



**CITY OF ELK GROVE  
CITY COUNCIL STAFF REPORT**

**AGENDA TITLE:** A public hearing to consider finding proposed amendments to the Elk Grove Municipal Code exempt from CEQA and consideration of an Ordinance amending portions of Titles 16, 22 and 23 of the Elk Grove Municipal Code – City Initiated Project

**MEETING DATE:** December 10, 2014

**PREPARED BY:** Nate Anderson, Project Planner

**DEPARTMENT HEAD:** Darren Wilson, P.E., Planning Director

**RECOMMENDATION:**

The Planning Commission recommends (5-0) that the City Council

1. Find the proposed amendments exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines 15061(b)(3) (General Rule); and
2. Introduce and waive the full reading, by substitution of title only, an ordinance amending and adding sections of Elk Grove Municipal Code Titles 16, 22, and 23.

**PLANNING COMMISSION REVIEW:**

The Planning Commission considered these matters at multiple public hearings. The proposed amendment to Title 22 was heard at its regular meetings on June 5 and July 17, 2014 and the proposed changes to Titles 16 and 23 were heard on November 6, 2014. At all meetings, the Commission reviewed the staff report and received public comment.

While there was discussion and questions for staff related to each of the proposed changes, there were two proposed amendments to which the Commission recommended modifications. Both revisions are part of *Table 23.27-1 Allowed Uses and Required Entitlements for Base Zoning Districts*.

- The Planning Commission requested modifications regarding backyard chicken regulations in the RD zoning districts. Following comments from a member of the public regarding impacts from a neighbor's backyard chickens, the Commission revised staff's recommended amendment to state the following:

“Residents may have up to 6 chickens in all RD zone districts, as long as the chickens are confined at a minimum of 20 feet from all property lines. Roosters are not permitted.”

- The Planning Commission expressed concerns regarding the allowance of “Pediatric day health and respite facilities” within the Heavy Industrial (HI) zoning district. The Commission recommended that the Use Table be modified to prohibit this use from being allowed in the HI zoning district.

## **BACKGROUND**

The City's land use and zoning regulations are contained in Title 23 (Zoning) of the City's Municipal Code (hereinafter referred to as the Zoning Code). In September 2014, the City adopted substantive updates to the Zoning Code (referred to as Update 3). The update also included modifications to the Citywide Design Guidelines, and the Land Use Element of the General Plan. The zoning updates revised zone district descriptions, land use listings, development standards, etc. Following adoption, staff identified additional sections of Title 23 (Zoning), Title 16 (Buildings and Construction), and Title 22 (Land Development) which require further clarifications and/or modifications for consistency with the recent changes (Update 3) and recent case law.

## **ANALYSIS:**

Proposed amendments to the Municipal Code are listed in Attachment 1 and are summarized below.

## ***Title 16 (Buildings and Construction)***

**16.18.1119 Occupied Vehicles:** Pursuant to recent case law, modification to repeal regulations pertaining to living/residing in vehicles. A similar ordinance from the City of Los Angeles was found unconstitutionally vague by the United States Court of Appeal in *Desertrain v. City of Los Angeles*, 754 F.3d 1147 (9<sup>th</sup> Cir. 2014). The repeal will bring the City's ordinances into compliance with current law.

## ***Title 22 (Land Development)***

Staff recommends that Chapter 22.40 clarify the City's parkland dedication requirements for new development. The current regulations include both three acres per 1,000 population and five acres per 1,000 population requirements. The proposed revision would remove both of these sections and establish a uniform five acres per 1,000 population requirement, while recognizing that alternative ratios may be established by specific plan, such as with Laguna Ridge.

The proposed amendments also include revisions to determining household size. This information is necessary to determine parkland requirements for new development. The current provisions describe a methodology and then codify the household size numbers. Staff recommends that only the methodology be described in the Code, leaving the actual household size numbers to be published outside of the Municipal Code (e.g., on the City's website). In doing so, the City can periodically update the numbers in keeping with the data's availability. The source for this information is federal census data, which is collected every two years as part of the American Community Survey (ACS). Staff specifically recommends that the five-year average estimates from the ACS be utilized, as this data set accounts for statistical anomalies and smoothes the data points.

Staff has calculated the household sizes for Elk Grove based upon the proposed data set, utilizing the 2012 ACS five-year average. This information, along with a comparison to the 2000 data, is provided in Table 1. An increase in household size (principally in the Single Family category) is evident from the data, which can be attributed to the larger home sizes built over the last decade (e.g., more four- and five-bedroom homes as opposed to three-bedroom homes).

**Table 1: Elk Grove Average Household Size**

	<b>2000 Census<sup>1</sup></b>	<b>2012 Census<sup>2</sup></b>
<b>Single Family</b>	2.76	3.319
<b>Two-Family</b>	2.02	2.779
<b>Multiple-Family</b>	1.54	2.419
<b>Mobile Home</b>	1.72	1.768

Notes:

1. Data source: 2000 Census for the Elk Grove Census Delineated Place (CDP), not the incorporated limits, as listed in the current regulations, EGMC §22.40.045.D.

2. Data source: 2012 ACS, five-year average.

Finally, the proposed amendments include modifications to the process and procedures for crediting private open space and recreation facilities in new development. Examples include, but are not limited to, private parks, swimming areas, tennis and basketball courts, and recreation buildings. The credit would only be provided for the first two acres of the five acres per 1,000 population requirement, which is the local park component. It would not apply to the other three acres, which cover regional and community parks.

### ***Title 23 (Zoning)***

#### Division II. Administration and Permit Procedures

**23.14.050 Approving Authority:** The Approving Authority would be amended to allow the Zoning Administrator the ability to elevate items to the Planning Commission due to project location, size, design, or other unique issues as determined by the Zoning Administrator. This provides consistency throughout the Zoning Code for all Zoning Administrator permits.

**23.16.070 Conditional Use Permit and Minor Conditional Use Permit:** Section would be modified to allow the Zoning Administrator the right to elevate projects to the Planning Commission. This provides consistency throughout the Zoning Code for all Zoning Administrator permits.

#### Division III. Zoning Districts, Allowable Uses, and Development Standards

**23.26.050 Descriptions of Land Use Classifications:** Multiple revisions to clarify various definitions and a new definition for “Pediatric day health and respite care facility”.

**Table 23.27-1 Allowed Uses and Required Entitlements for Base Zoning Districts:** Added “Pediatric day health and respite care facility” to use table, permitted “Adult day health care center” in GC and SC, and modified footnote related to chickens for clarification in RD zoning district for improved consistency with the 2011 Zoning Code update (Update 2) Specifically, the footnote would read as follows:

*b. Fowl. Residents may have up to six (6) chickens in all RD zone districts, as long as the chickens are confined at a minimum of twenty feet (20’) from all property lines. Roosters are not permitted.*

**23.32.040 Commercial development standards:** Revisions to the Development Standards footnotes in order to clarify (and even simplify) requirements for the allowed hotel heights in commercial zoning districts.

#### Division IV. Site Planning and General Development Regulations

**23.52.060 Fences and wall design standards:** Revisions to clarify permitted and prohibited fencing materials, particularly involving chain-link fencing in residential and agricultural residential zoning districts.

**23.58.050 Number of parking spaces required:** Additional modification to bring City’s parking ordinances into compliance with current law, as described in the changes to Section 16.18.1119.

**Table 23.58-2 Parking Requirements by Land Use:** Addition to required parking facilities to provide required parking spaces for “Fuel storage and distribution” use.

