

## ORDINANCE NO. 12-2012

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING PORTIONS OF ELK GROVE MUNICIPAL CODE TITLE 23 AND TITLE 4, AND THE TRIANGLE SPECIAL PLANNING AREA (SPA)

**WHEREAS**, staff identified a series of minor amendments to the Elk Grove Municipal Code and the Triangle Special Planning Area that needed to be made; and

**WHEREAS**, the proposed changes modify and clarify the various planning permits and entitlements and correct inconsistencies throughout Title 23 and Title 4, and reverts setbacks to previously adopted standards in the Triangle Special Planning Area.

**WHEREAS**, the proposed amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to the California Code of Regulations, Title 14, Division 6, Chapter 3 (State CEQA Guidelines); and

**WHEREAS**, the approval of these amendments does not approve any development project.

**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 the Elk Grove Municipal Code Title 23 (Zoning) and Title 4 (Business Regulation) to clarify the various planning entitlements and development standards, and correct inconsistencies. The amendments to the Triangle Special Planning Area would revert building setbacks to previously adopted AR-1 development standards.

#### Section 2: Findings

##### **California Environmental Quality Act (CEQA)**

Finding: The proposed amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to the California Code of Regulations, Title 14, Division 6, Chapter 3 (State CEQA Guidelines).

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." Section 15061 (b)(3) of Chapter 3, Title 14 of the California Code of Regulations (the CEQA Guidelines) describes the General Rule that CEQA only applies to projects which "have the potential for causing a significant effect on the environment; 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 changes modify and clarify the various planning permits and entitlements and correct inconsistencies throughout Title 23 and Title 4, and reverts setbacks to previously adopted standards in the Triangle Special Planning Area. The proposed setback is a zoning regulation, which does not approve any development project and does not result in a physical change in the environment.

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. Additionally, the proposed amendments to the Triangle SPA do not increase the scope or intensity of development beyond from that previously analyzed when the subdivisions were approved. Therefore, these changes are not subject to CEQA under the General Rule and no further environmental review is necessary.

### **General Plan Consistency**

Finding: The proposed amendments to Titles 23 and 4, and the Triangle Special Planning Area are consistent with the General Plan goals, policies, and implementation programs.

Evidence: The proposed amendments to Titles 23 (Zoning) and 4 (Business Regulation) of the Elk Grove Municipal Code include minor amendments to clarify the various planning entitlements and development standards, and correct inconsistencies throughout Title 23. The amendments to the Triangle Special Planning Area would revert building setbacks to previously adopted AR-1 development standards. 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 Chapter 23.16 – Parking Reduction Permit**

EGMC Chapter 23.16 is amended as follows:

A. Section 23.16.037(A) is repealed and replaced as follows:

#### **23.16.037 Parking reduction permit.**

A. Purpose. A parking reduction permit provides a process for the review of requests for reduction in the number of required parking spaces by more than ten percent (10%) of the respective development standards where such reduction is justified without compromising the basic health, safety and welfare of the community. Also see EGMC Section 23.16.030, Minor deviation, for deviations that are ten percent (10%) or less of the respective development standards. Through the parking reduction permit, the City is creating a formal, documented process for the allowance of parking reductions.

**B. Section 23.16.037(E)(2) is revised and renumbered:**

E. Findings. A request for parking reduction shall be granted only if the approving authority makes the following findings:

...

2. For any other circumstance where the applicant wishes to request a parking reduction, such reduction may be granted where the review authority finds that:
  - a. The intent of the parking regulations, in compliance with all other applicable provisions of this title, is met; and
  - b. Sufficient parking would be provided to serve the use intended and potential future uses of the subject parcel.

**Section 4. Amendments to Chapter 23.26 – Allowable Land Uses**

EGMC Chapter 23.26 is amended as follows:

**A. Section 23.26.015(1)(3) is added as follows:**

I. "I" Allowed Use Descriptions.

...

3. "Indoor shooting range" means a totally enclosed facility designed to offer a totally controlled shooting environment that includes impenetrable walls, floor and ceiling, adequate ventilation and lighting systems, and acoustical treatment for sound attenuation suitable for the range's approved use.

