

ORDINANCE 28-2007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE ELK GROVE ZONING CODE, TITLE 23 OF THE CITY'S MUNICIPAL CODE

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 City of Elk Grove Zoning Code text to clarify and correct errors, omissions, and incorrect provisions after the adoption of the comprehensive Zoning Code update in 2006. These amendments ensure consistency and implement the policies and actions of the City's General Plan and are consistent with State and federal laws.

Section 2: Findings

California Environmental Quality Act (CEQA)

Finding: The proposed Zoning Code amendments are exempt from the California Environmental Quality Act.

Evidence: The proposed amendments to the Zoning Code are revisions and edits to the previously approved Zoning Code update which was adopted by the City Council in July 2006. These amendments to the City's Zoning Code are exempt from California Environmental Quality Act (CEQA) pursuant to Section 15183 (Project Consistency with the General Plan) of the CEQA Guidelines. This exemption applies to projects that are consistent with the development densities and intensities established in the General Plan and analyzed in the General Plan Environmental Impact Report (EIR). The purpose of these regulations is to implement the land use policies established in the City's General Plan. An EIR was prepared for the General Plan and analyzed impacts associated with the adopted Land Use Policy Map. Given that the proposed amendments to the Zoning Code are minor clarifying modifications to the existing zoning code and that implementation of these amendments will not cause the increase of development densities or intensities with respect to those identified in the General Plan or analyzed in the General Plan EIR, they qualify for the above stated exemption.

Zoning Code Amendments

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

Evidence: These proposed text amendment to the City's Zoning Code implement the goals, policies, and action items of the General Plan. They clarify the development standards and allowed use provisions for each of the City's Zoning Districts and refine special use provisions. More specifically:

- Amendments to the Density Bonus regulations are made for consistency with General Plan Policy H-5;
- Provide for limited institutional uses in residential and agricultural-residential areas of the City, consistent with Policy LU-3, Action 3; and
- Performance standards for noise are amended for consistency with the Noise Element.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Code as set forth below.

The following changes are organized by section as they appear in the Zoning Code. Proposed language to be added is shown with underlines and language to be removed is shown with strikeouts.

Table of Contents - *Modify the Table of Contents with minor revisions to read as follows:*

23.64	Yard Measurements and Projections	IV-90
23.76.020	Application Content	V-20
23.78.010	Purpose and Applicability	V-29
23.78.020	Permit Requirements	V-29
23.78.030	Development Standards	V-29
23.94	Wireless Communication Facilities	V-54

Section 23.10.050 Additional Provisions for the Planning Commission – *Modify subsection (1) and (3) as follows for consistency with previously adopted ordinances, to read as follows:*

(1) **Membership and Term.** There shall be five members of the Planning Commission. Commissioners shall not be employees of the City, but shall be residents of the City. Each member of the City Council shall appoint one member to the Commission. Each member shall serve at the pleasure of his or her appointing Councilmember. Initial appointments, subsequent appointments, and/or reappointments by Councilmembers shall be made every two years, prior to February 1 of each odd-numbered year commencing in the year 2005. There shall be no maximum number of terms that may be served by an individual member.

(3) **Compensation.** Each appointee to the Planning Commission shall receive compensation as determined by ordinance, resolution, or other formal action of the City Council.

Section 23.16.080 - *Modify the Design Review portion of the Permit Requirements Chapter to reflect other processes identified in the Zoning Code that require Design Review approval and identify the Designated Approving Authority for said processes, to read as follows :*

(2) **Applicability.** A Design Review Permit is required for the following items:

- (A) Single family residential subdivision maps;
- (B) Master home plans for single family residential subdivisions;
- (C) Multifamily residential development; and
- (D) Non-residential development (e.g., commercial, office, industrial, public/quasi-public).
- (E) Other items identified in this Title

(4) **Approving Authority.** The designated Approving Authorities for Design Review are listed in Table 23.16-1. For any design review process not identified in Table 23.16-1, the Planning Commission shall be designated Approving Authority. The Approving Authority shall approve, conditionally approve, or deny the proposed Design Review application in accordance with the requirements of this chapter. Design Review approval is required prior to issuance of any ministerial building permits or site improvement plans and prior to or in conjunction with discretionary action of corresponding development applications (e.g., Conditional Use Permit, Variance).

**Table 23.16-1
Design Review Approving Authority**

Land Use Type	Planning Director	Planning Commission
Single family Residential Subdivisions		X
Master Home Plans for Single Family Residential Subdivisions	X	
Multifamily Residential	X ¹	X
Non-Residential (new construction/additions)	< 5,000 sf.	> 5,000 sf.

1. Consistent with the City's General Plan, the Planning Director shall be the Approving Authority for multifamily development applications with fewer than 150 units (including any density bonus units).

Special Planning Area (Section 23.16.100) – *Amend to read as follows:*

- (2) **Purpose.** The Special Planning Area (SPA) process is established as a process whereby the City Council or the Planning Commission may initiate proceedings to regulate property in areas throughout the City that have unique environmental, historic, architectural, or other features which require special conditions not provided through the application of standard zone regulations. The purpose of this section is to establish a procedure to initiate or amend Special Planning Areas and does not amend any existing Special Planning Areas automatically. It is recognized that in certain circumstances it may be desirable to provide for a greater range or mixture of uses in an area than would be permitted in the standard land use zones of this Code. It is the purpose of this section to provide the method for the City to guide the development of such areas so as to preserve such unique characteristics or provide for a broader mixture of land uses when appropriate.
- (3) **Designation.** The abbreviation SPA appearing on the Zoning Map incorporated in Section 23.40.020, (Special Planning Area District), indicates that the property so classified is subject to the provisions of this Article and an ordinance adopted pursuant to this Article.
- (4) **Initiation of Special Planning Area Zoning.** Proposals to prepare a Special Planning Area may be initiated by the City of Elk Grove or by any person in the same manner as a Zoning Amendment as provided in this Zoning Code.
- (i) **Mandatory Contents of SPA Ordinance.** A SPA Zone shall be established by ordinance, and each SPA Ordinance shall set forth in text, maps, and diagrams the following items, at the level of detail appropriate for the SPA submittal:
- (A) A list of permitted, conditionally permitted, and prohibited uses.
- (B) Performance and development requirements relating to yards, lot area, intensity of development on each lot, parking, landscaping, and signs.
- (C) Other design standards appropriate for the specific site and development.
- (D) Legal description of property covered by the ordinance.
- (E) Reasons for establishment of a SPA Land Use Zone on the particular property.
- (5) **Optional Contents of SPA Ordinance.** Additional contents may be required as determined by the Planning Director including, but not limited to, the following:
- (A) Regulations relating to nonconforming lots, uses, structures, and signs.
- (B) Time, phasing, and sequence of development projects.

- (C) Infrastructure plan
 - (D) Circulation plan
- (6) **Findings.** Prior to adopting an SPA Ordinance, the City Council shall make the following findings:
- (A) That the proposed Special Planning Area is consistent with the goals, policies, and objectives of the General Plan; and
 - (B) That the proposed Special Planning Area meets the requirements set forth in this Article.
 - (C) The area included within the SPA Zone has one or more unusual environmental, historical, architectural, or other specified significant features which justify the adoption of the SPA Zone.
 - (D) The said features cannot be adequately protected by the adoption of any other land use regulation.
- (7) **Application for Amendment to the SPA Land Use Zone.** The procedures for amending a SPA Land Use Zone shall be the same as for any amendment to the Zoning Code, as set forth in Section 23.16.110, including the necessary findings in Section 23.16.100.6.
- (8) **Application of SPA Development Requirements.** Where specific conditions of the SPA are more restrictive than the Zoning Code development standards, the conditions of the SPA shall apply. Where a standard is not addressed in the SPA, the Zoning Code shall apply.

Table 23.28-1 – Allowed Uses and Permit Requirements for Agricultural and Agricultural Residential Zoning Districts – Amend Table 23.38-1 read as follows:

**Table 23.28-1
Allowed Uses and Permit Requirements
for Agricultural and Agriculture Residential Zoning Districts**

P = Use Permitted	CUP = Conditional Use Permit Required					N = Not Permitted
	Uses Permitted by District					
Land Use	AG-80	AG-20	AR-5/10	AR-2	AR-1	Specific Use Regulations
	Residential Use Listings					
Adult Day Care Home	P	P	P	P	P	

P = Use Permitted	CUP = Conditional Use Permit Required					N = Not Permitted
Land Use	Uses Permitted by District					Specific Use Regulations
	AG-80	AG-20	AR-5/10	AR-2	AR-1	
Family Day Care Home, Large	CUP	CUP	CUP	CUP	CUP	
Group Residential	CUP	CUP	N	N	N	
Home Occupations	P	P	P	P	P	
Residential Care Home	P	P	P	P	P	
Recreation, Education, and Public Assembly Use Listings						
Cemeteries, Mausoleums	CUP	CUP	N ²	N	N	
Retail, Service, and Office Listings						
Equestrian Facility-, Commercial	CUP	CUP	CUP	CUP	N	
Offices – Accessory to Primary Use ³	P	P	P	P	CUP	
Residential Care Facility	CUP	CUP	CUP	CUP	CUP	

Notes:

1. Mobilehomes are required to have a permanent chassis, removal of wheels, and permanent hookup to private water and sewer. See Chapter 23.92, Temporary Uses.
2. Allowed as a conditionally permitted use only as part of the expansion of an existing cemetery.
3. Offices are permitted without retail sales.