#### Division V. Special Use Regulations

**Chapter 23.94 Wireless Communications Facilities:** Allows additional height deviations for cell towers under certain circumstances.

### **ENVIRONMENTAL ANALYSIS**

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 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. Rather, they clarify the requirements for special planning areas and establish a community plan process consistent with the General Plan. 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 changes would be subject to CEQA at that time, as those actions would be classified as “projects” under CEQA. Therefore, these changes are not subject to CEQA under the General Rule and no further environmental review is necessary.

**FISCAL IMPACT:**

The Planning Department Special Projects budget accommodated the expenditures associated with preparing the proposed ordinance. Any costs associated with implementing the proposed changes as part of private development is borne by the respective project applicant.

**ATTACHMENTS:**

1. Ordinance
2. Public Comment

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AMENDING PORTIONS OF ELK GROVE MUNICIPAL CODE TITLES 16, 22 AND 23**

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

**WHEREAS**, the proposed changes modify and clarify the various planning permits and entitlements and correct inconsistencies throughout Titles 16, 22 and 23; and

**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), Title 16 (Buildings and Construction), and Title 22 (Land Development) to clarify the various planning entitlements and development standards, correct inconsistencies, and to bring ordinances into compliance with recent case law.

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, correct inconsistencies, and bring ordinances into compliance with recent case law throughout Titles 16, 22 and 23.

Each of these components, individually and cumulatively, would 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 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 16, 22 and 23 are consistent with the General Plan goals, policies, and implementation programs.

Evidence: The proposed amendments to Titles 23 (Zoning), 16 (Buildings and Construction), and 22 (Land Development) of the Elk Grove Municipal Code include minor amendments to clarify the various planning entitlements and development standards, correct inconsistencies throughout Title 23, update Title 16 to bring it into compliance with recent case law, and update Title 22 to clarify the City’s requirements for parkland dedication. 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 show in Exhibit A.

#### Section 4. Amendments to Title 16 (Buildings and Construction)

EGMC Title 16 is amended as shown in Exhibit B.

#### Section 5. Amendments to Title 22 (Land Development)

EGMC Title 22 is amended as shown in Exhibit C.

#### Section 6: 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 7: 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 8: 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 affect; 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 9: 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).

INTRODUCED: December 10, 2014  
ADOPTED:  
EFFECTIVE:

\_\_\_\_\_  
GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:

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

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

Date signed: \_\_\_\_\_

## EXHIBIT A

*Note to Reader: Proposed changes are shown in ~~strikeout~~/underline with proposed deletions shown with ~~strikeout~~ and additions shown with an underline.*

### **Title 23. Zoning**

#### **Division II. Administration and Permit Procedures**

***The following sections shall be amended as shown:***

#### **23.14.050 Approving Authority.**

B. Planning Director/Zoning Administrator Elevations. For any entitlement where the Planning Director or Zoning Administrator is the ~~final~~ designated approving authority, he or she may elevate ~~any~~ the project to the Planning Commission for review and final action if, in their opinion, the project warrants Planning Commission hearing because of project location, size, design, or other unique issues as determined by the ~~Planning Director~~ designated approving authority. [Ord. 27-2013 §4, eff. 2-7-2014; Ord. 8-2011 §7(B), eff. 6-24-2011]

#### **23.16.070 Conditional Use Permit and Minor Conditional use Permit.**

B. Approving Authority. The designated approving authority of use permits (both conditional and minor conditional) is listed below:

1. Conditional Use Permit. The designated approving authority for a conditional use permit is the Planning Commission. The Planning Director provides a recommendation and the Planning Commission approves, conditionally approves, or denies the conditional use permit in accordance with the requirements of this title.

2. Minor Conditional Use Permit. The designated approving authority for a minor use permit is the Zoning Administrator. The Planning Director provides a recommendation and the Zoning Administrator approves, conditionally approves, or denies the minor conditional use permit in accordance with the requirements of this title.

a. If the Zoning Administrator elevates a Minor Conditional Use Permit to the Planning Commission for review and consideration, the permit request shall become a Conditional Use Permit.

### **Division III. Zoning Districts, Allowable Uses, and Development Standards**

***The following sections shall be amended as shown and renumbered as determined necessary:***

#### **23.26.050 Descriptions of Land Use Classifications**

[A.10]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, domestic birds, guinea pigs, white rats, rabbits, mice, and other similar animals generally considered by the public to be kept as pets, excluding fowl.

[B]5. “Building materials stores and yards” means retail establishments selling lumber and other large building materials, where most display and sales occur indoors. Includes paint, wallpaper, glass, and fixtures. Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in ~~“warehousing”~~ and “wholesaling and distribution.” Hardware stores are listed in the definition of “retail, general,” even if they sell some building materials.

[B]7. “Business support services” means establishments primarily within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc.; also includes: blueprinting business; equipment repair services (except vehicle repair, see “vehicle services”); commercial art and design (production); computer-related services (rental, repair); copying, quick printing, and blueprinting services (other than those defined as “printing and publishing”); equipment rental businesses within buildings (rental yards are ~~“storage, outdoor”~~ “equipment sales and rental”); film processing laboratories; heavy equipment repair services where repair occurs on the client site; janitorial services; mail advertising services (reproduction and shipping); mailbox services; other “heavy service” business services; outdoor advertising services; photocopying and photofinishing; protective services (other than office-related); soils and materials testing laboratories; and window cleaning.

[M]7. “Medical services, extended care” means residential facilities providing nursing and health-related care as a primary use with in-patient beds, such as: board and care homes; convalescent and rest homes; extended care facilities; skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under “residential care ~~home~~ facility.”

[O]3. “Offices, business and professional” includes offices of administrative businesses providing direct services to consumers (insurance companies, utility

companies, etc.), government agency and service facilities (post office, civic center, etc.), professional offices (accounting, attorneys, employment, public relations, etc.), and offices engaged in the production of intellectual property (advertising, architectural, computer programming, photography studios, etc.). These do not include medical offices (see “medical services, clinics, offices, and laboratories”), temporary offices (see “~~office, temporary~~” Section 23.26.040, Temporary Uses, and Chapter 23.92, Temporary Uses), or offices that are incidental and accessory to another business or sales activity that is the primary use (see “offices, accessory”).

[P] 5. “Pediatric day health and respite care facility, small” means a facility which provides an organized program of therapeutic social and day health activities and services and limited 24-hour inpatient respite care to six (6) or fewer children 21 years of age or younger who are considered to be medically fragile, including terminally ill and technology dependent children.

[P] 6. “Pediatric day health and respite care facility, large” means a facility which provides an organized program of therapeutic social and day health activities and services and limited 24-hour inpatient respite care to more than six (6) children 21 years of age or younger who are considered to be medically fragile, including terminally ill and technology dependent children.

Table 23.27-1 (excluding footnotes) shall be repealed in full and replaced with the following (key changes shown in **highlight**).