**Section 5. Amendments to Chapter 23.30 – Residential Zoning Districts**

EGMC Chapter 23.30 is amended as follows:

**A. Table 23.30-2B is amended as follows to add the word "minimum" to the Lot Dimension listing under development standards:**

**Table 23.30-2B  
Low Density Residential Zoning Districts Development Standards**

...
<b>Minimum Lot Dimensions</b>

**Section 6. Amendments to Chapter 23.36 – Industrial Zoning Districts**

EGMC Chapter 23.36 is amended as follows:

**A. Table 23.36-1 is amended as follows to add the allowed use term "Indoor Shooting Range":**

**Table 23.36-1  
Allowed Uses and Permit Requirements for Industrial Zoning Districts**

Land Use	CUP = Conditional Use Permit Required		N = Not Permitted
	Permitted by Industrial Zoning District		
	M-1	M-2	Specific Use Regulations
...			
Indoor Shooting Range	CUP	N	

Section 7. Revisions to Chapter 23.46 – Accessory Structures

EGMC Chapter 23.46 is amended as follows:

A. Section 23.46.040(A)(4) is added as follows:

**23.46.040 Development standards.**

...

4. Separation between structures. All accessory structures shall maintain the minimum distance between other buildings as required under EGMC Chapter 16.04 (California Building Code).

B. Table 23.46-1 is repealed and replaced to remove the previous “Minimum Distance Between Structures” column as follows:

**Table 23.46-1  
Development Standards for Accessory Structures**

Accessory Structure	Minimum Setback Distance from Property Line			Maximum Height
	Front	Street Side	Interior (Including Rear)	
Building, ≤ 120 sf. and < 8 ft. tall	Same as for primary structure	12.5 ft.	3 ft.	8 ft. <sup>1</sup>

Building, ≤ 120 sf. and ≥ 8 ft. tall	Same as for primary structure	12.5 ft.	5 ft.	16 ft. <sup>1</sup>
Building, > 120 sf.				
Fully enclosed	Same as for primary structure	12.5 ft.	5 ft.	16 ft. <sup>1</sup>
Limited/No enclosure	Same as for primary structure	12.5 ft.	3 ft.	16 ft. <sup>1</sup>
Landscape features	No minimum	12.5 ft.	3 ft.	16 ft. <sup>1</sup>
Pool/spa	Same as for primary structure	12.5 ft.	No minimum	16 ft. <sup>1</sup>
Deck/patio	No minimum	No minimum	No minimum	No minimum
Play equipment	Same as for primary structure	12.5 ft.	3 ft.	16 ft. <sup>1</sup>

Notes:

1. When the accessory structure is located within the building envelope of the primary structure, the maximum height for the accessory structure shall be the same as the primary structure for the underlying zoning district.

### Section 8. Revisions to Chapter 23.54 - Landscaping.

EGMC Chapter 23.54 is amended as follows:

A. Section 23.54.040(C)(2)(c) is revised as follows:

**Section 23.54.040 Landscape development standards.**

...  
c. Street and Parking Lot Trees. A minimum of thirty (30%) percent of the street trees and parking lot trees, respectively, shall be an evergreen species.

B. Section 23.54.040(C)(3)(d)(ii) is revised as follows:

**Section 23.54.040 Landscape development standards.**

...  
ii. A minimum distance of fifteen (15' 0") feet is required between the center of trees and shrubs to all light standards

C. Section 23.54.050(K) is revised as follows:

**23.54.050 Special landscape provisions**

... 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.

**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 Planning Director. See Figure 23.54-5.

**Section 9. Amendments to Chapter 23.58 - Parking**

EGMC Chapter 23.58 is amended as follows:

A. Section 23.58.040(B) is revised and renumbered as follows:

**23.58.040 General parking regulations.**

- ...
1. Required off-street parking spaces shall not be used for any purpose that at any time would prevent vehicles from parking in required parking spaces, except as permitted by Chapter 23.92 (Temporary Uses).
  2. Living, sleeping, or housekeeping in any vehicle, trailer, or vessel (as defined in Division VI, Zoning Definitions A – Z, of this title) is prohibited, except as permitted in subsection (C)(3) of this section, when parked or stored on private property.
  3. Parking facilities shall be used for automobile parking only. No sales, dead storage, repair work, dismantling, or servicing of any kind shall be permitted without necessary permits for such use. The only exception to this rule is for temporary use of parking areas when the remaining number of unobstructed parking spaces complies with the minimum parking requirements for the permanent use(s) of the property in accordance with Table 23.58-2.
  4. Residential Guest Parking. For residential tenant and guest parking, the spaces must be marked per the required minimum standards for tenant and guest parking.