Table 23.28-2 – Modify the development standards for height of accessory structures to be consistent with the Accessory Structures chapter (23.46, Table 23.46-1) to read as follows:

Development Standard	AG-80	AG-20	AR-5/10	AR-2	AR-1
Height Limit, Accessory Structures	40 ft. ³	40 ft. ³	40 ft.	40 ft.	40 ft.

Table 23.30-1 Allowed Uses and Permit Requirements for Residential Zoning Districts – Amend Table 23.30-1 to 1) add a new use listing for “School, Charter” and allow the use with a conditional use permit in the RD-1 through RD-15 zones, appearing just before “Schools, Private” in the “Recreation, Education, and Public Assembly Use Listing” section; 2) add a new use listing for “Residential Care Facility” to the “Retail

Service and Office Listings” section and allow the use in the RD-20/25/30 zones with a conditional use permit, along with a reference to Chapter 23.88 in the Specific Use Regulations column; 3) remove all other references to Chapter 23.88 in the Specific Use Regulations column; and 4) remove the word “small” from “Residential Care Home, Small” and make the use a permitted use in the RD-20/25/30 zones, to read as follows:

**Table 23.30-1
Allowed Uses and Permit Requirements for Residential Zoning Districts**

P = Use Permitted	CUP = Conditional Use Permit Required					N = Not Permitted
Land Use	Permit by Residential Zoning District					Specific Use Regulations
	RD-1/2/3	RD-4/5/6	RD-7	RD-10/15	RD-20/25/30	
Residential Use Listings						
Adult Day Care Home	P	P	P	P	CUP	
Family Day Care Home, Small	P	P	P	P	P	
Family Day Care Home, Large	CUP	CUP	CUP	CUP	N	
Group Residential	N	N	CUP	CUP	CUP	
Residential Care Home	P	P	P	P	N	
Recreation, Education, and Public Assembly Use Listings						
Schools, Charter	CUP	CUP	CUP	CUP	N	
Schools, Private	CUP	CUP	CUP	CUP	N	
Retail Service, and Office Listings						
Bed and Breakfast Inns	CUP	CUP	CUP	CUP	N	
Office, Business and Professional	CUP	CUP	CUP	CUP	CUP	
Residential Care Facility	N	N	N	N	P	Chapter 23.88

Table 23.30-2A Very Low Density Residential Development Standards – Amend the development standards/building setbacks for the RD-1, RD-2, and RD-3 zoning districts to be consistent with the previous edition of the Code and reduce the amount of nonconforming uses in the City, to read as follows:

Table 23.30-2A
Very Low Density Residential Zoning Districts Development Standards

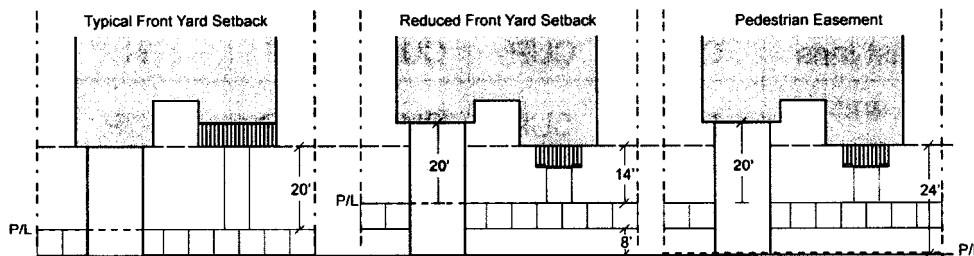
Development Standard	RD-1	RD-2	RD-3
Setbacks			
Front ¹	20 ft.	20 ft.	20 ft.
Sides, Interior Lot	5 ft.	5 ft.	5 ft.
Street Side, Corner Lot	12.5 ft.	12.5 ft.	12.5 ft.
Rear	25 ft.	25 ft.	25 ft.

Notes:

1. The front yard setback may be reduced when separated sidewalks are utilized.

Table 23.30-2B – Modify footnote 1 and add the following figure to clarify how the setback reduction works when separated sidewalks are used in a residential development. Also modify footnote 4 to read as follows:

1. The front yard setback may be reduced when separated sidewalks are utilized. The setback reduction shall not exceed the width of the planter separating the sidewalk and the street. The front yard setback is measured from the front property line, which is typically located at the back of a monolith sidewalk that is contiguous to the street. When a separated sidewalk is used, the property line may either be located at the back of the sidewalk or at the back of the curb. In such instances, the width of the landscaping separating the sidewalk from the curb may be reduced from the required front yard setback. In any instance, however, the driveway shall maintain a minimum depth of 20 feet (15 feet for side garages/swing driveways). See the following example figure, which illustrates this concept with the development standards for the RD-5 zone:



4. Fifteen foot setback for 2-story; 10 foot setback for 1 story.

Table 23.32-1 Allowed Uses and Permit Requirements for Commercial Zoning Districts – Amend Table 23.32-1 to 1) delete the “Retail Sales/Rental Service” use listing; 2) delete the “Storage – Accessory” use listing; 3) delete all reference to Chapter 23.88 in the Specific Use Regulations column, except for the “Residential Care Facility” listing; 4) add “Heliports as a conditionally permitted use in the SC zone for consistency with the use listing for “Medical Services – Hospitals”; 5) modify the title “Indoor Fitness and Sports Facility” for consistency with the rest of the Zoning Code; 6) add Cemeteries as a conditionally permitted use in the GP zone; and 7) to read as follows:

**Table 23.32-1
Allowed Uses and Permit Requirements for Commercial Zoning Districts**

P = Use Permitted	CUP = Conditional Use Permit Required						N = Not Permitted	
	Permit by Commercial Zoning District							Specific Use Regulations
	LC	GC	SC	AC	TC	C-O		
Residential Use Listings								
Residential Care Home	N	P	N	N	N	N		
Recreation, Education, and Public Assembly Use Listings								
Cemeteries, Mausoleums	N	CUP	N	N	N	N		
Schools - Charter	CUP	N	N	N	N	N		
Utility, Transportation, and Communication Use Listings								
Heliports	N	CUP	CUP	N	N	N		
Retail, Service, and Office Listings								
Residential Care Facility	CUP ₃	CUP ₃	N	N	N	CUP ₃	Chapter 23.88	

Table 23.32-2 Front and Street Side Yard Setback Requirements for Commercial Zoning Districts – Amend the front and street side yard setback requirements for all commercial zoning districts (LC, GC, AC, TC, C-O) to simply require a minimum 25 foot setback. Consistent with this change (and as listed later in this ordinance) the landscaping requirements are also amended to require landscaping abutting streets in these districts to also be a minimum of 25 feet. Amend the associated footnote 1 in Table 23.32-2 to reflect this change.

Development Standard	Commercial Zoning Districts					
	LC	GC	SC	AC	TC	C-O
Setbacks						
Front and Street Side Setback ¹	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.

Notes:

1. See Chapter 23.54, Landscaping

Table 23.34-1 Allowed Use and Permit Requirements in Office Zoning Districts – Amend Table 23.34-1 to include Drive-in and Drive-Thru as a conditionally permitted use in the BP zone, subject to the new footnote 2 to limit this use to only associated banks and financial services uses and to reference relevant provisions in Article 5 (Drive-in and Drive-Thru Ordinance), as follows. All subsequent footnotes are also renumbered as appropriate. The new use listing is added between “Convenience Stores” and “Hotels and Motels.” Also move the listing for “Public Safety Facility” from the “Retail, Service, and Office Listings” to the “Recreation, Education, and Public Assembly Use Listings.” Further, delete the use listings for “Retail Sales/Rental Service” and “Storage – Accessory.”