Table 23.27-1: Allowed Uses and Required Entitlements for Base Zoning Districts

Land Use \ Zoning District	Agricultural Zoning Districts					Residential Zoning Districts					Commercial Zoning Districts					Office Zoning Districts		Industrial Zoning Districts		Open Space Zoning District	Specific Use Regulations
	AG-80	AG-20	AR-5/10	AR-2	AR-1	RD-1/2/3	RD-4/5/6	RD-7	RD-10/15	RD-20/25/30	LC	GC	SC	AC	C-O	BP	MP	LI	HI	O	
<b>Residential Uses</b>																					
Caretaker Housing	-	-	-	-	-	-	-	-	-	-	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	-	-	CUP	CUP	-	
Dwelling, Multi-Family	-	-	-	-	-	-	-	P	P	-	-	CUP <sup>2</sup>	-	-	-	-	-	-	-	-	
Dwelling, Second Unit	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	EGMC Chapter 23.90
Dwelling, Single-Family	P	P	P	P	P	P	P	P	P	CUP <sup>1</sup>	-	-	-	-	-	-	-	-	-	-	
Dwelling, Two-Family	-	-	-	-	-	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	-	-	-	-	-	-	-	-	-	-	-	
Employee Housing, Large	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Employee Housing, Small	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	
Guest House	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	
Home Occupations	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	EGMC Chapter 23.82
Live-Work Facility	-	-	-	-	-	-	-	CUP	CUP	CUP	P <sup>3</sup>	P <sup>3</sup>	-	-	-	-	-	-	-	-	
Mobile Home Park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Organizational Houses	-	-	-	-	-	-	-	CUP	CUP	CUP	-	-	-	-	-	-	-	-	-	-	
Rooming and/or Boarding Houses	CUP	CUP	-	MUP	MUP	-	-	CUP	CUP	CUP	-	CUP	-	-	-	-	-	-	-	-	
Single Room Occupancy (SRO) Facilities	-	-	-	-	-	-	-	-	CUP	CUP	-	P	-	-	-	-	-	-	-	-	
Supportive Housing	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	
Transitional Housing	P	P	P	P	P	P	P	P	P	P	-	P	-	-	-	-	-	-	-	-	EGMC Chapter 23.80
<b>Human Services Uses</b>																					
Adult Day Health Care Center	P	P	P	P	P	P	P	P	P	CUP	P <sup>5</sup>	P	P	-	-	P	CUP	-	-	-	
Child Care Facility, Child Care Center	P	P	P	P	P	P	P	P	P	P	P	P	P	-	CUP	P	P	CUP	-	P	
Child Care Facility, Family Day Care Home	P	P	P	P	P	P	P	P	P	P	P	P	P	-	CUP	P	P	CUP	-	P	
Community Care Facility, Large	CUP	CUP	CUP	CUP	CUP	-	-	-	-	P	CUP	CUP	-	-	CUP	P	P	-	-	-	EGMC Chapter 23.88
Community Care Facility, Small	P	P	P	P	P	P	P	P	P	P	P	P	P	-	CUP	P	P	CUP	-	P	
Emergency Shelter	-	-	-	-	-	-	-	CUP	CUP	CUP	-	-	-	-	-	-	-	-	-	-	EGMC Chapter 23.80
Medical Marijuana Cultivation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Medical Marijuana Dispensary	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Medical Services, Extended Care	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	CUP	CUP	-	-	-	
Medical Services, General (Clinics, Offices, and Labs)	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	-	
Medical Services, Hospitals	-	-	-	-	-	-	-	-	-	-	-	CUP	CUP	-	-	CUP	CUP	-	-	-	
<b>Periatric Day Health and Respite Care Facility, Small</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>!</b>	<b>P</b>	<b>CUP</b>	<b>CUP</b>	<b>CUP</b>	<b>!</b>	<b>!</b>	
<b>Periatric Day Health and Respite Care Facility, Large</b>	<b>CUP</b>	<b>CUP</b>	<b>CUP</b>	<b>CUP</b>	<b>CUP</b>	<b>!</b>	<b>!</b>	<b>!</b>	<b>!</b>	<b>P</b>	<b>CUP</b>	<b>CUP</b>	<b>!</b>	<b>!</b>	<b>CUP</b>	<b>!</b>	<b>!</b>	<b>!</b>	<b>!</b>	<b>!</b>	
Residential Care Facility for the Chronically Ill, Large	CUP	CUP	CUP	CUP	CUP	-	-	-	-	P	CUP	CUP	-	-	CUP	-	-	-	-	-	EGMC Chapter 23.88
Residential Care Facility for the Chronically Ill, Small	P	P	P	P	P	P	P	P	P	P	-	P	-	-	-	-	-	-	-	-	
Residential Care Facility for the Elderly, Large	CUP	CUP	CUP	CUP	CUP	-	-	-	-	P	CUP	CUP	-	-	CUP	-	-	-	-	-	EGMC Chapter 23.88
Residential Care Facility for the Elderly, Small	P	P	P	P	P	P	P	P	P	P	-	P	-	-	-	-	-	-	-	-	
<b>Agriculture, Resource, and Open Space Uses</b>																					
Animal Husbandry	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Animal Keeping – Exotic	P	P	P	P	P	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	-	-	-	-	-	-	-	-	-	-	
Animal Keeping – Fowl	P	P	P	P	P	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	-	-	-	-	-	-	-	-	-	-	
Animal Keeping – Household Pets	P	P	P	P	P	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	-	-	-	-	-	-	-	-	-	-	
Animal Keeping - Livestock	P	P	P	P	P	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	-	-	-	-	-	-	-	-	-	-	
Crop Production	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Equestrian Facility, Commercial	CUP	CUP	CUP	CUP	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	CUP
Equestrian Facility, Hobby	P	P	P	P	P	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	CUP
Feedlot	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Hog Farm - Commercial	P	P	CUP	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Kennels, Commercial	CUP	CUP	CUP	CUP	CUP	-	-	-	-	-	-	CUP <sup>3</sup>	CUP <sup>3</sup>	-	-	-	-	-	-	-	
Kennels, Hobby	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Slaughterhouse	CUP	CUP	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	CUP	
Veterinary Facility	CUP	CUP	CUP	CUP	-	-	-	-	-	-	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	-	-	CUP	CUP	-	-	-	
<b>Recreation, Education, and Public Assembly Uses</b>																					
Assembly Uses	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP <sup>5</sup>	P <sup>5</sup>	P	P	-	P	CUP	CUP	CUP	-	CUP <sup>1</sup>	
Cemeteries, Mausoleums	CUP	CUP	-	-	-	-	-	-	-	-	-	CUP	-	-	-	-	-	CUP	CUP	-	P

