

ORDINANCE NO. 49-2008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING SECTIONS 23.12.040, 23.12.050, 23.14.050, 23.62.070(2)(D), 23.90.020, 23.90.040, 23.98.030, AND TABLE 23.14-1 OF THE ELK GROVE ZONING CODE, TITLE 23 OF THE ELK GROVE MUNICIPAL CODE, PERTAINING TO PLANNING DIRECTOR INTERPRETATIONS, APPEALS, UNIFORM SIGN PROGRAMS, SECOND DWELLING UNITS, AND DEFINITIONS

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 project consists of an ordinance to amend the Zoning Code relating to Planning Director Interpretations, Appeals, Uniform Sign Programs, Second Dwelling Units, and Definitions. No development is proposed with this project therefore no significant impacts on the environment are anticipated.

Zoning Code Amendments

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

Evidence: These proposed text amendments to the City's Zoning Code implement the goals, policies, and action items of the General Plan. The amendments will clarify the development standards and allowed use provisions for secondary dwelling units and will codify previously approved Planning Director Interpretations.

Section 3: Action

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

23.14.050 Approving Authority

"... Table 23.14-1 identifies both recommending (R) and final (F) authorities for each permit or action. When a proposed project..."

Table 23.14-1
Approval Authority

Type of Permit or Decision	Designated Approval Authority ¹		
	"R" symbolizes the "Recommending Body" "F" symbolizes the "Final Decision Making Body"		
	Planning Director	Planning Commission	City Council
Zoning Code Interpretation	R	F	

23.12.040 Record of Interpretation

"...the Planning Commission and City Council. Any applicant or property owner initiating the request for such interpretation shall receive a public hearing notice of the pending action by the Planning Commission, including the record of interpretation and information regarding the City's appeal procedures. All recorded interpretations shall also be provided to the Planning Commission, City Manager, City Attorney, and City Council in writing within ten days of the Planning Director's determination. Additionally, the Planning Director shall forward all recorded interpretations to the Planning Commission as an informational item on the consent calendar at its next regularly scheduled Planning Commission meeting for Planning Commission approval or disapproval. The action on the interpretation shall not be final until after said Planning Commission meeting and action."

23.12.050 Appeals

Planning Commission action on interpretations by the Planning Director may be appealed to the designated Appeal Authority pursuant to Section 23.14.060 (Appeals). Appeals of Planning Director Interpretations are not subject to appeal fees.

23.62.070(2)(D) Uniform Sign Program Standards

"...All signs within the development shall be consistent with the Uniform Sign Program as the adopted program is the sign standards for the development. Allowable deviations from the Zoning Code sign standards can include, but are not limited to, the total number of building mounted signs per tenant, the square footage of any sign type, measurements of individual sign height or length, and/or the total number of monument signs allowed per project. Uniform Sign Programs shall clearly identify all requested code deviations and shall provide substantial justification to warrant the deviation request. Deviations shall not detract from the overall design compatibility of the development. The general operational standards (e.g. lighting, setback, etc) listed in Sections 23.62.110 and 23.62.120 shall be observed. The message substitution policy of this Chapter..."

Chapter 23.90 Second Dwelling Units

23.90.020 Definitions

For purposes of this Chapter, the following words and phrases shall have the meaning respectively ascribed to them in this section.

Primary dwelling unit. An existing single family residential structure on a single parcel with provisions for living, sleeping, eating, a single kitchen for cooking as defined in Section 23.98 of this Code, and sanitation facilities occupied and intended for one household.

Second dwelling unit. An attached or detached dwelling unit, sited on the same parcel as the primary dwelling unit, which provides complete independent living facilities for one or

more persons, with permanent provisions for living, sleeping, eating, sanitation, and includes a single kitchen as defined in Section 23.98 of this Code. This definition shall also include:

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

A manufactured home, as defined in Section 18007 of the California Health and Safety Code.

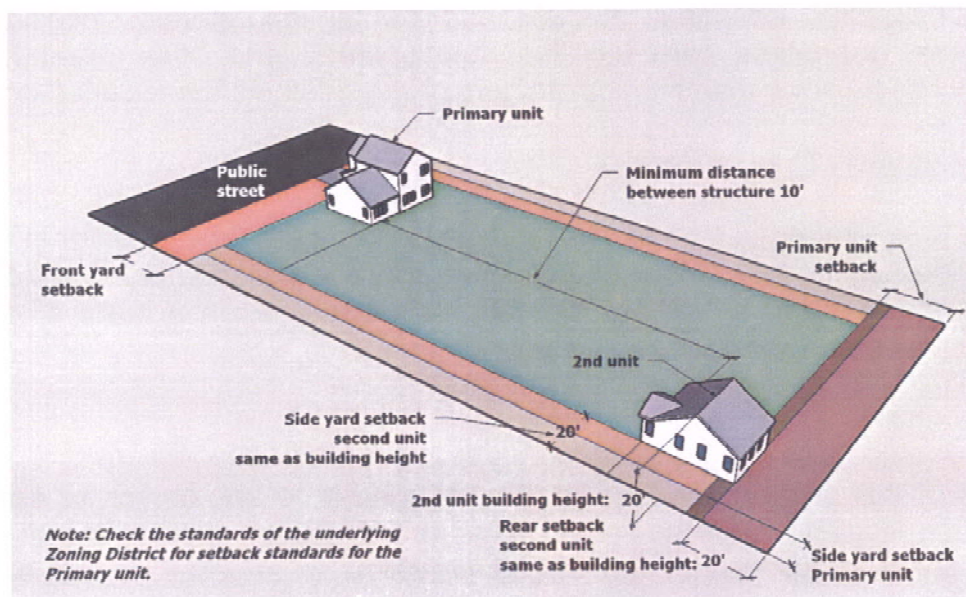
Guest house/pool house. An attached or detached habitable structure with only sleeping, living, and/or bathroom provisions, excluding a kitchen as defined in Section 23.98 of this Code. Such structures shall not be used or rented as a separate dwelling for permanent living quarters unless a Conditional Use Permit is granted to do so.