**Table 23.34-1
Allowed Uses and Permit Requirements for Office Zoning Districts**

P = Use Permitted	CUP = Conditional Use Permit Required		N = Not Permitted
	Permit by Office Zoning District		
	BP	MP	Specific Use Regulations
Recreation, Education, and Public Assembly Use Listings			
Public Safety Facility	P	P	
Retail, Service, and Office Listings			
Adult Day Care Facility	P	CUP	
Banks and Financial Services	P	P	
Drive-in and Drive-through Services ²	CUP	N	Chapter 23.78
Kennel-Commercial	N	P ³	
Industry, Manufacturing, and Processing Use Listings⁴			
Electronics, equipment and appliance manufacturing	N	CUP ⁵	
Fabric product manufacturing	N	CUP ⁵	
Food and beverage manufacturing	N	CUP ⁵	

P = Use Permitted	CUP = Conditional Use Permit Required		N = Not Permitted
	Permit by Office Zoning District		Specific Use Regulations
	BP	MP	
Furniture and fixture manufacturing	N	CUP ⁵	
Handcraft industries, small scale manufacturing	N	CUP ⁵	
Laundries and cleaning plants	N	CUP ⁵	
Printing and Publishing	N	CUP ⁵	

Notes:

1. Permitted as only an accessory use to the primary use of the property.
2. Drive-in and Drive-through services are only permitted when associated with Banks and Financial Services and may not be developed or operated with any other use type. Also see relevant regulations in Chapter 23.78 (Drive-in and Drive-through Facilities).
3. A CUP is required when located within 500 feet of any agricultural, agricultural-residential, or residential property.
4. The Planning Commission may also consider similar industrial uses within an industrial park subject to approval of a CUP.
5. Conditionally permitted when located within an industrial park. Otherwise, new freestanding industrial uses not a part of an integrated, industrial development are not permitted.

Table 23.36-1 Allowed Use and Permit Requirements in Industrial Zoning Districts
 – Make the following changes to the Allowed Uses and Permit Requirements for Industrial Zoning Districts adding Public Safety Facility, changing Theatres and Auditoriums in the M-2 zone to CUP from not permitted, adding “Alcoholic Beverage Sales,” “Convenience Stores,” “Car Washing and Detailing,” and “Service Stations – no vehicle service” as conditionally permitted, and adding footnotes 2 and 3 to permitted by right for Vehicle Services – Major Repair/Body Work in the M-2 zone. Also delete the use listing for “Storage – Accessory.”

Land Use	CUP = Conditional Use Permit Required		Specific Use Regulations
	M-1	M-2	
Public Safety Facility	P	P	
Theatres and Auditoriums	CUP	CUP	
Alcoholic Beverage Sales ¹	CUP	CUP	
Convenience Stores ¹	CUP	CUP	
Car Washing and Detailing	CUP	CUP	
Service Stations – no vehicle service	N	CUP	Chapter 23.72
Vehicle Services – Major Repair/Body Work	CUP	P ^{2, 3}	

Notes:

1. Use may only be conditionally permitted with located in conjunction with an otherwise permitted service station.
2. A CUP is required when located within 500 feet of any agricultural, agricultural-residential, or residential property.
3. Permitted only when located a minimum of 500 feet from a residential, agricultural residential, or agricultural zoning district or use.
4. All outdoor storage associated with the use shall be located within a secured enclosure with a minimum six-foot tall solid wall to screen visibility of all business operations.
5. Tasting room or retail sales require approval of a CUP.

Table 23.36-2 Front and Street Side Yard Setback Requirements for Industrial Zoning Districts – Amend the front and street side yard setback requirements for all industrial zoning districts (M-1 and M-2) to simply require a minimum 25 foot setback. Consistent with this change (and as listed later in this erratum) the landscaping requirements are also amended to require landscaping abutting streets in these districts to also be a minimum of 25 feet. Amend footnote 1 to reflect this change.

**Table 23.36-2
Industrial Zoning Districts Development Standards**

Development Standard	Industrial Zoning Districts	
	M-1	M-2
Setbacks		
Front and Street Side Setback ¹	25 ft. ¹	25 ft. ¹

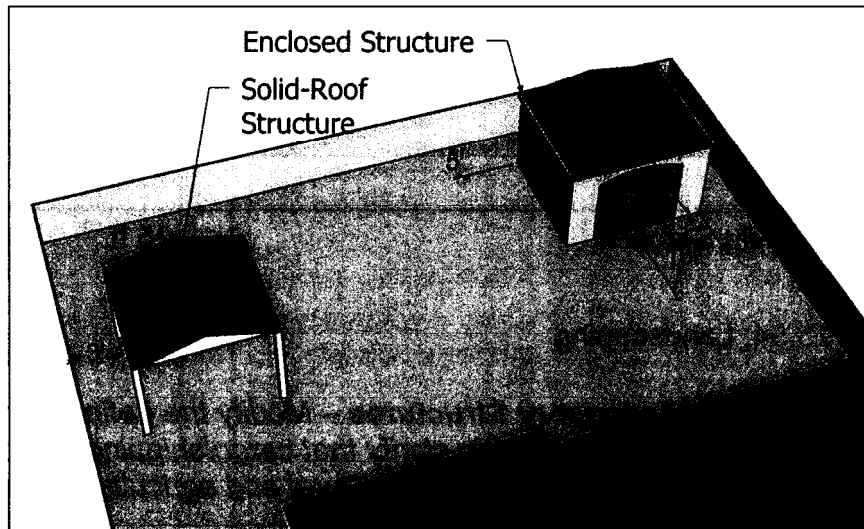
Notes:

1. See Chapter 23.54, Landscaping

23.46.020) Definitions for Accessory Structures – *Modify the definition of Accessory Structure, Enclosed and/or Solid-Roofed to clarify that cargo/shipping containers may only be permanent accessory structures on agricultural and agricultural-residential property, as follows:*

Accessory Structure, Enclosed and/or Solid-Roofed. A detached accessory structure which is either entirely enclosed by walls and a solid roof or is partially enclosed with a solid roof. This classification of accessory structures includes garages, greenhouses, poolhouses, sunrooms, workshops, storage sheds, barns and other agricultural outbuildings, as well as carports, patio covers, gazebos, stables and other agricultural outbuildings with solid roof construction. This category includes windmills, water towers, and other similar agricultural structures. Also included in this definition are cargo/shipping containers and other metal storage containers not otherwise regulated as temporary uses in Chapter 23.92 (Temporary Uses), but only when located on agricultural or agricultural-residential property. In all other zones, including residential, such containers may not be used as permanent accessory structures.

Figure 23.46-1 – Modify the figure for consistency with the standards listed in Table 23.46-1 as follows (amends side setback for solid roof structures from 5 feet to 3 feet):



23.48.040(1) Exceptions to Height Limit for Residential Districts – Modify as follows to allow for church steeples that exceed the height limit for the underlying zoning district:

(1) Residential Districts.

(A) Chimneys, television antennas, and roof-mounted solar collectors not exceeding a dimension of six feet at their base may exceed the height limits of the applicable zoning district by a maximum of five feet.

(B) Church steeples, carillon towers, and similar church structures may be erected to a maximum height of 75 feet from the ground, provided said structures are setback from all property lines a distance equal to the height of the structure.

Section 23.50.040(1)(C) Density Bonus for Senior Developments – As directed by General Plan Policy H-5, offer increased incentives or density bonus that is higher than required by State law above 25 percent, as follows:

(C) For senior developments, a 25 percent base density bonus plus a two-and-a-half percent supplemental increase over that base for every one percent increase in senior units. The maximum density bonus allowed including supplemental increases is 35 percent;

Section 23.50.040(7)(D) General Provisions Related to Density Bonuses and Incentive and Concessions – Amend the paragraph to clarify the intent and applicability of projects as follows:

(D) Upon request by the applicant, the City shall not require that a housing

development, that meets the requirements of Section 23.050.030, provide a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following:

23.52.030 Location and Height Restrictions for Fences and Walls – Modify Section 23.52.030, Table 23.52-1, and Figure 23.52-1 as follows to clarify what standards apply to what yard areas of sites:

23.52.030 Location and Height Restrictions

(1) **Maximum Allowed Heights.** Fences and walls shall not exceed the maximum heights in the corresponding required yard area as shown Table 23.52-1 and Figure 23.52-1.

**Table 23.52-1
Maximum Height of Fences and Walls in Required Yard Area**

Location of Fence/Wall	Minimum Setback	Maximum Height ^{1,} ₂
Required Front Yard Area	Determined by Zoning District	3 feet
Required Rear and Interior Side Yard Area (Along Rear and Interior Property Lines)	0 feet	6 feet
Required Street Side Yard Area	5 feet ³	6 feet
At intersections of streets, alleys, and driveways within the clear visibility area	4	30 inches
All other areas of lot		5

Notes:

1. As part of Design Review or other discretionary entitlement, the Designated Approving Authority may grant additional height to enclose or screen specific areas or uses or for fences and walls designed for noise attenuation.
2. Agricultural and Agricultural-Residential zoning districts may have fences within the required front yard area to a maximum height of six feet, provided the fencing is open-view type. Also see Section 23.52.050 (3).
3. Setback area for street side yard is measured from back of sidewalk.
4. See definition of Clear Visibility Triangle in Section 23.98.030, Definitions.
5. For all other areas of the lot, see applicable standards of Chapter 23.46, Accessory Structures.

