

## Ordinance No. 26-2006

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE REPEALING AND REPLACING THE CITY OF ELK GROVE ZONING CODE TITLE 1 (GENERAL PROVISIONS), TITLE II (LAND USE ZONES), AND TITLE III (USE REGULATIONS AND DEVELOPMENT STANDARDS) TO IMPLEMENT THE GENERAL PLAN, TO REFLECT THE DESIRES OF THE COMMUNITY, AND TO IMPROVE THE ORGANIZATION AND USE OF THE CITY'S ZONING REGULATIONS**

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 comprehensively amend the City of Elk Grove Zoning Code text to implement the City's new General Plan, to ensure that zoning regulations are consistent with State and federal laws, to establish allowed use and development standards that reflect the desires of the community, and to reorganize and simplify the document to be user friendly.

#### Section 2: Findings

##### **CEQA**

1. Finding: An Initial Study has been prepared for the project in accordance with CEQA. The results of the Initial Study show that the proposed project will not have any adverse impact on the environment. Consequently, pursuant to CEQA Guidelines Section 15061(3), the Zoning Code Text Amendments project is exempt from further CEQA review. A Notice of Exemption will be filed upon project approval by the City Council.

Evidence: The Initial Study focuses on the potential impacts of the text amendments to the Zoning Code, and not on the impacts of subsequent development applications that are regulated by the Zoning Code. The City's General Plan EIR has resulted in a comprehensive analysis of environmental impacts from the construction and operation of urban uses within the City. Future development applications will undergo a consistency analysis with the General Plan and its policies, and will be subject to permitting and project specific use, development and design conditions as governed by the Zoning Code, as updated, and possible project specific environmental review as governed by CEQA.

##### **Zoning Amendment**

2. Finding: The proposed zoning amendment is consistent with the General Plan.

Evidence: The text amendments to the Zoning Code clarify the responsibilities of the City's planning agencies, clarify the permit procedures, refine allowed use and development standards for each of the City's Zoning Districts, and establish

special use provisions consistent with the action items and policy directives in the General Plan. This ordinance is consistent with relevant Goals, Policies, and Actions of the General Plan as follows:

- Mixed-use provisions are incorporated into a few of the existing zoning districts consistent with Policies LU3-Action 1, LU3-Action 3, and H1-Action 4.
- The LC Zoning District is amended with a limited range of neighborhood-serving retail and service uses to implement Policies LU3-Action 3 and LU11.
- A new RD-6 Zoning District is created consistent with Policy LU3-Action 3.
- Public streets, infrastructure, utilities, and other public/quasi public uses are incorporated into specific zoning districts as use classifications with restrictions as appropriate to implement Policy LU3-Action 3.
- Public and quasi-public uses are listed as permitted uses in the residential, office, industrial zoning districts, and open space zoning districts consistent with Policy LU3-Action3.
- Institutional uses are listed as permitted uses in the residential, office, and industrial zoning districts consistent with Policy LU3-Action3.
- Public parks and open space uses are listed as permitted uses in all residential zoning districts consistent with Policy LU3-Action3.
- Minimum lot area and density for residential zoning districts are refined for consistency with Policy LU3-Action 3.
- The M-2 District is amended to include requirements for on-site buffers/transitions to ensure on-site mitigation of potential impacts on adjoining/nearby residential land/use consistent with Policy LU9.
- Transitional and emergency shelters are permitted by right in the GC and M-1 districts and with a Special Permit in the RD-15, RD-20, and RD30 districts consistent with Policy H1-Action5. Additionally, clear location and development standards and a streamlined review are established for emergency shelters and transitional housing projects satisfying the adopted standards consistent with Policy H13-Action 3.
- Housing for agricultural employees in agricultural zones and housing serving six or fewer employees in all residential zones are permitted pursuant to relevant State Codes consistent with Policy H1-Action 7.
- Manufactured housing is permitted on single-family lots in residential zones consistent with Policy H1-Action 9.
- Duplexes are permitted by right on corner lots in single-family residential districts consistent with Policy H2-Action 2.

- Development standards have been amended to accommodate and encourage a variety of affordable housing development types, including multifamily, low income housing, and identify incentives to be offered in association with density bonuses consistent with Policy H13-Action 1.
- Performance standards (e.g., noise, light/glare) are incorporated to reduce the potential for off-site impacts, compliance with City adopted NPDES standards, and safety hazards consistent with Policies LU3-Action 3 and H-1, Action 11).
- Sign Ordinance is amended with an expanded purpose statement, modifications to size and location parameters, and potential for gateway signs consistent with Policy LU-36.
- Underground Utility provisions are expanded with purpose of reducing the unsightly appearance of overhead and aboveground utilities consistent with Policy LU-38, Actions 1 and 2.
- A pre-zoning process for land planning of sphere of influence/annexation areas is established consistent with Policy LU14.
- General Plan consistency findings are added to Specific Plans, Special Planning Areas, and other relevant land plan entitlements consistent with Policy LU-5.

Therefore, the proposed text amendments are consistent with the General Plan and all other applicable state and local regulations.

3. Finding: The proposed use or action complies with all other applicable requirements of state law and local ordinances.

Evidence: The comprehensive text amendments to the Zoning Code are in keeping with the Police Power granting local land use control under the State Enabling Legislation in the 1920's. Planning agency responsibilities, permit processes, zoning district allowed use and development regulations, special use provisions, and definitions are consistent with relevant federal and state laws. Specifically, Zoning Code text amendments are consistent with the United States Constitution, Federal Telecommunications Act, California Government Code, Health and Safety Code, Vehicle Code, and Business and Professions Code.

4. Finding: The proposed Amendment to the Zoning Code is in the public interest and is consistent with the General Plan.

The text amendments to the Zoning Code implement the vision and desires of the community as expressed in the General Plan. The zoning code provisions, which outline the allowed use and development regulations for land within the city, are in the public interest and reflect the input from hundreds of residents, decision-makers, and other stakeholders in the community.

5. Finding: The proposed Amendments to the zoning code are internally consistent.

The comprehensive text amendments to the Elk Grove Zoning Code establish consistency internally and with other titles of the Elk Grove Municipal Code.

### SECTION 3: Action

Section 3 includes a summary of Zoning Code sections repealed and replaced:

The City Council hereby repeals the Titles (and corresponding chapters) of the Elk Grove Zoning Code listed below.

Title I	General Provisions
Title II	Land Use Zones
Title III	Use Regulations and Development Standards

The City Council hereby replaces existing Titles I through III with Articles I through VI (and corresponding Sections) as listed below. Exhibit A includes the specific replacement text for the Zoning Code.

Article I	Zoning Code Enactment and Applicability
Article II	Administration and Permit Procedures
Article III	Zoning Districts: Allowable Uses and Development Standards
Article IV	Site Planning and General Development Regulations
Article V	Special Use Regulations
Article VI	Zoning Definitions

### 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).

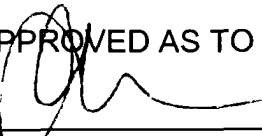
PASSED AND ADOPTED by the City Council of the City of Elk Grove this 12<sup>th</sup> day of July 2006.

  
\_\_\_\_\_  
RICK SOARES, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ANTHONY B. MANZANETTI,  
CITY ATTORNEY

EFFECTIVE DATE: AUGUST 11, 2006

AYES:	SOARES, SCHERMAN, BRIGGS, COOPER, LEARY
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE

# **City of Elk Grove**

## **Title 23**



## **Zoning Code Update**

**Adopted  
July 12, 2006**

# Elk Grove Zoning Code Update Table of Contents



## Title 23 – Zoning

<b>Article I. Zoning Code Enactment and Applicability</b>	<b>Page</b>
23.02 Purpose of Zoning Ordinance .....	I-1
23.02.010 Purpose of Zoning Ordinance .....	I-1
23.02.020 Authority .....	I-1
23.04 Zoning Ordinance Applicability .....	I-2
23.04.010 Relationship to Prior Ordinance .....	I-2
23.04.020 Prior Rights and Violations .....	I-2
23.04.030 New Land Uses or Structures .....	I-2
23.04.040 Continuation of an Existing Land Use or Structure .....	I-2
23.04.050 Subdivisions .....	I-2
23.04.060 Effect of Zoning Ordinance Changes on Pending Applications .....	I-3
23.04.070 Conflicting Requirements .....	I-3
23.04.080 Other Requirements/Permits .....	I-3
23.04.090 Public Nuisance .....	I-3
23.04.100 Severability, Partial Invalidation of Zoning Code .....	I-3
<b>Article II. Administration and Permit Procedures</b>	<b>Page</b>
23.10 Identification and Responsibilities of Designated Planning Agencies .....	II-1
23.10.010 Purpose .....	II-1
23.10.020 Composition of the Elk Grove Planning Agency .....	II-1
23.10.030 Responsibilities of the City Council .....	II-1
23.10.040 Responsibilities of the Planning Commission .....	II-2
23.10.050 Additional Provisions for the Planning Commission .....	II-2
23.10.060 Responsibilities of the Planning Director .....	II-3
23.12 Interpretation and Enforcement of Code .....	II-4
23.12.010 Purpose .....	II-4
23.12.020 Applicability and Authority for Interpretations .....	II-4
23.12.030 Rules of Interpretation .....	II-4
23.12.040 Record of Interpretation .....	II-5
23.12.050 Appeals .....	II-5
23.12.060 Enforcement Procedures .....	II-5

23.14 General Application Processing Procedures .....II-7

    23.14.010 Application Submittal .....II-7

    23.14.020 Determination of Completion .....II-7

    23.14.030 Application Review .....II-8

    23.14.040 Public Notices.....II-8

    23.14.050 Approving Authority .....II-9

    23.14.060 Appeals ..... II-10

23.16 Permit Requirements ..... II-12

    23.16.010 Permit Requirements and Exemptions ..... II-12

    23.16.020 Zoning Clearance/Plan Check ..... II-12

    23.16.030 Minor Deviation..... II-13

    23.16.040 Variance ..... II-13

    23.16.050 Temporary Use Permit ..... II-14

    23.16.060 Minor Use Permit ..... II-15

    23.16.070 Conditional Use Permit ..... II-16

    23.16.080 Design Review ..... II-16

    23.16.090 Specific Plans ..... II-19

    23.16.100 Special Planning Area ..... II-20

    23.16.110 Zoning Amendments (Text and Map) ..... II-23

    23.16.120 General Plan Amendments (Text and Map) ..... II-24

    23.16.130 Prezoning ..... II-24

    23.16.140 Development Agreements ..... II-25

23.18 Implementation, Time Limits, and Extensions ..... II-27

    23.18.010 Effective Date ..... II-27

    23.18.020 Permit Time Limits ..... II-27

    23.18.030 Exercising Permits ..... II-27

    23.18.040 Permit to Run with Land ..... II-27

    23.18.050 Permit On Site During Construction ..... II-28

    23.18.070 Permit Extension ..... II-28

23.20 Modification and Revocation ..... II-29

    23.20.010 Modification ..... II-29

    23.20.020 Revocation ..... II-29

**Article III. Zoning Districts, Allowable Uses, and Development Standards Page**

23.24 Establishment of Zoning Districts.....III-1

    23.24.010 Zoning Map .....III-1

    23.24.020 Zoning Districts.....III-1

    23.24.030 Zoning District Boundaries .....III-3

    23.24.040 Conformance with Zoning District Regulations .....III-3

23.26 Allowable Land Uses .....III-5

    23.26.010 Allowable Land Uses .....III-5

    23.26.020 Uses Not Listed.....III-5

    23.26.030 Similar Uses .....III-5

23.28 Agricultural Zoning Districts .....III-6

    23.28.010 Purpose .....III-6

    23.28.020 Characteristics of the Districts.....III-6

    23.28.030 Allowed Uses and Permit Requirements .....III-7

    23.28.040 Development Standards .....III-9

23.30 Residential Zoning Districts .....III-11

    23.30.010 Purpose .....III-11

    23.30.020 Characteristics of the Districts.....III-11

    23.30.030 Allowed Uses and Permit Requirements .....III-13

    23.30.040 Development Standards .....III-16

23.32 Commercial Zoning Districts .....III-21

    23.32.010 Purpose .....III-21

    23.32.020 Characteristics of the Districts.....III-21

    23.32.030 Allowed Uses and Permit Requirements .....III-22

    23.32.040 Development Standards .....III-28

23.34 Office Zoning Districts.....III-30

    23.34.010 Purpose .....III-30

    23.34.020 Characteristics of the Districts.....III-30

    23.34.030 Allowed Uses and Permit Requirements .....III-31

    23.34.040 Development Standards .....III-33

23.36 Industrial Zoning Districts .....III-34

    23.36.010 Purpose .....III-34

    23.36.020 Characteristics of the Districts.....III-34

    23.36.030 Allowed Uses and Permit Requirements .....III-35

    23.36.040 Development Standards .....III-38

23.38 Open Space Zoning District .....III-39

    23.38.010 Purpose .....III-39

    23.38.020 Characteristics of the District .....III-39

    23.38.030 Allowed Uses and Permit Requirements .....III-39

    23.38.040 Development Standards .....III-41

23.40 Special Purpose Zoning Districts .....III-42

    23.40.010 Specific Plan District .....III-42

    23.40.020 Special Planning Area District.....III-42

    23.40.030 Mobilehome Subdivision District.....III-43

23.42 Overlay/Combining Districts .....III-46

    23.42.010 Purpose .....III-46

    23.42.020 Designation of Overlay/Combining Districts .....III-46

    23.42.030 Multifamily Overlay District .....III-46

    23.42.040 Flood Combining District .....III-47

    23.42.050 Mobilehome Park Combining District.....III-48

    23.42.060 Rural Commercial Combining Zoning(RUC) .....III-52

    23.42.070 Surface Mining Combining District.....III-54

**Article IV. Site Planning and General Development Regulations Page**

23.46 Accessory Structures .....IV-1

    23.46.010 Purpose .....IV-1

    23.46.020 Definitions.....IV-1

    23.46.030 Permit Requirements and Exceptions.....IV-1

    23.46.040 Development Standards .....IV-2

23.47 Billboard Signs.....IV-5

    23.47.010 Definitions.....IV-5

    23.47.020 Billboard Policy .....IV-5

23.48 Building Height Measurement and Exceptions.....IV-7

    23.48.010 Purpose .....IV-7

    23.48.020 Building Height .....IV-7

    23.48.030 Height Measurement .....IV-7

    23.48.040 Exceptions to Height Limit .....IV-8

23.50 Density Bonus and Other Developer Incentives .....IV-9

    23.50.010 Purpose and Intent .....IV-9

    23.50.020 Definitions.....IV-9

    23.50.030 Eligibility for Density Bonus and Other Incentives .....IV-10

    23.50.040 Types of Density Bonus and Other Incentives Allowed.....IV-11

    23.50.050 Location of Bonus Units.....IV-14

    23.50.060 Continued Availability .....IV-14

    23.50.070 Process and Conditions of Approval.....IV-14

23.52 Fences and Walls.....IV-15

    23.52.010 Purpose .....IV-15

    23.52.020 Permit Requirements and Exemptions .....IV-15

    23.52.030 Location and Height Restrictions .....IV-15

23.52.040 Fence and Wall Design Standards .....IV-17  
 23.52.050 Special Fence and Wall Requirements .....IV-17

23.54 Landscaping .....IV-19

23.54.010 Purpose .....IV-19  
 23.54.020 Applicability.....IV-19  
 23.54.030 Landscape Plan Requirements .....IV-19  
 23.54.040 Landscape Development Standards.....IV-20  
 23.54.050 Special Landscape Provisions .....IV-23  
 23.54.060 Irrigation .....IV-27  
 23.54.070 Maintenance .....IV-27

23.56 Lighting .....IV-29

23.56.010 Purpose .....IV-29  
 23.56.020 Definitions.....IV-29  
 23.56.030 Outdoor Lighting Standards.....IV-30  
 23.56.040 Lighting Prohibited.....IV-31

23.58 Parking.....IV-33

23.58.010 Purpose .....IV-33  
 23.58.020 Applicability.....IV-33  
 23.58.030 Permit Requirements .....IV-34  
 23.58.040 General Parking Regulations .....IV-34  
 23.58.050 Number of Parking Spaces Required .....IV-36  
 23.58.060 Reduction of Off-Street Parking Requirements .....IV-41  
 23.58.070 Handicapped Parking Requirements.....IV-41  
 23.58.080 Compact Parking Spaces.....IV-42  
 23.58.090 Parking Design and Development Standards .....IV-42  
 23.58.100 Bicycle Parking Requirements .....IV-43  
 23.58.110 Off-Street Loading Requirements.....IV-44

23.60 Performance Standards .....IV-46

23.60.010 Purpose and Intent .....IV-46  
 23.60.020 Creeks and Other Natural Drainage Courses/Tributary Standards .....IV-46  
 23.60.030 Hazardous Materials.....IV-47  
 23.60.040 Noise Standards .....IV-48  
 23.60.050 Odor, Particulate Matter and Air Containment Standards .....IV-51  
 23.60.060 Vibration.....IV-51

23.61 Private Party Signs on City Property .....IV-52

23.61.010 Proprietary Capacity .....IV-52  
 23.61.020 Intent as to Public Forum .....IV-52  
 23.61.030 Definitions.....IV-52  
 23.61.040 Signs Must Be Permitted or Exempted.....IV-53  
 23.61.050 Temporary Signs Displaying Non-commercial Messages.....IV-53  
 23.61.060 Certain Governmental Signs.....IV-54

23.61.070 Street Banner Program .....IV-54

23.62 Signs .....IV-55

23.62.010 Purpose and Applicability .....IV-55

23.62.020 Regulatory Scope .....IV-55

23.62.030 Authority .....IV-56

23.62.040 Review and Approval .....IV-56

23.62.050 Basic Policies for Sign Regulation .....IV-56

23.62.060 Definitions .....IV-58

23.62.070 Review of Signs .....IV-63

23.62.080 Sign Permits, Sign Related Decisions and Orders, and Internal Appeals .....IV-64

23.62.090 Exempt Signs .....IV-68

23.62.100 Prohibited Signs .....IV-70

23.62.110 Standards for Special Category Signs .....IV-72

23.62.120 General Development, Maintenance, and Removal .....IV-74

23.62.130 Permitted Signs by Type and Development Characteristics .....IV-78

23.62.140 Temporary and Special Event Signs .....IV-83

23.62.150 Signs on Residential Uses .....IV-87

23.62.160 Non-Conforming Signs .....IV-87

23.62.170 Abandoned Signs .....IV-88

23.63 Undergrounding of Utilities .....IV-89

23.63.010 Purpose .....IV-89

23.63.020 Development Standards .....IV-89

23.64 23.64 Yard Measurements and Projections .....IV-90

23.64.010 Purpose .....IV-90

23.64.020 Definitions .....IV-90

23.64.030 Required Yard Areas .....IV-92

23.64.040 Setback Measurements .....IV-93

23.64.050 Allowed Encroachments/Projections into Required Yards .....IV-93

**Article V. Special Use Regulations**

**Page**

23.68 Accessory Uses .....V-1

23.68.010 Purpose .....V-1

23.68.020 Accessory Uses Defined .....V-1

23.68.030 Accessory Uses Permitted .....V-1

23.68.040 Permit Required .....V-2

23.70 Adult Oriented Businesses .....V-3

23.70.010 Purpose and Intent .....V-3

23.70.020 Definitions .....V-3



23.70.030 Classification .....V-7  
23.70.040 Distance Requirements.....V-8  
23.70.050 Non-conforming Use Based Upon Distance Requirements .....V-9  
23.70.060 Other Non-conforming Use.....V-9

23.72 Automobile Service Stations .....V-12

23.72.010 Purpose .....V-12  
23.72.020 Permit Requirements and Exemptions .....V-12  
23.72.030 Location and Separation Requirements.....V-12  
23.72.040 Development and Operational Standards .....V-12

23.74 Big Box Retail .....V-16

23.74.010 Purpose .....V-16  
23.74.020 Applicability.....V-16  
23.74.030 Land Use.....V-16  
23.74.040 Design Standards.....V-16

23.76 Condominium Conversion .....V-20

23.76.010 Application and Intent .....V-20  
23.76.020 Application Content .....V-20  
23.76.030 Ownership Association .....V-22  
23.76.040 Building Code Requirements .....V-22  
23.76.050 Building Inspection .....V-23  
23.76.060 Performance Bond .....V-23  
23.76.070 Consumer Protection Provisions .....V-23  
23.76.080 Sales and Lease Termination .....V-23  
23.76.090 Relocation Assistance .....V-23  
23.76.100 Anti discrimination .....V-25  
23.76.110 Preconversion Protection .....V-25  
23.76.120 Appliance Warranties .....V-26  
23.76.130 Development Standards .....V-26  
23.76.140 Utilities .....V-26  
23.76.150 Findings Required for Approval .....V-26  
23.76.160 Lapse of Use Permit .....V-27  
23.76.170 Right to Terminate Conversion .....V-28

23.78 Drive-in and Drive-through Facilities .....V-29

23.78.010 Purpose and Applicability .....V-29  
23.78.020 Permit Requirements .....V-29  
23.78.030 Development Standards .....V-29

23.80 Emergency Shelters and Transitional Housing Facilities.....V-32

23.80.010 Purpose and Intent .....V-32  
23.80.020 Definitions.....V-32  
23.80.030 Permit Requirements and Exemptions .....V-32  
23.80.040 Development and Operational Standards .....V-33

23.82	Home Occupations.....	V-35
	23.82.010 Purpose .....	V-35
	23.82.020 Definition .....	V-35
	23.82.030 Permit Requirements .....	V-35
	23.82.040 Development and Operational Standards .....	V-35
	23.82.050 Restricted Home Occupation .....	V-37
	23.82.060 Prohibited Uses .....	V-37
23.84	Non-Conforming Uses, Buildings, and Structures .....	V-39
	23.84.010 Purpose and Intent .....	V-39
	23.84.020 Restrictions on Nonconforming Uses and Structures .....	V-39
	23.84.030 Agricultural and Residential Exemptions .....	V-39
	23.84.040 Loss of Nonconforming Status .....	V-40
	23.84.050 Nonconforming Parcels .....	V-40
	23.84.060 Nonconforming Due to Lack of Use Permit .....	V-41
23.86	Outdoor Sales, Display, Storage, and Seating.....	V-42
	23.86.010 Purpose .....	V-42
	23.86.020 Permit Requirements .....	V-42
	23.86.030 Exemptions.....	V-42
	23.86.040 Development and Operational Standards for Permanent Outdoor Uses .....	V-43
23.88	Residential Care Facilities.....	V-46
	23.88.010 Purpose .....	V-46
	23.88.020 Definitions.....	V-46
	23.88.030 Permit Requirements .....	V-46
	23.88.040 Development Standards for Residential Care Facilities .....	V-46
23.90	Second Dwelling Units.....	V-48
	23.90.010 Purpose .....	V-48
	23.90.020 Definitions.....	V-48
	23.90.030 Allowed Use Provisions .....	V-48
	23.90.040 Development Standards .....	V-49
23.92	Temporary Uses.....	V-50
	23.92.010 Purpose .....	V-50
	23.92.020 Permit Required .....	V-50
	23.92.030 Development and Operational Standards .....	V-50
	23.92.040 Temporary Uses Exempt from Permit .....	V-53
	23.92.050 Similar Uses.....	V-53
23-94	Wireless Communications Facilities .....	V-54
	23.94.010 Purpose and Intent .....	V-54
	23.94.020 Definitions.....	V-54
	23.94.030 Permit Requirements and Exceptions.....	V-55

23.94.040 Exemptions.....V-56  
23.94.050 Development Standards .....V-57  
23.94.060 Operational and Maintenance Standards .....V-60  
23.94.070 Removal Provisions .....V-61  
23.94.080 Transfer of Operations.....V-61  
23.94.090 Effects of Development.....V-61

**Article VI. Zoning Definitions A-Z**

**Page**

23.98 Definitions.....VI-1  
23.98.010 Applicability.....VI-1  
23.98.020 Additional Zoning Code Definitions .....VI-1  
23.98.030 Definitions A-Z .....VI-1

<b>List of Tables</b>	<b>Page</b>
Table 23.14-1 Approval Authority .....	II-10
Table 23.14-2 Appeal Authority.....	II-11
Table 23.16-1 Design Review Approving Authority .....	II-18
Table 23.24-1 Zoning Districts.....	III-1
Table 23.28-1 Allowed Uses and Permit Requirements for Agricultural and Agriculture Residential Zoning Districts.....	III-7
Table 23.28-2 Agricultural Zoning Districts Development Standards.....	III-9
Table 23.30-1 Allowed Uses and Permit Requirements for Residential Zoning Districts .....	III-14
Table 23.30-2A Very Low Density Residential Zoning Districts Development Standards.....	III-16
Table 23.30-2B Low Density Residential Zoning Districts Development Standards.....	III-17
Table 23.30-2C Medium Density Residential Zoning Districts Development Standards .....	III-19
Table 23.30-2D High Density Residential Zoning Districts Development Standards.....	III-20
Table 23.32-1 Allowed Uses and Permit Requirements for Commercial Zoning Districts .....	III-23
Table 23.32-2 Commercial Zoning Districts Development Standards.....	III-28
Table 23.34-1 Allowed Uses and Permit Requirements for Office Zoning Districts.....	III-31
Table 23.34-2 Office Zoning Districts Development Standards.....	III-33
Table 23.36-1 Allowed Uses and Permit Requirements for Industrial Zoning Districts.....	III-35
Table 23.36-2 Industrial Zoning Districts Development Standards .....	III-38
Table 23.38-1 Allowed Uses and Permit Requirements for Open Space Zoning Districts.....	III-39
Table 23.38-2 Open Space Zoning District Development Standards .....	III-41
Table 23.40-1 Allowed Uses and Permit Requirements for the Mobilehome Subdivision District .....	III-43
Table 23.42-1 Allowed Uses and Permit Requirements for Mobilehome Park Combining District .....	III-49
Table 23.42-2 Mobilehome Park Combining District Development Standards.....	III-50
Table 23.46-1 Development Standards for Accessory Structures.....	IV-3
Table 23.52-1 Maximum Height of Fences and Walls .....	IV-15
Table 23.54-1 Minimum Landscape Requirements by Zoning District.....	IV-20
Table 23.54-2 Parking Lot Shade Requirements .....	IV-26
Table 23.58-1 Parking Ratio for Shopping Centers Based on Percentage Restaurant Use.....	IV-37
Table 23.58-2 Parking Requirements by Land Use .....	IV-37
Table 23.58-3 Parking Space and Drive Aisle Dimensions.....	IV-43
Table 23.58-4 Bicycle Parking Requirements by Land Use.....	IV-44
Table 23.60-1 Maximum Noise Level by Receiving Land Use.....	IV-49
Table 23.62-1 Standards for Flags .....	IV-69
Table 23.62-2 Signs Permitted by Type and Development Characteristics .....	IV-79
Table 23.62-3 Temporary Sign Standards .....	IV-83
Table 23.62-4 Single Family Subdivision Signs.....	IV-86
Table 23.62-5 Signs on Residential Uses.....	IV-87
Table 23.64-1 Projection/Encroachment of Attached Structures Into Required Yard Areas.....	IV-94

<b>List of Figures</b>	<b>Page</b>
Figure 23.30-1	RD-4 Development Standards .....III-18
Figure 23.30-2	RD-5 and RD-6 Development Standards .....III-18
Figure 23.32-1	Equipment Screening.....III-29
Figure 23.42-1	Rural Commercial Combining Zone .....III-53
Figure 23.46-1	Development Standards for Enclosed and Solid Roofed Accessory Structures.....IV-3
Figure 23.46-2	Development Standards for Landscape Features .....IV-4
Figure 23.46-3	Setback regulations on Agricultural and Agricultural Residential Property ...IV-4
Figure 23.48-1	Height Measurements .....IV-7
Figure 23.48-2	Height Measurement on Sloped Sites .....IV-8
Figure 23.52-1	Front and Street Side Setback Areas with 3-Foot Fence Height Limits .....IV-16
Figure 23.52-2	Measurement of Fence Height on Parcels with Different Elevations .....IV-16
Figure 23.54-1	Parking Lot and Corresponding Landscape Design .....IV-23
Figure 23.54-2	Parking Lot Screening.....IV-24
Figure 23.54-3	Landscape Corridors.....IV-25
Figure 23.54-4	Buffering Between Uses.....IV-25
Figure 23.54-5	Parking Lot Shade Requirements .....IV-27
Figure 23.56-1	Shielding Provisions for Outdoor Lighting .....IV-30
Figure 23.58-1	Parking Space and Drive Aisle Dimensions.....IV-43
Figure 23.58-2	Passenger Loading Area .....IV-45
Figure 23.62-1	Building Frontage vs. Primary Building Frontage .....IV-59
Figure 23.62-2	Example Types of Prohibited Signs .....IV-72
Figure 23.62-3	Measurement of Sign Area .....IV-75
Figure 23.62-4	Sign Area and Distribution by Primary Building Frontage .....IV-76
Figure 23.62-5	Allowed Locations for Building Signs.....IV-78
Figure 23.62-6	Permitted Building Sign Types .....IV-82
Figure 23.62-7	Freestanding Sign Types.....IV-82
Figure 23.62-8	Temporary Sign Types.....IV-84
Figure 23.62-9	Off-Site Directional Kiosk Sign.....IV-86
Figure 23.64-1	Lot Definitions and Yard Areas .....IV-91
Figure 23.64-2	Required vs. Actual Yard Area .....IV-92
Figure 23.64-3	Typical Single family Residential Building Envelope .....IV-93
Figure 23.64-4	Main Building Projections into the Rear Yard for Single Family Development .....IV-94
Figure 23.72-1	Service Station Site Design .....V-13
Figure 23.72-2	Service Station Building and Canopy Design.....V-14
Figure 23.78-1	Drive-through Site Design .....V-30
Figure 23.98-1	Clear Visibility Triangle .....VI-6

# Title 23 - Zoning



## Article I

### Zoning Code Enactment and Applicability

**Chapters:**

- 23.02 Purpose of Zoning Code
- 23.04 Zoning Ordinance Applicability

**Revisions:**

The following revisions have been made to Article I of Title 23:

Date of Adoption	Ordinance Number	Subject	Chapter	Page Number

**Chapter 23.02 Purpose of Zoning Code****Sections:**

- 23.02.010 Purpose of Zoning Ordinance
- 23.02.020 Authority

**23.02.010 Purpose of Zoning Code**

The City of Elk Grove Zoning Ordinance carries out the policies of the Elk Grove General Plan by classifying and regulating the uses of land and structures within the City, consistent with the General Plan. This Zoning Code is adopted to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents and businesses in the City. More specifically, the purposes of this Zoning Code are to:

- (1) Provide standards and guidelines for the orderly growth and development of the City that will assist in protecting the characteristics and community identity of Elk Grove;
- (2) Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage and other public facilities and utilities;
- (3) Conserve and protect the City's natural features such as creeks, oak trees, and historic and environmental resources;
- (4) Minimize automobile congestion by promoting pedestrian oriented development, safe and effective traffic circulation, and adequate off-street parking facilities; and
- (5) Ensure compatibility between residential and non-residential development and land uses.

**23.02.020 Authority**

This Zoning Code is enacted based on the authority vested in the City of Elk Grove by the State of California, including but not limited to: Article XI, Section 7 of the State Constitution; the Planning and Zoning Law (Government Code Sections 65000 et seq.); the Subdivision Map Act (California Government Code Sections 66410 et seq.); and the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.).

**Chapter 23.04 Zoning Ordinance Applicability****Sections:**

- 23.04.010 Relationship to Prior Ordinance
- 23.04.020 Prior Rights and Violations
- 23.04.030 New Land Uses or Structures
- 23.04.040 Continuation of an Existing Land Use or Structure
- 23.04.050 Subdivisions
- 23.04.060 Effect of Zoning Ordinance Changes on Pending Applications
- 23.04.070 Conflicting Requirements
- 23.04.080 Other Requirements/Permits
- 23.04.090 Public Nuisance
- 23.04.100 Severability, Partial Invalidation of Zoning Code

**23.04.010 Relationship to Prior Ordinance**

The provisions of this Title, as it existed prior to the effective date of Ordinance No. 26-2006, are repealed and superseded as provided in the Ordinance enacting this Title. No provision of this Title shall validate or legalize any land use or structure established, constructed, or maintained in violation of the Title as it existed prior to repeal by the Ordinance enacting this Title.

**23.04.020 Prior Rights and Violations**

The enactment of this Title shall not terminate or otherwise affect vested land use development permits, approvals, or agreements authorized under the provisions of any ordinance, nor shall violation of prior ordinance be excused by the adoption of this Title.

**23.04.030 New Land Uses or Structures**

It shall be unlawful, and a violation of this Zoning Ordinance for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of this Title.

**23.04.040 Continuation of an Existing Land Use or Structure**

It is unlawful and a violation of the Elk Grove Municipal Code for anyone to use a parcel or structure in a manner that violates any provision of this Title. However, a land use that was lawfully established before this Title was enacted, or before enactment of any applicable amendment to this Title, may continue with few exceptions listed in Chapter 23.84 (Nonconforming Uses, Buildings, and Structures). No expansion or modification to said pre-existing legal non-conforming use or structure shall be permitted except as allowed by Chapter 23.84 (Nonconforming Uses, Buildings, and Structures).

**23.04.050 Subdivisions**

Any subdivision of land proposed within the City after the effective date of this Zoning Ordinance shall be consistent with the minimum lot size requirements of Article III (Land Use Zones, Allowed Uses, Development Standards), the subdivision requirements of the City of Elk Grove Subdivision Ordinance, and all other applicable requirements of this Zoning Ordinance.



**23.04.060 Effect of Zoning Ordinance Changes on Pending Applications**

Following the effective date of this Title, or any amendment of this Title, regulations of this Title are applicable to all pending applications in process, unless prohibited by State law. Applications are no longer pending once the appeal period has expired or the appeal process fully exercised.

**23.04.070 Conflicting Requirements**

- (1) **Zoning Ordinance and Municipal Code Provisions.** If conflicts occur between requirements of this Zoning Ordinance, or between this Zoning Ordinance, the Municipal Code, or other plans and policies adopted by the City, the Zoning Code shall govern.
- (2) **Development Agreements or Specific Plans.** If conflicts occur between the requirements of this Zoning Ordinance and standards adopted as part of any Development Agreement or applicable Specific Plan, the requirements of the Development Agreement or Specific Plan shall govern.
- (3) **Private Agreements.** This Zoning Ordinance applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction, without affecting the applicability of any agreement or restriction. The City shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement.

**23.04.080 Other Requirements/Permits**

Nothing in this Zoning Ordinance eliminates the need for obtaining any other permits required by the City, or any permit, approval, or entitlement required by the regulations of any regional, State, or Federal agency.

**23.04.090 Public Nuisance**

Neither the provisions of this Title nor the approval of any permit authorized by this Title shall authorize the maintenance of any public nuisance as defined in Article VI (Definitions).

**23.04.100 Severability, Partial Invalidation of Zoning Code**

If any portion of this Title is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such determinations shall not affect the validity of the remaining portions of this Title. The City Council hereby declares that this Title and each article, chapter, section, subsection, paragraph, subparagraph, sentence, clause, phrase and portion thereof is adopted without regard to the fact that one or more portions of this Title may be declared invalid, unconstitutional, or unenforceable.

# Title 23 - Zoning



## Article II

### Administration and Permit Procedures

**Chapters:**

- 23.10 Identification and Responsibilities of Designated Planning Agencies
- 23.12 Interpretation and Enforcement of Code
- 23.14 General Application Processing Procedures
- 23.16 Permit Requirements
- 23.18 Implementation, Time Limits, and Extensions
- 23.20 Modification and Revocation

**Revisions:**

The following revisions have been made to Article II of Title 23:

Date of Adoption	Ordinance Number	Subject	Chapter	Page Number

## Chapter 23.10 Identification and Responsibilities of Designated Planning Agencies

### Sections:

- 23.10.010 Purpose
- 23.10.020 Composition of the Elk Grove Planning Agency
- 23.10.030 Responsibilities of the City Council
- 23.10.040 Responsibilities of the Planning Commission
- 23.10.050 Additional Provisions for the Planning Commission
- 23.10.060 Responsibilities of the Planning Director

### 23.10.010 Purpose

The purpose of this chapter is to establish the administration of this Title and to set forth the basic responsibilities of the officials and bodies charged with its administration.

### 23.10.020 Composition of the Elk Grove Planning Agency

California Government Code Section 65100 requires each jurisdiction to establish a planning agency to carry out the land use and planning functions of the jurisdiction. The functions of the planning agency, as designated by this Title, may be any one of the following, as further defined in this Chapter and Title. In the absence of an assignment, the City Council shall have the planning agency responsibility and authority.

- (1) City Council
- (2) Planning Commission
- (3) Planning Director

Responsible agencies shall have such duties as assigned by this Title.

### 23.10.030 Responsibilities of the City Council

The City Council shall have the following land use responsibilities:

- (1) Appoint members of the Planning Commission.
- (2) Hear and decide appeals of the decisions of the Planning Commission.
- (3) Hear and decide applications for Zoning Amendments, General Plan and amendments thereto, Specific Plans, Special Planning Areas, Rezoning, and Development Agreements. In the event that applications for other land use permits are requested in conjunction with these entitlements, the City Council shall also be the final decision-making body for the other land use permits.
- (4) Direct planning-related policy amendments and special studies as necessary or desired.
- (5) Exercise such other powers and duties as are prescribed by State law or local Ordinance.

**23.10.040 Responsibilities of the Planning Commission**

The Planning Commission shall have the following land use responsibilities.

- (1) Hear and decide appeals of the decisions of the Planning Director.
- (2) Hear and decide applications for Conditional Use Permits, Variances, Design Review, Tentative Subdivision Maps, and Tentative Parcel Maps.
- (3) Hear and make recommendations to the City Council on applications or proposals for amendments to this Title.
- (4) Initiate studies of amendments to this Title and make recommendations to the City Council for amendments to this Title.
- (5) Hear and make recommendations to the City Council on applications for Zoning Amendments, General Plan and amendments thereto, Specific Plans, Special Planning Areas, Rezoning, and other related planning studies.
- (6) Exercise such other powers and duties as are prescribed by state law, local Ordinance, or as directed by the City Council.

**23.10.050 Additional Provisions for the Planning Commission**

- (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 December 1 of each even-numbered year commencing in the year 2002. There shall be no maximum number of terms that may be served by an individual member.
- (2) **Vacancies.** If a member of any Commission is unable or unwilling to complete his or her term, the City Council member who appointed the previous Commissioner shall appoint another person to serve for the remaining portion of the previous Commissioner's term.
- (3) **Compensation.** Each appointee to the Planning Commission shall receive compensation as determined by Resolution of the City Council.
- (4) **Rules.** The Planning Commission shall adopt rules of procedure which shall govern the conduct of hearings and other business of the Commission. Copies of the rules shall be published and shall be available at the Office of the Clerk of the City Council.
- (5) **Organization.** The Planning Commission members shall annually select a chairperson and vice-chairperson amongst themselves and shall determine the time, place, and frequency of regular meetings.
- (6) **Committees.** The Planning Commission is authorized to create committees from their membership for the conduct of their business.

- (7) **Voting.** The approval of any action by the Planning Commission shall require the affirmative votes of a majority of the quorum.

**23.10.060 Responsibilities of the Planning Director**

The Planning Director shall have the responsibility and authority to administer and enforce this Title as follows:

- (1) Maintain the sections of this Title, zoning map, and all records of zoning actions and interpretations.
- (2) Advise the City Council, City Manager, and Planning Commission on planning matters.
- (3) Decide administrative permits, including Zoning Clearance/Plan Check, Administrative Design Review, Minor Deviations, Minor Use Permits, and Temporary Use Permits.
- (4) Staff meetings and provide administrative services for the Planning Commission.
- (5) Direct planning-related policy amendments and special studies as necessary or desired. Conduct administrative functions authorized by this Title, including distribution and receipt of permit applications and corresponding fees, application review and public noticing, determination and issuance of administrative permits and approvals, and preparation of staff reports with recommendations, proposed findings, and proposed conditions for quasi-judicial and legislative actions by designated planning agencies. For a comprehensive list of permits, see Chapter 23.16 (Permit Requirements).
- (6) Provide information to the public and facilitate public participation on planning matters.
- (7) Exercise such other powers and duties as are prescribed by State law, local Ordinance, or as directed by the City Manager.

## Chapter 23.12 Interpretation and Enforcement of Code

### Sections:

- 23.12.010 Purpose
- 23.12.020 Applicability and Authority for Interpretations
- 23.12.030 Rules of Interpretation
- 23.12.040 Record of Interpretation
- 23.12.050 Appeals
- 23.12.060 Enforcement Procedures

### 23.12.010 Purpose

The purpose of this chapter is to specify the authority and procedures for clarification of ambiguity in the regulations of this Title in order to ensure the consistent interpretation and application.

### 23.12.020 Applicability and Authority for Interpretations

If ambiguity arises concerning the meaning or applicability of the provisions of this Title, it shall be the responsibility of the Planning Director to review pertinent facts, determine the intent of the provision, and to issue an administrative interpretation of said provision(s) as specified in this Chapter:

- (1) The classification of a particular use (see Section 23.26.030, Similar Uses);
- (2) The development standards applicable to a particular zoning district or use; or
- (3) Zoning boundaries.

### 23.12.030 Rules of Interpretation

- (1) **Terminology.** When used in this Title, the following rules apply to all provision of this Title.
  - (A) **Language.** The words "shall", "must", "will", "is to", and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended, and "may" is permissive.
  - (B) **Tense and number.** The present tense includes the past and future tense, and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the words indicates otherwise.
  - (C) **Conjunctions.** "And" indicates that all connected items or provisions shall apply. "Or" indicates that the connected items or provisions may apply singly or in any combination. "Either...or" indicates that the connected items and provisions shall apply singly but not in combination. "Includes" and "including" shall mean "including but not limited to..."
- (2) **Zoning Regulations.** Any list of any item, including zones or uses, is exclusive. If a use or other item is not listed, it is not permitted.

- (3) **Number of Days.** Whenever the number of days is specified in this Title, or in any permit, condition of approval, or notice issued or given as provided in this Title, the number of days shall be construed as calendar days. When the last of the specified number of days falls on a weekend or City holiday, time limits shall extend to the end of the next working day.
- (4) **Minimum Requirements.** When interpreting and applying the regulations of this Title, all provisions shall be considered to be minimum requirements, unless specifically stated otherwise.

#### **23.12.040 Record of Interpretation**

Whenever the Planning Director determines that an ambiguity in a zoning regulation exists, the Director shall issue an official interpretation. Official interpretations shall be in writing and shall cite the provisions being interpreted together with an explanation of the meaning or applicability of the provision(s) in the particular or general circumstances that caused the need for interpretation.

Any provision determined by the Planning Director to be ambiguous pursuant to this Chapter shall be clarified by amendment as soon as is practical. The Planning Director shall maintain a complete record of all official interpretations available for public review, indexed by the chapter number of this Title that is the subject of the interpretation, including all interpretations made by the Planning Commission and City Council. The applicant or property owner initiating the request for such interpretation shall receive a notice of action, 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 their next regularly scheduled Planning Commission meeting. The action on the interpretation shall not be final until after said Planning Commission meeting, where potential appeal action by the Planning Commission would commence.

#### **23.12.050 Appeals**

Interpretations by the Planning Director may be appealed to the designated Appeal Authority pursuant to Section 23.14.060 (Appeals). The Planning Commission may decide to appeal the Planning Director's interpretation at their next regularly scheduled Planning Commission meeting. If the Commission decides to appeal the determination, the appeal will be scheduled for hearing in accordance with standard appeal procedures outlined in Section 23.14.060 (Appeals). Such appeal is not subject to appeal fees.

#### **23.12.060 Enforcement Procedures**

- (1) **Purpose and Intent.** The purpose of these provisions is to identify enforcement authority and provisions for enforcement of this Title.
- (2) **Action on Violations.** Municipal Code enforcement is the responsibility of the Community Enhancement team. Working in partnership with the Planning Director, the Community Enhancement staff shall investigate all matters of Municipal Code Violations, and if it is the opinion that a violation does exist, shall notify the owner of the property involved to

show cause why the violation should not cease. The property owner notification process, administrative citation process, and administrative appeals shall be conducted pursuant to Chapters 1.11 and 1.12 of the Municipal Code.

- (3) **Public Nuisance Declared.** Any building or structure, or any use of property contrary to or in violation of this Title is unlawful and is a public nuisance. All abatement and enjoinder proceedings shall be conducted in accordance with Municipal Code Chapters 1.11 and 1.12, as well as relevant provisions of State law.



## Chapter 23.14 General Application Processing Procedures

### Sections:

- 23.14.010 Application Submittal
- 23.14.020 Determination of Completion
- 23.14.030 Application Review
- 23.14.040 Public Notices
- 23.14.050 Approving Authority
- 23.14.060 Appeals

### 23.14.010 Application Submittal

All applications for land use and development permits and actions pertaining to this Title shall be submitted to the Planning Department on a City application form, together with all fees, plans, maps, and any other information required by the Planning Department. Every application for a land use or development permit shall include a completed application form designated for the particular request, applicant signature(s), agent authorization as appropriate, and processing fee(s) established by City Council Resolution. Additionally, each application requires the submittal of particular maps, plans, and other data about the project development, project site and vicinity deemed necessary by the Planning Director to provide the Approving Authorities with adequate information with which to base decisions. Each permit application form lists the necessary submittal materials for that particular type of permit.

### 23.14.020 Determination of Completion

- (1) **Application Completeness.** Within 30 days of application submittal, the Planning Director shall determine whether or not the application is complete. The applicant shall be notified in writing of the determination either that:
  - (A) All the submittal requirements have been satisfied and that the application has been accepted as complete; or
  - (B) Specific information is still necessary to complete the application. The letter may also identify preliminary information regarding the areas in which the submitted plans are not in compliance with City standards and requirements. The applicant may appeal the determination in accordance with Section 23.14.060 (Appeals) and the Permit Streamlining Act (California Government Code Section 65943).

In order to expedite the determination of completeness for administrative permits and actions issued by the Planning Director (Zoning Clearance, Temporary Use Permits, Minor Deviations, Minor Use Permits), administrative permit applications shall be deemed complete within ten working days unless the applicant is otherwise notified in writing within that time period of additional information necessary to complete the application.

- (2) **Incomplete Application.** If additional information or submittals are required and the application is not made complete within six months of the completeness determination letter, the application shall be deemed by the City to have been withdrawn, and no action will be taken on the application. Unexpended fees, as determined by the Planning Director, will be returned to the applicant. If the applicant subsequently wishes to pursue the project, a new application, including fees, plans, exhibits and other materials must then be filed in compliance with this Article.

**23.14.030 Application Review**

After acceptance of a complete application, the project shall be reviewed in accordance with the environmental review procedures of the California Environmental Quality Act (CEQA). The Planning Director will consult with other departments as appropriate to ensure compliance with all provisions of the Municipal Code and other adopted policies and plans. The Planning Director will prepare a report to the designated Approving Authority (Planning Commission and/or City Council) describing the project, along with a recommendation to approve, conditionally approve, or deny the application.

**23.14.040 Public Notices**

- (1) **Public Hearing Required.** The following procedures shall govern the notice and public hearing, where required, for consideration of a permit. In accordance with Planning and Zoning Law, the Subdivision Map Act, and the California Environmental Quality Act, public hearings shall be required for all quasi-judicial permits and legislative actions of the City (Variance, Conditional Use Permit, Design Review, Specific Plans, Special Planning Areas, Zoning Amendments, and General Plan Amendments). The hearing(s) shall be held before the designated Approving Authority as identified in this Title.
- (2) **Notice of Hearing.** Pursuant to California Government Code Section 65091, not less than ten days before the scheduled date of a hearing, public notice shall be given of such hearing in the manner listed below. The notice shall state the date, time, and place of hearing, identify the hearing body, a general explanation of the matter to be considered, and a general description of the real property (text or diagram), if any, which is the subject of the hearing.
  - (A) Notice of the public hearing shall be published in at least one newspaper of general circulation in the City.
  - (B) Except as otherwise provided herein, notice of the public hearing shall be mailed, postage prepaid, to the owners and tenants of property within a radius of 500 feet of the exterior boundaries of the property involved in the application, using for this purpose that last known name and address of such owners as shown upon the current tax assessors records. Exceptions to this mailing requirement are as follows:
    - (i) For all properties designated as "Rural Residential", "Estate Residential", or "Elk Grove Triangle" on the City's General Plan Land Use Policy Map, notices shall be mailed to owners of property and residents/occupants, as applicable, within 1,000 feet of the boundary of the property that is the subject of the application.
    - (ii) For regional projects, notices shall be mailed to owners of property and residents/occupants, as applicable, within 2,000 feet of the boundary of the property that is the subject of the application. A regional project shall include a new Specific Plan, a new Special Planning Area, any project for which an Environmental Impact Report is required pursuant to the California Environmental Quality Act, or any other project determined by the Planning Director to be a regional project.

- (iii) For properties within all zoning districts, a minimum of 30 parcels shall be notified. If this minimum standard is not met, the notification distance shall be increased in 100-foot intervals until the standard is achieved.
- (iv) The president or chairperson of all neighborhood associations or community groups in the City's Neighborhood Association Index which have boundaries that overlap any of the noticing radius defined above shall also receive a notice of all public hearings. Mailings to such organizations shall not be counted toward the 30 parcel minimum defined above.
- (C) Notice of the public hearing shall be mailed, postage prepaid, to the owner of the subject real property or the owner's authorized agent, and to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the proposed project.
- (3) **Notice of Determination for Administrative Permits.** For administrative permit applications decided by the Planning Director (Minor Deviations, Temporary Use Permits, Minor Use Permits, Administrative Design Review), public notice shall be mailed to the applicant and property owners of sites directly abutting the subject parcel(s) no less than seven days prior to the scheduled date of determination. The notice shall identify the subject parcel, describe the request, and identify the date of Planning Director determination on the administrative permit application. The notice shall also identify the opportunity to provide input prior to the determination and the right to appeal the determination in accordance with this Title. The Planning Director shall create a written record of action to approve, conditionally approve, or deny the administrative permit application. This record of action shall be mailed to the applicant within three days from the date of action.
- (4) **Requests for Notification.** Any person who requests to be on a mailing list for notice of hearing for a development project or projects shall submit such request in writing to the City Clerk. The City may impose a reasonable fee for the purpose of recovering the cost of such notification.
- (5) **Failure to Receive Notice.** Failure of any person or entity to receive notice required by law of any hearing as required by this Title shall not constitute grounds for any court to invalidate the actions of a designated Approving Authority for which the notice was given.
- (6) **Hearing Procedure.** Hearings as provided for in this chapter shall be held at the date, time, and place for which notice has been given as required in this chapter. The designated Approving Authority shall conduct the public hearing and hear testimony. The summary minutes shall be prepared and made part of the permanent file of the case. Any hearing may be continued. If the hearing is not continued to a specific date/time, then the hearing shall be re-noticed.

#### 23.14.050 Approving Authority

The Approving Authority as designated in Table 23.14-1 shall approve, conditionally approve, or deny the proposed land use or development permit in accordance with the requirements of this Title. Table 23.14-1 identifies both recommending (R) and final (F) authorities for each permit. When a proposed project requires more than one permit with more than one Approving Authority, all project permits shall be processed concurrently and final action shall be taken by

the highest level designated Approving Authority for all such requested permits. In acting on a permit, the Approving Authority shall make the applicable findings as established in Chapter 23.16 (Permit Requirements) and as may be required by other laws and regulations. An action of the Approving Authority may be appealed pursuant to procedures set forth in Section 23.14.060 (Appeals).

**Table 23.14-1  
Approval Authority**

Type of Permit or Decision	Designated Approval Authority <sup>1</sup>		
	Planning Director	Planning Commission	City Council
Zoning Code Interpretation	F		
Zoning Clearance/Plan Check	F		
Minor Deviation	F		
Variance	R	F	
Temporary Use Permit	F		
Minor Use Permit	F		
Conditional Use Permit	R	F	
Administrative Design Review <sup>2</sup>	F		
Design Review <sup>2</sup>	R	F	
Tentative Parcel Map	R	F	
Tentative Subdivision Map	R	F	
Special Planning Area	R	R	F
Specific Plan	R	R	F
Zoning Amendment (Text and Map)	R	R	F
General Plan Amendment	R	R	F
Rezoning	R	R	F
Development Agreement	R	R	F

Notes:

1. All listed actions are subject to appeal pursuant to Section 23.14.060.
2. See Table 23.16-1 for a specific listing of applicable projects subject to Design Review approval and the corresponding Approving Authority (Planning Director or Planning Commission).

**23.14.060 Appeals**

(1) **Purpose.** This section identifies the procedures for filing and processing an appeal consistent with California Government Code Section 65904. Where the appeal provisions of this section conflict with other provisions of the Municipal Code, the appeal provisions of this section shall apply with regard to planning and zoning matters.

- (2) **Appeal Applicability and Authority.** Any person dissatisfied with an interpretation or action of the Planning Director or Planning Commission made pursuant to this Article, may appeal such action to the designated Appeal Authority listed in the Table 23.14-2 below, within ten days from the date of the action. Actions by the City Council are not subject to appeal.

**Table 23.14-2  
Appeal Authority**

Approving Authority for Action Being Appealed	Appeal Authority	
	Planning Commission	City Council
Planning Director	X	
Planning Commission		X

- (3) **Filing an Appeal.** All appeals shall be submitted in writing, identifying the action being appealed and specifically stating the basis or grounds of the appeal. Appeals shall be filed within ten days following the date of determination or action for which an appeal is made, accompanied by a filing fee established by City Council Resolution, and submitted to the City Clerk. The filing of an appeal shall stay the issuance of subsequent permit(s) (e.g., building permits).
- (4) **Notice and Schedule of Appeal Hearings.** Unless otherwise agreed upon by the person filing the appeal and the applicant, appeal hearings should be conducted within 45 days from the date of appeal submittal. Notice of hearing for the appeal shall be provided pursuant to noticing requirements of Section 23.14.040 (Public Notices).
- (5) **Appeal Hearing and Action.** Each appeal shall be considered a de novo (new) and the Appeal Authority may reverse, modify or affirm the decision in whole or in part. In taking its action on an appeal, the Appeal Authority shall state the basis for its action. The Appeal Authority may modify, delete, or add such conditions as it deems necessary. The Appeal Authority may also refer the matter back to the original Approving Authority for further action. The action of the Appeal Authority is final on the date of decision and may not be further appealed.

## Chapter 23.16 Permit Requirements

### Sections:

- 23.16.010 Permit Requirements and Exemptions
- 23.16.020 Zoning Clearance/Plan Check
- 23.16.030 Minor Deviation
- 23.16.040 Variance
- 23.16.050 Temporary Use Permit
- 23.16.060 Minor Use Permit
- 23.16.070 Conditional Use Permit
- 23.16.080 Design Review
- 23.16.090 Specific Plans
- 23.16.100 Special Planning Area
- 23.16.110 Zoning Amendments (Text and Map)
- 23.16.120 General Plan Amendments (Text and Map)
- 23.16.130 Prezoning
- 23.16.140 Development Agreements

### 23.16.010 Permit Requirements and Exemptions

All planning and zoning-related permits and actions required and regulated by the City are listed herein. Such permits generally fall into three categories based on the type of permit or action and the level of review:

- (1) Administrative permits and actions;
- (2) Quasi-judicial permits and actions; and
- (3) Legislative actions.

Each permit type is described in this Section in terms of purpose and applicability, approving authority, and unique processing provisions. See Chapter 23.14 (General Application Processing Procedures) for general application submittal, review, noticing/hearing, and appeal provisions. The permit process for review, decision, and appeal of signs is listed in Section 23.62.080 (Sign Permits, Sign-Related Decisions and Orders, and Internal Appeals). Exemptions to permit requirements are listed throughout this Title. Provisions for Tentative Parcel Maps and Tentative Subdivision Maps are listed in Title 22 of the Municipal Code.

### 23.16.020 Zoning Clearance/Plan Check

- (1) **Purpose and Applicability.** The purpose of the Zoning Clearance/Plan Check is to ensure that all new and modified uses and structures comply with applicable provisions of this Title, using simple administrative plan check procedures. Zoning Clearance/Plan Check is required for all structures that require a building permit and for signs.
- (2) **Approving Authority.** The designated Approving Authority for Zoning Clearance/Plan check is the Planning Director. The Planning Director approves, conditionally approves, or denies the Zoning Clearance/Plan Check in accordance with the requirements of this Title.

- (3) **Process.** No application form is necessary for Zoning Clearance/Plan Check. This process will be conducted by the Planning Director as part of the Building Permit application review. Zoning Clearance shall be granted only when the Planning Director finds the proposal to be in conformance with all applicable provisions of this Title. The Planning Director may modify plans in whole or in part, apply conditions of approval, or require guarantees to ensure compliance with applicable provisions of this Title. Building permits shall not be issued without approval of Zoning Clearance/Plan Check.

#### 23.16.030 Minor Deviation

- (1) **Purpose and Applicability.** The purpose of the Minor Deviation is to allow some flexibility in project design with regards to specific development standards. Minor deviations do not apply to the use of property. To achieve more flexible standards, the designated Approving Authority may grant minor deviations to the building height, setback, lot coverage, and parking provisions not to exceed ten percent of the respective development standards in the underlying zoning district for the subject parcel. All other deviations require approval of a Variance application.
- (2) **Approving Authority.** The designated Approving Authority for Minor Deviations is the Planning Director. The Planning Director approves, conditionally approves, or denies the Minor Deviation in accordance with the requirements of this Title.
- (3) **Findings.** The Planning Director may approve and/or modify any application for a Minor Deviation in whole or in part, with or without conditions, with the following findings:
- (A) The deviation(s) improve the site, architectural, and/or overall project design; and
  - (B) The deviation(s) are materially consistent with the project and are compatible with surrounding uses and structures.

#### 23.16.040 Variance

- (1) **Purpose and Applicability.** In accordance with California Government Code Section 65906, a Variance request allows the City to grant exception to the development standards and provisions of this Title in cases where, because of special circumstances applicable to the property, the strict application of this Title deprives such property of privileges enjoyed by other property in the vicinity and under identical land use zoning districts. A Variance approval is required to grant exception from any of the development standards and provisions of this Title. Variance applications may not be granted for uses or activities not otherwise permitted by zoning district regulations.
- (2) **Approving Authority.** The designated Approving Authority for a Variance is the Planning Commission. The Planning Director provides a recommendation and the Planning Commission approves, conditionally approves, or denies the Variance in accordance with the requirements of this Title.
- (3) **Findings.** The Planning Commission may approve and/or modify any Variance application in whole or in part, with or without conditions, only if the applicant can demonstrate to the Planning Commission that the circumstances of their particular case can justify making all of the following findings:

- (A) That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of this Title deprives such property of privileges enjoyed by other property in the vicinity and under identical land use zoning district classifications.
  - (B) That granting the Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use zoning district in which such property is located.
  - (C) That granting the Variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question.
  - (D) That granting the Variance is consistent with the objectives of the General Plan and Zoning Ordinance.
- (4) **Conditions.** The Planning Commission may impose conditions for the Variance to ensure compliance with this section and other applicable provisions of this Title.
- (5) **Issuance.** The final action on the Variance by the Planning Commission shall constitute approval of the permit. Such permit shall only become valid after the designated ten-day appeal period has been completed.

#### 23.16.050 Temporary Use Permit

- (1) **Purpose and Applicability.** The purpose of a Temporary Use Permit is to allow uses of a temporary nature on private property to exist for a specified length of time, in a manner which will not adversely impact the general welfare of persons residing in the community. A Temporary Use Permit is required prior to the construction or operation of any facilities or uses associated with any activity that requires authorization of a Temporary Use Permit. Also see temporary use provisions in Chapter 23.92 (Temporary Uses) and permanent outdoor use provisions in Chapter 23.86 (Outdoor Sales, Display, Storage, and Seating).
- (2) **Approving Authority.** The designated Approving Authority for Temporary Use Permits is the Planning Director. The Planning Director approves, conditionally approves, or denies the Temporary Use Permit in accordance with the requirements of this Title.
- (3) **Findings.** A Temporary Use Permit shall be granted only when the designated Approving Authority finds that the proposed activity complies with all of the following criteria.
- (A) The establishment, maintenance or operation of the temporary use will not be detrimental to the public health, safety or welfare of the persons residing or working in the neighborhood of the proposed use (e.g., excessive dust, noise, light, odor, or other objectionable characteristics).
  - (B) The temporary use is in conformance with applicable provisions of this Title and other regulations of the City, including but not limited to fire access and prevention, security provisions, and access to necessary water and sewer services.
  - (C) Measures for removal of the use and site restoration have been required.



- (4) **Conditions/Guarantees.** The following conditions shall apply to all Temporary Use Permits. The Approving Authority may impose additional conditions and/or require guarantees to ensure conformance with this Title.
- (A) Requirements for vehicular ingress/egress and corresponding traffic safety provisions, parking requirements and facilities, and hours of operation.
  - (B) Regulation of public nuisance factors (e.g., light glare, noise, vibration, smoke, dust, dirt, odors, gases, and heat).
  - (C) Regulation of maintenance and site restoration during and after termination of the temporary use or expiration of the Temporary Use Permit. A bond or other form of security acceptable to the Planning Director may be required prior to the initiation of the use to ensure cleanup after the use is finished.
- (5) **Permit Issuance.** An authorized signature of the Planning Director or the Director's designee on the completed Temporary Use Permit application form shall signify issuance of the permit. Such permit shall only become valid after the designated ten-day appeal period has been completed.

