

ORDINANCE NO. 14-2017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING AMENDMENTS TO ELK GROVE MUNICIPAL CODE TITLE 16 (BUILDINGS AND CONSTRUCTION), TITLE 22 (LAND DEVELOPMENT), AND TITLE 23 (ZONING) TO IMPLEMENT CITY COUNCIL DIRECTION TO ENSURE CONSISTENCY WITH NEW LEGISLATION, AND TO UPDATE OR CLARIFY CERTAIN LAND DEVELOPMENT AND ZONING PROVISIONS OF THE ELK GROVE MUNICIPAL CODE (CEQA EXEMPT)

WHEREAS, the City of Elk Grove ("City") conducts periodic updates of the provisions of the Elk Grove Municipal Code (EGMC) to ensure compliance with current laws, changes in local policy, consistency with adopted plans and programs, changing market conditions, best practices, and to address issues or concerns with current regulations; and

WHEREAS, certain amendments to EGMC Title 16 (Buildings and Construction), specifically Chapter 16.50 entitled Flood Damage Prevention, are necessary to more clearly define and clarify the standards required to develop in an unmapped area of the City; and

WHEREAS, certain amendments to EGMC Title 22 (Land Development) are necessary to clarify procedures to request deviations from improvement standards as part of the tentative map process; and

WHEREAS, certain amendments to EGMC Title 23 (Zoning) are necessary to (1) provide the Zoning administrator with authority to extend maps; (2) update application procedures regarding noticing and permit requirements and procedures for internal consistency; (3) add definitions and allowed use regulations for animal shelters, not-for-profit businesses, and smoking lounges; (4) require that shooting ranges be 1,000 feet from residential, hospital, or childcare uses (unless waived by approving authority) and mirror school zone requirements that they must be 1,000 feet from school property; (5) modify fence height regulations and clarify standards regarding fencing materials; (6) expand qualifications for parking lot shade requirements and allow for consideration of parking lot landscape reductions through design review process; (7) modify regulations for parking of commercial vehicles and clarify off-street parking requirements and reductions; (8) clarify minor deviation provisions for signs and clarify term and number of signs allowed for public frontages; (9) add on-site alcohol sales and an accessory use that requires a minor use permit; (10) to update second dwelling units as accessory dwelling units with clarifications for consistency with new laws; and (11) add or revise general definitions for kitchen, kitchenette, commercial vehicle, and second/accessory dwelling unit; and

WHEREAS, CEQA Guidelines Section 15061(b)(3) provides an exemption for this type of project; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on April 20, 2017, as required by law, to consider all of the information presented by staff, property owners, and public testimony presented at the meeting, and recommended by a vote of 5-0 that the City Council approve the Municipal Code Amendments; and

WHEREAS, the City Council held a duly-noticed public hearing on May 10, 2017, as required by law, to consider all of the information presented by staff, property owners, and public testimony presented at the meeting regarding the recommended amendments to the Elk Grove Municipal Code.

NOW, THEREFORE, the City Council of the City of Elk Grove does hereby ordain as follows:

Section 1: Purpose

The purpose of this Ordinance is to amend Title 16 (Buildings and Construction), Title 22 (Land Development), and Title 23 (Zoning) of the Elk Grove Municipal Code to implement City Council direction regarding flood damage prevention, to ensure consistency with new legislation, and to update or clarify certain land development and zoning provisions of the Elk Grove Municipal Code.

Section 2: Findings

This Ordinance is adopted based upon the following findings:

California Environmental Quality Act (CEQA)

Finding: No further environmental review is required under the California Environmental Quality Act pursuant to State CEQA Guidelines sections 15060(c), 15061(b)(3), 15064(d), and 15378.

Evidence: The California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary “projects.” CEQA Guidelines Section 15060(c) states the Lead Agency (“City”) must determine if an activity is subject to CEQA and states that an activity is not subject to CEQA if “The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment” (Guidelines Section 15060(c)(2)) or if “the activity is not a project as defined in Section 15378” (Guidelines Section 15060(c)(3)). The proposed Project includes amendments to the City’s Municipal Code. Section 15378(a)(1) of Chapter 3, Title 14 of the California Code of Regulations (the CEQA Guidelines) states that amendments to zoning ordinances are projects subject to CEQA; therefore, the proposed EGMC amendments are a project under CEQA.

CEQA Guidelines Section 15061(b)(3) states that a project is exempt from CEQA “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment...” CEQA Guidelines Section 15064(d) requires the City to consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.” CEQA Guidelines Section 15064(d)(3) states that a change that is speculative or unlikely to occur is not reasonably foreseeable.”

The approval of the proposed amendments would not approve any development project or result in physical changes in the environment. The proposed changes clarify flood damage prevention requirements; clarify map procedures to request deviations from improvement standards; update noticing requirements; add new land use classifications and corresponding permit requirements; modify fence height regulations; expand parking lot shade qualifications; modify regulations for parking of commercial and recreational vehicles; clarify minor deviation provisions for signs; add or update definitions for specialized terms; and update second dwelling units as accessory dwelling units with clarifications for consistency with new laws.

Because no construction or development would occur as a result of approval of the proposed amendments, the Project would not result in direct physical changes in the environment. Because specific future projects are not known at this time, the extent to which future projects could result in reasonably foreseeable indirect physical changes in the environment is not known and is therefore, speculative. However, the proposed amendments include procedural updates, clarification of definitions, and other changes that would not alter the size or intensity of development in the City and would not substantially differ from effects that could occur under existing regulations. In addition, future projects under the proposed amendments would be required to comply with all applicable regulations and be subject to CEQA at the time an individual project is considered by the City, as those actions would be classified as "projects" under CEQA. For these reasons, the proposed amendments would not have the potential to result in individually or cumulatively significant effects on the environment and these EGMC amendments are exempt from review under CEQA and no further environmental review is necessary.

Code Amendments

Finding: The proposed amendments to the Elk Grove Municipal Code are consistent with the General Plan goals, policies, and implementation programs.

Evidence: The proposed text amendments to Titles 16, 22 and 23 of the EGMC are consistent with the General Plan as they do not alter the allowed intensity or density of development beyond that contemplated in the General Plan. The changes address recent changes to State law (e.g., Accessory Dwelling Units), ensure consistency with other City adopted policies and plans, clean up ambiguities, clarify procedures, address issues/concerns, and to reflect best practices. Therefore, there are no conflicts between the proposed amendments and the City's General Plan.

Section 3: Action

The City Council hereby approves and adopts the amendments to Title 16 (Buildings and Construction), Title 22 (Land Development), and Title 23 (Zoning) of the Elk Grove Municipal Code as show in **Exhibits A, B, and C, respectively**, attached hereto and incorporated herein by this reference.

Section 4: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

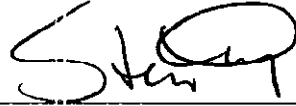
Section 6: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 7: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

ORDINANCE: 14-2017
INTRODUCED: May 10, 2017
ADOPTED: May 24, 2017
EFFECTIVE: June 23, 2017




STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



JASON LINDGREN, CITY CLERK

JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: May 31, 2017

EXHIBIT A

*Note to Reader: Proposed changes are shown in track changes with proposed deletions shown with ~~strikeout~~ and additions shown with an underline and bold text. Codifying notes are displayed in italics, section placeholders to indicate the sections between changed subsections remain the same are indicated with three stars (***)*.

TITLE 16 (BUILDINGS AND CONSTRUCTION)

Chapter 16.50 Flood Damage Prevention

16.50.020 Definitions.

For the purposes of this chapter, the following terms, phrases, and words shall have the following definitions:

A. "A" Definitions.

10. "Area of special flood hazard" ~~shall mean~~ an area designated as a ~~s~~**S**pecial ~~f~~**F**lood ~~h~~**H**azard ~~a~~**A**rea (SFHA).

B. "B" Definitions.

2. "Base flood elevation (BFE)" ~~means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, and A1-30 that indicate the water surface elevation resulting from a flood that has a one (1%) percent or greater chance of being equaled or exceeded in any given year~~ **(one hundred (100) year flood). The BFE is shown on Flood Insurance Rate Maps as Zones AE and AH. For unmapped areas, the BFE shall be analyzed and established as directed and approved by the Floodplain Administrator.**

F. "F" Definitions.

2. ~~"Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.~~

(codifying note: removal of EGMC 16.50.020(F)(2) will require renumbering of the EGMC 16.50.020(F) Subsection)

940. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation ~~more than one (1') foot~~. Also referred to as regulatory floodway.