**Figure: 23.52-1
Front and Street Side Setback Areas**

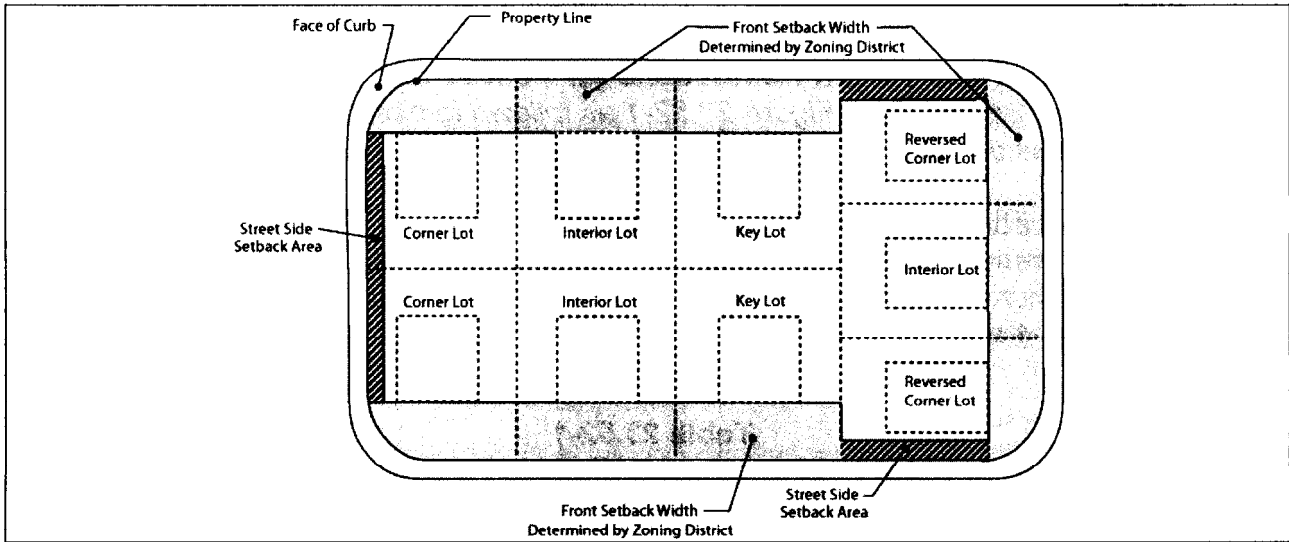


Figure 23.52-2 – Modify the figure for consistency with the text in Section 23.52.030(2) as follows:

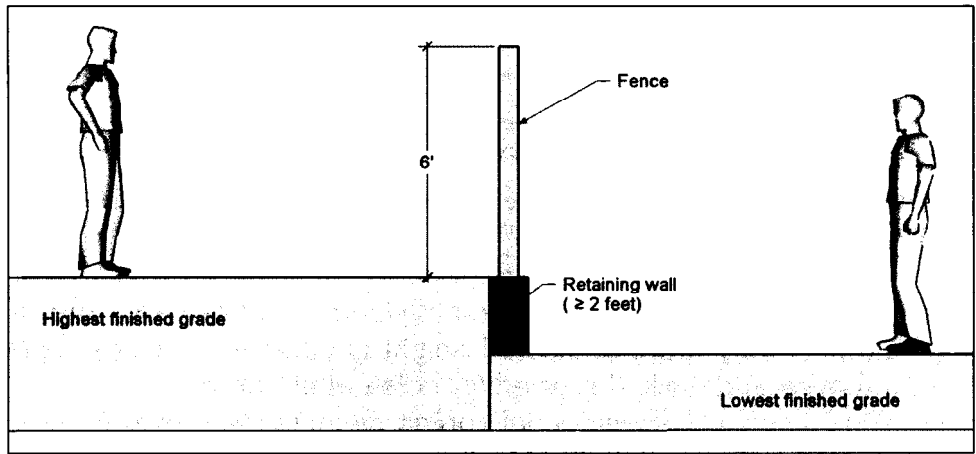


Table 23.54-1 Minimum Landscape requirements by Zoning District – Consistent with changes to the setback regulations in Article III above, amend Table 23.54-1 to require a minimum of 25 feet of landscaping in all Commercial, Office, and Industrial Zoning Districts abutting streets, as follows:

**Table 23.54-1
Minimum Landscape Requirements by Zoning District**

Zoning Districts	Minimum Landscape Coverage ¹	Minimum Landscape Planter Width		
		Abutting Street ²	Abutting Interior Property Line ³	Abutting Residential Property
Commercial/Office				
LC, BP	15 %	25 ft.	6 ft.	10 ft.
GC, SC	20 %	25 ft.	6 ft.	10 ft.
TC, CO	15 %	25 ft.	6 ft.	10 ft.
AC	10 %	25 ft.	6 ft.	10 ft.
Industrial/Office				
MP	15 %	25 ft.	6 ft.	25 ft.
M-1, M-2	15 %	25 ft.	6 ft.	25 ft.

23.54.050(1) Special Landscape Provisions – Modify as follows to clarify the amount of perimeter landscaping required where residential and non-residential development interfaces:

(1) **Perimeter Landscape.** Minimum width of perimeter landscape along adjoining streets and interior property lines are identified in Table 23.54 above. Within the perimeter landscape planter adjoining all streets, street trees shall be planted at a maximum spacing of 50 lineal feet on center, located between five and ten feet from the back of sidewalk. Within the perimeter landscape planter along interior property lines, screen trees shall be planted at a minimum spacing of 30 lineal feet on center, located between five and ten feet from the property line. Additionally, where non-residential property abuts residential property, the required landscape planter shall include evergreen screen trees at thirty (30) feet on center, large growing shrubs at eight (8) feet on center and climbing vines, planted between large shrubs, at eight (8) feet on center. (See City's Screen Tree List, Large Growing Shrubs and Climbing Vine List).

23.56.030(5) Hours of Illumination – Modify to clarify that security lighting may remain on during the required off hours for all other lighting as follows:

(5) **Hours of illumination.** Automatic timing devices shall be required for all new outdoor light fixtures with off hours (exterior lights turned off) between 10:00 p.m.

and 6:00 a.m. However, outdoor lights may remain on during the required off hours when:

- (A) The hours of operation of the associated use extend into the required off hours (lighting may stay on during the hours of operation of the use);
- (B) Illuminating flags representing country, state, or other civic entity (also see Section 23.62.090(2)(C)); and
- (C) Functioning as security lighting (e.g. illuminating a pathway, building entry, etc).

23.58.050 (5) Mixed-use/multiple tenants – *Modify to clarify that the calculations are made on an aggregate basis as follows:*

- (5) **Mixed-use/multiple tenants.** Except as otherwise provided in this Chapter, for each separate use on a site with multi-tenants, or a combination of principal uses in any one facility, the development shall provide the aggregate number of parking spaces for each separate use. Shopping centers may include up to ten percent restaurant use parked at the retail ratio of 4.5 spaces per 1,000 square feet. Any increase in restaurant use will require additional parking as listed in Table 23.58-1. Said calculation is made on an aggregate basis.

Table 23.58-2 Parking Requirements by Land Use – *Add a new listing for Second Dwelling Units for consistency with Section 23.90.040 (Development Standards for Second Dwelling Units) as follows. This listing is added between “Mobilehomes/Mobile Home Parks” and “Senior Independent Living Facilities.”*

Land Use Type	Required Parking Spaces
Second Dwelling Unit	1 space / bedroom

Table 23.58-2 Parking Requirements by Land Use – *Amend the formatting of the table to clarify that the parking requirements for Theaters and Auditoriums are separate from the overall use listing for Schools so that the table appears as follows:*

Land Use Type	Required Parking Spaces
Schools	
Elementary and Secondary/ Junior/ Middle	Greater of: 2 spaces/ classroom or 1 space/ 5 seats in the main assembly area
High	1.35 spaces/ classroom, plus 1 space/ 4.5 fixed seats or 40 sf. seating area in the auditorium or assembly area
College/ University	1 space/ 2 students (maximum student

Vocational and Trade Studios	capacity, plus 1 space/ employee 1 space/ 2 students, plus space/ employee 1 space/ 250 sf.
Theaters and Auditoriums	Greater of: 1 space/ 3 fixed seats or 1 space/ 30 sf.

23.60.040(2) Noise Standards – Amend Section 23.60.040(2) for consistency with the policies of the General Plan Noise Element as follows:

- (2) **Noise Standards.** No use, activity, or process shall exceed the maximum allowable noise standards identified in the General Plan Noise Element. (Also see Chapter 6.68 of the Municipal Code, which addresses sound measurement standards, noise control programs, and other noise performance standards for various use types.)

23.61.040 Signs Permitted or Exempted – Amend to improve the grammatical flow of the sentence, as follows:

General Prohibition. Unless specifically authorized by the Policy Statement, no signs may be displayed on City Property by private parties. Any sign posted on City Property, in violation of the stated herein, may be summarily removed by the City as a trespass and a public nuisance.

