

ORDINANCE NO. NS-2938

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF SANTA ANA AMENDING SECTIONS 41-313.5 AND 41-  
522 OF CHAPTER 41 OF THE SANTA ANA MUNICIPAL  
CODE

THE CITY COUNCIL OF THE CITY OF SANTA ANA DOES ORDAIN AS  
FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines  
and declares as follows:

A. Various sections within Chapter 41 of the Santa Ana Municipal Code (Zoning) have been revised periodically over the last several years to respond to changes in development, to adopt new permitting procedures, and to comply with changes to state and federal laws. In a continuing effort to establish high-quality development standards and to create a user-friendly environment for residents and the business community within the city, the Planning Division is proposing revisions to various sections of the Zoning Code.

B. The proposed changes and additions to the Zoning Code will protect religious individuals and institutions and treat such uses similar to other assembly uses in the Professional (P) zoning district and the South Main Commercial (C-SM) zoning district while protecting the health, safety, and welfare of the city and limiting undue strain on the community.

C. Zoning Amendment No. 2018-01 amends Sections 41-313.5 and 41-522 of Chapter 41 of the Santa Ana Municipal Code.

D. On January 22, 2018, the Planning Commission held a duly noticed public hearing and voted to recommend that the City Council adopt Zoning Ordinance Amendment No. 2018-01 to amend Sections 41-313.5 and 41-522 of Chapter 41 of the Santa Ana Municipal Code (SAMC).

E. All provisions of the Santa Ana Municipal Code which are repeated herein are repeated solely in order to comply with the provisions of Section 418 of the Charter of the City of Santa Ana. Any such restatement of existing provisions of the Code is not intended to, nor shall it be interpreted, as constituting a new action or decision of the City Council, but rather such provisions are repeated for tracking purposes only in conformance with the Charter.

Section 2. Pursuant to the California Environmental Quality Act ("CEQA") and the State CEQA guidelines, the adoption of this ordinance is exempt from CEQA review pursuant to California Environmental Quality Act Section 15061(b)(3), and a Notice of Exemption will be filed upon adoption of this ordinance.

Section 3. Section 41-313.5 of the Santa Ana Municipal Code, uses subject to a conditional use permit in the Professional zoning district (P), is hereby amended to read as follows:

**Sec. 41-313.5. - Uses subject to a conditional use permit in the P district.**

The following may be permitted in the P district, subject to the issuance of a conditional use permit:

- a. Convalescent hospitals, nursing homes, rest homes and extended care facilities.
- b. Hospitals.
- c. Trade and professional schools.
- d. Health clubs and gymnasiums.
- e. Recreational or entertainment uses if carried on in conjunction with any of the uses specified in clauses (e), (f) and (k) of section 41-313.
- f. Ambulance and emergency medical response services.
- g. Non-freestanding commercial and service uses which are open at any time between the hours of 12:00 midnight and 5:00 a.m., provided that such uses also meet the standards for commercial and service uses permitted under section 41-313, and further provided that such uses have less than twenty thousand (20,000) square feet of floor area.
- h. Eating establishments open at any time between the hours of 12:00 midnight and 5:00 a.m. and located within one hundred fifty (150) feet of residentially zoned or used property, measured from property line to property line.
- i. Banquet facilities, subject to development and operational standards set forth in section 41-199.1.
- j. Banquet facilities as an ancillary use, subject to development and operational standards set forth in section 41-199.1.
- k. Adult day care facilities.
- l. Clubs, fraternities and lodges.
- m. Bail bond uses, subject to development and operation standards set forth in section 41-323.

- n. Churches and accessory church buildings.

Section 4. Section 41-522 of the Santa Ana Municipal Code, uses subject to a conditional use permit in the C-SM zoning district (South Main Commercial District), is hereby amended to read as follows:

**Sec. 41-522. - Uses subject to a conditional use permit in the C-SM district.**

The following uses may be permitted in the C-SM district subject to the issuance of a conditional use permit:

- a. Clubs, lodges and fraternal organizations.
- b. Outdoor and indoor recreational or entertainment uses including night clubs, other than those set forth in section 41-521.
- c. Hotels, motels, lodging houses, care homes, fraternity houses and sorority houses.
- d. Thrift and resale stores, antique shops and collectable stores, excluding pawn shops and auction houses.
- e. Eating establishments open at any time between the hours of 12:00 midnight and 5:00 a.m. and located within one hundred fifty (150) feet of residentially zoned or used property, measured from property line to property line.
- f. Laundromats.
- g. Ancillary outdoor dining facilities located in the front yard area.
- h. Banquet facilities, subject to development and operational standards set forth in section 41-199.1.
- i. Banquet facilities as an ancillary use, subject to development and operational standards set forth in section 41-199.1.
- j. Automobile repair and automobile servicing.
- k. Retail markets having less than twenty thousand (20,000) square feet of floor area which are open at any time between the hours of 12:00 midnight and 5:00 a.m.
- l. Churches and accessory church buildings.

Section 5. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Santa Ana hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or portions be declared invalid or unconstitutional.

ADOPTED this <sup>20th</sup> ~~21st~~ day of February, 2018

  
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Miguel A. Pulido  
Mayor

APPROVED AS TO FORM:  
Sonia R. Carvalho  
City Attorney

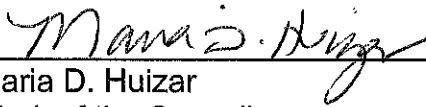
By:   
\_\_\_\_\_  
Lisa Storck  
Assistant City Attorney

|              |                |                                                                                |
|--------------|----------------|--------------------------------------------------------------------------------|
| AYES:        | Councilmembers | <u>Benavides, Martinez, Pulido, Sarmiento,</u><br><u>Solorio, Villegas (6)</u> |
| NOES:        | Councilmembers | <u>None (0)</u>                                                                |
| ABSTAIN:     | Councilmembers | <u>None (0)</u>                                                                |
| NOT PRESENT: | Councilmembers | <u>Tinajero (1)</u>                                                            |

## CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, MARIA D. HUIZAR, Clerk of the Council, do hereby attest to and certify the attached Ordinance No. NS-2938 to be the original ordinance adopted by the City Council of the City of Santa Ana on February 20, 2018, and that said ordinance was published in accordance with the Charter of the City of Santa Ana.

Date: 2/27/2018

  
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Maria D. Huizar  
Clerk of the Council  
City of Santa Ana