R. "R" Definitions.

2. "Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas, as determined by FEMA, that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation ~~more than one (1') foot~~.

S. "S" Definitions.

2. "Special flood hazard area (SFHA)" means an area in the floodplain subject to a one (1%) percent or greater chance of flooding in any given year. It is shown on an ~~FHBM or FIRM~~ as Zone A, AO, A1-A30, AE, A99, or AH.

3. "Start of construction" means the date the building permit was issued for substantial improvement and other proposed new development, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days from the date of the permit. The "actual start" means either the first (1st) placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include **flood control improvements**; land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first (1st) alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

U. "U" Definitions.

1. "Unmapped area" means any area that is located outside of a Special flood hazard area.

16.50.030 Administration.

B. Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Permit Review. Review all development permits to determine that:

c. The proposed development or encroachment does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one (1') foot at any point within the City.

d. Any necessary ~~Letters of Map~~ ~~Revision~~ (LOMRs) are ~~shall be~~ approved prior to the issuance of building permits. Building permits ~~must~~ shall not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs will allow for the construction of proposed flood control improvements, and land preparation, and/or other exclusions as specified in the "Start of construction" definition.

Note: For FEMA floodplain mapped areas, a base flood elevation may be obtained using one (1) of two (2) methods from the FEMA publication FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations," dated July 1995. Final decision of method used shall be at the sole discretion of the Floodplain Administrator.

5. Notification of Other Agencies.

b. Base Flood Elevation Changes Due to Physical Alterations to Floodplains shown on FIRM's.

i. ~~Within six (6) months of information becoming available or project completion, whichever comes first (1st);~~ At substantial completion of improvements (flood control improvements, land preparation and/or other exclusions as specified in the "Start of construction" definition) as determined by the Floodplain Administrator, the Floodplain

Administrator ~~shall~~ **will submit**, for City projects, submit or, for private projects, assure that the permit applicant submits technical or scientific data to FEMA for a letter ~~Letter~~ of map ~~Map~~ **revision** ~~Revision~~ (LOMR). **For private development projects, the developer shall submit to the Floodplain Administrator all necessary technical or scientific data required as part of the LOMR process prior to submittal to FEMA.** ~~If no such data is submitted for private projects, no building permits shall be issued.~~

ii. All LOMRs for flood control projects are **shall be** approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs **will allow** **for the** construction of the proposed flood control project **improvements**, ~~and~~ land preparation **and/or other exclusions** as specified in the "Start of construction" definition.

c. Base Flood Elevation Changes Due to Physical Alterations to Unmapped Areas. No CLOMR or LOMR is required to be submitted to FEMA, however, no building permits shall be issued until the applicable requirements of EGMC Section 16.50.060.C have been satisfied as determined by the Floodplain Administrator.

~~ed.~~ Changes in Corporate Boundaries. Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

16.50.040 General provisions.

B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for Sacramento County, California, and Incorporated Areas dated June 16, 2015," with accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated August 15, 2012, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping are the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City Council by the Floodplain Administrator. The **Flood Insurance Studies and study**, FIRMs, ~~and~~ FBFMs are on file at the Public Works Department at the City.

16.50.050 Floodplain development permit.

A. Application. A floodplain development permit shall be obtained before any construction or other development within any area of special flood hazard established in

EGMC Section 16.50.040(B) (Basis for Establishing the Areas of Special Flood Hazard). Application for a floodplain development permit shall be made on forms furnished by the City. The applicant shall provide the following minimum information:

1. Plans in duplicate, drawn to scale, showing:

- e. Base Flood Elevation (BFE) information as specified in EGMC Section 16.50.040(B) (Basis for Establishing the Areas of Special Flood Hazard) or EGMC Section 16.50.030(B)(4) (Review, Use, and Development of Other Base Flood Data);

C. Designated Approving Authority. Generally, the Floodplain Administrator shall be the designated approving authority for floodplain development permits; however, when a floodplain development permit is combined with a tentative subdivision map, tentative parcel map, design review, or other entitlement required by EGMC Title 23 (Zoning), the designated approving authority shall be the same as for the other required approvals.

D. Appeals. Appeals of the decision on a floodplain development permit shall be conducted pursuant to the following provisions of EGMC Chapter 1.11.:

- 1. For decisions made by the Floodplain Administrator, appeals shall be pursuant to EGMC Chapter 1.11;**

- 2. For decisions made by the Planning Commission, Zoning Administrator or Development Services Director, appeals shall be pursuant to EGMC Section 23.14.060.**

16.50.060 Provisions for flood hazard reduction.

A. Standards of Construction. In all areas of special flood hazards, the following standards are required:

1. Anchoring. All new construction and substantial improvements of structures, including manufactured homes and tanks (e.g., water, propane), shall be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. **Permanent structures and caskets for burial located within cemeteries shall also meet this anchoring requirement.**

3. Elevation and Flood-Proofing of Improvements to Existing Structures. The following shall apply to remodels of or improvements to existing structures already located within areas of special flood hazard.

a. Residential Construction. When new square footage is proposed for an existing residential structure that is already constructed in an area of special flood hazard, the lowest floor, including basement, of the new square footage shall be in conformance with the following standards. Upon the completion of the new square footage, the elevation of the new floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

i. In AE ~~and~~, AH, and A1-A30 Zones, elevated to one (1') foot above the base flood elevation (BFE).

c. Flood Openings. All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access, or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:

i. For non-engineered openings:

4. ~~New Non-habitable~~ **Habitable** Accessory Structures.

C. Standards for Subdivisions and Other Proposed New Development.

1. All new subdivision proposals and other proposed new development, including proposals for manufactured home parks and subdivisions, shall:

a. Identify the special flood hazard areas (SFHAs), **if necessary**, and base flood elevations (BFEs).

d. In ~~Zones AE and AH~~ **special flood hazard areas** and in local flood hazard areas, elevate the lowest finished floor at least one and one-half (1.5') feet above the base flood elevation. Building pads for slab-on-grade construction shall be at least one and one-half (1.5') feet above the base flood elevation and

the lowest finished floor shall be at least one and one-half (1.5') feet above the base flood elevation.

e. In unmapped areas, elevate the lowest finished floor at least two (2) feet above the base flood elevation. Building pads for slab-on-grade construction shall be at least two (2) feet above the base flood elevation and the lowest finished floor shall be at least two (2) feet above the BFE base flood elevation.

ef. In a SFHA, if the proposed site is to be elevated above the BFE by placement of fill, an application for a Conditional Letter of Map Revision, based on fill (CLOMR-F) shall be submitted to FEMA. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a letter of map revision based on fill (LOMR-F) to the Floodplain Administrator:

- i. ~~Lowest floor elevation;~~
- ii. ~~Pad elevation;~~
- iii. ~~Lowest adjacent grade.~~

6. While the use of fill to create buildable area is strongly discouraged by City policy, should it be allowed, there shall be no net increase to the water surface elevation adjacent to, downstream, and upstream of the development, as determined by the City. Other improvements may be required as part of the proposed project. A conditional letter of map revision (CLOMR) issued by FEMA shall be required prior to grading permit issuance, unless only a LOMR is required. A letter of map revision (LOMR) issued by FEMA shall be required prior to acceptance of the improvements or issuance of the first (1st) building permit, ~~whichever occurs first (1st).~~ **as determined by the Floodplain Administrator.**

D. Floodways. Since floodways are an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following additional provisions apply:

1. Until a regulatory floodway is adopted by FEMA, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A, 1-A30 and AE **and AH**, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood ~~more than one (1') feet~~ at any point within the City.

EXHIBIT B

*Note to Reader: Proposed changes are shown in track changes with proposed deletions shown with ~~strikeout~~ and additions shown with an underline and bold text. Codifying notes are displayed in italics; section placeholders to indicate the sections between changed subsections remain the same are indicated with three stars (***)*.