23.61.060 Certain Governmental Signs – Amend as follows to clarify:

The following signs may be erected and displayed on City Property:

23.61.070 Street Banner Program – Consistent with the recommendation to repeal Chapter 16.38 (Signs) of the Municipal Code pertaining to Signs on City Property, amend Section 23.61.070 of the Zoning Code to include the text of the City's Street Banner Program, as follows:

23.61.070 Street Banner Program

- (1) The street banner program is reserved for the City's use to promote its own messages and those special events which are sponsored or co-sponsored by the City.
- (2) Notwithstanding any other section of this Zoning Code, the City Manager (or his designee), or the City Council upon appeal, may authorize the temporary placement of banner signs within the public right-of-way on City property where those banners display the name and/or date of an event and or activity sponsored entirely by the City of Elk Grove or co-sponsored by the City of Elk Grove that calls attention to the City, its natural advantages,

resources, enterprises, attractions, climate, facilities, businesses, and community.

- (3) Such banners shall be allowed for only a limited duration and must be a part of the City's economic development program calling attention to the City, its natural advantages, resources, enterprises, attractions, climate, facilities, businesses, and community.
- (4) No person shall place, cause to be placed, or maintain a banner sign in the public right-of-way or on City property except as authorized herein.
- (5) The City Manager shall designate those streets, highways, alleys, other public rights-of-way, and those City properties on which banner signs as authorized herein may be placed.
- (6) The City Manager may issue a banner sign permit for an event and or activity or activity sponsored entirely by the City or co-sponsored by the City within 45 days after an application has been filed, subject to the following conditions:
 - (A) The permit shall expire after 60 days and the applicant shall cause the banners to be removed at applicant's expense;
 - (B) The banners promote an event and or actively sponsored entirely by the City or co-sponsored by the City occurring within the City calling attention to the City, its natural advantages, resources, enterprises, attractions, climate, facilities, businesses, and community;
 - (C) The banners may contain the name and date of the event;
 - (D) The banners are secured tightly to the structures on which they are authorized to be attached; and,
 - (E) For applicants that are co-sponsors with the City, the applicant must agree to indemnify and hold harmless the City from any damages arising from the banners in a form acceptable to the City Attorney.
- (7) Each permit shall designate on which specific structures within the public right-of-way or on City property the banners may be placed.
- (8) No permit shall be issued unless the City Manager, or Council on appeal, finds that the banners are so designated as not to block views significant for traffic or does not otherwise present a safety hazard.
- (9) As used herein, "banner sign" means a strip of cloth or other flexible material

approved by the City Manager on which a sign or message is painted called attention to the City, its natural advantages, resources, enterprises, attractions, climate, facilities, businesses, and community.

(10)As used herein, “special event: means an event and or activity:

- (A) Sponsored entirely by the City or co-sponsored (either financially or otherwise) by the City of Elk Grove;
- (B) Generally of limited duration;
- (C) That may or may not involve an assembly of persons;
- (D) That may or may not require a permit under the Elk Grove Municipal Code; and,
- (E) That calls attention to the City, its natural advantages, resources, enterprises, attractions, climate, facilities, businesses, and community.

23.62.020 Regulatory Scope – Modify the chapter references to be correct as follows:

23.62.020 Regulatory Scope

This Chapter regulates signs, as defined herein, when they are on private property or otherwise not within the scope of Chapter 23.61 (Private Party Signs on City Property); or the Municipal Code Chapter addressing Parades, Demonstrations, Protests, Special Events; or the Municipal Code Chapter addressing conduct at City Council and Planning Commission meetings.

Section 23.62.030 Authority, Signs – Amend to include reference to Penal Code 556.1 as follows:

This Chapter is adopted pursuant to California Government Code sections 65000 et seq., 65850(b), 38774, 38775, Business and Professions Code sections 5200 and 5490 et seq., Civil Code section 713, Penal Code 556.1, and other applicable State laws.

23.62.060 Definitions – Add the following new definition to define subdivision signs:

Subdivision Sign. A temporary or limited-term sign, erected with the intent of identifying and directing vehicular and/or pedestrian traffic to the initial home sales of multiple lots with a single builder within a master planned community, including both single and multi family for sale products. All other home sales are included within the definition of Real Estate Signs. This excludes entry monument signs for single family subdivisions which are permanent signs designed to identify a master planned community.

Section 23.62.070(C) Approval of a Uniform Sign Program – Amend for internal consistency as follows:

(C) **Approval of a Uniform Sign Program.** The hearing and approving body for all Uniform Sign Programs shall be the Planning Commission, except as described in part E of this section. The process for appealing the decision shall be consistent with Chapter 23.14 of this Title, as modified by the appeal provisions within this Chapter. In evaluating a Uniform Sign Program, the decision making body shall not consider the graphic design or message of any non-commercial message proposed for any of the signs within the Program, but may alter or vary the standards for non-communicative aspects which would otherwise apply.

23.62.070(2)(D) Standards for Uniform Sign Programs – Remove color and materials as being regulated by the Uniform Sign Program and clarify the relationship of a Uniform Sign Program to the Sign Ordinance as follows:

(D) **Standards.** The Uniform Sign Program shall include criteria for building-attached signs for tenants, anchors, freestanding building signs and the integrated development itself to establish consistency of sign type, location, logo and/or letter height, lines of copy, illumination, and construction details of signs for the project. All signs within the development shall be consistent with the Uniform Sign Program as the adopted program is the sign standards for the development. The message substitution policy of this Chapter shall be deemed incorporated in every sign program, even if the sign program documents do not explicitly so state.

Section 23.62.080(6) Condition of Approval (Signs) – Amend for consistency with State law as follows:

(6) **Judicial Review.** Following final decision by the City Council, any concerned person may seek judicial review of the final decision on a sign permit application pursuant to California Code of Civil Procedure section 1094.8. Such review must be filed within 21 days of the final decision, or as otherwise required by 1094.8 or other applicable State law.

Section 23.62.090(2) Exempt Signs with limitations – Add a new item C (with all subsequent items renumbered accordingly) to exempt directory signs (as defined in the code) that are internal to the project and oriented to the pedestrian user, as follows:

(C) Directory signs, signs that are solely oriented to the pedestrian user which identify or list the names and locations of tenants at a multi-tenant site.

Section 23.62.090(2)(C) and Table 23.62-1 Standards for Flags – Amend the

maximum height for flags in the commercial, office, and industrial zones to allow for a minimum pole height of 25 feet when the building height is shorter, as follows.

(C) Flags, provided they meet the standards listed in Table 23.62-1.

**Table 23.62-1
Standards for Flags**

Site	Maximum Number of Poles	Maximum Height	Maximum Number of Flags	Maximum Area of All Flags	Image Types	Illumination	Minimum Setback from ROW ¹
Commercial, Office, and Industrial Zones	2	Tallest building ²	Not limited	24 sf.	Commercial and non-commercial	3,4	5
Residential	1	20 ft.	Not limited	15 sf.	Non-commercial	4	10 ft.
Agricultural-Residential and Agricultural Zones	1	25 ft.	Not limited	15 sf.	Non-commercial	4	10 ft.
All other properties	2	20 ft.	Not limited	15 sf.	Non-commercial	4	10 ft.

Notes:

1. No flag may be placed within the Clear Vision Triangle.
2. The pole may be a maximum of 25 feet tall when all on-site buildings are less than 25 feet tall.
3. Illumination of commercial flags not allowed
4. Non-commercial flags may be illuminated only in times of officially declared or commemorated emergency, mourning, or memorial.
5. Pole must be setback from right-of-way a distance equal to that of the pole height. Minimum setback is 10 feet.

Section 23.62.090(2)(E) – *Modify as follows to provide better cross-reference between sections of the code:*

(E) Gas Pricing Signs, as required by State law, which identify the brand, types, octane rating, etc., provided the signs do not exceed three square feet (Also see Section 23.72.040(9) (Automobile Service Stations));

23.62.100 Prohibited Signs – *Modify item (2) to remove the word “illuminated” and add a reference to neon banding as prohibited in the Lighting Chapter, as follows:*

(2) Animated, moving, flashing, blinking (intermittent light), fluctuating, reflecting, revolving, or other similar signs (also see Section 23.56.040, Lighting);

23.62.110 (1) Standards for Awning and Canopy Signs – *Modify the maximum area and height standard to state that the maximum sign area on the awning face shall be 75 percent of the awning face, as follows:*

(B) Maximum Area and Height. Sign area shall comply with the requirements established by Table 23.62-1 and Section 23.62.070 (General Development, Maintenance, and Removal). Sign area shall be calculated so as to only include the copy area. Said copy area shall occupy a maximum of 75 percent of the awning face. No structural elements of an awning or canopy shall be located less than eight feet above the finished grade.

23.62.110(4)(B) – *Modify to reference the correct table as follows:*

(B) Maximum Area and Height. The sign shall comply with the height and area requirements established in Table 23.62-2.

23.62.110(5)(A) Readerboard Signs – *Amend as follows for consistency with existing case law regarding signs, as follows:*

(A) Readerboards with manually changeable copy are allowed on parcels where the primary use is human assembly with the presentation of changing programs, such as theaters, museums, music concert facilities, churches, etc. The total area for these signs shall be included in maximum allowed sign area as listed in Table 23.62-1.

