

ORDINANCE NO. 2008-050

Adopted by the Sacramento City Council

October 14, 2008

PERTAINING TO LOT COVERAGE, MASSING, AND SCALE FOR SPECIFIED RESIDENTIAL NEIGHBORHOODS IN THE CITY OF SACRAMENTO AND REPEALING ORDINANCE NO. 2007-014 (M06-035)

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

BACKGROUND

SECTION 1. The City Council of the City of Sacramento finds and declares as follows:

- A. On February 27, 2007, the City Council enacted Ordinance No. 2007-014, an interim ordinance, that established more restrictive requirements relating to minimum front and side yards, maximum lot coverage, and maximum heights for the construction of new single-family and two-family dwellings and for additions to and the remodeling of existing single-family and two-family dwellings in the North Sacramento and Ben Ali neighborhoods in the City of Sacramento.
- B. At the time Ordinance No. 2007-014 was enacted, the City Council anticipated that permanent lot coverage, massing and scale regulations would be developed and enacted within 365 days. However, permanent regulations have not been finalized. In addition, there is a desire to extend the application of the regulations enacted by Ordinance No. 2007-014 to neighborhoods in South Sacramento while the permanent regulations are developed.

SECTION 2. Ordinance No. 2007-014 is repealed.

SECTION 3.

- A. This ordinance shall apply only in the geographical areas within the City of Sacramento shown on the attached Exhibit A.
- B. For purposes of this ordinance, single-family and two-family dwellings shall include second units.
- C. Notwithstanding the provisions of Chapter 17.60 of Title 17 of the Sacramento City Code (the Zoning Code), and except as provided in subsections H and I, below, the following more restrictive requirements relating to minimum front and side yards, maximum lot coverages, and maximum heights shall apply to the construction of new single-family and two-family dwellings and to exterior additions to, and the exterior remodeling of, existing single-family and two-family dwellings that require a building permit:

Lot Size (Sq. Ft.)	Min. Front Yd. (Ft.)	Min. Street Side Yd. (Ft.)	Min. Int. Side Yd. (Ft.)	Max. Lot Coverage	Max. Plate Height** (Ft.)	Max. Ridge Height (Ft.)
<4999						
1 st story	(1)*	12.5 feet	(3)	50%	10 feet	20 feet
2 nd and all add'l stories	(2)	(2)	(4)		20 feet	30 feet
5000-8000						
1 st story	(1)	12.5 feet	5 feet	40%	10 feet	20 feet
2 nd and all add'l stories	(2)	(2)	(4)		20 feet	30 feet
8001+						
1 st story	(1)	12.5 feet	8 feet	40%	10 feet	20 feet
2 nd and all add'l stories	(2)	(2)	(4)		20 feet	30 feet

*Numbers inside parenthesis () refer to footnotes below.

**Maximum Plate Height is the vertical dimension measured from average elevation of the finished lot grade at the front of the building to the plate line.

- (1) The minimum front yard setback shall be twenty-five (25) feet or the average of the front setback of the two nearest buildings on the same side of the street on the same block, whichever is less.
- (2) The second and all additional stories shall be setback at least six (6) feet from the first story wall at the front elevation and at least five (5) feet at the street side elevation; except that the following structures shall not be subject to the more restrictive requirements relating to minimum front and side yards established by this ordinance: a) dormer window structures up to a maximum of twelve (12) feet wide; b) protruding two story wall sections, a minimum of three (3) feet in depth, with a gable or hipped roof, up to a maximum of fifteen (15) feet wide; c) a minimum five (5) foot wide ground floor porch; d) a minimum four (4) foot wide uncovered balcony.
- (3) The minimum interior side yard setback shall be three (3) feet on any one side; provided that the average of both side yard setbacks shall be a minimum of five (5) feet.
- (4) The second and all additional stories shall be set back at least five (5) feet from the first story wall at all side elevations; except that the following structures shall

not be subject to the more restrictive requirements relating to minimum interior side yards established by this ordinance: a) dormer window structures up to a maximum of twelve (12) feet wide; b) protruding two story wall sections, a minimum of three (3) feet in depth, with a gable or hipped roof, up to a maximum of fifteen (15) feet wide; c) a minimum five (5) foot wide ground floor porch; d) a minimum four (4) foot wide uncovered balcony.

