



DEPARTMENT OF  
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO  
CALIFORNIA

1231 I STREET  
ROOM 200  
SACRAMENTO, CA  
95814-2998

March 21, 1989

BUILDING INSPECTIONS  
916-449-5716

Transportation and Community Department  
Sacramento, California

PLANNING  
916-449-5604

Honorable Members in Session:

SUBJECT: 1. Environmental Determination  
2. Zoning Ordinance Amendment Relating to the Establishment of  
Flea Markets and a Flea Market Definition (M89-016)

LOCATION: Citywide

SUMMARY

The proposed Zoning Ordinance Amendment would add language to Section 2 of the Zoning Ordinance, identifying a flea market establishment as a land use category that will be permitted in certain zones, subject to the granting of a Special Permit. The amendment will also include standards required when establishing a flea market. Finally, a definition for a flea market would be added to Section 22 of the Zoning Ordinance.

The Planning Commission and staff recommend approval of the Ordinance Amendment by the TCD Committee and adoption by the City Council.

BACKGROUND INFORMATION

On March 9, 1989, the Planning Commission recommended approval of the attached Zoning Ordinance amendments relating to the establishment of flea markets in the City of Sacramento; conditions and standards required when establishing a flea market; and adding a definition for a flea market.

Under the current Zoning Ordinance, a flea market is allowed by right in the M-1 and M-2 zones. A flea market land use category, however, is not specifically listed in the land use chart in Section 2 of the Zoning Ordinance. At present, the City has considered a flea market establishment as a wholesale/retail type of use which is subject to the same standards as required for a retail/wholesale type establishment (i.e., parking, fencing and screening if adjacent to residential).

Currently, there are three flea markets located in the City, including the recently approved flea market in North Sacramento. The recently approved North Sacramento indoor/outdoor flea market is located in a M-1 zone (P88-336). The flea market generated a great deal of discussion, in respect to flea markets as a permitted use by right in the M-1 and M-2 zones. There was also controversy on whether a flea market is similar in nature to a retail and wholesale type of establishment. Traffic, parking and fencing to screen the use were major concerns of the surrounding neighbors in the area. To eliminate similar controversy in the future, the City should amend its Zoning Ordinance to add a flea market category in the land use chart and is requiring flea markets in certain zones as part of the special permit review process.

The attached ordinance amendment allows flea markets in the general commercial, heavy commercial, industrial, and sports complex zones subject to a special permit. Flea market sale activities shall be confined within a building in the general commercial zone. A flea market will not be allowed in all other zones within the City of Sacramento. A definition of a flea market is included in the Ordinance to clearly describe and define a flea market establishment. In addition, the attached ordinance includes language requiring flea market establishments to meet the ten (10) standards identified in the Ordinance.

#### ENVIRONMENTAL DETERMINATION

The Environmental Coordinator has reviewed the Zoning Ordinance Amendments and has filed a Negative Declaration.

#### VOTE OF THE PLANNING COMMISSION

On March 9, 1989, the Commission voted six ayes, two absent, to recommend adoption of the Zoning Ordinance amendment relating to flea market establishments in the City of Sacramento.

RECOMMENDATION

It is recommended that the Transportation and Community Development Committee recommend that the City Council take the following action:

1. Ratify the Negative Declaration;
2. Adopt the attached Zoning Ordinance amendments relating to the establishment of flea markets; conditions and standards required when establishing a flea market; and adding a definition for a flea market.

Respectfully submitted,

  
Michael M. Davis

Director of Planning and Development

RECOMMENDATION APPROVED:

  
David Martinez, Deputy City Manager

MMD:BW:rt  
attachments

Citywide  
April 4, 1989

M89-016

Sacramento City Planning Commission  
VOTING RECORD

1

MEETING DATE <u>March 9 1989</u>
ITEM NUMBER <u>16 B</u>
PERMIT NUMBER <u>M89-016</u>

ENTITLEMENTS

- |                                                   |                                                                                                                   |
|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> GENERAL PLAN AMENDMENT   | <input type="checkbox"/> TENTATIVE MAP                                                                            |
| <input type="checkbox"/> COMMUNITY PLAN AMENDMENT | <input type="checkbox"/> SUBDIVISION MODIFICATION                                                                 |
| <input type="checkbox"/> REZONING                 | <input type="checkbox"/> LOT LINE ADJUSTMENT                                                                      |
| <input type="checkbox"/> SPECIAL PERMIT           | <input type="checkbox"/> ENVIRONMENTAL DET.                                                                       |
| <input type="checkbox"/> VARIANCE                 | <input checked="" type="checkbox"/> OTHER <u>Amending Ordinance Amendment<br/>re Establishment of Sea Markets</u> |