#### 23.16.060 Minor Use Permit

- (1) **Purpose and Applicability.** The purpose of the Minor Use Permit is to allow for administrative review and determination of requests for specific uses that warrant evaluation to ensure compatibility with surrounding uses. It is anticipated that qualifying uses are relatively minor in nature and can likely be conditioned to ensure compatibility. The designated Approving Authority may grant minor use permits for the following uses, subject to all other provisions of this Title:
- (A) Outdoor amplification associated with an existing or proposed use;
  - (B) Outdoor seating as permitted pursuant to Chapter 23.86 (Outdoor Sales, Display, Storage, and Seating); and
  - (C) Newsracks pursuant to Chapter 23.68,(Accessory Uses).
- (2) **Approving Authority.** The designated Approving Authority for Minor Use Permits is the Planning Director. The Planning Director approves, conditionally approves, or denies the Minor Use Permit in accordance with the requirements of this Title.
- (3) **Findings.** The Planning Director may approve and/or modify any application for a Minor Use Permit in whole or in part, with or without conditions, with the following findings:
- (A) The proposed use is consistent with the General Plan and all applicable provisions of this Title.
  - (B) The establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use, or the general welfare of the City.

- (4) **Conditions/Guarantees.** The Planning Director may impose conditions and/or require guarantees for the Minor Use Permit to ensure compliance with this section and other applicable provisions of this Title and to prevent adverse or detrimental impact to surrounding neighborhood.
- (5) **Permit Issuance.** The final action on the Minor Use Permit by the Planning Director shall constitute approval of the permit. Such permit shall only become valid after the designated ten-day appeal period has been completed.

#### 23.16.070 Conditional Use Permit

- (1) **Purpose and Applicability.** The purpose of the Conditional Use Permit is for the individual review of uses, typically having unusual site development features or operating characteristics, to ensure compatibility with surrounding areas and uses. A Conditional Use Permit is required for all uses specifically identified as requiring a Conditional Use Permit in Articles III (Zoning Districts, Allowed Land Uses, and Development Standards) and Article V (Special Use Regulations) of this Title.
- (2) **Approving Authority.** 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.
- (3) **Findings.** Conditional Use Permits are quasi-judicial and shall be granted only when the Planning Commission determines that the proposed use or activity complies with all of the following findings.
  - (A) The proposed use is consistent with the General Plan and all applicable provisions of this Title.
  - (B) The establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use, or the general welfare of the City.
- (4) **Conditions/Guarantees.** The Planning Commission may impose conditions and/or require guarantees for the Conditional Use Permit to ensure compliance with this section and other applicable provisions of this Title and to prevent adverse or detrimental impact to the surrounding neighborhood.
- (5) **Permit Issuance.** The final action on the Conditional Use Permit by the Planning Commission shall constitute approval of the permit. Such permit shall only become valid after the designated ten-day appeal period has been completed.

#### 23.16.080 Design Review

- (1) **Purpose and Intent.** The purpose of the Design Review process is to promote the orderly and harmonious growth of the City; to encourage development in keeping with the desired character of the City; to ensure physical, visual, and functional compatibility between uses; and to help prevent the depreciation of land values by ensuring proper attention is given to site and architectural design. This permit is intended to provide a

process for consideration of development proposals in which the site, architectural, and overall project design is substantially improved by, and provides a City benefit with, the consideration of minor modifications to the conventional development regulations of the underlying zoning district. However, the flexibility does not apply to use of the land in that only those uses permitted within the underlying zoning district are allowed.

- (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).
- (3) **Exemptions.** The following structures are exempt from Design Review. However, such structures may require additional permits, such as a ministerial building permit to ensure compliance with adopted Building Code standards and applicable Zoning Code provisions.
- (A) Single family custom homes;
  - (B) Additions to single family residential homes;
  - (C) Additions to non-residential structures less than 500 square feet in size;
  - (D) Accessory structures consistent with the provisions of Article IV, Chapter 23.46 (Accessory Structures).
  - (E) Repairs and maintenance the site or structure that do not add to, enlarge, or expand the area occupied by the land use, or the floor area of the structure. Exterior repairs that employ the same materials and design as the original construction are also exempt from Design Review;
  - (F) Interior alterations that do not increase the gross floor area within the structure, or change/expand the permitted use of the structure (including solar collectors); and
  - (G) Construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments (e.g., water, gas, electric or telecommunication supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and similar facilities and equipment).
- (4) **Approving Authority.** The designated Approving Authorities for Design Review are listed in Table 23.16-1. 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
Residential Master Home Plans	X	
Multifamily Residential	X <sup>1</sup>	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).

(5) **Findings.** A Design Review Permit or any modification thereto shall be granted only when the designated Approving Authority makes all of the following findings:

- (A) The proposed project is consistent with the objectives of the General Plan, complies with applicable zoning regulations, Specific Plan provisions, Special Planning Area provisions, Citywide Design Guidelines, and Improvement Standards adopted by the City.
- (B) The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community;
- (C) The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of buildings on adjoining and nearby properties;
- (D) The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation; and
- (E) For residential subdivision design review applications, the residential subdivision is well integrated with the City's street network, creates unique neighborhood environments, reflects traditional architectural styles, and establishes a pedestrian friendly environment.

(6) **Conditions.** The designated Approving Authority may modify plans in whole or in part and may condition the Design Review Permit to ensure specific design features, construction materials, and conformance with all applicable provisions of this Title.

(7) **Permit Issuance.** The final action on the Design Review Permit by the designated Approving Authority shall constitute approval of the permit. Such permit shall only become valid after the designated ten-day appeal period has been completed.

**23.16.090 Specific Plans**

- (1) **Purpose.** The purpose of a Specific Plan is to provide a vehicle for implementing the City's General Plan on an area-specific basis. The Specific Plan is intended to serve as a regulatory document, consistent with the General Plan. In the event there is an inconsistency or conflict between an adopted Specific Plan and comparable provisions of this Title, the Specific Plan shall prevail. This section is consistent with California Government Code Section 65450 through 65457.
- (2) **Applicability.** The City's General Plan encourages preparation of Specific Plans and identifies certain areas of the City which require Specific Plans for development. Specific Plan zoning may be considered for other areas of the city.
- (3) **Approving Authority.** The designated Approving Authority for Specific Plans is the City Council. The Planning Director and Planning Commission provide recommendations and the City Council approves, conditionally approves, or denies the Specific Plan in accordance with the requirements of this Title.
- (4) **Contents.** In addition to the State minimum content requirements of California Government Code Section 65451, the following items outline the City's content requirements for an application.
  - (A) Statement of the relationship of the Specific Plan to the General Plan.
  - (B) Policies for development and standards for regulating development within the plan area.
  - (C) The proposed land uses for all areas covered by the plan.
  - (D) The types and configurations of buildings to be included in all developments within the plan area.
  - (E) The location of and types of streets.
  - (F) Public facilities and infrastructure required to serve developments within the Specific Plan area.
  - (G) A parking and circulation plan for off-street parking areas showing the location of parking lots, the approximate number of spaces, and the approximate location of entrances and exits.
  - (H) Proposed conservation, open space and/or recreation areas, if any.
  - (I) Any other programs, guidelines or standards appropriate for the area covered by the plan.
- (5) **Environmental Review.** It is anticipated, under the California Environmental Quality Act and Guidelines, that most Specific Plans will require preparation of an environmental impact report. Once certified, the EIR for a Specific Plan may be relied upon for further entitlements sought subsequent to adoption of the Specific Plan. Unless otherwise exempt, an initial study shall be prepared for all subsequent applications to determine whether a supplement to the EIR must be prepared. In the event that a supplement to

the EIR is determined not to be necessary, a Negative Declaration or Mitigated Negative Declaration shall be prepared.

- (6) **Findings.** Specific Plans and any amendment thereto shall be approved/adopted only when the City Council makes the following findings:
  - (A) The proposed Specific Plan is consistent with the General Plan goals, policies, and implementation programs.
  - (B) The land use and development regulations within the Specific Plan are comparable in breadth and depth to similar zoning regulations contained in this Title.
  - (C) The administration and permit processes within the Specific Plan are consistent with the administration and permit processes of the Zoning Code.
- (7) **Action/Adoption.** Adoption of the Specific Plan by Ordinance of the City Council shall constitute final action and approval of the Specific Plan. Authorization for construction in accordance with the Specific Plan may only be granted after the effective date of the action.
- (8) **Delineation of Specific Plan Areas.** On the Zoning Map, a Specific Plan Zoning District shall be delineated in a manner similar to that of any other zoning district except that each SP-zoned area shall also bear a number which distinguishes it from other Specific Plan areas. See Section 23.40.010 (Specific Plan District).

#### 23.16.100 Special Planning Area

- (1) **Purpose.** The Special Planning Area (SPA) process is established to provide the opportunity for unique and imaginative planning standards and regulations not provided through the application of standard zoning districts. The following provisions apply:
  - (A) Where it is used as part of a land use master plan, the SPA zone encourages the creative and imaginative planning of integrated, mixed-use developments which provide a balance of residential, commercial, industrial, open space, and support land uses.
  - (B) Where it is used in conjunction with a development project (a conditional use permit, tentative map, or other project), the SPA process is used to provide detailed site planning, landscaping, and other requirements and standards which will govern a particular project.
  - (C) Once approved, a Special Planning Area will contain land use regulations and development standards that replace certain provisions of this Zoning Code. In this sense, each SPA will be the Zoning Code for the properties that it governs. Thus, a Special Planning Area ordinance must contain sufficient detail to allow City staff to implement its provisions and to describe to developers how properties within a SPA area may be developed. Where no specific standard is contained in a Special Planning Area ordinance (e.g., parking or landscaping standards), the applicable provisions of the Zoning Code shall govern.

- (2) **Designation.** The abbreviation SPA appearing on a comprehensive zone plan 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.
- (3) **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.
- (4) **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. It is expressly intended that information for projects which are long-term in nature or for which detailed planning may occur at a later date may provide some information at a conceptual level. If required elements are not provided, or are provided at a conceptual level, the SPA shall include a schedule or program for providing these items, and may be conditioned to require the provision of these items prior to the approval of development projects within the SPA:
- (A) An existing setting description which includes:
    - (i) A description of the physical characteristics of the site. The location of structures and other significant improvements shall be shown.
    - (ii) Available public services and facilities;
    - (iii) The capacity of the existing and planned circulation system; and
    - (iv) The existing and planned land use of adjacent properties within 1,000 feet.
    - (v) A boundary survey map of the property and a calculation of the gross land area within the proposed district. A tentative subdivision map may be substituted if the applicant proposes to subdivide the property
    - (vi) An aerial photograph of the SPA area and surrounding properties
  - (B) A discussion of specific objectives and limits for development of the property which recognize and respond to identified opportunities and constraints of the SPA area.
  - (C) Proposed land uses which correspond to the land use categories established by the General Plan, and a statement of how the SPA relates to the General Plan. The density ranges of residential uses must correspond to density ranges established in the General Plan.
  - (D) A land use plan identifying areas within the proposed SPA and uses to be developed, supported by such related planning and development data as the City may require, including but not limited to: proposed or projected acreage, population, housing units, and employment. The distribution of land uses shall be expressed in terms of acreage and the total number of residential units and/or square footage of non-residential buildings allowed

- (E) A circulation plan showing existing and proposed public and private streets, pedestrian ways, trails, and related transportation access or circulation features required to serve the proposed development. The circulation plan shall be supported by schematic designs of principal traffic and circulation improvements and such traffic engineering data as required by the City to demonstrate that existing and proposed facilities, both within and outside the zone, shall be adequate to serve land uses proposed by the development plan.
- (F) A development plan and preliminary time schedule indicating the general phasing or anticipated schedule indicating the total phasing of the SPA and areas to be developed in phases and the anticipated time schedule for beginning of construction and for completion of each phase of development. This is specifically intended to be a generalized schedule and may be adjusted according to market constraints as the community develops.
- (G) Development standards for each of the proposed land use categories, including, but not limited to, regulations specifying:
- (i) Permitted, Conditionally Permitted, and Prohibited Land Uses
  - (ii) Setbacks
  - (iii) Building heights
  - (iv) Site coverage
  - (v) Parking
  - (vi) Provision of open space
  - (vii) Grading
  - (viii) Design Guidelines, including site planning, architectural, and landscaping guidelines specific to the project.
  - (ix) Signs
  - (x) Nonconforming uses, structures, and signs
- (H) A preliminary report and overall plan describing anticipated requirements and proposed means of providing utility facilities and public services, including but not limited to, storm drainage, sewage disposal, water supply, parks and recreation, and school facilities. This preliminary report and overall plan is not intended to constitute full engineering reports for project utilities and services. Rather, the submittal should communicate the type and magnitude of utilities and services needed for the project, along with a description of how such utilities and services will be provided.
- (I) Significant natural features and areas to be retained for common open space, and provisions for preserving, maintaining, and using those area.
- (J) Known man-made and natural hazards, and the methods for mitigating the impacts of these hazards.



- (K) Procedure for review of proposed development. The procedures may include:
- (i) Types of projects that require review, and the reviewing and approving authority for each type of project.
  - (ii) Documents required from developers.
  - (iii) Review and Hearing procedures, if any.
- (L) If an SPA incorporates by reference any provision of this Zoning Code, this shall be specifically stated in the SPA. Reference may be made only to the most current version of the Zoning Code in effect at the time a permit is issued; the SPA may not be used to vest standards in this Zoning Code in effect at the time of the SPA's approval.
- (5) **Findings.** Prior to adopting or amending 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.

#### 23.16.110 Zoning Amendments (Text and Map)

- (1) **Purpose.** The purpose of a Zoning Amendment is to allow modification to any provisions of this Title (including the adoption of new regulations or deletion of existing regulations) or to change the zoning designation on any parcel(s). This section is consistent with California Government Code Section 65853.
- (2) **Approving Authority.** The designated Approving Authority for Zoning Amendments is the City Council. The Planning Director and Planning Commission provide recommendations and the City Council approves, conditionally approves, or denies the Zoning Amendment in accordance with the requirements of this Title.
- (3) **Initiation of Amendment.** A Zoning Amendment to this Title may be initiated by motion of the Planning Commission or City Council, by application by property owner(s) of parcel(s) to be affected by Zoning Amendment, or by recommendation of the Planning Director to clarify text, address changes mandated by State law, maintain General Plan consistency, address boundary adjustments affecting land use designation(s), or for any other reason beneficial to the City.
- (4) **Findings for Zoning Amendment (Text or Map).** Zoning Amendments shall be granted only when the City Council makes the following findings:
- A) The proposed Zoning Amendment (text or map) is consistent with the General Plan goals, policies, and implementation programs.
- (5) **Conditions/Restrictions.** When considering Rezone applications, the City Council has the authority to impose restrictions on property including the restriction of use.

- (6) **Action/Adoption.** Adoption of the Zoning Amendment by Ordinance of the City Council shall constitute final action and approval of the amendment. Authorization for construction or occupancy in accordance with the amendment may only be granted upon or after the effective date of the action.

#### 23.16.120 General Plan Amendments (Text and Map)

- (1) **Purpose.** The purpose of a General Plan Amendment is to allow for modifications to the General Plan text (e.g., goals, policies, or implementation programs) or to change the General Plan land use designation on any parcel(s). This section is consistent with California Government Code Section 65358 and applies to the original land use designation of property authorized by LAFCO for annexation in the City boundaries.
- (2) **Approving Authority.** The designated Approving Authority for General Plan Amendments is the City Council. The Planning Director and Planning Commission provide recommendations and the City Council approves, conditionally approves, or denies the General Plan Amendment in accordance with the requirements of this Title.
- (3) **Frequency of Amendment.** Pursuant to Government Code Section 65358, no mandatory element of the General Plan may be amended more frequently than four times during any calendar year. Subject to that limitation, an amendment may be made at any time and may include more than one change to the General Plan.
- (4) **Initiation of Amendment.** A General Plan Amendment to this Title may be initiated by motion of the Planning Commission or City Council, by application by property owner(s) of parcel(s) to be affected by General Plan Amendment, or by recommendation of the Planning Director to clarify text, address changes mandated by State law, maintain internal General Plan consistency, address boundary adjustments affecting land use designation(s), or for any other reason beneficial to the City.
- (5) **Findings for General Plan Amendment (text or map).** In the event that a General Plan Amendment is requested by a private property owner, the applicant shall demonstrate to the City Council that there is a substantial benefit to be derived from the amendment.
- (6) **Action/Adoption.** Adoption of the General Plan Amendment by the City Council shall constitute final action and approval of the amendment. Authorization for construction or occupancy in accordance with the amendment may only be granted upon the effective date of the action.

#### 23.16.130 Prezoning

- (1) **Purpose.** The purpose of Prezoning is to establish the designation of land use by zoning district for unincorporated property adjoining the City, within the Sphere of Influence. This section is consistent with California Government Code Section 65859.
- (2) **Procedure.** The procedure, review, and action are the same as that established for a Zoning Code Amendment pursuant to Section 23.16.110 (Zoning Amendment).

**23.16.140 Development Agreements**

- (1) **Purpose.** This section is adopted in compliance with the provisions of California Government Code Sections 65864 through 65869.5. The City Council finds and declares the use of Development Agreements is beneficial to the public, in that:
- (A) Development Agreements increase the certainty in the approval of development projects thereby preventing the waste of resources, reducing the cost of development to the consumer, and encouraging investment in and commitment to comprehensive planning, all leading to the maximum efficient utilization of resources at the least economic cost to the public.
  - (B) Development Agreements provide assurance to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, thereby strengthening the public planning process, encouraging private participation in comprehensive planning, and reducing the economic costs of development.
  - (C) Development Agreements enable the City to plan for and finance public facilities, including, but not limited to, streets, sewerage, transportation, drinking water, school, and utility facilities, thereby removing a serious impediment to the development of new housing.
- (2) **Approving Authority.** The designated Approving Authority for Development Agreements is the City Council. The Planning Commission shall hold a public hearing on the proposed Development Agreement and make a recommendation to the City Council.
- (3) **Findings.** A Development Agreement may only be granted when the City Council makes all of the following findings:
- (A) The Development Agreement is consistent with the General Plan objectives, policies, land uses, and implementation programs and any other applicable specific plans.
  - (B) The Development Agreement is in conformance with the public convenience and general welfare of persons residing in the immediate area and will not be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the City as a whole.
  - (C) The Development Agreement will promote the orderly development of property or the preservation of property values.
- (4) **Approval of Development Agreement.** A Development Agreement is a legislative act and shall be approved by the City Council by ordinance. The Mayor shall execute any Development Agreement approved by the City Council.
- (5) **Recordation and Filing of Agreement.** Within ten days after the effective date of a Development Agreement or any amendment thereof, the City Clerk shall have the Agreement or amendment recorded with the County Recorder. Additionally, the City Clerk shall be the official custodian of the Agreement file. Said file shall include an executed copy of the Agreement and the originals of all exhibits, reports of periodic review, amendments, and/or cancellations to the agreement.

(6) **Amendment or Cancellation.**

- (A) Either party may propose an amendment to or cancellation in whole or in part of any Development Agreement. Any amendment or cancellation shall be by mutual consent of the parties. The procedure for proposing and adopting an amendment to, or the canceling in whole or in part of, the Development Agreement shall be the same procedure for entering into an Agreement as set forth in this section.
- (B) Any amendment to the Development Agreement which does not relate to the duration of the Agreement, permitted uses of the property, density or intensity of use, height or size of proposed buildings, provisions for reservation or dedication of land, or to any conditions, terms, restrictions and requirements relating to subsequent discretionary actions related to design, improvement, construction standards or any other condition or covenant relating to the property, shall not require a noticed public hearing before the parties may execute an amendment to the Agreement.
- (7) **Periodic Review.** The Planning Director shall review the Development Agreement every 12 months from the date the Agreement is entered into and provide a written report to the City Council. The burden of proof is on the applicant to provide necessary information verifying compliance with the terms of the Agreement. The applicant shall also bear the cost of such review in accordance with the fee established by City Council Resolution. If the Planning Director finds that any aspect of the development project is not in strict compliance with the terms of the Agreement or may warrant consideration by the Approving Authority(s), the Planning Director may schedule the matter before the appropriate Approving Authority(s) for review.

**Chapter 23.18 Implementation, Time Limits and Extensions****Sections:**

- 23.18.010 Effective Date
- 23.18.020 Permit Time Limits
- 23.18.030 Exercising Permits
- 23.18.040 Permit to Run with Land
- 23.18.050 Permit on Site During Construction
- 23.18.060 Permit Extension

**23.18.010 Effective Date**

Generally, the action to approve, conditionally approve, or deny a permit authorized by this Title shall be effective on the 11th day after the date of action, immediately following expiration of the ten-day appeal period. Legislative actions by the City Council (Zoning Amendment, General Plan Amendment, Specific Plans, Development Agreements) become effective 30 days from the date of final action and may not be appealed. In accordance with California Civil Code and Section 23.12.030 (Rules of Interpretation), where the last of the specified number of days falls on a weekend or City holiday, the time limit of the appeal shall extend to the end of the next working day. Permit(s) shall not be issued until the effective date of required permit.

No application for a Variance, Conditional Use Permit, or change in the district boundaries which has been denied shall be resubmitted within one year from the date of the action to deny, except on the grounds of new evidence of proof of changed conditions found to be valid by the Planning Commission.

**23.18.020 Permit Time Limits**

Unless conditions of approval or other provisions of this Title establish a different time limit, any permit or approval not exercised within three years from the date of final approval shall expire and become null and void.

**23.18.030 Exercising Permits**

The exercise of a permit occurs when the property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon such permit(s). Such exercise of a permit constitutes the vested right to complete the work authorized by the permit. A permit may be otherwise exercised by a condition of the permit or corresponding legal agreement that specifies that other substantial efforts or expenditures constitutes exercise of the permit. Finally, unless otherwise provided, permits that have not been exercised prior to a zoning amendment, which makes the approved use or structure of the permit non-conforming, shall automatically be deemed invalid on the effective date of the zoning amendment.

**23.18.040 Permit to Run with Land**

Unless otherwise conditioned, land use and development permits and approvals granted pursuant to the provisions of this Chapter shall be transferable upon a change of ownership of the site, business, service, use or structures, provided that the use and conditions of the original permit or approval are fully complied with, and the project is not modified or enlarged/expanded.

**23.18.050 Permit on Site During Construction**

A copy of all land use and development permits (including all corresponding stamped-approved plans) authorizing construction shall be kept on site at all times during construction.

**23.18.060 Permit Extension**

The same Approving Authority that granted the original permit may extend the period within which the exercise of a permit must occur. An application for extension shall be filed not less than 30 days prior to the expiration date of the permit, along with appropriate fees and necessary submittal materials listed in this Title. The approval of an extension extends the expiration date for one year from the original permit date. The permit, as extended, may be conditioned to comply with any development standards that may have been enacted since the permit was initially approved. The extension may be granted only when the designated Approving Authority finds that the original permit findings can be made and that there are changing circumstances or that there has been diligent pursuit to exercise the permit that warrants such extension.

## 23.20 Modification and Revocation

### Sections:

- 23.20.010 Modification
- 23.20.020 Revocation

### 23.20.010 Modification

Any person holding a permit granted under this Title may request a modification or amendment to that permit. For the purpose of this section, the modification of a permit may include modification of the terms of the permit itself, project design, or the waiver or alteration of conditions imposed in the granting of the permit.

If the Planning Director determines that a proposed project action is not in substantial conformance with the original approval, the Planning Director shall notify the property owner of the requirement to submit a permit modification application for consideration and action by the same Approving Authority as the original permit. A permit modification may be granted only when the Approving Authority makes all findings required for the original approval, and the additional finding that there are changed circumstances sufficient to justify the modification of the approval.

### 23.20.020 Revocation

- (1) **Purpose.** The purpose of this section is to provide for the revocation of any land use or development permit granted under this Title.
- (2) **Revocation or Modification of a Permit for Cause.** A permit may be revoked or modified for cause as provided by the provisions of this section.
- (3) **Grounds for Revocation.** A permit may be revoked upon a finding of any of the following grounds:
  - (A) The permit was obtained or extended by false, misleading or incomplete information.
  - (B) One or more of the conditions upon which the permit was approved have been violated, or have not been complied with.
- (4) **Initiation of Action.** The revocation of a permit may be initiated by any of the City's designated planning agencies as identified in Section 23.10.020 (Composition of Elk Grove Planning Agency). The designated planning agency shall specify in writing to the permittee the basis upon which the action to revoke the permit is to be evaluated during the hearing to revoke.
- (5) **Revocation Hearing.**
  - (A) A public hearing is required for any action to revoke a permit. The hearing shall be held by the original Approving Authority for the subject permit. The hearing shall be noticed in the same manner required for the granting of the original permit pursuant to Section 23.14.040 (Public Notices).

- (B) In its discretion, the designated Approving Authority may modify or delete the conditions of approval or add new conditions of approval in lieu of revoking a permit in order to address the issues raised by the revocation hearing. The action on the revocation is subject to appeal in accordance with the provisions of Section 23.14.060 (Appeals).



# Title 23 – Zoning



## Article III

### Zoning Districts, Allowable Uses, and Development Standards

**Chapters:**

- 23.24 Establishment of Zoning Districts
- 23.26 Allowable Land Uses
- 23.28 Agricultural Zoning Districts
- 23.30 Residential Zoning Districts
- 23.32 Commercial Zoning Districts
- 23.34 Office Zoning Districts
- 23.36 Industrial Zoning Districts
- 23.38 Open Space Zoning District
- 23.40 Special Purpose Zoning Districts
- 23.42 Overlay/Combining Districts

**Revisions:**

The following revisions have been made to Article III of Title 23:

Date of Adoption	Ordinance Number	Subject	Chapter	Page Number

**Chapter 23.24 Establishment of Zoning Districts****Sections:**

- 23.24.010 Zoning Map
- 23.24.020 Zoning Districts
- 23.24.030 Zoning District Boundaries
- 23.24.040 Conformance with Zoning District Regulations

**23.24.010 Zoning Map**

The Council hereby adopts the City of Elk Grove Zoning Map (hereafter referred to as the "Zoning Map"), which is on file with the Planning Department. The Zoning Map is hereby incorporated into this Zoning Ordinance by references as though it were fully included.

**23.24.020 Zoning Districts**

The City of Elk Grove shall be divided into zoning districts that implement the Elk Grove General Plan. The Zoning Districts listed in Table 23.24-1 are hereby established, and shall be shown on the Zoning Map. The table lists all zoning districts, zoning symbols, and corresponding General Plan Land Use designations and/or policy implemented by each respective zoning district. The table distinguishes between base and overlay/combining zoning districts as follows:

- (1) **Base Zoning District.** Every parcel throughout the City has a base zoning district that establishes the primary type and intensity of land use for the parcel, along with development regulations for that particular type and intensity of land use.
- (2) **Overlay/Combining Zoning District.** An overlay/combining zoning district supplements the base zoning district primarily to allow more flexibility from the standard provisions of the underlying base zone, to ensure preservation of a particular feature where special circumstances are needed, or to specify a particular standard or guideline for an area. In the event of conflict between the base zoning district regulations and the overlay/combining zoning district regulations, the provisions of the overlay/combining zoning district regulations shall apply.

**Table 23.24-1  
Zoning Districts**

Zoning District Symbol	Zoning District Name	General Plan Land Use Designation Implemented by Zoning District <sup>1</sup>
<b>Agricultural Zoning Districts</b>		
AG	Agricultural	Rural Agriculture, General Agriculture
AR-1 <sup>2</sup>	Agricultural Residential (1-acre minimum)	Estate Residential
AR-2	Agricultural Residential (2-acre minimum)	Rural Agriculture, Rural Residential
AR-5	Agricultural Residential (5-acre minimum)	
AR-10	Agricultural Residential (10-acre minimum)	
<b>Residential Zoning Districts</b>		
RD-1	Very Low Density Residential (1 du/acre)	Estate Residential, Institutional
RD-2	Very Low Density Residential (2 du/acre)	
RD-3	Very Low Density Residential (3 du/acre)	
RD-4	Low Density Residential (4 du/acre)	Low Density Residential, Institutional
RD-5	Low Density Residential (5 du/acre)	
RD-6	Low Density Residential (6 du/acre)	
RD-7	Low Density Residential (7 du/acre)	
RD-10	Medium Density Residential	Medium Density Residential, Institutional
RD-15	Medium Density Residential	
RD-20	High Density Residential	High Density Residential, Institutional
RD-25	High Density Residential	
RD-30	High Density Residential	
<b>Commercial Zoning Districts</b>		
LC	Limited Commercial	Commercial
GC	General Commercial	
SC	Shopping Center	
AC	Auto Commercial	
TC	Highway Travel Commercial	
C-O	Commercial Recreation	
<b>Office Zoning Districts</b>		
BP	Business and Professional Office	Office, Institutional
MP	Industrial-Office Park	Office, Light Industry, Institutional
<b>Industrial Zoning Districts</b>		
M-1	Light Industrial	Light Industry, Institutional
M-2	Heavy Industrial	Heavy Industry, Institutional
<b>Open Space Zoning District</b>		
OS	Open Space	Public and Quasi-Public, Public Parks, Open Space/Recreation

Zoning District Symbol	Zoning District Name	General Plan Land Use Designation Implemented by Zoning District <sup>1</sup>
<b>Special Purpose Zoning Districts</b>		
SP	Specific Plan	
SPA	Special Planning Area	
RM	Mobilehome Subdivision	
<b>Overlay/Combining Districts</b>		
MF	Multifamily	Office/Multifamily, Commercial/Office/ Multifamily
F	Flood	
RUC	Rural Commercial Combining Zone	
SM	Surface Mining	

Notes:

1. The Transit Oriented Overlay designation in the General Plan is consistent with all of the City's Zoning Districts.
2. While the AR-1 zoning district falls within the Estate Residential density range of the General Plan, the nature and character of the district is more in keeping with the Rural Residential land use designation of the General Plan. These zoning districts also allow for normal agricultural uses and practices.

**23.24.030 Zoning District Boundaries**

If there is uncertainty about the location of any zoning district boundary shown on the official Zoning Map, the precise location of the boundary shall be determined by the Planning Director.

- (1) Where a zoning district's boundaries approximately follow lot, alley or street lines, such lot lines and street and alley centerlines shall be construed as the district boundaries;
- (2) If a district boundary divides a parcel and the boundary line location is not specified by distances printed on the zoning map, the location of the boundary will be determined by using the scale appearing on the zoning map; and
- (3) Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley will be included within the zoning district of the adjoining property on either side of the centerline of the vacated or abandoned street or alley.

**23.24.040 Conformance with Zoning District Regulations**

Except as otherwise provided in this Title:

- (1) No building or structure shall be erected and no existing building shall be moved, altered, added to, or enlarged, nor shall any land, building, or premises be used or designated for any purpose or in any manner other than is permitted in the zoning district in which such building, land or premises is located.
- (2) No building shall be erected, reconstructed or structurally altered to exceed in height the limit designated in this Title for the zoning district in which such building is located.
- (3) No building shall be erected, nor shall any existing building be altered, enlarged or rebuilt, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area, and building location regulations

designated in this Title for the zoning district in which such building or open space is located.

- (4) No yard or other open space abutting any building and provided for the purpose of complying with the provisions of this Title shall be considered as providing a yard or open space for any other building on any other building site.

**Chapter 23.26 Allowable Land Uses****Sections:**

- 23.26.010 Allowable Land Uses
- 23.26.020 Uses Not Listed
- 23.26.030 Similar Uses

**23.26.010 Allowable Land Uses**

Land use provisions are established in this Zoning Ordinance by the zoning district applied to a site. The uses of land allowed in each zoning district are listed in tables by zoning district category in subsequent chapters of this Article. Use listings with specialized descriptions and use listings that are grouped by a general category on the basis of common function, product, or compatibility characteristics are defined in Article VI (Definitions).

**23.26.020 Uses Not Listed**

Land uses that are not listed in the zoning district tables are not allowed, except as otherwise provided for in Chapter 23.16 (Permit Requirements), Chapter 23.68 (Accessory Uses), and Chapter 23.92 (Temporary Uses).

**23.26.030 Similar Uses**

When a use is not specifically listed in this Title, it shall be understood that the use may be permitted if the Planning Director determines that the use is similar to other uses listed. It is further recognized that every conceivable use cannot be identified in this Title and, anticipating that new uses will evolve over time, this section establishes the Director's authority to compare a proposed use and measure it against those uses listed in this Title for determining similarity. In determining "similarity" the Director shall make all of the following findings:

- (1) The characteristics of, and activities associated with the proposed use are equivalent to one or more of the listed uses, and will not involve a higher level of activity or population density than the uses listed in the district;
- (2) The proposed use will be consistent with the purposes of the applicable zoning district; and
- (3) The proposed use will be consistent with the General Plan and any applicable Specific Plan.

Determinations shall be made in writing and shall contain the facts that support the determination. The Department shall maintain all such determinations on record at the public counter for review by the general public. All recorded determinations shall be provided to the Planning Commission, City Council, City Manager, City Attorney, and City Clerk as an information item within 30 days of the Director's determination. The Director's decision may be appealed as provided in Section 23.14.060 (Appeals).

## Chapter 23.28 Agricultural Zoning Districts

### Sections:

- 23.28.010 Purpose
- 23.28.020 Characteristics of the Districts
- 23.28.030 Allowed Uses and Permit Requirements
- 23.28.040 Development Standards

### 23.28.010 Purpose

The purpose of the agricultural zoning districts is to preserve blocks of agricultural land in agricultural or open space use and maintain a continuing agricultural use of said lands.

There are two agricultural zoning districts within the City of Elk Grove which implement the Rural Agriculture, General Agriculture, and Rural Residential land use designations of the General Plan. General discussion of each of the agricultural zoning districts and the associated characteristics of each are listed in Section 23.28.020 (Characteristics of the Districts).

### 23.28.020 Characteristics of the Districts

The following descriptions of each Agricultural Zoning District identify the characteristic uses, intensity of uses, and level of development intended for that district. Refer to the development regulations for specific standards applicable to each agricultural zoning district.

**Agricultural (AG-20, -80).** The AG districts are applied to areas of the City for viable agricultural use and very low-density residential use. The agricultural zoning districts allow for a wide range of agricultural uses on large parcels of land. These uses may include crop production, commercial riding academies and stables, animal keeping, agricultural labor housing, and compatible accessory uses. The AG districts implement the Rural Agricultural and General Agricultural General Plan land use designation. The zoning district number associated with the AG districts corresponds to the minimum lot size in such district.

- **AG-20.** The AG-20 zone is applied to areas of the City to accommodate agricultural use on parcels a minimum of 20 gross acres in size.
- **AG-80.** The AG-80 zone is applied to areas of the City to accommodate a wide range of agricultural uses on parcels of land a minimum of 80 gross acres in size.

**Agricultural-Residential (AR-1, -2, -5, and -10).** The AR districts are applied to areas of the City intended to accommodate very low-density single family residential uses in a rural setting with agricultural and accessory uses. The AR districts implement the Estate Residential and Rural Residential General Plan land use designation. The zoning district number associated with the AR districts corresponds to the minimum lot size in such district.

- **AR (-1).** The AR-1 zoning district is applied to areas of the City to accommodate low-density single family residential uses in a rural setting with agricultural and accessory uses. The AR-1 zoning district implements the Estate Residential General Plan designation. The AR-1 district allows for one primary residential unit on lots with a minimum size of 1.0 gross acre. While the AR-1 zoning district falls within the Estate Residential density range of the General Plan, the nature and character of the district is more in keeping with the Rural

Residential land use designation of the General Plan. These zoning districts also allow for normal agricultural uses and practices.

- **AR (-2).** The AR-2 zoning district is applied to areas of the City to accommodate low density single family residential uses in a rural setting with agricultural and accessory uses. Lots with this zoning designation are rural in nature and include small local roadways, animal keeping and raising, equestrians, agriculture and limited commercial opportunities. The AR-2 zoning district implements the Rural Residential General Plan designation. The AR-2 district allows for one primary residential unit on lots with a minimum size of two gross acres.
- **AR (-5, -10).** The AR-5 and AR-10 zoning districts are applied to areas of the City to accommodate low-density single family development along with agricultural and accessory uses. Lots within the AR-5 and AR-10 zoning designations are rural in nature and include small local roadways, animal keeping and raising, equestrians, agriculture and limited commercial opportunities. The AR-5 and AR-10 zoning districts implement the Rural Residential General Plan designation. The AR-5 zoning district allows for one residential unit on lots with a minimum size of five gross acres. The AR-10 zoning district allows for one primary residential unit on lots with a minimum size of ten gross acres.

**23.28.030 Allowed Uses and Permit Requirements**

Table 23.28-1 below identifies allowed uses for the agricultural zoning districts subject to compliance with Chapter 23.26 (Allowable Land Uses) and all other provisions of this Title. Descriptions of many land use listings can be found in Article VI, Definitions. Note: The far right column in the table ("Specific Use Regulations") includes the section number(s) for regulations that apply to the particular use listed, in addition to the other general standards of this Zoning Ordinance.

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

Land Use	CUP = Conditional Use Permit Required					N = Not Permitted Specific Use Regulations
	Uses Permitted by District					
	AG-80	AG-20	AR-5/10	AR-2	AR-1	
<b>Residential Use Listings</b>						
Adult Day Care Home	P	P	P	P	P	Chapter 23.88
Bed and Breakfast Inn	CUP	CUP	CUP	CUP	CUP	
Dwelling, Second Unit	P	P	P	P	P	Chapter 23.90
Dwelling, Single Family	P	P	P	P	P	
Employee Housing	CUP	CUP	CUP	N	N	
Family Day Care Home, Small	P	P	P	P	P	
Family Day Care Home, Large	CUP	CUP	CUP	CUP	CUP	Chapter 23.88
Group Residential	CUP	CUP	N	N	N	Chapter 23.88
Guest House	P	P	P	P	P	
Home Occupations	P	P	P	P	P	Chapter 23.82

Adopted

July 12, 2006



Land Use	CUP = Conditional Use Permit Required					Specific Use Regulations
	AG-80	AG-20	AR-5/10	AR-2	AR-1	
Manufactured Home	P	P	P	P	P	
Mobilehome <sup>1</sup>	P	P	P	P	P	
Residential Care Home	P	P	P	P	P	Chapter 23.88
<b>Agriculture, Resource, and Open Space Use Listings</b>						
Animal Keeping	P	P	P	P	P	
Animal Husbandry	P	P	P	P	P	
Crop Production	P	P	P	P	P	
Equestrian Facility-Hobby	P	P	P	P	P	
Feed Lots	CUP	CUP	N	N	N	
Hog Farm - Commercial	CUP	CUP	CUP	N	N	
Kennel, Hobby	P	P	P	P	P	
Resource Protection and Restoration	P	P	P	P	P	
Resource-Related Recreation	P	P	P	P	P	
<b>Recreation, Education, and Public Assembly Use Listings</b>						
Cemeteries, Mausoleums	CUP	CUP	N	N	N	
Community Garden	P	P	P	P	P	
Golf Courses/Clubhouse	CUP	CUP	CUP	CUP	CUP	
Parks and playgrounds	P	P	P	P	P	
Public Safety Facility	P	P	P	P	P	
Religious Institutions	CUP	CUP	CUP	CUP	CUP	
School – Private	CUP	CUP	CUP	CUP	CUP	
School – Public	P	P	P	P	P	
Schools – Special/Studios	CUP	CUP	CUP	CUP	CUP	
<b>Utility, Transportation, and Communication Use Listings</b>						
Bus and Transit Shelters	P	P	P	P	P	
Park and Ride Facility	CUP	CUP	CUP	CUP	CUP	
Telecommunication Facility	CUP	CUP	CUP	CUP	CUP	Chapter 23.94
Utility Facility	P	P	P	P	P	
Utility Infrastructure	CUP	CUP	CUP	CUP	CUP	
<b>Retail, Service, and Office Listings</b>						
Animal Sales/Grooming	P	P	P	P	CUP	
Garden Center/Plant Nursery	CUP	CUP	CUP	CUP	CUP	
Equestrian Facility-, Commercial	CUP	CUP	CUP	CUP	N	
Kennel, Commercial	CUP	CUP	CUP	CUP	CUP	
Offices – Accessory to Primary Use <sup>2</sup>	P	P	P	P	CUP	

Land Use	CUP = Conditional Use Permit Required					Specific Use Regulations
	AG-80	AG-20	AR-5/10	AR-2	AR-1	
Residential Care Facility	CUP	CUP	CUP	CUP	CUP	Chapter 23.88
Veterinary Facility	CUP	CUP	CUP	CUP	N	
<b>Industry, Manufacturing, and Processing Use Listings</b>						
Agricultural Products Processing	P	P	P	P	P	
Wineries, distilleries	CUP	CUP	CUP	N	N	

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. Offices are permitted without retail sales.

**23.28.040 Development Standards**

The development standards listed in Table 23.28-2 below are intended to assist property owners and project designers in understanding the City's minimum requirements and expectations for agricultural-residential development. The Designated Approving Authority will review any relevant development applications against these standards to determine compliance with applicable zoning regulations. All parcels which are two gross acres or more are exempt from the requirement of public sewer and water. Additional, all AR-2 parcels less than two gross acres in size without access to public water and sewer service shall be grandfathered. Also see provisions of Title 22 of the Municipal Code.

**Table 23.28-2  
Agricultural Zoning Districts Development Standards**

Development Standard	Agricultural Zoning Districts				
	AG-80	AG-20	AR-5/10	AR-2	AR-1
Minimum Lot Area	80 acres	20 acres	1	1	1
Maximum Density	1 du/parcel	1 du/parcel	1 du/parcel	1 du/parcel	1 du/parcel
<b>Setbacks<sup>2</sup></b>					
Front	50 ft.	50 ft.	30 ft.	25 ft.	25 ft.
Sides, Interior Lot	50 ft.	50 ft.	20 ft.	20 ft.	10 ft.
Street Side, Corner Lot	50 ft.	50 ft.	15 ft.	15 ft.	15 ft.
Rear	50 ft.	50 ft.	25 ft.	25 ft.	25 ft.
<b>Minimum Lot Dimensions</b>					
Width/Frontage	1000 ft.	500 ft.	250 ft./300 ft.	150 ft.	75 ft.
Depth	1500 ft.	1500 ft.	100 ft.	100 ft.	100 ft.

Development Standard	Agricultural Zoning Districts				
	AG-80	AG-20	AR-5/10	AR-2	AR-1
<b>Height Limit</b>					
Primary Structures	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.
Accessory	40 ft. <sup>3</sup>	40 ft. <sup>3</sup>	40 ft.	30 ft.	30 ft.
Accessory Structures	Refer to Article IV Chapter 23.46				
Landscaping	Refer to Article IV Chapter 23.54				
Lighting	Refer to Article IV Chapter 23.56				
Parking	Refer to Article IV Chapter 23.58				
Performance Standards	Refer to Article IV Chapter 23.60				
Signs	Refer to Article IV Chapter 23.62				

Notes:

1. Minimum lot areas as follows:  
 AR-1 – 1 gross acre  
 AR-2 – 2 gross acres  
 AR-5 – 5 gross acres  
 AR-10 – 10 gross acres
2. Flag lots are discouraged and will be reviewed on a case-by-case basis.
3. Water tanks, silos, graineries, and similar structures or necessary mechanical apparatus may be a maximum height of 65 feet.

## Chapter 23.30 Residential Zoning Districts

### Sections:

- 23.30.010 Purpose
- 23.30.020 Characteristics of the Districts
- 23.30.030 Allowed Uses and Permit Requirements
- 23.30.040 Development Standards

### 23.30.010 Purpose

There are four primary residential zoning district categories to implement the General Plan residential land use designations as listed below. Each of the primary residential zoning district designations includes three or more zoning districts, which have some common characteristics, as well as unique attributes relative to district intent, allowed use, and/or development standards.

- Very Low Density Residential Zoning Districts (RD-1 through RD-3)
- Low Density Residential Zoning Districts (RD-4 through RD-7)
- Medium Density Residential Zoning Districts (RD-10 through RD-15)
- High Density Residential Zoning Districts (RD-20 through RD-30)

General discussions of each primary residential zoning district designation, along with individual zoning district descriptions are provided in Section 23.30.020 (Characteristics of the Districts).

### 23.30.020 Characteristics of the Districts

This section provides a general description of each of the four primary residential zoning district categories, along with unique characteristics of each corresponding zoning district. Zoning districts with similar characteristics have been listed together.

**Very Low Density Residential (RD-1 through RD-3).** The Very Low Density Residential Zoning District designations are applied to areas of the City intended to accommodate very low-density single family residential uses in a semi-rural setting. The district implements the Estate Residential General Plan land use designation. Residential densities shall be in the range of 1.0 to 3.0 dwelling units per acre with minimum lots sizes between one-third acre to one acre. This residential designation includes the following specific zoning districts:

- **RD (-1, -2, and -3).** The RD districts are applied to areas of the City intended to accommodate very low-density single family estate type uses. Property with these RD designations should serve as a transitional residential district between agricultural residential and traditional lower-density single family neighborhoods. These RD districts implement the Estate Residential General Plan land use designation. The zoning district number associated with the RD districts corresponds to the number of dwelling units permitted per acre of land. These RD districts allow a density range of 1.0 to 3.0 dwelling units per acre.

**Low Density Residential (RD-4 through RD-7).** The Low Density Residential Zoning District designations are applied to areas of the City intended to accommodate low-density single family residential neighborhoods. Typical development includes detached (and in some cases attached) single family homes. Permitted uses in the RD districts include single family and two-family homes, second units, and compatible neighborhood support facilities. These RD districts implement the Low Density Residential General Plan land use designation with an allowed density range of 3.1 to 7.0 dwelling units per acre. Property with this designation should be located near other residential properties, schools, parks/open space, and neighborhood commercial services with low-impact office and light industrial uses nearby. Development standards for these districts allow design flexibility and promote a range of housing densities and variety of housing types. This residential designation includes the following specific zoning districts:

- **RD-4.** The RD-4 district is intended for detached single family and two-family homes up to a maximum density of 4.0 dwelling units per acre. Development is typically one and two stories in height with larger yard areas.
- **RD-5.** The RD-5 district allows single family and two-family homes up to a maximum density of 5.0 dwelling units per acre. This district may include detached and attached housing types. Development is typically one and two stories in height with private yard areas.
- **RD-6.** The RD-6 district allows single family and two-family homes up to a maximum density of 6.0 dwelling units per acre. This district may include detached and attached housing types, as well as cluster developments. Building heights in this district are typically one and two stories. Development standards allow for a variety of housing types.
- **RD-7.** The RD-7 district allows single family and two-family homes up to a maximum density of 7.0 dwelling units per acre. This district may include detached and attached housing types, as well as cluster developments. Building heights in this district are typically one and two stories. Development standards allow for a variety of housing types.

**Medium Density Residential (RD-10 and RD-15).** The Medium Density Residential Zoning District designations are applied to areas of the City intended to accommodate higher-density single family and lower-density multifamily residential neighborhoods. These RD districts accommodate a variety of housing types with a density range between 7.1 and 15.0 dwelling units per acre. Specifically, medium density residential development may include detached and attached single family homes, duplexes, townhomes, condominiums, row houses, and garden apartments. Development standards for these districts allow significant design flexibility to encourage a broad range of housing types and are intended to ensure compatibility and connectivity with surrounding neighborhoods and uses. These RD districts implement the Medium Density Residential General Plan land use designation. This residential designation includes the following specific zoning districts:

- **RD-10.** The RD-10 district allows higher density single family attached and detached homes, and may include lower density multifamily for sale and for lease units with a maximum of 10.0 dwelling units per acre. Property with this designation should be located near other residential sites, office, commercial uses and services, or light industrial areas. Development is typically one and two stories in height (three stories in some cases) with greater lot coverage than the low-density single family residential districts.

- **RD-15.** The RD-15 district may include single family, two-family, and/or multifamily residential use within a maximum density of 15.0 dwelling units per acre. Development may include both for sale and for lease products, such as small-lot single family attached or detached homes, townhomes, condominiums, row houses, and garden apartments. Residential structures are typically one and two stories in height (three stories in some cases) with greater lot coverage than the low-density single family residential districts. The RD-15 district should serve as a transitional residential district between lower-density single family neighborhoods and high-density residential districts, office buildings, commercial uses, or light industrial uses. RD-15 sites should be located near arterial or collector roads.

**High Density Residential (RD-20 through RD-30).** The High Density Residential Zoning District designations are applied to areas of the City intended to accommodate higher density multifamily development such as apartments and condominiums. This designation may also include high-density single family development types such as townhomes and other attached housing types. High density detached homes may be considered in the RD-20 designation. These RD districts implement the High Density Residential General Plan land use designation. Residential densities shall be in the range of 15.1 to 30 dwelling units per acre. Property with this designation should be located near other multifamily sites, office, commercial uses, or light industrial areas. Additionally, multifamily residential sites should be located along thoroughfare, arterial, or collector roads or near existing or planned public transit stops. Standards for these districts promote attractive residential development that is compatible with surrounding neighborhoods, while at the same time carefully regulating uses to assure compatible development that limit impacts on surrounding uses. This residential designation includes the following specific zoning districts:

- **RD-20.** The RD-20 district is intended for high-density attached single family homes, such as townhomes or row houses, as well as medium density multifamily development that includes apartments and condominiums up to a maximum density of 20.0 dwelling units per acre. Detached single family homes may be considered on a case by case basis with a conditional use permit request. Development is typically two stories in height (three-stories in some cases) with greater lot coverage than the medium density residential districts.
- **RD-25.** The RD-25 district is intended for high-density residential development, including apartments and condominiums or higher-density attached single family units, such as townhomes. The maximum density in this district is 25.0 dwelling units per acre and it is expected that most developments will be two to three-stories in height with greater lot coverage than in the RD-20 district.
- **RD-30.** The RD-30 district allows the maximum residential density permitted in the City. Except with a density bonus, the maximum density is 30.0 dwelling units per acre and in general building heights will be three-stories with greater lot coverage than in the RD-25 district. Apartments or condominiums are generally expected to be the primary type of development in this district. The City encourages the location of RD-30 sites near commercial or office centers or near light industrial uses or other centers of employment.

### 23.30.030 Allowed Uses and Permit Requirements

Table 23.30-1 below identifies allowed uses for all residential zoning districts subject to compliance with Chapter 23.26 (Allowable Land Uses) and all other provisions of this Title. Descriptions of many land use listings can be found in Article VI, Definitions. Note: The far right

column in the table ("Specific Use Regulations") includes the section number(s) for regulations that apply to the particular use listed, in addition to the other general standards of this Zoning Ordinance.

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

Land Use	CUP = Conditional Use Permit Required					Specific Use Regulations
	Permit by Residential Zoning District					
	RD-1/2/3	RD-4/5/6	RD-7	RD-10/15	RD-20/25/30	
<b>Residential Use Listings</b>						
Adult Day Care Home	P	P	P	P	CUP	Chapter 23.88
Child Day Care Facility	CUP	CUP	CUP	CUP	CUP	
Dwelling, Multifamily	N	N	P	P	P	
Dwelling, Second Unit	P	P	P	P	N	Chapter 23.90
Dwelling, Single Family	P	P	P	P	CUP <sup>1</sup>	
Dwelling, Two-Family <sup>2</sup>	P	P	P	P	N	
Emergency Shelter	N	N	CUP	CUP	CUP	Chapter 23.80
Family Day Care Home, Small	P	P	P	P	P	Chapter 23.88
Family Day Care Home, Large	CUP	CUP	CUP	CUP	N	Chapter 23.88
Group Residential	N	N	CUP	CUP	CUP	Chapter 23.88
Guest House	P	P	P	P	N	
Home Occupations	P	P	P	P	P	Chapter 23.82
Live-Work Families	N	N	CUP	CUP	CUP	
Manufactured Home	P	P	N	N	N	
Mobilehome <sup>3</sup>	P	P	N	N	N	
Residential Care Home, Small	P	P	P	P	N	Chapter 23.88
Transitional Housing	N	N	CUP	CUP	CUP	Chapter 23.80
<b>Agriculture, Resource, and Open Space Use Listings</b>						
Animal Keeping	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	
Resource-Related Recreation	P	P	P	P	N	
<b>Recreation, Education, and Public Assembly Use Listings</b>						
Clubs, Lodges, and Private Meeting Halls	CUP	CUP	CUP	CUP	CUP <sup>3</sup>	
Community Centers/Civic Uses	CUP	CUP	CUP	CUP	CUP <sup>3</sup>	
Community Gardens	P	P	P	P	P	
Golf Courses/Clubhouse	CUP	CUP	N	N	N	

Land Use	CUP = Conditional Use Permit Required					Specific Use Regulations
	Permit by Residential Zoning District					
	RD-1/2/3	RD-4/5/6	RD-7	RD-10/ 15	RD-20/25/30	
Indoor Sports and Recreation Facility	N	N	N	N	P <sup>5</sup>	
Outdoor Commercial Recreation	CUP	CUP	CUP	CUP	CUP <sup>5</sup>	
Parks and Playgrounds	P	P	P	P	P	
Public Safety Facility	P	P	P	P	P	
Religious Institutions	CUP	CUP	CUP	CUP	N	
Schools, Private	CUP	CUP	CUP	CUP	N	
Schools, Public	P	P	P	P	P	
Schools, Special/Studio	CUP	CUP	CUP	CUP	N	
<b>Utility, Transportation, and Communication Use Listings</b>						
Bus Shelters	P	P	P	P	P	
Public Safety Facility	P	P	P	P	P	
Telecommunication Facility	CUP	CUP	CUP	CUP	CUP	Chapter 23.94
Utility Facility	P	P	P	P	P	
Utility Infrastructure	P	P	P	P	P	
<b>Retail Service, and Office Listings</b>						
Bed and Breakfast Inns	CUP	CUP	CUP	CUP	N	
Office, Business and Professional	CUP	CUP	CUP	CUP	CUP	

Notes:

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. Mobilehomes are required to have a permanent chassis, removal of wheels, and permanent hookup to water and sewer. See Chapter 23.92, (Temporary Uses).
4. The following restrictions apply to the keeping of animals in traditional residential zoning districts (See definition of animal keeping for category descriptions):
  - a. Domestic pets. Keeping of any combination of five or more cats and dogs is considered a kennel for the purposes of this Title.
  - b. Exotic animals. All exotic animals shall be kept and maintained a minimum distance of 40 feet from any property line, unless contained within the dwelling.
  - c. Livestock animals. Two livestock animals may be permitted for each half-acre of land. All livestock animals shall be kept and maintained a minimum distance of 40 feet from any property line and a minimum distance of 75 feet from any residential dwelling.
  - d. Poultry. All poultry animals shall be kept and maintained a minimum distance of 40 feet from any property line.
5. Permitted as an accessory use to the primary use permitted in the specific zoning district.



**23.30.040 Development Standards**

The development standards in this section have been divided into individual tables by primary residential zoning district categories as follows:

- Table 23.30-2A Very Low Density Residential Zoning Districts
- Table 23.30-2B Low Density Residential Zoning Districts
- Table 23.30-2C Medium Density Residential Zoning Districts
- Table 23.30-2D High Density Residential Zoning Districts

These standards, along with relevant Citywide Design Guidelines, are intended to assist property owners and project designers in understanding the City's minimum requirements and expectations for high quality residential development. The Designated Approving Authority will review development applications against these standards to determine compliance with applicable zoning regulations.

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

<b>Development Standard</b>	<b>RD-1</b>	<b>RD-2</b>	<b>RD-3</b>
Minimum Lot Area	1 acre	20,000 sf.	10,000 sf.
Maximum Density	1 du/acre	2 du/acre	3 du/acre
<b>Setbacks</b>			
Front <sup>1</sup>	20 ft.	20 ft.	20 ft.
Sides, Interior Lot	10 ft.	10 ft.	10 ft.
Street Side, Corner Lot <sup>1</sup>	15 ft.	15 ft.	15 ft.
Rear	25 ft.	25 ft.	25 ft.
<b>Minimum Lot Dimensions</b>			
Width/Frontage	75 ft.	75 ft.	65 ft.
Depth	125 ft.	125 ft.	125 ft.
<b>Height Limit</b>			
Primary Structures	30 ft.	30 ft.	30 ft.
Accessory	16 ft.	16 ft.	16 ft.
Accessory Structures	Refer to Article IV Chapter 23.46		
Landscaping	Refer to Article IV Chapter 23.54		
Lighting	Refer to Article IV Chapter 23.56		
Parking	Refer to Article IV Chapter 23.58		
Performance Standards	Refer to Article IV Chapter 23.60		
Signs	Refer to Article IV Chapter 23.62		

Notes:

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

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

<b>Development Standard</b>	<b>RD-4</b>	<b>RD-5</b>	<b>RD-6</b>	<b>RD-7</b>
Minimum Lot Area	8,500 sf.	5, 200 sf.	4,000 sf.	No minimum <sup>1</sup>
Maximum Density	4 du/acre	5 du/acre	6 du/acre	7.0 du/acre
<b>Front Setbacks <sup>1</sup></b>				
To garage door	22 ft.	20 ft.	20 ft.	18 ft.
To living area	20 ft.	15 ft.	15 ft.	18 ft.
To covered porch	20 ft.	15 ft.	12.5 ft.	18 ft.
To side garage/swing driveway	15 ft.	15 ft.	15 ft.	18 ft.
Street Side Setback	12.5 ft.	12.5 ft.	12.5 ft.	12.5 ft
Interior Setback	5 ft.	5 ft.	5 ft.	5 ft.
Side Setback for Zero Lot Line	10 ft.	10 ft.	10 ft.	10 ft.
<b>Rear Setback <sup>2, 3</sup></b>				
To living area (lots >100 feet deep)	20 ft.	15 ft.	15 ft.	15 ft. <sup>2, 4</sup>
To living area (lots < 100 feet deep)	15% of average lot depth			
To detached garage/secondary dwelling unit	5 ft.	5 ft.	5 ft.	
<b>Lot Dimensions</b>				
Width/Frontage	65 ft.	52 ft.	40 ft.	No minimum <sup>5</sup>
Corner Lot	75 ft.	62 ft.	47.5 ft.	
Depth	100 ft.	85 ft.	65 ft.	
<b>Height Limit</b>				
Primary Structures	30 ft.	30 ft.	30 ft.	30 ft.
Accessory	16 ft.	16 ft.	16 ft.	16 ft.
Accessory Structures	Refer to Article IV Chapter 23.46			
Landscaping	Refer to Article IV Chapter 23.54			
Lighting	Refer to Article IV Chapter 23.56			
Parking	Refer to Article IV Chapter 23.58			
Performance Standards	Refer to Article IV Chapter 23.60			
Signs	Refer to Article IV Chapter 23.62			

Notes:

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.
2. The main building may project into the required rear yard provided that an equal area is provided as a yard or court within the buildable portion of the lot. See Section 23.64.050, (Allowed Encroachments/Projections into Required Yards).
3. In no event shall the rear yard be less than 10 feet for one-story buildings and 15 feet for 2- and 3-story buildings.
4. Fifteen foot setback for 2-story; 10 foot setback for 2 story.
5. Determined in the Design Review process.