Land Use \ Zoning District	Agricultural Zoning Districts					Residential Zoning Districts					Commercial Zoning Districts					Office Zoning Districts		Industrial Zoning Districts		Open Space Zoning District	Specific Use Regulations
	AG-80	AG-20	AR-5/10	AR-2	AR-1	RD-1/2/3	RD-4/5/6	RD-7	RD-10/15	RD-20/25/30	LC	GC	SC	AC	C-O	BP	MP	LI	HI	O	
Community Garden	P	P	P	P	P	P	P	P	P	P	CUP	CUP	-	-	P	-	-	-	-	CUP <sup>1</sup>	
Crematorium	CUP	CUP	-	-	-	-	-	-	-	-	CUP	CUP	CUP	-	-	-	-	-	-	-	
Golf Courses/Clubhouse	CUP	CUP	CUP	CUP	CUP	CUP	CUP	-	-	-	CUP	CUP	-	-	P	-	-	-	-	CUP <sup>1</sup>	
Fitness and Sports Facilities	-	-	-	-	-	-	-	-	-	-	CUP	P	P	-	P	CUP	MUP	MUP	CUP	-	
Indoor Amusement/Entertainment Facility	-	-	-	-	-	-	-	-	-	-	P	P	P	-	CUP	CUP	MUP	MUP	CUP	-	
Indoor Shooting Range	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Libraries and Museums	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-	-	-	CUP <sup>1</sup>	
Mortuaries and Funeral Homes	-	-	-	-	-	-	-	-	-	-	CUP	P	P	-	-	-	-	-	-	-	
Outdoor Commercial Recreation	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP <sup>1</sup>	CUP	P	P	-	P	CUP	CUP	CUP	CUP	CUP <sup>1</sup>	
Parks and Public Plazas	P	P	P	P	P	P	P	P	P	P	P	-	-	P	-	-	-	-	-	P	
Private Residential Open Space	P	P	P	P	P	P	P	P	P	P	-	CUP	-	-	-	-	-	-	-	CUP	
Recreational Vehicle Parks	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	CUP	
Resource Protection and Restoration	P	P	P	P	P	-	-	-	-	-	-	-	-	-	P	-	-	-	-	P	
Resource-Related Recreation	P	P	P	P	P	P	P	P	P	P	-	-	-	-	P	-	-	-	-	P	
Schools – Academic charter	CUP <sup>2</sup>	CUP <sup>2</sup>	CUP <sup>2</sup>	CUP <sup>2</sup>	CUP <sup>2</sup>	CUP <sup>2</sup>	CUP <sup>2</sup>	CUP <sup>2</sup>	CUP <sup>2</sup>	CUP <sup>2</sup>	CUP <sup>5</sup>	CUP <sup>5</sup>	CUP <sup>5</sup>	CUP <sup>5</sup>	-	CUP <sup>2</sup>	CUP <sup>2</sup>	-	-	CUP <sup>1</sup>	
Schools – Academic private	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	-	-	-	-	-	-	-	-	-	-	
Schools – Academic-Public	CUP	CUP	P	P	P	P	P	P	P	P	P	P	P	P	CUP	CUP	-	-	-	CUP <sup>1</sup>	
Schools – Colleges and Universities-Private	-	-	-	CUP	CUP	CUP	CUP	CUP	CUP	-	CUP	CUP	CUP	CUP	-	CUP	CUP	-	-	CUP <sup>1</sup>	
Schools – Colleges and Universities-Public	-	-	-	P	P	P	P	P	P	P	P	P	P	P	CUP	CUP	CUP	CUP	CUP	CUP <sup>1</sup>	
Schools – Equipment/Machine/Vehicle Training	-	-	-	CUP	CUP	CUP	CUP	CUP	CUP	-	-	-	CUP	P	-	CUP	P	P	P	CUP <sup>1</sup>	
Schools – Specialized Education and Training/Studios	-	-	-	CUP	CUP	CUP	CUP	CUP	CUP	-	P <sup>5</sup>	P	P	P	-	P	P	MUP	CUP	CUP <sup>1</sup>	
Theaters and Auditoriums	-	-	-	-	-	-	-	-	-	-	CUP	P	P	-	CUP	CUP	CUP	CUP	CUP	CUP <sup>1</sup>	
<b>Utility, Transportation, and Communication Use Listings</b>																					
Airport	-	-	-	-	-	-	-	-	-	-	-	-	-	-	CUP	-	-	-	-	CUP	
Broadcasting and Recording Studios	-	-	-	-	-	-	-	-	-	-	CUP	P	P	-	-	P	P	CUP	CUP	-	
Bus and Transit Shelters	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	CUP	CUP	P	
Fuel Storage and Distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Helipad	-	-	-	-	-	-	-	-	-	-	-	CUP	CUP	-	-	CUP <sup>3</sup>	CUP <sup>3</sup>	CUP	CUP	-	
Park and Ride Facility	CUP	CUP	CUP	CUP	CUP	-	-	-	-	-	-	P	P	-	-	CUP	CUP	P	P	-	
Parking Facility	-	-	-	-	-	-	-	-	-	-	CUP	P	P	P	CUP	P	P	P	P	CUP	
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Telecommunication Facility	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	P	P	CUP	
Transit Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	
Transit Stations and Terminals	-	-	-	-	-	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP	P	P	P	P	-	
Utility Facility and Infrastructure	CUP	CUP	CUP	CUP	CUP	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
<b>Retail, Service, and Office Uses</b>																					
Adult Oriented Business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	CUP	CUP	-	
Agricultural Tourism	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Alcoholic Beverage Sales	CUP <sup>3</sup>	CUP <sup>3</sup>	CUP <sup>3</sup>	-	-	-	-	-	-	-	CUP	P	P	CUP	CUP	CUP	CUP	CUP <sup>1</sup>	CUP <sup>1</sup>	-	
Ambulance Service	-	-	-	-	-	-	-	-	-	-	-	CUP <sup>7</sup>	CUP <sup>7</sup>	CUP <sup>7</sup>	-	-	-	-	-	-	
Animal Sales and Grooming	P	P	P	P	CUP	-	-	-	-	-	P <sup>4</sup>	P <sup>5</sup>	P <sup>5</sup>	-	-	-	-	-	-	-	
Art, Antique, Collectable	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	
Artisan Shops	-	-	-	-	-	-	-	-	-	-	P <sup>2</sup>	P	P	-	-	-	-	-	-	-	
Banks and Financial Services	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	P	-	-	
Bars and Nightclubs	-	-	-	-	-	-	-	-	-	-	P <sup>5</sup>	P	P	-	-	CUP <sup>3</sup>	CUP	CUP	-	-	
Bed and Breakfast Inns	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	-	CUP	CUP	CUP	-	-	-	-	-	-	-	
Building Materials Stores and Yards	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	CUP	MUP	-	-	-	
Business Support Services	-	-	-	-	-	-	-	-	-	-	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	-	-	P	P	P	-	-	
Call Centers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	
Card Rooms	-	-	-	-	-	-	-	-	-	-	-	CUP	CUP	-	-	-	-	-	-	-	
Convenience Stores	-	-	-	-	-	-	-	-	-	-	P <sup>10</sup>	P	P	P	-	CUP <sup>3</sup>	CUP	CUP <sup>1</sup>	CUP <sup>1</sup>	-	
Drive-in and Drive-through Sales and Service	-	-	-	-	-	-	-	-	-	-	CUP <sup>11</sup>	CUP <sup>11</sup>	CUP <sup>11</sup>	-	-	CUP <sup>4</sup>	-	-	-	-	
Equipment Sales and Rental	-	-	-	-	-	-	-	-	-	-	-	CUP	CUP	P	-	-	CUP	P	P	-	
Garden Center/Plant Nursery	CUP	CUP	CUP	CUP	CUP	-	-	-	-	-	CUP	P	P	-	-	CUP	CUP	CUP	-	-	
Grocery Store	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	
Hotels and Motels	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	CUP	CUP	-	-	-	
Liquor Stores	-	-	-	-	-	-	-	-	-	-	CUP	CUP	CUP	-	-	-	-	-	-	-	
Maintenance and Repair Service	-	-	-	-	-	-	-	-	-	-	CUP <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	-	-	CUP	CUP	-	-	
Neighborhood Market	-	-	-	-	-	-	-	-	-	-	P <sup>10</sup>	P <sup>10</sup>	P <sup>10</sup>	-	-	-	-	-	-	-	

