

ORDINANCE 24-1

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF WEST SACRAMENTO
AMENDING TITLE 17 OF THE
WEST SACRAMENTO MUNICIPAL CODE**

The City Council of the City of West Sacramento does ordain as follows:

Section 1. Purpose and Authority. The purpose of the Ordinance is to make amendments to Title 17 (Zoning) including the following: This item is a public hearing regarding proposed amendments to Title 17 (Zoning) of the Municipal Code. The proposed sections to be amended in the Zoning Code are as follows: Chapter 17.09–Short Term Rentals in Commercial and Mixed-Use Zones; Table 17.09.020–Common Open Space Standards for Multifamily Residential Chapter 17.30.210–Solar Energy Systems; Chapter 17.22.050–Encroachments into Required Setbacks; Chapter 17.22.130–Screening; Table 17.09.020–Commercial and Mixed-Use Zones; Chapter 17.26.050–Non-conforming site improvements; Chapter 17.42.070–Reasonable Accommodations Conditions of Approval; Chapter 17.22.060–Fences, Walls, and Hedges (2) Non-Residential Zones for Electric Fences; Chapter 17.35.130–Zoning Administrator and Director Appeals; Chapter 17.51–Definition of Food and Beverage Sales; Chapter 17.51– Definition of Front Yard; Chapter 17.51 and 17.08.040–Emergency Backup Generators; and Chapter 17.38–Interim Uses.

Section 2. Amendments. The following sections of the West Sacramento Municipal Code are hereby amended to read as follows:

1. Chapter 17.09 – Short Term Rentals in Commercial and Mixed-Use Zones.
2. Table 17.09.020 – Common Open Space Standards for Multifamily Residential
3. Chapter 17.30.210 – Solar Energy Systems
4. Chapter 17.22.050 – Encroachments into Required Setbacks
5. Chapter 17.22.130 – Screening
6. Table 17.09.020 – Commercial and Mixed-Use Zones
7. Chapter 17.26.050 – Non-conforming site improvements
8. Chapter 17.42.070 – Reasonable Accommodations Conditions of Approval
9. Chapter 17.22.060 – Fences, Walls, and Hedges (2) Non-Residential Zones for Electric Fences
10. Chapter 17.35.130 – Zoning Administrator and Director Appeals.
11. Chapter 17.51 – Definition of Food and Beverage Sales
12. Chapter 17.51 – Definition of Front Yard
13. Chapter 17.51 and Chapter 17.08.040 – Emergency Backup Generators
14. Chapter 17.38 – Interim Uses

1. Table 17.09.020 – Short-Term Rentals in Commercial and Mixed-Use Zones.

TABLE 17.09.020: LAND USE REGULATIONS—COMMERCIAL AND MIXED USE ZONES							
"P" = Permitted use "C" = Conditional Use Permit required "M" = Minor Use Permit required "-" Use not allowed							
Use Classification	CBD	C	CH	MU-NC	MU-C	WF	Additional Regulations
Commercial Uses							
Short-Term Rental	P	P	-	P	P	P	

2. Common Open Space Standards in Commercial and Mixed-Use Zones.

TABLE 17.09.030: DEVELOPMENT STANDARDS—COMMERCIAL AND MIXED USE ZONES		
Open Space Standards		
Minimum Open Space (square feet per residential unit)	Total/unit: 150 Private: minimum 50 sf for 50% of units Common: minimum 75 sf/unit	See §17.22.090, Open Space

3. *Chapter 17.30.210 – Solar Energy Systems.*
C. Solar Energy Systems shall be an accessory use in residential zones.
4. *17.22.050 Encroachments into Required Setbacks.*

TABLE 17.22.050: ALLOWED ENCROACHMENTS INTO REQUIRED SETBACKS				
Projection	Front or Street Side Yard	Interior Side Yard	Rear Yard	Limitations
All projections	No projection may extend closer than 3 feet to an interior lot line or into a public utility easement. Where any allowance of this title conflicts with applicable building codes, the more restrictive shall apply.			
Cornices, canopies, eaves, and similar architectural features	3 feet	3 feet	3 feet	
Chimneys				
Bay windows				
Fire escapes required by law or public agency regulation	4.5 feet	3 feet	4.5 feet	
Uncovered stairs, ramps, stoops, landings, decks, porches, balconies, and platforms				
<i>All elements 3 feet or less above ground elevation</i>	6 feet	3 feet	6 feet	
<i>All elements more than 3 feet above ground elevation</i>	4.5 feet	3 feet	4.5 feet	
Covered porches and patios	May not encroach	May not encroach	10 feet	Must be unenclosed on 3 sides except for required vertical supports, insect screening, and kickboards not exceeding 1 foot in height measured from

TABLE 17.22.050: ALLOWED ENCROACHMENTS INTO REQUIRED SETBACKS				
Projection	Front or Street Side Yard	Interior Side Yard	Rear Yard	Limitations
				ground level <u>measured at the post. Patio projections shall be no closer than 10 feet to the rear property line.</u>
Ramps and similar structures that provide access for persons with disabilities	Reasonable accommodation will be made, consistent with the provisions of Chapter <u>17.42</u> , Reasonable Accommodation.			

5. *Chapter 17.22.130 Screening*

E. Types of screening material should be consistent with the style of the building. Plastic tarps are not permitted as screening material.