**Section 10. Amendments to Chapter 23.62 – Signs on Private Property**

EGMC Chapter 23.62 is amended as follows:

A. Table 23.62-2 is repealed and replaced as follows:

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

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

2. Building signs: in-line stores < 50k sf.	1/ public frontage	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	
4. Freestanding signs: integrated development	1/project entrance	150 sf./sign	20 ft.	10 ft.	Indirect or background	
<b>Office and Industrial Zoning Districts</b>						
1. Building signs	1/public frontage	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	
<b>Permitted Uses in the Open Space Zoning District</b>						
1. Building signs	1/ establishment	20 sf.	6 ft.	–	No Illumination	
2. Freestanding signs	1/ establishment	16 sf.	10 ft.	10 ft.	5	

**Notes:**

1. Excludes name plates as described in EGMC Section 23.62.090; see Figure 23.62-6 for illustrations of allowed building signs and Figure 23.62-7 for illustrations of allowed freestanding signs.
2. Must be attached to the main building on the front of the building.
3. Sign area may be distributed on up to two (2) signs at any one intersection with combined square footage not to exceed total.
4. Excludes on-site directional signs or name plates as described in EGMC Section 23.62.060.
5. Minimize glare onto residential property.



B. Section 23.62.050(B) is amended as follows:

**23.62.050 Basic policies for sign regulation.**

...  
 B. Regulatory Interpretations. All regulatory and administrative interpretations of this chapter are to be exercised in light of the City’s message neutrality and message substitution policies. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a “structure” as defined in this title or the building code, then the Planning Director shall approve, conditionally approve or disapprove the application based on the most similar sign type that is expressly regulated by this chapter, in light of the policies stated in this chapter.

**Section 11. Amendments to Chapter 23.64 – Yard Measurements and Projections**

EGMC Chapter 23.64 is amended as follows:

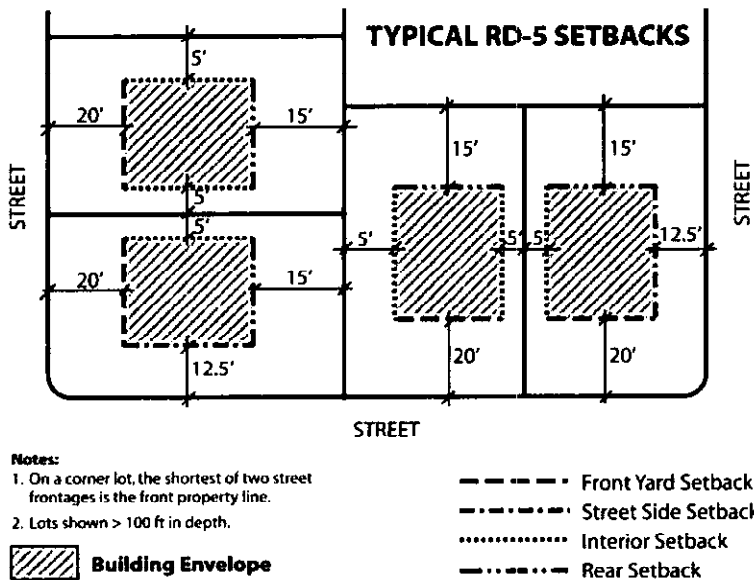
A. The Notes for Table 23.64-1 are revised as follows:

**Notes:**

1. However, all such encroachments shall maintain a minimum three-foot setback from all property lines and the minimum distance between other buildings under EGMC Chapter 16.04 (California Building Code).
2. The combined length of all such features shall not account for more than twenty-five (25%) percent of the length of the wall surface on which the features are located.

B. Figure 23.64-3 is repealed and replaced as follows:

**Figure 23.64-3  
 Typical Single-Family Residential Building Envelope**



Section 12. Amendments to Chapter 23.72 – Automobile Service Stations

EGMC Chapter 23.72 is amended as follows:

A. Section 23.72.040(E)(1) is revised as follows:

**23.72.040 Development and operational standards.**

...  
1. No more than two exterior points of access (driveways along abutting streets) shall be provided for each service station, regardless of the length or number of street frontages. No more than 35 percent of the street frontage shall be devoted to curb cuts. Within integrated developments, shared access driveways are preferred.