23.90.040 Development Standards

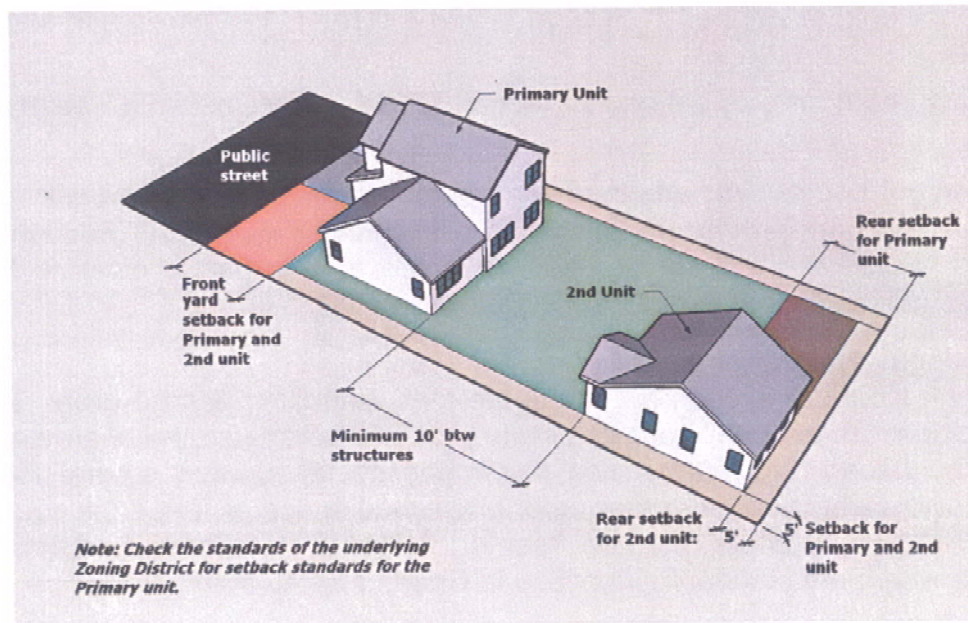
(5) A second unit shall not exceed 1,200 square feet, excluding garage area. If a secondary dwelling unit includes an attached garage or other unfinished space, the characterization of the structure shall be based upon which use encompasses the greater square footage. If the square footage of the attached garage or other unfinished space exceeds the square footage of the habitable area, the structure shall be deemed to be an accessory structure and shall be subject to the development standards identified in Chapter 23.46 of this Code.

(7) Building setbacks for attached second units shall comply with all required building setbacks for the primary unit. Within the Agricultural and Agricultural-Residential Zoning Districts, the building setbacks for detached second units shall not be less than the height of the structure at the highest point, with a minimum distance of ten feet between structures (See Figure 23.90.040-1). Building setbacks for detached second units within all other residential zones shall be the same as the underlying zoning district for front and street side yards, five feet from interior and rear yard property lines, with a minimum distance of ten feet between structures (See Figure 23.090.040-2). Roof overhangs into required setback areas shall be governed by Chapter 23.64 (Yard Measurement and Projections).

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



**Figure 23.90.040-2
Second Dwelling Units in all other Residential Zones**



23.98.030 Definitions

Kitchen A room or space within a building used or intended to be used for the cooking or preparation of food, which includes at a minimum (1) a stove, oven, range top, or provisions for future installation of a stove, oven, or range top including a 220 volt outlet or gas piping stub out; and (2) at least one of the following: a dishwasher or a kitchen sink that meets the definition of a "Kitchen, domestic sink" with a drainage fixture unit value of 2.0 as described at Table 7-3 of the California Plumbing Code, as now existing or hereafter amended. A microwave alone shall not constitute a stove, oven, or range top for the purposes of this definition.

Medical Services - Clinics, Offices, and Laboratories. Facility primarily engaged in furnishing outpatient medical, mental health, surgical and other personal health services, but which are separate from hospitals, including: medical and dental laboratories, medical, dental and psychiatric offices, out-patient care facilities, acupuncture, and other allied health service. Counseling services by other than medical doctors or psychiatrists are included under "Offices."

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: 49-2008
INTRODUCED: October 8, 2008
ADOPTED: October 22, 2008
EFFECTIVE: November 21, 2008



JAMES COOPER, COUNCIL MEMBER
and Temporary Presiding Officer of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



SUSAN J. BLACKSTON, CITY CLERK



SUSAN COCHRAN, CITY ATTORNEY

Date signed: October 31, 2008

CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 49-2008

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

I, Susan J. Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on October 8, 2008 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on October 22, 2008 by the following vote:

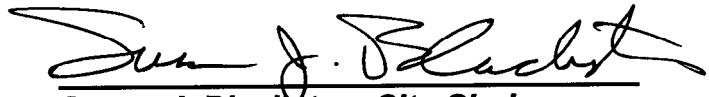
AYES : COUNCILMEMBERS: Cooper, Leary, Scherman

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Davis, Hume

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


Susan J. Blackston, City Clerk
City of Elk Grove, California