

ORDINANCE NO. 20-2018

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING PORTIONS OF THE
ELK GROVE MUNICIPAL CODE TITLE 23 (ZONING)**

WHEREAS, the proposed amendments include minor amendments to clarify permit processing procedures for boundary line adjustments, voluntary parcel mergers, and deviations; update allowed uses related to auto and vehicle sales/storage; establish development standards related to residential care facility signage; and provides new exemptions for temporary use permits. The proposed amendments also revise accessible parking standards to refer to the California Building Code and EGMC Title 16 (Building and Construction); and

WHEREAS, Section 15061 (b)(3) of the California Code of Regulations, Title 14 ("State CEQA Guidelines") describes the General Rule that the California Environmental Quality Act (CEQA) only applies to projects which "have the potential for causing a significant effect on the environment and that "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, the activity is not subject to CEQA," and

WHEREAS, based on staff's review of the proposed amendments, each of these components, individually and cumulatively, does not result in the possibility of creating significant or cumulative effects on the environment; and

WHEREAS, future development under the proposed regulations would be subject to CEQA at that time, as those actions would be classified as "projects" under CEQA. Therefore, these amendments are exempt from CEQA review under the General Rule and no further environmental review is required; and

WHEREAS, the Planning Commission of the City of Elk Grove (the "Planning Commission") held a duly-noticed public hearing on September 6, 2018, as required by law to consider all of the information presented by staff, and public testimony presented in writing and at the meeting and voted 4-0 (Commissioner Shuck absent) to recommend approval of the Project to the City Council; and

WHEREAS, the City Council of the City of Elk Grove (the "City Council") held a duly-noticed public hearing on September 26, 2018, as required by law to consider all of the information presented by staff, and public testimony presented in writing and at the meeting

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

Section 1: Purpose and Authority

The purpose of this Ordinance is to amend Title 23 of the Elk Grove Municipal Code (Zoning)

Section 2: Findings

California Environmental Quality Act (CEQA)

Finding: No further environmental review is required under the CEQA pursuant to State CEQA Guidelines section 15061(b)(3).

Evidence: CEQA requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" (State CEQA Guidelines Section 15378). State CEQA Guidelines Section 15061(b)(3) describes the General Rule that CEQA only applies to projects which "have the potential for causing a significant effect on the environment" and that "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, the activity is not subject to CEQA."

The approval of these amendments does not approve any development project. The proposed amendments modify planning permits and update allowed uses and development standards throughout Title 23 related to boundary line adjustments, voluntary parcel mergers, deviations, accessible parking requirements, residential care facility signage, and temporary use permits. Each of these components, individually and cumulatively, does not result in the possibility of creating significant or cumulative effects on the environment. Future development under the proposed regulations would be subject to CEQA at that time, as those actions would be classified as "projects" under CEQA. Therefore, these changes exempt from CEQA review under the General Rule and no further environmental review is necessary.

General Plan Consistency

Finding: The proposed amendments to Title 23 are consistent with the General Plan goals, policies, and implementation programs.

Evidence: The proposed amendments to Title 23 (Zoning) of the Elk Grove Municipal Code include minor amendments to clarify permit processing procedures for boundary line adjustments, voluntary parcel mergers, and deviations; update allowed uses related to auto and vehicle sales/storage; establish development standards related to residential care facility signage; and provides new exemptions for temporary use permits. The proposed amendments also revise accessible parking standards to refer to the California Building Code and EGMC Title 16 (Building and Construction). These changes are consistent with the General Plan because they do not alter the allowed intensity or density of development beyond that contemplated in the General Plan.

Section 3. Amendments to Title 23 (Zoning)

EGMC Title 23 is amended as shown in Exhibit A.

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 effect 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).

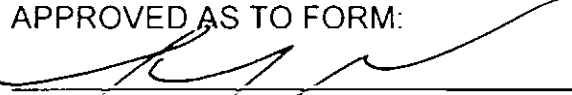
ORDINANCE: 20-2018
INTRODUCED: September 26, 2018
ADOPTED: October 10, 2018
EFFECTIVE: November 9, 2018



STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: October 30, 2018

**AMENDMENTS TO EGMC TITLE 23
(ZONING)**

Section 23.14.050 (A) shall be amended as follows:

23.14.050 Approving authority.

A. Approving Authority. The approving authority for each of the City's permits or decisions is listed in Table 23.14-1. Table 23.14-1 identifies both recommending and approving authorities for each permit or action, and the corresponding section of this title where the permit or decision is described. When a proposed project requires more than one (1) permit with more than one (1) approving authority, all project permits shall be processed concurrently and final action shall be taken by the highest-level designated approving authority for all requested permits. In acting on a permit, the approving authority shall make the applicable findings as established in EGMC Chapter 23.16, Permit Requirements, and as may be required by other laws and regulations. An action of the designated approving authority may be appealed pursuant to procedures set forth in EGMC Section 23.14.060, Appeals. This section shall apply to the permits and entitlements listed in Table 23.14-1. All other permits and entitlements under this Code, including, without limitation, boundary line adjustments and voluntary parcel mergers, may be processed separately to the designated approving authority or concurrently to the highest approving authority with all other project entitlements, all in the Development Service Director's discretion.