TITLE 22 (LAND DEVELOPMENT)

Chapter 22.20 PROCEDURES

22.20.005 Applications.

The Development Services Director shall adopt rules to implement the various processes generally set forth in this title and the Subdivision Map Act. The rules shall apply to, but not be limited to, instructions for preparing and completing applications for parcel maps, subdivision maps, certificates of compliance, reversions to acreage, and compliance with the California Environmental Quality Act. **Where a property owner intends to change real property in a manner subject to the aforementioned rules, appropriate application(s) shall be submitted to the City in accordance with the rules, on forms provided by the City, and with any necessary fees for City review and action.**

22.20.010 Submission of tentative map application.

The tentative map shall be prepared in a manner acceptable to the Development Services Department. The map shall be prepared by a registered civil engineer or licensed land surveyor and shall contain the following components unless waived at the discretion of the Development Services Director and/or the City Engineer:

D. Proposed Improvements. The following proposed improvements shall be shown and shall include, but not be limited to:

9. ~~If any Deviations from City Improvement Standards is shall be requested to the Public Works Director. Any deviation approved by the Public Works Director shall be shown on the tentative map and if approved, a note shall be placed on the map to that effect and ~~the deviation shown.~~ **Should a higher approving authority be the Final approval of the map, the deviation shall only be effective upon the Final Authority's concurrence.**~~

22.20.045 Appeals to City Council.

Any final parcel map disapproved by the City Engineer may be appealed to the City Council. The appeal shall be submitted to the City Clerk's office no later than ten (10) calendar days from the date of disapproval along with a fee consistent with tentative map appeals. To the extent it is feasible, the appeal should be heard by the City Council within forty-five (45) days of the appeal submittal. Notice of hearing for the appeal shall be provided pursuant to the noticing requirements of EGMC Section 23.14.040, **entitled Public hearing for quasi-judicial and legislative permits and entitlements**~~Public notices~~. Any action by the City Council is final on the date of decision and may not be further appealed.

22.20.090 Extensions of time.

Any tentative subdivision map or vesting subdivision map is eligible for an extension of time, provided final approval for such extension occurs prior to the expiration of the original map **through approval of the Zoning Administrator**. ~~The hearing procedures for an extension of time shall be the same as for resubmittal of the map.~~ Upon filing of a timely application for an extension of time, the map shall automatically be extended for sixty (60) days or until the application for the extension is approved, conditionally approved, or denied, ~~whichever occurs first (1st).~~ An extension of time may not be granted for more than thirty-six (36) months, but may be granted for a lesser time at the sole discretion of the final hearing body. A subdivider may apply for a resubmission of the map rather than an extension of time, in which case the map may be approved after the expiration date of the original map. The expiration date of an approved resubmitted map shall be as set forth in EGMC Section 22.20.060.

EXHIBIT C

*Note to Reader: Proposed changes are shown in track changes with proposed deletions shown with ~~strikeout~~ and additions shown with an underline and bold text. Codifying notes are displayed in italics, section placeholders to indicate the sections between changed subsections remain the same are indicated with three stars (***)*.

TITLE 23 (ZONING)

Chapter 23.10 Identification and Responsibilities of Designated Planning Agencies

23.10.055 Responsibilities of the Zoning Administrator.

B. The Zoning Administrator shall have the following land use responsibilities:

1. Hear and decide ~~applications for minor design reviews and minor use permits;~~
2. **Hear and decide tentative subdivision and vesting subdivision map extensions; and**
3. Exercise such other powers and duties as are prescribed by State or local law, or as directed by the Planning Commission and/or City Council.

Chapter 23.14 General Application Processing Procedures

23.14.040 Public hearing for quasi-judicial and legislative permits and entitlements.

C. Notice of Hearing. Pursuant to Section 65091 of the California Government Code, not less than ten (10) days before the scheduled date of a hearing, public notice shall be given of such hearing in the manner listed below. The notice shall state the date, time, and place of hearing, identify the hearing body, a general explanation of the matter to be considered, and a general description of the real property (text or diagram), if any, which is the subject of the hearing.

1. Notice of the public hearing shall be published in at least one (1) newspaper of general circulation in the City.

2. Except as otherwise provided herein, notice of the public hearing shall be mailed, postage prepaid, to the owners and tenants of property within a radius of five hundred (500' 0") feet of the exterior boundaries of the property involved in the application, using for this purpose that last known name and address of such owners as shown upon the current tax assessor's records. Exceptions to the **five hundred (500' 0") foot mailing radius** is mailing requirement are as follows:

3. With the exception of private development applications, if the number of owners and residents/occupants receiving mailed notice of the public hearing in accordance with Section 23.14.040(C)(2) exceeds one thousand (1,000), the City may, in lieu of mailed notice, provide notice by placing a display advertisement of at least one-eighth (1/8) page in one (1) newspaper of general circulation within the City. This published notice shall satisfy the published notice as required under Section 23.14.040(C)(1) and 23.14.040(C)(2).

4. 3. Notice of the public hearing shall be mailed, postage prepaid, to the owner of the subject real property or the owner's authorized agent, and to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the proposed project.

5. In addition to the notices required by this section, the City may give notice of the public hearing in any other manner it deems necessary or desirable.

23.14.060 Appeals.

D. Notice and Schedule of Appeal Hearings. Unless otherwise agreed upon by the person filing the appeal and the applicant, appeal hearings should be conducted within forty-five (45) days from the date of appeal submittal. Notice of hearing for the appeal shall be provided pursuant to noticing requirements of EGMC Section 23.14.040, **entitled Ppublic noticeshearing for quasi-judicial and legislative permits and entitlements.**

Chapter 23.16 Permit Requirements

23.16.027 Uniform sign program.

C. Procedure. The procedures for a uniform sign program shall be as provided in EGMC Chapter 23.14, (General Application Processing Procedures), except as provided below:

1. Minor Uniform Sign Program. No public hearing or notice shall be required.
2. Major Uniform Sign Program. A public hearing shall be required and public notice shall be provided as specified in EGMC Section 23.14.040, entitled Public hearing for quasi-judicial and legislative permits and entitlements public notices.

23.16.030 Minor deviation.

A. Purpose and Applicability. The purpose of the minor deviation is to allow some flexibility in project design with regards to specific development standards. Minor deviations do not apply to the use of property. To achieve more flexible standards, the designated approving authority may grant minor deviations to the building height, setback, lot coverage, maximum allowed signage area, sign height, sign setbacks, sign projections, and parking provisions not to exceed ten (10%) percent of the respective development standards in the underlying zoning district for the subject parcel or the applicable sign standard in accordance with Chapter 23.62, (Signs on Private Property). All other deviations require approval of a variance application.

23.16.037 Parking reduction permit.

B. Applicability. The minimum number of off-street parking spaces required by this title may be reduced through one (1) or more of the following procedures:

1. ~~Alternative **Reduced** Parking Requirements **Ratio**.~~ The designated approving authority may approve an alternative reduced parking ratio from that listed in Table 23.58-1 (Parking Ratio for Shopping Centers) and Table 23.58-2 (Parking Requirements by Land Use) based upon a qualified parking study, prepared at the applicant's expense and subject to City review, of substantially similar use(s) in similar operational and locational conditions, in accordance with EGMC Section 23.58.050(I).

2. **Parking Reduction Programs for Non-Residential Uses.** ~~Facilities, Services, or Programs.~~ Commercial, office, or industrial projects may request a reduction in the minimum number of parking spaces required, provided they include one (1) or more of the following parking reduction programs, as described in EGMC Section 23.58.060:

- a. Facilities and programs;
- b. Preferred carpool/vanpool parking spaces;

- c. Long-term bicycle parking facilities;
- d. Proximity to alternative **transportation** modes;
- e. Shared parking; and
- f. Vehicle park-and-ride lot requirements at shopping centers.

23.16.080 Design review.

B. Design Review Applicability. There are seven (7) types of design review as described below:

2. Outdoor Activity Design Review. An outdoor activity design review is required for permanent outdoor storage and service uses and permanent and seasonal outdoor seating as described in EGMC Chapter 23.86, (Outdoor Sales, Display, Storage, and Seating).

4. Major Design Review. A major design review permit is required for the following items:

a. New construction of a multifamily residential building or structure with one hundred fifty (150) or more units;

b. New construction of a **single** –nonresidential building or structure, **or multiple buildings or structures within a single shopping center complex, comprising** ten thousand (10,000 ft²) square feet or more (e.g., commercial, office, industrial, public/quasi-public);

c. Additions of **a single multifamily residential or nonresidential building or structure, or multiple multifamily residential buildings or structures within a multifamily complex, or multiple nonresidential buildings or structures within a single shopping center complex, comprising** ten thousand (10,000 ft²) square feet or more ~~to multifamily residential buildings or structures or nonresidential buildings or structures;~~

d. Other items identified in this title.

E. Procedure. The procedures for design review shall be as provided in EGMC Chapter 23.14 (General Application Processing Procedures), except as provided below:

2. Minor Design Review, Major Design Review, Subdivision Design Review, District Development Plan Design Review, and CIP Design Review. A public hearing shall be required and public notice shall be provided as specified in EGMC Section 23.14.040, **entitled Public hearing for quasi-judicial and legislative permits and entitlements**Public notices.