Figure 23.30-1  
RD-4 Development Standards

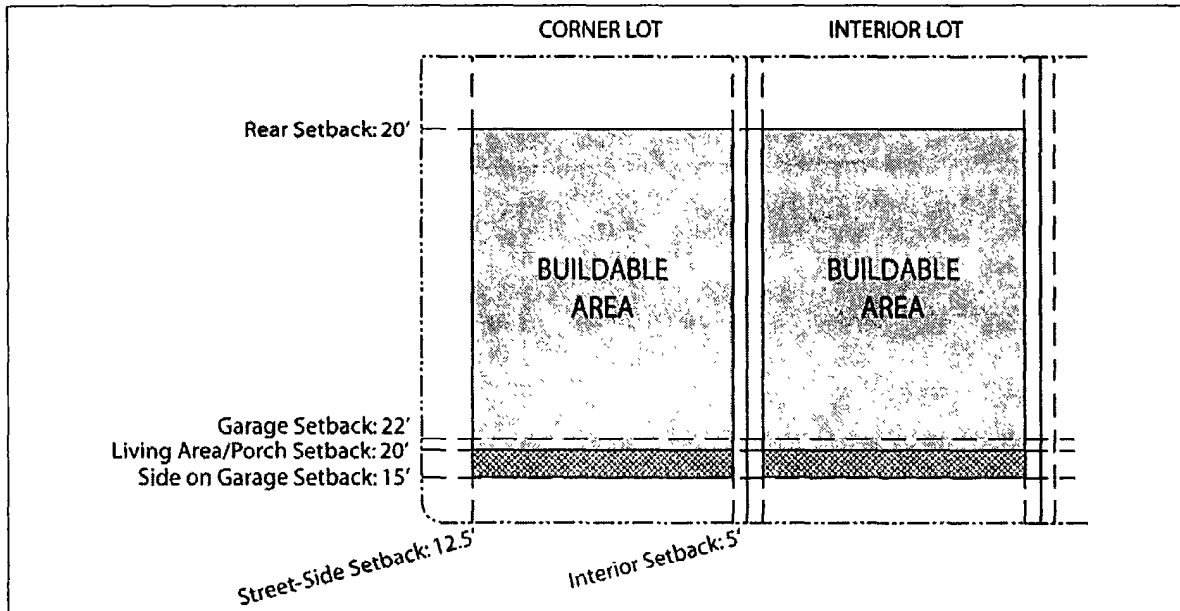
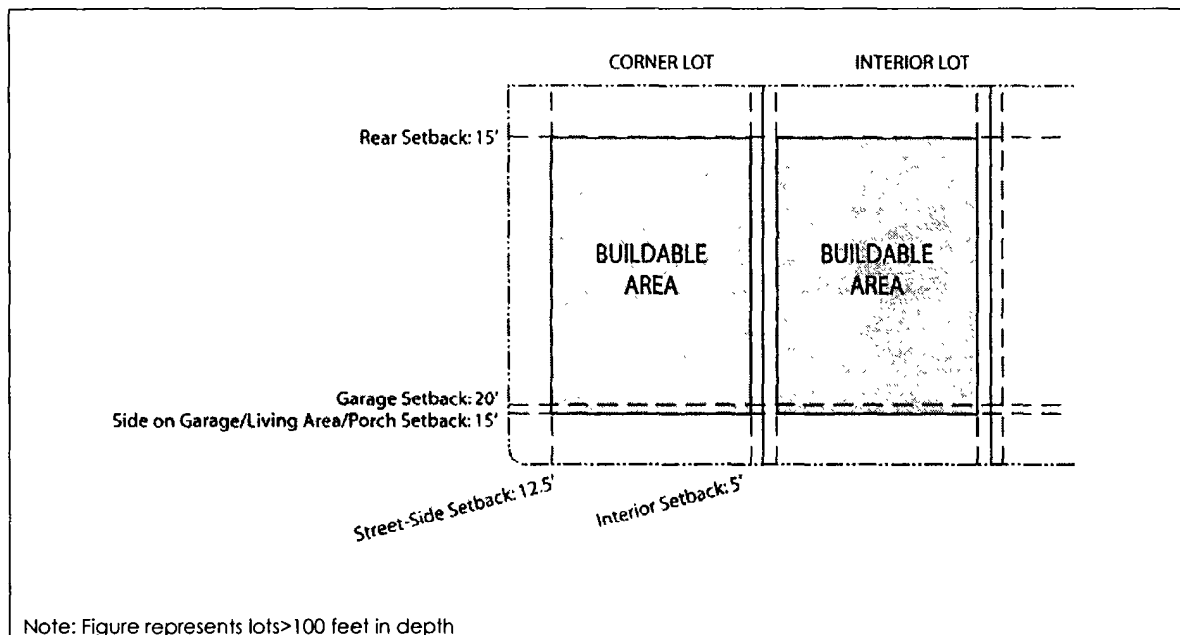


Figure 23.30-2  
RD-5 and RD-6 Development Standards



**Table 23.30-2C  
Medium Density Residential Zoning Districts Development Standards**

<b>Development Standard</b>	<b>RD-10</b>	<b>RD-15</b>
Minimum Lot Area	No minimum <sup>1</sup>	No minimum <sup>1</sup>
Minimum Density	7.1 du/acre	10.1 du/acre
Maximum Density <sup>2</sup>	10.0 du/acre	15.0 du/acre
Lot Coverage	No minimum <sup>1</sup>	No minimum <sup>1</sup>
<b>Setbacks</b>		
Front	No minimum <sup>1</sup>	No minimum <sup>1</sup>
Rear – Single Story	No minimum <sup>1</sup>	No minimum <sup>1</sup>
Rear – Two Story	No minimum <sup>1</sup>	No minimum <sup>1</sup>
Street Side	No minimum <sup>1</sup>	No minimum <sup>1</sup>
Interior	No minimum <sup>1</sup>	No minimum <sup>1</sup>
Lot Dimensions	No minimum <sup>1</sup>	No minimum <sup>1</sup>
Open Space	No minimum <sup>1</sup>	No minimum <sup>1</sup>
<b>Height Limit</b>		
Primary Structures	35 ft.	35 ft.
Accessory	16 ft.	16 ft.
Accessory Structures	Refer to Article IV Chapter 23.46	
Landscaping	Refer to Article IV Chapter 23.54	
Lighting	Refer to Article IV Chapter 23.56	
Parking	Refer to Article IV Chapter 23.58	
Performance Standards	Refer to Article IV Chapter 23.60	
Signs	Refer to Article IV Chapter 23.62	

Notes:

1. Determined in the Design Review process.
2. Density range may be increased pursuant to the Density Bonus provisions listed in Chapter 23.50 (Density Bonus)

**Table 23.30-2D  
High Density Residential Zoning Districts Development Standards**

Development Standard	RD-20	RD-25	RD-30
Minimum Lot Area	No minimum <sup>1</sup>	No minimum <sup>1</sup>	No minimum <sup>1</sup>
Minimum Density	15.1 du/acre	20.1 du/acre	25.1 du/acre
Maximum Density <sup>2</sup>	20 du/acre	25 du/acre	30 du/acre
<b>Setbacks</b>			
Front	25 ft.	25 ft.	25 ft.
Sides, Interior Lot <sup>3</sup>	25 ft.	25 ft.	25 ft.
Street Side, Corner Lot	25 ft.	25 ft.	25 ft.
Rear <sup>3</sup>	20 ft.	20 ft.	20 ft.
Open Space <sup>4</sup>	25%	25%	25%
<b>Height Limit <sup>5</sup></b>			
Primary Structures	40 ft.	40 ft.	40 ft.
Accessory	16 ft.	16 ft.	16 ft.
Accessory Structures	Refer to Article IV Chapter 23.46		
Landscaping	Refer to Article IV Chapter 23.54		
Lighting	Refer to Article IV Chapter 23.56		
Parking	Refer to Article IV Chapter 23.58		
Performance Standards	Refer to Article IV Chapter 23.60		
Signs	Refer to Article IV Chapter 23.62		

Notes:

1. Determined in the Design Review process.
2. Density range may be increase pursuant to the Density Bonus provisions listed in Chapter 23.50 (Density Bonus).
3. The side and rear setback for all 3- or more story multifamily structures (or portions thereof) abutting any single family residential or open space district shall be 100 feet, measured from the property line of the common boundary.
4. Open space includes active and passive recreation areas, other outdoor amenities, natural open space areas, and all landscaped areas outside of the required landscape corridors along adjoining streets.
5. As part of the Design Review process, the maximum height may be increased to 60 feet.

## Chapter 23.32 Commercial Zoning Districts

### Sections:

- 23.32.010 Purpose
- 23.32.020 Characteristics of the Districts
- 23.32.030 Allowed Uses and Permit Requirements
- 23.32.040 Development Standards

### 23.32.010 Purpose

The commercial zoning districts implement the land use policies as well as the commercial office and mixed use land use designations contained in the General Plan. Each of the commercial zoning districts allows for a specific range of commercial activities as well as a range of development intensity. Some of these districts support neighborhood-oriented commercial activities while others support commercial uses serving a local or regional market area.

The development standards associated with the commercial zoning districts promote a variety of development types and corresponding uses intended to support and enhance the economic vitality of Elk Grove. The regulations for the districts are designed to promote development flexibility while at the same time providing a level of certainty to owners, developers, residents, neighbors, and decision-makers.

### 23.32.020 Characteristics of the Districts

The following descriptions of each zoning district identify the characteristic uses, intensity of uses, and level of development intended for that district. Refer to the development regulations for specific standards applicable to each commercial district.

**Limited Commercial (LC).** The Limited Commercial District is designed to foster low-intensity neighborhood-oriented commercial development adjacent to, integrated within, or at the entrance to residential neighborhoods. The Limited Commercial district may also be located along arterial or collector roads at mid-block locations between major intersections. This district is intended to promote a mix of retail goods and services as well as small-scale office uses and low-intensity mixed-use development. Limited Commercial properties should be smaller in size, developed with buildings that are compatible in scale with surrounding residential neighborhoods. Development should be pedestrian-friendly with entrances and windows oriented to the sidewalk/street.

**General Commercial (GC).** The General Commercial district is intended to allow for medium to high-intensity uses with a wide range of retail, wholesale commercial, entertainment, office, services, and professional uses. Development should be pedestrian-oriented, but is expected to be auto-accommodating as well. This district should be applied to medium to large sites adjacent to other commercial uses, office uses or higher-density residential development. When located adjacent to single family residential, vehicles using the commercial site should not have a direct impact on the entrances to the neighborhood, but pedestrian connections should be provided. GC sites should be located near freeways, along arterials, or at major intersections. This district is also intended to support the development of urban villages that offer a mixture of uses including retail, offices, services, entertainment, and commercial within the same site with connections between those uses. Development should provide a pleasant visual atmosphere for motorists, transit users, and pedestrians as well as for the other businesses located within the zoning district.

**Shopping Center (SC).** The Shopping Center District is intended for medium to high intensity shopping centers with a local or regional market area. Developments within this district should include a wide choice of goods and services. The designation should be applied to medium to large sites near freeways, along arterials, and at major intersections. The SC zone should be adjacent to other commercial uses or higher-density residential development. When located adjacent to single family residential, vehicles using the commercial site should not have a direct impact on the entrances to the neighborhood. Development in this district typically involves integrated structures with multiple uses and tenants providing a broad range of goods and services. Development should incorporate pedestrian-friendly designs that include walkways interior to the project as well as connections to adjacent uses and neighborhoods, but should also be auto-accommodating.

**Auto Commercial (AC).** The Auto Commercial District is characterized by automotive sales and services and related uses. This zone is intended to promote the unified grouping of auto-oriented uses in locations where they will be convenient to residents and visitors alike. The designation should be used on sites adjacent to other existing commercial or office uses and should be located near freeways, thoroughfares, and arterials. Uses should be of medium intensity and should be auto-accommodating.

**Highway Travel Commercial (TC).** Development in the Highway Travel Commercial District is expected to be grouped near Interstate 5 or State Highway 99. Uses in this district should be designed to serve primarily City residents but also people from around the region. Uses in the TC Zone should be destination places that attract users with their rich mix of uses and activities. Potential uses within the zone may include performing arts centers, sports facilities, restaurants, hotels, and other entertainment venues. These uses benefit from proximity to freeway interchanges to accommodate higher traffic volumes associated with "destination" places.

**Commercial Recreation (C-O).** The Commercial Recreation District is intended to provide an area for commercial uses normally considered to be recreation-oriented and for commercial uses associated with major recreation areas, such as aquatic centers, private and public sports facilities, and outdoor theaters. In addition to providing automobile access and parking, development within this district should provide access for pedestrians to and throughout the development. Development and uses should be low to medium-intensity in nature and should serve as a buffer between residential neighborhoods or agriculture uses and more intense commercial development where possible.

### **23.32.030 Allowed Uses and Permit Requirements**

The table below identifies allowed uses for all commercial zoning districts subject to compliance with Chapter 23.26 (Allowable Land Uses) and all other provisions of this Title. Descriptions of many land use listings can be found in Article VI, Definitions. Note: The far right column in the tables ("Specific Use Regulations") will list the section number(s) for regulations that apply to that particular use listed, in addition to the other general standards in this Zoning Ordinance.

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

Land Use	P = Use Permitted		CUP = Conditional Use Permit Required							N = Not Permitted Specific Use Regulations
	Permit by Commercial Zoning District		Permit by Commercial Zoning District							
	LC	GC	SC	AC	TC	C-O				
<b>Residential Use Listings</b>										
Caretaker Housing	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	
Dwelling, Multifamily	N	CUP <sup>2</sup>	N	N	N	N	N	N	N	
Emergency Shelter	N	P	N	N	N	N	N	N	N	Chapter 23.80
Family Day Care Home, Large	N	CUP <sup>3</sup>	N	N	N	N	N	N	N	
Group Residential	N	CUP <sup>3</sup>	N	N	N	N	N	N	N	
Live-Work Facility	P	P <sup>4</sup>	N	N	N	N	N	N	N	
Residential Care Home	N	P	N	N	N	N	N	N	N	Chapter 23.88
Transitional Housing	N	P	N	N	N	N	N	N	N	Chapter 23.80
<b>Agriculture, Resource, and Open Space Use Listings</b>										
Equestrian Facility	N	N	N	N	N	N	N	N	N	P
Resource Protection and Restoration	N	N	N	N	N	N	N	N	N	P
Resource-Related Recreation	N	N	N	N	N	N	N	N	N	P
<b>Recreation, Education, and Public Assembly Use Listings</b>										
Amphitheatre	N	N	N	N	N	N	N	N	N	CUP
Clubs, Lodges, and Private Meeting Halls	P <sup>5</sup>	P	P	N	N	N	N	N	N	P
Community Centers/Civic Uses	P	P	P	P	N	N	N	N	N	P
Community Gardens	CUP	CUP	N	N	N	N	N	N	N	P
Golf Courses/Country Clubs	CUP	CUP	N	N	N	N	N	N	N	P
Indoor Amusement/Entertainment Facility	P	P	P	N	N	N	N	N	N	CUP
Indoor Fitness and Sports Facility	CUP	P	P	P	N	N	N	N	N	P
Libraries and Museums	P	P	P	P	N	N	N	N	N	P
Outdoor Commercial Recreation	N	P	CUP	N	N	N	N	N	N	P
Parks and playgrounds	P	P	N	N	N	N	N	N	N	P

Adopted



Land Use	P = Use Permitted										CUP = Conditional Use Permit Required			N = Not Permitted
											Permit by Commercial Zoning District			Specific Use Regulations
	IC	GC	SG	AC	TC	C-O	IC	GC	SG	AC	TC	C-O		
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P		
Recreational Vehicle Parks	N	N	N	N	N	N	N	N	N	N	N	N		
Religious Institutions	P	P	P	N	N	N	P	P	N	N	N	P		
Schools – Public	P	N	N	N	N	N	N	N	N	N	N	P		
Schools - Private	CUP	CUP	CUP	CUP	N	N	CUP	CUP	CUP	N	N	N		
Schools – Special/Studio	P <sup>5</sup>	P	P	P	N	N	P	P	P	N	N	N		
Theaters And Auditoriums	CUP	P	P	N	CUP	CUP	P	P	N	CUP	CUP	CUP		
<b>Utility, Transportation, and Communication Use Listings</b>														
Broadcasting and Recording Studios	CUP	P	P	N	N	N	P	P	N	N	N	N		
Bus and Transit Shelters	P	P	P	P	P	P	P	P	P	P	P	P		
Heliparts	N	CUP	N	N	N	N	N	N	N	N	N	N		
Park and Ride Facility	N	P	P	P	P	N	P	P	P	P	N	N		
Telecommunication Facility	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	Chapter 23.94	
Transit Stations and Terminals	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP		
Utility Facility	P	P	P	P	P	P	P	P	P	P	P	P		
Utility Infrastructure	P	P	P	P	P	P	P	P	P	P	P	P		
<b>Retail, Service, and Office Listings</b>														
Adult Day Care Facility	P <sup>5</sup>	N	N	N	N	N	N	N	N	N	N	N		
Alcoholic Beverage Sales	CUP	P	P	N	N	N	N	N	N	N	N	N		
Ambulance Service	N	CUP <sup>6</sup>	CUP <sup>6</sup>	CUP <sup>6</sup>	N	N	CUP <sup>6</sup>	CUP <sup>6</sup>	CUP <sup>6</sup>	N	N	N		
Animal Sales and Grooming	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	N	N	N	P <sup>4</sup>	P <sup>4</sup>	N	N	N	N		
Art, antique, and collectable	P	P	P	N	N	N	P	P	N	P <sup>5</sup>	N	N		
Artisan Shops	P <sup>5</sup>	P	P	N	N	N	P	P	N	N	N	N		
Automated Teller Machines (ATMs)	P	P	P	P	P	P	P	P	P	P	P	P		
Banks and Financial Services	P	P	P	P	P	P	P	P	P	P	P	P		
Bars and Nightclubs	P <sup>7</sup>	P	P	P	P	P	P	P	N	N	N	N	Chapter 23.86	

Adopted

Date

Land Use	P = Use Permitted										N = Not Permitted Specific Use Regulations
	CUP = Conditional Use Permit Required										
	Permit by Commercial Zoning District										
	LC	GC	SC	AC	TC	TC	C-O				
Bed and Breakfast Inns	CUP	CUP	CUP	N	CUP		N				
Building Materials Stores and Yards	N	P	P	N	CUP		N				
Business Support Services	P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>	N	N		N				
Child Day Care Facility	P	P	P	N	N		CUP				
Convenience Stores	P <sup>9</sup>	P	P	N	P		N				
Drive-in and Drive-through Sales	CUP <sup>10</sup>	CUP <sup>10</sup>	CUP <sup>10</sup>	N	CUP <sup>10</sup>		N				Chapter 23.78
Drive-in and Drive-through Services	CUP <sup>10</sup>	CUP <sup>10</sup>	CUP <sup>10</sup>	N	CUP <sup>10</sup>		N				Chapter 23.78
Equipment Sales and Rental	N	CUP	CUP	P	CUP		N				
Furniture, Furnishings, and Appliance Stores	P <sup>11</sup>	P	P	N	N		P <sup>11</sup>				
Garden Center/Plant Nursery	CUP	P	P	N	N		N				
Grocery Stores/ Supermarkets	P	P	P	N	P		N				
Hotels and Motels	N	P	P	N	P		N				
Kennels, Commercial	N	CUP <sup>12</sup>	CUP <sup>12</sup>	N	N		N				
Maintenance and Repair, Small Equipment	CUP <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	N		N				
Maintenance and Repair, Large Equipment	N	CUP <sup>4</sup>	P <sup>4</sup>	P <sup>4</sup>	N		N				
Medical Services - Clinics, Offices, and Laboratories	P	P	P	N	N		N				
Medical Services - Extended Care	N	N	N	N	N		N				
Medical Services - Hospitals	N	CUP	CUP	N	N		N				
Mortuaries and Funeral Homes	N	CUP	CUP	N	N		N				
Neighborhood Market <sup>9</sup>	P	P	P	N	CUP		N				
Offices - Accessory to Primary Use	P	P	P	P	N		P				
Offices - Business and Professional	P	P	P	N	N		N				
Personal Services	P	P	P	N	N		N				
Personal Services, restricted	N	CUP	CUP	N	N		N				
Public Safety Facility	P	P	P	P	P		P				
Recycling Facility - Reverse Vending Machine	P	P	P	P	P		P				

Land Use	P = Use Permitted										CUP = Conditional Use Permit Required										N = Not Permitted
	Permit by Commercial Zoning District										Specific Use Regulations										
	IC	GC	SC	AC	IC	C-O	IC	GC	SC	AC	IC	C-O	IC	GC	SC	AC	IC	C-O			
Recycling Facility - Small Collection Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Recycling Facility - Large Collection Facility	N	CUP	CUP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N			
Residential Care Facility	CUP 3	CUP 3	N	N	N	CUP 3	CUP 3	N	N	N	CUP 3	CUP 3	N	N	N	N	N	Chapter 23.88			
Restaurants	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Chapter 23.86		
Restaurants - Accessory Cafeteria	P 5	P	P	CUP	P	P	P	P	CUP	P	P	P	P	P	P	P	P	Chapter 23.86			
Restaurants - Take-Out	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Chapter 23.86			
Restaurants - With Alcohol Sales	P 13	P 13	P 13	P 13	P 13	P 13	P 13	P 13	P 13	P 13	P 13	P 13	P 13	P 13	P 13	P 13	P 13	Chapter 23.86			
Restaurants - With Live Entertainment	P 4.7	P 4.7	P 4.7	N	N	P 4.7	P 4.7	P 4.7	N	N	P 4.7	P 4.7	P 4.7	P 4.7	P 4.7	P 4.7	P 4.7	Chapter 23.86			
Restaurants - With Outdoor Dining	P 7.13	P 7.13	P 7.13	N	N	P 7.13	P 7.13	P 7.13	N	N	P 7.13	P 7.13	P 7.13	P 7.13	P 7.13	P 7.13	P 7.13	Chapter 23.86			
Retail Sales/Rentals and Services	P 13	P 13	P 13	CUP	P 13	P 13	P 13	P 13	CUP	P 13	P 13	P 13	P 13	P 13	P 13	P 13	P 13	Chapter 23.86			
Retail - Accessory to Primary Use	P	P	P	CUP	P	P	P	P	CUP	P	P	P	P	P	P	P	P	Chapter 23.86			
Retail, General 13	P	P	P	P	P	P	P	P	N	N	P	P	P	P	P	P	P	Chapters 23.74, 23.86			
Second hand stores	CUP	P	P	P	P	P	P	P	N	N	P	P	P	P	P	P	P				
Storage - Accessory	N	N	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	Chapter 23.86			
Storage - Personal Storage Facility	N	N	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP				
Storage - Outdoor	N	N	N	CUP	N	N	N	N	CUP	N	N	N	N	N	N	N	N	Chapter 23.86			
Veterinary Facility	P 4	P 4	P 4	N	N	P 4	P 4	P 4	N	N	P 4	P 4	P 4	P 4	P 4	P 4	P 4				
Warehouse retail stores 14	N	N	CUP	N	N	CUP	N	CUP	N	N	CUP	N	CUP	N	N	CUP	N	Chapter 23.74, 23.86			
<b>Automotive and Vehicle Use listings</b>																					
Auto Parts Sales	CUP 15	P 15	P 15	P	P	P 15	P 15	P 15	P	P	P	P	P	P	P	P	P	N			
Auto and Vehicle Sales	N	N 16	N 16	P	P	N 16	N 16	N 16	P	N	N	N	N	N	N	N	N	N			
Auto and Vehicle Rentals	N	P	CUP	P	P	CUP	CUP	CUP	P	N	N	N	N	N	N	N	N	N			
Auto and Vehicle Storage	N	N	N	P	P	N	N	N	P	N	N	N	N	N	N	N	N	N			
Car Washing and Detailing	N	CUP	CUP	P	P	CUP	CUP	CUP	P	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	N			
Service Stations - no vehicle service	N	CUP	P	P	P	P	P	P	P	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	Chapter 23.72			
Service Stations - w/ vehicle service	N	N	P	P	P	P	P	P	P	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	Chapter 23.72			

Date

Page III-26

Adopted

Land Use	P = Use Permitted		CUP = Conditional Use Permit Required						N = Not Permitted
			Permit by Commercial Zoning District						Specific Use Regulations
	IC	GC	SC	AC	TC	C-O			
Vehicle Services – Maintenance and Minor Repair	N	CUP 6	P 6	P 6	CUP 6	N			
Vehicle Services – Major Repair/Body Work	N	N	CUP 6	P 6	CUP 6	N			
<b>Industry, Manufacturing, and Processing Use Listings</b>									
Artisan/Craft Product Manufacturing	CUP 13	P 13	N	N	N	N			

Notes:

- Limited to 1 unit in conjunction with a primary non-residential use. Any residential use will be treated as a primary residential use with regards to animal keeping, kennels (commercial or hobby), or animal husbandry.
- Use permitted only in conjunction with non-residential development (e.g., mixed-use development).
- Use provisions consistent with State Law regarding local use restrictions.
- All related activities must be entirely enclosed within a structure.
- Maximum gross floor area is 5,000 square feet.
- All activity must be entirely screened from public view and not within 500 feet of a residential use.
- All forms of speaker amplification associated with outdoor dining shall be prohibited unless otherwise authorized in combination with project approval or subsequent Minor Use Permit.
- When the use is located within 500 feet of a residentially designated property or a residential use, the proposed activity may be authorized in combination with a Conditional Use Permit, provided that the CUP specifies the permitted hours of operation to only be between 8:00AM and 8:00PM, inclusive.
- Hours of operation are limited to a maximum of 18 hours per day.
- Permitted by right when the drive-through window and menu board are both located more than 300 feet from a residential zoning district (RD-1 through RD-30) and more than 1000 feet from a Rural Residential General Plan designation. Otherwise, a CUP is required. In all cases, the design of the use must comply with the provisions of Chapter 23.78, Drive-in and Drive-through Facility.
- Maximum gross floor area is 12,000 square feet.
- All activities must be enclosed when the use is located within 500 feet of any Residential (RD) zone.
- All activities occur within a completely enclosed building or within a fenced or otherwise delineated area (see City adopted Design Guidelines) directly adjacent to the building, within the property lines.
- This use listing includes big-box retail as regulated in Chapter 23.74 (Big Box Retail).
- No on-site repair of vehicles permitted.
- Motorcycle sales may be permitted subject to a CUP.

**23.32.040 Development Standards**

The development standards listed in Table 23.32-2 below, along with relevant Citywide Design Guidelines, are intended to assist property owners and project designers in understanding the City's minimum requirements and expectations for high quality commercial development. The Designated Approving Authority will review development applications against these standards to determine compliance with applicable zoning regulations. See setback measurement requirements in 23.64 (Yard Measurements and Projections).

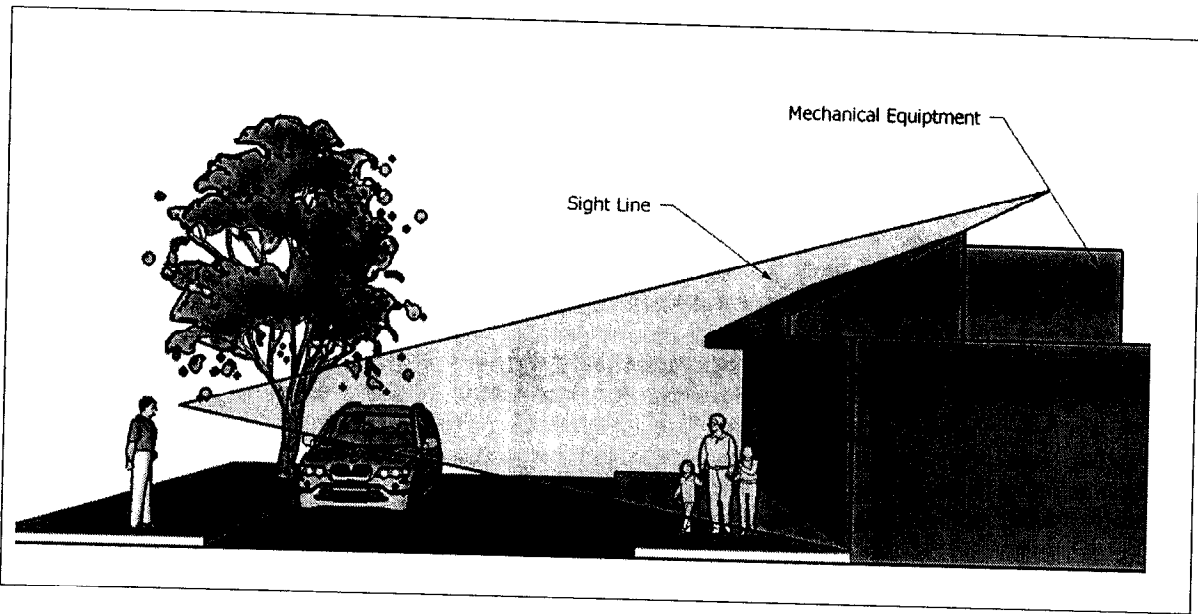
**Table 23.32-2  
Commercial Zoning Districts Development Standards**

Development Standard	Commercial Zoning Districts					
	LC	GC	SC	AC	TC	C-O
Minimum Lot Area	No minimum					
<b>Setbacks</b>						
Front and Street Side Setback <sup>1</sup>	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.
Interior (includes rear), adjacent to residential and open space uses <sup>2, 3, 4</sup>	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Interior (includes rear), adjacent to all other uses <sup>2, 4</sup>	0	0	0	0	0	0
<b>Height Limit <sup>5</sup></b>						
Maximum Height	40 ft.	40 ft. <sup>6</sup>	40 ft. <sup>6</sup>	40 ft. <sup>6</sup>	40 ft. <sup>6</sup>	40 ft. <sup>6</sup>
Maximum Stories	2	2	3	2	3	2
Accessory Structures	Refer to Article IV Chapter 23.46					
Landscaping	Refer to Article IV Chapter 23.54					
Lighting	Refer to Article IV Chapter 23.56					
Parking	Refer to Article IV Chapter 23.58					
Performance Standards	Refer to Article IV Chapter 23.60					
Signs	Refer to Article IV Chapter 23.62					

Notes:

1. Front and street side setback may be reduced to a minimum of 25 feet provided that for every 1 square foot of buildable area created by the reduction an equal square foot of landscape area is provided within the setback (See Chapter 23.54, Landscaping). Only access drives (no parking or drive-aisles) may be placed within the required setback.
2. Minimum setbacks for all new development is measured from the property line as described in Chapter 23.64 (Yard Measurements and Projections)
3. Ten feet of the 25-foot setback shall be permanent landscape area, pursuant to Chapter 23.54 (Landscaping).
4. When the building frontage is greater than 300 linear feet, the rear setback must be a minimum of 20 feet. See Section 23.60.020, (Creeks and Other Natural Drainage Courses) for additional setback requirements when adjacent to creeks.
5. Maximum allowable height for primary structures is listed in both feet and stories and is limited to the lesser of the two. See Chapter 23.48 (Building Height Measurement and Exceptions) for height measurement standards and exceptions. All mechanical equipment must be screened from public view within the allowed height restrictions (See Figure 23.32-1). Pursuant to the Citywide Design Guidelines, any features used to obscure equipment must be compatible with the architecture of the building. When within 100 feet of a Residential (RD) zone or residential use, the maximum allowed height shall be 20 feet and a maximum of 1 story, including mechanical equipment.
6. As part of the Design Review process, the maximum height may be increased up to 150 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 1 foot for each foot that such building exceeds 40 feet in height. In any case, the floor area to lot area ratio shall not exceed 2.5:1.

Figure 23.32-1  
Equipment Screening



## Chapter 23.34 Office Zoning Districts

### Sections:

- 23.34.010 Purpose
- 23.34.020 Characteristics of the Districts
- 23.34.030 Allowed Uses and Permit Requirements
- 23.34.040 Development Standards

### 23.34.010 Purpose

The office zoning districts implement the land use policies and land use designations for office development contained in the General Plan. Each of the office zoning districts allows for a specific range of uses along with associated development standards. The two office zoning districts are designed to preserve areas for traditional business and professional office development as well as supportive retail, restaurant, and service uses. While the development standards associated with the office zoning districts are intended to enhance employment opportunities and the overall economic vitality of Elk Grove, these regulations are also designed to promote attractive development and ensure minimal impacts on surrounding development.

### 23.34.020 Characteristics of the Districts

The following descriptions of each zoning district identify the characteristic uses, intensity of uses, and level of development intended for that district. Refer to the development regulations for specific standards applicable to each office district.

**Business and Professional Office (BP).** The Business and Professional District is intended for low to medium intensity office development located along thoroughfares, arterials, or collectors or near existing/planned public transit stops. This designation allows mixed use development and high density development in conjunction with non-residential development. The designation should be applied to sites adjacent to other commercial uses or higher-density residential development. The district is intended for office development and may include supporting services such as retail, service, or restaurant uses developed in conjunction with office use. Office development should be designed to be pedestrian-friendly, but should also be auto-accommodating. Development in this district should take advantage of existing or planned public transit opportunities.

**Industrial-Office Park (MP).** The Industrial-Office Park District is intended to provide well-designed and integrated development that supports a range of clean, light industrial or high-technology office and manufacturing uses and may include research, retail, service, and storage components or other supportive uses, such as dry cleaners, day care centers, restaurants or medical clinics. The MP designation is intended for low to medium intensity uses located along freeways, thoroughfares, arterials, or collectors or near existing/planned public transit stops. The emphasis in this district is on development in a business park setting on sites adjacent to other industrial, commercial, or office uses or near higher-density residential development. Development should be pedestrian-friendly with connections between and among different uses; however, it should also be auto-accommodating. Development in this district should take advantage of existing or planned public transit opportunities.

**23.34.030 Allowed Uses and Permit Requirements**

Table 23.34-1 below identifies allowed uses for the two office zoning districts subject to compliance with Chapter 23.26 (Allowable Land Uses). Descriptions of many land use listings can be found in Article VI, Definitions. Note: The far right column in the table ("Specific Use Regulations") includes the section number(s) for regulations that apply to the particular use listed, in addition to the other general standards of the Zoning Ordinance.

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

Land Use	CUP = Conditional Use Permit Required		N = Not Permitted Specific Use Regulations
	Permit by Office Zoning District		
	BP	MP	
<b>Recreation, Education, and Public Assembly Use Listings</b>			
Clubs, Lodges, and Private Meeting Halls	CUP	CUP	
Community Centers/Civic Uses	P	P	
Indoor Amusement and Recreation	CUP	CUP	
Indoor Sports and Recreation Facility	CUP	CUP	
Libraries and Museums	P	N	
Religious Institutions	CUP	CUP	
Schools, Private	CUP	CUP	
Schools, Public	CUP	CUP	
Schools, Special	CUP	CUP	
Theatres and Auditoriums	CUP	CUP	
<b>Utility, Transportation, and Communication Use Listings</b>			
Bus and Transit Shelters	P	P	
Heliports	CUP <sup>1</sup>	CUP <sup>1</sup>	
Park and Ride Facility	CUP	CUP	
Rail Lines and Utility Corridors	P	P	
Telecommunication Facility	CUP	CUP	Chapter 23.94
Transit Stations and Terminals	P	P	
Utility Facility	P	P	
Utility Infrastructure	P	P	
<b>Retail, Service, and Office Listings</b>			
Automated Teller Machines	P	P	
Banks and Financial Services	P	P	
Bars and Nightclubs	CUP <sup>1</sup>	CUP	
Business Support Services	P	P	
Call Centers	P	P	
Child Day Care Facility	P	P	
Convenience Stores	CUP <sup>1</sup>	N	
Hotels and Motels	CUP	CUP	

Adopted

July 12, 2006



Land Use	CUP = Conditional Use Permit Required		N = Not Permitted Specific Use Regulations
	Permit by Office Zoning District		
	BP	MP	
Kennel-Commercial	N	P2	
Medical Services - Clinics, Offices, and Labs	P	P	
Medical Services - Extended Care	CUP	CUP	
Medical Services - Hospitals	CUP	CUP	
Offices - Business and Professional	P	P	
Parking Facility	P	P	
Personal Services	P	P	
Personal Services, Restricted	CUP	CUP	
Public Safety Facility	P	P	
Restaurants	P	P	
Restaurants - Accessory Cafeteria	P	P	
Restaurants - Take-Out	P	P	
Restaurants - With Alcohol Sales	CUP	CUP	
Restaurants - With Live Entertainment	CUP	CUP	
Restaurants - With Outdoor Dining	P	P	
Retail Sales/Rentals and Services	CUP	CUP	
Retail - Accessory to Primary Use	P	P	
Storage - Accessory	P	P	
Storage-Personal Storage Facility	N	CUP	
Veterinary Facility	CUP	CUP	
<b>Industry, Manufacturing, and Processing Use Listings<sup>3</sup></b>			
Electronics, equipment and appliance manufacturing	N	CUP <sup>4</sup>	
Fabric product manufacturing	N	CUP <sup>4</sup>	
Food and beverage manufacturing	N	CUP <sup>4</sup>	
Furniture and fixture manufacturing	N	CUP <sup>4</sup>	
Handcraft industries, small scale manufacturing	N	CUP <sup>4</sup>	
Laundries and cleaning plants	N	CUP <sup>4</sup>	
Printing and Publishing	N	CUP <sup>4</sup>	
Research and Development Services	CUP	P	
Warehousing, Wholesaling, and Distribution	N	CUP	

Notes:

1. Permitted as only an accessory use to the primary use of the property.
2. A CUP is required when located within 500 feet of any agricultural, agricultural-residential, or residential property.
3. The Planning Commission may also consider similar industrial uses within an industrial park subject to approval of a CUP.
4. Conditionally permitted when located within an industrial park. Otherwise, new freestanding industrial uses not a part of an integrated, industrial development are not permitted.

**23.34.040 Development Standards**

The development standards listed in Table 23.34-2 below, along with relevant Citywide Design Guidelines, are intended to assist property owners and project designers in understanding the City's minimum requirements and expectations for high quality office development. The Designated Approving Authority will review development applications against these standards to determine compliance with applicable zoning regulations.

**Table 23.34-2  
Office Zoning Districts Development Standards**

Development Standard	Office Zoning Districts	
	BP	MP
<b>Setbacks</b>		
Front	25 ft.	25 ft.
Street Side, Corner Lot	25 ft.	25 ft.
Side and Rear	10 ft. <sup>1</sup>	10 ft.
<b>Dimensions</b>		
Width/Frontage	60	No minimum
Depth	100	No minimum
<b>Height Limit</b>		
Primary Structures <sup>2,3</sup>	40 ft.	40 ft.
Accessory	16 ft.	16 ft.
Accessory Structures	Refer to Article IV Chapter 23.46	
Landscaping	Refer to Article IV Chapter 23.54	
Lighting	Refer to Article IV Chapter 23.56	
Parking	Refer to Article IV Chapter 23.58	
Performance Standards	Refer to Article IV Chapter 23.60	
Signs	Refer to Article IV Chapter 23.62	

Notes:

1. Minimum 25 feet rear and side setback is required if located adjacent to agriculture, agricultural-residential, residential, or open space zoning districts or use. For light industrial uses, the rear and side setback shall be increased to a minimum of 50 feet when abutting agriculture zone or residential zone or use.
2. Buildings or structures located within 100 feet of any agriculture, agricultural-residential, residential, or open space zoning districts or use have a maximum height of 24 feet.
3. As part of the Design Review process, the maximum height may be increased up to 150 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 foot for each foot that such building exceeds 40 feet in height. In any case, the floor area to lot area ratio shall not exceed 2.5:1.

## Chapter 23.36 Industrial Zoning Districts

### Sections:

- 23.36.010 Purpose
- 23.36.020 Characteristics of the Districts
- 23.36.030 Allowed Uses and Permit Requirements
- 23.36.040 Development Standards

### 23.36.010 Purpose

The industrial zoning districts implement the industrial land use policies and land use designations contained in the General Plan. Each of the industrial zoning districts allows for a specific range of industrial activities and provides standards governing the intensity of uses in order to carefully regulate the impacts of such uses. The two industrial zoning districts are designed to preserve areas for the manufacture, assembly, processing, storage, and shipment of finished and raw materials as well as related office uses.

While the development standards associated with the industrial zoning districts are intended to enhance employment opportunities and the overall economic vitality of Elk Grove, these regulations are also designed to promote attractive development and safeguard the public from potential adverse impacts associated with industrial land uses. Furthermore, the district regulations are designed to provide a level of certainty to owners, developers, businesses, residents, neighbors, and decision-makers.

### 23.36.020 Characteristics of the Districts

The following descriptions of each zoning district identify the characteristic uses, intensity of uses, and level of development intended for that district. Refer to the development regulations for specific standards applicable to each industrial district.

**Light Industrial (M-1).** The Light Industrial District is intended for low to medium-intensity uses that involve the manufacture, fabrication, assembly, or processing of primarily finished materials. These activities, along with supportive and complimentary uses, such as storage, shipping, retail, wholesale, or sales operations, are allowed in this district. Uses in this district should pose limited environmental impact in terms of noise, odors, traffic, hazardous materials, and other health and safety risks. In addition, the development standards are designed to promote attractive development that is compatible with surrounding development. Sites designated for M-1 uses should be located on medium to large sites along freeways, thoroughfares, arterials, or collectors adjacent to other office, industrial, commercial or higher-density residential uses. Residential uses of any kind are prohibited in this district with the exception of a caretaker residence. Development should be auto-accommodating with sufficient and clearly defined parking and loading areas.

**Heavy Industrial (M-2).** The Heavy Industrial District is intended to accommodate a broad range of manufacturing and industrial uses. Permitted activity may vary from medium to higher-intensity uses that involve the manufacture, fabrication, assembly, or processing of raw and/or finished materials. Sites designated for heavy industrial uses should not be located near residential development. Furthermore, residential uses of any kind are prohibited in this district with the exception of a caretaker residence. Development standards are designed to limit noise, odors, traffic, hazardous materials, and other health and safety risks as well as ensure safe.

functional, and environmentally-sound development. Development should be auto-accommodating with sufficient and clearly defined parking and loading areas.

**23.36.030 Allowed Uses and Permit Requirements**

Table 23.36-1 below identifies allowed uses for the two industrial zoning districts subject to compliance with Chapter 23.26 (Allowable Land Uses) and all other provisions of this Title. Descriptions of many land use listings can be found in Article VI, Definitions. Note: The far right column in the table ("Specific Use Regulations") includes the section number(s) for regulations that apply to the particular use listed, in addition to the other general standards of this Zoning Ordinance.

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

P = Use Permitted  Land Use	CUP = Conditional Use Permit Required		N = Not Permitted
	Permitted by Industrial Zoning District		Specific Use Regulations
	M-1	M-2	
<b>Residential Use Listings</b>			
Caretaker Housing	CUP	CUP	
Emergency Shelter	P	N	Chapter 23.80
Transitional Housing	P	N	Chapter 23.80
<b>Recreation, Education, and Public Assembly Use Listings</b>			
Cemeteries, Mausoleums	CUP	CUP	
Indoor Amusement/Entertainment Facility	CUP	CUP	
Indoor Sports and Recreation Facility	P	CUP	
Outdoor Commercial Recreation	CUP	N	
Religious Institutions	CUP	N	
Theatres and Auditoriums	CUP	N	
<b>Utility, Transportation, and Communication Use Listings</b>			
Broadcasting and Recording Studios	CUP	CUP	
Bus and Transit Shelters	P	P	
Park and Ride Facility	P	P	
Parking Facility	P	P	
Rail Lines and Utility Corridors	P	P	
Telecommunication Facility	CUP	CUP	Chapter 23.94
Transit Stations and Terminals	P	P	
Utility Facility	P	P	
Utility Infrastructure	P	P	

Land Use	CUP = Conditional Use Permit Required		N = Not Permitted
	Permitted by Industrial Zoning District		Specific Use Regulations
	M-1	M-2	
<b>Retail, Service, and Office Listings</b>			
Adult-Related Business	CUP	CUP	Chapter 23.70
Ambulance Service	P	P	
Auto and Vehicle Parts Sales	P	P	
Auto and Vehicle Storage	CUP	P	
Business Support Services	P	P	
Child Day Care Facility	CUP	N	
Equipment Sales and Rental	P	P	
Kennel – Commercial	P <sup>1</sup>	P <sup>1</sup>	
Maintenance and Repair, Large Equipment	CUP	P	
Offices – Accessory to Primary Use	P	P	
Offices – Business and Professional	CUP	CUP	
Personal Services, Restricted	CUP	CUP	
Recycling Facility - Reverse Vending Machine	P	P	
Recycling Facility – Small Collection Facility	P	CUP	
Recycling Facility – Large Collection Facility	CUP	CUP	
Retail – Accessory to Primary Use	P	P	
Storage – Accessory	P	P	
Storage - Personal Storage Facility	P	P	
Storage - Outdoor	P <sup>2</sup>	P	
Service Stations – w/ vehicle service	N	CUP	Chapter 23.72
Vehicle Services – Maintenance and Minor Repair	P <sup>2,3</sup>	P <sup>2,3</sup>	
Vehicle Services – Major Repair/Body Work	CUP	P	
<b>Industry, Manufacturing, and Processing Use Listings</b>			
Agricultural Products Processing	CUP	P	
Animal Processing Plants, Rendering	N	CUP	
Auto Wrecking, Junkyard, Salvage Yard	N	CUP	
Chemical Product Manufacturing	N	CUP	
Concrete, Gypsum, and Plaster Products	N	P	
Contractors Storage Yards	P <sup>3</sup>	P <sup>3</sup>	
Electronics, Equipment, and Appliance Manufacturing	N	P	
Equipment and Material Storage Yards	CUP	P <sup>3</sup>	

P = Use Permitted	CUP = Conditional Use Permit Required		N = Not Permitted	
	Permitted by Industrial Zoning District			Specific Use Regulations
	M-1	M-2		
Fabric Product Manufacturing	N	P		
Food and Beverage Manufacturing	CUP	P		
Fuel Storage and Distribution	CUP	CUP		
Furniture and Fixtures Manufacturing, Cabinet Shops	CUP	P		
Handcraft Industries, Small Scale Manufacturing	CUP	P		
Laundries and Dry Cleaning Plants	P <sup>2</sup>	P <sup>2</sup>		
Lumber and Wood Product Manufacturing	N	P <sup>3</sup>		
Machinery Manufacturing	N	P		
Metal Products Fabrication, Machine/Welding Shops	CUP <sup>2</sup>	P <sup>2</sup>		
Metal Products Manufacturing	CUP <sup>2</sup>	P <sup>2</sup>		
Paper Product Manufacturing	CUP <sup>2</sup>	P <sup>2</sup>		
Paving Material Manufacturing	CUP <sup>2</sup>	P <sup>2</sup>		
Pharmaceuticals Manufacturing	CUP <sup>2</sup>	P <sup>2</sup>		
Plastics, Synthetics, Rubber Products Manufacturing	CUP <sup>2</sup>	P <sup>2</sup>		
Printing and Publishing	P	P		
Recycling Facility – Processing Facility	N	P		
Recycling Facility – Scrap and Dismantling Facility	N	P		
Research and Development Services	P	P		
Structural Clay and Pottery Product Manufacturing	CUP	P		
Textile and Leather Product Manufacturing	CUP	P		
Warehousing, Wholesaling, and Distribution	CUP	P		
Wineries, distilleries	P <sup>4</sup>	P <sup>4</sup>		

Notes:

1. A CUP is required when located within 500 feet of any agricultural, agricultural-residential, or residential property.
2. Permitted only when located a minimum of 500 feet from a residential, agricultural residential, or agricultural zoning district or use.
3. 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.
4. Tasting room or retail sales require approval of a CUP.

Article III, Chapter 23.36

23.36.040 Development Standards

The development standards listed in Table 23.36-2 below, along with relevant Citywide Design Guidelines, are intended to assist property owners and project designers in understanding the City's minimum requirements and expectations for high quality industrial development. The Designated Approving Authority will review development applications against these standards to determine compliance with applicable zoning regulations.

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

Development Standard	Industrial Zoning Districts	
	M-1	M-2
<b>Setbacks</b>		
Front	50 ft. <sup>1</sup>	50 ft. <sup>1</sup>
Street Side, Corner Lot	50 ft. <sup>1</sup>	50 ft. <sup>1</sup>
Side and Rear	0 ft. <sup>2</sup>	0 ft. <sup>2</sup>
<b>Height Limit - Primary Structures</b>		
Buildings < 100 feet from Ag, Ag Residential, Residential	24 ft.	24 ft.
Buildings > 100 feet from Ag, Ag Residential, Residential	40 ft.	40 ft.
Buildings adjacent to other zoning districts not listed above <sup>3</sup>	100 ft.	100 ft.
Height Limit - Accessory Structures	16 ft.	16 ft.
Accessory Structures	Refer to Article IV Chapter 23.46	
Landscaping	Refer to Article IV Chapter 23.54	
Lighting	Refer to Article IV Chapter 23.56	
Parking	Refer to Article IV Chapter 23.58	
Performance Standards	Refer to Article IV Chapter 23.60	
Signs	Refer to Article IV Chapter 23.62	

Notes:

1. Setback may be reduced to 25 feet when additional landscaping is provided equivalent to the amount of building area encroachment.
2. A side or rear yard of 50 feet is required when abutting any residential, agricultural residential, or agricultural zone or use.
3. As part of the Design Review process, the maximum height may be increased up to 150 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.

**Chapter 23.38 Open Space Zoning District**

**Sections:**

- 23.38.010 Purpose
- 23.38.020 Characteristics of the Districts
- 23.38.030 Allowed Uses and Permit Requirements
- 23.38.040 Development Standards

**23.38.010 Purpose**

The Open Space Zoning District is intended to preserve and enhance public and private open space, natural areas, and improved park and recreational areas. The district is used to implement the General Plan land use designations of Public Parks, Public Open Space/Recreation, and Private Open Space/Recreation.

**23.38.020 Characteristics of the Districts**

The following description of the Open Space Zoning District identifies the characteristic uses, intensity of uses, and level of development intended for the district. Refer to the development regulations for specific standards applicable to the open space district.

**Open Space Land Use (O).** The Open Space Zoning District is applied to lands owned by public and private entities that have been reserved for open space uses such as landscape corridors, habitat mitigation, wetlands, wildlife habitat and corridors, lakes, trails, golf courses, and similar uses. Some quasi-public uses such as recreation centers, nature centers, public golf courses, and joint use facilities may be permitted with approval of a Conditional Use Permit.

**23.38.30 Allowed Uses and Permit Requirements**

Table 23.38-1 below identifies allowed uses for the Open Space Zoning District subject to compliance with Chapter 23.26 (Allowable Land Uses) and all other provisions of this Title. Note: The far right column in the table ("Specific Use Regulations") includes the section number(s) for regulations that apply to the particular use listed, in addition to the other general standards of this Zoning Ordinance. Descriptions of many land use listings can be found in Article VI, Definitions.

**Table 23.38-1  
Allowed Uses and Permit Requirements for Open Space Zoning Districts**

Land Use	P = Use Permitted	CUP = Conditional Use Permit Required	N = Not Permitted
	Permit by Open Space Zoning District		Specific Use Regulations
O			
<b>Agriculture, Resource, and Open Space Use Listings</b>			
Equestrian Facility		CUP	
Resource Protection and Restoration		P	
Resource-Related Recreation		P	



P = Use Permitted	CUP = Conditional Use Permit Required	N = Not Permitted
Land Use	Permit by Open Space Zoning District	Specific Use Regulations
	O	
<b>Recreation, Education, and Public Assembly Use Listings</b>		
Amphitheater	CUP <sup>1</sup>	
Clubs, Lodges, and Private Meeting Halls	CUP <sup>1</sup>	
Community Centers	CUP <sup>1</sup>	
Community Garden	CUP <sup>1</sup>	
Golf Courses/Clubhouse	CUP <sup>1</sup>	
Libraries and Museums	CUP <sup>1</sup>	
Outdoor Commercial Recreation	CUP	
Parks and playgrounds	P	
Recreational Vehicle Parks	CUP	
Religious Institutions	CUP <sup>1</sup>	
Schools	CUP <sup>1</sup>	
<b>Utility, Transportation, and Communication Use Listings</b>		
Bus and Transit Shelters	P	
Parking Facility	CUP	
Telecommunication Facility	CUP	Chapter 23.94
Utility Facility	P	

Notes:

1. Private non-profit and for-profit projects may only be considered when proposed uses are located in conjunction with a public park or other open space area that serves the general public by keeping the open space area open to the public.

**23.38.040 Development Standards**

The development standards listed in Table 23.38-2 below are intended to assist property owners and project designers in understanding the City's minimum requirements and expectations for the Open Space Zoning District.

**Table 23.38-2  
Open Space Zoning District Development Standards**

Development Standard	Open Space Zoning District
	O
Minimum Lot Area	No min.
<b>Setbacks</b>	
Front	25 ft.
Sides, Interior Lot	10 ft.
Street Side, Corner Lot	25 ft.
Rear	25 ft.
<b>Height Limit</b>	
Primary Structures	40 ft.
Landscaping	Refer to Article IV Chapter 23.54
Accessory Structures	Refer to Article IV Chapter 23.46
Lighting	Refer to Article IV Chapter 23.56
Parking	Refer to Article IV Chapter 23.58
Performance Standards	Refer to Article IV Chapter 23.60
Signs	Refer to Article IV Chapter 23.62

**Chapter 23.40 Special Purpose Zoning Districts**

**Sections:**

- 23.40.010 Specific Plan District
- 23.40.020 Special Planning Area District
- 23.40.030 Mobilehome Subdivision District

**23.40.010 Specific Plan District**

- (1) **Purpose.** The purpose of the Specific Plan (SP) District is to designate unique planning areas within the City for which the City Council has adopted or requires adoption of a separate planning document, a Specific Plan, consistent with the General Plan and state law (Government Code Sections 65450 through 65457). Specific Plan purposes, content requirements, and procedures are outlined in Article II Section 23.16.100 (Specific Plans).
- (2) **Designation.** On the Zoning Map, all property within a designated Specific Plan area shall be delineated in a manner similar to that of any other zoning district except that each SP-zoned area shall also bear a number or name that distinguishes it from other Specific Plan areas. The assignment of the SP designation and number or name serves to provide a reference to the corresponding Specific Plan adopted by the City Council. If there are unique zoning regulations and standards applicable to the land area, such provisions will be established in the adopted Specific Plan. The following specific plans have been adopted and designated on the Zoning Map under the following ordinances:
  - (A) East Franklin Specific Plan (adopted 2000)
  - (B) East Elk Grove Specific Plan (adopted February 1996)
  - (C) Laguna Ridge Specific Plan (Ordinance No. 15-204 adopted July 21, 2004)
- (3) **Allowed Uses.** Allowed uses within the Specific Plan area are those listed uses in the Specific Plan.
- (4) **Development Standards.** Development standards within the Specific Plan area are those standards listed in the adopted Specific Plan.

**23.40.020 Special Planning Area District**

- (1) **Purpose.** The purpose of the Special Planning Area (SPA) District is to designate areas for unique and imaginative planning standards and regulations not provided through the application of standard zoning districts. In this sense, each SPA will be the Zoning Code for the properties that it governs. Special Planning Area purposes, content requirements, and procedures are outlined in Section 23.16.100 (Special Planning Area).
- (2) **Designation.** On the Zoning Map, all property within a designated Special Planning Area shall be delineated in a manner similar to that of any other zoning district except that each SPA-zoned area shall also bear a number or name which distinguishes it from other Special Planning Areas. The assignment of the SPA designation and number or name serves to provide a reference to the corresponding Special Planning Area documents and exhibits adopted by the City Council. If there are unique zoning regulations and

standards applicable to the land area, such provisions will be established in the adopted Special Planning Area. The following Special Planning Areas have been adopted and designated on the Zoning Map under the following ordinances:

- (A) Elk Grove Old Town SPA (SPA 5-6-4)
  - (B) Laguna Community/Floodplain SPA (78-SPA-20)
  - (C) Bruceville Road/Calvine Road Area SPA (78-SPA-22)
  - (D) Calvine Industrial Park SPA (83-SPA-2)
  - (E) Elk Grove-Florin and Bond Roads SPA (adopted 1989)
  - (F) Laguna Gateway SPA (Ordinance No SZC 99-0036)
  - (G) Calvine Road/Highway 99 SPA (SPA 5-8-2, Ordinance No SZC 99-0038)
- (3) **Allowed Uses.** Allowed uses within the Special Planning Area are those listed uses in the Special Planning Area.
- (4) **Development Standards.** Development standards within the Special Planning Area are those standards listed in the adopted Special Planning Area.

**23.40.030 Mobilehome Subdivision District**

- (1) **Purpose.** The purpose of the Mobilehome Subdivision (RM-1) District is to provide regulations for the placement of mobilehomes on individual lots within an approved subdivision specifically designed and designated for the sale, not rental, of lots to accommodate mobilehomes as the dwelling unit.
- (2) **Allowed Uses.** The uses permitted in the RM-1 zone shall be those uses specified in the Allowed Uses and Permit Requirements for the Mobilehome Subdivision District table (Table 23.40-1) below.

**Table 23.40-1  
Allowed Uses and Permit Requirements for the Mobilehome Subdivision District**

P = Use Permitted	CUP = Conditional Use Permit Required	N = Not Permitted
Land Use	RM-1	Specific Use Regulations
<b>Residential Use Listings</b>		
Dwelling, Multifamily	P	
Dwelling, Single Family	P	
Dwelling, Two-Family	P	
Home Occupations	P	Chapter 23.82
Mobilehome	P	

P = Use Permitted	GUP = Conditional Use Permit Required	N = Not Permitted
Land Use	RM-1	Specific Use Regulations
<b>Recreation, Education, and Public Assembly Use Listings</b>		
Parks and Playgrounds	P	
Public Safety Facility	P	
<b>Utility, Transportation, and Communication Use Listings</b>		
Bus Shelters	P	
Public Safety Facility	P	
Telecommunication Facility	P	Chapter 23.94
Utility Facility	P	
Utility Infrastructure	P	

- (3) **Development Standards.** The minimum net area, lot width and public street frontage of each lot in the RM-1 zone shall be as set forth below. The public street frontage for lots fronting on a curved street or on the curved portion of a cul de sac street may be measured along an arc located within the front fifty feet of the lot, and based on a center point coincidental with the center point of the street curve. If such arc is further than twenty feet from the right of way line of the street, that arc will be considered the front yard setback line of the lot.
- (4) **Yards.** No building, structure or mobilehome nor the enlargement of any building, structure or mobilehome shall hereafter be erected or moved onto property in the RM-1 zone unless the following yards are provided and maintained.
  - (A) **Front Yard.** There shall be a front yard depth of not less than 20 feet. No recreation vehicles, trailers, or boats shall be stored or parked in said front yard, except for in the driveway.
  - (B) **Rear Yard.** There shall be a rear yard depth of not less than 20 feet. On a corner lot the rear yard may be provided opposite the side street yard instead of at the narrow end of the lot provided the combined area of the substituted rear yard and the interior side yard shall not be less than the area which would be required for the area of a normal rear yard and interior side yard. The resulting interior side yard at the narrow end of the lot shall not be less than ten feet. On an interior lot the minimum depth of the required rear yard may be reduced to ten feet if an equivalent or greater amount of space is added to the required side yard area so that the combined total area of the rear and side yards is equal to or greater than the minimum area which would otherwise be required for the combined rear and side yards.
  - (C) **Side Yard.** There shall be a side yard of not less than five feet for one-story buildings and mobilehomes and seven and one half feet for two-story buildings and mobilehomes.

- (D) **Side Street Yard:** On corner lots there shall be a side street yard of not less than fifteen all single family detached mobilehomes and accessory structures. All other buildings shall provide side street yards of not less than 25 feet.
- (5) **Roofed Area.** The total roofed area including mobilehomes, accessory buildings, ramadas, canopies, carports, and awnings shall not exceed 50 percent of the net area of the lot.

## Chapter 23.42 Overlay/Combining Districts

### Sections:

- 23.42.010 Purpose
- 23.42.020 Designation of Overlay/Combining Districts
- 23.42.030 Multifamily Overlay District
- 23.42.040 Flood Combining District
- 23.42.050 Mobilehome Park Combining District
- 23.42.060 Rural Commercial Combining Zone)
- 23.42.070 Surface Mining Combining District

### 23.42.010 Purpose

The overlay/combining zoning districts established by this Title supplement the use regulations and/or development standards of the applicable underlying base zone, where important site, neighborhood, or area characteristics require particular attention in project planning. In the event of a conflict with the regulations of the underlying base zoning district and the overlay/combining zoning district, the provisions of the overlay/combining zoning district shall govern. The provisions of this chapter shall apply to all projects located in a designated overlay/combining zoning district. Overlay/combining zoning district(s) shall be designated by representative symbol on the zoning map along with the base zoning district with which it is combined.

### 23.42.020 Designation of Overlay/Combining Districts

Overlay zoning district(s) shall be designated by representative symbol on the Zoning Map along with the base zoning district with which it is combined.

### 23.42.030 Multifamily Overlay District

- (1) **Purpose and Intent.** The purpose of the Multifamily Overlay Zone (MF) is to implement the General Plan by establishing opportunities for multifamily housing in specified locations throughout the City. This overlay zone supplements the allowed uses and development standards of the underlying zoning district. The intent is to allow multifamily development in conjunction with or exclusive of non-residential uses permitted in the underlying zoning district to which it is applied.
- (2) **Applicability of Multifamily Overlay Zoning (MF) District.** The (MF) appearing after a zone abbreviation on the Comprehensive Zoning Map indicates that the property so classified is subject to the provisions of this Article in addition to those of the underlying zone.
- (3) **Permitted Uses.** In addition to the permitted uses in the underlying zoning district, the multifamily overlay district establishes multifamily residential use as a permitted use. For the purpose of this section, multifamily development means three or more attached units. The approving authority may consider detached single family residential projects in the multifamily overlay district if the approving authority finds that the project furthers the City's affordable housing goals as specified in the General Plan. Multifamily development within this district may occur independent of other uses or in conjunction with other non-residential uses permitted in the underlying zoning district (e.g., mixed use with commercial on the ground floor, residential use above).

- (4) **Development Standards.** Multifamily residential uses shall be permitted with a minimum density of 15.1 dwelling units to the acre and a maximum density of 30 dwelling units to the acre. Additional density may be granted in accordance with the State density bonus provision and Chapter 23.50 (Density Bonus). All multifamily projects shall be subject to the development standards as listed in Table 23.30-2D. For mixed-use development, the development shall comply with the development standards for the underlying zoning district. The opportunity for special provisions for mixed-use development shall be considered in conjunction with the Design Review process.
- (5) **Design Review Required.** Design Review is required for all multifamily development within the multifamily overlay zone pursuant to Section 23.16.080 (Design Review). Projects with less than 150 units may be approved by the Planning Director and projects with 150 units or more shall be subject to Planning Commission review and approval.

#### 23.42.040 Flood Combining District

- (1) **Purpose.** The Flood (F) Combining District as shown on the Zoning Map is intended to comprise all known land covered by rivers, creeks, and streams and land subject to flooding within the City. In adopting the regulations, the City recognizes that:
- (A) The promotion of the orderly development and beneficial use of lands subject to recurrent flooding is necessary if the potential property damage which results from improper development is to be minimized.
  - (B) There is a need to protect current and future occupants of land subject to flooding from the physical damage of flooding.
  - (C) The health, general welfare and safety of the public of the City as a whole requires that lands subject to flooding be strictly regulated as to the uses permitted on the land and the amount of open space which separate buildings and structures.
  - (D) Inundation frequently causes extensive property damage.
  - (E) Strict regulation of flood lands is necessary to protect prospective buyers of land from deception as to the utility of the land within the flood zones.
- (2) **Restrictions.** No building, structure, vehicle, sign, or area in any base zone with which the F District is combined shall be used, nor shall any building, structure, sign, or vehicle be erected, altered, moved, enlarged, or stored in any base zone with which the F District is combined, except as hereinafter specifically provided in this Chapter or elsewhere in this Code; nor shall any area, building, structure, vehicle, or sign be used in any manner so as to create problems inimical to the public health, safety, or general welfare, or so as to constitute a public nuisance. Any building, structure, vehicle, sign, or lot, or the use of any building, structure, vehicle, or lot in any base zone with which the F District is combined shall be regulated and governed by the provisions of this Article, the regulations and provisions applicable to such base zone, and other applicable regulations of the Zoning Code. To the extent of any conflict between the provisions of the base zone with which the F District is combined, the provisions of this Article shall prevail.