STAFF RECOMENDATION <input checked="" type="checkbox"/> Favorable <input type="checkbox"/> Unfavorable
<input type="checkbox"/> Correspondence
<input type="checkbox"/> Petition

LOCATION _____ _____
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SUPPORTERS

NAME	ADDRESS

OPPOSERS

NAME	ADDRESS

MOTION #	Yes	No	Motion Second
CHINN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
GASTON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HOLLICK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HOLLOWAY	<u>absent</u>	<input type="checkbox"/>	<input type="checkbox"/>
ISHMAEL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NOTESTINE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RAMIREZ	<u>absent</u>	<input type="checkbox"/>	<input type="checkbox"/>
OTTO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- |                                                                                                  |                                                                                           |
|--------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| <input type="checkbox"/> TO APPROVE                                                              | <input type="checkbox"/> TO RECOMMEND APPROVAL & FORWARD TO CITY COUNCIL                  |
| <input type="checkbox"/> TO DENY                                                                 | <input type="checkbox"/> TO RECOMMEND APPROVAL SUBJECT TO COND. & FORWARD TO CITY COUNCIL |
| <input type="checkbox"/> TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT | <input type="checkbox"/> TO RATIFY NEGATIVE DECLARATION                                   |
| <input type="checkbox"/> TO APPROVE/DENY BASED ON FINDINGS OF FACT IN STAFF REPORT               | <input type="checkbox"/> TO CONTINUE TO _____ MEETING                                     |
| <input type="checkbox"/> INTENT TO APPROVE/DENY SUBJECT TO COND. & BASED ON FIND. OF FACT DUE    | <input type="checkbox"/> OTHER _____                                                      |

City of Sacramento  
Planning Commission  
Sacramento, California

Members in Session:

- Subject: A. Environmental Determination
- B. Zoning Ordinance Amendment relating to the establishment of flea markets within the City of Sacramento (M89-016)
- C. Addition to Zoning Ordinance to include a flea market definition.

SUMMARY: The proposed Zoning Ordinance Amendment would add language to Section 2 of the Zoning Ordinance, identifying a flea market establishment as a land use category that will be permitted in certain zones, subject to the granting of a Special Permit. The amendment will also include conditions and standards required when establishing a flea market. Finally a definition for a flea market would be added to Section 22 of the Zoning Ordinance. Staff recommends that the Planning Commission recommend adoption of the attached Zoning Ordinance amendments to the City Council.

BACKGROUND INFORMATION: Under the current Zoning Ordinance a flea market is allowed by right in the M-1 and M-2 zones. A flea market land use category, however, is not specifically listed in the land use chart in Section 2 of the Zoning Ordinance. At present, the City has considered a flea market establishment as a wholesale/retail type of use which is subject to the same standards as required for a retail/wholesale type establishment (i.e. parking, fencing and screening if adjacent to residential).

Currently, there are three flea markets located in the City, including the recently approved flea market in North Sacramento. The approved indoor/outdoor flea market is located in a M-1 zone (P88-336). The flea market generated a great deal of discussion, in respect to flea markets as a permitted use by right in the M-1 and M-2 zones. There was also controversy on whether a flea market is similar in nature to a retail and wholesale type of establishment. Traffic, parking and fencing to screen the use were major concerns of the surrounding neighbors in the area. To eliminate similar controversy in the future, the City is amending its Zoning Ordinance to add a flea market category in the land use chart and is requiring flea markets in certain zones as part of the special permit review process.

The intent of the Zoning Ordinance amendment is to avoid allowing flea markets in residential, office, shopping center, highway commercial and limited commercial zones. Allowing a flea market in the above mentioned zones may result in an alteration of the present or planned land uses in the area. The proposed amendment will, however, allow flea markets in the general commercial, heavy commercial, industrial, and sports complex zones subject to a special permit. Flea market sale activities shall be confined within a building in the general commercial zone. In addition, a flea market will not be allowed in the Flood, Agriculture, Agriculture Open Space, Hospital, Manufacturing, Research and Development and Manufacturing -Industrial Park zones. A definition of a flea market is added in the Ordinance to clearly describe and define a flea market establishment.