Land Use \ Zoning District	Agricultural Zoning Districts					Residential Zoning Districts					Commercial Zoning Districts					Office Zoning Districts		Industrial Zoning Districts		Open Space Zoning District	Specific Use Regulations
	AG-80	AG-20	AR-5/10	AR-2	AR-1	RD-1/2/3	RD-4/5/6	RD-7	RD-10/15	RD-20/25/30	LC	GC	SC	AC	C-O	BP	MP	LI	HI	O	
Offices, Accessory	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	CUP <sup>1</sup>	-	-	-	-	-	P	P	P	P	P	P	P	P	P	-	
Offices, Building Trade Contractors	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	MUP	P	P	P	-	
Offices, Business and Professional	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP	P	P	P	-	-	P	P	MUP	CUP	-	
Pawn Shop	-	-	-	-	-	-	-	-	-	-	-	CUP	CUP	-	-	-	-	-	-	-	
Personal Services	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P	-	-	-	
Personal Services, Restricted	-	-	-	-	-	-	-	-	-	-	-	CUP	CUP	-	-	CUP	CUP	CUP	CUP	-	
Restaurants	-	-	-	-	-	-	-	-	-	-	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P	P	P <sup>2</sup>	CUP	-	
Retail, Accessory	-	-	-	-	-	-	-	-	-	-	P	P	P	CUP	-	P	P	P	P	-	
Retail, general, large format	-	-	-	-	-	-	-	-	-	-	-	CUP <sup>12,13</sup>	CUP <sup>12,13</sup>	-	-	-	-	-	-	-	
Retail, general, medium format	-	-	-	-	-	-	-	-	-	-	CUP <sup>12</sup>	CUP <sup>12</sup>	CUP <sup>12</sup>	-	-	-	-	-	-	-	
Retail, general, small format	-	-	-	-	-	-	-	-	-	-	P <sup>12</sup>	P <sup>12</sup>	P <sup>12</sup>	-	-	-	-	-	-	-	
Retail, superstore	-	-	-	-	-	-	-	-	-	-	-	CUP <sup>12,13</sup>	CUP <sup>12,13</sup>	-	-	-	-	-	-	-	
Retail, superstore, large format	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Retail, warehouse/club	-	-	-	-	-	-	-	-	-	-	-	CUP	CUP	-	-	-	-	-	-	-	
Smoke Shops	-	-	-	-	-	-	-	-	-	-	-	CUP	CUP	-	-	-	-	-	-	-	
Thrift Store	-	-	-	-	-	-	-	-	-	-	CUP	P	P	-	-	-	CUP	-	-	-	
<b>Automobile and Vehicle Uses</b>																					
Auto and Vehicle Rental	-	-	-	-	-	-	-	-	-	-	-	P	CUP	P	-	-	P	P	CUP	-	
Auto and Vehicle Sales	-	-	-	-	-	-	-	-	-	-	-	- <sup>14</sup>	- <sup>14</sup>	P	-	-	-	-	-	-	
Auto and Vehicle Sales, Wholesale	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	-	-	
Auto and Vehicle Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	-	-	
Auto Parts Sales	-	-	-	-	-	-	-	-	-	-	CUP <sup>15</sup>	P <sup>15</sup>	P <sup>15</sup>	P	-	-	P	P	-	-	
Auto Vehicle Dismantling	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	CUP	-	
Car Washing and Detailing	-	-	-	-	-	-	-	-	-	-	-	CUP	CUP	P	-	-	CUP	MUP	CUP	-	
Fueling Station	-	-	-	-	-	-	-	-	-	-	-	CUP	P	P	-	-	-	-	CUP <sup>1</sup>	-	
Vehicle Services – Major	-	-	-	-	-	-	-	-	-	-	-	CUP <sup>1</sup>	CUP <sup>1</sup>	P <sup>1</sup>	-	-	CUP	CUP <sup>4</sup>	CUP <sup>1</sup>	-	
Vehicle Services – Minor	-	-	-	-	-	-	-	-	-	-	CUP <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	-	-	P	CUP <sup>4</sup>	CUP <sup>1</sup>	-	
<b>Industrial, Manufacturing, and Processing Uses</b>																					
Agricultural Products Processing	P	P	P	P	P	-	-	-	-	-	-	-	-	-	- <sup>5</sup>	CUP	CUP	P	P	-	
Freight Yard/Truck Terminal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	- <sup>5</sup>	CUP	P	P	-	-	
Laundry and Dry Clean Plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	- <sup>5</sup>	CUP <sup>5</sup>	CUP <sup>4,5</sup>	CUP <sup>4,5</sup>	-	-	
Manufacturing, Major	-	-	-	-	-	-	-	-	-	-	-	-	-	-	- <sup>5</sup>	- <sup>5</sup>	CUP <sup>5</sup>	CUP <sup>4,5</sup>	-	-	
Manufacturing, Minor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	- <sup>5</sup>	CUP <sup>5</sup>	CUP <sup>4,5</sup>	CUP <sup>1</sup>	-	-	
Manufacturing, Small Scale	-	-	-	-	-	-	-	-	-	-	CUP <sup>12</sup>	P <sup>12</sup>	-	-	- <sup>5</sup>	- <sup>5</sup>	CUP <sup>4,5</sup>	CUP <sup>4,5</sup>	-	-	
Printing and Publishing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	- <sup>5</sup>	CUP <sup>5</sup>	P	P	-	-	
Recycling Facility – Collection, Small	-	-	-	-	-	-	-	-	-	-	P	P	P	P	- <sup>5</sup>	- <sup>5</sup>	P	P	-	-	
Recycling Facility – Collection, Large	-	-	-	-	-	-	-	-	-	-	-	CUP	CUP	-	- <sup>5</sup>	- <sup>5</sup>	CUP	CUP	-	-	
Recycling Facility – Processing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	- <sup>5</sup>	- <sup>5</sup>	-	P	-	-	
Recycling Facility – Scrap and Dismantling	-	-	-	-	-	-	-	-	-	-	-	-	-	-	- <sup>5</sup>	- <sup>5</sup>	-	P	-	-	
Research and Development	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	CUP	P	P	-	-	
Storage, Personal Storage Facility	-	-	-	-	-	-	-	-	-	-	-	-	CUP	CUP	-	- <sup>5</sup>	CUP	P	P	-	
Storage, Warehouse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	- <sup>5</sup>	CUP	P	P	-	-	
Storage, Yards	-	-	-	-	-	-	-	-	-	-	-	-	-	-	- <sup>5</sup>	CUP	CUP <sup>4,5</sup>	CUP <sup>4,5</sup>	-	-	
Wholesaling and Distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	- <sup>5</sup>	CUP	CUP	P	-	-	
Wineries, Distilleries, and Brewery	CUP	CUP	CUP	-	-	-	-	-	-	-	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	-	-	- <sup>5</sup>	P <sup>1</sup>	P <sup>2</sup>	P <sup>5</sup>	-	

***The Residential footnotes to Table 23.27-1 shall be modified as follows:***

**Notes that pertain to the Residential Zoning Districts:**

1. In the RD-20 zone only.
2. Duplexes/halfplexes are permitted (P) on corner lots by right. Duplexes/halfplexes on interior lots require a CUP.
3. The following restrictions apply to the keeping of animals in traditional residential zoning districts (see definition of animal keeping for category descriptions):
  - a. Exotic. All exotic animals shall be kept and maintained a minimum distance of forty (40' 0") feet from any property line unless contained within the dwelling.
  - b. Fowl. ~~All fowl shall be kept and maintained a minimum distance of forty (40' 0") feet from any property line. A maximum of six (6) fowl may be kept, maintained, or fed as pets. All birds shall be kept within confined, clean coops or cages. Roosters are not permitted.~~ Residents may have up to six (6) chickens in all RD zone districts, as long as the chickens are confined at a minimum of twenty feet (20') from all property lines. Roosters are not permitted.
  - c. Household Pets. Keeping of any combination of five (5) or more cats and dogs is considered a kennel for this title. See EGMC Section 8.02.050 for restrictions on the number of animals allowed.
  - d. Livestock. Two (2) livestock animals may be permitted for each half acre of land. All livestock shall be kept and maintained a minimum distance of forty (40' 0") feet from any property line and a minimum distance of seventy-five (75' 0") feet from any residential dwelling.
4. Permitted as an accessory use to the primary use permitted in the specific zoning district.
5. Permitted by right if the use is located on a property owned by the school district.