- (3) **Elevations.** No building or structure designed for human habitation shall hereafter be erected, altered, moved or enlarged with a first floor elevation lower than required by the City's Drainage Ordinance, and regulations adopted pursuant thereto.
- (4) **Development Standards.** Minimum lot area and lot width shall be consistent with the underlying base zoning district.

#### 23.42.050 Mobilehome Park Combining District

- (1) **Purpose.** The Mobilehome Park (MHP) Combining District is designed to provide for the development of mobilehome parks, as defined in Article VI, Definitions. When combined with the underlying zone, it will provide opportunity for a variety of mobilehome park environments that are compatible with the communities in which they are placed. In adopting these regulations, the City recognizes that:
  - (A) There is a need to afford present and future City residents with increased options for residential living environments.
  - (B) Mobilehome parks are a potential means for affordable housing.
  - (C) Mobilehome park densities should be consistent with densities in surrounding areas.
  - (D) There should be opportunities for design flexibility to permit mobilehome park developments to be responsive to different site conditions, community plan considerations, potential markets, and sizes of mobilehomes.
- (2) **Applicability.** The MHP District may be combined with any residential underlying zone and is required for the development of all new mobilehome park projects.
- (3) **Allowed Uses and Permit Requirements.** Table 23.42-1 identifies allowed uses for the MHP Combining District subject to compliance with Chapter 23.26 (Allowable Land Uses) and all other provisions of this Title. Note: The far right column in the table ("Specific Use Regulations") includes the section number(s) for regulations that apply to the particular use listed, in addition to the other general standards of this Zoning Ordinance.
- (4) Design Review is required for all new mobilehome parks pursuant to Section 23.16.080 (Design Review). In addition to the standard submittal requirements, Design Review applications for mobilehome parks shall show individual site conditions, reflect the type of market to be served, and be adaptable to the trends in design of mobilehomes. Site planning should utilize terrain, existing trees, shrubs and rock formations and ought to reflect the recommendations enumerated below:
  - (A) Amenities. Include provision for facilities and amenities appropriate to the needs of the occupants.
  - (B) Arrangement of Structures and Facilities. The site, including mobilehome stands, patios, structures, and all improvements, should be harmoniously and efficiently organized in relation to topography, the shape of the plot, and the shape, size, and position of structures and common facilities. (Attention should be given to use, appearance, and livability.)

**Table 23.42-1  
Allowed Uses and Permit Requirements for Mobilehome Park Combining District**

<b>P = Use Permitted</b>	<b>CUP = Conditional Use Permit Required</b>	<b>N = Not Permitted</b>
<b>Land Use</b>	<b>MHP District</b>	<b>Specific Use Regulations</b>
<b>Residential Use Listings</b>		
Caretaker Housing	P	
Dwelling, Single Family	P	
Dwelling, Two-Family	P	
Mobilehome	P	
Mobilehome Park	CUP	
<b>Agriculture, Resource, and Open Space Use Listings</b>		
Resource Protection and Restoration	P	
Resource-Related Recreation	P	
<b>Recreation, Education, and Public Assembly Use Listings</b>		
Clubs, Lodges, and Private Meeting Halls	CUP <sup>1</sup>	
Community Centers	CUP <sup>1</sup>	
Community Garden	P <sup>1</sup>	
Golf Courses/Country Club	CUP <sup>1</sup>	
Recreational Vehicle Parks	CUP	
<b>Utility, Transportation, and Communication Use Listings</b>		
Bus and Transit Shelters and Stations	P	
Telecommunication Facility	CUP	Chapter 23.94
Utility Facility	P	
<b>Retail, Service, and Office Listings</b>		
Child Day Care Facility	CUP <sup>1</sup>	
Offices – Accessory to Primary Use	CUP <sup>1</sup>	
Recycling Facility – Small Collection Facility	P	
Restaurants - Accessory Cafeteria	CUP <sup>1</sup>	

Notes:

1. Permitted as part of the mobilehome park development available to residents and guests.

- (C) Adaption to Site Assets. The mobilehome unit should be fitted to the terrain with a minimum disturbance of the land. Existing trees, rock formations, and other natural site features should be preserved if practical. Favorable views or outlooks ought to be emphasized by the plan.
  - (D) Protection from Adverse Influences. Adequate protection should be provided against any undesirable off site views or any adverse influence (such as heavy commercial or industrial use, heavy traffic, or brightly lighted activities) from adjoining streets and areas.
  - (E) Site Plan. The site plan shall provide for a desirable residential environment for mobilehomes which is an asset to the community in which it is located. Innovation and imaginative design shall be encouraged, monotony avoided.
  - (F) Suitability of Site Improvements. All site improvements shall be appropriate to the type of development and durable under the use and maintenance contemplated.
- (5) **Development Standards.** The development standards listed below are intended to assist property owners and project designers in understanding the City's minimum requirements and expectations for mobilehome park development. The Designated Approving Authority will review any relevant development applications against these standards to determine compliance with applicable zoning regulations. Additional standards are listed below the table.

**Table 23.42-2  
Mobilehome Park Combining District Development Standards**

Development Standard	MHP
<b>Minimum Lot Area</b>	
Mobilehome Park	5 acres
Individual Mobilehome Site <sup>1</sup>	2,940 sf/site
Maximum Density	Consistent with underlying zone <sup>2</sup>
Lot Coverage (individual sites)	75%
Minimum Park Area	5 acres (net)
Front yard setback (landscaped)	20 ft.
Interior yard setback (landscaped)	10 ft.
<b>Mobilehome Site Setback Distance</b>	
Internal street setback distance	5 ft.
Distance between mobilehome structures	10 ft. <sup>3,4</sup>
Distance between mobilehomes and interior lot lines or property lines	3 ft.
Distance between mobilehomes and detached accessory structures	10 ft. <sup>4</sup>
Minimum Width of Street Frontage	60 ft.
Water Supply	Public water supply <sup>5</sup>
Sanitation Facility	Public sanitary sewerage
Landscaping	Refer to Article IV Chapter 23.54
Lighting	Refer to Article IV Chapter 23.56

<b>Development Standard</b>	<b>MHP</b>
Parking	Refer to Article IV Chapter 23.58
Performance Standards	Refer to Article IV Chapter 23.60
Signs	Refer to Article IV Chapter 23.62

**Notes:**

1. All lots shall be numbered, clearly defined and marked at all corners with permanent markers.
2. The City may permit increased densities up to 50 percent over the maximum permitted by the underlying zone when it finds that at least 15 percent of the lots are designed exclusively for the placement of singlewide mobilehomes.
3. Distance is side to side. If side to rear, minimum setback is eight feet. If rear to rear, minimum setback is 6 feet.
4. Overhangs may encroach into required setback as long as a minimum of 6 feet is maintained between all portions of the structures.
5. On and off site fire hydrants and fire protection facilities shall be installed as specified in the development plan and shall be of a type approved by the chief of the local fire protection district.

(6) **Management.** Every mobilehome park community shall be properly managed to ensure maintenance of common facilities and to ensure individual home sites are developed and maintained in accordance with recorded rules and regulations for the park.

(7) **Site Use and Improvements.** Each mobilehome shall be located on an approved mobilehome site and all mobilehome sites shall be designed to accommodate independent mobilehomes. No mobilehome site shall be used as the location for more than one mobilehome or trailer. Each mobilehome parking area shall be provided with a support structure that complies with both State and City-adopted Building Codes for proper drainage and sanitation. Each mobilhome shall be skirted.

(8) **Parking.** Each mobilehome site shall have at least two improved parking spaces of a minimum size of ten feet by twenty feet. One such space can be provided off the mobilehome site itself. Additionally, a minimum of one guest parking space shall be provided for every eight sites in the park in accordance with provisions of Chapter 23.58 (Parking). Required tenant and guest spaces shall not be used for storage of boats or recreational vehicles. Street parking is prohibited, unless designated spaces are designed and constructed with authorization from the City's Fire Marshal.

(9) **Outdoor Living Area.** Private outdoor living and service space shall be provided on each lot for each mobilehome and be located for privacy and convenience to the occupant. The minimum area shall be at least 300 square feet, with a minimum width of 15 feet.

(10) **Accessory Storage Cabinet Structures.** Each mobilehome site shall be permitted a maximum of two accessory storage cabinet structures, with a maximum combined area of 100 square feet for storage purposes. Accessory structures shall not be located in the front yard of any site and shall be setback a minimum of six feet from the mobilehome structure, with the exception that non-combustible structures need not be setback from the lot lines or mobilehome structure.

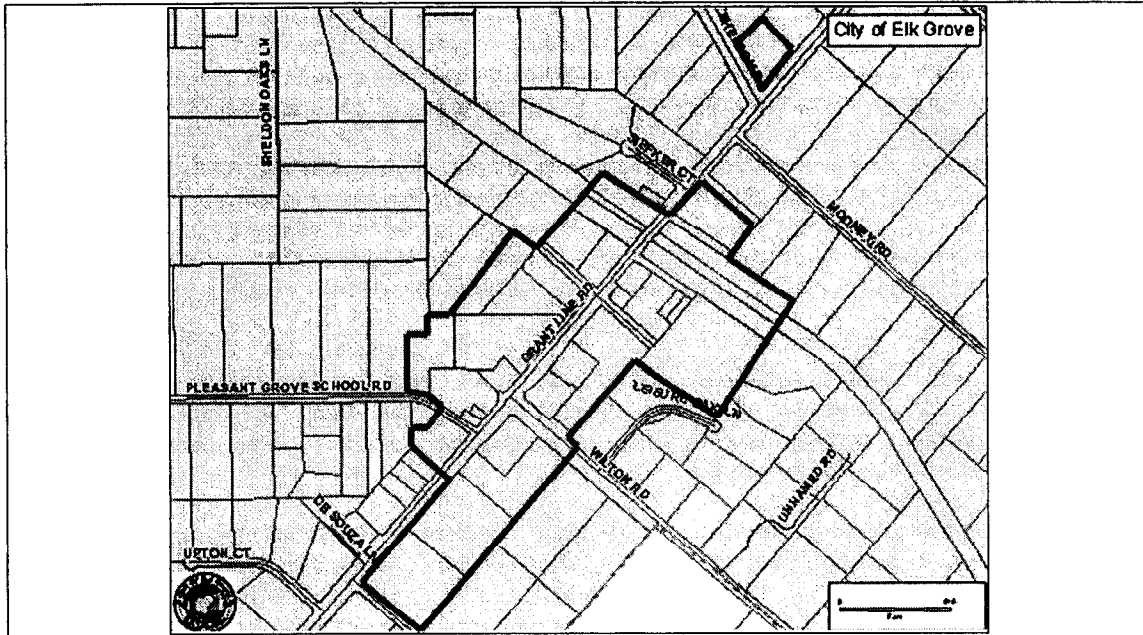
(11) **Walls and fences.** Along the common boundary between a mobilehome park and any single family or two-family zoning district or use, a minimum six-foot-high solid masonry wall shall be constructed to serve as a visual screen and buffer between uses. Screening fences not less than six feet in height shall be installed and maintained around interior laundry yards, refuse collection points for common areas, and playground areas. Neighbor fences between home sites shall not exceed four feet in height.

- (12) **Roadways.** Mobilehome parks shall be developed with a minimum 36-foot wide driveway entrance, a minimum 30-foot cul-de-sac radius, and streets shall be a minimum 30-foot width with no parking on either side, a minimum 33-foot wide where parking is allowed on one side and 42-foot wide where parking is allowed on both sides. Individual mobilehome sites shall have direct access from an interior street and not from a public street outside the park. Mobilehome park roadways and driveways shall be paved and maintained in good repair in accordance with City standards. All such roadway and driveways shall be surfaced and graded in such a manner that the drainage for the mobilehome park shall drain to a centrally located drain or system of drains which shall be connected to the nearest storm sewer or other such system.
- (13) **Landscaping.** All required minimum setback areas around the perimeter of the park shall be permanently landscaped and maintained with ground cover, trees, and shrubs.
- (14) **Utilities.** Unless otherwise specifically authorized by the designated Approving Authority, all utilities providing service to the park shall be placed underground. Equipment appurtenant to the underground facilities (e.g., transformers, meter cabinets) may be placed above ground.
- (15) **Occupancy/Utility Hook-up Inspection.** Prior to change of any unit or initial unit occupancy, the City shall inspect utility hook-ups and verify compliance with required setbacks. Fees for inspection shall be established by Resolution of the City Council.
- (16) **Lighting.** Mobilehome park illumination shall comply with minimum level of illumination required by State law for security purposes and be consistent with Chapter 23.56, (Lighting). Fixtures shall be directed downward and light shall not spill onto abutting property outside of the mobilehome park community.
- (17) **Recreation area.** A recreation area shall be provided and maintained on site at a rate of 200 square feet for each mobilehome unit within the park. Recreation areas include recreation rooms, landscaped buffer zones, walkways, playgrounds, and other similar amenities.

#### **23.42.060 Rural Commercial Combining Zone (RUC)**

- (1) **Purpose.** The Rural Commercial (RUC) Combining Zone as shown on the City's Zoning Map includes all parcels generally located at or near the intersection of Grant Line Road and Wilton Roads that are zoned as either General Commercial (GC), Limited Commercial (LC), or Industrial (M-1), as well as all parcels at or near that intersection that have a General Plan designation of Commercial or Light Industry, as illustrated in the Figure 23.42-1.

**Figure 23.42-1  
Rural Commercial Combining Zone**



(2) **Definitions.**

- (A) Rural Residential area. That area designated "Rural Residential" on the City's General Plan Land Use Map, adopted on November 19, 2003.
- (B) Agricultural – Uses that may be allowed subject to a Conditional Use Permit in the RUC zone for structures between 12,001 and 20,000 square feet are:
- (i) All uses defined as "agricultural" in Table 23.28-1 (Allowed Uses and permit Requirements for Agricultural and Agriculture Residential Zoning Districts)
  - (ii) Animal Hospital and Veterinary Office
  - (iii) Farm Equipment – Rental and Incidental Storage
  - (iv) Hay, Seed and Grain Store
  - (v) Nursery or Greenhouse
- (3) **Applicability.** The (RUC) appearing after a zone abbreviation on the City's adopted Zoning Maps indicates that the property so classified is subject to the provisions of this Article in addition to those of the underlying zone.
- (4) **Prohibition.** No individual building or structure shall be built, altered, expanded, or relocated into the (RUC) combining zone whose footprint exceeds a gross square footage of 12,000 square feet. Agricultural structures, including large-animal veterinary clinics, may be up to 20,000 square feet upon approval of a Conditional Use Permit with

Planning Commission approval. The intent of the prohibition is to limit the mass and scale of individual buildings to ensure compatibility with the rural residential community. It is not intended to diminish the developable square footage per parcel or to limit the list of permissible land uses established by each district in the Zoning Code.

### 23.42.070 Surface Mining Combining District

The City of Elk Grove (hereinafter "City") recognizes that the extraction of minerals is essential to the continued economic being of the City and to the needs of society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. The City also realizes that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and the reclamation operations and the specifications therefore may vary accordingly.

- (1) **Purpose.** The purpose and intent of this Chapter is to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by California's Surface Mining and Reclamation Act of 1975 (Public Resources Code sections 2710 et seq.), as amended, hereinafter referred to as "SMARA, Public Resources Code section 2207 (relating to annual reporting requirements), and State Mining and Geology Board regulations (hereinafter referred to as "State regulations") for surface mining and reclamation practice (California Code of Regulations [CCR], Title 14, Division two, Chapter eight, Subchapter one, Sections 3500 et seq.), to ensure that:
  - (A) Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition that is readily adaptable for alternative land uses.
  - (B) The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.
  - (C) Residual hazards to the public health and safety are eliminated.
- (2) **Definitions.** The definitions set forth in this section shall govern the construction of this chapter.
  - (A) **Area of Regional Significance.** An area designated by the State Mining and Geology Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in a particular region of the State within which the minerals are located and which, if prematurely developed for alternate incompatible land uses, could result in the premature loss of minerals that are of more than local significance.
  - (B) **Area of Statewide Significance.** An area designated by the Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in the State and which, if prematurely developed for alternate incompatible land uses, could result in the permanent loss of minerals that are of more than local or regional significance.
  - (C) **Borrow Pits.** Excavations created by the surface mining of rock, unconsolidated geologic deposits or soil to provide material (borrow) for fill elsewhere.

- (D) Board. The State Mining and Geology Board.
- (E) Compatible Land Uses. Land uses inherently compatible with mining and/or that require a minimum public or private investment in structures, land improvements, and which may allow mining because of the relative economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, very low density residential, geographically extensive but low impact industrial, recreational, agricultural, silvicultural, grazing, and open space.
- (F) Haul Road. A road along which material is transported from the area of excavation to the processing plant or stock pile area of the surface mining operation.
- (G) Idle. Surface mining operations curtailed for a period of one year or more, by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.
- (H) Incompatible Land Uses. Land uses inherently incompatible with mining and/or that require public or private investment in structures, land improvements, and landscaping and that may prevent mining because of the greater economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, high density residential, low density residential with high unit value, public facilities, geographically limited but impact intensive industrial, and commercial.
- (I) Mined Lands. The surface, subsurface, and ground water of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.
- (J) Minerals. Any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.
- (K) Operator. Any person who is engaged in surface mining operations, or who contracts with others to conduct operations on his/her behalf, except a person who is engaged in surface mining operations as an employee with wages as his/her sole compensation.
- (L) Reclamation. The combined process of land treatment that maximizes post-mining land uses and minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed as rapidly as reasonably feasible to an unusable condition which is readily adaptable for alternate land uses and creates no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, re-soiling, re-vegetation, soil compaction, stabilization, or other measures.



- (M) Stream Bed Skimming. Excavation of sand and gravel from stream bed deposits above the mean summer water level or stream bottom, whichever is higher.
- (N) Surface Mining Operation. All, or any part of, the process involved in the mining of mineral on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to, in place distillation or retorting or leaching, the production and disposal of mining waste, prospecting and exploratory activities, borrow pitting, streambed skimming, and segregation and stockpiling of mined materials (and recovery of same).
- (3) **Incorporation by Reference.** The provisions of SMARA (PRC § 2710 et seq.), PRC section 2207, and State regulations CCR § 3500 et seq., as those provisions and regulations may be amended from time to time, are made a part of this Chapter by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this Chapter are more restrictive than correlative State provisions, this Chapter shall prevail.
- (4) **Scope.** Except as provided in this Chapter, no person shall conduct surface mining operations unless a permit, reclamation plan, and financial assurances for reclamation have first been approved by the City. Any applicable exemption from this requirement does not automatically exempt a project or activity from the application of other regulations, ordinances or policies of the City, including but not limited to, the application of CEQA, the requirement of Site Approvals or other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law. The provisions of this Chapter shall apply to all lands within the City, public and private.

This Chapter shall not apply to the following activities, subject to the above-referenced exceptions:

- (A) Excavations or grading related to agricultural activities or on-site construction or for the purpose of restoring land following a flood or natural disaster.
- (B) Onsite excavation and onsite earthmoving activities which are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, and the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:
- (i) All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in accordance with applicable provisions of state law and locally adopted plans and ordinances, including, but not limited to, the California Environmental Quality Act ("CEQA", Public Resources Code, Division 13, § 21000 et seq.);
- (ii) The City's approval of the construction project included consideration of the onsite excavation and onsite earthmoving activities pursuant to CEQA;

- (iii) The approved construction project is consistent with the general plan or zoning of the site; and,
  - (iv) Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.
- (C) Operation of a plant site used for mineral processing, including associated onsite structures, equipment, machines, tools, or other materials, including the onsite stockpiling and onsite recovery of mined materials, subject to all of the following conditions:
- (i) The plant site is located on lands designated for industrial or commercial uses in the City's general plan;
  - (ii) The plant site is located on lands zoned industrial or commercial, or are contained within a zoning category intended exclusively for industrial activities by the City;
  - (iii) None of the minerals being processed is being extracted onsite; and,
  - (iv) All reclamation work has been completed pursuant to the approved Reclamation Plan for any mineral extraction activities that occurred onsite after January 1, 1976.
- (D) Prospecting for, or the extraction of, minerals for commercial purposes and removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.
- (E) Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose.
- (F) Any other surface mining operations that the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances.
- (G) Emergency excavations or grading conducted by the Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, or disasters, or other emergencies.
- (H) Road construction and maintenance for timber or forest operations if the land is owned by the same person or entity, and if the excavation is conducted adjacent to timber or forest operation roads. This exemption is only available if slope stability and erosion are controlled in accordance with Board regulations and, upon closure of the site, the person closing the site implements, where necessary, re-vegetation measures and post-closure uses in consultation with the Department of Forestry and Fire Protection. This exemption does not apply to onsite excavation and grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavations for materials that are, or to excavations for materials that are, or have been sold, for commercial purposes.

- (l) Excavations, grading, or other earthmoving activities in oil or gas field that are integral to, and necessary for, ongoing operations for the extraction of oil or gas that comply with all of the following conditions: (one) the operations are being conducted in accordance with Division three (commencing with Section 3000); (two) the operations are consistent with the City's General Plan and the zoning applicable to the site; (three) the earthmoving activities are within oil or gas field properties under a common owner or operator; and (four) no excavated materials are sold for commercial purposes.
- (5) **Vested Rights.** No person who obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have been made in the operation except in accordance with SMARA, state regulations, and this Chapter. Where a person with vested rights has continued surface mining operations in the same area subsequent to January 1, 1976, he shall obtain City approval of a Reclamation Plan covering the mined lands disturbed by such subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre- and post-Act mining, the Reclamation Plan shall call for reclamation proportional to that disturbance caused by the mining after the effective date of the Act (January 1, 1976).

All other requirements of State law and this Chapter shall apply to vested mining operations.

(6) **Process**

- (A) Applications for a Site Approval or Reclamation Plan for surface mining or land reclamation projects shall be made on forms provided by the Planning Department. Said application shall be filed in accord with this Chapter and procedures to be established by the Planning Director. The forms for Reclamation Plan applications shall require, at a minimum, each of the elements required by SMARA (PRC §§ 2772-2773) and State regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed Reclamation Plan, to be established at the discretion of the Planning Director. As many copies of the Site Approval application as may be required by the Planning Director shall be submitted to the Planning Department.
- (B) As many copies of a Reclamation Plan application as may be required shall be submitted in conjunction with all applications for Site Approvals for surface mining operations. For surface mining operations that are exempt from a Site Approval pursuant to this Chapter, the Reclamation Plan application shall include information concerning the mining operation that is required for processing the Reclamation Plan. All documentation for the Reclamation Plan shall be submitted to the City at one time.
- (C) Applications shall include all required environmental review forms and information prescribed by the Planning Director.
- (D) Upon completion of the environmental review procedure and filing of all documents required by the Planning Director, consideration of the Site Approval or Reclamation Plan for the proposed or existing surface mine shall be completed pursuant to this Section of this Chapter at a public hearing before the Planning Commission, and pursuant to Section 2774 of the Public Resources Code.

- (E) The reclamation plan shall be applicable to a specific property or properties and shall be based upon the character of the surrounding area and such characteristics of the property as the type of overburden, vegetation, soil stability, topography, geology, climate, stream characteristics and principal mineral commodities.
- (F) All reclamation plans shall contain, at a minimum, the following information and documents:
- (i) The estimated time schedule for the beginning and completion of reclamation activities. If the mining operation is to be accomplished in phases, the time schedule shall indicate the estimated beginning and completion of reclamation activities for each phase;
  - (ii) An estimate of the cost of completion of reclamation activities, computed at current cost at the time proposed in the time schedule submitted for completion of the reclamation plan;
  - (iii) A description of the existing vegetation at and surrounding the site;
  - (iv) A general description of the geology of the surrounding area and a detailed description of the geology at the reclamation site;
  - (v) A description of the proposed use or potential uses of land after reclamation, and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses;
  - (vi) A description of the manner in which reclamation, adequate for the proposed use or potential uses, will be accomplished, including:
    - (a) The manner in which mining wastes and related contaminants will be controlled and disposed of;
    - (b) The manner in which affected streambed channels and stream banks will be rehabilitated to a condition minimizing erosion and sedimentation;
  - (vii) An assessment of the effect of implementation of the reclamation plan on future mining in the area;
  - (viii) An assessment of the effect of implementation of the reclamation plan on future mining in the area;
  - (ix) A statement by the applicant that he accepts responsibility for all completed reclamation work for a period of two years or such greater period as deemed necessary by the Planning Commission to assure the permanency of all features of the reclamation plan. This subsection shall not apply to normal maintenance and repairs unrelated to the reclamation work on public facilities where dedicated to and accepted by the City of Elk Grove;
  - (x) Such other information as the Planning Department may require;

- (xi) The Planning Department may waive the filing of one or more of the above items where it is determined unnecessary to process the application subject to the provisions of this chapter.
- (G) Additional information may be required per a planning department form. Where reclamation plans are not filed as a part of a surface mining permit, such plan shall be accompanied by an application for separate reclamation plan approval which contains the following information:
  - (i) The names and addresses of the applicant and the mining operator, if different, and of any persons designated by the applicant as his agents for service of process; and
  - (ii) The names and addresses of all persons owning a possessory and/or mineral interest in any or all of the property to be used for mining operations.
- (H) The Planning Department may deny, without a public hearing, an application for a reclamation plan if such application or plan does not contain the information required in subsection (f) above. The Planning Department may permit the applicant to amend such application.
- (I) Within ten days of acceptance of an application as complete for a Site Approval for surface mining operations and/or a Reclamation Plan, the Planning Department shall notify the State Department of Conservation of the filing of the application(s). Whenever mining operations are proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the Planning Department shall also notify the State Department of Transportation that the application has been received.
- (J) The Planning Department shall process the application(s) through environmental review pursuant to California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) and the City's environmental review guidelines.
- (K) Subsequent to the appropriate environmental review, the Planning Department shall prepare a staff report with recommendations for consideration by the Planning Commission.
- (L) The Planning Commission shall hold at least one noticed public hearing on Site Approval and/or Reclamation Plan.
- (M) Prior to final approval of a Reclamation Plan, financial assurances (as provided in this Chapter), or any amendments to the Reclamation Plan or existing financial assurances, the Planning Commission shall certify to the State Department of Conservation that the Reclamation Plan and/or financial assurance complies with the applicable requirements of State law, and submit the plan, assurance, or amendments to the State Department of Conservation for review. The Planning Commission may conceptually approve the Reclamation Plan and financial assurance before submittal to the State Department of Conservation. If a Site Approval is being processed concurrently with the Reclamation Plan, the Planning Commission may simultaneously also conceptually approve the Site Approval. However, the Planning Commission may defer action on the Site Approval until

taking final action on the Reclamation Plan and financial assurances. If necessary to comply with permit processing deadlines, the Planning Commission may conditionally approve the Site Approval with the Condition that the Planning Department shall not issue the Site Approval for the mining operations until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the Reclamation Plan and financial assurances.

- (N) Pursuant to PRC §2774(d), the state Department of Conservation shall be given 30 days to review and comment on the Reclamation Plan and 45 days to review and comment on the financial assurance. The Planning Commission shall evaluate written comments received, if any, from the State Department of Conservation during the comment periods. Staff shall prepare a written response describing the disposition of the major issues raised by the State for the Planning Commission's approval. In particular, when the Planning Commission's position is at variance with the recommendations and objections raised in the State's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the Planning Commission shall be promptly forwarded to the operator/applicant.

The Planning Commission shall then take action to approve, conditionally approve, or deny the Site Approval and/or Reclamation Plan, and to approve the financial assurances pursuant to PRC §2770(d).

- (O) The Planning Department shall forward a copy of each approved Site Approval for mining operations and/or approved Reclamation Plan, and a copy of the approved financial assurances to the State Department of Conservation. By July one of each year, the Planning Department shall submit to the State Department of Conservation for each active or idle mining operation a copy of the Site Approval or Reclamation Plan amendments, as applicable, or a statement that there have been no changes during the previous year.

**(7) Standards for Reclamation.**

- (A) The Planning Department shall forward a copy of each approved Site Approval for mining operations and/or approved Reclamation Plan, and a copy of the approved financial assurances to the State Department of Conservation. By July 1 of each year, the Planning Department shall submit to the State Department of Conservation for each active or idle mining operation a copy of the Site Approval or Reclamation Plan amendments, as applicable, or a statement that there have been no changes during the previous year.
- (B) The City may impose additional performance standards, including without limitation standards beyond those cited to make the findings in Section 20.04.090, as developed either in review of individual projects, as warranted, or through the formulation and adoption of Citywide performance standards.
- (C) Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations or in

connection with approved or proposed development. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the City. Each phase of reclamation shall be specifically described in the Reclamation Plan and shall include (a) the beginning and expected ending dates for each phase; (b) all reclamation activities required; (c) criteria for measuring completion of specific reclamation activities; and, (d) estimated costs for completion of each phase of reclamation.

(D) Unless otherwise specified in the approved reclamation plan, the reclamation of mined lands shall be carried out in accordance with the following requirements:

(i) Reclamation Timing

- (a) The reclamation of mined lands shall occur as soon as practical following completion of mining operations at successive locations within the mining site as required by the schedule in the approved reclamation plan.
- (b) The reclamation of lands affected by surface mining operations shall be completed within one year of the completion of mining operations, except where the permanent reclaimed condition of mined lands cannot be achieved within one year due to the regulatory approvals (e.g., compliance with the California Environmental Quality Act) required for the ultimate land use contemplated or proposed for the property (e.g., urban development) In such case only interim reclamation, pursuant to section 20.040.070(c), need be accomplished within one year, and final reclamation shall be completed as soon as it is possible to complete the reclamation in compliance with the above regulatory approvals, but in no case, shall reclamation take more than three years,

(ii) Disposal of Overburden and Mining Waste

- (a) Permanent piles or dumps of overburden and waste rock placed on the land shall be made stable, shall not restrict natural drainage without provision for diversion, and shall have an overall smooth or even profile subject to the satisfaction of the City Engineer. Where practical, such permanent piles or dumps shall be located in the least visible location at the mining site.
- (b) Old equipment and inert mining wastes shall be removed or buried subject to the approval of the hearing officer.
- (c) Toxic materials shall be removed from the site or permanently protected to prevent leaching into the underlying groundwater, to the satisfaction of the Planning Department.
- (d) Overburden and mining waste placed beneath the existing or potential groundwater level which will reduce the transmissivity or area through which water may flow shall be confined to an area approved by the City Engineer.

(iii) Re-vegetation

- (a) All permanently exposed lands that have been denuded by mining operations shall be re-vegetated to provide ground cover sufficient to control erosion from such lands.
- (b) All plantings shall be established and maintained in good horticultural condition. The re-vegetation shall be able to survive under natural conditions, with native species used whenever possible.
- (c) Re-vegetation methods shall take into account the topography and existing growth patterns and mixes of flora present at and adjacent to the site of mining operations in order to create a more natural appearance. Plantings shall avoid rigid, geometric patterns and shall utilize natural scatterings.
- (d) Where the ultimate intended or proposed use of mined lands would be a level of development inconsistent with extensive permanent vegetation, the amount of vegetation required for reclamation need not be more than is sufficient to prevent erosion.

(iv) Re-soiling

- (a) Re-soiling measures shall take into consideration the quality of soils which may be required to sustain plant life pursuant to any re-vegetation that the hearing officer may require in its approval of the applicant's reclamation plan.
- (b) Coarse, hard material shall be graded and covered with a layer of finer material or weathered waste. A soil layer shall then be placed on this prepared surface. Where quantities of available soils are inadequate to provide cover, native materials shall be upgraded to the extent feasible for this purpose.

(v) Final Slopes

- (a) Final slopes shall be engineered and contoured so as to be geologically stable, to control the drainage therefrom, and to blend with the surrounding topography where practical. On the advice of the City Engineer, the Planning Department may require the establishment of terrace drains to control drainage and erosion.
- (b) Final slopes shall not be steeper than two feet horizontal to one foot vertical (2:1) unless the applicant can demonstrate to the Planning Department's satisfaction that a steeper slope will not:
  - (1) Reduce the effectiveness of re-vegetation and erosion control measures where they are necessary; and
  - (2) Be incompatible with the alternate future uses approved by the commission for the site; and
  - (3) Be hazardous to persons that may utilize the site under the alternate future uses approved for the site.



(vi) Drainage, Erosion and Sediment Control

- (a) Any temporary stream or watershed diversion shall be restored to its state prior to any surface mining activities unless the Planning Department deems otherwise based on recommendations from the City Engineer.
- (b) Stream bed channels and stream banks affected by surface mining shall be rehabilitated to a condition which would minimize erosion and sedimentation, except that such rehabilitation need not attempt to restore or mimic natural conditions where the contemplated or proposed ultimate use of the reclaimed property would be inconsistent with the maintenance of restored or rehabilitated stream bed channels and stream banks.
- (c) Re-vegetation and re-grading techniques shall be designed and executed so as to minimize erosion and sedimentation. Drainage shall be provided to natural outlets or interior basins designed for water storage, with such basins subject to the approval of the City Engineer. In addition, final excavation shall eliminate potholes and similar catchments so as to prevent potential breeding areas for mosquitoes.
- (d) The final grading and drainage of the site shall be designed in a manner to prevent discharge of sediment above natural levels existent prior to mining operations.
- (e) Silt basins which will store water during periods of surface runoff shall be equipped with sediment control and removal facilities and protected spillways designed to minimize erosion when such basins have outlet to lower ground.
- (f) No condition shall remain after reclamation which will or could lead to degradation of groundwater quality below applicable standards to the Regional Water Quality Control Board or any other agency with jurisdiction over water quality.

(vii) Backfilling and Grading

- (a) Subject to the approval of the City Engineer, backfilled and graded areas shall be compacted to avoid excessive settlement and to the degree necessary to accommodate anticipated future uses.
- (b) Materials used in the refilling shall be of a quality suitable to prevent contamination and/or pollution of groundwater. If materials for backfilling and grading are obtained from an area other than the site of surface mining operations, such materials shall be included and the approximate quantities identified in the applicant's reclamation plan.
- (c) Reservoirs, ponds, lakes or any body of water created as a feature of the reclamation plan shall be approved by the City Engineer and the Planning Department.
- (d) The periodic review of the conditions contained in approved reclamation plans shall be conducted by the Planning Department in accordance with

the schedule adopted at the time such plans were approved. At the time of approval of a permit to mine, the City shall determine whether future public hearings are necessary to consider such new or changed circumstances as physical development near the mining site and improved technological innovations in the field of reclamation which may significantly improve the reclamation process. The City may set a term for such reviews on a case by case basis as a condition of the permit if it deems such a review to be necessary. Should a permit be modified pursuant to such a review, the modified permit and/or reclamation plan shall be binding upon the operator and all successors, heirs and assigns of the applicant.

(8) **Statement of Responsibility.** The person submitting the Reclamation Plan shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the Reclamation Plan. Said statement shall be kept by the Planning Department in the mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to the Planning Department for placement in the permanent record.

(9) **Findings for Approval**

- (A) **Site Approvals.** In addition to any findings required by this Chapter, Site Approvals for surface mining operations shall include a finding that the project complies with the provisions of SMARA and State regulations.
- (B) **Reclamation Plans.** For Reclamation Plans, the following findings shall be required:
- (i) That the Reclamation Plan complies with SMARA §2772 and §2773, and any other applicable provisions;
  - (ii) That the Reclamation Plan complies with applicable requirements of State regulations (CCR§3500-3505, and §3700-3713).
  - (iii) That the Reclamation Plan will restore the mined lands to a usable condition that is readily adaptable for alternative land uses that are consistent with this Chapter and either (i) the City's General Plan and any applicable resource plan or element or (ii) probable future uses anticipated by the City to be adopted in future amendments to the City's General Plan which uses are identified in findings made on approval of the Reclamation Plan.
  - (iv) That the Reclamation Plan has been reviewed pursuant to CEQA and the City environmental review guidelines, and any significant adverse impacts from reclamation of the surface mining operations are mitigated to the extent feasible.
  - (v) That the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site development will compensate for related disturbance to resource values.
  - (vi) That a written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that Department. Where the City's position is at variance with the recommendations and

objections raised by the State Department of Conservation, said response shall address, in detail, why specific comments and suggestions were not accepted.

(10) **Financial Assurances**

- (A) To ensure that the reclamation will proceed in accordance with the approved Reclamation Plan, the City shall require as a condition of approval security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the City and the State Mining and Geology Board as specified in State regulations, and which the City reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved Reclamation Plan. Financial assurances shall be made payable to the City of Rancho Cordova and the State Department of Conservation.
- (B) Financial assurance will be required to ensure compliance with elements of the Reclamation Plan, including but not limited to, re-vegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other measures, if necessary.
- (C) Cost estimates for the financial assurance shall be submitted to the Planning Department for review and approval prior to the operator securing financial assurances. The Planning Director shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the State Department of Conservation does not comment within 45 days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the City has reason to determine that additional costs may be incurred. The Planning Director shall have the discretion to approve the financial assurance, if it meets the requirements of this Chapter, SMARA and State regulations.
- (D) The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved Reclamation Plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities necessary to implement the approved Reclamation Plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with re-vegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved Reclamation Plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of ten percent (10%) shall be added to the cost of the financial assurance.
- (E) In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the City or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.

- (F) The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed (including any maintenance required).
- (G) The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operation, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year.
- (H) Revisions to financial assurances shall be submitted to the Planning Director each year prior to the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required.

**(11) Interim Management Plans**

- (A) Within 90 days of a surface mining operation becoming idle, the operator shall submit to the Planning Department a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA, including but not limited to all Site Approval conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the Planning Department and shall be processed as an amendment to the Reclamation Plan. IMPs shall not be considered a project for the purposes of environmental review.
- (B) Financial assurances for idle operations shall be maintained as though the operation were active.
- (C) Upon receipt of a complete proposed IMP, the Planning Department shall forward the IMP to the State Department of Conservation for review. The IMP shall be submitted to the State Department of Conservation at least 30 days prior to approval by the Planning Commission.
- (D) Within 60 days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Planning Director and the operator, the Planning Commission shall review and approve or deny the IMP in accordance with this Chapter. The operator shall have thirty (30) days, or a longer period mutually agreed upon by the operator and the Planning Director, to submit a revised IMP. The Planning Commission shall approve or deny the revised IMP within 60 days of receipt. If the Planning Commission denies the revised IMP, the operator may appeal that action to the City Council.
- (E) The IMP may remain in effect for a period not to exceed five years, at which time the Planning Commission may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in accordance with its approved Reclamation Plan.

- (12) **Annual Report Requirements.** Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the City Planning Department on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within 30 days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report.
  
- (13) **Inspections.** The Planning Department shall arrange for inspection of a surface mining operation within six months of receipt of the Annual Report required in Section 20.040.120, to determine whether the surface mining operation is in compliance with the approved Site Approval and/or Reclamation Plan, approved financial assurances, and State regulations. In no event shall less than one inspection be conducted in any calendar year. Said inspections may be made by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, or state-registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous 12 months, or other qualified specialists, as selected by the Planning Director. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.  
  
The Planning Department shall notify the State Department of Conservation within thirty (30) days of completion of the inspection that said inspection has been conducted, and shall forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection.
  
- (14) **Violations and Penalties.** If the Planning Director, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this Chapter, the applicable Site Approval, any required permit and/or the Reclamation Plan, the City shall follow the procedures set forth in Public Resources Code, §2774.1 and §2774.2 concerning violations and penalties, as well as those provisions of the City Development Code for revocation and/or abandonment of Site Approval which are not preempted by SMARA.
  
- (15) **Appeals.** Any person aggrieved by an act or determination of the Planning Department in the exercise of the authority granted herein, shall have the right to appeal to the Planning Commission or the City Council, whichever is the next higher authority. An appeal shall be filed on forms provided, within 15 calendar days after the rendition, in writing, of the appealed decision.
  
- (16) **Fees.** The City shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this Chapter and the State regulations, including but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement and compliance. Such fees shall be paid by the operator, as required by the City, at the time of filing of the Site Approval application, Reclamation Plan application, and at such other times as are determined by the City to be appropriate in order to ensure that all reasonable costs of implementing this Chapter are borne by the mining operator.

- (17) **Mineral Resource Protection.** Mine development is encouraged in compatible areas before encroachment of conflicting uses. Except as provided by Public Resources Code section 2763, mineral resource areas that have been classified by the State Department of Conservation's Division of Mines and Geology or designated by the State Mining and Geology Board, as well as existing surface mining operations that remain in compliance with the provisions of this Chapter, shall be protected from the intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible for consistency with the City's General Plan.

In accordance with PRC §2762, the City's General Plan and resource maps will be prepared to reflect mineral information (classification and/or designation reports) within 12 months of receipt from the State Mining and Geology Board of such information. Land use decisions within the City will be guided by information provided on the location of identified mineral resources of regional significance. Conservation and potential development of identified mineral resource areas will be considered and encouraged. Recordation on property titles of the presence of important mineral resources within the identified mineral resource areas may be encouraged as a condition of approval of any development project in the impacted area. Prior to approving a use that would otherwise be incompatible with mineral resource protection, conditions of approval may be applied to encroaching development projects to minimize potential conflicts.

# Title 23 - Zoning



## Article IV

### Site Planning and General Development Regulations

#### Chapters:

- 23.46 Accessory Structures
- 23.47 Billboard Signs
- 23.48 Building Height Measurement and Exceptions
- 23.50 Density Bonus and Other Developer Incentives
- 23.52 Fences and Walls
- 23.54 Landscaping
- 23.56 Lighting
- 23.58 Parking
- 23.60 Performance Standards
- 23.61 Private Party Signs on City Property
- 23.62 Signs on Private Property
- 23.63 Undergrounding of Utilities
- 23.64 Yard Measurements and Projections

#### Revisions:

The following revisions have been made to Article IV of Title 23:

Date of Adoption	Ordinance Number	Subject	Chapter	Page Number

## Chapter 23.46 Accessory Structures

### Sections:

- 23.46.010 Purpose
- 23.46.020 Definitions
- 23.46.030 Permit Requirements and Exceptions
- 23.46.040 Development Standards

### 23.46.010 Purpose

The purpose of this Chapter is to identify and regulate detached accessory structures to ensure that such structures do not create public safety or public nuisance issues, do not create an adverse aesthetic from street right-of-ways, and do not create a negative impact (light, air, drainage, or aesthetic) on surrounding properties.

### 23.46.020 Definitions

For the purposes of this Title, "Accessory Structure" means a detached structure or building which is subordinate to, and the use of which is customarily incidental to, that of the main building, structure, or use on the same lot. The types of accessory structures listed below shall have the meanings respectively ascribed to them in this Chapter.

**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).

**Landscape Feature.** A detached decorative structure typically used in conjunction with plant materials for aesthetic enhancement such as patio trellis covers, pergolas and gazebos with non-solid roof construction, arched trellises, vertical lattice structures, statues, and similar features.

### 23.46.030 Permit Requirements and Exceptions

Except as otherwise exempt below, the majority of accessory structures governed by this Chapter shall go through a simple plan check (Zoning Clearance) at the time a building permit is issued to ensure compliance with applicable regulations. However, in accordance with Section 23.16.080 (Design Review), some larger, enclosed accessory structures may require a Design Review Permit approval to ensure compliance with all applicable provisions of this Title. The following structures shall be exempt from the requirements of this Chapter as specified below and are subject to compliance with all other provisions of this Title.



- (1) Enclosed and/or solid-roofed accessory structures that are 120 square feet or smaller in size with no portion of the structure equal to or greater than eight feet in height. Structures shall not be located in a required front yard. In order to maintain necessary fire breaks, all combustible accessory structures shall be set back a minimum of three feet from side and rear property lines with a minimum six-foot separation between structures.
- (2) Landscape features that are 120 square feet or smaller in size with no portion of the structure equal to or greater than eight feet in height. In order to maintain necessary fire breaks, combustible landscape features shall be set back a minimum of three feet from all interior property lines with a minimum six-foot separation between structures.
- (3) Play equipment. Structures and surfaces used for recreational purposes including play structures, jungle gyms, and sports courts such as tennis and basketball courts.
- (4) Deck/patio. A detached porch or platform that is generally constructed with wood, concrete, or stone that is above the natural grade or located over a basement or story below.
- (5) Pool/spa. Any structure intended for swimming or recreational bathing that contains water over 18 inches deep. Swimming pool includes in-ground and above-ground structures and includes, but is not limited to, hot tubs, spas, portable spas and non-portable wading pools

#### **23.46.040 Development Standards**

- (1) **General Development Standards for All Accessory Structures.** The development standards in this Section are intended to supplement the standards in the underlying zoning district for accessory structures. If similar accessory structures are attached to the main building, the governing regulations shall be as listed in Chapter 23.64 (Yard Requirements and Exceptions). In the event of conflict between these standards and the underlying zoning district regulations, the provisions of this Section shall apply.
  - (A) **Setback Measurement.** Minimum setback distances for accessory structures from property lines and between accessory structures includes all portions of the structure(s) (e.g., overhangs, projections, railings) for the purpose of compliance with minimum structural fire breaks.
  - (B) **Construction Phasing.** Accessory structures may be constructed in conjunction with or subsequent to (but not in advance of) construction of the primary building(s) on the site. Exceptions may be granted in agricultural and agricultural residential zoning districts where accessory structures may be constructed prior to the primary residential dwelling.
- (2) **Development Standards by Type of Accessory Structure.** Table 23.46-1 establishes development standards based on the type of accessory structure as defined in Section 23.46.020 (Definitions). In no event shall the accessory structure(s) collectively exceed a maximum 30 percent coverage of the actual rear yard area. In the agricultural and agricultural residential zoning districts, the maximum coverage for all accessory structures collectively is a maximum of 25 percent of the entire lot.

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

Accessory Structure	Minimum Setback Distance From Property Line			Minimum Distance Between Structures	Maximum Height
	Front	Street Side	Interior (including rear)		
Structures					
Enclosed	1	12.5 ft. <sup>2</sup>	5 ft. <sup>2</sup>	6 ft.	16 ft. <sup>2,3,4</sup>
Solid-roof	1	12.5 ft. <sup>2</sup>	3 ft. <sup>2</sup>	6 ft.	16 ft. <sup>2,3,4</sup>
Landscape Features	No minimum	12.5 ft.	3 ft.	6 ft.	16 ft. <sup>3</sup>

Notes:

1. The minimum setback distance shall be consistent with the minimum setback distance for the primary structure in the underlying zoning district.
2. Enclosed and solid-roofed accessory structures (> 120 square feet) located on agricultural and agricultural residential property shall have a minimum setback from all interior property lines not less than the maximum height of the structure (See Figure 23.46-3).
3. When the accessory structure is located within the building envelope of the primary structure, the maximum height for the accessory structure shall be the same as the primary structure for the underlying zoning district.
4. The maximum height for all accessory structures on agricultural property is 40 feet. See additional development standards in Table 23.28-2 (Agricultural Zoning District Development Standards). However, consistent with Table 23.28-2, water tanks, silos, granaries, and similar structures or necessary mechanical appurtenances may be a maximum height of 65 feet.

**Figure 23.46-1  
Development Standards for Enclosed and Solid Roofed Accessory Structures**

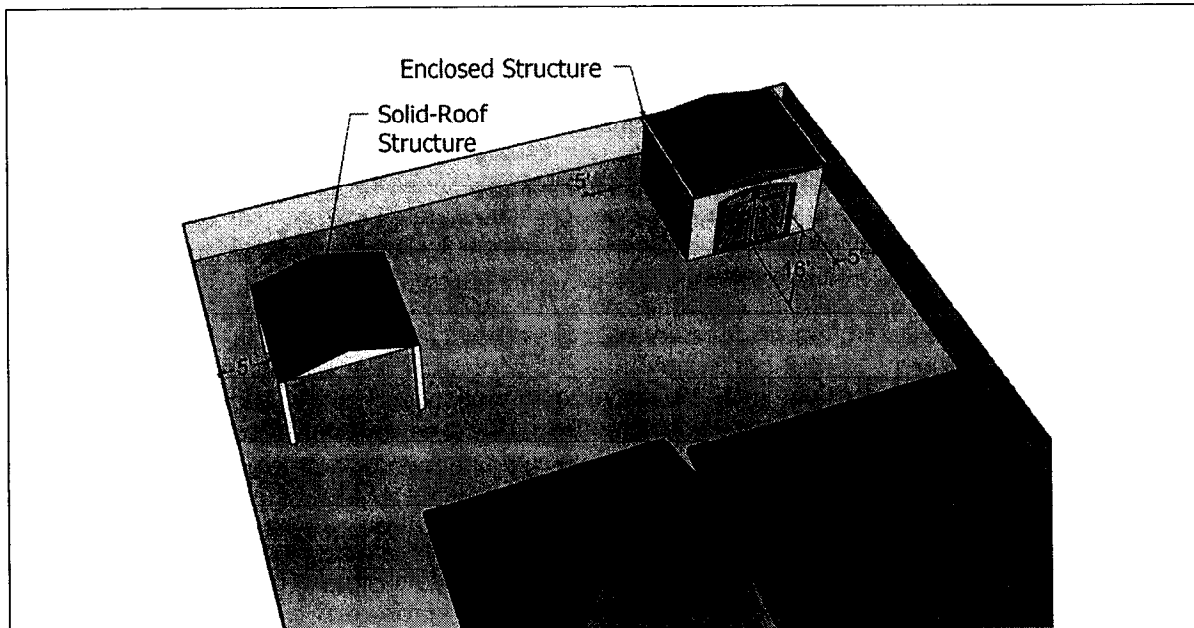


Figure 23.46-2  
Development Standards for Landscape Features

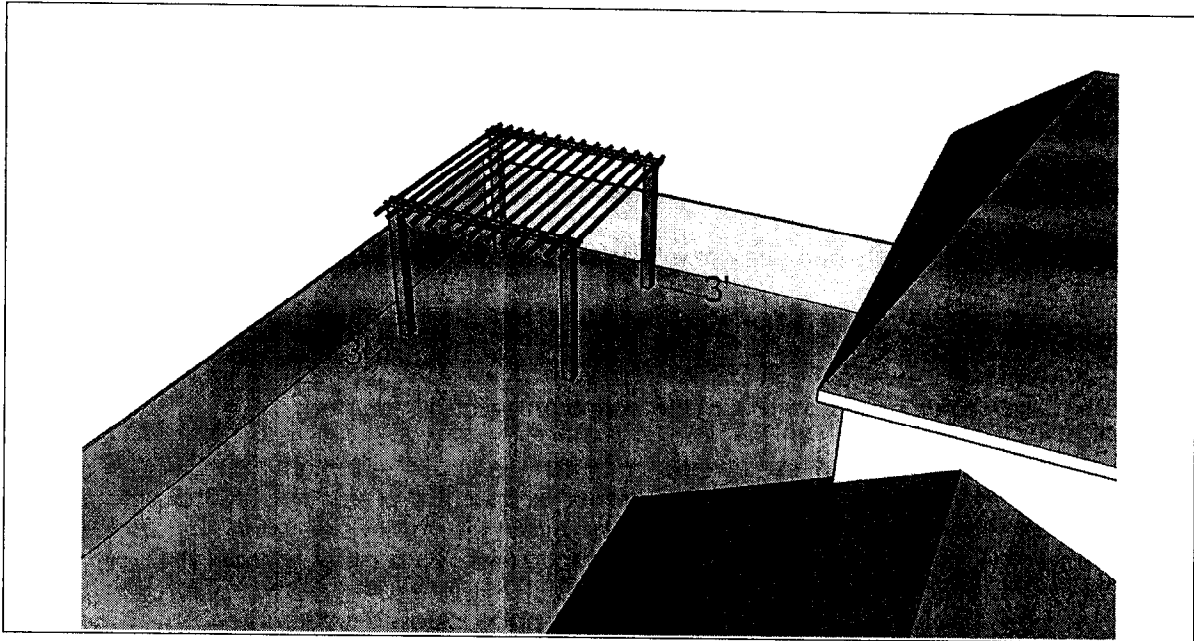
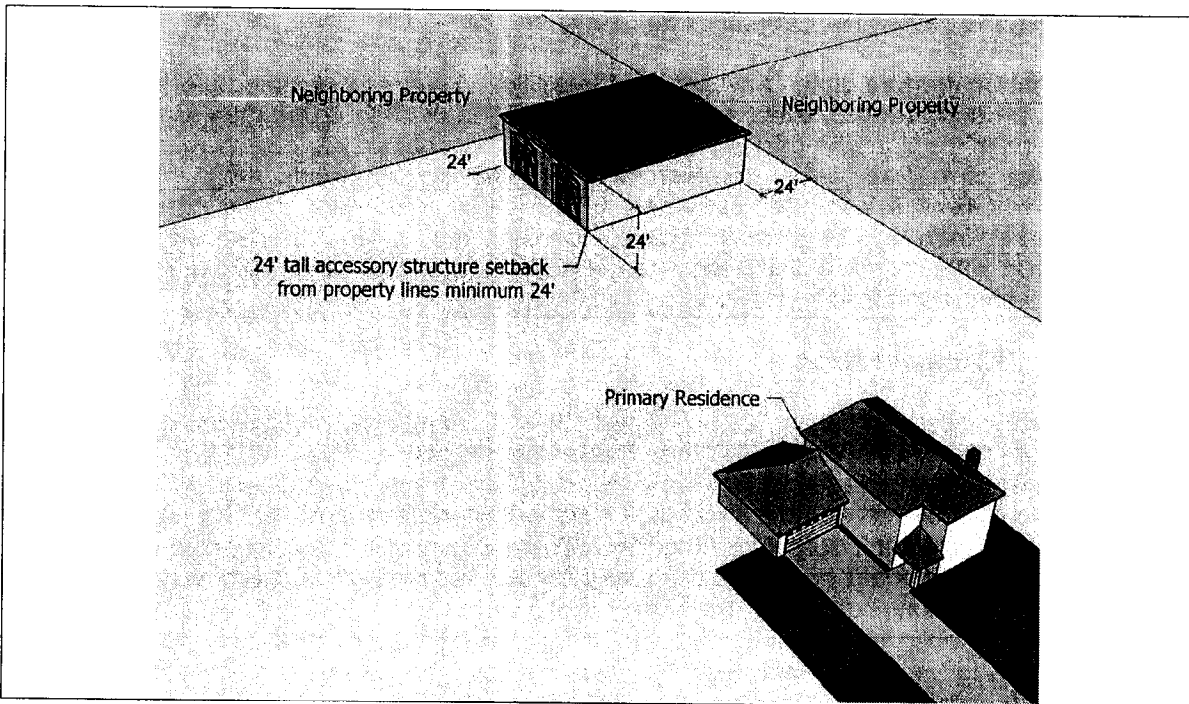


Figure 23.46-3  
Example Setback Regulations on Agricultural and Agricultural Residential Property



**Chapter 23.47 Billboard Signs****Sections:**

- 23.45.010 Definitions
- 23.45.020 Billboard Policy

**23.47.010 Definitions**

For the purpose of this Chapter, the following terms shall have the definitions set forth herein.

**Billboard.** A sign which meets any one or more of the following criteria:

A permanent structure sign which is used for the display of off-site commercial messages;

A permanent structure sign which constitutes a principal, separate or secondary use, as opposed to an accessory use, of the parcel on which it is located;

An outdoor sign used as advertising for hire, e.g., on which display space is made available to parties, other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when such space is on the same parcel as the sign), in exchange for a rent, fee or other consideration; or

An off-site outdoor advertising sign on which space is leased or rented.

**Off-Site or Off-Premise Sign.** A sign that identifies, advertises or attracts attention to a business, product, service, event or activity sold, existing or offered at a different location (subject to the qualifications stated in the definition of "On-Site Sign). The off-site / on-site distinction applies only to commercial messages.

**On-Site or On-Premise Sign.** Any sign that identifies, advertises, or attracts attention to a business, product, service, event or activity sold, existing or offered upon the same property or land use as the sign. The off-site / on-site distinction applies only to commercial messages. In the case of multiple tenant commercial or industrial developments, a sign is considered "onsite" whenever it is located anywhere within the development. In the case of a duly approved Uniform Sign Program or Special Planning Area, a sign anywhere within the area controlled by the Program or SPA may be considered "onsite" when placed at any location within the area controlled by the Program or SPA.

**23.47.020 Billboard Policy**

New billboards, as defined herein, are prohibited. The City completely prohibits the construction, erection or use of any billboards, other than those which legally exist in the City, or for which a valid permit has been issued and has not expired, or which has been approved by the City Council, as of the date on which this provision is first adopted. No permit shall be issued for any billboard which violates this policy, and the City will take immediate enforcement or abatement action against any billboard constructed or maintained in violation of this policy. In adopting this provision, the City Council affirmatively declares that it would have adopted this billboard policy even if it were the only provision in this Article. The City Council intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this Article may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable.

This provision does not prohibit agreements to relocate presently existing, legal billboards, so long as such agreements are not contrary to state or federal law.

**Chapter 23.48 Building Height Measurements and Exceptions****Sections:**

- 23.48.010 Purpose
- 23.48.020 Building Height
- 23.48.030 Height Measurement
- 23.48.040 Exceptions to Height Limit

**23.48.010 Purpose**

This Chapter describes the required methods for measuring the height of structures in compliance with the height limits and exceptions established by this Zoning Ordinance, and exceptions to the height limits established by this Zoning Ordinance.

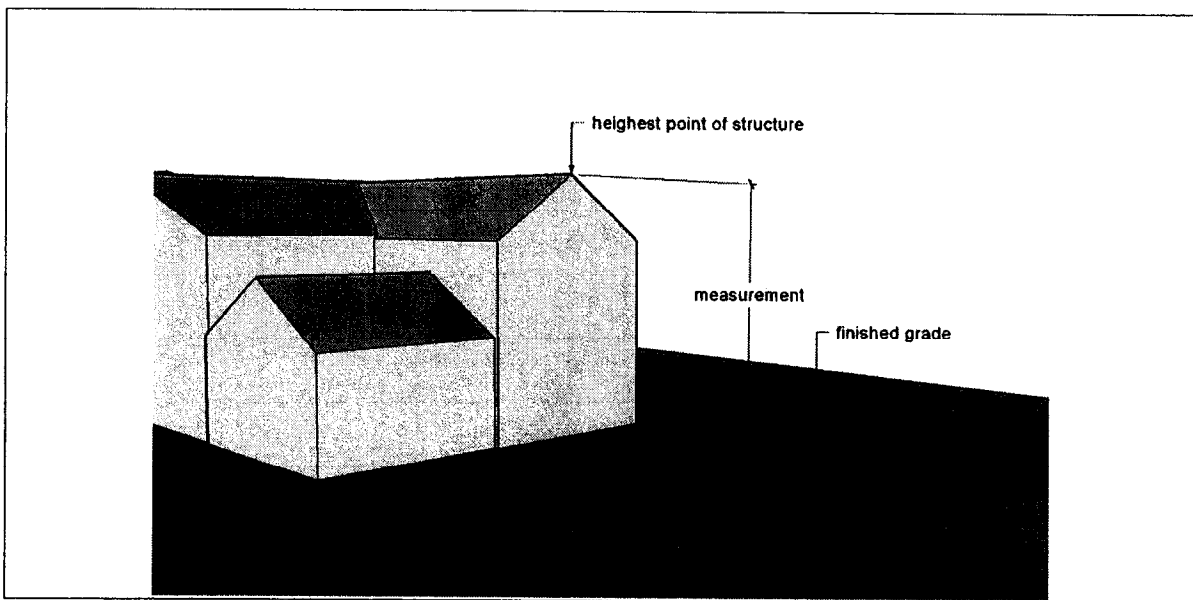
**23.48.020 Building Heights**

- (1) Except as otherwise provided in Section 23.48.040 (Height Exceptions), the height of structures shall not exceed the height limit for the applicable zoning district established by Article III (Land Use Zone, Allowable Uses and Development Standards).
- (2) Additional height provisions for fences and walls are listed in Chapter 23.52 (Fences and Walls).

**23.48.030 Height Measurement**

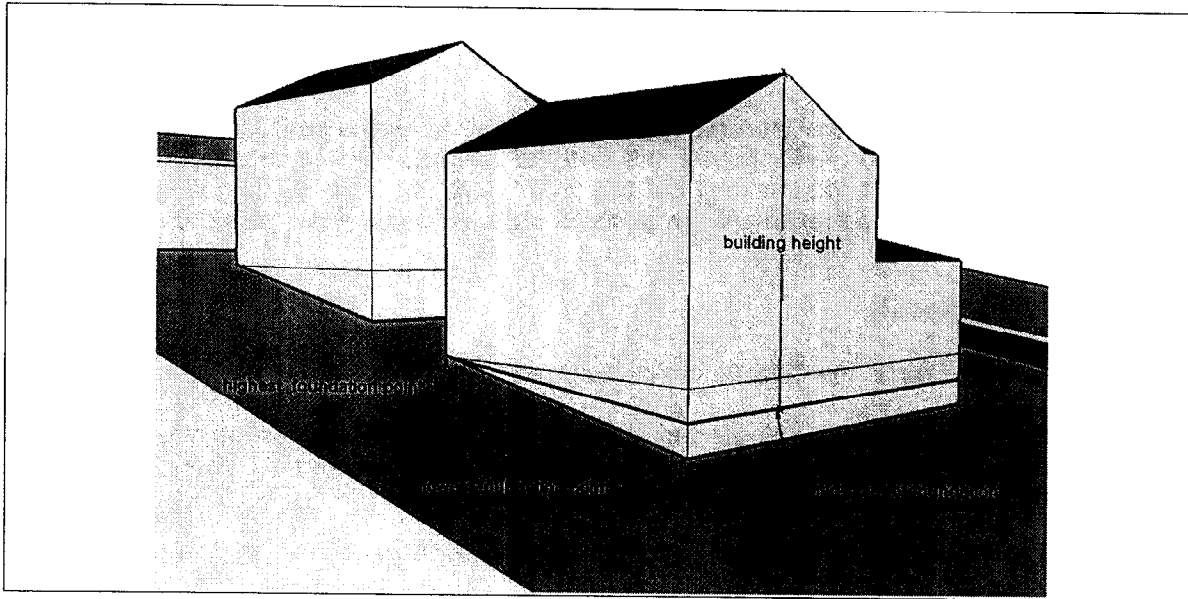
- (1) **Height Measurement.** The allowable height shall be measured as the vertical distance from the finish grade to the highest point of the structure. See Figure 23.48-1 below.