H. Deviations from Standards. As part of any discretionary design review approval (i.e., minor design review, major design review, subdivision design review, district development plan design review, CIP design review), the designated approving authority may approve deviations from the development standards in this title and applicable design guidelines provided that the approving authority makes a finding that the deviation improves the usability of the site and its relationship to surrounding development, including but not limited to pedestrian and vehicular movement and accessibility, architectural design, and landscaping and site amenities or otherwise does not impact the usability of the site or negatively impact adjoining property. Allowed deviations shall be limited to standards that affect the layout of the site, including, but not limited to, setbacks, height, and landscaping. Deviations from minimum lot size and signage standards shall be specifically prohibited. **Any deviation to Citywide Improvement Standards shall be reviewed and decided by the Public Works Director pursuant to Section 22.20.010(D).**

Chapter 23.26 Use Classification System

23.26.050 Description of land use classifications.

The following terms are used throughout this title and shall have the following descriptions:

A. "A" Allowed Use Descriptions.

9. "Animal keeping" means the care and maintenance of animals, as described below, on private property. The listing below provides a distinction between various types of animals related to allowed use provisions in this division. This classification is distinct from "animal husbandry" and "animal sales and/or grooming."

c. "Household pets" means domestic animals ordinarily permitted in a place of residence, kept for company and pleasure, such as dogs, cats, pot-bellied pigs, **pygmy goats**, domestic birds, guinea pigs, white rats, rabbits, mice, and other similar animals generally considered by the public to be kept as pets, excluding fowl.

d. "Livestock" means an animal kept for use on a farm and includes any swine, sheep, goat, horse, cattle, equine, or bovine animal. **—Pot-bellied pigs and pygmy goats are included in the definition of household pets.**

11. "Animal shelter" means a facility operated for the purposes of impounding, harboring, selling, placing, and retrieving seized, strayed, distressed, homeless, abandoned and/or, or unwanted animals. Animal shelters may include incidental activities such as vaccination, training classes, spay/neuter services, boarding services, and accessory retail sales. This use classification also includes the following: an animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group.

(codifying note: addition of EGMC 23.26.050(A)(11) will require renumbering of the EGMC 23.26.050(A) Subsection)

N. "N" Allowed Use Descriptions.

2. "Not-for-profit business" means a not-for-profit use that distributes or facilitates the giving of goods and services for the relief of the needy. This use classification includes soup kitchens, regularly staffed drop-off facilities for clothing and household goods, and food banks. This listing does not include establishments that receive payment for services or goods, such as a thrift store.

R. "R" Allowed Use Descriptions.

~~17. "Rooming and/or boarding houses" means a dwelling structure, or part thereof, that has no more than one (1) dining room and in which, for compensation, three (3) or more rooms are leased and/or meals are provided by the week or month. Does not include the rental of one (1) or two (2) rooms ("dwelling, single family").~~

S. "S" Allowed Use Descriptions.

4. "Smoke shops" means an establishment retailer whose main purpose is the sale of smoking and/or tobacco products, including, but not limited to, cigars, pipe tobacco, and smoking accessories for off-premises consumption at a retail establishment that either devotes more than fifteen (15%) percent of its total floor area to smoking, drug, and/or tobacco paraphernalia or devotes more than a two (2' 0") foot by four (4' 0") foot (two (2' 0") feet in depth maximum) section of shelf space for display ~~for~~ of for-sale tobacco products and the sale of smoking, drug, and/or tobacco paraphernalia. Includes electronic-cigarettes and electronic vapor devices.

5. "Smoking lounge" means a business establishment that is dedicated to the smoking of tobacco, including but not limited to establishments commonly known as cigar lounges, hookah bars/cafes, tobacco clubs, or smoking parlors.

(codifying note: addition of EGMC 23.26.050(S)(5) will require renumbering of the EGMC 23.26.050(S) Subsection)

U. "U" Allowed Use Descriptions.

1. "Utility Facility and Infrastructure;" i-Includes the following:

V. "V" Allowed Use Descriptions.

1. "Vehicle Services – mMajor" means t-The repair, alteration, restoration, towing, painting, cleaning (e.g., self-service and attended car washes), 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 major repair and body work – repair facilities dealing with entire vehicles; such establishments typically provide towing, collision repair, other body work, and painting services and may also include tire recapping establishments.

2. "Vehicle Services – mMinor;" means m-Minor facilities specialize in limited aspects of repair and maintenance (e.g., muffler and radiator shops, quick-lube, smog check). Does not include repair shops that are part of a vehicle dealership on the same site (see "auto and vehicle sales") or automobile dismantling yards, which are included under "recycling facility, scrap and dismantling facility."

Chapter 23.27 Allowed Uses and Required Entitlements

23.27.020 Allowed uses and required entitlements.

Table 23.27-1 (Allowed Uses and Required Entitlements for Base Zoning Districts) identifies allowed uses and corresponding requirements for land use permits and entitlements for all base zoning districts within the City. Definitions for the land uses

listed herein (use classifications) are provided in EGMC Section 23.26.050 (Description of land use classifications). See additional use requirements in Division V of this title (Special Use Regulations). Uses are organized into common categories as follows:

A. Residential uses;

B. **Human services uses;**

C. **Agricultural, and animal-related keeping, and resource** uses;

D. Recreation, ~~resource preservation,~~ open space, education, and public assembly uses;

E. Utility, transportation, ~~public facility,~~ and communication uses;

(codifying note: addition of EGMC 23.27.020(B) will require renumbering of the EGMC 23.27.020 Subsection list)

Notes to Table 23.27-1

Notes that pertain to the commercial zoning districts:

17. Smoking lounges shall comply with the requirements of Chapter 4.10, Article III, Smoking Lounges.

Notes pertaining to the industrial zoning districts:

2. A one thousand (1000' 0") foot separation setback is required mandated from the nearest edge of the shooting range property line to any adjacent school property. A one thousand (1000' 0") ~~five hundred (500' 0")~~ foot separation set back will be required, unless a lesser separation is approved waived by the decision-making authority, for residential, hospital, or childcare zoning district or use measured from the nearest edge of the shooting range property line.

Chapter 23.52 Fences and Walls

23.52.050 Height limits.

A. General Standards. All fences and walls (except fencing in agricultural and agricultural residential zoning districts as described in subsection (B) of this section) shall comply with the height limits shown in Table 23.52-1 (General Height Limits for Fences and Walls).

**Table 23.52-1
General Height Limits for Fences and Walls**

Location of Fence/Wall	Maximum Height
Within required front yard ^{1, 2}	3 feet
Within required street side yard ¹ (i.e., along the street side of corner lots)	
≤ 5 feet from back of sidewalk	3 feet ³
> 5 feet from back of sidewalk	7 feet
Within required interior side and rear yard ¹	7 feet ³ <u>feet⁴</u>
Within the clear visibility area at the intersections of streets, alleys, and driveways	3 feet
Outside of required yard ¹	10 feet

Notes:

1. See EGMC Section 23.100.020(Y) for the definition for "yard (area), required."
2. The required front yard area is determined by zoning district.

3. The maximum height for fences and walls in the required street side yard may be increased to six (6'0") feet if a decorative, open wrought-iron or tubular-steel is placed along the street side property line or within the street side-yard setback area. This height extension for open view fencing to a maximum of six (6'0") feet may be placed on top of a solid fence or wall with a maximum three (3'0") foot height listed in the table. Additionally, a post or pilaster, consisting of masonry, brick, or other solid material, not exceeding eighteen (18 in²) inches square and six (6' 0") feet tall, may be used to support a wrought iron or tubular steel fence at a minimum distance between posts of six (6' 0") feet.

34. The maximum height for fences and walls in the required interior side and rear yard may be increased to eight (8' 0") feet with the issuance of a building permit from the City.

23.52.060 Fence and wall design standards.

A. Open View Fencing. Where fencing is proposed along public frontages of nonresidential and multifamily projects, such fencing shall be open view unless otherwise required to be solid for noise attenuation or screening purposes. Open view fencing shall also be required when located adjacent to open space areas.

B. Fencing Materials. Fences and walls shall be constructed of long-lasting materials and architecturally integrated with the building design and with existing fences/walls on the site, as determined in the sole discretion of the City. Unless approved as a condition of approval or in conjunction with another permit or entitlement, the following limitations apply:

1. Fences and gates approved for screening purposes in residential and agricultural-residential districts shall be solid wood, solid vinyl, masonry, tubular steel, or wrought iron. Agricultural-residential districts may utilize chain-link for interior fencing only outside of the required yards, including for fencing approved for screening purposes. No chain-link fencing is allowed within required yards.

