

ORDINANCE NO. 2020-004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CITRUS HEIGHTS TO AMEND CERTAIN SECTIONS OF THE ZONING CODE IN REGARD TO COMMERCIAL RECREATION-INDOORS, DEFINITIONS, AND OTHER MINOR CHANGES

THE CITY OF CITRUS HEIGHTS DOES ORDAIN AS FOLLOWS:

Section 1: Purpose and Authority

The purpose of this Ordinance is to amend the Citrus Heights Zoning Code as shown in Exhibit A amending various sections of the Zoning Code, relating to Commercial Recreation-Indoors, various Definitions within the Zoning Code and other minor changes.

Section 2: Findings

- The proposed amendment to create a new land use category of Commercial Recreation – Indoor, Minor is consistent with the General Plan.
- The proposed amended definitions Commercial Recreation Facility-Indoor, Personal Services, Signs-Pole, and Vehicles services is consistent with the General Plan.
- The proposed amendments will not be detrimental to the public, interest, health, safety, convenience, or welfare of the City.

Section 3: Action

The City Council hereby amends the Zoning Code of the City of Citrus Heights as described within Exhibit A herein, and as discussed within the Staff Report, which is incorporated by reference.

Section 4: Severability

If any section of this Ordinance is determined to be unenforceable, invalid, or unlawful, such determination shall not affect the enforceability of the remaining provisions of this Ordinance.

Section 5: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption, provided it is published in full or in summary within fifteen (15) days after its passage, in a newspaper of general circulation and circulated in the City of Citrus Heights.

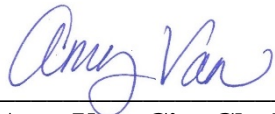
PASSED AND ADOPTED by the City Council of the City of Citrus Heights this 11th day of June, 2020 by the following vote:

AYES:	Councilmembers:	Bruins, Daniels, Middleton, Miller, Slowey
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None
ABSTAIN:	Councilmembers:	None



Jeff Slowey, Mayor

ATTEST:



Amy Van, City Clerk

Exhibit:

A. Redline Strikeout of Zoning Code

106.10.010 - Purpose of Zoning Code

The City of Citrus Heights Zoning Code carries out the policies of the Citrus Heights General Plan by classifying and regulating the uses of land and structures within the City, consistent with the General Plan. This Zoning Code is adopted to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses in the City. More specifically, the purposes of this Zoning Code are to:

- A. Provide standards and guidelines for the continuing orderly growth and development of the City that will assist in preserving the unique character of Citrus Heights, creating a distinctive community identity as described in the General Plan; and enhancing the character, identity, and livability of the City's neighborhoods;
- B. Promote pedestrian-friendly development, safe and effective traffic circulation, and adequate off-street parking facilities; and
- C. Ensure compatibility between different types of development and land uses.

106.10.020 - Authority

This Zoning Code is enacted based on the authority vested in the City of Citrus Heights by the State of California, including but not limited to: the State Constitution; the Planning and Zoning Law (Government Code Sections 65000 et seq.); and the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.).

106.10.030 - Responsibility for Administration

This Zoning Code shall be administered by: the Citrus Heights City Council, hereafter referred to as the "Council"; the Planning Commission, referred to as the "Commission"; the Community Development Director, referred to as the "Director," who shall also have the responsibility and authority to perform the duties assigned by this Zoning Code to the Zoning Administrator; and the Community Development Department, hereafter referred to as the "Department."

106.10.040 - Applicability of the Zoning Code

This Zoning Code applies to all land uses, subdivisions, and development within the City of Citrus Heights, as follows.

