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APPROVED
BY THE CITY COUNCIL

AUG 12 1997

DEPARTMENT OF
NEIGHBORHOOD, PLANNING AND
DEVELOPMENT SERVICES

CITY OF SACRAMENTO
CALIFORNIA

OFFICE OF THE
CITY CLERK
B: 0R97-047
C: 0R97-048

1231 I STREET
ROOM 300
SACRAMENTO, CA
95814-2998
916-264-5381
FAX 916-264-5328

August 6, 1997

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: ZONING ORDINANCE AMENDMENT: ASCOT OVERLAY ANIMAL REGULATIONS (M97-011)

- A. Environmental Determination: Previous Negative Declaration
- B. Amendment of the Zoning Ordinance section 32-D-1-o to extend the period in which livestock are allowed in the Ascot Overlay zone
- C. Amendment of the City Code Section 6.05.052.b to allow livestock in the Ascot Overlay zone

LOCATION AND COUNCIL DISTRICT: South side of Ascot Avenue between Dry Creek Rd. and Raley Blvd. in the M-1SR-AOL zone.

APN: 215-0230-003-009, 015, 036-040, 050-051, 056-057, 062-065

North Sacramento Community Plan (**District No. 2**)

RECOMMENDATION: Staff and the City Planning Commission recommend that the City Council approve the attached ordinance amending sections of the Zoning Ordinance extending to January 1, 2008 the period of time in which livestock (horses, llamas, goats, etc.) would be allowed in the Ascot Overlay Zone, and the attached ordinance amending sections of the City Code relating to exceptions to the prohibition of keeping of animals within the City.

CONTACT PERSONS: Scot Mende, Senior Planner, 264-5894

FOR COUNCIL MEETING OF: August 12, 1997

COMMITTEE/COMMISSION ACTION

On June 12, 1997, the Planning Commission voted 8-0 to recommend approval of the proposed zoning ordinance amendment. On August 7, 1997, the Law & Legislation Committee of the City Council will be hearing this item. The recommendation from this Committee will be summarized at the Council meeting.

BACKGROUND INFORMATION

There are 21 parcels within the boundaries of the Ascot Overlay zone. The average parcel size is 1.49 acres. The area is substantially residential, with one longstanding bar (Taylor's Corner) at the corner of Ascot and Raley.

In March 1984, the North Sacramento Community Plan area underwent a massive amendment, including the redesignation of lands between Raley Blvd. and Dry Creek between Ascot Avenue south and Grace. The expansion of the warehousing and heavy commercial uses west of McClellan Air Force Base was supported primarily because the area was experiencing very high noise levels and because it was thought that a strong market existed for industrial uses in this area.

On June 23, 1987 (M87-072), the Zoning Ordinance was amended to add an Ascot Overlay zone to the south side of Ascot Avenue between Dry Creek Road and Raley Blvd. The objectives of the Overlay zone were to restrict more intensive non-residential uses that would be incompatible with existing residential uses, and to institute development standards related to setbacks, noise, outdoor activities, infrastructure services, hours of operations, and other site improvements. In addition, livestock were permitted for 10 years (through June 23, 1997).

Very little of the expected industrial growth in this area has yet materialized. The area is still exposed to high noise levels related to the operation of McClellan Air Force Base. At this time, the Base is expected to be occupied for reuse by some type of industrial use. The extent of future noise exposure is uncertain. Staff feels that it would be premature to amend the land use designation of the area to residential. Staff feels that this overall land use issue should be revisited some time in the future.

Based on a windshield survey, staff observed several horses, llamas, chickens, and a goat, in conjunction with the single family homes, on the subject property. On the north side of Ascot Avenue (unincorporated County), the area has a decidedly rural flavor with many animals as well. The County side of Ascot is zoned AR2 (two acre ranchettes) that allows all agricultural activities except for hog farms, feed lots, and kennels.