2. Fences and gates approved for screening purposes in industrial or commercial districts shall be metal, tubular steel, masonry, or wrought iron. Industrial districts may utilize chain-link for within the interior side yard and the rear yard, excluding the front and street side yards, interior fencing only when adjacent to other industrial zones or uses, including for fencing approved for screening purposes. Chain-link fencing may be used in areas located outside of any required yard, including for fencing approved for screening purposes.

Chapter 23.54 Landscaping

23.54.040 Landscape development standards.

C. Landscape Design and Planting Requirements. Landscape design and construction for new development shall be compatible with the surrounding urban and natural environment. Landscape planting for all new multifamily and nonresidential development shall comply with the plant type, size, and spacing provisions listed below.

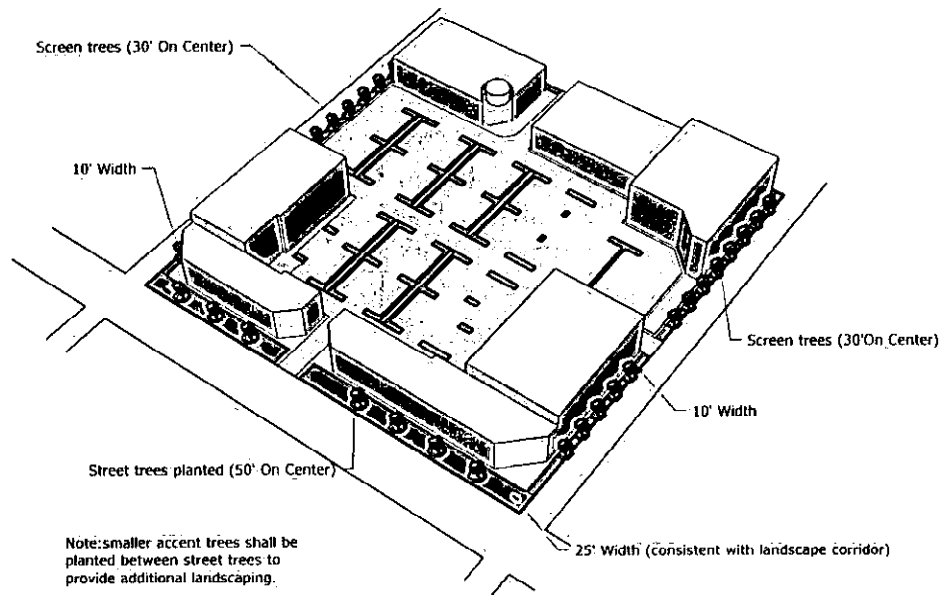
3. Planting Size, Spacing, and Planter Widths. In order to achieve an immediate effect of a landscape installation and to allow sustained growth of planting materials, minimum plant material sizes, plant spacing, and minimum planter widths (inside measurement) are as follows:

a. Trees. The minimum planting size for trees shall be fifteen (15) gallon, and one-third (33 percent) of all trees on a project site planted at a minimum twenty-four (24") inch box size. For nonresidential development, tree spacing within the perimeter planters along streets and abutting residential property shall be planted no further apart on center than the mature diameter of the proposed species. Minimum planter widths for trees shall be between five (5' 0") feet and ten (10' 0") feet, consistent with the City-adopted master tree list for street trees and parking lot trees. **Tree planting within public parks shall comply with the minimum planting size requirement of fifteen (15 gal) gallon, but are not subject to the twenty-four (24") inch box tree planting size.**

23.54.050 Special landscape provisions.

C. Parking Lot Landscape. Parking lot landscape includes perimeter planters abutting parking lots and drive aisles, tree planting for parking lot shade, and a combination of continuous planting strips, ~~planting fingers and parking~~ and landscaped islands throughout the parking lot. See Figure 23.54-1.

**Figure 23.54-1
Parking Lot and Corresponding Landscape Design**



1. **Landscaped Islands.** In addition to the perimeter landscaping required by this chapter, parking lots of five (5) spaces or more shall provide a landscaped island measuring a minimum of eight (8' 0") feet by sixteen (16' 0") feet at a ratio of one (1) island for every eight (8) spaces. As a minimum, the islands shall be placed every ten (10) spaces. **In conjunction with a land use or development permit application, the designated approving authority may eliminate or reduce the number of required landscaped islands when paved and parking areas are used for materials, storage, stock, and trade (e.g., vehicle sales and storage). When a request to eliminate or reduce the number of required landscaped islands is not part of a land use or development permit application, a minor design review permit shall be required.**

2. **Planters.** All landscaping shall be within planters bounded by a curb at least six (6") inches high. No planter shall be smaller than twenty-five (25 ft²) square feet, excluding curbing. Each planter shall include an irrigation system.

K. **Parking Lot Shade Requirement.** Landscape trees throughout the parking lots of multifamily and nonresidential developments shall be planted and maintained to ensure that, within fifteen (15) years after establishment of the parking lot, a minimum percentage of the parking lot is shaded in accordance with Table 23.54-2. The percentage of area required to be shaded shall be based on the number of off-street parking spaces provided. **The level of growth assumed at fifteen (15) years is as determined by the Development Services Director.**

**Table 23.54-2
Parking Lot Shade Requirements**

Size of Parking Lot by Parking Spaces	Percent of Shade Requirement
5—24 spaces	30% minimum
25—49 spaces	40% minimum
50+ spaces	50% minimum

Future shade is calculated by adding the portion of the canopy area of each proposed tree (using diameter of the tree crown in fifteen (15) years) that is covering the paved lot at high noon, exclusive of overlapping canopies. Shade calculations shall be consistent with fifteen (15) year canopy coverage estimates. Shade tree selection shall be approved by the Development Services Director. See Figure 23.54-5. **In conjunction with a land use or development permit application, the designated approving authority may allow alternative shade structures (including solar carports, green roof carports, etc.) in lieu of parking lot trees when it can be demonstrated that 1) there is a secondary benefit (including energy conservation, public art, etc.), and 2) stormwater management can adequately accommodate any increase in drainage, as determined by the approving authority. When an alternative shade structure is proposed and is not part of a land use or development permit application, a minor design review permit shall be required. The approving authority will consider the potential for additional tree planting on or off site where the alternative shade solution does not involve trees.**

Chapter 23.58 Parking

23.58.040 General parking regulations.

C. Parking Regulations for Vehicles, Trailers, and Vessels.

2. Commercial Vehicle Parking. Commercial vehicles weighing ~~five~~ **four (54)** tons or more are prohibited on any street or parcel within a residential zoning district or neighborhood. ~~Additionally, in order to maintain public safety and residential character, commercial vehicles weighing more than one (1) ton may only park on residential streets and/or lots~~ **except** long enough for typical residential delivery and pickup, moving, and towing. Commercial vehicles weighing less than ~~one~~ **four (14)** tons may be permitted in residential zoning districts and neighborhoods consistent with applicable provisions of this title. See EGMC Chapter 23.82, Home Occupations.

23.58.050 Number of parking spaces required.

B. ~~Minimum/Maximum~~ **Parking Requirements.** Unless off-street parking reductions are permitted consistent with EGMC Section 23.58.060 **(Parking Reduction Programs for Non-Residential Uses)** ~~Reduction of off-street parking requirements or Section 23.58.050.1 (Reduced Parking Ratio),~~ the number of off-street parking spaces required in ~~Table 23.58-1 and Table 23.58-2~~ shall be considered the minimum necessary for each use. In conjunction with discretionary development permits, the designated approving authority may increase these parking requirements if it is determined that these requirements are inadequate for a specific project. By the same token, the designated approving authority may decrease the required parking for a specific use as specified in **accordance with** EGMC Chapter 23.16.037 **(Permit Parking Requirements reduction permit)**.

I. ~~Alternative-Reduced~~ **Parking Requirements-Ratio.** —The designated approving authority may approve through a parking reduction permit (EGMC Section 23.16.037) a **reduced** ~~n~~ alternative parking ratio from that listed in **Table 23.58-1 and Table 23.58-2.** Such ~~alternative-reduced parking~~ **ratio** shall be based upon a qualified parking study, prepared at the applicant's expense and subject to City review **and concurrence,** of substantially similar use(s) in similar operational and locational conditions.

**Table 23.58-2
Parking Requirements by Land Use**

Land Use	Required Parking Spaces
<u>Human Services Uses</u>	
<u>Agriculture, Resource, and Open Space Uses</u> <u>Animal Keeping, and Resource Uses</u>	
<u>Recreation, Open Space, Education, and Public Assembly Uses</u>	
<u>Utility, Transportation, and Communication Use Listings</u> <u>Uses</u>	

23.58.060 ~~Reduction of off-street parking requirements~~Parking reduction programs for non-residential uses.