**Figure 23.48-1  
Height Measurements**



- (2) **Height Measurement on Sloped Sites.** For sloped lots or buildings with varied floor elevations, the height of a building is measured as the vertical distance from the average level of the ground under the building to the allowed number of feet above and parallel to the finish grade. The average level of ground is determined by adding the elevations of the highest and lowest foundation points of the building and dividing by two (the mid-point of foundation). See Figure 23.48-2.

Figure 23.48-2  
Height Measurement on Sloped Sites



#### 23.48.040 Exceptions to Height Limit

Exceptions to height limits are listed below.

- (1) **Residential Districts.** Chimneys, television antennas, and 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.
- (2) **Non-residential Districts.** Minor projections, including elevator and mechanical equipment enclosures may exceed the height limit by 15 feet, provided they are screened by a parapet or pitched roof. Additionally, architectural features including clock towers, cupolas, and similar structures may exceed the height limit as listed below. See Chapter 23.94 (Wireless Communications Facilities).
- (A) Up to 20 feet, if located at a street intersection;
- (B) Up to 12 feet, if located midblock. These features shall not exceed a width of 25 feet or one-third of the length of the building façade whichever is less. Signs shall not be included within the additional height allowed.

**Chapter 23.50 Density Bonus and Other Developer Incentives****Sections:**

- 23.50.010 Purpose and Intent
- 23.50.020 Definitions
- 23.50.030 Eligibility for Density Bonus and Other Incentives
- 23.50.040 Types of Density Bonus and Other Incentives Allowed
- 23.50.050 Location of Bonus Units
- 23.50.060 Continued Availability
- 23.50.070 Process and Conditions of Approval

**23.50.010 Purpose and Intent**

This Density Bonus Ordinance is intended to provide incentives for the production of housing for very low, lower income, or senior households and the development of child care facilities. In enacting this Chapter, it is the intent of the City of Elk Grove to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the City's Housing Element.

**23.50.020 Definitions**

The following terms used in this Chapter are defined as follows:

**Affordable Rent.** Monthly housing expenses, including a reasonable allowance for utilities (30 percent of gross monthly income), for rental Target Units reserved for Very Low or Low Income Households, not exceeding the following calculations:

Very Low Income. Fifty percent of the area median income for Sacramento County, adjusted for household size, multiplied by 30 percent, and divided by 12;

Low Income. Sixty percent of the area median income for Sacramento County, adjusted for household size, multiplied by 30 percent, and divided by 12.

**Affordable Sales Price.** A sales price at which Lower or Very Low Income Households can qualify for the purchase of Target Units, calculated on the basis of underwriting standards of mortgage financing available for the development.

**Child Care Facility.** A child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

**Density Bonus.** A density increase of at least 20 percent, unless a lesser percentage is elected by the applicant, over the otherwise maximum allowable residential density.

**Density Bonus Housing Agreement.** A legally binding agreement between a developer and the City of Elk Grove to ensure that the requirements of this Chapter are satisfied.

**Density Bonus Units.** Those residential units granted pursuant to the provisions of this Chapter, which exceed the otherwise Maximum Residential Density for the development site.



**Equivalent Financial Incentive.** A monetary contribution, based upon a land cost per dwelling unit value, equal to one of the following:

- A Density Bonus and an Additional Incentive(s).
- A Density Bonus, where an Additional Incentive(s) is not requested or is determined to be unnecessary.

**Incentives or Concessions.** Regulatory concessions as specified in California Government Code Subsections 65915 (l) to include, but not be limited to, the reduction of site development standards or zoning code requirements, direct financial assistance, approval of mixed-use zoning in conjunction with the Housing Development, or any other regulatory incentive which would result in identifiable, financially sufficient, and actual cost avoidance or reductions that are offered in addition to a Density Bonus.

**Low Income Household.** Households whose income does not exceed the lower income limits applicable to Sacramento County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

**Maximum Residential Density.** The maximum number of residential units permitted by the Elk Grove General Plan Land Use Element and Zoning Ordinance at the time of application

**Persons and Families of Moderate Income.** Households whose income does not exceed the moderate limits applicable to Sacramento County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50093 of the California Health and Safety Code.

**Senior Citizen Housing Development.** A residential development developed, substantially rehabilitated, or substantially renovated for, senior citizens that have at least 35 dwelling units and complies with the requirements of Section 51.3 of the California Civil Code.

**Target Unit.** A dwelling unit within a Housing Development which will be reserved for sale or rent to, and affordable to, Very Low or Lower Income Households, or Qualifying Residents.

**Very Low Income Household.** Households whose income does not exceed the very low income limits applicable to Sacramento County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

### **23.50.030 Eligibility for Density Bonus and Other Incentives**

The City of Elk Grove shall either grant a density bonus and concessions or incentives as set forth in Section 23.50.040 (Types of Density Bonus and Other Incentives Allowed) or provide other incentives or concessions of equivalent financial value based upon the land cost per dwelling unit, when the applicant for the housing development seeks to construct at least any one of the following:

- (1) Ten percent of the total units of a housing development for low income households;
- (2) Five percent of the total units of a housing development for very low income households;

- (3) A senior citizen housing development;
- (4) Ten percent of the total dwelling units in a condominium project as defined in subdivision (f), or in a planned development as defined in subdivision (k), of Section 1351 of the Civil Code, for persons and families of moderate income.

#### **23.50.040 Types of Density Bonus and Other Incentives Allowed**

- (1) **Project specific density bonus.** A housing development that satisfies all applicable provisions of this Chapter shall be entitled to the following density bonus:
  - (A) For developments providing lower income target units, a 20 percent base density bonus plus a one-and-a-half percent supplemental increase over that base for every one percent increase in low-income units above ten percent. The maximum density bonus allowed including supplemental increases is 35 percent;
  - (B) For developments providing very lower income target units, a 20 percent base density bonus plus a two-and-a-half percent supplemental increase over that base for every one percent increase in very low-income units above five percent. The maximum density bonus allowed including supplemental increases is 35 percent;
  - (C) For senior developments, a flat 20 percent density bonus;
  - (D) For condominium/PUD developments providing moderate-income target units a five percent base density bonus plus a one percent increase in moderate-income units above ten percent. The maximum density bonus allowed including supplemental increases is 35 percent.
- (2) **Number of Other Incentives or Concessions.** In addition to the eligible density bonus percentage described above, an applicant may request incentives or concessions in connection with its application for a density bonus:
  - (A) One incentive or concessions for housing developments that include at least ten percent of the total units for lower income households, at least five percent for very low-income households, or at least ten percent for persons or families of moderate income in a condominium or planned development.
  - (B) Two incentives or concessions for housing developments that include at least 20 percent of the total units for lower income households, at least ten percent for very low-income households, or at least 20 percent for persons or families of moderate income in a condominium or planned development.
  - (C) Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low-income households, or at least 30 percent for persons or families of moderate income in a condominium or planned development.
- (3) **Available Incentives and Concessions.** The following incentives and concessions are available for compliance with this Chapter.
  - (A) A reduction in the site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building

standards approved by the California Building Standards Commission as provided in Part 2.5 Section 18907 of Division 13 of Health and Safety Code, including but not limited to, a reduction in setback and square footage requirements and in ratio of vehicle parking spaces that would otherwise be required and that results in identifiable, financially sufficient, and actual cost reductions.

- (B) Approval of mixed-use development in conjunction with the housing development if the non-residential land uses will reduce the cost of the housing development, and the non-residential land uses are compatible with the housing development and surrounding development;
  - (C) Other regulatory incentives or concessions proposed by the applicant or that the City determines will result in identifiable, financially sufficient, and actual cost reductions.
  - (D) Priority processing of a housing development that provides income-restricted units.
- (4) **Denial of Request for Incentives or Concessions.** The City shall grant incentive(s) or concession(s) requested by the applicant unless the City makes a written finding, based upon the substantial evidence, of either of the following:
- (A) The incentive or concession is not required in order to provide for affordable housing costs or affordable rents.
  - (B) The incentive or concession would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon public health and safety or physical environment or any real property that is listed in the California Register of Historical Resources and for which the city determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
- (5) **Density Bonus for Donation of Land.**
- (A) An applicant for a tentative subdivision map, parcel map, or other residential development approval who donates land to the City in accordance with Section 65915(h) of the California Government Code shall receive a 15 percent base density bonus plus a one percent supplemental increase over that base for every one percent increase in land donated above the minimum ten percent. The maximum density bonus allowed including supplemental increases is 35 percent.
  - (B) An applicant shall only be eligible to receive the density bonus described in this subsection if all the conditions listed in subsections (1)-(6) of Section 65915(h) are met.
  - (C) Nothing in this subsection shall be construed to enlarge or diminish the authority of the City to require a developer to donate land as a condition of development.
- (6) **Additional Density Bonus and Incentives or Concessions for Development of Child Care Facility**
- (A) Housing developments meeting the requirements of Section 23.50.030 and including a child care facility that will be located on the premises of, as part of, or adjacent to, the housing development shall receive either of the following:

- (i) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.
  - (ii) An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the child care facility.
- (A) The Density Bonus Housing Agreement for the housing development shall ensure that:
- (i) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the target units are required to remain affordable; and
  - (ii) Of the children who attend the childcare facility, the children of very low income households, lower income households, or persons or families of moderate income shall equal a percentage that is equal to or greater than the percentage of target units that are required pursuant to Section 23.50.030
- (A) The City shall not be required to provide a density bonus or incentive or concession for a child care facility if it makes a written finding, based upon substantial evidence, that the community has adequate child care facilities.

**(7) General Provisions Related to Density Bonuses and Incentive and Concessions.**

- (A) All density calculations resulting in fractional units shall be rounded up to the next whole number.
- (B) The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.
- (C) The density bonus shall not be included when determining the number of housing units that is equal to five or ten percent of the total.
- (D) Upon request by the applicant, the City shall not require that a housing development the requirements of Section 23.050.030 provide a vehicular parking ratio, inclusive of handicapped and guest parking that exceeds the following:
- (i) Zero to one bedrooms: one onsite parking space
  - (ii) Two to three bedrooms: two onsite parking spaces
  - (iii) Four and more bedrooms: two and one-half parking spaces.

If the total number of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subsection, a development may provide "onsite parking" through tandem parking or uncovered parking, but not through on-street parking.

- (E) The City shall not apply any development standard that would have the effect of precluding the construction of a housing development meeting the requirements of Section 23.50.030 at the densities or with the incentives permitted by this Chapter. An

applicant may submit to the City a proposal for the waiver or reduction of development standards. Nothing in this subsection, however, shall be interpreted to require the City to waive or reduce development standards if the waiver or reduction would have a specific adverse , as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which the City determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Furthermore, the applicant shall be required to prove that the waiver or modification is necessary to make the target units economically feasible.

#### **23.50.050 Location of Bonus Units**

As required by State law (California Government Code Section 65915(j)), the location of density bonus units within the housing development may be at the discretion of the developer. However, the inclusionary units shall be reasonably dispersed throughout the development (where feasible), shall contain on average the same number of bedrooms as the non-inclusionary units in the development, and shall be compatible with the design or use of the remaining units in terms of appearance, materials and quality finish.

#### **23.50.060 Continued Availability**

- (1) If a housing development providing lower or very low income target units receives only a density bonus, the target units must remain restricted to lower or very low-income households for a minimum of 30 years from the date of issuance of the Certificate of Occupancy.
- (2) If a housing development providing lower or very low income target units receives both a density bonus and an additional incentive, the target units must remain restricted to lower or very low income households for a minimum of 50 years from the date of issuance of the Certificate of Occupancy.
- (3) In the case of a housing development providing moderate income target units, the initial occupant of the target unit must be a person of family of moderate income. Upon resale, the seller of the target units shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation, which shall be used within three years for any of the purposes described in subdivision (e) of Section 33334.2 of the California Health and Safety Code that promote homeownership. The City's "proportionate share" shall be equal to the percentage by the initial sale price to the moderate income household was less than the fair market value of the home at the time of the initial sale.

#### **23.50.070 Process and Conditions of Approval**

The density bonus request shall be considered by the City Council along with the required Density Bonus Agreement after the Designated Approving Authority approves any necessary permits. The form and content of the Density Bonus Agreement shall be determined by the City.

**Chapter 23.52 Fences and Walls**

**Sections:**

- 23.52.010 Purpose
- 23.52.020 Permit Requirements and Exceptions
- 23.52.030 Location and Height Restrictions
- 23.52.040 Fence and Wall Design Standards
- 23.52.050 Special Fence and Wall Requirements

**23.52.010 Purpose**

This Chapter provides regulations for the installation, construction, and placement of fences on private property. For the purposes of this Zoning Code, the term "fence" includes fences or walls. It is the intent of this Chapter to regulate the height and location of fences to provide light, air, and privacy without obstructing views, to establish buffers between different land uses, and to safeguard against visual obstructions at the intersections of streets and/or driveways.

**23.52.020 Permit Requirements and Exceptions**

Unless otherwise listed as exempt below, Design Review approval shall be required for fences and walls. The following fences and walls are exempt from land use or development permit approval.

- (1) **Retaining Walls.** Retaining walls under 36 inches in height shall not require a permit provided that they are designed and constructed with an appearance similar to the buildings and other structures on the site, with compatible colors, finishes, and materials.
- (2) **Residential Fences.** Fences located on residential property constructed in compliance with the provisions of this Chapter.
- (3) **Required Fences.** The provisions of this Chapter shall not apply to a fence or wall required by any law or regulation of the City (including temporary construction site fencing), State, or any State agency (including the Board of Education).

**23.52.030 Location and Height Restrictions**

- (2) **Maximum Allowed Heights.** Fences and walls shall not exceed the maximum heights shown Table 23.52-1 and Figure 23.52-1.

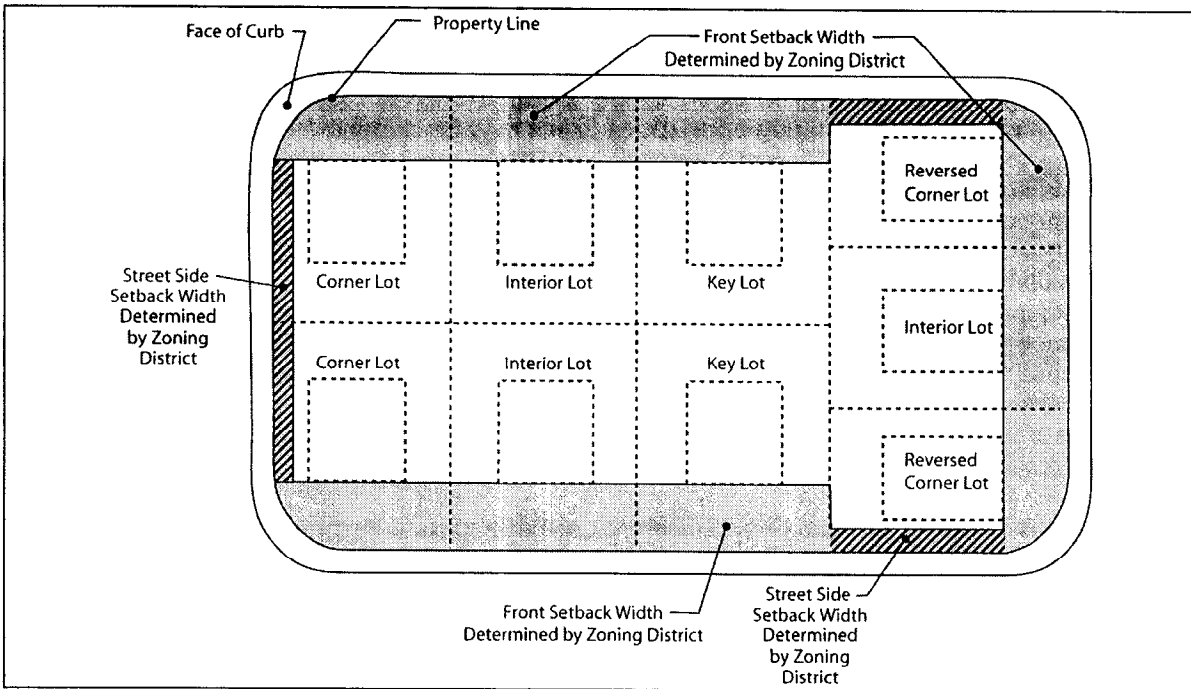
**Table 23.52-1  
Maximum Height of Fences and Walls**

Location of Fence/Wall	Maximum Height <sup>1, 2</sup>
Front setbacks	3 feet
Rear and side setbacks	6 feet
At intersections of streets, alleys, and driveways within the clear visibility area	30 inches

Notes:

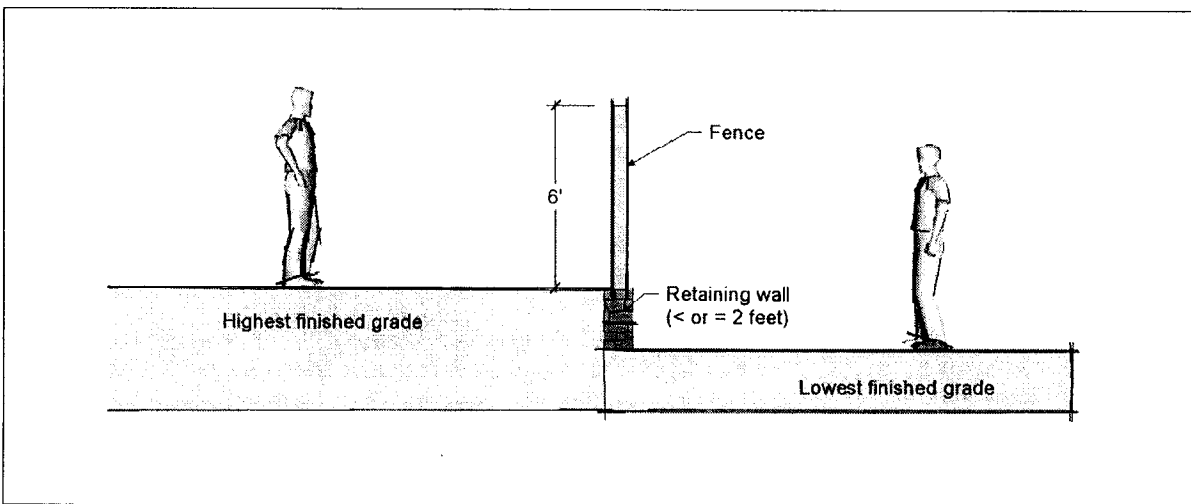
- 1. As part of Design Review or other discretionary entitlement, the Designated Approving Authority may grant additional height to enclose or screen specific areas or uses or for fences and walls designed for noise attenuation.
- 2. Agricultural and Agricultural-Residential zoning districts are excluded from the front yard fence height limitation for fences used for agricultural purposes (e.g. livestock). Also see Section 23.52.050 (3).

**Figure: 23.52-1**  
**Front and Street Side Setback Areas with 3-Foot Fence Height Limits**



- (2) **Height Measurement.** Fence height shall be measured from the finished grade at the base of the fence to the uppermost part of the fence; except when there is a difference in the ground level between two adjoining parcels of two feet or more, the maximum allowed height of a fence or wall shall be determined by the Planning Director. See Figure 23.52-2.

**Figure: 23.52-2**  
**Measurement of Fence Height on Parcels with Different Elevations**



**23.52.040 Fence and Wall Design Standards**

- (1) **Open View Fencing.** Where fencing is proposed along public frontages of non-residential and multifamily projects, such fencing shall be open view unless otherwise required to be solid for noise attenuation. Open view fencing shall also be required when located adjacent to open space areas. However, open view fencing for side yards of corner lots abutting open space areas may be designed with privacy fencing.
- (2) **Fencing Materials.** Fences and walls shall be constructed of attractive, long-lasting materials (e.g., masonry, wood, or stone).
- (3) **Prohibited Fencing Materials.** Unless approved as a condition of approval or in conjunction with another entitlement, walls or fences 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. Barbed wire fencing shall not be constructed or placed on top of a fence except in agricultural, open space, or industrial areas. A Conditional Use Permit is required for barbed wire fencing abutting residential or commercial uses.
- (4) **Graffiti-Resistant Surface.** Graffiti-resistant aesthetic surface treatment, appropriate to the location, shall be required for all masonry walls.
- (5) A six-foot tall solid masonry or similar solid wall is required between non-residential and residential uses.

**23.52.050 Special Fence and Wall Requirements**

- (1) **Screening of Outdoor Storage.** Outdoor storage (including all dumpsters, commercial items, commercial construction or industrial related materials and equipment within commercial zones) shall be screened in a manner that is attractive and complementary to the principal use and/or structure that it serves. Such screening shall utilize enclosures such as, but not limited to, fences, walls, landscaping, or earthen berms, so that no outdoor storage is visible from any public right-of way, parks, public trails and adjacent properties. Screening shall also comply with provisions of the City's Design Guidelines.
- (2) **Special Fencing for Industrial Use.** In industrial zones, company vehicles less than one ton do not require screening and may be parked behind the required landscape area with or without security fencing, as set forth in this article. Company vehicles, exceeding one ton that are permitted on the public highways and used in the daily operation of the company may be parked within the buildable portion of the lot without screen fencing.
- (3) **Special Fencing for Agricultural Zones.** All fences which enclose livestock in areas zoned for agriculture shall be constructed of an adequate height and shall be designed so as to control and contain such livestock at all times.
- (4) **Special fencing for Commercial/Residential/Agricultural zones.** Commercial uses shall be screened from adjacent residential and agricultural zones by a masonry wall with a minimum height of six feet to screen the commercial use. This requirement is not intended to preclude the development of pedestrian/bicycle access points between commercial and residential or agricultural zones.



- (5) **Temporary Fences.** Nothing in this Chapter shall be deemed to prohibit the erection of a temporary fence around construction projects in compliance with the Building Code and other applicable provisions of the City Code.
- (6) **Maintenance.** Fences and walls shall be continuously maintained in an orderly and good condition, at no more than their maximum allowed height.

## Chapter 23.54 Landscaping

### Sections:

- 23.54.010 Purpose
- 23.54.020 Applicability
- 23.54.030 Landscape Plan Requirements
- 23.54.040 Landscape Development Standards
- 23.54.050 Special Landscape Provisions
- 23.54.060 Irrigation
- 23.54.070 Maintenance

### 23.54.010 Purpose

The purpose of this Chapter is to establish minimum landscape standards to enhance the appearance of developments, reduce heat and glare, control soil erosion, conserve water, establish a buffer and/or screen between residential and non-residential land uses, and to ensure the ongoing maintenance of landscape areas. Additional provisions regarding tree removal and replacement are listed in Article 6, Title 3-301 of the Municipal Code and in the City's adopted Design Guidelines.

### 23.54.020 Applicability

The provisions of this Chapter apply to all land uses as follows

- (1) **New projects.** New nonresidential projects, multifamily residential projects, and single family residential subdivisions shall provide landscaping in compliance with the requirements of this Chapter.
- (2) **Existing development.** Where an existing non-residential development proposes an amendment that increases the building square footage by ten percent or more, the designated approving authority for Design Review shall evaluate the existing landscape to insure compliance with applicable provisions of this Chapter as deemed necessary.
- (3) **Alternative requirements.** In conjunction with a development application, the designated approving authority may grant modifications to the standards of this Chapter to accommodate alternatives to required landscape materials or methods where the designated approving authority first determines that the proposed alternative will be equally effective in achieving the intent of this Chapter.

### 23.54.030 Landscape Plan Requirements

- (1) **Preliminary landscape plans.** Preliminary landscape plans shall be submitted in conjunction with all Design Review projects. The preliminary landscape plan is a conceptual plan that depicts general descriptions of types, locations, and quantities of planned landscaping and shall be prepared by a landscape architect registered to practice in the State of California. Submittal requirements are listed on the current permit application forms.
- (2) **Final landscape and irrigation plans.** Final landscape and irrigation plans shall be submitted in conjunction with improvement plans prior to the issuance of building permits for all new development projects. Such plans shall be prepared by a landscape

architect registered to practice in the State of California. Submittal requirements are listed on the current permit application forms. Changes to approved landscaping or irrigation plans shall not be made without prior written approval of the Planning Director. The construction/installation of landscape and irrigation improvements shall be accomplished in compliance with the approved plans as a prerequisite to any final approval/clearance of the use or development to which it relates.

**23.54.040 Landscape Development Standards**

- (1) **General Location for Landscape Improvements.** Landscaping shall be provided in the following locations for all types of developments, unless the designated Approving Authority determines that the required landscape is not necessary to fulfill the purposes of this Chapter. Supplemental landscape design provisions are listed in the City of Elk Grove Design Guidelines.
  - (A) **Setbacks.** All setback areas required by this Title shall be landscaped in compliance with this Chapter, except where a required setback is occupied by a sidewalk or driveway, or is enclosed and screened from abutting public rights-of-way. Required setbacks and minimum landscape areas are listed in Table 23.54-1 below.
  - (B) **Unused Areas.** All areas of a multifamily or non-residential project site not intended for a specific use (including areas planned for future phases of a phased development), shall be landscaped with existing natural vegetation, wild flowers, native grasses or similar.
  - (C) **Parking Areas.** Within parking lots, landscaping shall be used for shade and climate control, to enhance project design, and to screen the visual impact of vehicles and large expanses of pavement consistent with the provisions of this Chapter.
- (2) **Landscape Area Requirements by Zoning District.** Minimum landscape area requirements are listed below by zoning district consistent with Article III (Zoning Districts, Allowed Land Uses, and Development Standards). This table does not apply to agriculture and agriculture-residential zoning districts.

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

Zoning Districts	Minimum Landscape Coverage <sup>1</sup>	Minimum Landscape Planter Width		
		Abutting Street <sup>2</sup>	Abutting Interior Property Line <sup>3</sup>	Abutting Residential Property
<b>Residential</b>				
RD-1 – RD-7		4		
RD-10 – RD-15		No minimum <sup>4</sup>		
RD-20 - RD-30	20 %	20 ft.	10 ft.	10 ft.
<b>Commercial</b>				
LC, BP	15 %	10 ft.	6 ft.	10 ft.
GC, SC	20 %	10 ft.	6 ft.	10 ft.

Zoning Districts	Minimum Landscape Coverage <sup>1</sup>	Minimum Landscape Planter Width		
		Abutting Street <sup>2</sup>	Abutting Interior Property Line <sup>3</sup>	Abutting Residential Property
TC, CO	15 %	10 ft.	6 ft.	10 ft.
AC	10 %	10 ft.	6 ft.	10 ft.
<b>Industrial</b>				
MP,	15 %	25 ft.	6 ft.	25 ft.
M-1, M-2	15 %	10 ft.	6 ft.	25 ft.

Notes:

1. Minimum landscape coverage required is the minimum percentage of net lot area that must be maintained with a pervious surface, preferably landscape planting.
2. Listed planter widths are minimums. Established landscape corridors may be wider than the listed minimum, in which case the requirement is to comply with the landscape corridor provisions for a particular street and/or area.
3. Standards apply to interior property lines along the perimeter of the project site and is not intended to require landscaping between parcels of an integrated development. The designated Approving Authority may grant reductions to the minimum landscape planter width where low commercial properties adjoin to encourage improved access and circulation and to eliminate duplicate planting requirements.
4. Minimum setback and corresponding landscape standards to be determined in conjunction with required Design Review application.

(3) **Landscape Design and Planting Requirements.** Landscape design and construction for new development shall be compatible with the surrounding urban and natural environment. Landscape planting for all new multifamily and non-residential development shall comply with the plant type, size, and spacing provisions listed below.

(A) Landscape design. Landscaping shall be designed as an integral part of the overall site plan with the purpose of enhancing building design, public views and spaces, and providing buffers, transitions, and screening.

(i) Planting design shall have focal points at project entries, plaza areas, and other areas of interest using distinct planting and/or landscape features.

(ii) As appropriate, building and site design shall include use of pots, vases, wall planters, and/or raised planters, as well as flowering vines both on walls and arbors.

(B) Plant type. Landscape planting shall include drought-tolerant, ornamental, and native species (especially along natural corridors), shall complement the architectural design of structures on the site, and shall be suitable for the soil and climatic conditions specific to the site.

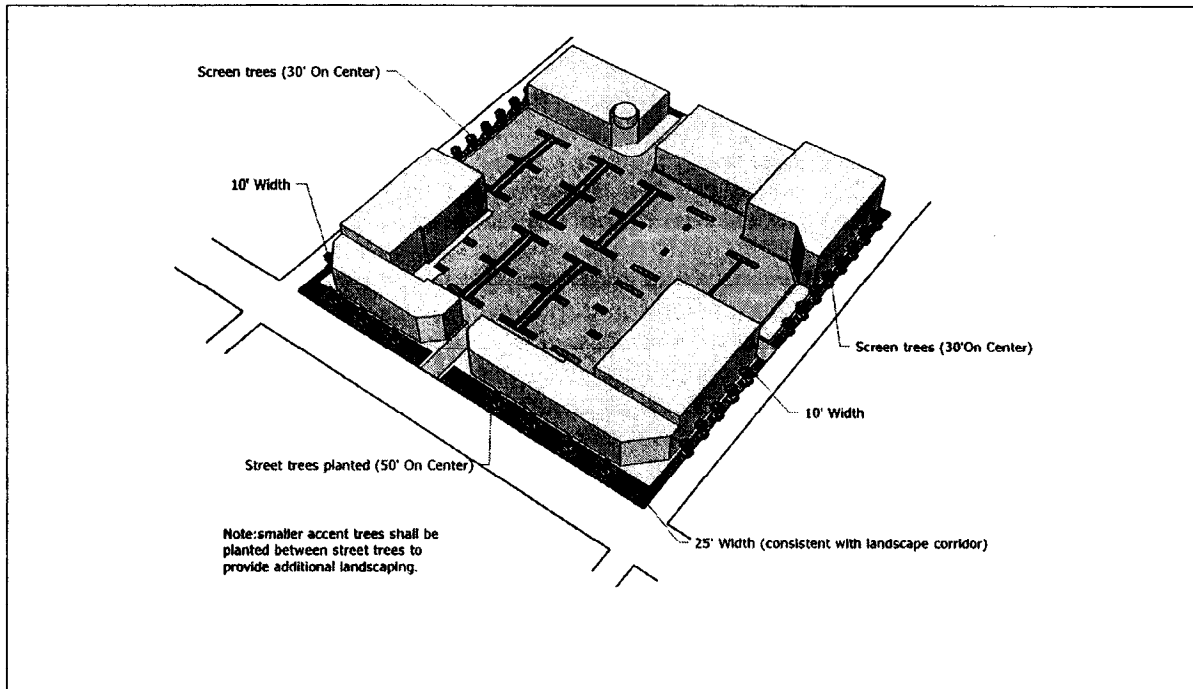
(i) Planting layout and plant diversity. Plant selection shall vary in type and planting pattern. Informal planting patterns are preferred over uniform and entirely symmetrical planting patterns. Use of flowering trees and colorful planting are encouraged in conjunction with evergreen species. Groupings of shrubs shall contain multiple plant types, interspersed with varying heights and blooming seasons for year-round interest.

- (ii) Water-Efficient Landscape. Consistent with the purposes of California Government Code Section 65591 (Water Conservation in Landscaping Act), all new multifamily and non-residential development shall comply with the City's current Water Efficient Landscape Ordinance.
  - (iii) Street and parking lot trees. Street and parking lot trees shall be selected from the City's adopted master list of street trees and parking lot trees. A minimum of 30 percent of the street trees and parking lot trees, respectively, shall be an evergreen species.
  - (iv) Trees planted within ten feet of a street, sidewalk, paved trail, or walkway shall be a deep-rooted species or shall be separated from hardscapes by a root barrier to prevent physical damage to public improvements.
- (C) Planting size, spacing, and planter widths. In order to achieve an immediate effect of a landscape installation and to allow sustained growth of planting materials, minimum plant material sizes, plant spacing, and minimum planter widths (inside measurement) are as follows:
- (i) Trees. The minimum planting size for trees shall be 15-gallon and one-third (33%) of all trees on a project site planted at a minimum 24-inch-box size. For non-residential development, tree spacing within the perimeter planters along streets and abutting residential property shall be planted no further apart on center than the mature diameter of the proposed species. Minimum planter widths for trees shall be between five and ten feet, consistent with the City-adopted Master Tree List for street trees and parking lot trees.
  - (ii) Shrubs. Shrub planting shall be a minimum five-gallon size, with 15-gallon minimum size required where an immediate landscape screen is conditioned by the designated Approving Authority (e.g., screening of headlights from drive-through aisles). When planted to serve as a hedge or screen, shrubs shall be planted with two to four feet of spacing, depending on the plant species.
  - (iii) Groundcover. Plants used for mass planting may be grown in flats of up to 64 plants or in individual one-gallon containers. Rooted cuttings from flats shall be planted no further apart than 12 inches on-center, and containerized woody, shrub groundcover plantings shall be planted no further apart than three feet on-center in order to achieve full coverage within one year. Minimum planter width for groundcover is two feet, with the exception of sod, which requires a minimum planter width of six feet.
  - (iv) Additional spacing provisions. Tree spacing shall ensure unobstructed access for vehicles and pedestrians and provide clear vision at intersections. Specifically, tree planting shall comply with the following spacing criteria:
    - (a) Trees or shrubs with a full-grown height equal to or greater than 30 inches shall not be planted in any clear-vision triangle.
    - (b) A minimum distance of 15 feet is required between the center of trees and shrubs to street light standards.

**23.54.050 Special Landscape Provisions**

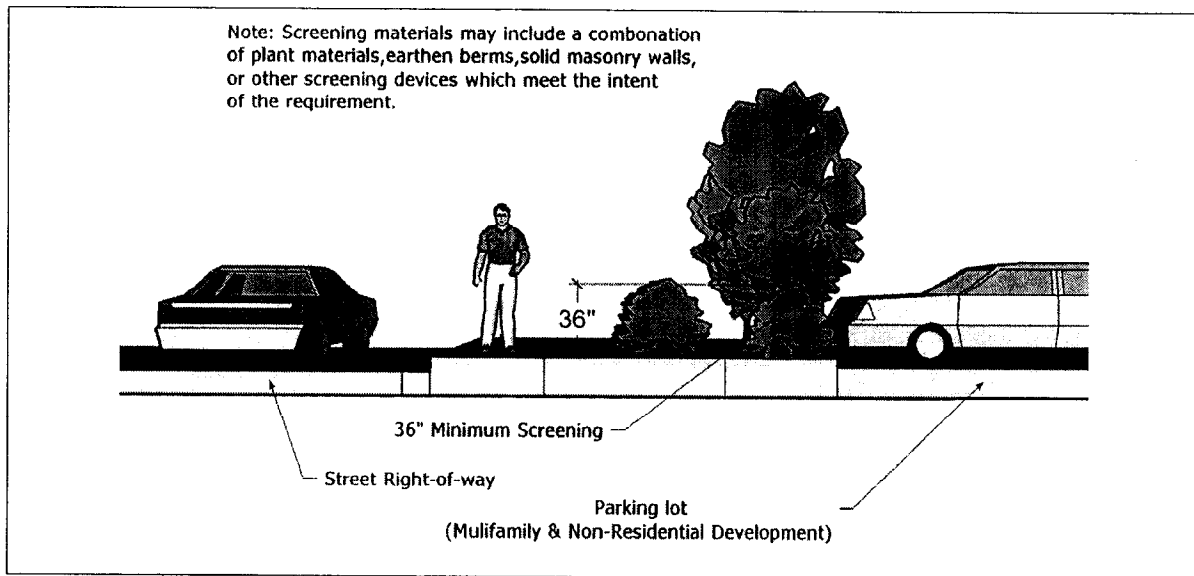
- (1) **Perimeter Landscape.** Minimum width of perimeter landscape along adjoining streets and interior property lines are identified in Table 23.54 above. Within the perimeter landscape planter adjoining all streets, street trees shall be planted at a maximum spacing of 50 lineal feet on center, located 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 a minimum of 12 trees and ten shrubs for each 100 lineal feet of landscape area.
- (2) **Residential Landscape.** For single family and two family residential zoning districts, a minimum of 25 percent of the net lot area and 40 percent of the front yard area shall be pervious surface.
- (3) **Parking Lot Landscape.** Parking lot landscape includes perimeter planters abutting parking lots and drive aisles, tree planting for parking lot shade, and a combination of continuous planting strips, planting fingers and parking islands throughout the parking lot. See Figure 23.54-1.

**Figure: 23.54-1  
Parking Lot and Corresponding Landscape Design**



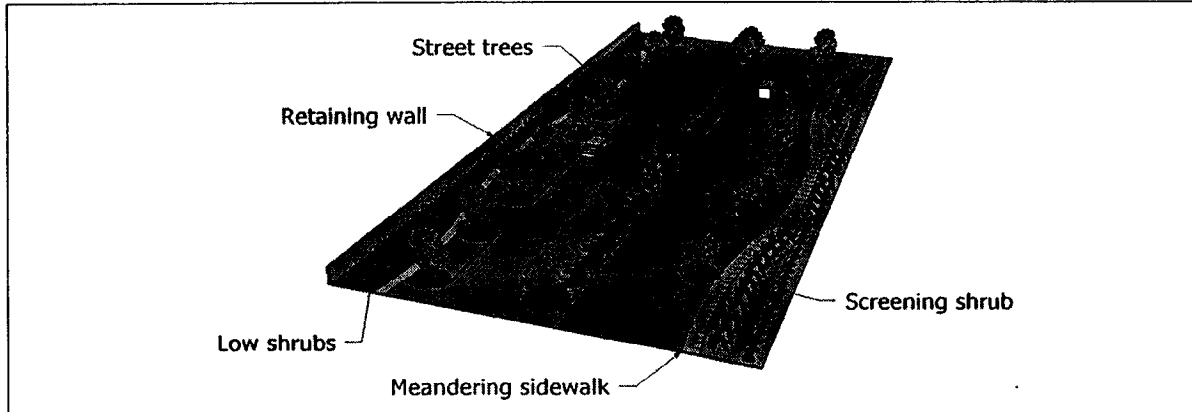
- (A) In addition to the perimeter landscaping required by this Chapter, parking lots of five spaces or more shall provide a landscaped island measuring a minimum of eight feet by 16 feet at a ratio of one island for every 8 spaces. As a minimum, the islands shall be placed every ten spaces.
- (B) All landscaping shall be within planters bounded by a curb at least six (6) inches high. No planter shall be smaller than twenty-five (25) square feet, excluding curbing. Each planter shall include an irrigation system.
- (4) **Parking Lot Screening.** Landscaping within the perimeter planter abutting any street right-of-way shall be designed and maintained for partial screening of vehicles to a minimum height of 36 inches, measured from the finished grade of the parking lot. Screening materials may include a combination of plant materials, earthen berms, solid masonry walls, raised planters, or other screening devices authorized by the designated Approving Authority, which meet the intent of this screening requirement. See Figure 23.54-2 below. Earthen berms shall be constructed with slopes no steeper than one vertical foot for each five horizontal feet (20 percent slope), with a preferable two-foot-wide crest on top of the mound.

**Figure: 23.54-2  
Parking Lot Screening**



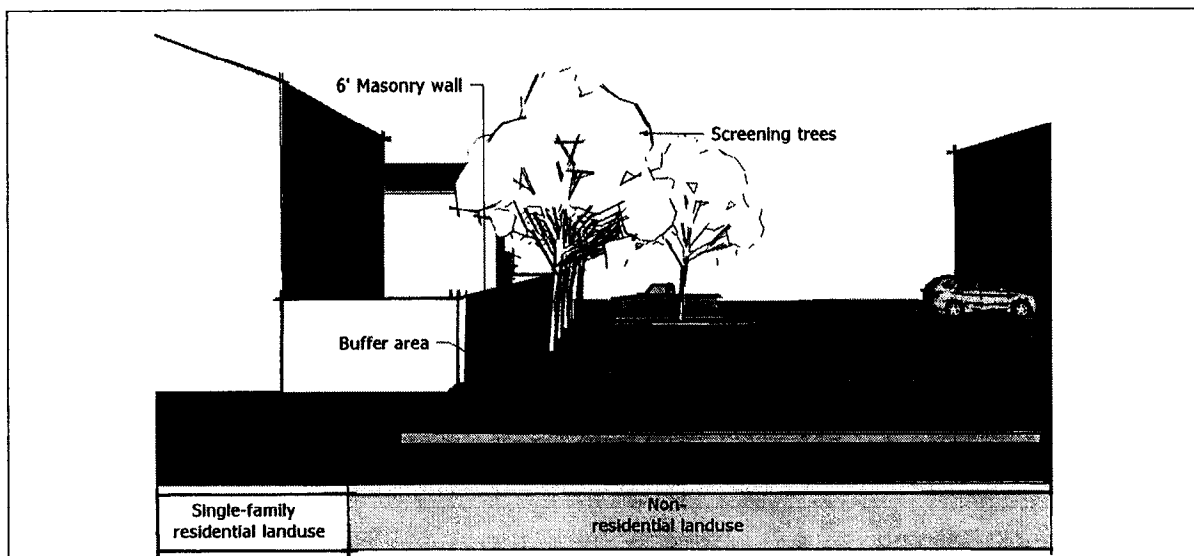
- (5) **Landscape Corridors.** Existing sidewalks (except at street intersections) and bus turnouts, may meander from a minimum of five feet setback to a maximum of 20 feet from the edge of pavement. The parkway area between the public street and the sidewalk shall be landscaped and planted with a street tree at least every 50 feet. The parkway shall be a minimum of eight feet in width for the location of the street tree. See Figure 23.54-3 below.

Figure: 23.54-3  
Landscape Corridors



- (6) **Project Entry Landscaping.** Entries to multi-tenant projects shall be designed as special statements reflective of the character and scale of the project in order to establish identity for tenants, visitors, and patrons. Flowering access plantings and specimen trees shall be used to reinforce the entry statement.
- (7) **Buffering Between Uses.** A landscape buffer shall be provided between residential and non-residential uses and between single family uses and multifamily uses containing three or more units. Buffer areas shall include a minimum ten-foot-wide planter strip with both deciduous and evergreen trees planted a maximum of 30 feet on center (See Figure 23.54-4 below).

Figure: 23.54-4  
Buffering Between Uses





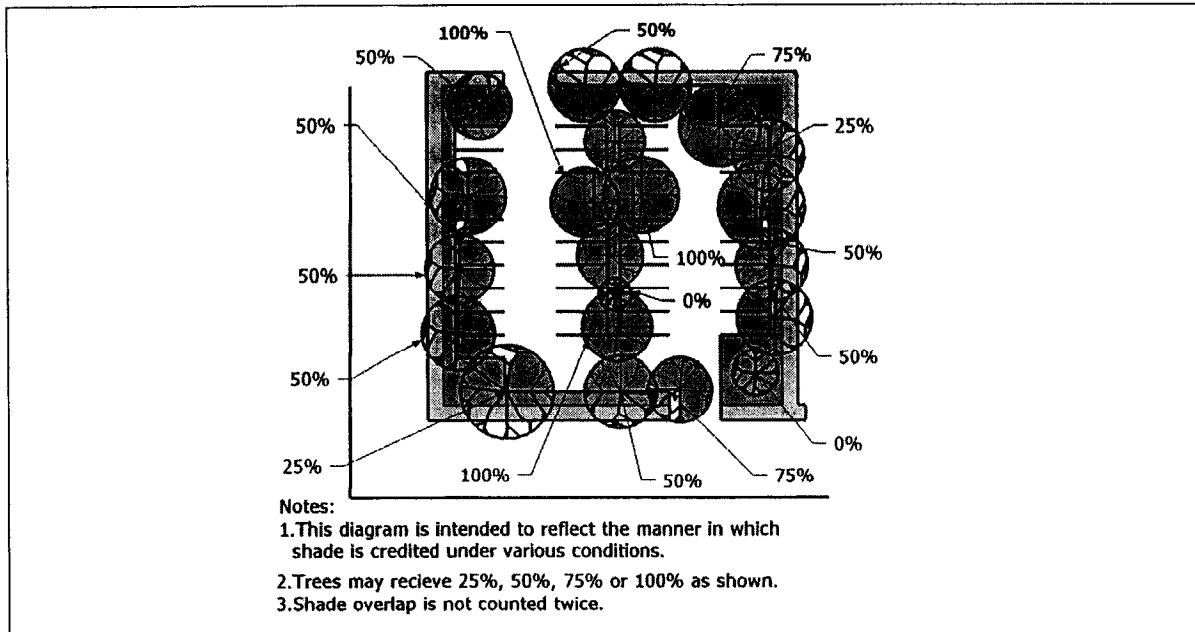
- (8) **Clear Vision Triangle.** Planting materials shall be designed to ensure that planting within the clear vision triangle at driveway and street intersections will not exceed 30 inches in height at full maturity.
- (9) **Sound-walls/Masonry Walls.** Where setback and open space areas are screened from public view by walls or similar approved structures, landscaping shall be provided such that 50 percent of the wall shall be covered by landscape material within five years.
- (10) **Screening of Drive-through Aisles.** In order to screen vehicles in a drive-through lane and associated headlights from view of abutting street rights-of-way, a minimum three-foot tall landscape barrier shall be established along the outer edge of drive-through aisles.
- (11) **Parking Lot Shade Requirement.** Landscape trees throughout the parking lots of multifamily and non-residential developments shall be planted and maintained to ensure that, within 15 years after establishment of the parking lot, a minimum percentage of the parking lot is shaded in accordance with Table 23.54-2

**Table 23.54-2  
Parking Lot Shade Requirements**

Size of Parking Lot by Parking Spaces	% of Shade Requirement
5-24 spaces	30% minimum
25-49 spaces	40% minimum
50+ spaces	50% minimum

Future shade is calculated by adding the portion of the canopy area of each proposed tree (using diameter of the tree crown in 15 years) that is covering the paved lot at high noon, exclusive of overlapping canopies. Shade calculations shall be consistent with the 15-year canopy coverage estimates in the City's Master Tree List for street trees and parking lot trees. See Figure 23.54-5.

Figure: 23.54-5  
Parking Lot Shade Requirements



**23.54.060 Irrigation**

Landscape areas shall be supported by a permanent, automatic irrigation system coordinated to meet the needs of various planting areas. Proper irrigation shall be provided for healthy plant growth and maturation, and shall be designed to avoid the watering of structures, public ways, and pedestrian access.

- (1) Irrigation systems shall be designed to avoid runoff, excessive low head drainage, overspray or other similar conditions where water flows or drifts onto adjacent property, non-irrigated areas, walks, roadways or structures.
- (2) Automatic controllers shall be set to water between 7:00 p. m. and 10:00 a. m. to reduce evaporation.
- (3) An irrigation schedule indicating the four seasons of watering cycles is recommended for all irrigated landscape areas, and is required for those projects with a total landscape area of 2,500 square feet or more.
- (4) Low-volume irrigation systems with automatic controllers shall be required. Low-volume irrigation systems include low-volume sprinkler heads, dry emitters, and bubbler emitters.

**23.54.070 Maintenance**

Maintenance of Landscaped Areas. All landscaped areas shall be permanently maintained by watering, clearing of debris and litter, weeding, pruning, insect control, and replacement of plant materials and irrigation equipment as needed to preserve the health and appearance of plant materials. All landscaping shall be maintained in such a manner as to not restrict

designated pedestrian access. All trees, shrubs, and plants which, due to accident, damage, disease, or other cause, fail to show a healthy growth shall be replaced, in kind, pursuant to the approved landscape plans within 30 days from the identified damage date.

- (1) The owners of all landscaped property shall be responsible for the proper maintenance of the landscaping and irrigation systems.
- (2) If landscaping is not being properly maintained, the property owner shall be notified by the City. If after 30 days from the City's notification the landscaping is still not being maintained, then the city may perform any type of maintenance necessary to insure compliance with this Chapter, the cost of which will be considered a lien on the property until paid in full by the property owner, tenant or their agent, if any.
- (3) The designated Approving Authority may require the applicant post a maintenance bond or other performance assurance for a period not to exceed nine months from the date of issuance of the certificate of occupancy or final installation of plant material, whichever is later, to ensure survival and maintenance of the required landscaping. The Director shall be responsible for establishing the exact sum of the bond, which shall be based upon a responsible replacement cost of all plant materials plus the cost of installation.
- (4) Tree Pruning and Shrub maintenance. Trees and shrubs shall not overhang or encroach upon walkways, drives, parking areas, and traffic signs to the extent that they interfere with the use of these areas. Tree limbs which overhang public sidewalks shall be kept trimmed to a height of at least ten feet above the sidewalk level. Tree limbs which overhang the street shall be kept trimmed to a height of at least 13 feet above the street level.
- (5) Grass and turf shall be kept free of weeds.

**Chapter 23.56      Lighting****Sections:**

- 23.56.010 Purpose
- 23.56.020 Definitions
- 23.56.030 Outdoor Lighting Standards
- 23.56.040 Lighting Prohibited

**23.56.010      Purpose**

The regulations and requirements set forth in this Chapter are intended to promote and protect public health safety and general welfare and promote the preservation of natural nighttime outdoor environment by regulating artificial lighting. In particular, this Chapter is intended to limit glare and light pollution to ensure adequate safety, night vision, and comfort.

**23.56.020      Definitions**

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

**Foot Candle.** A unit of illumination produced on a surface, all points of which are one foot from a uniform point of one candle.

**Full Shielding.** A technique or method of construction which causes all light emitted from an outdoor light fixture to be projected below an imaginary horizontal plane passing through the lowest point on the fixtures from which light is emitted.

**Glare.** Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see and, in extreme cases, causing momentary blindness.

**Hours of Darkness.** Any time from one-half hour before sunset and one-half hour after sunrise and any other time when the illumination level is less than the required lighting for uses as designated in this Chapter.

**Light Pollution.** Artificial light which causes a detrimental effect on the environment, astronomical research or enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent property.

**Light Trespass.** The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

**Luminaire.** A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts. The pole, post, or bracket is not considered a part of the luminaire.

**Minimum Maintained Foot-Candles of Light.** The amount of light falling on that point of a surface with the least illumination, calculated through application of a maintenance factor, which is a multiplier applied to account for aging of the lamp and for dirt build-up on the luminaire during the period for which the lamp is in place. Unless otherwise specified, light is measured on a horizontal plane at ground level. The average maintained foot candle of

light is calculated using the industry standard uniformity ratio of average and minimum light levels of 4:1 as established by the Illuminating Engineering Society of North America.

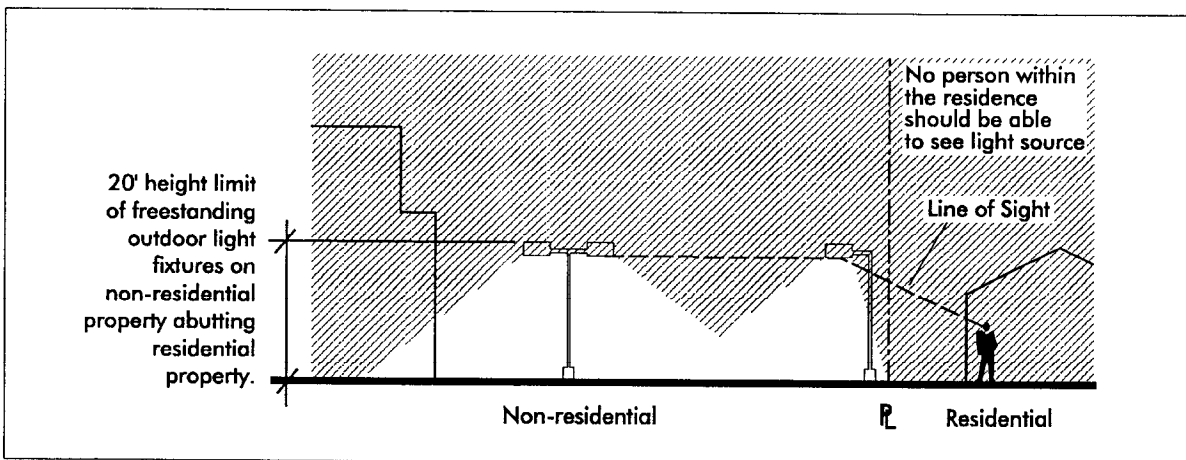
**Shielding.** A technique or method of construction which causes light emitted from an outdoor light fixture to be projected below an imaginary horizontal plane passing through the fixtures.

### 23.56.030 Outdoor Lighting Standards

Except as otherwise specified herein, outdoor lighting standards listed below apply to all new multifamily residential, and non-residential development. The designated Approving Authority may grant exceptions to the shielding requirements, maximum level of illumination, and height of outdoor light fixtures for outdoor recreation facilities on park sites with the finding that the light impacts do not create a public nuisance for abutting residential property.

- (1) **Shielding required.** Except as otherwise exempt, all outdoor lighting shall be constructed with full shielding. Where the light source from an outdoor light fixture is visible beyond the property line shielding shall be required to reduce glare so that the light source is not visible from within any residential dwelling unit. Outdoor lighting for single family residential use shall be located and/or shielded in a manner to ensure that the intensity and direction of exterior and security lighting does not constitute a public nuisance to abutting residential dwellings. See Figure 23.56-1.

**Figure 23.56-1  
Shielding Provisions for Outdoor Lighting**



- (2) **Level of illumination.** During hours of darkness, the minimum and average maintained foot-candles of light shall be consistent with the provisions listed below. A point-by-point photometric calculation listing the number, type, height, and level of illumination of all outdoor lighting fixtures shall be required in conjunction with the development permit application and prior to issuance of a building permit or site improvement plans to ensure compliance with these provisions.

- (A) Parking lots, driveways, trash enclosures/areas, public phones, and group mailboxes shall be illuminated with a minimum maintained one foot-candle of light and an average not to exceed four foot-candles of light.

- (B) Pedestrian walkways shall be illuminated with a minimum maintained one-half foot-candle of light and an average not to exceed two foot-candles of light.
- (C) Exterior doors of non-residential structures shall be illuminated during the hours of darkness, with a minimum maintained one foot-candle of light, measured within a five-foot radius on each side of the door at ground level.
- (D) In order to minimize light trespass on abutting residential property, illumination measured at the nearest residential structure or rear yard setback line shall not exceed the moon's potential ambient illumination of one-tenth foot-candle.
- (3) **Maximum height of freestanding outdoor light fixtures.** The maximum height of freestanding outdoor light fixtures for development abutting residential property shall be 20 feet. However, the designated Approving Authority may grant exceptions to this height restriction in conjunction with Design Review if the proposed lighting plan has negligible light glare and spill impacts on adjoining residential properties. Otherwise, the maximum height for freestanding outdoor light fixtures shall be 30 feet.
- (4) **Type of illumination.** All new outdoor lighting fixtures shall be energy efficient with a rated average bulb life of not less than 10,000 hours.
- (5) **Hours of illumination.** Automatic timing devices shall be required for all new outdoor light fixtures with off hours (exterior lights turned off) between 11:00 p.m. and 6:00 a.m. However, outdoor lights may remain on during business hours of operation for security purposes (e.g., to illuminate walkways, roadways, equipment yards, and parking lots). Outdoor lights may also remain on to illuminate flags representing a country, state, or other civic entity.
- (6) **Outdoor Sports Field /Outdoor Performance Area Lighting**
- A) The mounting height of outdoors sports field and outdoor performance area lighting fixtures shall reviewed on a case-by-case basis by the designated Approving Authority.
- B) The hours of operation for the lighting system for any game or event shall not exceed one hour after the end of the event.
- (7) **Architectural/Landscape Lighting.** Outdoor light fixtures used to illuminate architectural and landscape features shall use a narrow cone of light for the purpose of confining the light to the object.
- (8) **Sign Lighting.** The artificial illumination of signs, both from an internal or external source, shall be designed to eliminate negative impacts on surrounding rights-of-way and properties, and shall comply with Chapter 23.62 (Signs on Private Property).

#### 23.56.040 Lighting Prohibited

The following outdoor light fixtures shall be prohibited as specified below. Existing light fixtures legally permitted or authorized prior to adoption of this Ordinance may be maintained.

- (1) Neon tubing or band lighting along building structures as articulation.

- (2) Searchlights.
- (3) Illumination of entire buildings. Building illumination shall be limited to security lighting and lighting of architectural features authorized by the designated Approving Authority in conjunction with the required development permit(s).
- (4) Roof mounted lights except for security purposes with motion detection and full shielding so that the glare of the light source is not visible from any public right-of-way.
- (5) Any light that imitates or causes visual interference with a traffic signal or other necessary safety or emergency light.

## Chapter 23.58 Parking

### Sections:

- 23.58.010 Purpose
- 23.58.020 Applicability
- 23.58.030 Permit Requirements
- 23.58.040 General Parking Regulations
- 23.58.050 Number of Parking Spaces Required
- 23.58.060 Reduction of Off-Street Parking Requirements
- 23.58.070 Handicapped Parking Requirements
- 23.58.080 Compact Parking Spaces
- 23.58.090 Parking Design and Development Standards
- 23.58.100 Bicycle Parking Requirements
- 23.58.110 Off-Street Loading Requirements

### 23.58.010 Purpose

This Chapter establishes regulations, which provide for safe, attractive, and convenient off-street parking and loading and to ensure that parking areas are compatible with surrounding land uses.

### 23.58.020 Applicability

Except as otherwise provided in adopted Development Agreements, Specific Plans, or the like, off-street parking and loading provisions of this Chapter shall apply as follows:

- (1) **New Development.** For all buildings or structures erected and all uses of land established after the effective date of this Title, parking and loading facilities shall be provided as required by this Chapter. Except as otherwise specifically conditioned, projects with unexpired land use and development approvals on the effective date of this Ordinance have the option of meeting the parking requirements of the Zoning Code in effect on the project approval date or be subject to the provisions required herein.
- (2) **Change in Use.** When the use of any building, structure, or premises is changed, increasing the intensity such that the change creates an increase of more than ten percent in the number of off-street parking spaces required by the change, additional off-street parking spaces shall be provided in accordance with the requirements of this Chapter.
- (3) **Modification to Existing Structures.** Whenever an existing building or structure is modified such that it creates an increase of more than ten percent increase in the number of off-street parking spaces required by the modification, additional off-street parking spaces shall be provided in accordance with the requirements of this Chapter. However, if said building or structure was erected prior to the effective date of this Ordinance, additional parking or loading facilities shall be mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to parking and loading provisions of this Ordinance.



**23.58.030 Permit Requirements**

- (1) **Building Permit.** New parking lot design and modifications to existing parking lots in conjunction with a substantial change in use to an existing structure shall be reviewed in conjunction with the building permit and any other land use or development permit required for the project.
- (2) **Zoning Clearance.** Modification or improvement to an existing parking lot that impacts the parking space layout, configuration, or number of stalls shall require Zoning Clearance to authorize the change as consistent with this Title. Specifically, the designated Approving Authority shall review proposed plans for initial paving, resurfacing, and/or restriping of off-street parking areas that alter the number and/or configuration of parking spaces or corresponding landscape planters for multifamily and non-residential uses.
- (3) **Exempt Activities.** Parking lot improvements listed below shall be considered minor in nature in that they do not alter the number or configuration of parking stalls. Such improvements shall be exempt from permit requirements.
  - (A) Repair any defects in the surface of the parking area, including holes and cracks;
  - (B) Resurfacing, slurry coating, and restriping of a parking area with identical delineation of parking spaces.
  - (C) Repair or replacement in the same location of damaged planters and curbs.
  - (D) Sprinkler line repair or refurbishment of landscaped areas with similar plant species.

**23.58.040 General Parking Regulations**

- (1) **Location Requirements for Off-street Parking Spaces.**
  - (A) Except as otherwise permitted herein, all required off-street parking spaces shall be accessible to and located on the same lot as the use and/or development requiring such spaces.
  - (B) Required off-street parking spaces shall not be located within any required front yard or required street side yard setback of any parcel. However, parking spaces in addition to the minimum required may be allowed in the front and street-side side yards of single family residential lots in compliance with all of the following conditions:
    - (i) Vehicle parking (and access thereto) in residential areas shall be parked on permanent paved or other approved impervious surface that prevents the infiltration of stormwater (e.g., graveled driveways) consistent with Section 23.58.090. Exceptions may be granted when such construction mitigation is required to reduce the impact within the dripline of a protected tree;
    - (ii) Parking is not permitted within any required setback area pursuant to Article III, Zoning Districts. Also see maximum impervious surface area for residential property in Chapter 23.54, Landscaping.