23.62.120(1)(A) Sign Area Calculation – *Modify the description of how to calculate the sign area to clarify the procedure as follows:*

(A) Each sign along a frontage may be separated into a maximum of five rectangles that enclose the extreme limits of writing, representation, emblem, or any fixture of similar character, together with any frame or material or color forming an integral part of the display or used to differentiate such sign from the

background against which is it placed. (See Figure 23.62-3) If the sign (or a part of the sign that is enclosed by one rectangle that makes up the total sign) is composed of individual letters or symbols using the wall as the background with no added decoration (e.g. "channel letters"), the total sign area shall be calculated as 75 percent of the area of any rectilinear geometric figure that encloses the extreme limits of the characters or symbols.

23.62.120(1)(F) – *Modify to remove the incorrect reference as follows:*

(F) Primary Building Frontage. Where the maximum allowed sign area is based upon the measurement of a building's primary frontage, the primary frontage shall be the building frontage facing the street. In cases where a building has more than one street frontage, the longest of the street frontages shall be considered the primary building frontage. In cases where a business has no building frontage facing a street, the building frontage with the primary business entrance shall be considered the primary building frontage. A single multi-tenant building has one primary frontage, the allowable sign area for which may be distributed at the discretion of the owner; however, in no event shall the combined sign area for all tenants exceed the allowable sign area for the building. (See Figure 23.62-4);

23.62.130 – *Modify the paragraph at the beginning of the section to correct the incorrect reference as follows:*

Signs permitted within the City are regulated by sign and corresponding development type, rather than zoning district, and the standards for their development are described in Table 23.62-2 below. Zoning Clearance (Administrative Plan Check) is required to determine compliance with applicable provisions of this Chapter. Only those signs that may be permitted are listed. The goal of these standards is to regulate permanent signs that have a commercial message so that they comply with the purpose of this Chapter, as established in Section 23.62.010 (Purpose and Applicability). Non-commercial signs and signs that are exempt from these standards are described in Section 23.62.090. Temporary signs are listed in section 23.62.090 (Temporary and Special Event Signs). The following general rules/standards apply to permanent signs regulated in this section:

Table 23.62-2 – *Add a new footnote 3 to Freestanding Entry Monument Signs for single family subdivisions that clarifies that the sign area may be distributed on up to two signs per intersection with the total square footage of the sign(s) at the intersection not to exceed 24 sf, as follows:*

Sign Type	Maximum Number Permitted	Maximum Area	Maximum Height	Minimum Setback from ROW	Illumination Standards	Other Standards (See Notes)
Single Family Subdivisions						
1. Freestanding Signs: Entry Monument	1/ project entrance ³	24 sf. each ³	6 ft.	10 ft.	Indirect or background	

Notes:

1. Excludes Name Plates as described in 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 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 Section 23.62.040.
5. Minimize glare onto residential property.

Section 23.62.140(3) Subdivision Signs – Amend as follows to clarify the intent and standards for development of subdivision signs (NOTE – FIGURE 23.62-9 is replaced by the figure shown):

- (3) **Subdivision Signs.** Temporary and limited-term subdivision signs for both on-site identification and off-site directional signs are allowed in accordance with the following standards. Single family subdivision sign provisions shall apply to integrated developments only and not to any single residential lot.
 - (A) **On-site Signs.** On-site directional/identification signs shall be permitted in accordance with the provisions listed in Table 23.62-4. (Also see permanent subdivision identification signs in Table 23.62-2, exempt real estate signs in Section 23.62.090(2)(L), and exempt flags in Section 23.62.090(2)(C) and Table 23.62-4.)
 - (B) **Off-Site Signs.** Off-site directional signs may be posted on private land only, through either co-located directory kiosks or weekend directional signs (for a limited period) as described below:
 - (i) **Joint Use Kiosks.** Directional kiosks provide co-location opportunities for direction and identification of multiple projects on joint use structures. Such signs shall be subject to the

development standards as described in Table 23.64-3 and as follows:

- (a) No off-site sign shall have any tag signs, streamers, balloons, devices, display boards, or appurtenances added to the sign for the purpose of attracting attention as originally approved.
 - (b) Each kiosk may have up to eight individual subdivision nameplates on each side providing identification and direction to subdivision location.
 - (c) Each kiosk may have a maximum of four sides/faces, provided that each face is oriented so that only one face/side is clearly visible to each direction of vehicular travel.
 - (d) The design of the joint use kiosk is flexible. Figure 23.62-9 illustrates a design consistent with the standards listed herein. However, the City encourages the use of a consistent design that incorporates the City logo and identifies the projects listed on the kiosk as new homes for sale in the City. The City may establish a preferred joint use kiosk design that kiosk applicants may elect to use.
- (ii) Weekend directional signs. For the interim period of five months from the effective date of the Ordinance, subdivisions may display temporary weekend directional signage in accordance with Table 23.62-3 and the standards below.
 - (a) Weekend directional signs are prohibited on publicly owned land.
 - (b) Weekend directional signs may not be erected before noon on Friday and must be removed no later than noon the following Monday. In the event that Friday is a nationally-recognized holiday, the weekend directional signs may be erected on Thursday after noon. In the event that Monday is a nationally-recognized holiday, the weekend directional signs may remain in place until Tuesday by noon.
- (C) Standards applicable to all Subdivision Signs.
 - (i) Sign removal. Signs are to be permanently removed when the last home in the subdivision is sold or the sign permit expires, whichever occurs first.

**Table 23.62-4
Single-family Temporary Subdivision Signs Standards**

Sign Type	Maximum Temporary Number Permitted	Maximum Area	Maximum Height	Minimum Setback from ROW	Illumination Standards	Other Standards (See Notes)
1. On-site (Freestanding)	1/ project entrance, max 6	32 sf. each	10 ft.	5 ft.	No Illumination	
2. Off-site Joint Use Kiosk (Freestanding)	1/ major intersection ¹	100 sf per sign face on kiosk	18 ft.	10 ft.	No Illumination	²
3. Individual Project Nameplate (On Joint Use Kiosk)	8/ Kiosk face; 6 nameplates/ project throughout City	12.5 sf. each	n/a	n/a	No Illumination	³
4. Off-site Weekend Directional Signs ⁴	25/ project 5/ block	4 sf. each	4 ft.	5 ft.	No Illumination	

Notes:

1. A major intersection is defined as the intersection of 2 or more arterial or collector roads, as defined in Figure CI-2 (Master Plan of Roadways) of the General Plan.
2. Only one off-site freestanding kiosk sign is permitted at each major intersection within the City.
3. Must be co-located with other projects on directional kiosks.
4. Only as an interim to the creation of freestanding kiosk signs as described by Section 23.62.140(3)(B)(i).