- A. **New land uses or structures, changes to land uses or structures.** It shall be unlawful, and a violation of this Zoning Code, for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of Section 106.22.020 (General Requirements for Development and New Land Uses), and Chapter 106.70 (Nonconforming Uses, Structures, and Parcels).
- B. **City permits and licenses.** No Building Permit, Grading Permit, or Business License shall be issued by the City unless the proposed construction or activity complies with all applicable provisions of this Zoning Code.
- C. **Subdivisions.** Each subdivision of land approved within the City shall comply with the minimum lot size requirements of Article 2 (Zoning Districts and Allowable Land Uses), the City's subdivision ordinances, and all applicable requirements of this Zoning Code.
- D. **Continuation of an existing land use.** An existing land use is lawful and not in violation of this Zoning Code only when operated and maintained in compliance with all applicable provisions of this Zoning Code, including Chapter 106.70 (Nonconforming Uses, Structures, and Parcels). However, the requirements of this Zoning Code are not retroactive in their effect on a land use that was lawfully established before the effective date of this Zoning Code or any applicable amendment, except as otherwise provided by Chapter 106.70.
- E. **Effect of Zoning Code changes on projects in progress.**
 - 1. A land use permit application that has been accepted by the Department as complete prior to the effective date of this Zoning Code or any amendment shall be processed in compliance with the requirements in effect when the application was accepted as complete.
 - 2. A project that has been approved by the City but is not yet under construction on the effective date of this Zoning Code or any amendment need not be changed to satisfy any new or different requirements of this Zoning Code, provided that the approved use of the site shall be established, including the completion of

all structures and other features of the project as shown on the approved permit, before the expiration of the permit, or applicable time extension.

3. A project that is under construction on the effective date of this Zoning Code or any amendment need not be changed to satisfy any new or different requirements of this Zoning Code, provided that the approved use of the site shall be established, including the completion of all structures and other features of the project as shown on the approved permit, before the expiration of the permit, or applicable time extension.
- F. Government projects.** The provisions of this Zoning Code shall apply to each City, Redevelopment Agency, County, special district, and State or Federal government or agency project to the maximum extent allowed by law, and as follows.
1. Specific types of public or governmental uses that are listed in Article 2 (Zoning Districts and Allowable Land Uses) shall be allowed only where indicated by Article 2, shall comply with the planning permit requirements and development standards of this Zoning Code applicable to the specific land use.
 2. Where a specific public or governmental use is not listed in Article 2 (Zoning Districts and Allowable Land Uses), the use shall be permitted only in zones permitting private uses of a substantially similar nature, as determined by the Director.
- G. Minimum requirements.** The provisions of this Zoning Code shall be minimum requirements for the promotion of the public health, safety, and general welfare. When this Zoning Code provides for discretion on the part of a City official or body, that discretion may be exercised to impose more stringent requirements than set forth in this Zoning Code, as may be determined by the applicable review authority to be necessary to promote orderly land use and development; environmental resource protection; and the other purposes of this Zoning Code.
- H. Conflicting requirements.**
1. **Zoning Code and Municipal Code provisions.** If conflicts occur between requirements of this Zoning Code, or between this Zoning Code and the City of Citrus Heights Municipal Code, or other regulations of the City, the most restrictive requirements shall apply.
 2. **Development agreements or specific plans.** If conflicts occur between the requirements of this Zoning Code and standards adopted as part of any development agreement or applicable specific plan, the requirements of the development agreement or specific plan shall apply.
 3. **Private agreements.** This Zoning Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, CC&Rs), without affecting the applicability of the agreement or restriction. The City shall not enforce a private covenant or agreement unless it is a party to the covenant or agreement, or a portion thereof.
- I. Other requirements may apply.** Nothing in this Zoning Code eliminates the need for obtaining any other permits required by the City, or any permit, approval or entitlement required by any other applicable special district or agency, and/or the regulations of any State, or Federal agency. No use that is illegal under local, State, or Federal law shall be allowed in any zone within the City.

106.10.050 - Enforcement

The provisions of this Zoning Code shall be enforced in compliance with the provisions of the City Neighborhood Enhancement Code (NEC), Municipal Code ~~Title 16B~~ [Chapter 50](#).