***Footnote 2 to Table 23.29-1 Part B shall be modified as follows:***

2. As part of the design review process, the maximum height may be increased up to one hundred fifty (150' 0") feet; provided, that all buildings are set back from the ultimate right-of-way line of all abutting streets and freeways a distance at least equal to the height of the building. ~~For any residential portion of a hotel all required yards and courts shall be increased one (1' 0") foot for each foot that such building exceeds forty (40' 0") feet in height. In any case, the floor area to lot area ratio shall not exceed 2.5:1.~~

**Division IV. Site Planning and General Development Regulations**

***The following sections shall be amended as shown:***

**23.52.060 Fence and wall design standards.**

...

- 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, ~~fences or walls of sheet or corrugated iron, steel, concertina wire, or aluminum are prohibited with the exception of ornamental fences as consistent with the City's design guidelines~~ the following limitations apply:

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. No chain-link fencing is allowed within required front yards.

1. 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 interior fencing only when adjacent to other Industrial zones or uses.
2. Barbed wire fencing shall not be constructed or placed on top of a fence except in agricultural, open space, or industrial areas. Minor design review is required for barbed wire fencing abutting residential or commercial areas.
3. Alternative materials may be approved by the Planning Director, Zoning Administrator, or Planning Commission as part of a discretionary entitlement approval.

...

### **23.58.050 Number of parking spaces required.**

...

#### **B. General Use Provisions for Off-Street Parking Spaces.**

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 EGMC 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.~~

32. 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.

43. Residential Guest Parking. For residential tenant and guest parking, the spaces must be marked per the required minimum standards for tenant and guest parking.

...

***The Fuel Storage and Distribution row of Table 23.58-2 shall be revised as follows:***

**Table 23.58-2**

**Parking Requirements by Land Use**

Fuel Storage and Distribution	<u>2 spaces per 3 employees (during a maximum shift) plus space to accommodate all trucks and other vehicles</u>
-------------------------------	--

**Division V. Special Use Regulations**

***The following section shall be amended as shown:***

**23.94.050 Development standards.**

...

C. Development Standards for Towers. The following development standards shall apply to towers (including co-location facilities) as defined in EGMC Section 23.94.020, Definitions:

3. Location. Towers shall not be located in any required front or street side yard in any zoning district. The setback distance from any abutting street right-of-way, residential property line, or public trail shall be equal to the height of the facility (tower and related equipment). Otherwise, the minimum setback distance from all other property lines shall be at least equal to twenty (20%) percent of the height of the tower. Existing towers may be allowed to increase the height ~~with a maximum addition of ten (10' 0") feet~~ without requiring the tower to be relocated as part of the conditional use permit approval, provided the overall maximum height of the tower does not exceed the height limit listed in subsection (C)(4) of this section, unless an exception is approved by the designated approving authority. ~~Only one (1) addition may be permitted per existing tower and towers may only be extended when the facility is being used as part of a co-location facility.~~

## EXHIBIT B

*Note to Reader: Proposed changes are shown in ~~strikeout~~/underline with proposed deletions shown with ~~strikeout~~ and additions shown with an underline.*

### **Title 16. Buildings and Construction**

***Section 16.18.1119 shall be repealed in full***

#### **~~16.18.1119 Occupied vehicles.~~**

~~It is unlawful and it shall be a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises or property in the City to permit on such premises or property any parked operable vehicle, recreational vehicle, motor home, trailer, camper, camper shell and boat to be used for a residential occupancy except on property zoned for mobile home parks or camping. [Ord. 7-2011 §5, eff. 3-25-2011; Ord. 7-2009 §3, eff. 5-1-2009; Ord. 35-2006 §3, eff. 9-8-2006]~~

## EXHIBIT C

*Note to Reader: Proposed changes are shown in ~~strikeout~~/underline with proposed deletions shown with ~~strikeout~~ and additions shown with an underline.*

### Title 22. Land Development

#### Chapter 40, Park and Recreation Dedication and Fees

***Section 22.40.032 shall be added to identify the required ratio of parkland in new developments.***

##### **22.40.032 Parkland Required**

All new residential subdivisions, or development projects that include residential uses, shall provide real property for recreation and park purposes at a ratio of no less than five (5) acres of property for each one thousand (1,000) persons residing in the City (or other ratio as may be provided through an adopted specific plan) as provided in this chapter.

***Section 22.40.035 shall be modified to clarify the process for determining the calculation of land dedication for parks.***

##### **22.40.035 Calculating area of land dedication**

~~A. If the advisory agency or City Council requires the dedication of land, the subdivider or owner shall dedicate land for neighborhood and community parks according to the formula  $D \times F = A$  in which: D equals the number of dwelling units. F equals a "factor" herein described. A equals the amount of land, in acres, to be dedicated. The amount of land to be dedicated shall be determined according to the formula " $D \times F = A$ " where:~~

D = the number of dwelling units

F = a "park factor" herein described in Section C

A = the buildable acres to be dedicated

B. Definitions. The following terms, as used in this section, shall have the following meaning:

"Dwelling unit" means one (1) or more rooms in a building or structure or portion thereof designed exclusively for residential occupancy by one (1) family for living or sleeping purposes and having kitchen and bath facilities, including mobile homes.

"Single-family area" means an area of land used for or proposed for detached buildings designed for occupancy by one (1) family.

"Multiple-family area" means an area of land used for or proposed for residential occupancy in buildings or structures designed for two (2) to four (4) families for living or

sleeping purposes and having a kitchen and bath facilities for each family, including two-family, group and row dwelling units.

“Apartment area” means an area of land used for or proposed for residential occupancy in buildings or structures designed for five (5) or more families for living or sleeping purposes and having kitchen and bath facilities for each family. Included are condominiums and cluster developments.

“Mobile home development” means an area of land used for or proposed for residential occupancy in vehicles which require a permit to be moved on a highway, other than a motor vehicle designed or used for human habitation and for being drawn by another vehicle.

“Park factor” means the factor, or ratio, that describes the amount of park land required per dwelling unit based upon the average household size for the applicable dwelling unit type. See section C.

~~C. The factors 0.0083, 0.006, 0.0046 and 0.0052 are constants determined from the 2000 Federal Census Analysis of the population trends and studies of Sacramento County which, when multiplied by the number of dwelling units permitted in the subject area, will produce three (3) acres per one thousand (1,000) population to be devoted to neighborhood or community park facilities. This limit is specified in Section 66477 of the Government Code, and limits the objective in the recreation element of the General Plan, unless a higher standard is adopted pursuant to EGMC Section 22.40.045. The Planning Director shall re-establish such factors annually.~~

~~(Fs = 0.0083 relating to single family dwelling units)~~

~~(Fm = 0.006 relating to multiple family dwelling units)~~

~~(Fa = 0.0046 relating to apartment, cluster and condominium dwelling units)~~

~~(Fmh = 0.0052 relating to mobile home development dwelling units)~~

C. The Planning Director shall establish, and update on a regular basis as determined by the Director, the park factors necessary to determine the acreage of parkland required. The data source for these park factors shall be data for the City as reported by the US Census Bureau, utilizing the most recent five (5) year estimates from the American Community Survey. The park factors shall be calculated based upon the following equation and shall be specific for each of the four types of dwelling units defined above (single family area, multiple family area, apartment area, and mobile home area).

$$\frac{\text{Household Size (Persons Per Unit)} \times 5}{1,000} = \text{Park Factor}$$

The household size shall be determined based upon the total population in each dwelling category, divided by the total number of occupied units in that dwelling category.