Staff considered several options related to retaining livestock:

- Allow the livestock provisions to expire: One can argue that if people want animals, they should move to the County. However, because of the widespread support for the animals and the slow pace of growth around the area, staff does not feel that this is appropriate.
- Allow the livestock provisions without any time limit: One can argue that since the County properties across the street allow animals, the Ascot Overlay should also allow animals in perpetuity. However, whereas the County properties are appropriately zoned and sized for agricultural/residential uses, the City properties are zoned for industrial uses (rather than Rural Estates) and are somewhat smaller -- as narrow as 60' in width. Therefore, staff does not feel that a permanent solution can be reached at this time regarding keeping of livestock.
- Allow the livestock provisions for an additional 10 years: Based on the above arguments, a reasonable compromise is to allow the extension of the livestock provisions for 10 years. A more comprehensive and permanent solution would have to involve rezoning the subject properties to Rural Estates and/or minimum lot width and size restrictions.

FINANCIAL CONSIDERATIONS: The Zoning Ordinance Amendment allowing the continued livestock provisions would not have any direct financial impact on the City.

ENVIRONMENTAL CONSIDERATIONS: On June 23, 1987, the City Council ratified a Negative Declaration for the original adoption of the Zoning Ordinance Amendment establishing the Ascot Overlay Zone (M87-072). Section 15162 of the CEQA Guidelines provides that an additional Negative Declaration need not be prepared unless subsequent changes are proposed in the project, substantial changes occur with respect to the project circumstances, or new information of substantial importance to the project becomes known or available. The proposed project is an extension of time for the keeping of livestock, which had been a component of the original Zoning Ordinance Amendment. Therefore, a new Negative Declaration is not required.

POLICY CONSIDERATIONS: The proposed ordinance is inconsistent with the general prohibition of livestock within City limits. However, the size of the lots are generally large enough to accommodate the animals without creating any significant nuisance.

MBE/WBE EFFORTS: Not applicable.

Respectfully Submitted,



GARY L. STONEHOUSE
Planning Director

APPROVED:



JACK CRIST,
DEPUTY CITY MANAGER

FOR CITY COUNCIL INFORMATION:

WILLIAM H. EDGAR
City Manager

Attachments:

Proposed Ordinance Amending the Zoning Code

Proposed Ordinance Amending the City Code

Voting Record from the Planning Commission Meeting of 06/12/97

APPROVED
BY THE CITY COUNCIL

AUG 12 1997

OFFICE OF THE
CITY CLERK

ORDINANCE NO. 97-047

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE AMENDING SECTION 32-D-1-o OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED, RELATING TO ANIMAL REGULATIONS ON ASCOT AVENUE IN THE M-1(S)R-AOL ZONE - M97-011

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

Section 1

Sub-Section 32-D-1-o, relating to Ascot Overlay Zone animal regulations in the Comprehensive Zoning Ordinance (Ordinance No. 2550, Fourth Series, as amended) is hereby amended to read as follows:

- o. Livestock

Livestock shall be permitted until the date of January 1, 2008.

PASSED FOR PUBLICATION:

PASSED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

ORDINANCE NO. 97-048

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

APPROVED
BY THE CITY COUNCIL
AUG 12 1997
OFFICE OF THE
CITY CLERK

AN ORDINANCE AMENDING SECTION 6.05.052 OF TITLE 6 OF THE SACRAMENTO CITY CODE TO ALLOW THE KEEPING OF DOMESTIC LIVESTOCK IN THE ASCOT OVERLAY ZONE LOCATED WITHIN THE AREA FRONTING ON ASCOT AVENUE AND BETWEEN DRY CREEK ROAD ON THE WEST, AND RALEY BLVD. ON THE EAST - M97-011

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

Section 1

Section 6.05.052 of Title 6 of the Sacramento City Code, relating to Keeping of Livestock in the City, is hereby amended to read as follows:

6.05.052 Keeping of Livestock in the City.

- (a) Except as provided in subsection (b) and in section 6.05.052-1, it is unlawful to keep, harbor, or maintain any bovine animal, horse, mule, burro, sheep, goat, chicken, duck, turkey, goose or other domestic livestock or poultry on any parcel of property located in the City of Sacramento.
- (b) Subsection (a) shall not apply:
 - (i) To any parcel of property zoned for agricultural uses by applicable provisions of the zoning ordinance of the City of Sacramento, or to any property zoned rural estates and located within the area bounded by Sotnip Road on the south, Sorento Road on the west, and East Levee Road on the north and east (and generally known as Valley View Acres), or to any property zoned M-1(S)R-AOL and

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

located within the area fronting on Ascot Avenue and bounded by Dry Creek Road on the west and Raley Blvd. on the east (and generally known as the Ascot Avenue Overlay Zone).

- (ii) Where such keeping, harboring, or maintaining of such animals would constitute a valid nonconforming use under the applicable provisions of the zoning ordinance of the City of Sacramento.
 - (iii) To the keeping, harboring, or maintaining of no more than a total of ten (10) such animals, each weighing no more than 250 pounds, if the parcel on which they are kept is owned by a charitable organization described in Section 501(c)(3) of the Internal Revenue Code and is ten (10) acres or larger in size, if the animals are confined to an enclosure which complies with Section 6.05.053 except when adequately tethered elsewhere on the property, and if the animals are an integral part of a therapeutic program offered by the organization and supervised by a California licensed physician and surgeon, psychologist, clinical social worker, or marriage, family and child counselor.
- (c) Nothing in this section shall be deemed to authorize anyone to keep harbor or maintain any such animal in violation of any other applicable law.
 - (d) Nothing in this section shall be deemed to supersede Section 6.05.050 of this Code.

PASSED FOR PUBLICATION:

PASSED:

EFFECTIVE:

MAYOR

ATTEST:

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

PASSED FOR
PUBLICATION
& CONTINUED
TO 8-12-97



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DEPARTMENT OF
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
ROOM 300
SACRAMENTO, CA
95814-2904

DEVELOPMENT
SERVICES
916-264-5381
FAX 916-264-5328

July 21, 1997

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: 1) ORDINANCE AMENDING SECTION 32-D-1-o OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED, RELATING TO ANIMAL REGULATIONS ON ASCOT AVENUE IN THE M-1(S)R-AOL ZONE

2) ORDINANCE AMENDING SECTION 6.05.052 OF TITLE 6 OF THE SACRAMENTO CITY CODE TO ALLOW THE KEEPING OF DOMESTIC LIVESTOCK IN THE ASCOT OVERLAY ZONE LOCATED WITHIN THE AREA FRONTING ON ASCOT AVENUE AND BETWEEN DRY CREEK ROAD ON THE WEST, AND RALEY BLVD. ON THE EAST

LOCATION AND DISTRICT: Citywide

RECOMMENDATION:

It is recommended that the item be passed for publication of title and continued to August 12, 1997.

CONTACT PERSON: Scot Mende, Senior Planner, 264 5894

FOR COUNCIL MEETING OF: July 29, 1997


SUMMARY:

This item is presented at this time for approval of publication of title pursuant to City Charter, Section 32.

BACKGROUND INFORMATION:

Prior to publication of an item in a local paper to meet legal advertising requirements, the City Council must first pass the item for publication. The City Clerk then transmits the title of the item to the paper for publication and for advertising the meeting date.

Respectfully submitted,



GARY L. STONEHOUSE
PLANNING DIRECTOR

FOR CITY COUNCIL INFORMATION:

WILLIAM H. EDGAR
CITY MANAGER

APPROVED:



JACK CRIST, DEPUTY CITY MANAGER
PLANNING & DEVELOPMENT DEPARTMENT

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

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CITY CLERK

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