- (iii) Parking may not occur within any required clear vision triangle area on a corner lot.
  - (C) Parking spaces shall not preclude direct and free access to stairways, walkways, elevators, any pedestrian access way, or fire safety equipment. Such access shall be a clear minimum width of 44 inches, no part of which shall be within a parking space.
- (2) **General Use Provisions for Off-Street Parking Spaces.**
- (A) Living, sleeping, or housekeeping in any vehicle, trailer, or vessel (as defined in Article VI, Definitions) is prohibited, except as permitted in Section 23.58.040 (3)(C) below, when parked or stored on private property.
  - (B) 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 being 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 23.58-1.
  - (C) Residential guest parking. For residential tenant and guest parking, the spaces must be marked per the required minimum standards for tenant and guest parking.
- (3) **Parking Regulations for Vehicles, Trailers, and Vessels.** The parking regulations in this Chapter apply to all "commercial vehicles", "passenger vehicles", "recreational vehicles", "trailers", and "vessels" as defined in Article VI, Definitions. Unless otherwise specified, the term "vehicles" used herein refers to "commercial vehicles", "passenger vehicles", and "recreational vehicles".
- (A) Inoperable/unregistered vehicles, trailers, and vessels. Any vehicle, trailer, or vessel which is inoperable and/or without current registration shall be stored entirely within an enclosed structure and shall not be parked or stored in any yard within a residential zoning district or neighborhood. This provision shall not apply to farm equipment located on property zoned for agricultural use.
  - (B) Commercial vehicle parking. Commercial vehicles weighing five tons or more are prohibited on any street or parcel within a residential zoning district or neighborhood. Additionally, in order to maintain public safety and residential character, commercial vehicles weighing more than one ton may only park on residential streets and/or lots long enough for typical residential delivery and pickup, moving, and towing. Commercial vehicles weighing less than one ton may be permitted in residential zoning districts and neighborhoods consistent with applicable provisions of this Title. See Chapter 23.82, (Home Occupation Permit).
  - (C) Recreational vehicle parking. Recreational vehicles of an owner, tenant, guest, or visitor may be parked on any highway (street) for a maximum period of 72 hours. Any request to extend this period for guests and visitors shall be submitted in writing to the Chief of Police for consideration and authorization. Recreational vehicle storage is prohibited in required front and street side yards. However, recreational vehicle parking is permitted outside of required front and street side yard setback areas and within interior side and rear yards when screened by a solid six-foot tall fence, wall, and/or landscape barrier. Screening shall be consistent with Chapter 23.52, (Fences

and Walls). The screening requirement does not apply to parcels with two or more gross acres.

- (4) **Tandem Parking.** Tandem parking shall not be permitted to satisfy off-street parking requirements, except within mobilehome parks and for single family residential use when located outside required yard setback areas with spaces and access paved in accordance with requirements of this Chapter to the satisfaction of the designated Approving Authority.

#### 23.58.050 Number of Parking Spaces Required

- (1) **Off-street parking requirements.** The City's off-street parking requirements are listed by land use classifications in Table 23.58-2. Except as otherwise specifically stated, the following rules apply to Table 23.58-2:
  - (A) "Square feet" means "gross square feet" and refers to building area unless otherwise specified.
  - (B) Where parking spaces are required based on a per employee ratio, this shall be construed to be the total number of employees on the largest working shift.
  - (C) For the purpose of calculating residential parking requirements, dens, studios, or other similar rooms that may be used as bedrooms shall be considered bedrooms.
  - (D) Where the number of seats is listed to determine required parking, seats shall be construed to be fixed seats. Where fixed seats provided are either benches or bleachers, such seats shall be construed to be not more than 18 linear inches for pews and 24 inches for dining, but in no case shall seating be less than determined as required by the Uniform Building Code.
- (2) **Minimum/Maximum Parking Requirements.** Unless off-street parking reductions are permitted consistent with Section 23.58.060, (Reduction of Off-Street Parking Requirements), the number of off-street parking spaces required in Table 23.58-2 shall be considered the minimum necessary for each use. In conjunction with discretionary development permits, the designated Approving Authority may increase these parking requirements if it is determined that these requirements are inadequate for a specific project. By the same token, the designated Approving Authority may decrease the required parking for a specific use as specified in Chapter 23.16, (Permit Requirements).
- (3) **Uses not listed.** The number of parking spaces required for uses not specifically listed in Table 23.58-2 shall be determined by the Planning Director based on common functional, product, or compatibility characteristics and activities, as provided in Section 23.26.030, (Similar Uses).
- (4) **Calculation/Rounding of quantities.** When the calculation of the required number of off-street parking spaces results in a fraction of a space, the total number of spaces shall be rounded to the nearest whole number (< 0.49 round down, > 0.50 round up).
- (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.

**Table 23.58-1  
Parking Ratio for Shopping Centers Based on Percentage Restaurant Use**

Percent of Total Square Footage for Restaurant	Parking Ratio
0-10%	4.5 spaces/1,000 sf.
10.1-25%	5.0 spaces/1,000 sf.
25.1-35%	5.5 spaces/1,000 sf.

Note:

- Shopping centers with more than 35 percent restaurant use shall provide parking for the additional restaurant use in accordance with required parking standards.

- New buildings or development projects without known tenants.** If the type of tenants that will occupy a non-residential building are not known at the time of the development entitlement or building permit approval, the amount of parking shall be the minimum number of spaces required by Table 23.58-2 for the most intense land use allowed within the underlying zoning district that can reasonably be accommodated within the entire structure/project as determined by the Planning Director. The designated approving authority may grant exceptions to this rule where the use or other restrictions ensure adequate parking is provided (e.g., rezone agreements).
- Tenant spaces with multiple functions.** When a tenant of a building has several functions, such as retail and office space, the amount of parking for the tenant shall be calculated as required in Table 23.58-2 for the primary use, using the gross floor area of the building.
- Tenant spaces with accessory storage.** When a tenant has enclosed accessory storage in excess of 2,000 square feet, the required parking for that portion of the tenant space dedicated to storage shall be calculated as specified in Table 23.58-2 for warehousing use (in addition to the parking requirements for the primary use of the building).

**Table 23.58-2  
Parking Requirements by Land Use**

Land Use Type	Required Parking Spaces
<b>Residential Uses</b>	
Caretaker Housing	1 space/ bedroom
Family and Adult Day Care Homes	No requirement beyond single family requirement
Group Residential	1 space/ bedroom
Multifamily	
Studio and one bedroom units	1.5 spaces/ unit, plus 1 guest space/ 4 units
Two and three bedroom units	2 spaces/ unit, plus 1 guest space/ 4 units
Four or more bedroom units	3 spaces/ unit, plus 1 guest space/ 4 units

Land Use Type	Required Parking Spaces
Mobilehomes/ Mobile Home Parks	2 spaces/ unit, plus 1 guest space/ 8 home lots
Senior Independent Living Facilities	0.5 spaces/ unit, plus 0.25 spaces/ unit guest parking
Residential Care Home	No requirement beyond single family requirement
Single Family	2 spaces/ unit <sup>1, 2, 3</sup>
<b>Agriculture, Resource, and Open Space Uses</b>	
Crop Production	5 spaces/ roadside stand
Equestrian Facilities	1 space/ 4 stables
<b>Recreation, Education, and Public Assembly Uses</b>	
Cemeteries, Mausoleums	1 space/ 4 seats in main assembly area
Clubs, Lodges, and Private Meeting Halls; Community Centers	Greater of: 1 space/ 3 fixed seats or 1 space/ 50 sf. for non-fixed seats in the main assembly area
Golf Courses/ Clubhouses	10 spaces/ hole, plus 1.5 spaces/ driving range tee station
Indoor Amusement/ Entertainment Facilities	1 space/ 600 sf.
Indoor Sports and Recreation Facilities	1 space/ 200 sf.
Libraries and Museums	1 space/ 400 sf.
Outdoor Commercial Recreation	
Golf Courses, professional	10 spaces/ hole for golf courses
Driving Range	1.5 spaces/ tee
Tennis Court	2 spaces/ court
Amusement park, outdoor areas	1.25 spaces/ miniature golf hole; 3 spaces/ 1,000 sf. outdoor public land area
All other uses	As determined by the designated approving authority
Parks and playgrounds (for parks >10 acres)	5% of the total site area
Recreational Vehicle Parks	1.5 spaces/ travel trailer/ RV site
Religious Institutions	Greater of: 1 space/ 3 fixed seats or 1 space/ 75 sf.
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 capacity, plus 1 space/ employee
Vocational and Trade	1 space/ 2 students, plus space/ employee
Studios	1 space/ 250 sf.
Theaters and Auditoriums	Greater of: 1 space/ 3 fixed seats or 1 space/ 30 sf.

Land Use Type	Required Parking Spaces
<b>Utility, Transportation, and Communication Uses</b>	
Broadcasting and Recording Studios	1 space/ 250 sf.
Heliports	2 spaces/ pad
Telecommunication and Utility Facilities	1/ vehicle normally required to service such facility
Transit Stations and Terminals	1 space/ 200 sf. of waiting area
<b>Retail, Service, and Office Uses</b>	
Adult and Child Day Care Facilities	1 space/ employee, plus 1 space/ facility vehicle, plus 1 space/ 8 persons at facility capacity
Adult-Related Business	1 space/ 250 sf.
Ambulance Service	1 space/ 250 sf., plus 1 space/ service vehicle
Animal Sales and Grooming	1 space/ 250 sf.
Automated Teller Machines (ATMs)	2 spaces/ machine
Auto Parts Sales	5 spaces/ 1,000 sf.
Auto and Vehicle Sales/ Rentals	1 space/ 2,000 sf. interior and exterior sales, display, and storage area
Banks and Financial Services	5 spaces/ 1,000 sf.
Bars and Nightclubs	1 space/ 3 fixed seats, plus 1 space/ 50 sf. assembly area
Bed and Breakfast Inns	1 space/ guest room, plus 2 spaces/ resident owner or manager
Car Washing, self-service	2 spaces/ wash bay
Car Washing and Detailing, full service	Greater of: 10 spaces or 3 times internal washing capacity <sup>4</sup>
Equipment Sales and Rental	1 space/ 250 sf. interior sales area, plus 1 space/ 1,000 sf. exterior sales and storage area
Furniture, Furnishings, and Appliance Stores	1.2 spaces/ 1,000 sf.
Garden Center/ Plant Nursery	4.5 spaces/ 1,000 sf.
Hotels and Motels	1 space/ room
Kennels	1 space/ 250 sf.
Maintenance and Repair	1 space/ 250 sf.
Medical Services	
Clinics, Offices, and Laboratories	1 space/ 250 sf.
Extended Care and Hospitals	2 spaces/ licensed bed
Mortuaries and Funeral Homes	1 space/ 4 seats in main assembly area
Offices	
Business and Professional	4.5 spaces/ 1,000 sf.
Call Centers	7 spaces/ 1,000 sf.

Land Use Type	Required Parking Spaces
Personal Services	Greater of: 1 space/ 200 sf. or 2/ chair
Recycling Facilities	
Reverse Vending Machine	No minimum requirement
Small Collection Facility	No minimum requirement
Large Collection Facility	2 spaces/ station
Restaurants	
Sit down, take-out inclusive	Greater of: 1 space/ 3 fixed seats or 1 space/ 60 sf. dining area
Take-out, exclusive	1 space/ 75 sf. accessible to the public
Fast Food	1 space/ 100 sf. dining area
With live entertainment	1 space/ 3 fixed seats, plus 1 space/ 50 sf. assembly area
Residential Care Facilities	1 space/ 4 beds
Retail (includes all others not listed)	4.5 spaces/ 1,000 sf.
Service Stations	
With Accessory Retail	5 spaces
With Convenience Market	5 spaces for the first 1,000 sf., plus 1 space/ 300 sf. thereafter
With Vehicle Service	2 spaces/ service bay
Storage - Personal Storage Facilities	4 spaces, plus 2 spaces for management
Vehicle Services	2 spaces/ service bay
Veterinary Facilities	4.5 spaces/ 1,000 sf.
Warehouse retail stores	5.5 spaces/ 1,000 sf.
<b>Industry, Manufacturing, and Processing Uses</b>	
Auto Wrecking, Junkyard, Salvage Yard	3 spaces, plus 1 space/ employee
Laundries and Dry Cleaning Plants	1 space/ 750 sf.
Manufacturing, Printing and Publishing, and Rendering	1 space/ 500 sf., plus one/ company operated vehicle
Recycling Facilities – Processing, Scrap, and Dismantling Facilities	1 space/ 200 sf. of office space, plus 1 space/ employee
Research and Development Services	4.5 spaces/ 1,000 sf.
Warehousing, Storage, and Distribution	1 space/ 2,000 sf., plus one/ company operated vehicle

Notes:

1. If development includes private streets with limited or no parking, a minimum of 1 guest parking shall be provided/ single family residence as determined by the designated Approving Authority.
2. If 5 or more bedrooms are provided in one unit, then one additional space shall be provided.
3. Parking space(s) shall either be enclosed or covered.
4. Additional parking may be required for drying or vacuum areas, as determined by the designated approving authority.

**23.58.060 Reduction of Off-Street Parking Requirements**

Commercial, office, or industrial project may request a reduction in the minimum number of parking spaces required, provided they include facilities, programs, or services that reduce the overall parking demand for the site, contingent upon approval from the Approving Authority.

- (1) **Facilities and Programs.** A proponent of an office, commercial or industrial project may provide alternative facilities or programs which serve to reduce parking demand in return for a reduction in vehicle parking requirements. Vehicle parking requirements may be reduced in accordance with the following provisions:
  - (A) **Shower/Locker Facilities.** Developments with 100 or more employees may reduce their parking requirement by providing shower and clothing locker facilities for bicycle commuting employees. Maximum reduction: two percent of required parking.
  - (B) **Secure Bicycle Parking.** Developments which provide additional secure bicycle parking facilities over and above the minimum requirement may reduce their parking requirement by one vehicle space for every three additional bicycle spaces provided. Maximum reduction: two percent of required parking.
- (2) **Preferred Carpool/Vanpool Parking Spaces.** Office or industrial developments which guarantee preferred parking spaces (e.g., covered, shaded, or near building entrance) to employees who participate regularly in a carpool or vanpool may reduce their parking requirement by one vehicle space for every one space which is marked and reserved for carpools/vanpools at a preferred location. Maximum reduction: two percent of required parking.
- (3) **Special circumstances.** Off-street vehicle parking reductions may also be granted when the applicant for a single or combined use can prove to the designated Approving Authority that the nature of the proposed use(s) or the proximity of the facility to alternative modes of transportation justify the requested parking reduction. This Chapter includes shared parking reductions due to variation in peak demands.
- (4) **Vehicle Park and Ride Lot Requirements at Shopping Centers.** Up to ten percent of the required number of parking spaces for retail stores/shopping centers may be contractually committed to be used for park-and-ride purposes without affecting the total parking requirement of the center provided that the contracted spaces meet applicable current parking lot design standards and that the center meets or exceeds its calculated parking requirement.

**23.58.070 Handicapped Parking Requirements**

- (1) **Number of spaces, design standards.** Parking spaces for the disabled shall be provided in compliance with Uniform Building Code and the Americans with Disabilities Act.
- (2) **Reservation of spaces required.** Disabled accessible number of parking spaces required by this Chapter shall be reserved by the property owner/tenant for use by the disabled throughout the life of the approved land use.



- (3) **Upgrading of markings required.** If amendments to State law change standards for the marking, striping, and signing of disabled parking spaces, disabled accessible spaces shall be upgraded in the time and manner required by State law.

#### **23.58.080 Compact Car Requirements**

Up to 35 percent of the required number of parking spaces may be sized for compact cars, and shall be clearly marked, "COMPACT." Compact parking spaces shall be distributed throughout the parking lot.

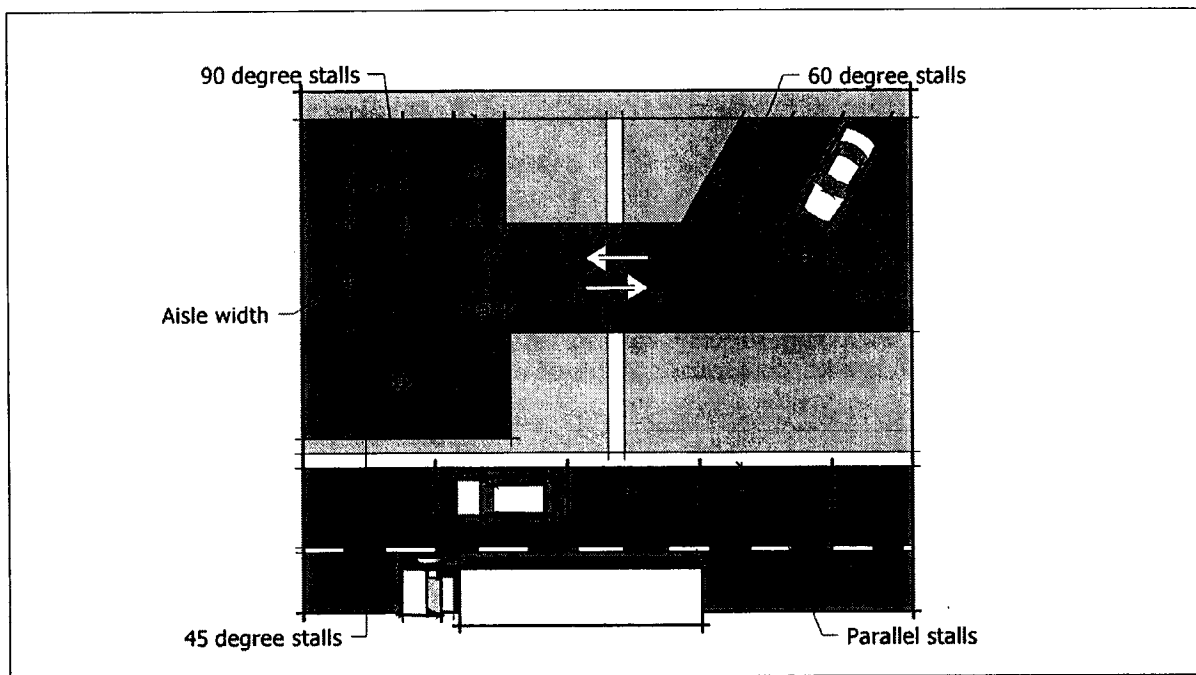
#### **23.58.090 Parking Design and Development Standards**

- (1) **Surface Parking.** All surface parking areas, other than those provided in a garage or parking structure, shall have the following improvements:
- (A) Paving and adequate drainage facilities as specified by the Public Works Director.
  - (B) Clear signage and pavement markings to indicate entrances, exits, aisle directions, and other features required to ensure the safe movement of vehicles.
  - (C) Parking areas for commercial, industrial, and multiple family residential uses, not including duplexes and single family residences, shall be designed so that vehicles are not permitted to back out of the parking area onto a public street.
  - (D) Landscaping. Landscaping shall be provided in compliance with Chapter 23.54, Landscaping Standards.
  - (E) Lighting. Parking areas shall have lighting capable of providing adequate illumination for security and safety. Lighting fixtures shall be energy-efficient. Lighting standards shall be in scale with the height and use of the on-site structure(s). All illumination, including security lighting, shall be directed downward, away from adjacent properties and public rights-of-way in compliance with Chapter 23.56, Lighting.
  - (F) Vehicle Overhang. Vehicular overhang is permitted, provided no vehicle shall overhang into a sidewalk which would reduce the unencumbered width of a sidewalk to less than four feet. A vehicle is permitted to overhang into a landscaped area by two feet, provided that the required landscape area is extended by two feet.
- (2) **Access to Parking.** Access to parking areas and curb cuts for driveways shall be approved by the Planning Director and Public Works Director to insure an efficient and safe traffic flow into the parking areas and along public streets.
- (3) **Dead-end Aisles.** Dead-end aisles are discouraged. When used, 90 degree angle stalls are required and the aisle shall have a minimum 5 foot backing area.
- (4) **Parking Space and Aisle Dimensions.** All parking areas shall be designed so that the parking spaces are permanently maintained and have suitable maneuvering space and access to and from a public street or alley. The dimensions of each parking space shall be determined from Table 23.58-2 and Figure 23.58-1:

**Table 23.58-3  
Parking Space and Drive Aisle Dimensions**

Parking Stall Type	Minimum Stall Dimensions		Minimum Width for Drive Aisle With Parking (c)		Minimum Width for Emergency Access Drive Aisles (c)
	Width (a)	Length (b)	One-Way	Two-Way	
Standard Parallel	9 ft.	24 ft.	12 ft.	20 ft.	20 ft.
Standard 45-Degree	9 ft.	19 ft.	16 ft.-4 in.	20 ft.	20 ft.
Standard 60-Degree	9 ft.	19 ft.	19 ft.	20 ft.	20 ft.
Standard 90-Degree	9 ft.	19 ft.	20 ft.	25 ft.	20 ft.
Compact	9 ft.	16 ft.	20 ft.	25 ft.	20 ft.
Handicapped	9 ft.-5 in.	19 ft.	20 ft.	25 ft.	20 ft.

**Figure 23.58-1  
Parking Space and Drive Aisle Dimensions**



**23.58.100 Bicycle Parking Requirements**

Bicycle parking shall be provided for all multifamily projects and non-residential uses in compliance with this Chapter.

- (1) Bicycle parking shall be located on a paved surface, in proximity to a building entrance and in a visibly secure location adjacent to the building.

- (2) Bicycle parking shall consist of at least a stationary bicycle rack, typically a vertical metal bar, where the cyclist supplies a padlock and chain or cable to secure the bicycle to a stationary object.
- (3) Except as otherwise specified, required bicycle parking shall not be located within required setback yard areas.
- (4) Bicycle parking is required for multifamily, public and civic facilities, schools, retail commercial, office and industrial uses in accordance with Table 23.58-3 below. In no case shall there be fewer than two employee bicycle spaces and two patron spaces, unless specifically exempt.

**Table 23.58-4  
Bicycle Parking Requirements by Land Use**

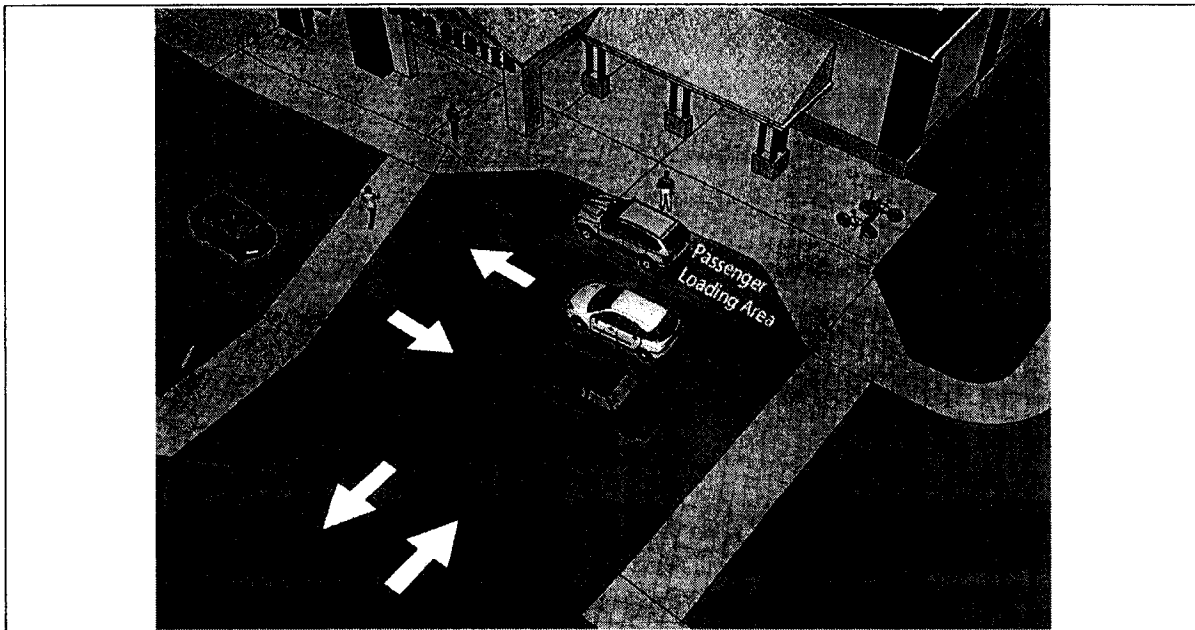
Land Use Type	Required Parking Spaces
<b>Multifamily Residential</b>	
Complexes of any size	1 space/ 3 units
<b>Community Civic</b>	
Public and Civic Facilities	10% of required vehicle space
Schools	25% of enrollment capacity
<b>Commercial</b>	
Retail	5% of required vehicle spaces
Office	1 space/ 25 vehicle spaces
<b>Industrial</b>	
Industrial	1 space/ 25 vehicle spaces

**23.58.110 Off-Street Loading Requirements**

- (1) **Number of Spaces.** At a minimum, one loading space (dock or parking space) shall be provided for all commercial and industrial buildings in excess of 10,000 square feet plus one additional space for every additional 20,000 square feet of floor area.
- (2) **Dimensions.** Each required loading space shall be not less than ten feet wide, 35 feet long and with 14 feet of clear height. Loading zones shall be separate from other required parking and maneuvering area.
- (3) **Location.** Where feasible, loading zones and docks shall be located to the rear of properties. No truck entrance door, loading zone and/or dock serving commercial vehicles shall be permitted to face a residential area within 500 feet.
- (4) **Screening.** All loading zones and truck parking areas shall be screened from view by a minimum of a six foot high hedge, vine-covered fence or wall plus landscaping as required by Chapter 23.54, (Landscaping).

- (5) **Passenger Loading Areas.** Public parking areas for major development projects shall designate a passenger loading area or areas for embarking and disembarking passengers from ridesharing vehicles. Such passenger loading areas shall be located at the point(s) of primary pedestrian access from the parking area to the adjacent building, or buildings, and shall be designed in such a manner that vehicles waiting in the loading area do not impede vehicular circulation in the parking area. The passenger loading areas shall be designed as a turn out as indicated by Figure 23.58-2 and shall be large enough to accommodate the number of waiting vehicles equivalent to one half of one percent of the required parking for the project.

**Figure 23.58-2  
Passenger Loading Area**



## Chapter 23.60 Performance Standards

### Sections:

- 23.60.010 Purpose and Intent
- 23.60.020 Creeks and Other Natural Drainage Courses
- 23.60.030 Hazardous Materials
- 23.60.040 Noise Standards
- 23.60.050 Odor, Particulate Matter, and Air Containment Standards
- 23.60.060 Vibration

### 23.60.010 Purpose and Intent

The performance standards established in this Chapter are intended to ensure that uses and activities shall occur in a manner to protect the public health and safety and which does not produce adverse impacts on surrounding properties nor the community at large. The standards contained in this Chapter apply to all zoning districts. If necessary, the City will retain a professional expert or designated regulatory agency to assist in assessing possible impacts, and the applicant or business owner will pay any cost incurred.

### 23.60.020 Creeks and Other Natural Drainage Courses/Tributary Standards

- (1) **Application.** All buildings or structures erected or maintained within the 100-year floodplain of designated tributaries and all new lots shall conform to the standards and requirements set forth in this Chapter.
- (2) **Development Standards.** The following development standards shall apply to the placement of structures within floodplains of designated tributaries:
  - (A) With the exception of fences, all structures shall be located outside of the 100-year floodplain and a minimum 25 feet from the centerline of the creek or tributary.
  - (B) All construction shall maintain a habitable finished floor elevation at least one foot above the water surface elevation of the 100-year floodplain.
  - (C) Minimum access is required for all newly created parcels to allow ingress-egress during storm events. The least number of watercourse crossings are encouraged to minimize the impact to flood elevations, as well as to the riparian corridor. Vehicular access to the buildable area of newly created parcels must be at or above the ten-year flood elevation. Exceptions may be granted when the existing public street from which access is obtained is below the ten-year elevation.
  - (D) Fences and other structures such as culverts and bridges that must be constructed within the floodway shall be designed to the requirements of the City of Elk Grove Public Works Department to prevent obstructions or diversions of flood and drainage flow and to minimize adverse effects to natural riparian vegetation.
  - (E) Tributary channels shall remain in their natural state and shall not be altered (e.g., piped or channeled) unless the proposal is heard and approved by the appropriate authority in conjunction with any application for any discretionary planning entitlement action. If no such application has been filed, the proponent of such

alteration shall apply for Design Review approval to be heard by the designated Approval Authority.

- (F) All proposed projects within designated tributary floodplains shall meet the requirements and regulations set forth in the Tree Ordinance of the City of Elk Grove Municipal Code.
- (G) No fill shall be permitted within the 100-year floodplain of designated tributaries unless:
- (i) The 100-year flood depth prior to the fill is less than two feet;
  - (ii) The fill is for the minimum area to accommodate a structure and allow for a five (5) foot border area that shall have a side slope of 4:1 or flatter when no landscaping or erosion control is provided by the proponent;
  - (iii) There are no trees nine inches in diameter or larger which cannot be successfully transplanted or otherwise protected from the impact of the fill;
  - (iv) The toe of the fill will not encroach within 25 feet of the center line of the designated tributary; and
  - (v) The fill will not result in adverse hydrologic impacts on the stream as determined by the Public Works Department.
- (H) Pier foundations may be allowed on a case-by-case basis where fill cannot be used to raise the site above the 100-year floodplain. Such foundations are only acceptable when they are outside the conveyance area of a watercourse.
- (3) **Lot Standards.** Any new lot that is proposed to be created adjacent to a designated tributary must provide either:
- (A) A buildable area outside the 100-year floodplain of that tributary;
  - (B) A buildable area that is located at least 25 feet from the center line of the tributary and which provides for construction with a minimum habitable floor elevation that is at least one foot above the water surface elevation of the 100-year floodplain and is outside the floodway.
- (4) **Interpretation.** The locations of "designated tributaries" indicated on the City of Elk Grove Zoning Map are approximate. Therefore, in order to ensure compliance with the provisions of this Article, the proponent of any application for entitlement on any property located within 200 feet of the center line of a designated tributary must demonstrate the applicability of development standards set forth in this Article.

### **23.60.030 Hazardous Materials**

The following standards are intended to ensure that the use, handling, storage and transportation of hazardous materials comply with all applicable State laws (Government Code Section 65850.2 and Health and Safety Code Section 25505, et seq.) and that appropriate information is reported to the Fire Department as the regulatory authority.

- (1) **Reporting Requirements.** All businesses required by State Law (Health and Safety Code, Section 6.95) to prepare hazardous materials release response plans and Hazardous Materials Inventory Statements shall, upon request, submit copies of these plans, including any revisions, to the Fire Department.
- (2) **Underground Storage.** Underground storage of hazardous materials shall comply with all applicable requirements of State Law (Health and Safety Code, Section 6.7 and Articles 679 and 680 of the California Fire Code, or as subsequently amended). Businesses that use underground storage tanks shall comply with the following procedures:
  - (A) Notify the Fire Department of any unauthorized release of hazardous materials prescribed by City, County, State and Federal regulations;
  - (B) Notify the Fire Department and the Sacramento County Health Department of any proposed abandoning, closing or ceasing operation of an underground storage tank and actions to be taken to dispose of any hazardous materials, and;
  - (C) Submit copies of the Closure Plan to the Fire Department.
- (3) **Above Ground Storage.** Above ground storage tanks for hazardous materials and flammable and combustible materials may be allowed subject to the approval of the Fire Department.
- (4) **New Development.** Structures adjacent to a Commercial Supply Bulk Transfer Delivery System with at least six-inch pipes shall be designed to accommodate a setback of at least 100 feet from that delivery system. The setback may be reduced if the Planning Director, with recommendation from the Fire Department, can make one or more of the following findings:
  - (A) The structure would be protected from the radiant heat of an explosion by berming or other physical barriers;
  - (B) A 100-foot setback would be impractical or unnecessary because of existing topography, streets, parcel lines or easements; or
  - (C) A secondary containment system for petroleum pipelines and transition points shall be constructed. The design of the system shall be subject to the approval of the Fire Department.
- (5) **Notification Required.** A subdivider of a development within 500 feet of a pipeline shall notify a new/potential owner before the time of purchase and the close of escrow of the location, size and type of pipeline.

#### 23.60.040 Noise Standards

- (1) **Purpose.** The purpose of this Chapter is to:
  - (A) Establish standards to provide a high quality of life for all residents by insuring a safe community, free from manmade and natural hazards;
  - (B) Implement goals and policies of the General Plan Noise Element.

(C) Provide community noise control regulation and standards which are consistent with or exceed the guidelines of the State Office of Noise Control and the standards adopted by the Federal Highway Administration (FHWA), California Department of Transportation (CalTrans) or other government or regulatory agencies.

(2) **Noise Standards.** No use, activity, or process shall exceed the maximum allowable noise standards identified in Table 23.60-1.

**Table 23.60-1  
Maximum Noise Level by Receiving Land Use**

Type of Land Use	Maximum Allowable Noise Levels (L <sub>dn</sub> /CNEL, dB)	
	Exterior Noise	Interior Noise
Residential	60	45
Commercial/Office	60	45
Industrial/Manufacturing	70	55
Public parks and open space	70	NA

Notes:

1. Each of the noise limits specified in this table shall be reduced by 5 dB(A) for impulse or simple tone noises, or for noise consisting of speech or music. If the ambient noise level exceeds the resulting standard, the ambient noise level shall be the standard.
2. It shall be unlawful for any person within a residentially zoned area of the City to operate any noise amplified device that exceeds a noise level of 45 dB(A) measured at the property line or cause loud excessive noise which disturbs the peace of the neighborhood.

(A) Noise measurement criteria. Exterior noise levels shall be measured at the property line of the noise source. Noise measurement shall be made with a sound level meter using the "A" weighted scale at slow meter response. Fast meter response shall be used only for an impulse noise.

(B) Exterior noise standards. Exterior noise levels, when measured at any receiving property, shall conform to the noise level standards identified in Table 23.60-1 above.

- (i) If the measured ambient noise level exceeds the applicable noise level standard in any category above, the applicable standards shall be adjusted to equal the ambient noise level. See definition of ambient noise.
- (ii) If the intruding noise source is continuous and cannot reasonably be discontinued or stopped to allow measurement of the ambient noise level, the noise level measured while the source is in operation shall be compared directly to the applicable noise level standards identified in Table 23.60-1 above.

(C) Conflicts with late night, early morning, or 24-hour operations. Non-residential activities shall not impact surrounding residential land uses.

(3) **Exempt Activities.** The following are not subject to the noise limitations of this Chapter.

(A) Emergency exemption. The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work. The exemption does not include permanently installed emergency generators.



- (B) Warning device. Warning devices necessary for the protection of public safety, (e.g. police, fire and ambulance sirens, properly operating home and car burglar alarms and train horns).
  - (C) Railroad Activities. The operation of locomotives, rail cars, and facilities by a railroad that is regulated by the State Public Utilities Commission.
  - (D) State or Federal pre-exempted activities. Any activity, to the extent the regulation of it has been preempted by State or Federal law.
  - (E) Public Health and Safety activities. All transportation, flood control, and utility company maintenance and construction operation at any time on public rights-of-way, and those situations that may occur on private property deemed necessary to serve the best interest of the public and to protect the public's health and well being, including debris and limb removal, removal of damaged poles and vehicles, removal of downed wires, repairing traffic signals, repair of water hydrants and mains, gas lines, oil lines, and sewers, restoring electrical service, street sweeping, unplugging sewers, vacuuming catch basins etc. The regular testing of motorized equipment and pumps shall not be exempt.
  - (F) Solid waste collection. Noise sources associated with the authorized collection of solid waste (e.g., refuse and garbage).
  - (G) Maintenance of residential real property. Noise sources associated with the minor maintenance of residential real property, provided the activities take place between the hours of 7:00 a.m. and 10:00 p.m.
- (4) **Prohibited Activities.** The following acts shall be a violation of this Chapter.
- (A) Construction noise. Operating or causing the operation of tools or equipment on private property used in alteration, construction, demolition, drilling or repair work daily between the hours of 7:00 p.m. and 7:00 a.m., so that the sound creates a noise disturbance across a residential property line, except for emergency work of public service utilities.
  - (B) Loading unloading activities. Loading, unloading opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects on private property between the hours of 10:00 p.m. and 7:00 a.m. in a manner to cause a noise disturbance.
  - (C) Sweepers and associated equipment. Operating or allowing the operation of sweepers or associated sweeping equipment (e.g., blowers) on private property between the hours of 10:00 p.m. and 7:00 a.m. the following day in, or adjacent to, a residential zoning district.
  - (D) Places of public entertainment. Operating or allowing to be operated, any loudspeaker, musical instrument, or other source of sound in any place of public entertainment that exceed 95 dB(A) at any point normally occupied by a customer.

- (E) Stationary non-emergency signaling devices. Sounding or allowing the sounding of an electronically amplified signal from a stationary bell, chime, siren, whistle, or similar devices intended for non-emergency purposes, from a private property for more than 10 consecutive seconds in any hourly period.
- (F) Public nuisance noise. Public nuisance noise is noise that is generally not associated with a particular land use but creates a nuisance situation by reason of its being disturbing, excessive, or offensive. Examples would include excessively loud noise from alarms, animals and fowl in non-agricultural districts, horns, musical instruments, stereos, tape or CD players, televisions, vehicle or motorboat repairs and testing, and similar noise as measured in Table 23.60-2.

#### **23.60.050 Odor, Particulate Matter and Air Containment Standards**

- (1) Sources of odorous emissions, particulate matter and air containment standards shall comply with the rules and regulations of the Sacramento Metropolitan Air Quality Management District and the State Health and Safety Code.

Noxious odorous emissions in a manner or quantity that is detrimental to or endanger the public health, safety, comfort, or welfare is declared to be a public nuisance and unlawful, and shall be modified to prevent further emissions release, except for agricultural operations in compliance with this Title.

No dust or particulate matter shall be emitted that is detectable by a reasonable person without instruments.

Exhaust air ducts shall be located or directed away from abutting residentially zoned properties.

#### **23.60.060 Vibration**

Uses that generate vibrations that may be considered a public nuisance or hazard on any adjacent property shall be cushioned or isolated to prevent generation of vibrations. Uses shall be operated in compliance with the following provisions:

- (1) Uses shall not generate ground vibration that is perceptible without instruments by the average person at any point along or beyond the property line of the parcel containing the activities;
- (2) Uses, activities, and processes shall not generate vibrations that cause discomfort or annoyance to reasonable persons of normal sensitivity or which endangers the comfort, repose, health or peace of residents whose property abuts the property line of the parcel;
- (3) Uses shall not generate ground vibration that interferes with the operations of equipment and facilities of adjoining parcels; and
- (4) Vibrations from temporary construction/demolition and vehicles that leave the subject parcel (e.g., trucks, trains, and aircraft) are exempt from the provisions of this Section.

## Chapter 23.61 Private Party Signs on City Property

### Sections:

- 23.61.010 Proprietary Capacity
- 23.61.020 Intent as to Public Forum
- 23.61.030 Definitions
- 23.61.040 Signs Must be Permitted or Exempted
- 23.61.050 Temporary Signs Displaying Non-commercial Messages
- 23.61.060 Certain Governmental Signs
- 23.61.070 Street Banner Program

### 23.61.010 Proprietary Capacity

In adopting this Chapter, the City Council acts in its proprietary capacity as to City Property, as defined herein, within the City. This Chapter is adopted pursuant to the City's general powers, property rights, Government Code sections 65850(b), 38774, 38775, Business and Professions Code sections 5200 et seq, and Penal Code section 556 et seq.

### 23.61.020 Intent as to Public Forum

The City declares its intent that all City Property shall not function as a designated public forum, unless some specific portion of Public Property is designated herein as a public forum of one particular type; in such case, the declaration as to public forum type shall apply strictly and only to the specified area and the specified time period.

### 23.61.030 Definitions

For purposes of interpreting and enforcing this Chapter, the following words have the special definitions given. For words not defined in this Chapter, definitions from the sign ordinance shall apply.

**Director.** The City's Planning Director or any other person authorized by City Council to enforce and interpret this Chapter.

**Non-commercial messages.** Visual messages on signs which pertain to or express ideas on topics of public concern. By way of example only, such messages commonly refer to debates on politics, religion, science, sports, art, history, or social issues.

**Portable Sign.** A sign which is easily moved, even if made of permanent materials. Such signs include those commonly known as "A" frame signs.

**Sign.** The same as the definition of the word "sign" in the sign ordinance, except that the exclusion of signs on City property does not apply.

**Sign ordinance.** Chapter 23.62 of the Elk Grove Zoning Code.

**City Property.** Land or other property in which the City of Elk Grove holds a present right of possession and control, plus all public rights of way, plus public parks, regardless of ownership. Schools, even if publically owned or operated, are not within this definition.

**Temporary sign.** A structure or device used for the public display of visual messages or images, which is easily installed with common hand tools, or without tools, and which is not intended for or suitable for long term or permanent display, due to the lightweight or flimsy construction materials.

**Traditional Public Forum.** The surfaces of city-owned streets, public parks, sidewalks which are connected to the city's main pedestrian circulation system, and the pedestrian area immediately surrounding city hall (not including the interior thereof). In consultation with the City Attorney, the Planning Director shall interpret this phrase in light of relevant court decisions.

#### **23.61.040 Signs Must Be Permitted or Exempted**

**General Prohibition.** Unless specifically authorized by this 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 as a trespass and a public nuisance by the City.

#### **23.61.050 Temporary Signs Displaying Non-commercial Messages**

- (1) **Traditional public forum areas.** This subsection applies only when the Chapter dealing with special events (parades, street closures, etc.) does not. In areas qualifying as traditional public forums, private persons may display non-commercial message signs thereon, provided that their sign conforms to all of the following:
- (A) The signs must be personally held by a person, or personally attended by one or more persons. "Personally attended" means that a person is physically present within five feet of the sign at all times.
  - (B) The signs may be displayed only during the time period of sunrise to sunset, except on occasions when the City Council and / or the Planning Commission are holding public hearings or meetings; on such occasions, the display period is extended to thirty minutes after such meeting is officially adjourned.
  - (C) The maximum aggregate size of all signs held by a single person is six square feet. For purposes of this rule, apparel and other aspects of personal appearance do not count towards the maximum aggregate sign area.
  - (D) The maximum size of any one sign which is personally attended by two or more persons is 50 square feet, measured one side only.
  - (E) The sign must have no more than two display faces and may not be inflatable or air-activated.
  - (F) In order to serve the City's interests in traffic flow and safety, persons displaying signs under this Chapter may not stand in any vehicular traffic lane when a roadway is open for use by vehicles, and persons displaying signs on public sidewalks must give at least five feet width clearance for pedestrians to pass by. Persons holding signs may not block the view within a visibility triangle, as defined in the sign ordinance.
  - (G) The message substitution policy of the Sign Ordinance applies only to the traditional public forum areas.

**23.61.060 Certain Governmental Signs**

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

- (1) Traffic control and traffic directional signs erected by the City or another governmental unit;
- (2) Official notices required or authorized by law;
- (3) Signs placed by the City in furtherance of its governmental functions; and
- (4) Signs allowable under Section 23.61.050 of this Chapter.

**23.61.070 Street Banner Program**

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.

## Chapter 23.62 Signs on Private Property

### Sections:

- 23.62.010 Purpose and Applicability
- 23.62.020 Regulatory Scope
- 23.62.030 Authority
- 23.62.040 Review and Approval
- 23.62.050 Basic Policies for Sign Regulation
- 23.62.060 Definitions
- 23.62.070 Review of Signs
- 23.62.080 Sign Permits, Sign-Related Decisions and Orders, and Internal Appeals
- 23.62.090 Exempt Signs
- 23.62.100 Prohibited Signs
- 23.62.110 Standards for Special Category Signs
- 23.62.120 General Development, Maintenance, and Removal
- 23.62.130 Permitted Signs by Type and Development Characteristics
- 23.62.140 Temporary and Special Event Signs
- 23.62.150 Signs on Residential Uses
- 23.62.160 Non-Conforming Signs
- 23.62.170 Abandoned Signs

### 23.62.010 Purpose and Applicability

This Chapter establishes the regulation of signs within the regulatory scope of this Chapter as a way to:

- (1) Encourage creative and innovative approaches to signage within the community that are of a quality design and character and do not detract from the overall appearance of the community; and
- (2) Encourage signs that are architecturally and cosmetically compatible with the surrounding area; and
- (3) Enhance the overall property values in the City by discouraging signs which contribute to the visual clutter of the streetscape, such as oversized signs and excessive temporary signs; and
- (4) Enhance aesthetic and traffic safety in the community to ensure that signage does not distract motorists, obstruct, or otherwise impede traffic circulation; and
- (5) Safeguard and protect the public health, safety, and welfare through appropriate prohibitions, regulations, and controls on the design, location, and maintenance of signs.

The standards of the Chapter apply to signs in all zoning districts. Only the signs authorized by this Chapter shall be allowed.

### 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 Chapter XX.XX

Parades, Demonstrations, Protests, Special Events; or Chapter XX.XX (Conduct at City Council Meetings).

### **23.62.030 Authority**

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, and other applicable State laws.

### **23.62.040 Review and Approval**

All decisions, approvals, orders and appeals regarding signs within the regulatory scope of this Chapter, including but not limited to decisions on sign permits, shall be made pursuant to the procedures stated in this Chapter.

### **23.62.050 Basic Policies for Sign Regulation**

- (1) **Enforcement.** The Planning Director is authorized and directed to enforce and administer the provisions of this Chapter.
- (2) **Regulatory Interpretations.** All regulatory and administrative interpretations of this Chapter are to be exercised in light of the City's message neutrality and message substitution policies. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this Chapter, or whenever a sign does not qualify as a "structure" as defined in the the Zoning Code or the Building Code, then the Zoning Administrator shall approve, conditionally approve or disapprove the application based on the most similar sign type that is expressly regulated by this Chapter, in light of the policies stated in this Chapter.
- (3) **Message Neutrality.** It is the City's policy and intent to regulate signs in a content neutral manner as to non-commercial messages and viewpoint neutral or content neutral as to commercial message.
- (4) **Message Substitution.** Subject to the property owner's consent, a non-commercial message of any type may be substituted in whole or in part for the message displayed on any sign for which the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. In addition, any onsite commercial message may be substituted, in whole or in part, for any other onsite commercial message, provided that the sign structure or mounting device is legal without consideration of message content. This provision does not create a right to increase the total amount of signage on a parcel, lot or land use; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its mounting device; and does not allow the substitution of an off-site commercial message in place of an on-site commercial message or a non-commercial message.

- (5) **Onsite/offsite Distinction.** Within this Chapter, the distinction between onsite (or on-premise or point-of-sale) and offsite (or off-premise or non-point-of-sale) applies only to commercial speech messages.
- (6) **Billboard policy.** New billboards, as defined herein, are prohibited. The City completely prohibits the construction, erection or use of any billboards, other than those which legally exist in the City, or which has been approved by the City Council, or for which a valid permit has been issued and has not expired, as of the date on which this provision is first adopted. No permit shall be issued for any billboard which violates this policy, and the City will take immediate enforcement or abatement action against any billboard constructed or maintained in violation of this policy. In adopting this provision, the City Council affirmatively declares that it would have adopted this billboard policy even if it were the only provision in this Article. The City Council intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this Article may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable. This provision does not prohibit agreements to relocate presently existing, legal billboards, so long as such agreements are not contrary to state or federal law.
- (7) **Noncommunicative Aspects.** All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.
- (8) **Discretionary Approvals.** Whenever any sign permit, variance, CUP, Uniform Sign Program or Special Planning Area approval, or other sign-related decision is made by any exercise of official discretion, such discretion shall be exercised only as to the non-communicative aspects of the sign, such as size, height, orientation, location, setback, illumination, spacing, scale and mass of the structure, etc. Graphic design may be evaluated only for a Uniform Sign Program, and then only as applicable to commercial message signs.
- (9) **Mixed Use Zones or Overlay Districts.** In any zone where both residential and non residential uses are allowed, the sign-related rights and responsibilities applicable to any particular parcel or land use shall be determined as follows: residential uses shall be treated as if they were located in a zone where a use of that type would be allowed as a matter of right, and nonresidential uses shall be treated as if they were located in a zone where that particular use would be allowed, either as a matter of right or subject to a conditional use permit or similar discretionary process.
- (10) **Legal Nature of Sign Rights.** As to all signs attached to real property, the signage rights, duties and obligations arising from this Article attach to and travel with the land or other property on which a sign is mounted or displayed. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this Article or other law), or the ownership of sign structures. This provision does not apply to hand held signs or other images which are aspects of personal appearance.
- (11) **Owner's consent.** No sign may be placed on private property without the consent of the property owner or persons holding the present right of possession and control.
- (12) **Prospective Regulation.** This Chapter applies only to signs whose structure or housing has not been permanently affixed to its intended premise on the date on which the



ordinance or regulation is adopted. This Chapter does not affect signs which were legally installed and which exist as of the date this Chapter first takes effect.

- (13) **Severance.** If any section, sentence, clause, phrase, word, portion or provision of this Chapter is held invalid or, unconstitutional, or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this Chapter which can be given effect without the invalid portion. In adopting this Chapter, the City Council affirmatively declares that it would have approved and adopted the Chapter even without any portion which may be held invalid or unenforceable.

**23.62.060 Definitions**

For the purpose of this Chapter, the following terms shall have the definitions set forth herein.

**Abandoned Sign.** Any sign which is located on a premises that has been vacated for a period of more than 180 days.

**Animated Sign.** Any sign which uses mechanical or electrical movement or change of lighting, either natural or artificial, to depict action or to create visual motion or the appearance thereof.

**Area (of a sign).** The measurable surface area of a sign, calculated as described in Section 23.62.120 (General Development, Maintenance, and Removal) and Figure 23.62-2.

**Awnings.** Any structure made of a flexible fabric or similar material covering a metal frame attached to a building, whether or not the same is so erected as to permit its being raised to a position flat against the building when not in use.

**Banner.** Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges. Flags shall not be considered banners (see Flag definition).

**Billboard.** A sign which meets any one or more of the following criteria:

- A permanent structure sign which is used for the display of offsite commercial messages;

- A permanent structure sign which constitutes a principal, separate or secondary use, as opposed to an accessory use, of the parcel on which it is located;

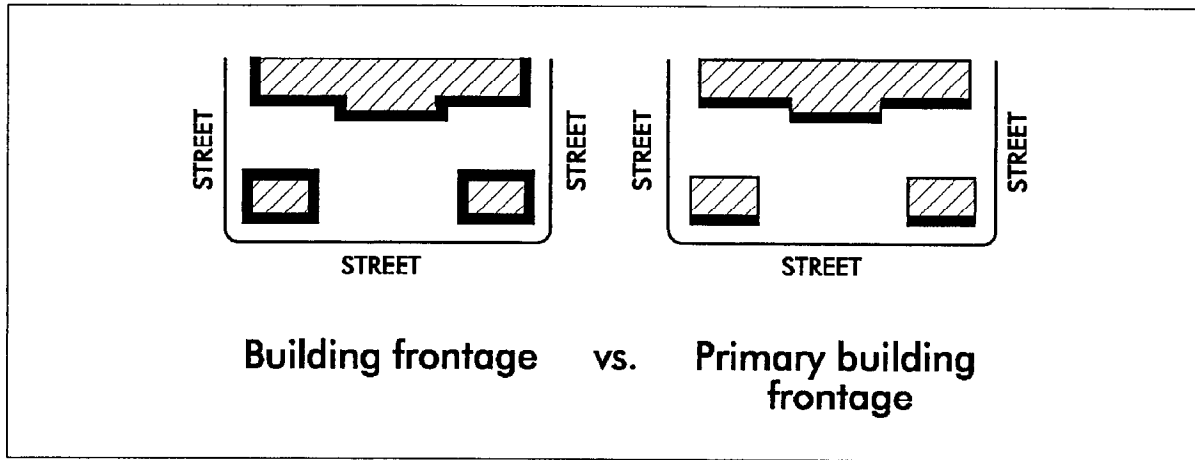
- An outdoor sign used as advertising for hire, e.g., on which display space is made available to parties, other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when such space is on the same parcel or is the same development as the sign), in exchange for a rent, fee or other consideration; or

- An off-site outdoor advertising sign on which space is leased or rented.

**Blade/Bracket Sign.** A small, pedestrian-oriented sign that projects perpendicular from a structure (bracket sign) or is hung beneath a canopy (blade sign; may also be referred to as an "Under Canopy Sign").

**Building Frontage, Primary.** The building frontage that faces 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 23-62.1)

**Figure 23.62-1  
Building Frontage vs. Primary Building Frontage**



**Building Sign.** A sign placed on a wall, awning, canopy, parapet, or a projecting sign.

**Canopy Sign.** Any sign that is part of or attached to an awning, canopy, or other material, or structural protective cover over a door, entrance, window, or outdoor service area.

**Changeable Copy Sign.** A sign or portion of a sign with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than once per day shall be considered an animated sign and not a changeable copy sign for purposes of this Chapter.

**City.** The City of Elk Grove, California.

**Commercial Message.** Any sign wording, logo, or other representation that names or advertises a business, product, service, or other commercial activity.

**Commercial Mascot.** A human or live animal used as a commercial advertising or signaling device. Sometimes called "sign twirlers" or "sign clowns."

**Construction Sign.** A temporary sign located on a site where physical construction is occurring or is scheduled to begin in the near future..

**Director.** The Planning Director of the City.

**Directional Sign, On-Site.** A sign located on the same property as an establishment, primarily providing direction to guide vehicles and pedestrians to businesses, including but not limited to those signs identifying parking area and circulation patterns.

**Directory Sign.** A pedestrian-oriented sign that identifies or lists the names and locations of tenants at a multi-tenant site.

**Establishment.** Any non-residential use of land involving structures, as defined in the Building Code, and the presence of human beings during normal hours of operation. By way of example and not limitation, this definition includes businesses, factories, farms, schools, hospitals, hotels and motels, offices and libraries but does not include power transformer or other utility facilities at which human beings are usually not present, single family homes, mobile homes, residential apartments, residential care facilities or residential condominiums.

**Establishment Sign.** A sign displayed on an establishment which displays any combination of non-commercial messages and on-site commercial messages.

**Exempt Sign.** A sign which is not subject to a sign permit.

**Face Change.** A change in color, material, copy, graphics, or visual image that requires the installation of a new or modified sign face, but which does not involve any change to an existing sign structure or mounting device.

**Flag.** Any fabric, banner, or bunting containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, or other meaning.

**Freestanding Sign.** A permanent sign that is self-supporting in a fixed location and not attached to a building. It includes a sign connected or attached to a sign structure, fence, or wall that is not an integral part of a building. Freestanding signs are of two types: monument and pole.

**Flashing Sign.** An illuminated sign that exhibits changing light or color effect by blinking or any other such means so as to provide a non-constant illumination.

**Future Tenant Signs.** Signs erected for the purpose of announcing the future occupancy of a new tenant, other than the current resident tenant.

**Gas Pricing Signs.** Signs identifying the brand, types, octane rating, etc., of gasoline for sale, as required by State Law.

**Garage, Yard, Estate, and Other Home-based sales.** The occasional non-business public sale of secondhand household and other goods incidental to household uses by a person or persons from a residential use.

**General Advertising.** The business of advertising or promoting other businesses or causes using methods of advertising, in contrast to self-promotion or onsite advertising; also known as "advertising for hire."

**Governmental/Civic Sign.** Any temporary or permanent sign erected and maintained by or required by the City, County, State, or Federal government for the purpose of providing official governmental information to the general public, including but not limited to: traffic

direction, city entrance, or for designation of direction to any school, hospital, historical site, or public service, property or facility.

**Home Occupation Sign.** A sign located at a residence advertising a business or profession legally conducted in the residence.

**Illuminated Sign.** A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign. This includes signs made from neon or other gas tube(s) that are bent to form letters, symbols, or other shapes.

**Incidental Sign.** A sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, including but not limited to rest rooms, phones, credit cards, or hours of business.

**Menu/Order Board Sign.** A sign installed in a drive-through facility and oriented so as to be visible primarily by drive-through customers. (See Section 23.62.060 for standards)

**Monument Sign.** A freestanding sign constructed upon a solid-appearing base or pedestal.

**Name Plate.** A sign attached to a wall that identifies the occupant.

**Non-Commercial Sign.** A sign which displays non-commercial speech, e.g., commentary or advocacy on topics of public debate and concern.

**Non-communicative Aspects.** Those aspects of a sign which are not directly communicative, such as sign height, setback, illumination, spacing, density, etc.

**Non-Conforming Sign.** A sign lawfully erected and legally existing at the time of the effective date of an ordinance, but which does not conform to the provisions of this Chapter.

**Off-Site or Off-Premise Sign.** A sign that identifies, advertises or attracts attention to a business, product, service, event or activity sold, existing or offered at a different location (subject to the qualifications stated in the definition of "On-Site Sign"). The off-site / on-site distinction applies only to commercial messages.

**On-Site or On-Premise Sign.** Any sign that identifies, advertises, or attracts attention to a business, product, service, event or activity sold, existing or offered upon the same property or land use as the sign. The off-site / on-site distinction applies only to commercial messages. In the case of multiple tenant commercial or industrial developments, a sign is considered "onsite" whenever it is located anywhere within the development. In the case of a duly approved Uniform Sign Program or Special Planning Area, a sign anywhere within the area controlled by the Program or SPA may be considered "onsite" when placed at any location within the area controlled by the Program or SPA.

**Pennant.** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, attached to a rope, wire, or string, usually in a series, designed to move in the wind and attract attention.

**Pole Sign.** A freestanding sign supported by one or more metal or wood posts, pipes, or other vertical supports.

**Portable Sign.** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported. Portable signs include, but are not limited to, signs designed to be transported by means of wheels; signs configured as A-frame or T-frame; menu and sandwich board signs; and umbrellas used for advertising. Clothing or other aspects of personal appearance are not within this definition (see "Commercial Mascots").

**Readerboard Sign.** A sign on which copy is changed manually in the field or electronically, including but not limited to theatre marquee signs, business directories, church and museum signs, and gas price signs.

**Real Estate Sign.** Any sign, temporary in nature, the copy of which concerns a proposed economic transaction involving real property. This definition does not include occupancy signs at establishments offering transient occupancy, such as hotels and motels.

**Roof Sign.** A sign installed on a roof or projecting above the eave of a building or mounted on an arcade or parapet.

**Roofline.** The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

**Sign.** Any device, structure, fixture, or placard displaying graphics, symbols, and/or written copy for the primary purpose of communicating with the public, when such image is visible from any public right-of-way. Notwithstanding the generality of the foregoing, the following are not within this definition:

Interior signs. Signs or other visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof, or located at least five feet from the window, provided the building or enclosed structure is otherwise legal.

Architectural features. Decorative or architectural features of buildings (not including lettering, trademarks or moving parts);

Symbols embedded in architecture. Symbols of non-commercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal; the definition also includes foundation stones and cornerstones;

Personal appearance. Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, wigs, costumes, masks, etc. (but not including commercial mascots);

Manufacturers' marks. Marks on tangible products, which identify the maker, seller, provider or product, and which customarily remain attached to the product even after sale.

Fireworks, etc.. The legal use of fireworks, candles and artificial lighting not otherwise regulated by this Chapter;

Mass transit graphics. Graphic images mounted on trains or duly licensed mass transit vehicles that legally pass through the City;

Vehicle and Vessel Insignia. On street legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, non-commercial messages, messages relating to the business of which the vehicle or vessel is an instrument or tool (not including general advertising) and messages relating to the proposed sale, lease or exchange of the vehicle or vessel;

Grave stones and grave markers;

Newsracks and newsstands (See Section 23.68.040);

Shopping carts, golf carts, and horse drawn carriages;

Vending machines which do not display offsite commercial messages or general advertising messages;

Graphic images which are visible only from above, such as those visible only from airplanes or helicopters, only if not visible from the street surface or public right-of-way;

On residential uses, holiday and cultural observance decorations which are on display for not more than 45 calendar days per year (cumulative, per parcel or use) and which do not include commercial advertising messages.

**Temporary Sign.** A sign not constructed or intended for long-term use. Typically, temporary signs are not physically suitable for display longer than 30 days. If a sign does not qualify as a "structure" under the Building Code, it is presumably a temporary sign, but subject to the interpretation of the Planning Director under Section 23.62.050.2 (Regulatory Interpretations).

**Time/Temperature Sign.** An electronic or mechanical device that shows time and/or temperature but contains no business identification or advertising.

**Under Canopy Sign.** See Blade/Bracket Sign.

**Vehicle Sign.** A sign that is attached to and is an integral part of a motorized vehicle or bicycle used directly for the purpose of a particular business and not used primarily as a sign base or for general advertising.

**Wall Sign.** A sign attached directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign located in such a way as to be substantially parallel to such exterior building wall to which it is attached or supported by.

**Window Sign.** A sign attached to, suspended behind, placed, or painted upon the window or glass door of a building and is intended for viewing from the exterior of such building. This definition does not include merchandise offered for sale on site, when on display in a window.

### 23.62.070 Review of Signs

(1) **Permit Required.** Except as otherwise provided in the Chapter, no person shall erect, move, alter, replace, or maintain any sign without complying with Section 23.62.080 (Permit and Appeals for Signs).