D. In multiple-family and apartment areas, the number of dwelling units shall be calculated from the maximum density permitted in the proposed zone, as determined from the Zoning Code, ~~including~~ excluding any density bonus, unless the subdivider can demonstrate that the development will contain a lesser number of dwelling units. ~~For tentative parcel maps in multifamily zones which require development plan review pursuant to the Zoning Code, a condition may be added to the tentative parcel map stating that the number of dwelling units may be calculated using the density tentatively approved pursuant to development plan review, and such review shall not become final until the required land or improvements are dedicated (or fees in lieu thereof are paid by the subdivider) to the satisfaction of the City.~~

E. Unless a specific written request is made by the applicant, fees shall be payable at the time of the recording of the final map or parcel map. Upon the written request of the applicant, the Planning Commission may recommend and the City Council may add a condition to any map contemplated by subsection (D) of this section for multifamily development, whether submitted as a parcel map or subdivision map, stating that required land or dedication or improvements or the payment of an in lieu fee may occur after the recordation of the final or parcel map and that required land or dedication or improvements or the payment of an in lieu fee shall occur at some later time but not later than prior to the issuance of building permits.

F. Where a specific plan, special planning area, or other master plan is established for a specific geographic area of the City, the household size and park land dedication factors shall be established at the time of adoption of the relevant plan.

**Section 22.40.045 shall be deleted.**

**~~22.40.045 Alternative calculation method.~~**

~~A. This section specifies the alternative method to that specified in EGMC Section 22.40.035 for determining the factors used in calculating the area of land to be dedicated.~~

~~B. The City Parks and Recreation Department or any other local public agency providing parks may apply to the City Council for a determination of the standard for existing neighborhood and community park acreage. In its application, the agency shall present its calculations, reports and other evidence showing that the amount of existing neighborhood and community park area exceeds three (3) acres of park area per one~~

~~thousand (1,000) members of the population of the City or applicable local agency providing parks. The calculation shall be derived pursuant to Section 66477(b)(1) of the Government Code.~~

~~C. If the City Council determines after a noticed public hearing that the standard for existing neighborhood and community park acreage exceeds three (3) acres of parks for one thousand (1,000) members of the population of the City or local public agency, it shall adopt a resolution setting such standard as applicable as of that date to dedication or fees for maps in that jurisdiction. The resolution shall be transmitted to the Secretary of the Planning Commission, the Development Review Committee, and the requesting agency. Procedures shall then be initiated to include such standards into this chapter.~~

~~D. The amount of land dedicated or fees paid in lieu thereof as a condition to the approval of a tentative map or parcel map in the jurisdiction of the local public agencies specified in this section shall be calculated using the following factors instead of those specified in EGMC Section 22.40.035.~~

<b>Acreage Dedication Requirement</b>	<b>Fs (Single- Family)</b>	<b>Fm (Multiple- Family)</b>	<b>Fa (Apartment Cluster Condominium)</b>	<b>Fmh (Mobile Home)</b>
5.00	0.0138	0.0101	0.0077	0.0086

***Section 22.40.065 shall be modified as follows to clarify the allowance for privately owned and maintained park facilities.***

**22.40.065 Credit for privately owned facilities.**

A. The Council ~~City~~ may grant credit for privately owned and maintained open space or local recreation facilities, or both, in planned unit developments or residential townhouse units, multiple family residential developments, ~~or mobile home developments, or special planning areas;~~ (as defined in the Zoning Code EGMC Title 23), and other forms of planned developments at the discretion of the City. Such credit shall be subtracted from the dedication or fees, or both; at the discretion of the City, provided:

1. Yards, patio court areas, setbacks, and other open space areas required by this title and the Zoning Code shall be maintained;
2. Provision is made by ~~written agreement or~~ recorded covenants that the private areas be adequately maintained;
3. The use of private open space or recreation facilities is limited to park and local recreation purposes and shall not be changed to another use without the written consent of the Council.

B. Land or facilities which may qualify for credit will generally include the following:

1. Open spaces, which are generally defined as parks and parkway areas, ornamental parks, extensive areas with tree coverage, lowlands along streams or areas of rough terrain when such areas are extensive and have natural features worthy of scenic preservation, golf courses, or open areas on the site in excess of twenty thousand (20,000 ft<sup>2</sup>) square feet;
2. Court areas for tennis, badminton, shuffleboard or similar hard-surfaced areas designed and used exclusively for court games;
3. Recreational swimming areas defined as fenced areas devoted primarily to swimming and diving, including decks, lawned area, ~~bathhouses~~ user facilities (e.g., changing rooms/locker rooms, showers), or other facilities developed and used exclusively for swimming and diving and consisting of no less than fifteen (15 ft<sup>2</sup>) square feet of water surface area for each three (3%) percent of the population of the subdivision;
4. Recreation buildings designed and primarily used for the recreational needs of the residents of the development;
5. Special areas defined as areas of scenic or natural beauty, historic sites, hiking, riding or motorless bicycle trails, including pedestrian walkways separated from public roads, planting strips, lake sites, hiking, riding or motorless bicycle trails, including pedestrian walkways separated from public roads, planting strips, lake site or river beaches, improved access or right-of-way in excess of the requirements of EGMC Section 22.40.035, and similar types of open space or recreational facilities.

C. Credit provided under this section shall be limited to the local portion of the required parkland under Section 22.40.032 and shall not apply to the community and regional park component.



Respected City Council members:

My name is Kaled Dastagir and I am a resident of Elk Grove. I am currently renting and on my way to home ownership. My agent is looking in the 95757 and 95829 zip codes. My preference is 95757 but I haven't eliminated the other zip code due to what appears to be increased restrictions in Elk Grove. One such restriction that I have been made aware of is regarding homeowners rights to keep hens in their backyard. In HOA neighborhoods, such restrictions exist but with the agreement and/or understanding of homeowners. However, to create restrictions such as keeping the hen coop 25 feet away from the lot perimeters, or something similar, rules out the opportunity for keeping hens for most Elk Grove homeowners.

In comparison, we would never even think of creating such a restriction for dogs or dog houses. The community would be in an uproar over such restrictions on man's best friend. However, hens are increasingly becoming man's best friend as well. There is a growing demand and interest for growing one's own food in the ways of fruit trees, vegetable gardening and livestock. I am not asking for us to create slaughterhouses in our yards or to allow goats and sheep. What I am saying is that an increasing number of citizens, including Elk Grove residents, would like to or have begun keeping hens as pets for their eggs and their companionship. However, in fairness to our handful of neighbors who have reasonable complaints, I believe we could introduce other restrictions that would not deprive the many current hen owners of their beloved pets.

