

## ORDINANCE NO. 2010-030

Adopted by the Sacramento City Council

October 12, 2010

**AN ORDINANCE AMENDING SECTIONS 16.04.040, 16.08.010, 16.12.020, 16.24.100, 16.28.060, 16.32.090, 16.32.150, 16.40.130, 16.40.220, 16.40.240, 16.52.010, AND 16.52.020 OF TITLE 16 OF THE SACRAMENTO CITY CODE (THE SUBDIVISION CODE) RELATING TO APPLICATION PROCESSING AND CODE MAINTENANCE (M09-034)**

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

Section 1. Section 16.04.040 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended as follows:

A. The following changes are made to the definitions set out in Section 16.04.040:

1. The definition of "director of planning and development" is deleted.
2. A definition of "halfplex dwelling" is added to Section 16.04.040 to read as follows:

"Halfplex dwelling" means a building comprised of two dwelling units designed for occupancy by two families living independently of each other, where each dwelling unit is attached to the other and located on a lot that may be separately owned or conveyed."

3. The definition of "planning director" is amended to read as follows;

"Planning director" means the principal administrative officer of the planning department established pursuant to Chapter 2.36 of this code given authority pursuant to this title.

4. The definition of "planning division" is deleted.

B. Except as specifically amended by the provisions in subsection A, Section 16.04.040 remains unchanged and in full force and effect.

Section 2. Section 16.08.010 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended as follows:

A. Subsection D of Section 16.08.010 is amended to read as follows:

D. Zoning Administrator.

The zoning administrator shall be responsible for:

1. The approval, conditional approval, or denial of tentative maps for all subdivisions resulting in divisions of land into four or fewer parcels;
  2. The approval, conditional approval, or denial of tentative maps for subdivisions described in subsections (A)(1) through (4) of Section 16.12.020.
  3. The approval, conditional approval or denial of subdivision modifications for all subdivisions resulting in the division of land into four or fewer parcels, for lot line adjustments under Chapter 16.16, and for mergers of contiguous parcels under common ownership without reversion under Chapter 16.20;
  4. The approval or denial of requests for extensions of time for tentative maps other than vesting tentative maps; and
  5. The approval, conditional approval, or denial of all post subdivision modifications of four or fewer parcels.
- B. Except as specifically amended by the provisions in subsection A, Section 16.08.010 remains unchanged and in full force and effect.

Section 3. Section 16.12.020 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended as follows:

- A. Subsection B of Section 16.12.020 is amended to read as follows:
- B. A tentative map and a parcel map shall be required for those subdivisions described in subsections (A)(1) through (4) of this section, except that a parcel map may be waived by the planning commission or zoning administrator in accordance with the provisions of Section 16.32.150 of this title.
- B. Except as specifically amended by the provisions in subsection A, Section 16.12.020 remains unchanged and in full force and effect.

Section 4. Section 16.24.100 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended to read as follows:

16.24.100 City council call-up review.

If a tentative map is approved or conditionally approved by the planning commission, the planning director shall forthwith make a written report of such approval to the city council. The mayor or councilmember in whose district the project is located shall have the right to call up the tentative map for city council review by filing a written request with the planning director within ten (10) days of the final action by the planning commission. If the tenth day falls on a non-business day, the last day to call-up is the next business day. Upon the filing of a request by the mayor or councilmember to call up a tentative map for city council review, the council shall notice and set the matter for a public hearing, which shall be held within thirty (30) days after the request for review has been filed or made, unless the subdivider consents to a continuance. Notice of the public hearing shall be given in the same manner as specified in Section

16.24.095(A) of this chapter. The hearing before the city council shall be de novo, meaning that the city council shall hear the matter in the same manner that the design commission, preservation commission, or the planning commission heard the matter in the first instance. The council may add, modify or delete conditions if the council determines that such changes are necessary to ensure that the tentative map conforms to the Subdivision Map Act and this title. The city council may deny the tentative map on any of the grounds contained in Section 16.24.095(D) of this chapter. Within seven days following the conclusion of the hearing, the city council shall render its decision. If the city council does not act within the time limits set forth in this section, the tentative map shall be deemed to have been approved or conditionally approved as last approved or conditionally approved by the planning commission insofar as it complies with all other applicable provisions of the Subdivision Map Act, this title, this code and the general plan.