(2) **Uniform Sign Program.**

- (A) **Purpose.** A Uniform Sign Program is intended to integrate a project's signs with the design of the structures to achieve a unified architectural statement. It is aimed at generating design compatibility, not providing exemptions from the provisions of this Chapter.
- (B) **Applicability.** A Uniform Sign Program shall be required whenever any of the following circumstances exists:
- (i) New multi-tenant developments of three or more separate tenants that share either the same parcel or structure and use common access and parking facilities; or
  - (ii) Whenever three or more signs are requested by a single tenant in an existing multi-tenant project that is currently not covered by a Uniform Sign Program.
- (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. 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.
- (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, construction details, and color and materials of signs for the project. All signs within the development shall be consistent with the Uniform Sign Program. 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.
- (E) **Revisions to a Uniform Sign Program.** The Planning Director may approve revisions to a Uniform Sign Program upon written findings, supported by evidence, that the modifications are minor in nature and do not change or modify the intent or conditions of the original approval. Revisions that would substantially deviate from the original approval shall require Planning Commission approval. In making such determinations, neither the Director nor the Planning Commission shall consider the actual message content of any signs subject to the Uniform Sign Program.
- (F) **Appeals.** All decisions concerning Uniform Sign Programs are subject to Section 23.62.050.8 (Discretionary Approvals) and Section 23.62.080 (Sign Permits, Sign-Related Decisions and Orders, and Internal Appeals).

#### **23.62.080 Sign Permits, Sign-Related Decisions and Orders, and Internal Appeals**

This section applies to all signs for which a permit is required. The internal review and appeal procedures also apply to any other sign-related decision made by the City, including but not limited to removal orders, revocation of permits, orders to abate, etc.

- (1) **Levels of Review.** Except for signs subject to initial review by the Planning Commission, review and approval, all signs are subject to review under the Zoning Clearance /

Administrative Review procedure, which is a ministerial decision. Appeals go first to the Planning Commission and then to the City Council, after which judicial review will be available. Uniform Sign Program proposals begin their formal review at the Planning Commission level, although Planning Staff may perform an initial advisory review and make recommendations to the Planning Commission.

- (2) **Timely Decision.** At each level of review or appeal, the decision shall be rendered in writing within thirty days. The time period begins running when the application is complete, or the notice of appeal has been filed, whichever applies. The timely decision requirement may be waived by the applicant or appellant. If a decision is not rendered within the required time, then the application or appeal shall be deemed denied.
- (3) **When appeal right arises.** The appeal right arises at the earlier of: a) whenever a written decision is delivered to the application, or 2) the time for decision has run without a written decision. In this context, "delivered" means personally delivered or placed in the US mail, whichever occurs first.
- (4) **Time for Appeal.** Any affected person may appeal any sign permit decision or appeal to the next level or review, so long as the notice of appeal is delivered to the City within this Chapter. The time for decision begins running when the notice of appeal is actually delivered in person, or is received by the City.
- (5) **Status quo.** During the pendency of review or appeal, the status quo of the subject sign(s) shall be maintained. This does not apply whenever a sign, by virtue of its physical condition, constitutes a significant and immediate threat to public safety.
- (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 30 days of notice of final decision, unless State law otherwise requires.
- (7) **Right to Permit.** When any sign permit application complies fully with all applicable provisions of this Chapter, and all other applicable laws, rules and regulations, the permit shall be approved and issued within the required time.
- (8) **Conditional Approval.** A sign permit application may be approved subject to conditions, so long as those conditions are required by this Chapter or some other applicable law, rule or regulation.
- (9) **Permit Denial.** When a permit application is denied, the denial shall be in writing and sent or delivered to the address shown on the applicant's form, and shall state the grounds for denial.
- (10) **Application Form.** The application for a sign permit shall be made in writing on the form provided by the Planning Department and shall be accompanied by any fee established by City Council resolution. Such application may set forth and contain the following information and items:
  - (A) The name, address and contact information for the applicant, and if a sign contractor or installer is anticipated, name, address, contact information, licensing and bonding information. If the applicant is someone other than the



- sign owner, then the sign owner's signature is also required on the application form.
- (B) Proof of the consent of the property owner or other person having the immediate right to possession and control of the property. For example, if the subject property is leased and the applicant is the lessee, the lessee must demonstrate that the sign complies with all provisions of the lease related to signage, or submit a written landlord's consent.
  - (C) Two sets of sign structure plan. The sign structure plan, drawn to scale, shall show the physical design of the sign, including dimensions, sign size, colors (applies to commercial message signs only), materials, method of attachment, source of illumination and showing the relationship to any building or structure to which it is proposed to be installed or affixed or to which it relates.
  - (D) Three sets of site plans / cover sheets: two site plans are to be attached to complete drawings; only one 11 by 17 is required for the Assessor's Copy. Such site plans shall show job address, name address and phone number of the owner of the establishment, all dimensions, drawn to scale, indicating the location of the sign relative to the property line, rights-of-way, streets, sidewalks, vehicular access points and existing buildings or structures and off-street parking areas located on the premises, street frontage dimension, as well as the number, size, type and location of all existing signs on the same building, site or premises. Elevation drawings shall show width and length dimension for lettering or image, each cabinet sign, material specifications and colored renderings. For frontage signs, the elevation shall depict the position of building frontage signs on exterior walls, overall height from adjacent standing surface to the bottom of the cabinet. For freestanding signs, the elevation shall show overall height from adjacent grade to the bottom of the sign.
  - (E) All plans shall be on paper which is at least 8.5 by 11 inches and not exceeding 11 by 17 inches, fully dimensional and legible.
  - (F) If the proposed sign is either: (A) a monument with a height exceeding six feet, or (B), a building sign which meets all of these criteria: (1) height exceeds two feet; (2) the sign is placed 12 feet or higher above the walking surface; (3) weight of the sign exceeds 20 pounds; then structural calculations, wet signed and stamped by an Architect or Civil Engineer with currently valid California Registration, are also required.
  - (G) Any structural information and plans necessary to ensure compliance with the latest adopted standards of building, electrical, plumbing, grading, etc., codes. When the sign is proposed to be electrified, the plans shall depict wiring and electrical components such as identification of transformer, means of disconnect, grounding, conduit material and listing number. Without limitation, a building permit is required for all frontage signs and freestanding monument signs.
  - (H) Such other information as the planning department may reasonably request to determine that the proposed application is in full compliance with the provisions of this Chapter, the city code and any other applicable law. The message proposed to be displayed on the sign is not required, but may be shown at the option of the applicant.

- (I) An indication of whether the sign will be used for the display of off-site commercial messages. Such averment constitutes a condition of approval, if the application is approved.

(11) **Processing of Applications.**

- (A) **Completeness.** The Director shall determine whether the application contains all the information and items required by this Chapter. If it is determined that the application is not complete, the applicant shall be notified in person or in writing within thirty days of the date of receipt of the application that the application is not complete and the reasons therefore, including any additional information necessary to render the application complete. The applicant shall then have one opportunity, within 30 calendar days, to submit additional information to render the application complete; failure to do so within the 30 day period shall render the application void.
- (B) **Disqualification.** No sign application will be approved if:
  - (i) The applicant has installed a sign in violation of the provisions of this Chapter and, at the time of submission of the application, each illegal sign has not been legalized, removed or included in the application;
  - (ii) There is any other existing code violation located on the site of the proposed sign(s) (other than an illegal or nonconforming sign that is not owned or controlled by the applicant and is located at a different business location on the site from that for which the approval is sought) which has not been cured at the time of the application, unless the noncompliance is proposed to be cured as part of the proposed new sign; or;
  - (iii) The sign approval application is substantially the same as an application previously denied, unless: (i) 12 months have elapsed since the date of the last application, or (ii) new evidence or proof of changed conditions is furnished in the new application;
  - (iv) The applicant has not obtained any applicable required use permit or conditional use permit.

- (12) **Multiple sign applications.** When an application proposes two or more signs, the application may be granted either in whole or in part, with separate decisions as to each proposed sign. When an application is denied in whole or in part, the Director's written notice of determination shall specify the grounds for such denial.

- (13) **Revocation or cancellation.** The Director shall revoke any approval or permit upon refusal of the holder thereof to comply with the provisions of the permit or this Chapter after written notice of noncompliance and at least 15 days opportunity to cure. This provision does not apply when the sign, by virtue of its physical condition, constitutes an immediate and significant threat to public safety.

- (14) **Permits issued in error.** Any approval or permit issued in error may be summarily revoked by the City upon written notice to the holder of the reason for the revocation.

- (15) **Inspections.** Inspection and approval of foundations is required when a sign includes a footing design. The purpose of such inspection is to allow the inspector to verify the size and depth of excavated footing, reinforcement method, etc. All signs subject to permit require final inspection and approval by the Building Department.

### 23.62.090 Exempt Signs

The signs listed in this section are not subject to the sign permit requirement, but still must satisfy all other applicable permit requirements (e.g., building, electrical, plumbing, grading, encroachment, etc.) Any exception to the limitations for exempt signs listed herein shall require a variance pursuant to Section 23.16.040 (Variance). However, consideration of the variance request shall not evaluate the message or graphic design of a sign.

- (1) **Exempt signs without limitations.** The following signs are exempt from a Sign Permit and City review:
- (A) All devices which are excluded from the definition of a "sign;"
  - (B) Official or legal notice required by a court or government agency (Government/Civic Signs);
  - (C) Signs erected and maintained in compliance with a government function or required by a law, ordinance, or government regulation, including signs erected by a public utility (Government/Civic Signs);
  - (D) Signs on licensed commercial vehicles, including trailers, that are not used for the display of offsite commercial messages, or general advertising, provided that the vehicles/trailers shall not be used as parked or stationary outdoor display signs;
  - (E) Change of copy that does not alter the size, location, or illumination of a sign (See Message Substitution, Section 23.62.050.4);
- (2) **Exempt signs with limitations.** The following signs are exempt from a Sign Permit provided that they meet the size, height, duration, and/or maximum number limitations listed:
- (A) Construction Signs not to exceed one sign per street frontage and a maximum of 20 square feet in area or a maximum of 32 square feet if combined with a future tenant sign. Construction signs may not be illuminated. Such signs shall be removed at the earliest of the following events: final building inspection approval, issuance of a valid certificate of occupancy, or the opening for business to the public;
  - (B) Directional Signs, signs whose function is guiding traffic, parking, and loading on private property, with no advertising. Sign area shall not exceed twenty-four square feet in residential districts and thirty-six square feet in non-residential districts. The maximum height for freestanding directional signs shall be six feet unless the Director allows additional height upon a written finding that the visibility would be impaired without the additional height. The area and number of Directional Signs do not count towards the total allowed as described in Table 23.62-1;
  - (C) Flags, provided they meet the following standards

**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 <sup>1</sup>
Commercial, Office, and Industrial Zones	2	Tallest building	Not limited	24 sf.	Commercial and non-commercial	2, 3	4
Residential, Agricultural-Residential, and Agricultural Zones	1	20 ft.	Not limited	15 sf.	Non-commercial	3	10 ft.
All other properties	2	20 ft.	Not limited	15 sf.	Non-commercial	3	10 ft.

Notes:

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

(D) Future Tenant Signs identifying or announcing the future use of a project while under construction. One sign shall be allowed per street frontage and the sign shall be removed upon occupancy of the site. In an integrated development, one sign per establishment is allowed. The maximum size of the sign shall be 32 square feet and the maximum height shall be six feet. Future tenant signs may not be illuminated.

(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;

(F) Garage, Yard, Estate, and Other Home-based Sales Signs. Sign advertising the one-day sale of items from a garage, yard, estate, or other home-based sale;

(G) Incidental Signs, with a maximum area of two square feet per sign. The area and number do not count towards the total allowed as described in Table 23.62-1;

(H) Menu/Order Board Signs, as described herein and in Part four of Section 23.62.060 (Standards for Special Category Signs). A maximum of two menu-order board signs shall be permitted for each drive-in or drive-through business, provided that each sign not exceed a maximum of 40 square feet in sign area and that each sign be limited in height to eight feet. The area and number of Menu/Order Board Signs do not count towards the total allowed sign area as described in Table 23.62-1;

(I) Name Plates, as described below. Name Plates may only be lit by either an indirect light (e.g., porch light) source, low-wattage spotlight without glare to the adjoining property, or internal light source with opaque (non-transparent) background.

- (i) Residential, individual unit. Occupant name, street number, and street name signs not exceeding two square feet in area per single family or multifamily unit;
  - (ii) Residential, multifamily site. Building number, building name, the units located in the building, and other directional signs not exceeding 15 square feet in area.
  - (iii) Non-Residential. Signs for commercial, office, and industrial uses not exceeding two square feet, with copy limited to business identification, hours of operation, address, and emergency information;
- (J) Non-Commercial Signs that are not located within or over a public right-of-way unless authorized pursuant to Chapter 23.61, or over the roof line of any building, and outside of any clear vision triangle as follows:
- (i) Prohibiting and Warning Signs. Signs prohibiting trespassing, canvassing, etc., as well as neighborhood watch and alarm signs, high voltage, dangerous dogs, etc., when located on private property, are allowed on private property.
- (K) Public Notice. Any public notice or warning required by a Federal, State, or local law or regulation.
- (L) Real Estate Signs. Real estate signs are allowed on private property set back five feet from the public right-of-way and out of any required clear vision triangle, with the following limitations:
- (i) For residential property, one sign with a maximum sign area of six square feet (each side). Additionally, a maximum of three attached rider signs are permitted on each real estate sign identifying. On weekends and holidays, signs needed to direct traffic from major collector and arterial streets to the subject property. One sign may be placed for each change in direction to a maximum of five signs, each with a maximum sign area of six square feet.
  - (ii) For commercial property, one on-site sign per street frontage with a maximum sign area of 32 square feet for parcels with less than one acre and 48 square feet for parcels larger than one acre with an eight-foot height limit.
  - (iii) Removal. All real estate signs must be removed not later than the close of the transaction proposed by the sign.

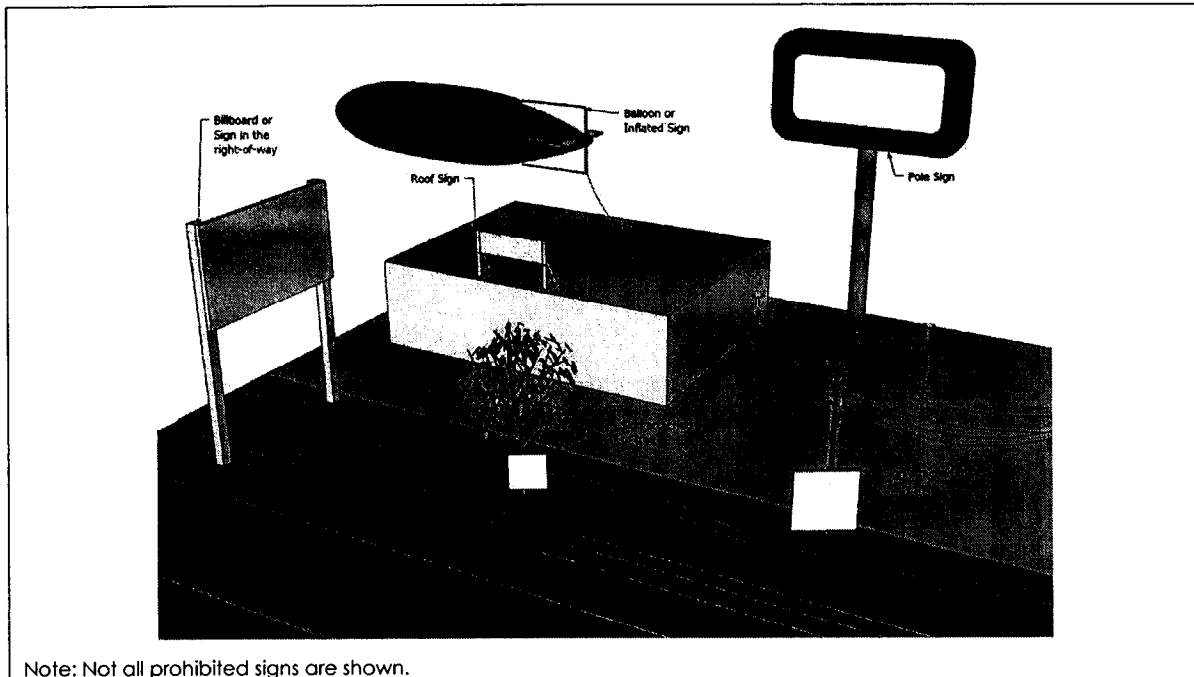
### **23.62.100 Prohibited Signs**

The signs listed in this Section are inconsistent with the purposes and standards of this Chapter as described below and as such are prohibited in all zoning districts, unless specifically authorized by another provision of this Chapter. For examples for prohibited signs, see Figure 26.62-2.

- (1) Abandoned signs;
- (2) Animated, moving, flashing, blinking (intermittent light), fluctuating, reflecting, revolving, illuminated, or other similar signs;
- (3) Inflated signs, balloons, and figures, but not including "party jumps" or other inflatable party devices intended for short term use;

- (4) Pole signs (not including ground mounted freestanding signs, commonly called "monuments" or signs constructed with poles as the sub-structure, provided that the poles are covered with architectural cladding or coverings);
- (5) Electronic readerboard signs other than time/temperature signs. However, the City Council may consider electronic readerboard signs on a case-by-case basis as part of a Specific Plan or Special Planning Area application or amendment thereto. Electronic readerboard signs, if allowed by the City Council, will be limited to on-site commercial messages only and will not be permitted within 3,500 feet of each other;
- (6) Roof Signs erected and constructed on and/or over the roofline of a building and supported by the roof structure;
- (7) Signs affixed to trees or utility poles;
- (8) Signs emitting audible sounds, smoke, fumes, odors, or visible matter. Only menu/order board signs may emit sounds, but only as part of their primary function;
- (9) Signs erected in a manner that a portion of its surface or supports will interfere with the use of fire escapes, standpipes, or emergency exits from a structure or site;
- (10) Signs which imitate or resemble official traffic warning devices or signs, that by color, location, content, or lighting may confuse or disorient vehicular or pedestrian traffic, excluding on-site Direction Signs as specified in Section 23.62.090 (Exempt Signs);
- (11) Vehicle Signs where the primary purpose of the vehicle is general advertising. This does not apply to signs maintained on vehicles when such advertising is incidental to the primary purpose for which the vehicle is being used (e.g., delivery service). (See Section 23.62.090)

**Figure 23.62-2**  
**Example Types of Prohibited Signs**



### 23.62.110 Standards for Special Category Signs

This Section describes the standards applied to certain types of signs as defined in Section 23.62.020 (Definitions) of this Chapter and are consistent with the standards established for signs as listed in Table 23.62-1.

- (1) **Awning and Canopy Signs.** Awning and canopy signs may be permitted only as an integral part of the awning or canopy to which they are attached or applied, as follows:
  - (A) Location. Signs may be placed only on awnings that are located on first-and second-story building frontages, including those fronting a parking lot or pedestrian way.
  - (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. No structural elements of an awning or canopy shall be located less than eight feet above the finished grade.
  - (C) Lighting. Awnings may be internally or externally illuminated, provided the light source does not produce glare onto neighboring properties or public rights-of-way.
  - (D) Required maintenance. Awning and canopy signs shall be regularly cleaned and kept free of dust and visible defects.

**(2) Blade/Bracket Signs**

- (A) Location. Blade or bracket signs shall be placed only on ground floor façade, except for businesses located above the ground level with direct exterior pedestrian access.
- (B) Maximum Area, Height, and Projection. The maximum sign area shall be four square feet. The lowest point of a blade or bracket sign shall be a minimum eight feet above grade. The sign may project a maximum of five feet from the building.
- (C) Sign Structure. Sign supports and brackets shall be compatible with the design and scale of the sign.
- (D) Encroachment. Any blade or bracket sign which encroaches into the public right-of-way, or above it, or into City-owned property, is subject to an encroachment permit.

**(3) Menu/Order Board Sign**

- (A) Location. Menu/Order Board signs shall not face onto the public right-of-way.
- (B) Illumination. Menu/Order Board signs shall only be illuminated by internal light source with opaque (non-transparent) background.
- (C) Maximum Size, Height, and Number. The size, height, and number of Menu/Order Board Signs shall be limited as described Section 23.62.090(Exempt Signs).

**(4) Monument Signs**

- (A) Location. A monument sign may be located only along a site frontage adjoining a public street at not within the clear vision triangle. It shall be set back a minimum of ten feet from the right-of-way. See Section 23.62.070 (General Development, Maintenance, and Removal).
- (B) Maximum Area and Height. The sign shall comply with the height and area requirements established in Table 23.62-1.
- (C) Design. The mass/scale of a monument sign shall be consistent with the overall design of the building. The design and placement of the sign shall not interfere with the required clear vision triangle.
- (D) Landscape Requirements. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 20 square feet of sign area requires 40 square feet of landscaped area. The City may reduce or waive this requirement if the sign is placed within the required Landscape Corridor as required under Section 23.54.050.5 (Landscape Corridors).
- (E) Construction. Monument signs may be constructed with poles as a sub-structure, provided that the poles are covered with architectural cladding or coverings so they appear as a solid structure.



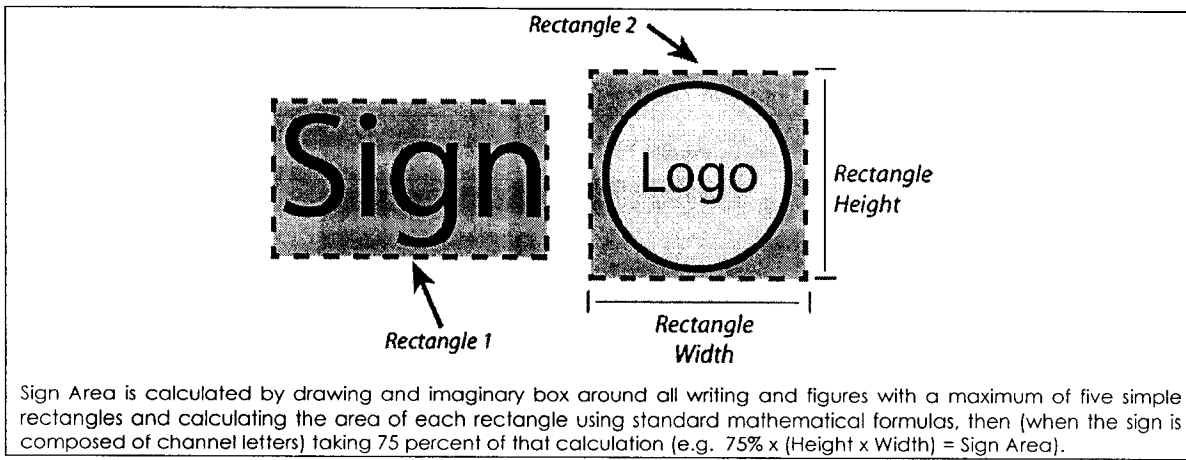
- (5) **Readerboard Signs.** Readerboard signs are subject to:
- (A) Manually changeable readerboard signs are allowed in conjunction with facilities used exclusively for the presentation of theatrical, cultural, religious, or other non-commercial events. The total area for these signs shall be included in maximum allowed sign area as listed in Table 23.62-1.
- (6) **Time and/or Temperature Signs.** A time and/or temperature sign does not count towards the otherwise applicable limits as to number and size, provided:
- (A) Maximum Area and Height. The sign shall have a maximum area of ten square feet and shall comply with the height requirements established by Table 23.62-1.
  - (B) Design. The sign shall be designed in a manner that is architecturally compatible with other signs and with the structure on which it is placed.
- (7) **Building Signs.** Where allowed in Table 23.62-1, a building sign shall comply with the following additional requirements:
- (A) Location. The sign shall not be placed to obstruct any portion of a window, doorway, transom, or other architectural detail.
  - (B) Maximum Area and Height. The sign shall not project above the edge of a structure and shall comply with the height requirements established by Table 23.62-1. It shall not take up more than 75 percent of the building frontage on which it is placed.
  - (C) Projection from Wall. The sign shall not project from the surface upon which it is attached more than requirements for construction purposes and in no case more than 12 inches. See Section 23.62.070 (General Development, Maintenance, and Removal) for three-dimensional elements on all signs.

#### **23.62.120 General Development, Maintenance, and Removal**

This Section describes the standards applied to the development, maintenance, and removal of signs within the City.

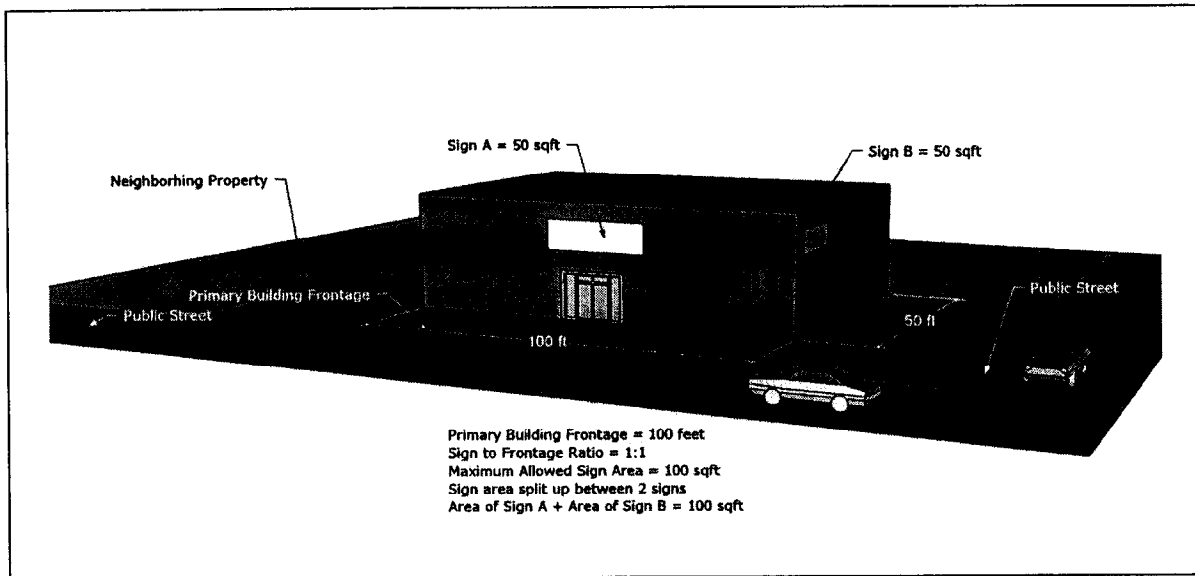
- (1) Measurement of Sign Area.
- (A) Sign area shall be computed by means of a maximum of five rectangles that enclose the extreme limits of writing, representation, emblem, or any fixture of similar character, together with any frame or material or color forming an integral part of the display or used to differentiate such sign from the background against which is it placed. (See Figure 23.62-3); however, if the sign is composed of individual letters or symbols using the wall as the background with no added decoration, 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.

**Figure 23.62-3  
Measurement of Sign Area**



- (B) Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area;
- (C) Signs composed of more than one sign face shall be computed as including only the maximum single display surface that is visible from any ground position at one time;
- (D) Where a sign consists of one or more three-dimensional objects (e.g., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane, as viewed from a position in the public right-of-way which produces the largest visual projection;
- (E) For signs that incorporate time and temperature devices, the area of these devices shall not be included in the total area of the sign; however, when time and temperature are combined with a commercial message or image, on the same visual plane, then the time and temperature indicators are included within the sign area;
- (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 Section 23.62.020) (See Figure 23.62-4);

**Figure 23.62-4**  
**Sign Area and Distribuion by Primary Building Frontage**

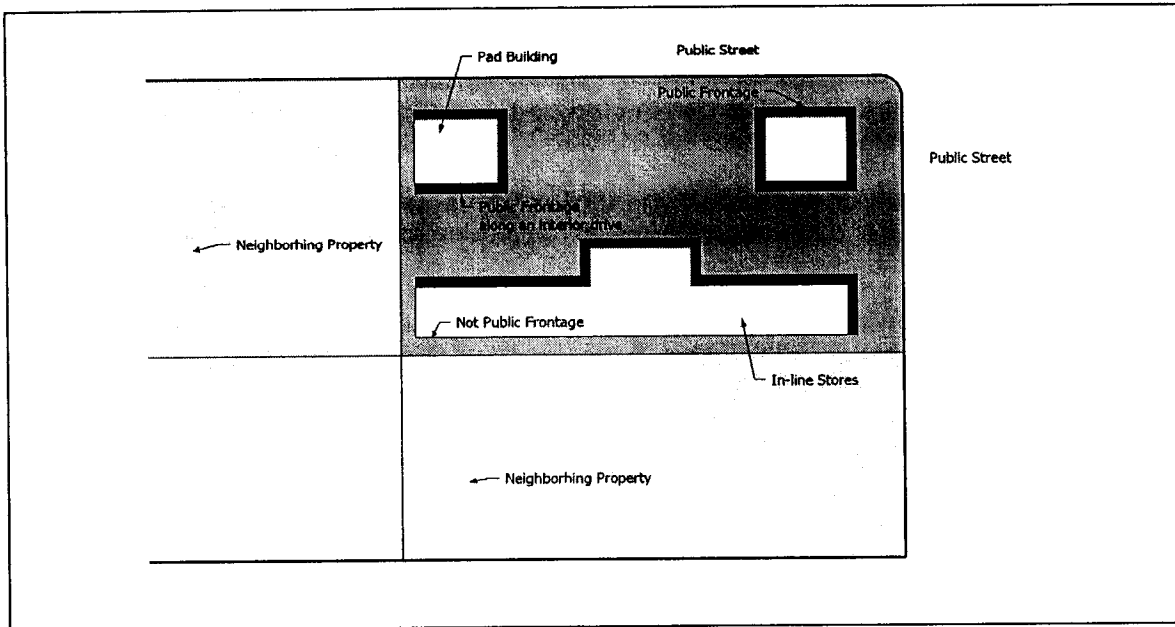


- (2) **Measurement of Sign Height.** Sign height shall be measured from the upper most part of the sign used in determining the area of the sign to the lowest elevation at the base of the sign.
- (3) **Maintenance of Signs.** All signs shall comply with the following criteria:
- (A) All transformers, equipment, programmers, and other related items shall be screened and/or painted to match the building or shall be concealed within the sign;
  - (B) All permanent signs shall be constructed of quality, low-maintenance materials such as metal, concrete, natural stone, glass, and acrylics. Techniques shall be incorporated during construction to reduce fading and damage caused by exposure to sunlight or degradation due to other elements;
  - (C) All signs shall be constructed in compliance with any applicable building, electrical, or other code in effect at the time of construction or maintenance, with particular respect to wind and seismic loads and overturning moment;
  - (D) All freestanding signs that incorporate lighting shall have underground utility service;
  - (E) Signs shall be cleaned, updated, and/or repaired as necessary to maintain an attractive appearance and to ensure safe operation of the sign. Unacceptable sign conditions include: broken or missing sign faces, broken or missing letters, chipped or peeling paint, water damage, missing or inoperative lights, exposed mechanical or electrical components, and missing or broken fasteners. Failure to respond to a written request from the City to perform maintenance work shall result in revocation of the sign's permit or status as exempt from permit, subject to the appeal provisions stated in Section 23.62.080.1;

- (F) All temporary signs and banners shall be made of a material designed to maintain an attractive appearance for as long as the sign is displayed;
- (G) All illuminated signs shall be of such intensity or arranged in such a manner so as to avoid unreasonable glare for abutting properties or vehicular traffic;
- (4) **Illumination Standards.** The artificial illumination of signs, either from an internal or external source, shall be designed to minimize negative impacts on surrounding rights-of-way and properties. The following standards shall apply to all illuminated signs:
- (A) External light sources shall be directed and shielded to limit direct illumination of an object other than the sign;
- (B) The light from an illuminated sign shall not be of an intensity or brightness that will create glare or other negative impact on residential properties in direct line of sight to the sign;
- (C) Unless otherwise permitted by another provision of this Chapter, signs shall not have blinking, flashing, or fluttering lights, or other illumination devices that have a changing light intensity, brightness, or color;
- (D) Colored lights shall not be used at a location or in a manner so as to be confused or constructed as traffic control devices;
- (E) Reflective type bulbs and incandescent lamps that exceed 15 watts shall not be used on the exterior surface of signs so that the face of the bulb or lamp is exposed to a public right-of-way or adjacent property; and
- (F) Light sources shall utilize energy efficient fixtures to the greatest extent possible.
- (5) **Sign removal or replacement.** When a sign is removed or replaced, all brackets, poles, and other structural elements that support the sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure. This provision does not apply to routine maintenance.
- (6) **Setback of Freestanding Signs (Permanent and Temporary).** The minimum setback distance for signs shall be measured from back of the public right-of-way, unless an encroachment permit is granted. All freestanding signs shall be setback a minimum of ten feet from the public right-of-way with the following exception:
- (A) Where the public right-of-way has not been improved to its ultimate width, signs shall be setback from the ultimate right-of-way as defined by the Public Works Department. Until such time as the right-of-way is improved to its ultimate width, the applicant may be granted an Encroachment Permit to allow the sign to be placed within the ultimate right-of-way, provided that when the right-of-way is improved the owner of the sign shall be required to remove or otherwise relocate the sign (at their own cost) and shall be subject to the current standards as provided in this Zoning Code. All encroachment permits for signs may be revoked by the City with 30 days written notice.
- (7) **Location of Building Signs.** Building signs may be located along any frontage of a building that faces directly onto a public right-of-way or an internal circulation path of

the site. Orientation of signs such that they face directly onto residential property is to be avoided, and allowed only when there is no practical alternative, and the visibility of the sign from the residence is minimized. See Figure 23.62-5.

**Figure 23.62-5  
Allowed Locations for Building Signs**



**23.62.130 Permitted Signs by Type and Development Characteristics**

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 23.62.040. 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:

- (1) Building signs are those signs that are permanently attached to a building (e.g., wall signs, blade/bracket signs, etc. (See Figure 23.62-6));
- (2) Freestanding signs are those that have their own unique foundation or are otherwise not attached to a building (e.g., monument sign (Shown in Figure 23.62-7));
- (3) The total allowed sign area may be distributed among the maximum number of signs permitted for each sign type. See Figure 23.62-4 for an example.

- (4) Illumination Standards refer to whether or not the sign may be illuminated and how. Signs that may be illuminated may be done so by "indirect or background" (indirect light source, low-wattage spotlight glare to the adjoining property, or internal light source with opaque, non-transparent background) or by any method, that minimized glare onto (neighboring) residential property.
- (5) Allowable sign area is either a set square footage per business or is based on a ratio of sign area to primary building frontage. It is calculated as described in Section 23.62.070 (General Development, Maintenance, and Removal). Where a ratio is described, it applies up to the listed maximum sign area.
- (6) Public frontage is that area of the building that faces onto a public right-of-way, an internal circulation aisle, or a parking lot. In no case shall signs face directly onto residential property. (See Section 23.62.070 and Figure 23.62-5)

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

Sign Type	Maximum Number Permitted	Maximum Area	Maximum Height	Minimum Setback from ROW	Illumination Standards	Other Standards (See Notes)
<b>Residential Dwellings/Uses</b>						
1. Building Signs <sup>1</sup>	1/ home	2 sf.	Roofline	-	No Illumination	<sup>2</sup>
<b>Single Family Subdivisions</b>						
1. Freestanding Signs: Entry Monument	1/ project entrance	24 sf. each	6 ft.	10 ft.	Indirect or background	
<b>Multifamily Dwellings and Complexes</b>						
1. Building Signs	1/ complex	6 sf.	Roofline	-	No Illumination	<sup>3</sup>
2. Freestanding Signs	1/ vehicle entrance	16 sf. each	6 ft.	10 ft.	Indirect or background	<sup>3</sup>
<b>Agricultural Uses</b>						
1. Building Signs	1/ establishment	6 sf. each	6 ft.	-	No Illumination	
2. Freestanding Signs	1/ establishment	6 sf. each	8 ft.	10 ft.	No Illumination	
<b>Permitted Non-Residential Uses in a Residential Zoning Category</b>						
1. Building Signs	1/ establishment	6 sf.	Roofline	-	No Illumination	<sup>2</sup>
2. Freestanding Signs	1/ establishment	6 sf.	10 ft.	10 ft.	No Illumination	
<b>Permitted Non-Residential Uses in an Agricultural Zoning Category</b>						
1. Building Signs	1/ establishment	6 sf.	Roofline	-	No Illumination	<sup>2</sup>

Sign Type	Maximum Number Permitted	Maximum Area	Maximum Height	Minimum Setback from ROW	Illumination Standards	Other Standards (See Notes)
2. Freestanding Signs	1/ establishment	6 sf.	10 ft.	10 ft.	No Illumination	
<b>Commercial Uses</b>						
1. Building Signs: Pad Buildings and In-line stores >25k sf.	1/ public frontage	1.5:1 with max 150 sf. total for all signs	Roofline	-	4	2
2. Building Signs: In-line stores <25k sf.	1/ establishment	1:1 with max 100 sf. total for all signs	Roofline	-	4	2
3. Freestanding Signs: Individual Establishments	1	50 sf.	10 ft.	10 ft.	Indirect or background	
4. Freestanding Signs: Integrated Development	1	150 sf.	20 ft.	10 ft.	Indirect or background	
<b>Auto Dealerships and Uses within the TC Zoning District</b>						
1. Building Signs	1/ establishment	125 sf.	Roofline	-	4	
2. Freestanding Signs	1/ establishment	175 sf.	45 ft.	10 ft.	4	
<b>Office and Industrial Uses</b>						
1. Building Signs	1/ establishment	1:1 with max 50 sf.	Roofline	-	4	
2. Freestanding Signs, standalone project	1/ establishment	25 sf.	10 ft.	10 ft.	4	
3. Freestanding Signs, integrated development	1/ project entrance	100 sf.	10 ft.	10 ft.	4	
<b>Permitted Uses in the Open Space Zoning District</b>						
1. Building Signs	1/ establishment	20 sf.	6 ft.	-	No Illumination	
2. Freestanding Signs	1/ establishment	16 sf.	10 ft.	10 ft.	4	
<b>Non-Commercial and Public/Quasi-Public Uses</b>						
1. Building Signs	1/ use	12 sf.	Roofline	-	Indirect or background	
2. Freestanding Signs	1/ use	24 sf.	6 ft.	10 ft.	Indirect or background	

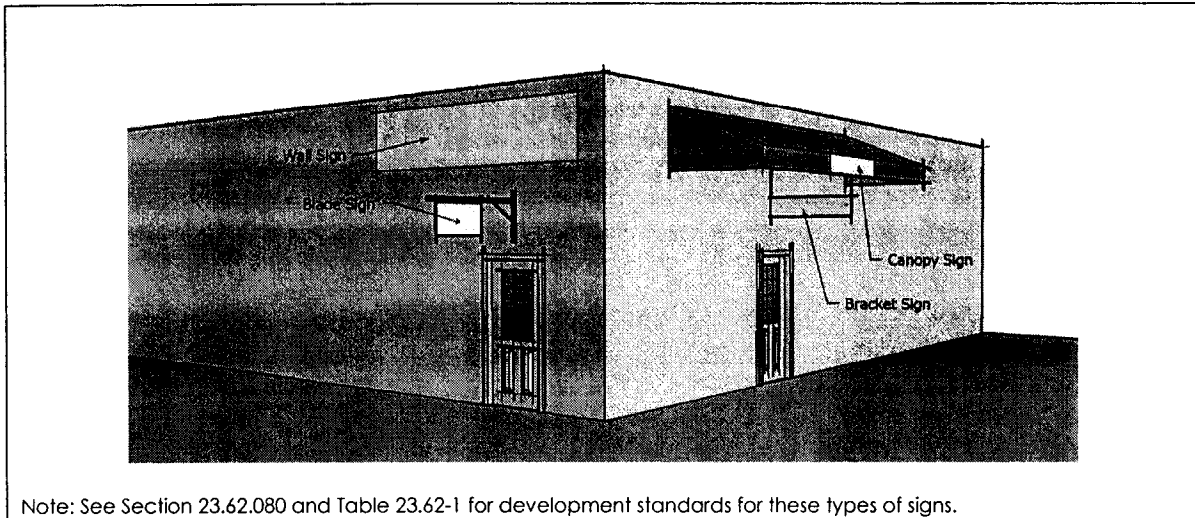
<b>Sign Type</b>	<b>Maximum Number Permitted</b>	<b>Maximum Area</b>	<b>Maximum Height</b>	<b>Minimum Setback from ROW</b>	<b>Illumination Standards</b>	<b>Other Standards (See Notes)</b>
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Notes:

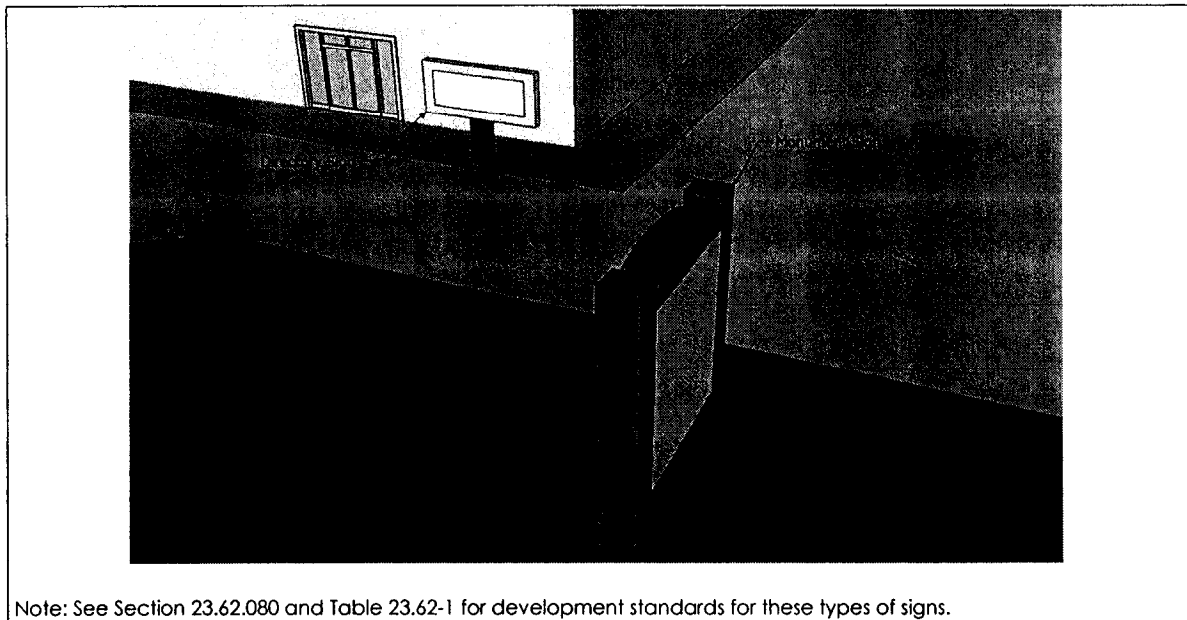
1. Excludes Name Plates as described in 23.62.040; See Figure 23.62-2 for illustrations of allowed Building Signs and Figure 23.62-3 for illustrations of allowed Freestanding Signs
2. Must be attached to the main building on the front of the building.
3. Excludes on-site directional signs or name plates as described in Section 23.62.040.
4. Minimize glare onto residential property.



**Figure 23.62-6  
Permitted Building Sign Types**



**Figure 23.62-7  
Freestanding Sign Types**



**23.62.140 Temporary and Special Event Signs**

This section describes standards for Temporary Signs, Special Event Signs, and signs for subdivisions.

- (1) **Temporary Signs.** Temporary commercial signs for grand openings, special product, sale, or event advertising are allowed within the City with the development standards described below. While the City does not issue Temporary Sign Permits, provisions herein will be enforced pursuant this Chapter and other appropriate City law.
  - (A) Time Duration. Each establishment may display a maximum of two weeks temporary promotional signs per calendar quarter or season, not to exceed a total of eight weeks per calendar year. Temporary advertising periods may be combined, but may never be longer than four consecutive weeks (30 consecutive days) at any one time.
  - (B) Illumination. No temporary signs may be illuminated.
  - (C) Table 23.62-3 describes the development standards with regards to maximum number, area, height, and setback from the public right-of-way. In no case may a temporary sign be placed within a required clear vision triangle.

**Table 23.62-3  
Temporary Sign Standards**

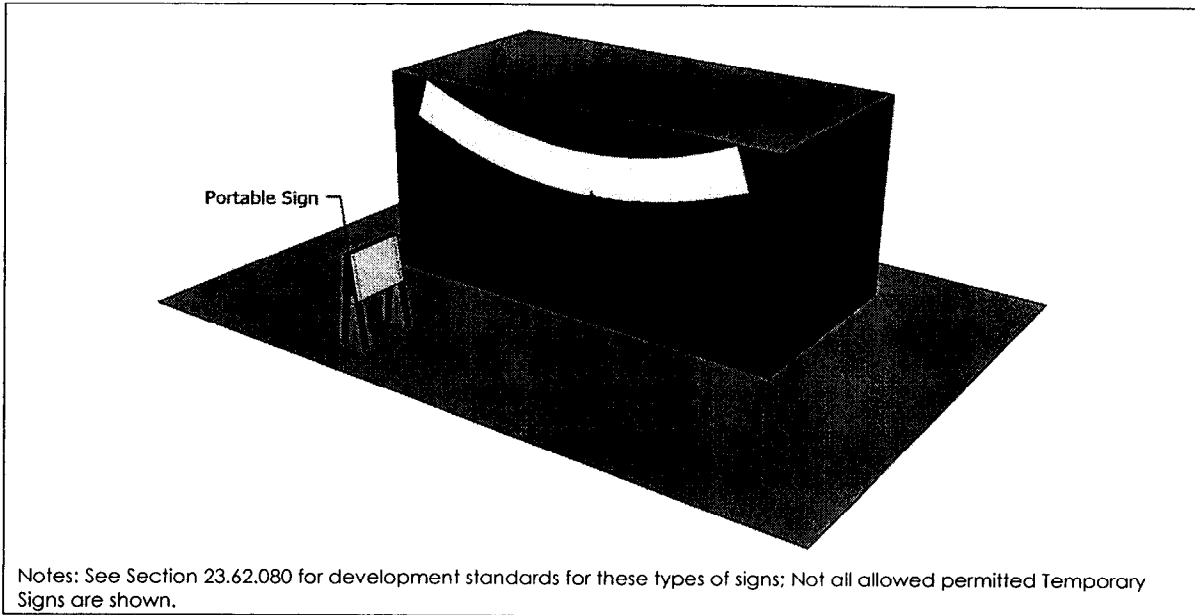
Use Type	Maximum Temporary Number Permitted	Maximum Area	Maximum Height	Minimum Setback from ROW
Residential Dwellings/Uses, Building Sign	1/ home occupation	2 sf. total	8 ft.	5 ft.
Multifamily Dwellings and Complexes	3/ complex	< 10 units – 10 sf. > 10 units – 30 sf.	Roofline if on building; otherwise 10 ft.	5 ft.
Agricultural Uses	1/ establishment	5 sf.	8 ft.	10 ft
Permitted Non-Residential Uses in a Residential or Agricultural Zoning Category	3/ establishment	6 sf. each	10 ft.	10 ft.
Commercial Uses, Building Signs	1/ establishment	6 sf. each	Roofline	-
Commercial Uses, Freestanding Signs	1/ establishment	6 sf.	5 ft.	10 ft.
Auto Dealerships and Uses within the TC Zoning District	3/ establishment	10 sf. each	10 ft.	10 ft.
Office and Industrial Uses	3/ establishment	6 sf. each	10 ft.	10 ft.
Permitted Uses in the Open Space Zoning District	1/ establishment	5 sf.	8 ft.	10 ft.

Adopted

July 12, 2006

Use Type	Maximum Temporary Number Permitted	Maximum Area	Maximum Height	Minimum Setback from ROW
Non-commercial and Public/Quasi-Public Uses	2/ use	5 sf. total	5 ft.	10 ft.

Figure 23.62-8  
Temporary Sign Types



- (2) **Special Event Signs.** Signs not otherwise permitted in this Chapter (e.g., beacons, pennants, freestanding banners, inflatable signs), are not regulated by this Chapter, but instead by Public Assembly, Parades, Street Closures, not adopted as part of this Ordinance.
- (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 signs shall be permitted in accordance with the provisions listed in 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 as described below:
- (i) **Kiosks.** Directional kiosks provide co-location opportunities for direction and identification of multiple projects (see Figure 23.62-9). 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 additions, tag signs, streamers, balloons, devices, display boards, or appurtenances added to the sign as originally approved.
- (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.
- (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.

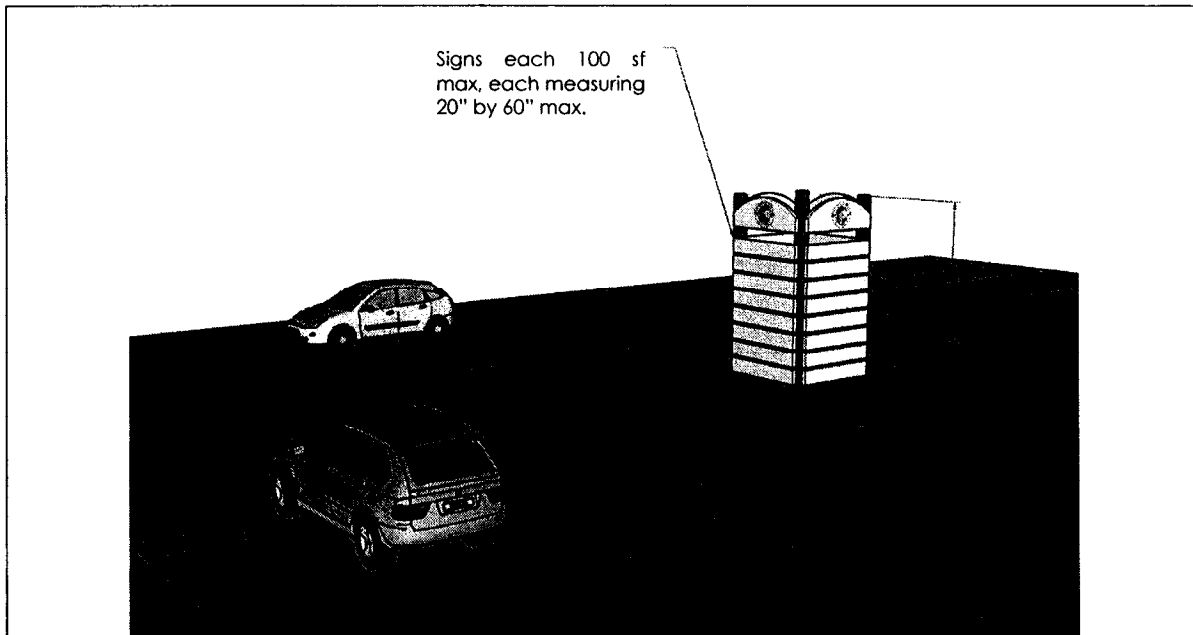
**Table 23.62-4  
Single family Subdivision Signs**

Sign Type	Maximum Temporary Number Permitted	Maximum Area	Maximum Height	Minimum Setback from ROW	Illumination Standards	Other Standards (See Notes)
1. Freestanding Signs: On-site	1/ project entrance, max 6	32 sf. each	10 ft.	5 ft.	No Illumination	
2. Freestanding Signs/Kiosk: Off-site, / Kiosk	1/ major intersection <sup>1</sup>	n/a	18 ft.	5 ft.	No Illumination	2
3. Freestanding Signs/Kiosk: Off-Site, / project	6/ project	100 sf. max each, measuring 20 inches by 60 inches max	18 ft.	5 ft.	No Illumination	3
4. Weekend Directional Signs <sup>4</sup>	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  
Off-Site Directional Kiosk Sign**



**23.62.150 Signs on Residential Uses**

Residential uses (other than home occupations as regulated in Section 23.62.130) may display signs subject to the requirements of this section. For each dwelling unit, signs may be displayed as stated in Table 23.62-5 and as listed below, without permits. The following rules do not apply to flags or to signs identifying the address and/or occupants. Such signs may display non-commercial messages conveying garage sales, yard sales, etc.

- (1) **Signs with two faces.** Only one side of a two faced sign shall be counted in the calculation of sign area.
- (2) **Non-commercial Message Signs.** During the time period beginning 60 days before a special, general or primary election, and ending seven days after such election, the total allowed sign area may be increased by an additional five square feet over the maximum sign area listed in Table 23.62-5.
- (3) **Illumination.** Illumination of signs is prohibited.

**Table 23.62-5  
Signs on Residential Uses**

Sign Type	Maximum Number	Maximum Total Area, All Sign <sup>1</sup>	Maximum Height	Minimum Setback from ROW
<b>Single Family Residential Districts and Uses</b>				
A-frame Signs	1	8 sf.	4 ft. <sup>2</sup>	5 ft. <sup>3</sup>
All others	Not limited	5 sf.	Roofline of dwelling	5 ft. <sup>3</sup>
<b>Multi-family Residential Districts and Uses<sup>4</sup></b>				
All Sign Types <sup>5</sup>	Not limited	5 sf.	Roofline of dwelling	5 ft. <sup>3</sup>

Notes:

- 1. Maximum sign area does not include flags or signs indicating the address and/or residents or home occupation
- 2. Maximum width is 30 inches.
- 3. May not be located within any required Clear Vision Triangle.
- 4. Includes multi-family residential units and mobile home parks, but not including units in transient occupancy facilities (hotels, motels, etc.). Standards listed are per dwelling unit.
- 5. Freestanding yard signs or signs on fences require the consent of the landowner.

**23.62.160 Non-Conforming Signs**

Signs that were legally established prior to the adoption, or subsequent amendments, of this Chapter, but are inconsistent with the adopted content are considered Legal Non-Conforming Uses, and are "grandfathered" by this Chapter. As such, they may continue to exist provided that they are not altered, modified, or changed in any way that would increase their nonconformity. When such modification-alteration-change occurs or is proposed, (as defined in Chapter 23.84, Non-conforming Uses, Buildings, Structures), the sign shall be brought into

compliance with this Chapter, requiring Zoning Clearance, and the Clearance shall be reviewed under the specifications of Section 23.62.030 of this Chapter.

**23.62.170 Abandoned Signs**

As of the date of first adoption of this Chapter, no legally established signs shall be considered abandoned. For regulatory purposes, any factors indicating abandonment shall not begin accruing until 90 days after this Chapter first goes into effect.

**Chapter 23.63      Undergrounding of Utilities**

**Sections:**

- 23.63.010 Purpose
- 23.63.020 Development Standards

**23.63.010      Purpose**

The purpose of this Chapter is to establish uniform regulations for the undergrounding of all utilities.

**23.63.020      Development Standards**

Unless it is determined by the Planning Director to be impractical due to existing development or natural features, all utilities (including but not limited to electricity, telephone, cable television, etc.) shall be placed underground for all projects. The Planning Director may request a recommendation from the appropriate utility company if this requirement is protested by the project proponent.



## Chapter 23.64 Yard Measurements and Projections

### Sections:

- 23.64.010 Purpose
- 23.64.020 Definitions
- 23.64.030 Required Yard Areas
- 23.64.040 Setback Measurements
- 23.64.050 Allowed Encroachments/Projections into Required Yards

### 23.64.010 Purpose

The purpose of this Chapter is to establish rules and regulations for setback measurement, yard areas, and encroachments. These provisions, in conjunction with other applicable provisions of this Title, are intended to ensure open areas around primary structures, maintain clear visibility for traffic safety and pedestrian access, buffer between property and land uses, and establish natural and visual light and air space privacy, landscaping and recreation.

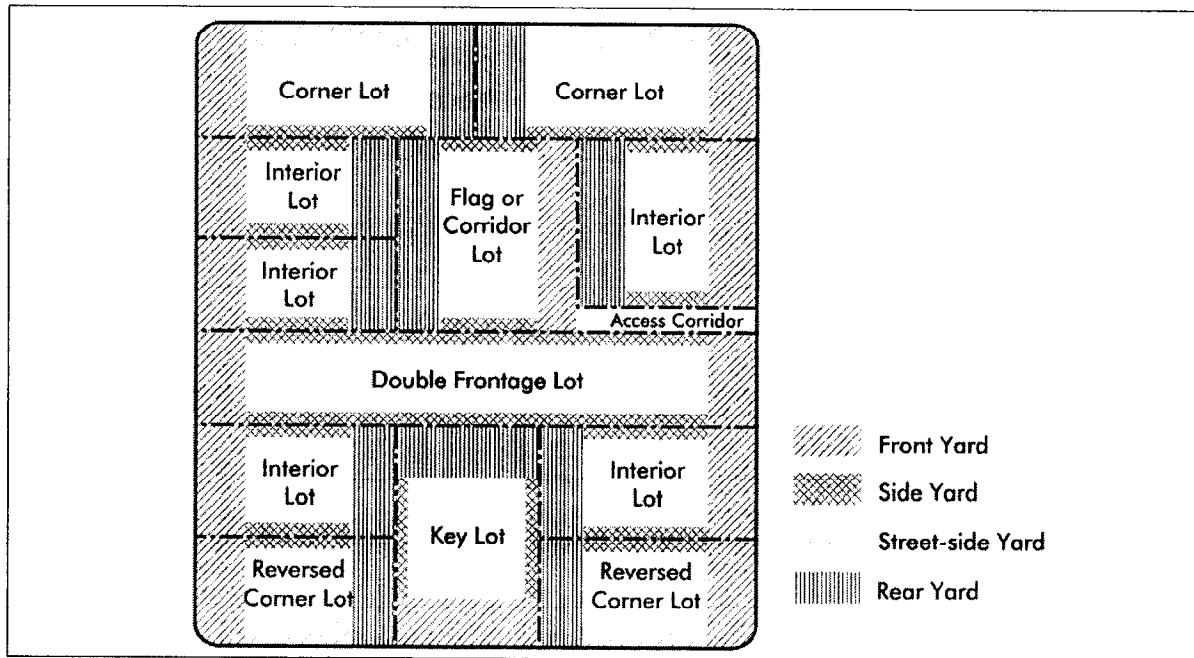
### 23.64.020 Definitions

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

- (1) **Lot.** A legally established parcel of land under one ownership having frontage upon a street. Lot types area as follows (See Figure 23.64-1):
  - (A) Corner lot. A lot bounded by two or more abutting and intersecting street lines.
  - (B) Double frontage lot. An interior lot bounded by two or more abutting street lines that do not intersect.
  - (C) Flag Lot. A lot connected to a street by an access corridor such as an alley, narrow private drive, or access easement.
  - (D) Interior Lot. A lot which is not a corner lot and has only one street frontage.
  - (E) Key Lot. The first interior lot to the rear of a reversed corner lot.
  - (F) Reverse corner lot. A corner lot in which the rear property line abuts the front yard area of an adjoining interior lot (as opposed to the rear yard of another corner lot).
- (2) **Lot area.** The total horizontal area (square footage) contained within the boundaries of a lot. Unless otherwise specified, lot area shall be calculated using gross, rather than net areas as defined below.
  - (A) Gross lot area. The lot area inclusive of streets and alleys.
  - (B) Net lot area. The lot area exclusive of existing and proposed public and private streets and alleys.
- (3) **Lot depth.** The horizontal distance between the front and rear property lines measured along a line midway between the side property lines.

- (4) **Lot frontage.** That portion of a lot that abuts a street right-of-way or other principle means of access thereto.
- (5) **Lot width.** The horizontal distance between side lot lines, measured at the required front setback line.
- (6) **Property Line, Rear.** A property line which is opposite and most distant from the front property line and, in case of an irregular, triangular or goreshaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front property line.
- (7) **Right-of-way line.** The dividing line between a street (including curb, gutter, sidewalk, and other associated infrastructure) and the abutting property.
- (8) **Setback.** The minimum distance between the main building and property lines of the lot, measured at a right angle from the designated property line. Minimum setback distances are listed by zoning district in Article III (Zoning Districts, Allowable Uses, Development Standards). See Figure 23.64-3.
- (9) **Yard (area).** The horizontal area between a property line and a parallel line along the nearest structure located outside of the required setback area. See Figure 23.64-2.
- (10) **Yard (area), required.** The horizontal area between a property line and a parallel line drawn at the minimum setback distance, measured at a right angle from the property line. See Figures 23.64-2.