An example of a restriction would be how many one could keep. We could edit the rule of six hens to four or by lot size (example 2 for .10 size lot or larger, 4 for .15 size lot or larger and six for .20 size lot or larger...). Another rule we can implement is to give a warning for the first couple of complaints and then a fine for every complaint thereafter. The fine should neither be so small to where the hen owner would not make any necessary changes nor so large to where they will have difficulty paying any of next month's utility bills. If, on the rare occasion, the hen owner gets repeat violations, they will have to decide whether hen ownership is worth the price. Perhaps, just a suggestion, would be a \$25 fine for the second or third violation and increasing by \$10 every fine thereafter.

Noise nuisance: Hens make a clucking sound, which is comparable to a birds chirp. Most noise complaints are not from the clucking of a hen. Hens also bawk after laying an egg and perhaps an extra time or two during daylight hours, depending on hens. I had hens that would bawk three times a day and others that barely did it once (only when laying an egg and they don't lay eggs daily). The noise can last anywhere from 15 seconds to a couple of minutes and are unpleasant to most ears. However, they are not louder, as common nor during off hours compared to a dogs bark. Hens never make noise at night unless under attack or falling from their sleeping space, which is a rare occasion. The noise stops almost immediately after the threat is gone. They go to their sleeping quarters just as the sun sets and come out as soon as light is seen in the sky so there's almost no noise concerns during the off hours. PS: I do not advocate for roosters to ever be permitted in residential areas with lot sizes less than a half an acre.

Smell nuisance: Hens, like other pets, defecate and they do so several times a day. However, the amount is small, perhaps about an ounce each time. Depending on roaming size and amount of hens in the yard, it is realistic to have a possible smell concern. From my experience, the smell is within the vicinity of the coop (or area where they spend most of their time). However, if hen owners make appropriate use of the manure, mixing it with compost or soil to feed trees and plants, it becomes a natural fertilizer and dissolves quickly without a smell nuisance. Other hen owners may choose to clean the coop area a couple of times a week and simply discard the manure in plastic bags, just as we would do with cat or dog manure. Careless pet owners will create a smell nuisance for their neighbors regardless of what pet they have. Therefore, hens do not create a smell nuisance, rather, their owners might.

Insect nuisance: Hens are known to rid of many backyard pests, thus providing a good environmental balance in regards to insects. They eat lots of pests that we would want eliminated from our yards. The only insect they attract is the fly due to their manure. The issue of manure was already discussed and flies are attracted to any manure that is not cleaned up. Therefore, the issue is not manure, rather, pet ownership and responsibility.

The solution to any nuisances would not be to punish most hen owners just as we would never do that to most cat or dog owners. Rather, the solution would be a warning or two followed by nuisance fees/penalties for repeated complaints. All or none deals are hardly ever the answer, but a compromise that suits both parties is usually best. Please reconsider by not passing such an ordinance and, instead, imposing warnings and/or fines for repeat offenders.

Thank you for your time and consideration. Respectfully, a hopeful Elk Grove homeowner.

Name	City of Residence	Rent or Own	Address
1. Khaled DASTAGIR	ELK GROVE	Rent	
2. Kristin Robinson	Rosemead	Rent	
3. John Sai Zhang	Elk Grove	OWN	SACRAMENTO 95826 Elk Grove 95624
4. Jeff Gault	ELK GROVE	Rent	Elk Grove 95624
5. Chris Cherry	ELK GROVE	Rent	95624
6. Gabriel Escobar	SACRAMENTO	RENT	95823
7. Kori Ashwanden	GALT	OWN	GALT, 95628
8. Dorey Saeghan	SACRAMENTO	OWN	95828
9. Muelbyeau	Elk Grove	own	Elk Grove 95757
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12/1/14

PS: Interesting to note that on 12/1/14 on NPR capital public radio at 9:25 AM I heard a story about the need to make livestock animals OK and regulations more lenient in the cities - they also made an exception to roasters ☺ (not to allow roasters) Israel farms is a leading advocacy group.



*Incorporated July 1, 2000*

8380 Laguna Palms Way  
Elk Grove, California 95758

**CITY OF ELK GROVE**

Telephone: (916) 683-7111  
Fax: (916) 691-2001  
www.elkgrovecity.org

## **City of Elk Grove – City Council NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that on **Wednesday, December 10, 2014, at the hour of 6:00 p.m.**, or as soon thereafter as the matter may be heard, the Elk Grove City Council will conduct a public hearing at City Hall in the Council Chambers, 8400 Laguna Palms Way, Elk Grove, California, to consider the following matter:

### **AMENDMENTS TO TITLE 23 (ZONING), TITLE 22 (LAND DEVELOPMENT), AND TITLE 16 (BUILDINGS AND CONSTRUCTION) – CITY-INITIATED ORDINANCE**

The proposed City-initiated amendments to Title 23, Title 22, and Title 16 of the Elk Grove Municipal Code include minor amendments to clarify the various planning entitlements and development standards, correct inconsistencies, and to address recent case law. Highlights of the proposed amendments include, but are not limited to, the following:

- Modifications to allow the Zoning Administrator the ability to elevate items to the Planning Commission.
- Multiple revisions to clarify various definitions, such as adding pot-belly pigs to “household pets”, clarifying definitions of “Building materials stores and yards”, “Business support services”, “Medical services, extended care”, and “Offices, business and professional” and a new definition for “Pediatric day health and respite care facility”.
  - Adding “Pediatric day health and respite care facility” to the allowed uses table. As directed by the Planning Commission, this use would require a CUP in the LI zone district and would be prohibited in the HI zone district.
  - Permitting “Adult day health care center” in the GC and SC zones.
  - Modifications to a footnote related to chickens for clarification in RD zoning district for improved consistency with the 2011 Zoning Code Update (Update 2). Specifically, this change would provide the following, as directed by the Planning Commission after public comment: “Residents may have up to 6 chickens in all RD zone districts, as long as the chickens are confined at a minimum of 20 feet from all property lines. Roosters are not permitted.”
- Revisions to the Development Standards footnotes to remove additional yard and court requirements for each foot a hotel measures over 40 feet.
- Revisions to clarify permitted and prohibited fencing materials, particularly involving the restriction of chain-link fencing in residential and agricultural residential zoning districts.
- Pursuant to recent case law, modification to repeal regulations pertaining to living/residing in vehicles.
- Addition to required parking facilities to provide required parking spaces for “Fuel storage and distribution” use.
- Additional height increase deviations for cell towers under certain circumstances.
- Amendment of Chapter 22.40 (Park and Recreation Dedication and Fees) to clarify the City’s requirements for parkland dedication, including the required parkland ratio for new development (5 acres of park land per 1,000 persons), process for determining household size factors, and process for providing credit for private open space and recreation facilities as part of new development.

LOCATION/APN: Citywide  
ENVIRONMENTAL: The proposed amendments are not a “project” as defined by the California Environmental Quality Act under the General Rule exemption (Section 15061 (b)(3) of Chapter 3, Title 14 of the California Code of Regulations)

*The Planning Commission reviewed this item on November 6, 2014 and voted 4-0 to recommend approval to the City Council.*

Information or questions regarding this item should be referred Nate Anderson, (916) 478-2245 or to the office of Development Services – Planning, 8401 Laguna Palms Way, Elk Grove, CA, 95758. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the close of the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 8380 Laguna Palms Way, Suite 200 Elk Grove, CA, 95758, at or prior to the close of the public hearing.

**This meeting notice is provided pursuant to Section 23.14.040 of Title 23 of the Elk Grove Municipal Code.**

Dated: November 28, 2014

JASON LINDGREN  
CITY CLERK, CITY OF ELK GROVE

**ADA COMPLIANCE STATEMENT**

**In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (916) 478-3635. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.**