Figure 23.62-9
Example Off-Site Directional Kiosk Sign

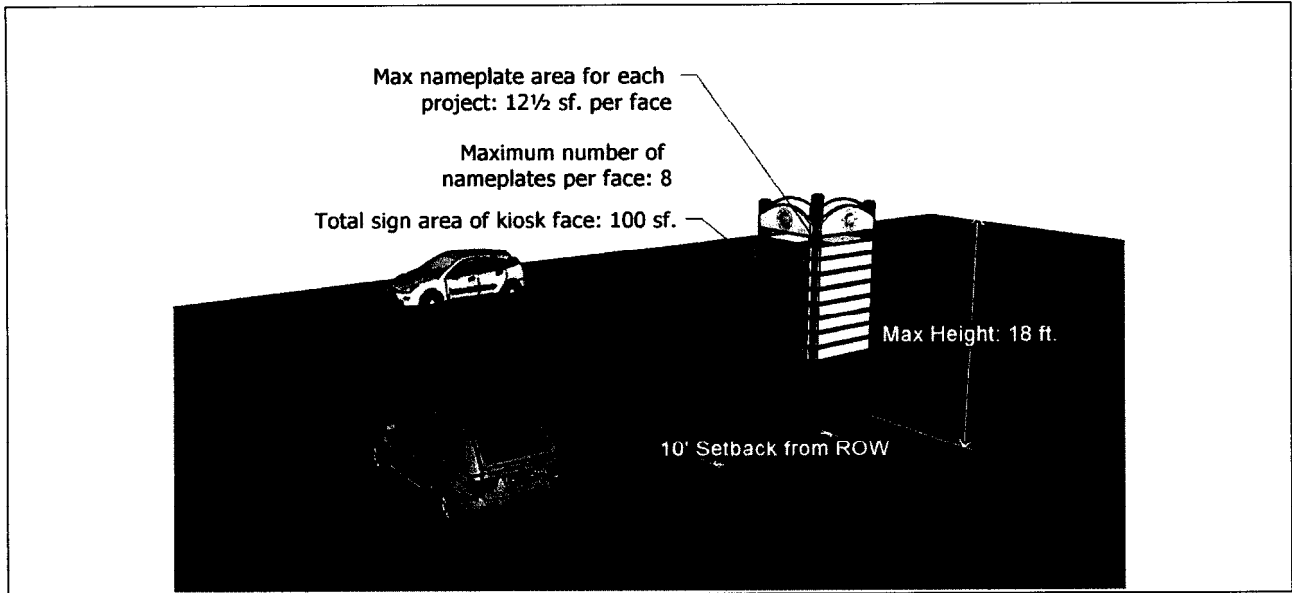
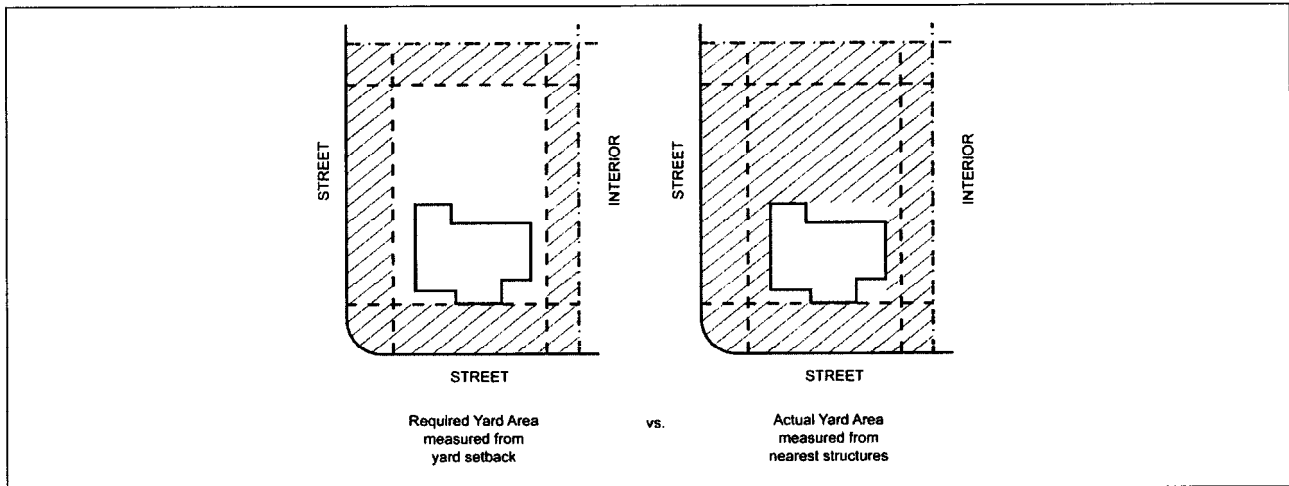


Figure 23.64-2- Replace the figure with the following to better illustrate the difference between required yard area and actual yard area:



23.64.050(2) Allowed Encroachments/Projections into Required Yards - Consistent with footnote 3 in Table 23.30-2B, amend as follows:

(2) For single family residential development, a portion of the main building may project into the required rear yard area, provided that an equal area of the buildable portion of the lot (this area can be anywhere on the lot) is provided as a yard or court (See Figure 23.64-4). In no event shall the rear yard be less than 10 feet for one-story buildings and 15 feet for two- and three-story buildings.

23.72.030 Location and Separation Requirements for Automobile Service Stations – Modify the section as follows to clarify the separation requirement:

In the City of Elk Grove, a maximum of two service stations are permitted at any single intersection; otherwise, service stations shall be separated by a minimum of 500 feet. However, the City may grant exceptions for stations that are required to relocate due to roadway expansion projects. Separation distance shall be measured in a straight line from the property line of said service stations. Where two service stations are located at a single intersection, the City encourages stations to be sited in such a manner as to service different flows of traffic. The City may waive the spacing requirements for infill sites or locations affected by roadway widening or other infrastructure improvements.

Section 23.72.040(9-11) – Subsections 10 and 11 are part of 9. Modify as follows to clarify and renumber subsections 12, 13, and 14 to be 11, 12, and 13, respectively:

- (9) **Signs.** All signs, except window signs, shall be constructed and maintained within a permanent sign structure. Except as provided below, service station signs are subject to compliance with provisions of Article VI Chapter 23.62 (Signs on Private Property):
- (A) **Building signs.** Allowable sign area for building signs is 1 square foot of sign area for each linear foot of primary building frontage, up to a maximum sign area of 50 square feet.
- (B) **Freestanding signs.** One freestanding monument sign is permitted for corporate identification with a maximum sign area of 24 square feet and a six-foot height limit. Pricing signs shall be incorporated into such monument sign, the area of which shall not count against the maximum allowable freestanding sign area. Service stations located on a corner parcel shall locate the monument sign at the intersection for visibility from both abutting street rights-of-way. Said sign shall be located outside of the visibility requirement.

Section 23.82.040.2.A Employees for Home Occupations – Modify the provision, as follows, to clarify that the home occupation permit may allow for employees in general, but more specifically only two non-resident employees may work from the residence itself at any one time.

(A) Employees may be allowed as part of the home occupation permit, however, no more than two non-residents may work from the residence or report to the home at any time.

Section 23.86.030 (1) – Amend to clarify that outdoor uses associated with auto dealerships are permitted as an accessory use, as follows:

(1) **Automobile dealerships.** Outdoor use associated with automobile dealerships shall be a permitted accessory use.

23.86 – Outdoor Sales, Display, Storage, and Seating – Add a new section 23.86.050 as follows to address operational and location requirements for mobile food vendors. This section would only apply to mobile vendors operating from vehicles or coaches (e.g. operating at a construction site) but would not apply to trailers or other more temporary-type buildings located on a site on a permanent basis (e.g. hot dog stand outside a home improvement center).

23.86.050 Development and Operational Standards for Temporary Outdoor Uses

(1) **Mobile Food Vendors.** Mobile food vendors are defined as any mobile vehicle that food and/or drinks are sold from. Such uses are stored at a location other than where they operate.

The following location and operational standards apply to mobile food vendors:

(A) At no time shall the sale of food from the mobile vendor impact the on-site vehicle circulation (e.g. drive aisles)

(B) No mobile vendor may be located within the public right-of-way (e.g. roads, sidewalks) without the issuance of an encroachment permit from the City. When an encroachment permit is issued for the use, the mobile vendor shall maintain a space on the sidewalk of at least six feet in width for the clear movement of pedestrians. Additionally, the location of the mobile vendor shall not impede the free flow of traffic, distract vehicle operators from observing traffic regulations, obstruct the view of pedestrians and of vehicle operators, and encourage pedestrians who wish to inquire about services to cross the street in an unsafe and illegal manner. Mobile food vendors operating within the public right-of-way may not stop, stand, or park for more than 15 minutes without moving on to a new location at least 1,000 feet from the previous location.

(C) Mobile food vendors may operate between the hours of 7:00 am and 2:00 pm.

(D) Mobile food vendors operating on private property that is not an active construction site shall have authorization from the property owner prior to conducting business.

Section 23.88.030 – Amend as follows:

23.88.030 Permit Requirements

A permit is required for residential care facilities, as applicable, in accordance with Article III (Allowable Uses and Permit Requirements).

Section 23.92.030(2)5-day permit for Cargo/Shipping Containers – Amend this section to clarify that containers may not be on residential property, as follows:

- (2) **Maximum five-day term limit.** The following use is permitted for a maximum five-day period with approval of a Temporary Use Permit.
 - (A) **Cargo/Shipping Containers.** Cargo/shipping containers and other metal storage containers may be located in any agricultural residential or agricultural zone subject to the standards below, except as provided in Section 23.92.030.5 (Maximum 60-day term limit) below. No more than one such Temporary Use Permit may be issued for each property per calendar year. Containers may be located on-site for a maximum of 24 hours as part of the active loading and unloading of the container without requiring a Temporary Use Permit.
 - (i) **Development Standards.**
 - (a) Containers are located a minimum of ten feet from any front or street-side property line, a minimum of five feet from any rear or interior property line, and a minimum of five feet from any other structure or container. At no time shall the container obstruct the clear vision triangle. For agricultural-residential uses, containers may not be placed within the required front yard area.
 - (b) One container may be permitted for every 5,000 square feet of permanent structure, or portion thereof.
 - (c) Containers may not be stacked.
 - (d) Containers are prohibited on residential zoned property.
 - (ii) **Exemptions to Temporary Use Permit.**
 - (a) When a cargo/shipping container is associated with storage for on-site

construction activity, it shall be exempt from the requirements of this Chapter. Use of the container shall be limited to the time that a valid building permit is in effect for construction on the premises (See Section 23.86.030).

- (b) The storage of cargo/shipping containers associated with an otherwise permitted warehousing, storage, personal storage, or cargo transfer-type facility is exempt from this Chapter.

Section 23.92.030(3) – Amend this section to allow for the permit to be applied for either 14 consecutive or intermittent days as follows and clarify the list of uses that are applicable to this permit:

- (3) **Maximum 14-day term limit (consecutive or intermittent).** The following uses are permitted for a maximum 14-day period (consecutive or intermittent) with approval of a Temporary Use Permit. No more than one such Temporary Use Permit may be issued for each property within a 3-month period (no more than one per quarter).