D. Shared Parking. Shared parking solutions are encouraged. Multiple uses may use joint parking facilities when operations for the respective uses are not normally conducted during the same hours, or when hours of peak use differ. A request for the use of shared parking must meet the following conditions:

2. The applicant is able to show through a **qualified parking analysis study** that there shall be no substantial conflicts between the subject uses with regard to principal hours of operation and periods of peak parking demand. A possible option for determining shared parking arrangements includes the Urban Land Institute publication "Shared Parking"; and

Chapter 23.62 Signs on Private Property

23.62.070 Permits and entitlements for signs.

The following permits or entitlements shall be required for signs.

C. Minor Deviations. Applications for a minor deviation from the terms of this title shall be reviewed by the Development Services Director according to the minor deviation procedures set forth in EGMC Section 23.16.030.

(codifying note: addition of EGMC 23.62.070(C) will require re-categorizing of the EGMC 23.62.070 Subsection list)

23.62.110 Standards for special category signs.

A. Awning and Canopy Signs. Awning and canopy signs may be permitted only as an integral part of the awning or canopy to which they are attached or applied, as follows:

3. ~~Lighting~~**Illumination**. Awnings shall not be illuminated from under the awning (back-lit) so that the awning appears internally illuminated. Lighting directed downwards that does not illuminate the awning is allowed.

C. Menu/Order Board Sign.

3. Maximum Size, Height, and Number. The size, height, and number of menu/order board signs shall be limited as described EGMC Section 23.62.120090, entitled General development, maintenance and removal**Exempt signs**.

G. Building Signs. Where allowed in Table 23.62-2, a building sign shall comply with the following additional requirements:

2. Maximum Area and Height. The sign shall comply with the height and area requirements established in Table 23.62-2, and shall not project above the edge of a structure. ~~The sign shall not project above the edge of a structure and shall comply with the height requirements established by Table 23.62-2. It shall not take up more than seventy five (75%) percent of the building frontage on which it is placed.~~

23.62.120 General development, maintenance, and removal.

This section describes the standards applied to the development, maintenance, and removal of signs within the City.

A. Measurement of Sign Area.

1. ~~Each sign along a frontage may be separated into a maximum of five (5) rectangles.~~ **The surface area of a sign shall be measured by that enclosing each of the extreme outermost** limits of writing, representation, emblem, or any fixture of similar character, together with any frame or material or color forming an integral part of the display or used to differentiate such sign from the background against which is it placed (see Figure 23.62-3). If the sign (or a part of the sign that is enclosed by one rectangle that makes up the total sign) is composed of individual letters or symbols using the wall as the background with no added decoration (e.g., "channel letters"), the total sign area shall be calculated as seventy-five (75%) percent of the area of any rectilinear geometric figure that encloses the extreme limits of the characters or symbols.

G. Location of Building Signs. Building signs may be located along any **public** frontage, **which includes that area** of a building that faces directly onto a public right-of-way ~~or,~~ an internal circulation path of the site, **or a parking lot. In no case shall signs face directly onto residential property. A building may have multiple public frontages, as shown in Figure 23.62-5.** ~~Orientation of signs such that they face directly onto residential property is to be avoided, and allowed only when there is no practical~~

alternative, and the visibility of the sign from the residence is minimized. ~~See Figure 23.62-5.~~

23.62.130 Permitted signs by type and development characteristics.

Signs permitted within the City are regulated by sign and corresponding development type and/or zoning district. The standards for their development are described in Table 23.62-2 below. Zoning clearance (administrative plan check) is required to determine compliance with applicable provisions of this chapter. Only those signs that may be permitted are listed. The goal of these standards is to regulate permanent signs that have a commercial message so that they comply with the purpose of this chapter, as established in EGMC Section 23.62.010, Purpose and applicability. Noncommercial signs and signs that are exempt from these standards are described in EGMC Section 23.62.090, Exempt signs. Temporary signs are listed in EGMC Section 23.62.140, Temporary and special event signs. The following general standards apply to permanent signs regulated in this section:

A. Sign Types. –The following signs are applicable to this section:

- 1.** Building signs are those signs that are permanently attached to a building (e.g., wall signs, blade/bracket signs, etc. (see Figure 23.62-6));
- 2.** ~~B.~~ Freestanding signs are those that have their own unique foundation or are otherwise not attached to a building (e.g., monument sign ~~(, shown in Figure 23.62-7))~~);

B. Maximum Sign Area. The total allowed sign area is identified in Table 23.62-2 with the following requirements.

- 1.** The total allowed sign area may be distributed among the maximum number of signs permitted for each sign type. See Figure 23.62-4 for an example.

~~D. Illumination standards refer to whether or not the sign may be illuminated and how. Signs that may be illuminated may be done so by “indirect or background” (indirect light source, low wattage spotlight glare to the adjoining property, or internal light source with opaque, non-transparent background) or by any method that minimizes glare onto (neighboring) residential property.~~

- 2.** ~~E.~~ Allowable sign area is either a set square footage per business or is based on a ratio of sign area to primary building frontage. It is calculated as described in EGMC Section 23.62.120, General development, maintenance, and removal. Where a ratio is described, it applies up to the listed maximum sign area. **See Figure 23.62-4.**

CF. Public frontage is that area of the building that faces onto a public right-of-way, an internal circulation aisle, or a parking lot. In no case shall signs face directly onto residential property. (See EGMC Section 23.62.070 and Figure 23.62-5.)

DC. Illumination standards refer to whether or not the sign may be illuminated and how. Signs may be illuminated through “indirect or background” light source. An indirect light source is a low-wattage spotlight glare to the adjoining property, or internal light source with opaque, non-transparent background) or by any method that minimizes glare onto adjoining residential property.

**Table 23.62-2
Signs Permitted by Type and Development Characteristics**

Sign Type	Maximum Number Permitted	Maximum Area	Maximum Height	Minimum Setback from ROW	Illumination Standards	Other Standards (See Notes)
Residential Dwellings/Uses						
1. Building signs ¹	1/home	2 sf.	Roofline	--	No Illumination	²
Single-Family Subdivisions						
1. Freestanding signs: entry monument	1/project entrance ³	24 sf. each ³	6 ft.	10 ft.	Indirect or background	
Multifamily Dwellings and Complexes						
1. Building signs	1/complex	6 sf.	Roofline	--	No Illumination	⁴
2. Freestanding signs	1/vehicle entrance	25 sf. each	6 ft.	10 ft.	Indirect or background	⁴
Agricultural Uses						
1. Building signs	1/ establishment	20 sf. each	6 ft.	--	No Illumination	
2. Freestanding signs	1/ establishment	20 sf. each	8 ft.	10 ft.	No Illumination	
Permitted Nonresidential Uses in Agricultural and Residential Zoning Districts						
1. Building signs	1/ establishment	20 sf.	Roofline	--	No Illumination	²
2. Freestanding signs	1/ establishment	20 sf.	10 ft.	10 ft.	No Illumination	
Commercial Zoning Districts						
1. Building signs: pad buildings and in-line stores > 50k sf.	1/public frontage ⁶	2.5:1 with max 250 sf. total for all signs ⁶ signs ⁷	Roofline	--	⁵	²
2. Building signs: in-line stores < 50k sf.	1/public frontage ⁶	2:1 with max 200 sf. total for all signs	Roofline	--	⁵	²
3. Freestanding signs: individual establishments	1/project entrance	50 sf.	10 ft.	10 ft.	Indirect or background	

Sign Type	Maximum Number Permitted	Maximum Area	Maximum Height	Minimum Setback from ROW	Illumination Standards	Other Standards (See Notes)
4. Freestanding signs: integrated development	1/project entrance	150 sf./sign	20 ft.	10 ft.	Indirect or background	
Office and Industrial Zoning Districts						
1. Building signs	1/public frontage ⁶	1:1 with max 150 sf.	Roofline	–	⁵	
2. Freestanding signs, standalone project	1/establishment	25 sf.	10 ft.	10 ft.	⁵	
3. Freestanding signs, integrated development	1/project entrance	50 sf./sign	10 ft.	10 ft.	⁵	
Permitted Uses in the Open Space Zoning District						
1. Building signs	1/establishment	20 sf.	6 ft.	–	No Illumination	
2. Freestanding signs	1/establishment	16 sf.	10 ft.	10 ft.	⁵	

Notes:

6. Additional signs for each public frontage are allowed as long as the cumulative sign area does not exceed the maximum square footage allowed, as identified in Table 23.62-2 above, and calculated pursuant to Sections 23.62.110(G) and 23.62.120(A)(1).