TABLE 2-5 Allowed Land Uses and Permit Requirements for Commercial and Industrial Zoning Districts		PERMIT REQUIRED BY DISTRICT								Specific Use Regulations
		BP	LC	SC	GC	AC	CR	MP		
		LAND USE (1)								
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING										
Contract construction service - Indoor		—	—	—	P	—	—	P		
Contract construction service - Outdoor storage		—	—	—	MUP	—	—	MUP		
Contract construction service - Outdoor work area		—	—	—	UP	—	—	UP		
Manufacturing/processing - Light		—	—	—	UP	—	—	P		
Manufacturing/processing - Medium intensity		—	—	—	—	—	—	—		
Manufacturing/processing - Heavy		—	—	—	—	—	—	—		
Medical marijuana cultivation		S	S	S	S	S	S	S	50-702	
Non-medical marijuana cultivation		S	S	S	S	S	S	S	50-802	
Recycling - Small collection facility		—	MUP	MUP	MUP	—	—	MUP	106.42.190	
Storage - Outdoor		—	—	—	UP	—	—	UP	106.42.170	
Storage - Personal storage facility (mini-storage)		—	UP	—	UP	—	—	MUP		
Storage - RVs, boats		—	—	—	UP	—	UP	—		
Storage - Warehouse, indoor storage		—	—	—	P	—	—	P		
Wholesaling and distribution		—	—	—	P	—	—	P		
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES										
Adult entertainment business		—	S	—	S	—	—	S	106.40	
Bingo parlor		—	—	—	UP	—	—	—	10.81 - 10.100	
Card room		—	—	UP	UP	—	—	—	10.26 - 10.54	
<u>Commercial recreation facility - Indoor, Minor</u>		<u>—</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>—</u>	<u>P</u>	<u>P</u>		
Commercial recreation facility - Indoor, <u>Major</u>		—	UP	UP	UP	—	MUP	UP		
Commercial recreation facility - Outdoor		UP	—	—	UP	—	MUP	UP		
Conference/convention facility		UP	—	UP	UP	—	UP	—		
Fitness/health facility		UP	P	P	P	—	P	UP		
Golf Course		—	—	—	UP	—	MUP	UP		
Library, museum		P	P	P	P	—	—	—		
Meeting facility, public or private		UP	UP	UP	UP	—	—	UP		
Park, play ground		P	P	P	P	—	P	UP		
School - College, university		UP	UP	UP	UP	—	—	—		
School - Elementary, middle, secondary		—	UP	UP	UP	—	—	—		
School - Specialized education/training - Minor		P	P	P	P	—	—	P		
School - Specialized education/training -Major		UP	UP	UP	UP	—	—	UP		
Sports and entertainment assembly facility		—	—	UP	MUP	—	MUP	MUP		
Studio - Art, dance, martial arts, music, etc.		S	P	P	P	—	—	S	106.26.030.C	
Theater		—	—	MUP	MUP	—	MUP	—		
Key to Zone Symbols										
BP	Business and Professional Office	AC	Auto Commercial							
LC	Limited Commercial	CR	Commercial Recreation							
SC	Shopping Center	MP	Industrial/Office Park							
GC	General Commercial									
Notes:										

106.42.020 - Alcoholic Beverage Sales

- A. Purpose.** Establishments that serve alcoholic beverages receive special attention from the City because of their potential to create problems, such as littering, loitering, public intoxication and disturbances. The City shall review all establishments selling alcoholic beverages.
- B. Distance requirements.** No on-sale or off-sale liquor establishment shall be maintained within 500 feet of any other on-sale or off-sale liquor establishment, or within 500 feet from the following "consideration points":
1. Schools (public or private);
 2. Churches or other places of worship;
 3. Hospitals, clinics, or other health care facilities; and
 4. Public parks and playgrounds and other similar uses.

The distance of 500 feet shall be measured between the nearest entrances used by patrons of the establishments along the shortest route intended and available for public passage to other establishments, or to the nearest property line of any of the consideration points.

- C. Exceptions for distance requirements.** Veterans clubs, bonafide restaurants, food markets, supermarkets, drugstores, brew pubs, taverns, cardrooms, or any other retail establishment where off-sale of alcoholic beverages constitute less than 20 percent of total sales, fraternal organizations, and existing alcohol serving establishments may be closer than 500 feet from one another or any of the consideration points.
- D. Permit requirements.** Each on-sale liquor establishment shall require Use Permit approval, except for:
1. A bona-fide restaurant; and
 2. Brew pubs, taverns, or commercial recreation facilities-indoor, that close no later than 10:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday.

