted;
4. Towing service and vehicle storage yard;
5. RV mobile home sales yard;
6. RV storage (commercial);
7. Check cashing center;
8. Pawn shops; and
9. Money lenders.

B. Except as specifically amended by the amendments to subsection (C), section 17.100.030 shall remain unchanged and in full force and effect.

**SECTION 7.** Section 17.108.020 (Del Paso Boulevard Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (A) of Section 17.108.020 is amended to read as follows:

A. 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 Boulevard SPD:

1. Adult entertainment business;
2. Adult related establishment;
3. Astrology and related practices;
4. Tattoo and/or body piercing parlors;
5. Used appliance sales;
6. Auto sales (new and used), storage;
7. RV/mobilehome sales yard;
8. RV storage;
9. RV repair;
10. Mini storage/surface storage;
11. Used tire storage and sales;
12. Check cashing center;
13. Money lender;
14. Mortuary;
15. Card room;
16. Bingo activities licensed under Chapter 5.24 of this code;
17. Retail tobacco store;
18. Laundromat.

B. Except as specifically amended by the amendments to subsection (A), section 17.108.020 shall remain unchanged and in full force and effect.

**SECTION 8.** Section 17.108.030 (Del Paso Boulevard Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (A) of Section 17.108.030 is amended to read as follows:

A. 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 Boulevard SPD:

1. Adult entertainment business;
2. Adult related establishment;
3. Astrology and related practices;
4. Tattoo and/or body piercing parlors;
5. Used appliance sales;
6. Auto sales (new and used), storage;
7. RV/mobilehome sales yard;
8. RV storage;
9. RV repair;
10. Recycling facilities;
11. Auto dismantler;
12. Used tire storage and sales;
13. Check cashing center;
14. Money lender;
15. Pawn shop;
16. Mortuary;
17. Card room;
18. Bingo activities licensed under Chapter 5.24 of this code;

19. Retail tobacco stores;

20. Laundromat.

B. Except as specifically amended by the amendments to subsection (A), section 17.108.030 shall remain unchanged and in full force and effect.

**SECTION 9.** Section 17.124.040 (Sacramento Railyards Special Planning District) of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (E) of Section 17.124.040 is amended to read as follows:

E. Prohibited Uses. The following uses are prohibited in the Sacramento Railyards SPD:

1. All uses, unless otherwise specified above, listed in the Industrial and Agricultural land use tables in sections 17.24.040(A) and 17.24.040(B);

2. Mobile home park;

3. Penal institution;

4. Check cashing center.

B. Except as specifically amended by the amendments to subsection (E), section 17.124.040 shall remain unchanged and in full force and effect.

**SECTION 10.** Ordinance No. 2007-080, as extended by Ordinance No. 2007-089 and Ordinance No. 2008-048, establishing a moratorium on check cashing centers, is repealed.