(codifying note: addition of Note 6 to Table 23.62-2 will require renumbering the remainder notes list – and subsequent updates to Table Note references as displayed above in Table 23.62-2)

Chapter 23.68 Accessory Uses

23.68.030 Accessory uses permitted.

B. Commercial, Office and Industrial Zoning Districts. The following list of accessory uses are permitted in all commercial, office and industrial zoning districts subject to compliance with listed conditions and other provisions of this title:

1. Alcohol sales of beer and wine for on-site consumption are permitted as an accessory use with a minor use permit where the primary use is any of the following, as defined in Section 23.26.030 (Allowed land uses):

- Fitness and sports facilities
- Theaters and auditoriums
- Indoor amusement/entertainment facility
- Outdoor commercial recreation
- Other similar uses as determined by the Development Services Director to be substantially similar to the uses listed above based on the definitions and listed criteria in Chapter 23.26, Use Classification System, and making required findings outlined in EGMC Section 23.12.040 (Official zoning interpretation).

Not more than fifteen (15%) percent of the net floor area of the primary use shall be dedicated to alcohol sales/display.

(codifying note: addition of EGMC 23.68.030(B)(1) will require renumbering of the EGMC 23.68.030(B) Subsection list)

Chapter 23.82 Home Occupations

23.82.040 Development and operational standards.

All home occupations shall comply with the following development and operational standards. In addition to the performance standards herein, EGMC Section 23.82.050 lists restricted uses and EGMC Section 23.82.060 lists specific prohibited uses.

C. Vehicles/Parking. In addition to the following standards, all parking associated with the home occupation shall comply with parking regulations in EGMC Section 23.58.040, General parking regulations.

1. Commercial vehicles ~~as defined in EGMC Section 23.100.020~~ **weighing four (4) tons or more** may not be parked or stored on any residential property or local residential street in conjunction with a home occupation. However, one (1) vehicle ~~with a maximum weighing less than one-four (14) tons capacity~~ may be retained on site of a home occupation contingent upon the existence or establishment of an additional vehicle parking space located outside of the required front and street-side side yard setback area. Such parking space shall comply with residential parking provisions. Regardless of the number of home occupations at a residence, only two (2) additional vehicles (including nonresident employee and client vehicles) shall be present at any one time. Off-street parking shall be provided for all vehicles associated with the home occupation. Additionally, no trailer used for commercial, industrial, or agricultural purposes shall be parked or stored in any residential zone except for loading or unloading services.

Chapter 23.90 ~~Second~~ Accessory Dwelling Units

23.90.010 Purpose.

The purpose of this chapter is to regulate ~~second~~ accessory dwelling units in residential zoning districts and on residential property consistent with State law (Sections 65852.1 through 65852.2 of the California Government Code). Implementation of this section is intended to expand housing opportunities for low income and moderate income or elderly households by increasing the number of rental units available within existing neighborhoods while maintaining the primarily single-family residential character of the area.

23.90.030 Allowed use provisions.

~~Second~~ Accessory dwelling units shall be allowed in all residential, agricultural residential, and agricultural zoning districts in compliance with the development standards as set forth in EGMC Section 23.90.040, subject to zoning clearance/plan check review. Accessory dwelling units are a residential use that do not exceed the allowable density for the lot upon which the accessory dwelling unit is located and are consistent with the existing general plan and zoning designation for the lot.

23.90.040 Development standards.

Pursuant to Section 65852.2 of the Government Code, ~~second~~ accessory dwelling units shall be permitted on single-family residential parcels by the Development Services Director when the following conditions are met. All other development standards shall be in compliance with the underlying zone district.

- A. ~~Second~~ Accessory dwelling units shall only be located on lots with an area of six thousand (6,000 ft²) square feet or larger.
- B. ~~Second~~ Accessory dwelling units shall be compatible with the architectural style, materials, and colors of the primary dwelling unit.
- C. No more than one (1) ~~second~~ accessory dwelling unit shall be allowed per parcel.
- D. The property owner shall occupy either the primary unit or ~~second~~ accessory dwelling unit.
- E. An ~~second~~ accessory dwelling unit shall not exceed one thousand two hundred (1,200 ft²) square feet, excluding garage area. If an ~~secondary~~ accessory dwelling unit includes an attached garage or other unfinished space, the characterization of the structure shall be based upon which use encompasses the greater square footage. If the square footage of the attached garage or other unfinished space exceeds the square footage of the habitable area, the structure shall be deemed to be an accessory structure and shall be subject to the development standards identified in EGMC Chapter 23.46.

F. The maximum building coverage, including an second accessory dwelling unit, is five (5%) percent above the maximum lot coverage as set forth in this code for the underlying zoning district.

G. Building setbacks for attached second accessory dwelling units shall comply with all required building setbacks for the primary unit. Within the agricultural and agricultural-residential zoning districts, the building setbacks for detached second accessory dwelling units shall not be less than the height of the structure at the highest point, with a minimum distance of ten (10' 0") feet between structures (see Figure 23:90.040-1). Building setbacks for detached second accessory dwelling units within all other residential zones shall be the same as the underlying zoning district for front and street side yards, five (5' 0") feet from interior and rear yard property lines, with a minimum distance of ten (10' 0") feet between structures (see Figure 23.090.040-2). Roof overhangs into required setback areas shall be governed by EGMC Chapter 23.64, Yard Measurements and Projections.