Each off-sale alcohol establishment shall require Use Permit approval, except for:

1. Food markets, supermarkets, drugstores, or any other retail establishment in which off-sale of alcoholic beverages constitutes less than 20 percent of total sales. The owner/operator shall submit evidence of total sales to the City Finance Department, upon request by City officials to verify compliance with this requirement.
- E. Performance and development standards.**
1. Exterior lighting of the parking areas shall be sufficient to ensure a minimum intensity of at least one foot-candle of light throughout the parking surface at all times.
 2. The noise levels generated by the operation of such establishment shall not exceed 60 dBA on adjoining properties zoned for residential purposes and 65 dBA for commercially zoned property.
 3. All establishments shall be required to have a public telephone listing. Exterior public telephones that permit incoming calls may not be located on the premises.
 4. It shall be the responsibility of the applicant licensee to provide all employees with the knowledge and skills that will enable them to comply with their responsibilities under law. The knowledge and skills deemed

106.80.020 - Definitions

Definitions, "C"

Commercial Recreation Facility - Indoor. Establishments providing indoor amusement and entertainment services for a fee or admission charge, including:

bowling alleys
coin-operated/electronic amusement arcades (video games, pinball, etc.)
night club
electronic game arcades (video games, pinball, etc.)
ice skating and roller skating
Indoor entertainment (axe throwing, escape room, etc.)
Indoor sports facilities (soccer, batting cages, etc.)
pool and billiard rooms ~~as primary uses~~

This use does not include adult oriented businesses, which are separately defined. Eight or more electronic games or coin-operated amusements or pool/billiard tables in any establishment, ~~or a premises where 50 percent or more of the floor area is occupied by amusement devices,~~ are considered a commercial recreation facility an ~~electronic game arcade~~ as described above; seven or fewer machines or tables are not considered a land use separate from the primary use of the site.

1. **Minor Facility.** Indoor recreation facility that does not occupy more than 5,000 square feet of gross floor area and closes no later than 10:00 p.m. Sunday through Thursday and 11:00 p.m. Friday and Saturday and operates in a manner unlikely to cause significant impacts on surrounding land uses or the community.
2. **Major Facility.** Indoor recreation facility that either exceeds 5,000 square feet of gross floor area or any size facility that operates past 10:00 p.m. Sunday through Thursday or past 11:00 p.m. Friday or Saturday or is determined to operate in a manner unlikely to cause significant impacts on the surrounding land uses or the community.

Definitions, "P"

Personal Services. Establishments providing non-medical services to individuals as a primary use. Examples of these uses include:

barber and beauty shops	<u>microblading</u>
clothing rental	palm and card readers
dry cleaning pick-up stores with limited equipment	pet grooming and/or daycare with no overnight boarding
home electronics and small appliance repair	<u>permanent make-up</u>
laundromats (self-service laundries)	shoe repair shops
locksmiths	tailors
	tanning salons

These uses may also include accessory retail sales of products related to the services provided. Does not include massage therapy, which is separately defined.

Definitions, "S"

Pole/Pylon Sign. An elevated freestanding sign, typically supported by one or two poles or columns, where the total width of the sign support is less than one-half the width of the sign face.

Definitions, "V"

Vehicle Services. The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories.

1. **Major Repair/Body Work.** These establishments include towing, collision repair, other body work, and painting services; tire recapping, repair/replacement of transmissions or engines, or any other type of service not considered minor.

Definitions

2. **Minor Maintenance/Repair.** Minor facilities providing limited repair and maintenance services. Examples include: attended and self-service car washes; brake part replacement, detailing services; minor tune-ups, muffler and radiator shops; quick-lube services; tire and battery sales and installation (not including recapping).

Does not include automobile parking (see "Parking Facilities"), repair shops that are part of a vehicle dealership on the same site (see "Auto and Vehicle Sales and Rental," and "Mobile Home, RV, and Boat Sales and Rental"); gas stations, which are separately defined; or dismantling yards, which are included under "Recycling - Scrap and Dismantling Yards."