6. *Table 17.09.020 Commercial and Mixed-Use Zones.*

(3) Permitted on upper stories and in the rear of the site where nonresidential space with a minimum depth of 45 feet is provided along the **majority of** street frontage. Street fronting residential (**more than 50%**) and residential-only development is allowed subject to Conditional Use Permit approval. **Live/work units along the ground floor may be counted towards the commercial requirement.**

7. *Chapter 17.26.050 Non-conforming site improvements*

(B) 20% or greater increase in floor area:

3. Provision of recycling areas in accordance with Section 17.22.120, Refuse and Recycling Areas

8. *Chapter 17.42.070 Conditions of Approval (Reasonable Accommodations).*

In granting a request for Reasonable Accommodation, the Review Authority may impose any conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation would comply with the findings required herein. The conditions shall also state whether the accommodation granted shall terminate if the recipient of the accommodation that was requested no longer resides on the property **which shall be recorded in the form of a deed restriction on the property.**

9. *17.22.060 Fences, Walls, and Hedges (2) Non-Residential Zones for Electric Fences.*

(i) **Exceptions.**

Pursuant to §15.11.130 of the Municipal Code, electric fences must be at least 8-feet in height. This height exception only applies to zones where electric fences are permitted either conditionally or by-right under §15.11.130.

Summary: Title 15 (Buildings and Construction) mandates that electrified fences be a minimum of 8 feet in height while Title 17 states that the height of fences, walls, and hedges may not exceed 7 feet in non-residential zones. This is a

conflict. The exception is added to ensure that both Title 15 (Buildings and Construction) and Title 17 (Zoning) of the Municipal Code are in alignment when regulating the height of electrified fences.

10. *17.35.130 Appeals (A)(Appeal Body)(Planning Commission).*

The Planning Commission is the **final** appeal body for decisions of the Zoning Administrator and Director **unless a member of the City Council or City Manager requests the appeal be taken for review by the City Council.**

11. *Food and Beverage Sales (Chapter 17.51 List of Terms and Definitions).*

Definition: Retail sales of food and beverages primarily for off-site preparation and consumption. Typical uses include food markets, groceries, ~~liquor stores,~~ meat markets and butcher shops, and retail bakeries.

12. *Front Yard (Chapter 17.51 List of Terms and Definitions).*

Definition: Front Yard. A yard extending across the front of a lot for the full width of the lot between the side lot lines. The depth of a front yard shall be a distance ~~specified by this Code for the zone in which it is located~~ **from the nearest line or point of the main building foundation** and measured inward from the front lot line.

13. *Emergency Standby Generator (Chapter 17.51 List of Terms and Definitions).*

Definition: **An emergency standby generator means a stationary generator used for the generation of electricity that is used in the event of a failure of the regular power supply.**

Chapter 17.08.040 Supplemental Regulations.

E. Emergency Standby Generator. An emergency standby generator shall not be located within any required setback adjacent to a public street, or within three feet of an interior side or rear property line, or within 10-feet of the living area of any dwelling unit on an adjacent parcel.

14. *Interim Uses (Chapter 17.38 Use Permits)*

17.38.010 Purpose: **An interim use is defined as a zoning mechanism that allows a property owner to use their land for a limited period for a land use not otherwise permitted by the underlying zoning. According to section 17.38.060, required findings must be made to allow for use to be permitted on the subject site with the exception item A. The City shall have complete discretion over the types of uses proposed to be allowed on a subject site and may impose conditions of approval to regulate dates, hours of operation, etc. on the subject site. Interim uses shall only be permitted in Commercial and Mixed-Use and Employment Zoning Districts.**

17.38.050 Public Notice and Hearing (C): **All applications for Interim Uses shall require public notice and hearing before the Planning Commission pursuant to Chapter 17.35, Common Procedures.**

17.38.080 Appeals, Expiration, Extensions and Revisions (C):

The length of time for the interim use shall be determined by the Planning Division with approval by the Planning Commission. The length of time of interim use shall be no more than 5 years. Upon completion of the interim use period, the use shall cease operation and the site in which the interim use was operating shall be returned to its original condition. If additional time is needed, an interim use extension shall require a new public hearing with the Planning Commission. Only one extension may be granted per use.

Ordinance 24-1
Page 5

Section 3. Severability. If any provision of this chapter, or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this chapter, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this end the provisions of this chapter are severable.

Section 4. Effective Date and Publication. This ordinance shall take effect 30 days after its adoption, and pursuant to Resolution 99-46 was published in summary format prior to adoption, and a summary will be published within 15 days after adoption in a paper of general circulation published and circulated within the City of West Sacramento.

PASSED AND ADOPTED by the City Council of the City of West Sacramento this 17th day of January 2024, by the following votes:

AYES: Alcalá, Early, Orozco, Sulpizio Hull.

NOES: None.

ABSTAIN: None.

ABSENT: Guerrero.

DocuSigned by:

Martha Guerrero

272D63142819466...

Martha Guerrero, Mayor

ATTEST:

DocuSigned by:

Jennifer Cusmir

A4226B8B4FBC4E8...

Jennifer Cusmir, City Clerk

APPROVED AS TO FORM:

DocuSigned by:

Jeffrey Mitchell

3D9733D2431E4EB...

Jeffrey Mitchell, City Attorney

CODIFY UNCODIFY