The proposed flea market standards and conditions are necessary to:

- a. provide adequate landscaping, parking, screening and setbacks on the site; and
- b. to insure the appearance of a flea market is compatible with the surrounding area to eliminate the potential visual blight; and
- c. mitigate any potential traffic and circulation problems on and/or of the site which may be generated by the use.

The proposed amendment, under Section 2.E of the Zoning Ordinance would add language requiring all flea market establishments be subject to a special permit and meet the following standards:

1. A minimum 25 foot wide landscaped setback shall be established along all street frontages and freeway right-of-ways.
2. A mixture of evergreen trees and deciduous trees shall be planted along the entire perimeter of the site.
3. If the flea market will abut a residential use or residential zone, any outdoor storage or outdoor vendor sales area shall be screened by a minimum six-foot high solid wall of masonry, brick, stucco or similar material.
4. Outdoor trash facilities shall be located in an inconspicuous area and shall provide for easy access for the flea market customers and refuse removal.

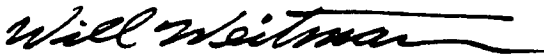
5. Parking ratio shall be one (1) parking space per 250 square feet of gross building area and one (1) parking space per 250 square feet of gross outdoor vendor area.
6. No designated parking area shall be used for vendor space.
7. No permanent structures shall be constructed in the outdoor selling vendor area.
8. No adjacent property shall be used for parking or vendor sales.
9. Except for emergency purposes, no exterior loud speakers shall be used during the flea market operation.
10. No overnight camping shall be permitted on the flea market site.

ENVIRONMENTAL DETERMINATION: The Environmental Coordinator has determined that the proposed Zoning Ordinance Amendment will not have a significant adverse effect on the environment and has filed a Negative Declaration.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

- A. Ratify the Negative Declaration
- B. Recommend approval of the attached Zoning Ordinance Amendment and forward to City Council.

Respectfully submitted:



Will Weitman  
Senior Planner

WW:pe

ORDINANCE NO.  
ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

An Ordinance addition Section 2.C.72, 2.E.45 and 22.A.110 of the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series as amended, relating to Flea Market Establishment

(M89-016)

Be it enacted by the Council of the City of Sacramento:

Section 1:

Section 2.C.72 is hereby added to the Zoning Ordinance of the City of Sacramento, Ordinance 25500, Fourth Series, as amended, to read as follows:

	R	R	R	R	R	R	R	R	R	R	R	R	O	R	H	S	C	C	C	C	M-1	M-2	A	F	A	H	M	S	M	
	E	1	1	1	2	2	2	3	3	4	4	5	B	O	C	C	1	2	3	4	M-1	M-2						1	P	R
72. Flea Market			A	B		A	B		A		A										(S)	(S)			S		P	X	D	
																		45	45	45	45							45		

Section 2:

Section 2.E.45 is hereby added to the Zoning Ordinance of the City of Sacramento, Ordinance 25500, Fourth Series, as amended, to read as follows:

45. A Special Permit shall be required to establish a flea market in this zone. Unless modified as part of the Special Permit, the following standards shall apply:
1. A minimum 25 foot wide landscaped setback shall be established along all street frontages and freeway right-of-ways.
  2. A mixture of evergreen trees and deciduous trees shall be planted along the entire perimeter of the site.
  3. If the flea market will abut a residential use or residential zone, any outdoor storage or outdoor vendor sales area shall be screened by a minimum six-foot high solid wall of masonry, brick, stucco or similar material.



4. Outdoor trash facilities shall be located in an inconspicuous area and shall be screened by a minimum six foot high masonry wall and shall provide for easy access for the flea market customers and refuse removal.
5. Parking ratio shall be one (1) parking space per 250 square feet of gross building area and one (1) parking space per 250 square feet of gross outdoor vendor area.
6. No designated parking area shall be used for vendor space.
7. No permanent structures shall be constructed in the outdoor vendor area.
8. No adjacent property shall be used for parking or vendor sales.
9. Except for emergency purposes, no exterior loud speakers shall be used during the flea market operation.
10. No overnight camping shall be permitted on the flea market site.

### Section 3

Section 22.A.110 is hereby added to the Zoning Ordinance of the City of Sacramento, Ordinance 2550, Fourth Series to read as follows:

110: A flea market establishment is an occasional or periodic market held in an open air area and/or in a building where space is rented by two or more vendors to offer new or used goods, wares, merchandise or limited services for sale to the general public.

Passed for Publication:

Enacted:

Effective:

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MAYOR

ATTEST:

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CITY CLERK

M89-016