Section 5. Section 16.28.060 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended as follows:

- A. Subsection K is added to Section 16.28.060 to read as follows:
  - K. If the final map creates one or more halfplex lots, the approved final inspection of the halfplexes constructed on each of the halfplex lots.
- B. Except as specifically amended by the addition of Subsection K, Section 16.28.060 remains unchanged and in full force and effect.

Section 6. Section 16.32.090 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended as follows:

- A. Subsection K is added to Section 16.32.090 to read as follows:
  - K. If the parcel map creates one or more halfplex lots, the approved final inspection of the halfplexes constructed on each of the halfplex lots.
- B. Except as specifically amended by the addition of Subsection K, Section 16.32.090 remains unchanged and in full force and effect.

Section 7. Section 16.32.150 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended as follows:

- A. Subsection C of Section 16.32.150 is amended to read as follows:
  - C. Conditions. In addition to the foregoing requirements of this section, the following conditions must be satisfied before a certificate of compliance for the property may be recorded:
    - 1. The subdivider must comply with Section 16.32.100 of this chapter and the requirements of the Subdivision Map Act.

2. Property descriptions, drawings showing bearings and distances, and closure calculations must be submitted.
3. A preliminary title report or letter from a title company showing that the subdivider is the owner of the subject property must be submitted.
4. A filing fee established by resolution by the city council must be paid.
5. If the proposed land division creates one or more halfplex lots, the approved final inspection of the halfplexes constructed on each of the halfplex lots must be submitted.

B. Except as specifically amended by the addition of Subsection (C) (5), Section 16.32.150 remains unchanged and in full force and effect.

Section 8. Section 16.40.130 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended to read as follows:

16.40.130 Reserved.

Section 9. Section 16.40.220 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended to read as follows:

16.40.220 Lots—Width and area in the R-1 and R-2 zones.

Except as provided in Section 16.40.240(B) for lots in the central city, and except for lots within a planned unit development or lots subject to a special permit for alternative ownership housing type development under Section 17.24.050(8) of this code, the minimum width and area of all lots proposed for single-family and two-family residential uses in the R-1 and R-2 zones shall conform to the following standards. For lots proposed for halfplex development, these standards shall be applied to the combined area, width, and depth of the two halfplex lots:

- A. Interior lots shall have a minimum width of fifty-two (52) feet at the front building setback line.
- B. Corner lots shall have a minimum width of sixty-two (62) feet at the front building setback lines.
- C. Lot depth shall not exceed one hundred sixty (160) feet and shall not be less than one hundred (100) feet in depth.
- D. Interior lots shall have an area of not less than five thousand two hundred (5,200) square feet.
- E. Corner lots shall have an area of not less than six thousand two hundred (6,200) square feet.
- F. Side lot lines shall be normally at right angles or radial to street lines.

- G. For lots proposed for halfplex development, the standards set forth in subsections A through F shall be applied to the combined area, width, and depth of the two halfplex lots.

Section 10. Section 16.40.240 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended to read as follows:

16.40.240 Lots—Width and area in zones other than R-1 and R-2 and in the central city.

- A. Except as otherwise provided in Sections 16.40.220 and 16.40.230, and in subsection B of this section, and except for lots within a planned unit development or lots subject to a special permit for alternative ownership housing type development under Section 17.24.050(8) of this code, the area, depth and width of properties proposed in all zones other than the R-1 and R-2 zones (existing or proposed in connection with the subdivision) shall be reasonably adequate to provide for the off-street service and parking facilities required by the type of zone and development proposed; provided, in no event shall the lot area be less than five thousand two hundred (5,200) square feet for an interior lot of six thousand two hundred (6,200) square feet for a corner lot. For lots proposed for halfplex development, the minimum area requirement shall be applied to the combined area of the two halfplex lots.
- B. The width, depth, and area of all lots in any zone in the central city shall conform to the following standards:
  - 1. Interior and corner lots shall have a minimum width of forty (40) feet at the front building setback line.
  - 2. Lot depth shall not exceed one hundred sixty (160) feet and shall not be less than eighty (80) feet in depth.
  - 3. Interior and corner lots shall have an area of not less than three thousand two hundred (3,200) square feet.
  - 4. Side lot lines shall be normally at right angles or parallel to street lines.
  - 5. For lots proposed for halfplex development, the standards set forth in this subsection B shall be applied to the combined area, width, and depth of the two halfplex lots:

Section 11. Section 16.52.010 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended to read as follows:

16.52.010 Modification authority.

The zoning administrator, planning commission or city council may, in accordance with the provisions of this chapter, grant, conditionally grant, or deny requests by a subdivider for modifications to the requirements or standards imposed by these

regulations, or to the design of or the conditions of approval of a tentative subdivision or parcel map; provided, however, that no modifications may be made to any requirement imposed by the Subdivision Map Act; and further provided, that nothing herein shall be construed as altering or conflicting with the powers and duties of the planning director or planning commission to authorize variances from the regulations and requirements of the zoning ordinance. The subdivision review committee may recommend to the zoning administrator, planning commission or city council modifications relating to tentative maps that are subject to its review and approval. A minor change in the design of a subdivision that does not violate the requirements or standards imposed by these regulations shall not be deemed to be a "modification" as the term is used herein. Where a modification is sought from the requirements or standards imposed by these regulations, and the same requirement is imposed by the city's zoning ordinance, a separate variance under the zoning ordinance shall not be required.

Section 12. Section 16.52.020 of Title 16 of the Sacramento City Code (the Subdivision Code) is amended to read as follows:

16.52.020 Required findings and conditions.

A. Modifications to the Requirements or Standards.

No modification to the requirements or standards imposed by these regulations shall be approved by the zoning administrator, planning commission or city council unless all the following findings are made:

1. That the property to be divided is of such size or shape, or is affected by such topographic conditions, or that there are such special circumstances or conditions affecting the property that it is impossible, impractical, or undesirable in the particular case to conform to the strict application of these regulations;
2. That the cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification;
3. That the modification will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity;
4. That granting the modification is in accord with the intent and purposes of these regulations and is consistent with the general plan and with all other applicable specific plans of the city. In granting a modification, the planning commission or city council may impose such conditions as are necessary to protect the public health, safety or welfare, and assure compliance with the general plan, with all applicable specific plans, and with the intent and purposes of these regulations.

B. Modifications to Design or Conditions of Approval of a Tentative Subdivision or Parcel Map.

No modification to the design or to a condition of approval of a tentative subdivision or parcel map shall be approved by the zoning administrator, planning commission or city council

unless all of the findings required for approval of a tentative map under Chapter 16.24 are made in support of the tentative map with the modified condition.

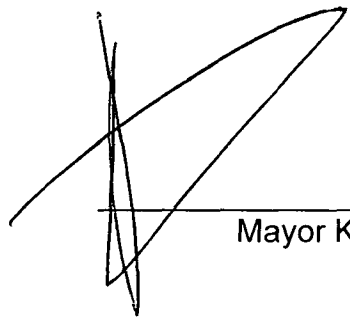
Adopted by the City of Sacramento City Council on October 12, 2010 by the following vote:

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

Noes: None.

Abstain: None.

Absent: Councilmember Cohn.



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Mayor Kevin Johnson

Attest:

  
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Shirley Concolino, City Clerk

Passed for Publication: October 5, 2010

Published: October 8, 2010

Effective: November 10, 2010