- D. Staff level design review under the general direction of the design director under Section 17.132.310(C) of Title 17 of the Sacramento City Code (the Zoning Code) shall be required to vary the minimum front and side yard requirements, maximum lot coverage requirements, and maximum height requirements set forth in this ordinance. The staff level review shall be subject to the special notice and reconsideration provisions of section 17.132.310(C)(2).
- E. Staff level design review under the general direction of the design director under Section 17.132.310(C) of Title 17 of the Sacramento City Code (the Zoning Code) shall be required for the construction of new single family and two-family dwellings and additions to or the remodeling of existing single family and two family dwellings that require a building permit and result in a building with a width of greater than fifty-five (55) feet when measured at right angles to the lot depth. The staff level review shall be subject to the special notice and reconsideration provisions of Section 17.132.310(C)(2).
- F. In reviewing a request for design review to vary the yard, lot coverage, or height requirements of this ordinance under subsection D of this section, or a request for design review of a building with a width of greater than fifty-five (55) feet under subsection E of this section, the application shall be evaluated in accordance with any applicable design review guidelines plan pursuant to Section 17.132.300 of Title 17 of the Sacramento City Code (the Zoning Code) or, if the application is not otherwise subject to any design review guidelines plan, the Central City Neighborhood Design Guidelines shall be applied as the Director determines to be appropriate. The decision shall be based on the compatibility of the proposed construction with the surrounding neighborhood, taking into account the height, massing, and lot coverage of the adjacent residential structures on either side of the proposed construction and the block face on both sides of the street as the proposed construction.
- G. The authority granted by this ordinance to vary minimum front and side yard requirements, maximum lot coverage requirements, and maximum height requirements is limited to the more restrictive minimum front and side yard requirements, maximum lot coverage requirements, and maximum height requirements set forth in this ordinance. This ordinance is not intended to and does not grant authority to grant variances to the yard, lot coverage, height, and other regulations of Chapter 17.60 of Title 17 of the Sacramento City Code (the Zoning Code).
- H. Existing single-family and two-family dwellings that do not meet the more restrictive setback, lot coverage, or height requirements of this ordinance are not subject to design review under subsection D of this section as long as (i) any exterior additions to the dwellings conform to the provisions of this ordinance outlined in subsection C, or

(ii) the dwelling is damaged or destroyed by disaster and any rebuilding of all or a portion of the dwelling is fully contained within the building envelope of the dwelling as it existed before the disaster. Remodeling of the interior of an existing single-family or two-family dwelling shall not be subject to this ordinance.

- I. This ordinance shall not apply to the construction of new single-family and two-family dwellings and to additions to and the remodeling of existing single-family and two-family dwellings that are the subject of an application for a special permit for an alternative ownership housing type or that have an active approved special permit for an alternative ownership house type pursuant to section 17.24.050(8) of Title 17 of the Sacramento City Code (the Zoning Code).

SECTION 4. Except for the minimum front and side yard requirements, maximum lot coverage requirements, and maximum height requirements set forth in this ordinance, all provisions of Chapter 17.60 of Title 17 of the Sacramento City Code (the Zoning Code) shall apply to the construction of new single-family and two-family dwellings and to additions to and the remodeling of existing single-family and two-family dwellings that are subject to this ordinance.

SECTION 5. This ordinance is enacted by the City Council as an interim ordinance, without notice and hearing before the Planning Commission and City Council as otherwise required by Section 17.208.010 of the City's Zoning Code. It is anticipated that permanent, comprehensive regulations governing single-family and two-family residential massing, setback and lot coverage regulations will be processed in the manner required by Title 17 of the City Code within 365 days, and that this interim ordinance will be repealed at that time.

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Exhibit A – Areas Affected by Ordinance

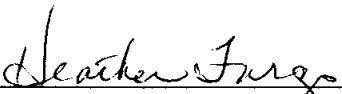
Adopted by the City of Sacramento City Council on October 14, 2008 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy,
Tretheway, Waters, and Mayor Fargo.

Noes: None.

Abstain: None.

Absent: None.



Mayor Heather Fargo

Attest:



Shirley Concolino, City Clerk

Passed for Publication: October 7, 2008

Published: October 10, 2008

Effective: November 10, 2008

Exhibit A - Area Affected by Ordinance