Figure 23.90.040-1
Second Accessory Dwelling Units in AG/AR Zones

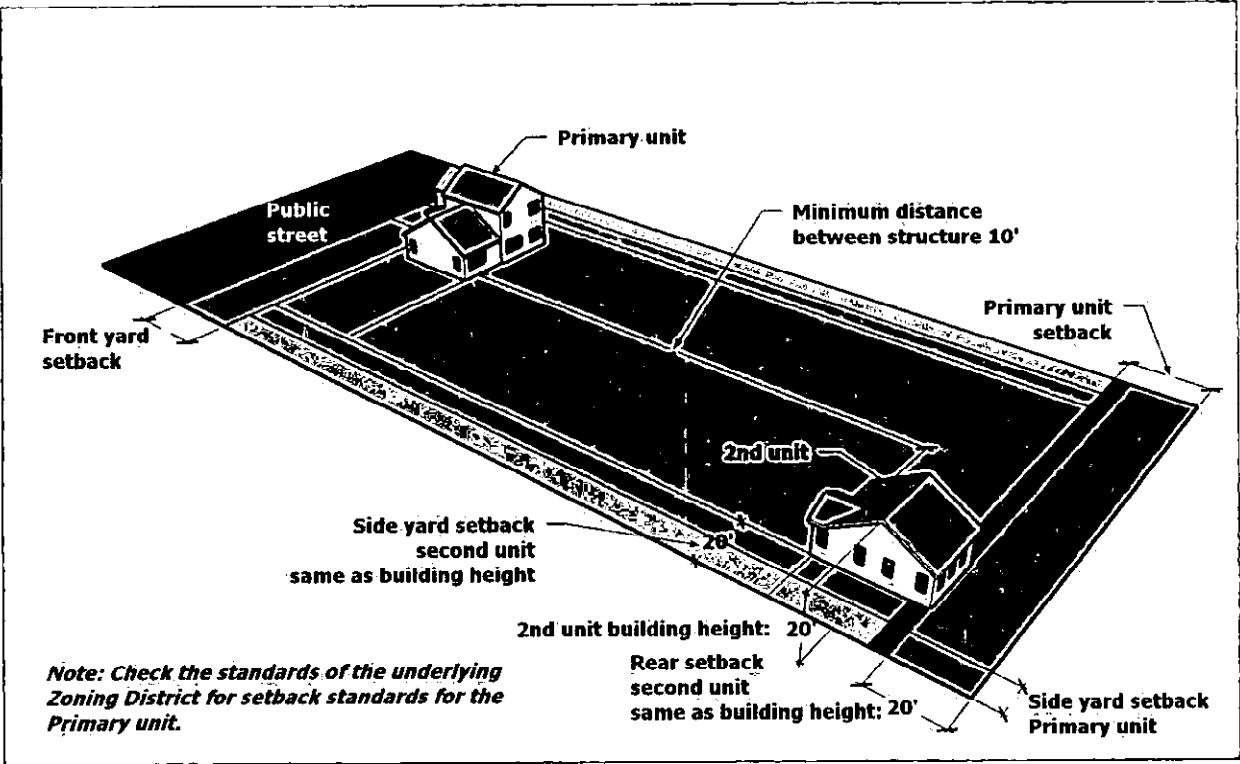
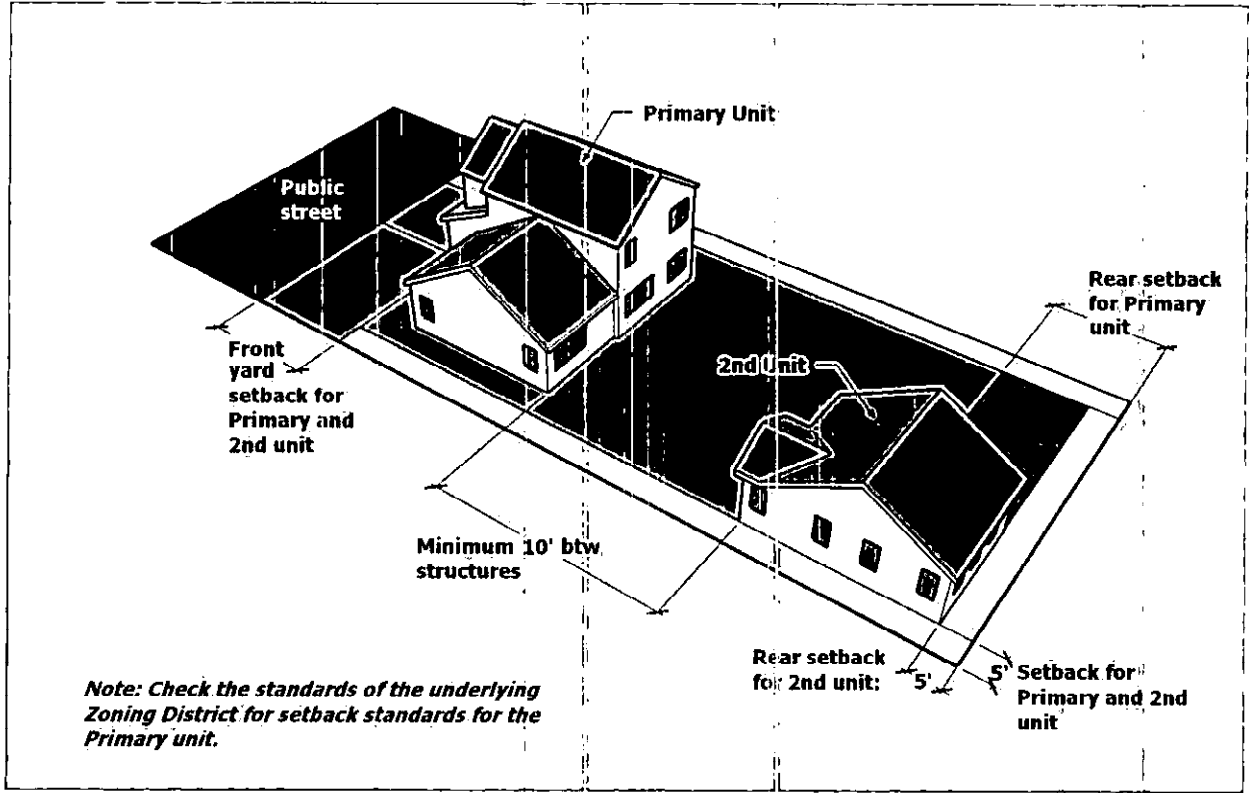


Figure 23:90.040-2
Second Accessory Dwelling Units in All Other Residential Zones



H. The maximum height of a detached second accessory dwelling unit shall not exceed the height of the primary dwelling unit within the building envelope, while detached second accessory dwelling units (or portions thereof) may not exceed **sixteen (16' 0")** feet in the required yard area. Within the agricultural and agricultural residential zoning districts, the maximum height of a detached structure shall be **thirty (30' 0")** feet. (See Chapter 23.64 EGMC, Yard Measurements and Projections, for description of required yard area.)

I. No second accessory dwelling unit may be sold separately from the primary dwelling unit.

J. An second accessory dwelling unit shall provide one **(1)** additional off-street parking space for each bedroom in the second accessory dwelling unit **unless an accessory dwelling unit meets any one of the following criteria, then no additional parking spaces is required:**

- 1. The accessory dwelling unit is located within one-half (1/2 mi) mile of public transit.**
- 2. The accessory dwelling unit is located within an architecturally and historically significant historic district.**
- 3. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.**

4. When on-street parking permits are required but not available to the occupant of the accessory dwelling unit.

5. When there is a car share vehicle located within one (1) block of the accessory dwelling unit.-

K. Any The additional parking space(s) required for an accessory dwelling unit may be provided as tandem parking on an existing driveway. Off-street parking shall be permitted in setback areas consistent with the underlying zoning district requirements and other adopted policies or plans, shall meet all the parking requirements of the underlying zoning district.

Chapter 23.100 General Definitions

23.100.020 General definitions.

A. "A" Definitions.

1. "Accessory dwelling unit" means an attached or detached dwelling unit including a manufactured home, sited on the same parcel as the primary dwelling unit, which provides complete independent living facilities for one (1) or more persons, with permanent provisions for living, sleeping, eating, sanitation, and includes a single kitchen as defined in this chapter. This definition includes an efficiency unit.

(codifying note: addition of EGMC 23.100.020(A)(1) will require renumbering of the EGMC 23.100.020(A) Subsection list)

C. "C" Definitions.

10. "Commercial vehicle" means a motor vehicle of a type maintained for the transportation of persons for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property.

(codifying note: addition of EGMC 23.100.020(C)(10) will require renumbering of the EGMC 23.100.020(C) Subsection list)

E. "E" Definitions.

1. "Efficiency unit" means a dwelling units that meets all of the following conditions: 1) The unit shall have a living room of not less than two hundred twenty (220 ft²) square feet of floor area. An additional one hundred (100 ft²) square feet of floor area shall be provided for each occupant of such unit in excess of two. 2) The unit shall be provided with a separate closet. 3) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration

facilities, each having a clear working space of not less than thirty (30") inches in front. Light and ventilation conforming to this code shall be provided. 4) The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

(codifying note: addition of EGMC 23.100.020(E)(1) will require renumbering of the EGMC 23.100.020(E) Subsection list)

K. "K" Definitions.

1. "Kitchen" means a room or space within a building used or intended to be used for the cooking or preparation of food. **A kitchen shall comply with the requirements for providing two (2), twenty (20A) ampere, small-appliance branch circuits and receptacle outlets as outlined in Chapter 2 Wiring and Protection of the California Electrical Code.**

3. "Kitchenette" means a small space used or intended to be used for the preparation of food and that covers less than eighty (80 ft²) square feet, specifically excluding a stove and/or oven. **A kitchenette cannot include more than one (1), twenty (20A) ampere, small-appliance branch circuit.** Examples include, but are not limited to, butler's pantries, mini-bars, and similar space in recreation rooms.

S. "S" Definitions.

~~3. "Second dwelling unit" means an attached or detached dwelling unit, sited on the same parcel as the primary dwelling unit, which provides complete independent living facilities for one (1) or more persons, with permanent provisions for living, sleeping, eating, sanitation, and includes a single kitchen as defined in this chapter. This definition shall also include:~~

~~a. An efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code; and~~

(codifying note: removal of the prior EGMC 23.100.020(S)(3) will require renumbering of the EGMC 23.100.020(S) Subsection list)

T. "T" Definitions.

~~4. "Temporary sign" means a structure or device used for the public display of visual messages or images, which is easily installed with common hand tools, or without tools, and which is not intended for or suitable for long-term or permanent display, due to the lightweight or flimsy construction materials.~~

(codifying note: removal of the prior EGMC 23.100.020(T)(4) will require renumbering of the EGMC 23.100.020(T) Subsection list)

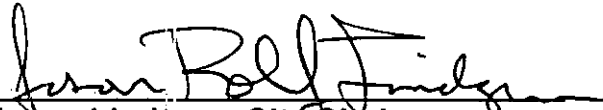
**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 14-2017**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on May 10, 2017 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 24, 2017 by the following vote:

AYES :	COUNCILMEMBERS:	<i>Ly, Detrick, Hume, Nguyen, Suen</i>
NOES:	COUNCILMEMBERS:	<i>None</i>
ABSTAIN:	COUNCILMEMBERS:	<i>None</i>
ABSENT:	COUNCILMEMBERS:	<i>None</i>

A summary of the ordinance was published pursuant to GC 36933(c) (1).


**Jason Lindgren, City Clerk
City of Elk Grove, California**