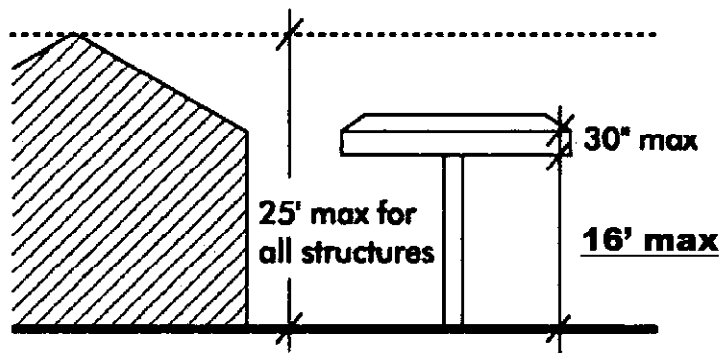
B. Section 23.72.040(H) is revised as follows:

**23.72.040 Development and operational standards.**

...  
H. Building and Canopy Design. The service station building and/or canopy shall be designed for architectural compatibility with the surrounding area. The maximum height for all service station buildings shall be 25 feet. In order to reduce the visual impact of the canopy structure and corresponding lighting, the maximum height of the canopy clearance shall be 16 feet and the maximum width of the canopy fascia shall be 30 inches. Canopy fascia shall match the color and texture of the primary building. See Figure 23.72-2.

C. Figure 23.72-2 is revised as follows:

**Figure 23.72-2  
Service Station Building and Canopy Design**



Section 13. Amendments to the Triangle Special Planning Area (SPA)

The Triangle Special Planning Area is amended as follows:

A. Development Standards, A. Residential Uses, 3. Setbacks, Interior Yard Setbacks shall be repealed and replaced as follows:

Interior Yard Setbacks:

**Interior Yard Setbacks**

	<b>Special Subdivisions (Silver Gate, Kapalua, and Van Ruiten Acres)</b>		<b>All other Residential Land Uses</b>
	<b>Primary<sup>1</sup></b>	<b>Accessory<sup>1</sup></b>	<b>Both Primary and Accessory<sup>1</sup></b>
<b>Setbacks</b>			
Front	20 ft. minimum	20 ft minimum.	20 ft. minimum
Rear	25 ft. minimum	5 ft.	25 ft. minimum
Sides, interior lot	5 ft.	5 ft.	<ul style="list-style-type: none"> <li>• Structures up to 15 feet in height shall be set back at least 10 feet from side property lines</li> <li>• Structures more than 15 feet in height shall be set back at least 20 feet from side property lines</li> </ul>
Street side, corner lot	12.5 ft.	12.5 ft.	<ul style="list-style-type: none"> <li>• Structures up to 15 feet in height shall be set back at least 12.5 feet from street side property lines</li> <li>• Structures more than 15 feet in height shall be set back at least 20 feet from street side property lines</li> </ul>

**Notes:**

1. All structures shall maintain the minimum distance between other buildings as required under EGMC Chapter 16.04 (California Building Code).

Variations in front yard setbacks are encouraged to provide a more attractive streetscape, particularly in subdivisions with one-acre minimum lots.

**Section 14. Amendments to EGMC Chapter 4.10 – Special Business Licences and Employee Permits**

EGMC Chapter 4.10 is amended as follows:

**A. Section 4.10.305 is repealed and replaced as follows:**

4.10.305 License required.

No person shall operate a public dance, club dance, dancing club or a public dance hall in the City unless under and by authority of a valid, unexpired and unrevoked special business license issued pursuant to the provisions of this chapter and Article IIIa of this chapter authorizing public dances, club dances, a dance club, or public dance hall.

**B. Section 4.10.310 is repealed and replaced as follows:**

4.10.310 Issuance.

REPEALED

Section 15: 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 16: 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 17: 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 18: 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:** 12-2012  
**INTRODUCED:** June 13, 2012  
**ADOPTED:** June 27, 2012  
**EFFECTIVE:** July 27, 2012

  
\_\_\_\_\_  
JAMES COOPER, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

  
\_\_\_\_\_  
JONATHAN P. HOBBS,  
INTERIM CITY ATTORNEY

Date signed: July 3, 2012

**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 12-2012**

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

*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 June 13, 2012 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on June 27, 2012 by the following vote:*

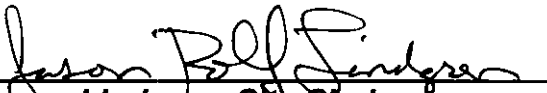
**AYES :**       **COUNCILMEMBERS:**       *Cooper, Davis, Detrick, Scherman*

**NOES:**       **COUNCILMEMBERS:**       *None*

**ABSTAIN:**   **COUNCILMEMBERS:**       *None*

**ABSENT:**   **COUNCILMEMBERS:**       *Hume*

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

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