Section 23.16.030(A) shall be amended as follows:

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. Except as otherwise set forth in Title 22 or Title 23 hereof, all other deviations require approval of a variance application.

Table 23.27-1, Auto and Vehicle Storage shall be amended as follows:

Land Use/Zoning District	Commercial					Office		Industrial	
	LC	GC	SC	AC	C-O	BP	MP	LI	HI
Auto and Vehicle Storage	-	-	-	P	-	-	CUP	P	P

Table 23.27-1, Commercial footnote #14 shall be amended as follows:

14. Motorcycle, all-terrain vehicle (ATV), boat/watercraft, and sales of similar vehicles may be permitted subject to a CUP.

Section 23.88.040(D) shall be amended as follows:

Section 23.88.040

D. Signs. Signs for residential care facilities shall be permitted as follows:

1. Residential care facilities, small shall comply with the signage standards for home occupations.
2. Residential care facilities, large shall comply with the signage standard for multi-family dwellings and complexes.

Table 23.58-3 shall be amended to remove the "Handicapped" table entry under Parking Stall Type as follows:

Table 23.58-3
Parking Space and Drive Aisle Dimensions

Parking Stall Type	Minimum Stall Dimensions		Minimum Width for Drive Aisle with Parking(c)		Minimum Width for Emergency Access Drive Aisles(c)
	Width(a) ^{1,2}	Length(b)	One-Way	Two-Way	
Standard parallel	9 ft.	24 ft.	12 ft.	20 ft.	20 ft.
Standard 45-degree	9 ft.	19 ft.	16 ft. 4 in.	20 ft.	20 ft.
Standard 60-degree	9 ft.	19 ft.	19 ft.	20 ft.	20 ft.
Standard 90-degree	9 ft.	19 ft.	20 ft.	25 ft.	20 ft.
Compact	9 ft.	16 ft.	20 ft.	25 ft.	20 ft.

Notes:

1. Where parking stalls abut each other such that they may create vehicular movement conflicts, as determined by the City, the minimum stall width shall be increased to eleven (11' 0") feet. Examples of such conflicts include, but are not limited to, stalls oriented at a ninety (90) degree angle to each other.
2. Accessible spaces shall be designed consistent with California Building Code requirements and Title 16 of the EGMC.

Section 23.58.070 shall be deleted in its entirety

Section 23.92.030 (G) and Section 23.92.040 shall be amended as follows:

Section 23.92.030

G. Maximum One-Year Term Limit. The following uses are permitted for a maximum one-year period with approval of a temporary use permit:

1. Mobile home as a temporary residence of the property owner when a valid building permit for a new single-family dwelling has been issued. The temporary use permit shall expire upon expiration of the building permit or one year, whichever occurs first.
2. Temporary enclosed storage with existing nonresidential use.
3. Temporary classroom, office, or similar structure, including a manufactured or mobile unit, when a valid building permit has been issued. Structure(s) may be approved as an accessory use or as the first phase of a development project.

23.92.040 Temporary uses exempt from permit.

The following temporary uses are exempt from the permit requirement as set forth in this section and EGMC 23.16.050, Temporary use permit, provided they meet the conditions listed below:

- A. Garage Sales. Garage sales are permitted on any parcel where the sale operator resides, not to exceed four (4) sales per calendar year and two (2) consecutive days for each sale. All merchandise must be displayed within the property boundaries.
- B. Temporary sales offices/trailers and model home complexes as part of new home sales.
- C. On-site and off-site construction yards and/or security trailers. On-site and off-site construction yards and/or security trailers are permitted in conjunction with approved project development and approval of a valid building permit. The yard/trailer is limited to the time that a valid building permit is in effect for construction on the premises.

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 20-2018**

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 September 26, 2018 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on October 10, 2018 by the following vote:

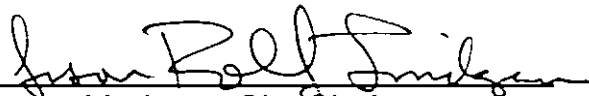
AYES : **COUNCILMEMBERS:** *Ly, Suen, Detrick, Hume*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Nguyen*

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


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