- (A) Arts and crafts exhibits;
- (B) Carnivals;
- (C) Circuses;
- (D) Concerts;
- (E) Fairs;
- (F) Animal shows;
- (G) Festivals;
- (H) Flea markets;
- (I) Food events;
- (J) Fund raising activities;
- (K) Outdoor entertainment/sporting events
- (L) Rodeos;
- (M) Rummage/second hand sales; and
- (N) Swap meets

Section 23.92.030(5)60-day permit for Cargo/Shipping Containers – Amend this section to clarify that containers may not be on residential property, as follows:

- (1) **Maximum 60-day term limit.** The following use is permitted for a maximum 60-day period with approval of a Temporary Use Permit.

- (A) Cargo/Shipping Containers. Cargo/shipping containers and other metal storage containers may be located in any zone (other than residential) for a maximum of 60 days subject to the standards below, except as provided in Section 23.92.030.2. No more than one such Temporary Use Permit may be issued for each property per calendar year. Containers may be located on-

site for a maximum of 24 hours as part of the active loading and unloading of the container without requiring a Temporary Use Permit.

(i) Development Standards.

(a) Containers are located a minimum of ten feet from any front or street-side property line, a minimum of five feet from any rear or interior property line, and a minimum of five feet from any other structure or container. At no time shall the container obstruct the clear vision triangle. For agricultural-residential uses, containers may not be placed within the required front yard area.

(b) One container may be permitted for every 5,000 square feet of permanent structure, or portion thereof.

(c) Containers may not be stacked.

(d) Containers are prohibited on residential zoned property.

(ii) Exemptions to Temporary Use Permit.

(a) When a cargo/shipping container is associated with storage for on-site construction activity, it shall be exempt from the requirements of this Chapter. Use of the container shall be limited to the time that a valid building permit is in effect for construction on the premises (See Section 23.86.030, Outdoor Sales, Display, Storage, and Seating).

(b) The storage of cargo/shipping containers associated with an otherwise permitted warehousing, storage, personal storage, or cargo transfer-type facility is exempt from this Chapter.

Section 23.92.030(4)(A) – *Amend the restriction on where seasonal sales (e.g. Halloween, Christmas) can occur to increase the opportunities for these uses as follows:*

(A) Seasonal sales including, but not limited to Halloween, Thanksgiving, Christmas on non-residential and agricultural/agricultural-residential properties. This listing also includes associated sales trailers as part of the use.

Temporary Uses – Permit Extensions – *Add the following new section 23.92.060, Temporary Use Permit Extensions to provide a process that will allow for longer periods of activity. Staff recommends that the Minor Use Permit process be the mechanism for this process, as it would provide a public noticing requirement and formal public hearing, without encumbering the proposed activity to a lengthy approval process.*

23.92.050 Temporary Use Permit Extensions

(1) **Extension of an Existing Temporary Use Permit.** An existing temporary use permit, which was originally permitted for a period of less than 30 days, may be extended for no more than five additional days, subject to the issuance of a revised Temporary Use Permit by the Planning Director. The request for the permit extension shall be made prior to the expiration of the original permit. Any request for extension made after the expiration of the original permit shall constitute a request for new Temporary Use Permit.

(2) **Request for a Temporary Use Permit for Term Limit Longer Than Otherwise Allowed.** Applicants seeking a Temporary Use Permit for a time period longer than otherwise allowed by this Chapter may submit for a Minor Use Permit for said activity, provided that it complies with the relevant development and operational standards provided in Section 23.92.030. Approval of the Minor Use Permit shall be in accordance with the Permit Requirements for Minor Use Permits as identified in Section 23.16.060 of this Title.

If a Minor Use Permit is issued for a cargo/shipping container(s) for a period of greater than 60 days, said container(s) must be screened from public view through any combination of landscaping, fencing, or other appropriate technique.

Section 23.94.030(1) Permit Requirements for Wireless Communications Facilities
– *Consistent with updates to State law, amend this section as follows to allow for phasing of collocated wireless facilities when the required Conditional Use Permit covers the ultimate buildout of the facility:*

(1) **Permit Required.** Unless exempt from permit requirements pursuant to Section 23.92.040 (Exemptions), all wireless communication facilities require a Conditional Use Permit pursuant to Section 23.16.070 (Conditional Use Permit), except for co-location facilities that have been granted a valid conditional use permit from the designated Approving Authority. Development of the facility may be phased without being required to obtain additional conditional use permit(s) for each antenna or service located on the structure, provided that the maximum height of the structure(s), the location of the structure(s), and design of the structure(s) are consistent with the approved conditional use permit.

Section 23.94.050(3)(C) Location for Wireless Towers – *Amend the location standards to allow for minor increases in height of existing towers when collocating facilities on a common existing tower, as follows:*

(C) 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 20 percent of the height of the

tower. Existing towers may be allowed to increase the height with a maximum addition of 10 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 Table 23.94-1. Only one addition may be permitted per existing tower and towers may only be extended when the facility is being used as part of a collocation facility.

Section 23.94.050(3)(D) Height Limit for Wireless Towers – Amend the height standards to better reflect existing development and the nature of development in the underlying Zoning District as follows:

(D) Height limit. The height limit for towers shall as listed in Table 23.94-1 based on the underlying Zoning District of the site. Exceptions to the height limit may be granted when the designated Approving Authority finds that reasonable alternatives do not exist to provide the necessary service. There is no height limit specified for co-locations on existing structures, provided facilities are screened from view of abutting street rights-of-way or camouflaged by matching the color(s) and/or material(s) of the structure to which it is attached.

**Table 23.94-1
Height Limit for Wireless Towers**

Zoning District	Height Limit
AG, AR, RD, OS, C-O, RM	55 ft.
LC, GC, SC, AC, TC, BP	65 ft.
MP, M-1, M-2	80 ft.

Section 23.94.050(3)(F) Landscaping for Wireless Towers – Amend the landscaping standards to clarify that landscaping is only required around the tower and equipment within the leaseable area, as follows:

(F) Landscape. Where appropriate, wireless facilities shall be landscaped so as to maintain and enhance the aesthetic quality of the community and generally screen the equipment from public view. The perimeter of the facility, as well as any portion of the leaseable area directly adjacent to a public right-of-way, a residential use, or a public trail shall be landscaped with trees, foliage, and shrubs. Trees shall be fast-growing evergreen species, a minimum of 24-inch box in size. Shrubs shall be a minimum 15-gallon size covering a minimum planter area depth of five feet around the facility. Trees and shrubs shall be planted no further apart on center than the mature diameter of the proposed species.

Definitions. Amend and/or add the following definitions for consistency and clarity with the rest of the Zoning Code. Any new definitions will be added in alphabetic order with

the existing definitions.

Farmers Market. The sale of organic, non-organic, or otherwise locally grown fruits, vegetables, and other agricultural products directly to the consumer by the farmer, typically in an outdoor setting.

Schools – Charter. A private school operating under a charter from the local school district providing primary/secondary education to students at the elementary, middle, or high school level and not managed directly by the governing body of the public school district (e.g. school board).

Schools – Special/Studios. Specialized schools offering instruction in the following: art, ballet and other dance, computers and electronics, drama, driver education, language, photography, and music. Also includes facilities, institutions, and conference centers that offer specialized programs in personal growth and development, such as fitness training studios, gymnastics instructions and aerobics and gymnastics studios, environmental awareness, arts, communications, and management. Does not include pre-schools and child day care facilities (see "Child Day Care Facility").

Section 4: No Mandatory Duty of Care.

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

Section 5: Severability.

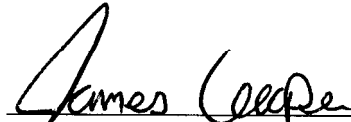
If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this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

Section 6: Effective Date and Publication

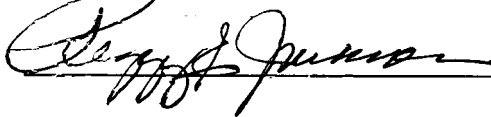
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified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

Ordinance No. 28-2007

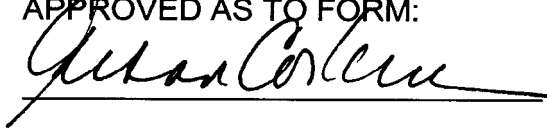
INTRODUCED: September 12, 2007
ADOPTED: September 26, 2007
EFFECTIVE: October 26, 2007



JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:


SUSAN COCHRAN, CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 28-2007

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

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance was duly introduced on September 12, 2007 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 26, 2007 by the following vote:

AYES : COUNCILMEMBERS: Cooper, Hume, Davis, Leary, Scherman

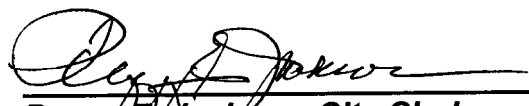
NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

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





Peggy E. Jackson, City Clerk
City of Elk Grove, California