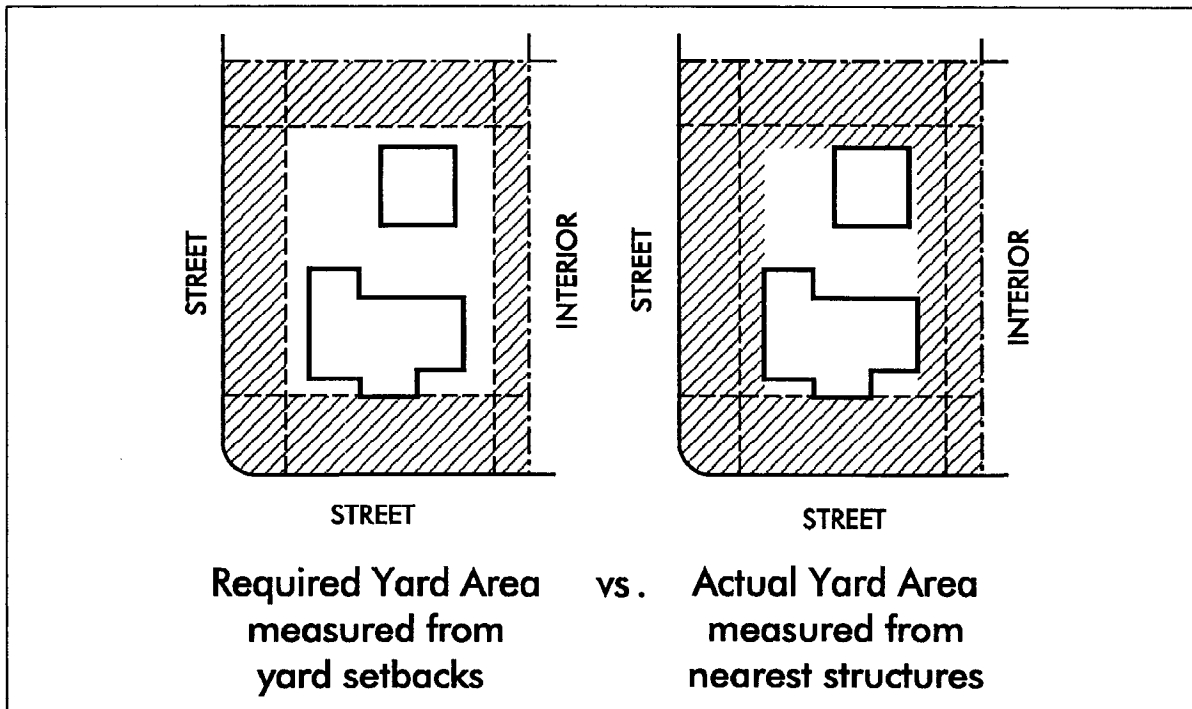
Figure 23.64-1  
Lot Definitions and Yard Areas



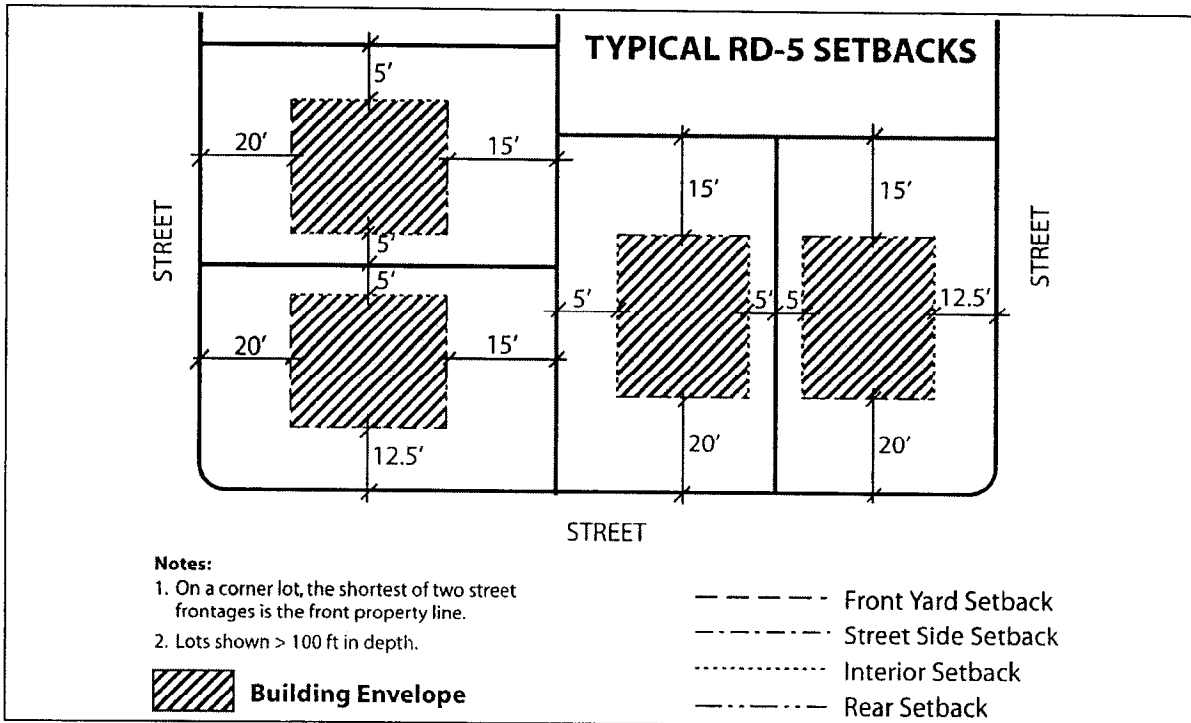
**23.64.030 Required Yard Areas**

The required yard area (front, interior side, street side, and/or rear) of a lot is the horizontal area between the property line and the minimum setback distance for the respective yard pursuant to Article III (Zoning Districts, Allowable Uses, Development Standards). Except as otherwise specified in this Title, required yard areas shall be kept free of buildings and structures. See Figures 23.64-2 and 23.64-3.

**Figure 23.64-2  
Required vs. Actual Yard Area**



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



**23.64.040 Setback Measurements**

All setback distances shall be measured at right angles from the designated property line (e.g., front, interior side, street-side, rear) and the setback line shall be drawn parallel to the designated property line at the required setback distance, except as follows:

- (1) The rear yard setback on the street side of a double frontage lot is a line parallel to the rear property line abutting the street. However, if an access easement or street right-of-way line extends into or through a rear yard, the minimum rear yard setback distance shall be measured at right angles from the access easement or right-of-way line; and
- (2) Where the side lot lines converge to a point with two or three lines, the rear yard setback shall be measured from an imaginary line drawn parallel to the front property line from a distance of ten feet from the point at which the lines converge.

**23.64.050 Allowed Encroachments/Projections into Required Yards**

- (1) In addition to the detached structures listed in Chapter 23.46 (Accessory Structures) and Chapter 23.52 (Fences and Walls), the following structures and architectural features attached to the main building may project into required yards as listed in Table 23.64-1:

**Table 23.64-1  
Projection/Encroachment of Attached Structures Into Required Yard Areas**

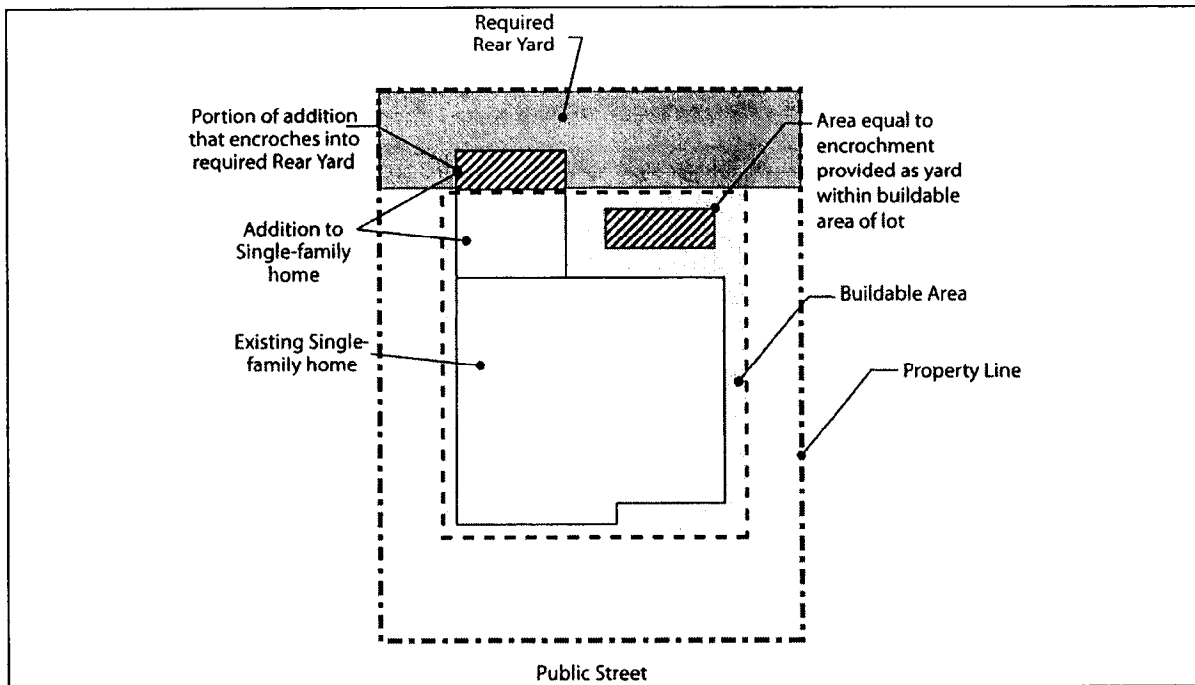
Structures	Encroachment Distance into Required Yard		
	Front Yard	Side Yard	Rear Yard
Fireplaces, bay windows, porches, pergolas, awnings, trellis and decks and patios higher than 30 inches above grade	2 ft. <sup>1,2</sup>		
Canopies, cornices, eaves, canopies, and roof overhangs	2 ft. <sup>1</sup>		
Uncovered porches or stairways, fire escapes or landing places higher than 30 inches above grade	6 ft. <sup>1</sup>	4 ft. or ½ required setback, whichever is less <sup>1</sup>	6 ft. <sup>1</sup>

Notes

1. However, all such encroachments shall maintain a minimum 3-foot setback from all property lines and a minimum distance of 6 feet from any other structure.
2. The combined length of all such features shall not account for more than 25% of the length of the wall surface on which the features are located.

(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).

**Figure 23.64-4  
Main Building Projections into the Rear Yard for Single family Development**



# Title 23 - Zoning



## Article V

### Special Use Regulations

**Chapters:**

- 23.68 Accessory Uses
- 23.70 Adult-Oriented Businesses
- 23.72 Automobile Service Stations
- 23.74 Big-Box Retail
- 23.76 Condominium Conversion
- 23.78 Drive-in and Drive-through Facility
- 23.80 Emergency Shelters and Transitional Housing Facility
- 23.82 Home Occupations
- 23.84 Non-conforming Uses, Buildings, Structures
- 23.86 Outdoor Sales, Display, Storage, and Seating
- 23.88 Residential Care Facility
- 23.90 Second Dwelling Units
- 23.92 Temporary Uses
- 23.94 Wireless Communication Facility

**Revisions:**

The following revisions have been made to Article V of Title 23:

Date of Adoption	Ordinance Number	Subject	Chapter	Page Number

**Chapter 23.68 Accessory Uses****Sections:**

- 23.68.010 Purpose
- 23.68.020 Accessory Uses Defined
- 23.68.030 Accessory Uses Permitted
- 23.68.040 Permit Required

**23.68.010 Purpose**

The purpose of this Chapter is to identify and regulate accessory uses of property in all zoning districts to ensure such uses are developed and conducted in a manner that does not create any public safety or public nuisance issues.

**23.68.020 Accessory Uses Defined**

For the purposes of this Title, "accessory uses" are those related uses necessary, or incidental, appropriate and subordinate to the operation and enjoyment of the principal use of the parcel or structure on which such use is authorized by zoning district regulations and as otherwise stated herein. Accessory uses are permanent or long-term in nature, distinct from the temporary use regulations of Chapter 23.92 (Temporary Uses).

**23.68.030 Accessory Uses Permitted**

- (1) **Agricultural and Residential Zoning Districts.** The following list of accessory uses are permitted in all agricultural and residential zoning districts and uses are subject to compliance with listed conditions and other provisions of this Title.
  - (A) Antennas, cables, and wireless telecommunication facility in accordance with provisions of Chapter 23.94 (Wireless Communications Facility).
  - (B) Garage/yard sales are permitted on any parcel where the sale operator resides, not to exceed three sales per calendar year for a maximum of two consecutive days and may only operate during daylight hours.
  - (C) Home occupations in accordance with provisions of Chapter 23.82 (Home Occupations).
  - (D) Off-street parking for use by persons living at or visiting the premises.
  - (E) Outdoor storage in compliance with provisions of Chapter 23.86 (Outdoor Sales, Display, Storage, and Seating).
  - (F) Recreation facility for use by persons living at or visiting the premises.
  - (G) Recreation, refreshment, and service buildings in public parks.
  - (H) Rental and sales offices for the leasing and/or sales of units located in the same apartment or condominium complex.

- (I) Home Owner Association and/or clubhouse buildings for resident and guest use with approval of a Conditional Use Permit pursuant to 23.14 (Conditional Use Permit).
  - (J) Vehicle maintenance and repair shall be limited to work conducted entirely within an enclosed garage on vehicles that are registered to a person currently residing at the home.
- (2) **Commercial, Office and Industrial Zoning Districts.** The following list of accessory uses are permitted in all commercial, office and industrial zoning districts subject to compliance with listed conditions and other provisions of this Title.
- (A) Accessory retail uses such as restaurants, pharmacies, and the sale of retail merchandise, are allowed accessory to a primary use.
  - (B) Antennas, cables, and wireless telecommunication facility in accordance with provisions of Chapter 23.94 (Wireless Communications Facility).
  - (C) Automatic teller machine(s).
  - (D) Bus shelters.
  - (E) Off-street parking for use by persons working at or conducting business at the premises.
  - (F) Outdoor sales, display, storage and seating in compliance with provisions of Chapter 23.86 (Outdoor Sales, Display, Storage, and Seating).
  - (G) Recreation, refreshment and service buildings in public parks.
  - (H) Recreation facility (indoors and outdoors) for use of employees.
  - (I) Small Recycling collection facility and reverse vending machines.
- (3) **Open Space Zoning Districts.** The following list of accessory uses are permitted in the Open Space Zoning Districts subject to compliance with listed conditions and other provisions of this Title.
- (A) Antennas, cables, and wireless telecommunication facility in accordance with provisions of Chapter 23.94 (Wireless Communications Facility).
  - (B) Bus shelters and park-and-ride lots.
  - (C) Recreation, refreshment and service buildings in public parks.
  - (D) Small collection facility and reverse vending machines.

**23.68.040 Permit Required**

Newsracks are allowed in all zones subject to approval of a Minor Use Permit.



**Chapter 23.70 Adult Oriented Businesses****Sections:**

- 23.70.010 Purpose and Intent
- 23.70.020 Definitions
- 23.70.030 Classification
- 23.70.040 Distance Requirements
- 23.70.050 Non-conforming Use Based Upon Distance Requirements
- 23.70.060 Other Non-conforming Use

**23.70.010 Purpose and Intent**

It is the purpose of this Chapter to regulate Adult-Oriented Businesses in order to promote the health, safety, and general welfare of the residents of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of Adult-Oriented Businesses within the City. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult-oriented materials. Similarly, it is not the intent or effect of this ordinance to restrict or deny access by adults to adult-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult-oriented entertainment to their intended market. In addition, it is not the intent or effect of this ordinance to condone or legitimize the distribution of obscene material.

**23.70.020 Definitions**

For the purpose of this Chapter, the following terms shall have the definitions set forth herein.

**Adult Arcade** means any commercial establishment to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, computer, or other image-producing devices are maintained to show images to four or fewer persons per machine at any one time, and where, as a regular and substantial course of conduct, the images so displayed are distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation of Specified Sexual Activities or Specified Anatomical Areas. The phrase "regular and substantial course of conduct" shall be construed with reference to all relevant factors, including but not limited to the following:

The proportion of the business' displays that are distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation Specified Sexual Activities or Specified Anatomical Areas.

The proportion of the business' revenue that is attributable to displays that are distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation Specified Sexual Activities or Specified Anatomical Areas.

**Adult Bookstore** (including Adult Novelty Store or Adult Video Store) means a commercial establishment which, as a regular and substantial course of conduct, offers for sale or rental for any form of consideration any one or more of the following:

Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, any material in digital format (including, but not limited to, compact disc (CD) or digital video disc (DVD)), slides, or other visual representations which are distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation of Specified Sexual Activities or Specified Anatomical Areas; or,

Instruments, devices, or paraphernalia, except for clothing, which are designed for use in connection with Specified Sexual Activities.

The phrase "regular and substantial course of conduct" shall be construed with reference to all relevant factors, including but not limited to the following:

The business devotes more than 25 percent of its retail inventory (not measured by the number of items but rather by the cost to the business owner of the inventory) to merchandise distinguished or characterized by an emphasis upon Specified Sexual Activities or Specified Anatomical Areas.

The business devotes more than 25 percent of the retail floor area to merchandise that is distinguished or characterized by an emphasis upon Specified Sexual Activities or Specified Anatomical Areas.

The retail value of merchandise that is distinguished or characterized by an emphasis upon Specified Sexual Activities or Specified Anatomical Areas exceeds 25 percent of the total retail value of inventory offered in each of the following categories: (A) books, (B) magazines, (C) video tapes or any material in digital format (including, but not limited to, compact disc (CD) or digital video disc (DVD)), for sale or rental, (D) novelties and devices, and (E) on-premises viewing of images, films, and or videos.

Gross revenue derived from merchandise in any category set forth in Paragraph (iii) above exceeds 25 percent of the total gross revenue for the category.

There is a rebuttable presumption that a business constitutes an adult bookstore, adult novelty store or adult video store where the business (A) offers or advertises merchandise that is distinguished or characterized by an emphasis upon Specified Sexual Activities or Specified Anatomical Areas as set forth in Paragraph (iii) above and (B) fails to make revenue and inventory related business records available to the City upon twenty-four (24) hours advance notice.

**Adult Cabaret** means a nightclub, bar, restaurant, or similar commercial establishment which, as a regular and substantial course of conduct, features:

Persons who appear in a State of Nudity or Semi-Nude Condition; or

Live performances which are distinguished or characterized by an emphasis upon the exposure of Specified Anatomical Areas or by Specified Sexual Activities; or

Films, motion pictures, video cassettes, any material in digital format (including, but not limited to, compact disc (CD) or digital video disc (DVD)), slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation of Specified Sexual Activities or Specified Anatomical Areas.

The phrase "regular and substantial course of conduct" shall be construed with reference to all relevant factors, including but not limited to the following:

The proportion of the business' performances or services that is distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation Specified Sexual Activities or Specified Anatomical Areas.

The proportion of the business' revenue that is attributable to performances or services that are distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation Specified Sexual Activities or Specified Anatomical Areas.

**Adult Motel (Including Adult Hotel)** means a hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, any materials in digital format (including, but not limited to, compact disc (CD) or digital video disk (DVD)), slides, or other photographic reproductions which, as a regular and substantial course of conduct, are distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation of Specified Sexual Activities or Specified Anatomical Areas; and has any of the following characteristics:

A sign visible from the public right of way which advertises the availability of the above-described photographic reproductions; or

Offers a sleeping room for rent for a period of time that is less than ten hours; or

Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours

**Adult Motion Picture Theater** means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, any materials in digital format (including, but not limited to, compact disc (CD) or digital video disk (DVD)), slides, or similar photographic reproductions are regularly shown which are distinguished or characterized by an emphasis upon the depiction or description of Specified Sexual Activities or Specified Anatomical Areas, for observation by five or more patrons at any one time.

The phrase "regularly shown" shall be construed with reference to all relevant factors, including but not limited to the following:

The proportion of the theater's photographic reproductions that are distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation of Specified Sexual Activities or Specified Anatomical Areas

The number of photographic reproductions shown at the theater each month that are distinguished or characterized by an emphasis upon depiction, description, showing, or simulation of Specified Sexual Activities or Specified Anatomical Areas.

The proportion of the business' revenue that is attributable to entertainment that is distinguished or characterized by an emphasis upon the display or depiction of Specified Sexual Activities or Specified Anatomical Areas.

**Adult-Oriented Businesses** means any of the following commercial establishments where patrons are permitted or invited: an Adult Arcade, Adult Bookstore, Adult Novelty Store, Adult Video Store, Adult Cabaret, Adult Motel, Adult Motion Picture Theater, Adult Theater, Nude Model Studio, or Sexual Encounter Center.

**Adult Theater** means a theater, concert hall, auditorium, or similar commercial establishment which as a regular and substantial course of conduct features persons who appear in a State of Nudity or Semi-Nude Condition and/or features live performances which are distinguished or characterized by an emphasis upon the exposure of Specified Anatomical Areas or by Specified Sexual Activities.

The phrase "regular and substantial course of conduct" shall be construed with reference to all relevant factors, including but not limited to the following

The proportion of the business' performances or services that are distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation Specified Sexual Activities or Specified Anatomical Areas.

The proportion of the business' revenue that is attributable to entertainment that is distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation Specified Sexual Activities or Specified Anatomical Areas.

**Distinguished or Characterized by An Emphasis Upon** means the dominant or essential theme of the object described by such phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon the depiction or description of Specified Sexual Activities or Specified Anatomical Areas," the films so described are those whose dominant or predominant character and theme are the depiction, description, showing, or simulation of the enumerated sexual activities or anatomical areas.

**Fabric** means cloth made by weaving or knitting natural or synthetic fibers and filaments, and for the purposes of this definition, includes paper, metallic or plastic materials but excludes any material directly painted on a body.

**Nude Model Studio** means any place where a person: (i) appears Semi-Nude, in a State of Nudity, or displays Specified Anatomical Areas; and (ii) is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of California or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

That has no sign visible from the exterior of the structure and no other advertising that indicates a person is a State of Nudity or a Semi-Nude Condition is available for viewing;

Where, in order to participate in a class, a student must enroll at least three days in advance of the class; and

Where no more than one Nude or Semi-Nude model is on the premises at any one time.

**Nudity or a State of Nudity** means the showing of the human male or female genitals, pubic area, anus, or buttocks with less than a fully opaque fabric covering, the showing of the female breast with less than a fully opaque fabric covering of any part of the areola, or the showing of completely or opaquely covered (by Fabric) male genitals in a discernibly turgid state.

**Semi-Nude or in a Semi-Nude Condition** means a state of dress in which clothing covers no more than the genitals, pubic region, buttocks and areola of the female breast as well as portions of the body covered by supporting straps or devices.

**Sexual Encounter Center** means a business or commercial enterprise that, as one of its principal purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex, when one or more of the persons is in a State of Nudity or Semi-Nude Condition. The definition of sexual encounter center does not include an establishment where a medical practitioner, physiologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

**Sexually Oriented Business** means an Adult-Oriented Business.

**Specified Anatomical Areas** means and includes the following:

Less than completely and opaquely covered by fabric: (i) human genitals or pubic region; (ii) human buttocks; (iii) human anus; or (iv) the female breast below a point immediately above the top of the areola;

Human male genitals in a discernibly turgid state, even if completely or opaquely covered by Fabric; and

Any device, costume, or covering that simulates any of the body parts included in subdivisions (a) or (b) above.

**Specified Sexual Activities** means and includes any of the following, whether performed directly or indirectly through clothing or other covering:

The fondling or other erotic touching of human genitals, pubic area, buttocks, anus, or female breast;

Sex acts, actual or simulated, including but not limited to, intercourse, oral copulation, or sodomy;

Masturbation, actual or simulated;

Excretory functions as part of or in connection with any of the other activities described in subdivision (a) through (b) above.

### **23.70.030 Classification**

Adult-Oriented Businesses are classified as follows:

- (1) Adult Arcades;
- (2) Adult Bookstores (including Adult Novelty Stores or Adult Video Stores);
- (3) Adult Cabarets;
- (4) Adult Motels (including Adult Hotels);
- (5) Adult Motion Picture Theaters;
- (6) Adult Theaters;
- (7) Nude Model Studios; and
- (8) Sexual Encounter Centers.

#### **23.70.040 Distance Requirements**

Adult Orientated Businesses are permitted subject to compliance with all of the following conditions:

- (1) Such use is situated more than 1,000 feet from any other Adult-Oriented Business whether in the City, in an adjoining city, or within an unincorporated area.
- (2) Such use is located more than 500 feet from any of the following uses whether in the City, in an adjoining city, or within an unincorporated area:
  - (A) Land zoned for single family, duplex or multifamily residences;
  - (B) Any public or private educational facility including but not limited to child day care facility, libraries, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, secondary schools, continuation schools, special education schools. This category of uses does not include vocational or professional institutions of higher education including but not limited to community or junior colleges, colleges and universities;
  - (C) Any public park, or recreational area, or property zoned, planned, or otherwise designated for such use by city action, including but not limited to a park, playground, nature trails, swimming pool, athletic field, basketball or tennis courts, or other similar public land within the City which is under the control, operation, or management of the City or park and recreation authorities; or
  - (D) A church, synagogue, mosque, temple or building or portion of a building or structure which is regularly used for religious worship or related religious activities
- (3) Such use is situated in either a M-1 or M-2 land use zone.
- (4) The distance between the Adult-Oriented Business and the zone described in sections (a) or (b) shall be made in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the building or structure, in which the Adult-Oriented

Business is located to the boundary of the property on which the building, structure, or use, or portion of the building structure, or use, described in sections (a) or (b) is located.

- (5) No more than one classification of Adult-Oriented Business shall be permitted within a single structure unless such structure is divided so that the perimeters of the individual Adult-Oriented Businesses are separated by more than 1,000 feet at their closest point.

#### **23.70.050 Non-conforming Use Based Upon Distance Requirements**

- (1) Notwithstanding the provisions of Section 23.70.040 of this Chapter, the use of land for an Adult-Oriented Business which is subject to a distance separation requirement from other specified uses that was legally established, but has been rendered nonconforming as a result of an incompatible use being established within the prescribed distance separation requirement, may continue subject to all of the following restrictions:
  - (A) Such use shall not be expanded or extended in any way either on the same or adjoining land;
  - (B) The use, including the classification of Adult-Oriented Business, shall not be changed except to a use which conforms to the regulations and zoning applicable to such land;
  - (C) If such use is discontinued for a period of more than 90 days, it shall not thereafter be reestablished;
  - (D) If the Adult-Oriented Business License, required by Title 4, Chapter 61, section 4.61.005 of the City's Code for such use is revoked, such use shall not thereafter be reestablished;
- (2) The initial conformity of a use shall be determined as of the date a completed application for an Adult-Oriented Business License is received by the City for the specified use on the subject property.
- (3) The foregoing provisions shall supersede the non-conforming use provisions of Title 1, Chapter 20, sections 120-20 and 120-28, of this Code and shall apply to Adult-Oriented Businesses.

#### **23.70.060 Other Non-conforming Use**

- (1) Any Adult-Oriented Business that was lawfully operating on October 16, 2002 or that is lawfully operating on land annexed into the City after October 16, 2002, that is in violation of this Chapter, shall be deemed a non-conforming use.
- (2) The nonconforming use shall be permitted to continue for a period not exceeding:
  - (A) One year from October 16, 2002; or
  - (B) One year from the date the land is annexed into the City, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such non-conforming use shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use.

- (3) The owner or operator of a nonconforming Adult-Oriented Business use may apply under the provisions of this section to the Planning Director for an extension of time within which to terminate the nonconforming use
  - (A) An application for an extension of time within which to terminate a use made nonconforming by the provisions of this section, may be filed by the owner of the real property upon which such nonconforming Adult-Oriented Business use is operated, or by the operator of the use. The application must be filed with the Planning Director at least 90 days, but no more than 180 days, prior to the time established in this section for termination of such nonconforming Adult-Oriented Business use.
  - (B) The written application for extension shall state the grounds for requesting an extension of time. The filing fee for such application shall be the same as that for a variance as is set forth in the schedule of fees established by resolution from time to time by the City Council
  - (C) Either the Planning Commission or a hearing officer appointed by the City Manager, shall hear the application. The matter shall be set for hearing within thirty (30) business days of receipt of the application. All parties involved shall have the right to offer testimonial, documentary and tangible evidence bearing on the issues; may be represented by counsel; and shall have the right to confront and cross-examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious matters. Any hearing under this section may be continued for a reasonable time for the convenience of a party or witness. Unless all parties stipulate, the decision of the Planning Commission or hearing officer shall be rendered prior to the termination date of the non-conforming use. The decision shall be final and subject to judicial review pursuant to Code of Civil Procedure section 1094.8.
  - (D) An extension under this section shall be for a reasonable period of time commensurate with the investment involved, and shall be approved only if the City Planning Commission or a hearing officer makes all of the following findings or such other findings as are required by law:
    - (i) The applicant has made a substantial investment (including but not limited to lease obligations) in the property or structure on or in which the nonconforming Adult-Oriented Business use is conducted, such property or structure cannot be readily converted to another use, and such investment was made prior to the (i) effective date of this Chapter or (ii) the date the land was annexed into the City
    - (ii) The applicant will be unable to recoup said investment as of the date established for the termination of the use.
    - (iii) The applicant has made good faith efforts to recoup the investment and to relocate the use to a location in conformance with this Chapter.

The Planning Director or his or her designee may require an applicant to provide additional written documentation from specified licensed professionals as necessary. Such information may include, but not be limited to the following: (1) a statement showing that the original value of the building or structure within which the Adult-Oriented Business is operated; (2) a statement showing that repair and maintenance costs on the building for a period of twenty four consecutive months prior to the termination date, does not exceed 25 percent of the current



replacement cost of the nonconforming use; or (3) a statement showing the percentage of value of the building or structure attributable to the Adult-Oriented Business use occurring therein.

**Chapter 23.72 Automobile Service Stations**

**Sections:**

- 23.72.010 Purpose
- 23.72.020 Permit Requirements and Exemptions
- 23.72.030 Location and Separation Requirements
- 23.72.040 Development and Operational Standards

**23.72.010 Purpose**

The purpose of this chapter is to regulate service station development to ensure that the design and operation of such uses effectively mitigate associated problems with traffic, congestion, excessive pavement and lighting, litter, hazardous materials, and noise.

**23.72.020 Permit Requirements and Exemptions**

Service stations are permitted or conditionally permitted in designated zoning districts as described in Article III (Zoning Districts, Allowable Uses, and Development Standards).

**23.72.030 Location and Separation Requirements**

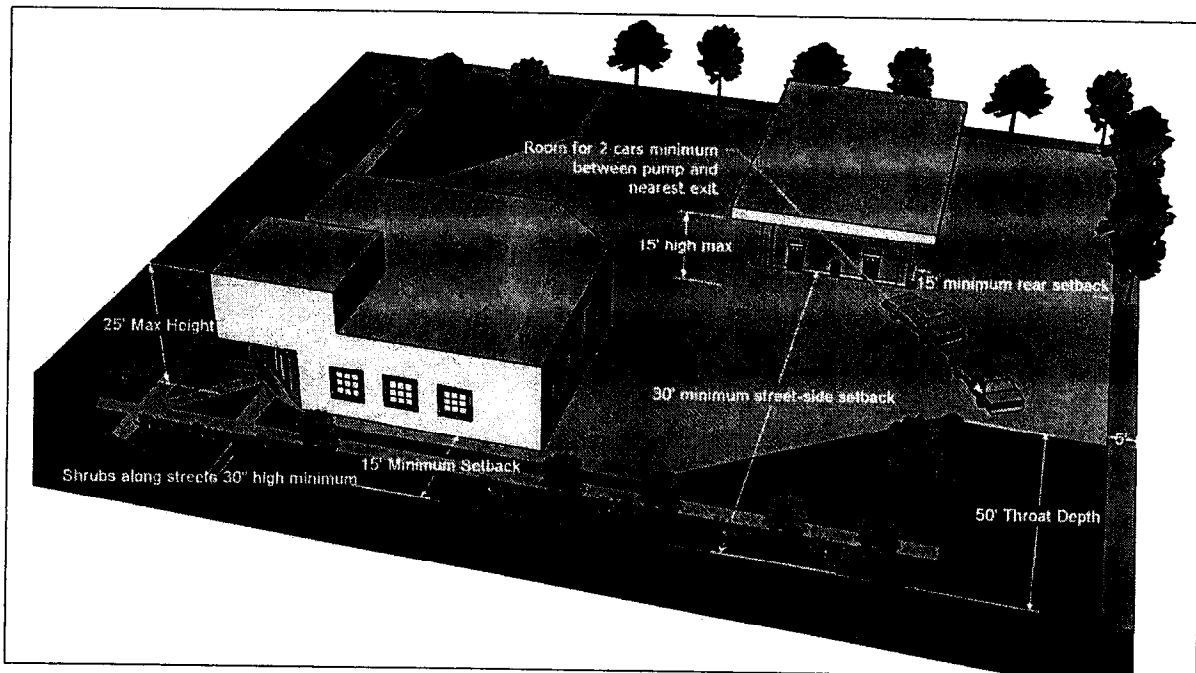
In the City of Elk Grove, automobile service stations shall be separated by a minimum of 500 feet. However, up to two service stations may be located at any one intersection. Separation distance shall be measured in a straight line from the property line of said service stations. Where two service stations 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.

**23.72.040 Development and Operational Standards**

The development standards in this section are intended to supplement the standards in the underlying zoning district for service station uses. In the event of conflict between these standards and the underlying zoning district standards, the provisions of this section shall apply. Service station uses shall also comply with all applicable State and Federal regulations regarding site design, pricing signs, containment, maintenance, and operations.

- (1) **Minimum lot size.** The minimum lot size to accommodate a service station in the City is 15,000 square feet.
- (2) **Lot Coverage.** Maximum lot coverage for a service station (including canopy) is 40 percent of the total lot size. No more than 20 percent of the total lot area shall be covered by a canopy.
- (3) **Setbacks.** Generally, no building shall be located within 30 feet of any public right-of-way or within 15 feet of any interior parcel line. However, to encourage a more pedestrian streetscape, a primary building with direct access from the street may be located a minimum of 15 feet from the right-of-way (and outside of required landscape corridors). See Figure 23.72-1.

**Figure 23.72-1**  
**Service Station Site Design**

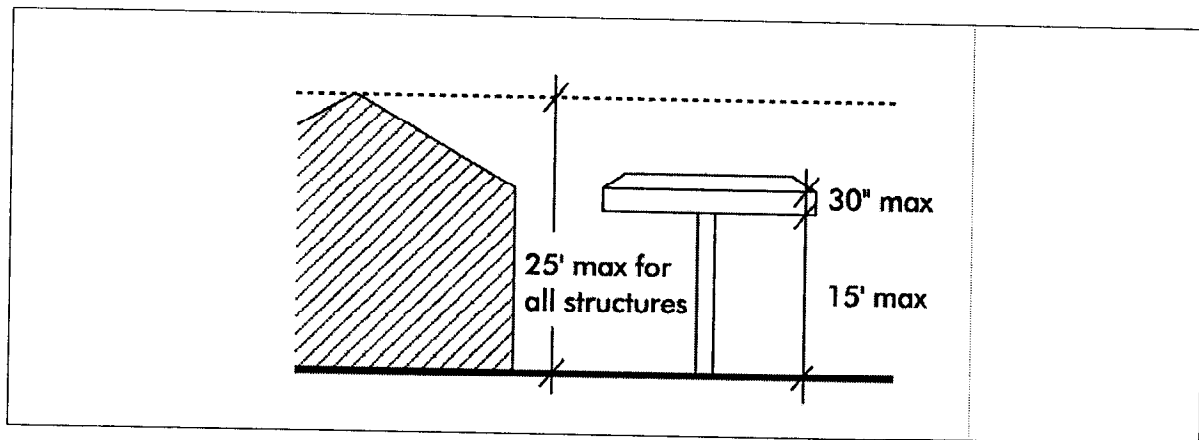


- (4) **Landscaping.** In order to provide adequate screening for the large expanses of pavement associated with service station use, a minimum of 15 percent of the site shall be landscaped, concentrated at the perimeter of the site. Street frontage landscaping shall be a minimum of 15 feet in width and bermed to no less than two feet in height. Minimum five-foot-wide landscape planter areas shall be provided adjacent to all other property lines. Planter areas shall be landscaped with trees, shrubs, and ground cover including the following specific standards.
- (A) Trees along all street frontages shall be fast-growing evergreen species, a minimum of 24-inch box in size, planted no further apart on center than the mature diameter of the proposed species.
- (B) Shrubs planted along all street frontages shall be a minimum five-gallon size and shall be designed and maintained to screen vehicles from view from adjacent roadways to a minimum continuous overall height of 30 inches, measured from the finished grade of on site pavement abutting the planter.
- (5) **Access/circulation.** The intent of the specific access and circulation standards below is to ensure safe and convenient internal circulation and access to and from the site, while minimizing the negative visual impact of multiple curb cuts, discontinuous landscape, and excessive pavement.
- (A) No more than two exterior points of access (driveways along abutting streets) shall be provided for each service station, regardless of the length or number of street frontages. No more than 35 percent of the street frontage shall be

devoted to curb cuts. Within integrated developments, shared access driveways are preferred. The minimum throat depth for driveways shall be 50 feet.

- (B) The internal circulation system shall allow for vehicle stacking without blocking ingress and egress on and off the site. The pump island shall be situated to provide stacking space for a minimum of two vehicles behind the vehicle parked at the pump closest to the entrance and/or exit driveway.
- (6) **Pedestrian access** to convenience market. A minimum of one continuous four-foot-wide internal pedestrian walkway shall be provided from the perimeter public sidewalk of each abutting street to the nearest entrance to the convenience market. Internal pedestrian walkways shall be distinguished from driving surfaces through the use of raised sidewalks, special pavers, bricks, or scored/stamped concrete.
- (7) **Building Placement and Orientation.** Buildings shall be placed close to the street and oriented to the public view.
- (8) **Building and Canopy Design.** The service station building and/or canopy shall be designed for architectural compatibility with the surrounding area. The maximum height for all service station buildings (including canopy) shall be 15 feet. In order to reduce the visual impact of the canopy structure and corresponding lighting, the maximum height of the canopy clearance shall be 15 feet and the maximum width of the canopy fascia shall be 30 inches. Canopy fascia shall match the color and texture of the primary building. See Figure 23.72-2.

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



- (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):
- (10) **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.

- (11) **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.
- (12) **Parking.** In addition to the off-street vehicle parking provisions in Article IV Chapter 23.58 (Parking), the following standards apply to service station uses.
- (A) Customer and employee parking shall not be utilized for vehicle repair, finishing work or storage of vehicles. No vehicle which is waiting for service, or which has been serviced, shall be parked on site for a period of longer than 72 hours.
  - (B) No vehicle shall be parked on the premises for the purpose of offering it for sale.
  - (C) Outdoor display of materials. Temporary and permanent outdoor display and sale of products shall be limited to one display rack near the entrance to the corresponding pay booth or convenience/service building and one display rack on each pump island. Display racks shall have a maximum area of ten square feet at the base with a maximum height of six feet. Display racks shall not obstruct required vehicle or pedestrian access.
- (13) **Lighting.** In addition to the lighting provisions of Article IV Chapter 23.56 (Lighting), canopy lighting shall be recessed so that the luminaire does not extend below the surface of the underside of the canopy.
- (14) **Noise.** All outdoor noise generators associated with the business shall be identified by the applicant during Conditional Use Permit review and may require the submittal of a professional noise analysis to quantify noise sources. All outdoor speakers and video/audio pump stations and sound signals associated with the service stations shall be turned off daily between the hours of 10:00 p.m. and 7:00 a.m.

**Chapter 23.74 Big-Box Retail****Sections:**

- 23.74.010 Purpose
- 23.74.020 Applicability
- 23.74.030 Land Use
- 23.74.040 Design Standards

**23.74.010 Purpose**

The following design standards are intended to ensure that large retail development is compatible with its surrounding area, integrates into the natural and built environment, efficiently connects to a multi-modal transportation system, and contributes to the unique character of Elk Grove.

**23.74.020 Applicability**

The development and design standards contained within this section apply to all new retail establishments with single tenant space of 50,000 gross square feet or greater. Existing large retail establishments of said square footage or larger will comply with these standards if the proposed renovations or improvements exceed 50 percent of the market value. Allowed retail uses shall be consistent with the allowed use provisions for commercial districts in Article III and corresponding definitions in Article VI. These design standards supplement the applicable standards in Articles III and IV of this Zoning Code.

**23.74.030 Land Use**

All large retail establishments shall be located in a group of more than four retail establishments located in a complex which is planned, developed, owned, or managed as a single unit with off-street parking provided on the property. Indoor recreation facilities are exempt from this requirement.

**23.74.040 Design Standards****(1) Aesthetic Character.****(A) Facades and Exterior Walls**

- (i) Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet.
- (ii) Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length.

- (B) Small Retail Stores. Where large retail establishments contain additional separately owned stores that occupy less than 30,000 square feet of gross floor area, with separate, exterior customer entrances, the street level facade of such stores shall be

transparent above the walkway grade for no less than 50 percent of the horizontal length of the building façade of such additional stores.

(C) Detail features. Building facades must include:

(i) A repeating pattern that includes no less than three) of the following typical elements:

(a) Color change;

(b) Texture change;

(c) Material module change;

(d) An expression of architectural or structural bays through a change in plane no less than 12 inches in width, such as an offset, reveal or projecting rib;

(e) A specific architectural element proposed by the applicant's architect that is acceptable to the designated Approving Authority.

Note: At least one of the elements listed in items a), b), or c) above shall be repeated horizontally. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.

(D) Roofs. Roofs shall have no less than two of the following features:

(i) Parapets concealing flat roofs and rooftop equipment, such as HVAC units from public view. The average height of such parapets shall not exceed fifteen percent of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment;

(ii) Overhanging eaves, extending no less than three feet past the supporting walls;

(iii) Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run;

(iv) Three or more roof slope planes;

(v) A specific architectural element proposed by the applicant's architect that is acceptable to the Planning Director and the Planning Commission.

(E) Materials and colors.

(i) Predominant exterior building materials shall be of high quality material, including, but not limited to, brick, sandstone, other native stone, and tinted/textured concrete masonry units;

- (ii) Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.
- (iii) Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
- (iv) Exterior building materials shall not include smooth-faced concrete block, tiltup concrete panels, or prefabricated steel panels.

(2) **Entryways.**

- (A) Each large retail establishment on a site shall have clearly defined, highly visible customer entrances featuring no less than five of the following:
  - (i) Canopies or porticos;
  - (ii) Overhangs;
  - (iii) Recesses/projections;
  - (iv) Arcades;
  - (v) Raised corniced parapets over the door;
  - (vi) Peaked roof forms;
  - (vii) Arches;
  - (viii) Outdoor patios;
  - (ix) Display windows;
  - (x) Architectural details such as tile work and moldings which are integrated into the building structure and design;
  - (xi) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting;
  - (xii) A specific architectural element proposed by the applicant's architect that is acceptable to the City Planner and Planning Commission;
  - (xiii) Where additional stores will be located in the large retail establishment, each such store may have at least one exterior customer entrance, which shall conform to the above requirements.

(3) **Site Design and Relationship to Surrounding Community.**

- (A) Entrances. All sides of a large retail establishment that directly face an abutting public street shall feature at least one customer entrance. Where a large retail establishment directly faces more than two abutting public streets, this requirement



shall apply only to two sides of the building, including the side of the building facing the primary street, and another side of the building facing a second street. Movie theaters are exempt from this requirement.

- (B) Parking. See Chapter 23.58 (Parking) for relevant parking provisions.
- (C) Back sides. The minimum rear setback for any building facade shall be thirty-five feet from the nearest property line. Where the facade faces adjacent residential uses, an earthen berm, no less than six feet in height, containing at a minimum native trees planted at intervals of twenty feet on center, or in clusters or clumps, shall be provided. The Landscaping standards of Chapter 23.54 (Landscaping) shall also apply to properly buffer the proposed use from existing residential uses.
- (D) Vehicular, Pedestrian, and Bicycle Connectivity. The site design must provide direct connections and safe street crossings to adjacent land uses and existing and proposed public transportation facilities and bikeways.
- (E) Central Features and Community Space. Each retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following: patio/seating area, pedestrian plaza with benches, window shopping walkway, outdoor playground area, kiosk area, water feature, self-supporting street clock, or other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the designated Approving Authority adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.
- (F) Delivery/Loading Operations. No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits evidence that noise abatement strategies between all areas for such operations effectively reduce noise emissions to a level of 45 dB, as measured at the lot line of any adjoining property. (Also see Chapter 23.58, Parking, of this Zoning Code).
- (G) Lighting. See Chapter 23.56 (Lighting) for applicable lighting provisions.
- (H) Signage. See Chapter 23.62 (Signs on Private Property) for applicable sign provisions.
- (I) Landscaping. See Chapter 23.54 (Landscaping) for applicable landscaping provisions.

## Chapter 23.76 Condominium Conversion

### Sections:

- 23.76.010 Application and Intent
- 23.76.020 Application Content
- 23.76.030 Ownership Association
- 23.76.040 Building Code Requirements
- 23.76.050 Building Inspection
- 23.76.060 Performance Bond
- 23.76.070 Consumer Protection Provisions
- 23.76.080 Sales and Lease Termination
- 23.76.090 Relocation Assistance
- 23.76.100 Anti discrimination
- 23.76.110 Preconversion Protection
- 23.76.120 Appliance Warranties
- 23.76.130 Development Standards
- 23.76.140 Utilities
- 23.76.150 Findings Required for Approval
- 23.76.160 Lapse of Use Permit
- 23.76.170 Right to Terminate Conversion

### 23.76.010 Application and Intent

The provisions of this Chapter shall apply to the development of all residential condominiums and stock cooperatives including the conversion of existing dwelling units to condominiums, row houses, town houses, and stock cooperatives.

The existing stock of rental housing provides the majority of housing opportunities for low and moderate-income households. A limited number of such units exists, and any reduction in the stock of such units would further reduce the number of rental units available. Conversion of such units into condominiums often results in displacement of low and moderate-income households. It is the intention of this section to regulate such conversion and to mitigate displacement where conversion occurs.

### 23.76.020 Application Content

No application for a condominium conversion shall be accepted for review or approved when the Citywide vacancy rate for multiple unit housing, as determined by the Director, is equal to or less than five percent averaged over the previous four quarters prior to application submittal or when the current percentage of multifamily rental units (within complexes of three or more units) is at or below ten percent of the total number of housing units within the City. This prerequisite is in addition to other restrictions in this Article.

Recognizing that the conversion of existing structures which have been previously occupied and constructed as rental units presents unique problems to present tenants and future buyers, the application for a use permit for a condominium conversion project shall include the following information: (see Chapter 23.14, General Application Processing Procedures).

- (1) The proposed organizational documents, including the Covenants, Conditions and Restrictions to be recorded pursuant to Section 1350 et seq. of the Civil Code. The organizational documents shall provide for the following:

- (A) Transfer of title to each unit;
  - (B) Assignment of parking for each owner;
  - (C) The management of common areas within the project, and the complex generally;
  - (D) The anti-discrimination provisions set forth in Section 23.76.100 (Anti-discrimination).
  - (E) Maintenance program and proposed budget.
- (2) A property report. A property report shall be prepared by the applicant and shall describe the condition and structural integrity of the buildings and estimate the remaining useful life of each of the following elements of each structure situated within the project proposed for conversion: roofs, foundations, exterior paint, insulation, paved surfaces, mechanical systems, electrical systems, plumbing systems, sewage systems, sprinkler systems for landscaping, utility delivery systems, central or community heating and air conditioning systems, fire protection systems including any automatic sprinkler systems, alarm systems, or standpipe systems, structural elements, and drainage systems.

The property report shall list each fixed appliance to be contained in each or any unit offered for sale and shall state whether the appliance is or will be new or used when the unit is first offered for sale. The report shall also state the terms and nature of the warranty offered by the applicant on each such appliance.

Each portion of the property report shall be prepared by an appropriately licensed engineer.

- (3) A structural pest control report.
- (4) A building history report identifying the date of construction of all elements of the project.
- (5) A report identifying all characteristics of the building not in compliance with this ordinance or with applicable building or housing codes.
- (6) A rental history report detailing the size, in square footage, of the building or buildings and each unit; the current or last rental rate; the name and address of each present tenant; the monthly rental rate for the preceding four quarters for each unit; the average monthly vacancy over the preceding four quarters ; the number of evictions over the preceding four quarters. In addition, evidence shall be submitted that tenants have been notified and have acknowledged the applicants intent to file a request for conversion for a period of at least 60 days prior to the initial filing of an application for a conversion use permit or tentative subdivision map.

Failure to provide any information required by (b) through (f), above, shall be accompanied by an affidavit or declaration given under penalty of perjury, setting forth in detail all efforts undertaken to discover the information and all reasons why the information could not be obtained.

- (7) A detailed report describing the relocation and moving assistance information to be given to each tenant, and the steps the applicant will take to ensure the successful relocation of each tenant. The report should state in detail what assistance will be provided for special category tenants, including a discussion of long-term or life-term

leases and provisions to allow such tenants to continue renting after conversion until comparable housing, as defined by Section 23.76.050.4 (Findings Required for Approval), is located and the move can be completed. (See Section 23.76.090, Relocation Assistance).

- (8) A survey of all the tenants in the conversion project indicating how long each tenant had been a resident of the project, how long each tenant had planned to live in the project, whether or not each tenant would be interested in purchasing a unit, to which community area would each tenant choose to relocate if the conversion took place and the tenant did not purchase a unit, and the number of tenants who do not oppose the idea of conversion. Before distributing the survey to the tenants, the Planning Director, or his or her designee shall review and approve it only to assure the elements required in this section of the Code are addressed.

To comply with this provision, the applicant shall provide a tenant rights handout and a survey (as described in the previous paragraph), in a form approved by the City, to each tenant with an envelope addressed to the City of Elk Grove Planning Department with postage prepaid. The survey shall direct the tenant to return the completed survey in the envelope provided.

- (9) The Planning Director or his or her designee may require additional information that may be necessary to conduct a proper evaluation and enter findings that comply with the said purposes and objectives set forth in the adopted City General Plan, or any specific plan or element thereof in effect at the time of such application. Comparable data as listed below shall include projects with three or more units. Such information may include, but shall not be limited to:
- (A) A report comparing the units in the conversion project, as both rentals and ownership units, with housing available within the City;
  - (B) A report on availability of comparable rental units at similar rental rates remaining within the City, including vacancy rate information;
  - (C) A report outlining the available low and moderate income housing units (rental and sales housing) within the City;
  - (D) A report showing what percentage of the City's total available rental units are proposed to be converted, and the resulting change in ratio of rental units within the City.

#### **23.76.030 Ownership Association**

The developer shall submit to the Planning Commission a copy of the maintenance program and proposed budget by a homeowner's association or other enforceable means to ensure maintenance of common areas, landscaping, private streets, parking areas, and recreational facilities.

#### **23.76.040 Building Code Requirements**

All converted units shall be retrofitted to the standards required of new residential condominiums as required by the Chief of the Building Inspections Division, including energy conservation.

**23.76.050 Building Inspection**

After reviewing the property report required pursuant to Section 23.76.020 (Application Content) and after inspecting the structures within the project when deemed necessary, the Chief of the Building Inspections Division shall identify and make available to the Planning Commission and City Council all items evidenced by such reports or inspection to be in noncompliance with applicable building and housing codes or to be hazardous to the life, health or safety of any occupant of the units within the project or the general public. All such items shall be corrected to the satisfaction of the Chief of Building Inspections Division. An appropriate fee to cover the cost of the Building Inspection Division's review and inspection may be collected.

**23.76.060 Performance Bond**

If the proposed project does not comply with the provisions relating to utilities, personal safety and Building Code compliance, or if the Chief of the Building Inspections Division identifies items to be corrected as provided in Section 23.76.050 (Building Inspection), any use permit issued pursuant to this part shall require the developer to furnish a performance bond or other means of security approved by the City Attorney in an amount to be determined by the Chief of Building Inspections to be the reasonable estimated cost to bring the project into compliance with said codes and to make all necessary repairs. The bond shall run in favor of individual purchasers and the Association, and the bond shall provide for reasonable attorney's fees in the event of default by the principal.

**23.76.070 Consumer Protection Provisions**

In addition to the tenant protection provisions set out in the Subdivision Map Act, the applicant shall comply with the provisions in Sections 23.76.090 (relocation Assistance) through 23.76.120 (Application Warranties), as conditions of any use permit for a condominium conversion project approved pursuant to this Article.

**23.76.080 Sales and Lease Termination**

The tenants of the project on the date of application shall be offered the first right of refusal to purchase units. The offer shall run for 90 days from the date of issuance of subdivision public report by the State Department of Real Estate unless the tenant gives prior written notice of intention not to exercise the right. A tenant of any project proposed for conversion on the date of application for each conversion may terminate any lease after giving 30-days notice. The required relocation assistance shall be applicable to all units from the date of final approval of the use permit to the closing of escrow for the final unit in the project.

**23.76.090 Relocation Assistance**

The applicant shall offer to each eligible tenant a plan for relocation to comparable housing, as approved by the City Council. The relocation assistance outlined below shall be paid to each eligible tenant who is forced to relocate between the date of approval of the Conditional Use Permit by the City to the closing date of escrow for the final unit in the project. Violators will be cited by the Planning Department for failure to comply with this requirement.

The relocation plan shall provide, at a minimum, for the following:

- (1) Assistance to each eligible tenant in locating comparable housing, including but not limited to providing availability reports and transportation, where necessary.
- (2) Payment of a relocation fee to each tenant who does not choose to stay. At a minimum, such payment shall be equal in amount to two months rent and the security deposit amount paid by the tenant for the existing apartment unit. A tenant is not entitled to a relocation fee pursuant to this subsection if the tenant has been evicted for just cause.
- (3) In the case of eligible tenants who are elderly, handicapped, low-income, or single heads of households living with one or more minor children, the following additional provisions must be made:
  - (A) Payment of the first month's rent in the new complex; and refund of all key, utility, and pet deposits to which the tenant is entitled upon vacating the unit. Cleaning and security deposits, minus damages, shall be refunded to the tenant upon vacating the unit.
  - (B) If the amount of deposits and other fees required upon moving into the new complex exceed the amounts refunded to the tenant, plus damages, the applicant shall pay the difference.
  - (C) If amount of damage to any unit exceeds the deposit, the excess may be subtracted from the relocation assistance payment.
- (4) In the case of eligible special category tenants, the following additional provisions must be made:
  - (A) Subsidy. Where the rent for the comparable unit is higher than the rent for the current unit the applicant shall pay the difference for a period of one year from the date of relocation.
  - (B) Evictions. Until each tenant is successfully relocated, the tenant shall not be unjustly evicted.
  - (C) Life-Term And Long-Term Leases. The applicant shall offer eligible special category tenants leases for a term of:
    - (i) Fifty-nine years when the tenant is elderly or handicapped and who also qualifies as low income. Such leases shall provide that annual rent increase shall not exceed the percent of change in HUD'S defined fair market rent.
    - (ii) Fifty-nine years when the tenant is elderly or handicapped with a moderate income or greater. Rents may be increased at the prevailing market rate.
    - (iii) An annually renewable lease for a term not to exceed five years for low-income households when the appropriate authority finds that comparable units are not available for the relocation of low income persons (Section 23.76.150, Findings Required for Approval). Such agreements shall be certified for tenant eligibility each calendar year. Qualification for the Federal Section 8 program or its successor shall constitute certification.

- (5) The offer to each eligible tenant of a plan for relocation shall be free of any coercion, intimidation, inducement or promise not herein specified and shall not cause the tenant to vacate in advance of, or prior to, a timetable or schedule for relocation as approved in its application for approval of conversion.
- (6) To comply with the City's affordable housing program, the applicant shall do one of the following:
  - (A) An affordable housing plan subjecting ten percent of the total units within the project to affordable purchase obligations, without City subsidy, as part of a conversion. The affordable units shall provide a minimum of four percent of the total units within the project affordable to very low income, four percent affordable to low income households, and two percent affordable to moderate income households, unless an alternate affordability breakdown is approved by the Planning Director; or
  - (B) In lieu fee payment into the Affordable Housing Trust Fund for each unit converted, an amount equal to that required by the current Resolution. Fees shall be paid prior to recordation of the final map.
- (7) Parcels that have an existing affordable rent component shall only be converted if allowed by existing regulatory agreements and other controlling agreements. All of the affordable units shall be maintained as affordable units after the conversion.

#### **23.76.100 Anti-discrimination**

The applicant or owner of any condominium unit within a project shall not discriminate in the sale, or in the terms and conditions of sale, of any dwelling unit against any person who is or was a lessee or tenant of any such dwelling unit because such person opposed, in any manner, the conversion of such building into a condominium. In a like manner, the applicant or owner shall not discriminate in the sale, or in the terms and conditions of sale of any dwelling unit against any person or household based upon age or household size, when household size does not exceed the Uniform Housing Code standard which states. "Every dwelling unit shall have at least one room which shall have not less than 150 square feet of floor area. Other habitable rooms, except kitchens, shall have an area of not less than 70 square feet. Where more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet for each occupant in excess of two (Uniform Housing Code Section 503(b)". This anti-discrimination section shall be included in the conditions, covenants, and restrictions for the project.

#### **23.76.110 Preconversion Protection**

From the date of application for a permit to convert, or until relocation takes place or the application is denied or withdrawn, but in no event for more than two years, no tenant shall be unjustly evicted and no tenant's rent shall be increased (1) more frequently than once every six months nor (2) in an amount greater than the annual increase in utility costs and insurance costs, plus increased operating costs not to exceed two percent per year. This limitation shall not apply if rent increases are expressly provided for in leases or contracts in existence prior to the filing date of the use permit.

**23.76.120 Appliance Warranties**

The applicant shall provide free of charge to the first individual purchaser of each unit a one-year warranty on each fixed appliance contained in the unit, whether new or used.

**23.76.130 Development Standards**

The following development standards (Section 23.76.140) shall apply to all applications for a use permit for condominium conversion and new construction.

**23.76.140 Utilities**

- (1) Gas. Each condominium unit shall have a separate gas service where gas is a necessary utility. If this provision places unreasonable economic burden on the applicant, the appropriate authority may approve an alternative.
- (2) Electricity. Each condominium unit shall have a separate electrical service, with separate meters and disconnects, and ground fault interrupters where ground fault interrupters are required by present building codes.
- (3) Telephone Company Access. The Telephone Company serving the location under conversion shall have the right to construct and maintain (place, operate, inspect, repair, replace and remove) communication facilities as it may from time-to-time require (including access) in or upon any portion of the common area, including the interior and exterior of the buildings as necessary to maintain communication service within the project. This provision may not be amended or terminated without the consent of the serving Telephone Company.

**23.76.150 Findings Required for Approval**

The Commission shall not approve a use permit unless it finds:

- (1) That the proposed conversion is consistent with the General Plan and applicable community and specific plans in effect at the time of the use permit application, especially with the objectives, policies, and programs of the Housing Element of the General Plan designed to provide affordable housing to all economic segments of the population.
- (2) That the average rental vacancy rate in multiple family units of similar size in the City affected by the proposed conversion during the four quarters preceding the filing of the application is greater than five percent or that the current percentage of multifamily units (within complexes of three or more units) is above ten percent of the total number of housing units within the City.
- (3) In evaluating the average rental vacancy rate in the City and in the building proposed for conversion, the Commission shall consider the rental history of the building, including the number of evictions and increases in rent over the preceding four quarters. In addition, the following sources of vacancy rates statistics may be used: 1) Department of Finance (State of California), 2) Postal Service, and 3) HUD vacancy rates. Notwithstanding any other provision of this Chapter, the Commission may deny a use permit if it finds that vacancies in the building have been created by unjust evictions and



unreasonable rent increases in order to qualify a project for conversion under this subsection.

- (4) That the applicant unconditionally offered to each eligible tenant an adequate plan for relocation to comparable housing. In determining whether the housing to which the applicant proposes relocation is "comparable" the Commission must find that the housing is decent, safe, and sanitary, and in compliance with all local and state housing codes; and, that the housing is open to all persons regardless of race, creed, national origin, ancestry, religion, marital status, or gender. In addition, the Commission shall consider the following factors in determining whether the relocation housing is comparable:
  - (A) Whether the housing is provided with facilities equivalent to that provided by the landlord in the dwelling unit in which the tenant then resides in regard to each of the following: a) apartment size including number of rooms; b) rent range; c) major kitchen and bathroom facilities; d) special facilities for the handicapped, infirmed or senior citizens; e) willingness to accept families with children;
  - (B) Whether the housing is located in an area not less desirable than the area in which the tenant then resides in regard to a) accessibility to the tenant's place of employment; b) accessibility to community and commercial facilities; c) accessibility to schools; and d) accessibility to public transportation. A unit is not comparable if it is located in a building for which a notice of intent to convert has been given, except where the rental units of the building will not be offered for sale as condominium units within two years.
- (5) That every other requirement that is either imposed by this code, or which results from the authority this confers upon the Director, has been satisfied.

#### **23.76.160 Lapse of Use Permit**

Except as provided for in Section 23.20.020 (Revocation), a Conditional Use Permit for condo conversion shall be valid for three years from the date of issuance. Since the regulations related to condominium conversions are unique in that, one, measures come into place with the filing of the application for the use permit; two, in terms of the financial obligations related to eligible tenants and; three, rental limitations, the following provision shall apply to use permits for condominium conversions:

A use permit shall be deemed in effect if, within three years from the date of approval, one of the following occurs:

- (1) A final subdivision map is recorded for all or a portion of the property involved in the use permit, or
- (2) Pursuant to the approved Relocation Assistance Plan, written evidence has been filed with the Planning Division that more than ten percent of eligible tenants have been relocated.

**23.76.170 Right to Terminate Conversion**

Within three years of the approval of a use permit for a condominium conversion or pursuant to Section 23.76.160 (Lapse of Use Permit), after the use permit is in effect, the applicant may elect not to pursue the completion of all or part of the approved conversion. Upon the acceptance of a notice of termination by the approving authority, along with evidence that all remaining eligible tenants have been notified in writing, the conditional use permit shall be deemed lapsed and void. Acceptance of the notice of termination shall be an administrative authority of the Director of Planning. Such acceptance shall be by a written notice of acceptance which may be withheld to such time as the Director is assured that any required tenant obligations incurred during the preconversion process have been satisfied.

**Chapter 23.78 Drive-in and Drive-through Facility****Sections:**

- 23.78.010 Purpose and Applicability
- 23.78.020 Permit Requirements
- 23.78.030 Development Standards

**23.78.010 Purpose and Applicability**

The purpose of this chapter is to regulate drive-in/drive-through facilities with development standards to ensure that the design and operation of such uses effectively mitigate associated problems with traffic, congestion, excessive pavement, litter, and noise.

**23.78.020 Permit Requirements**

As described in Table 23.32-1, drive-in/drive-through facilities are permitted by right in the LC, GC, SC, and TC zones if the drive-through window and menu board are both located more than 300 feet from a residential zoning district (RD-1 through RD-30) and more than 1000 feet from a Rural Residential General Plan designation. Otherwise, a Conditional Use Permit is required.

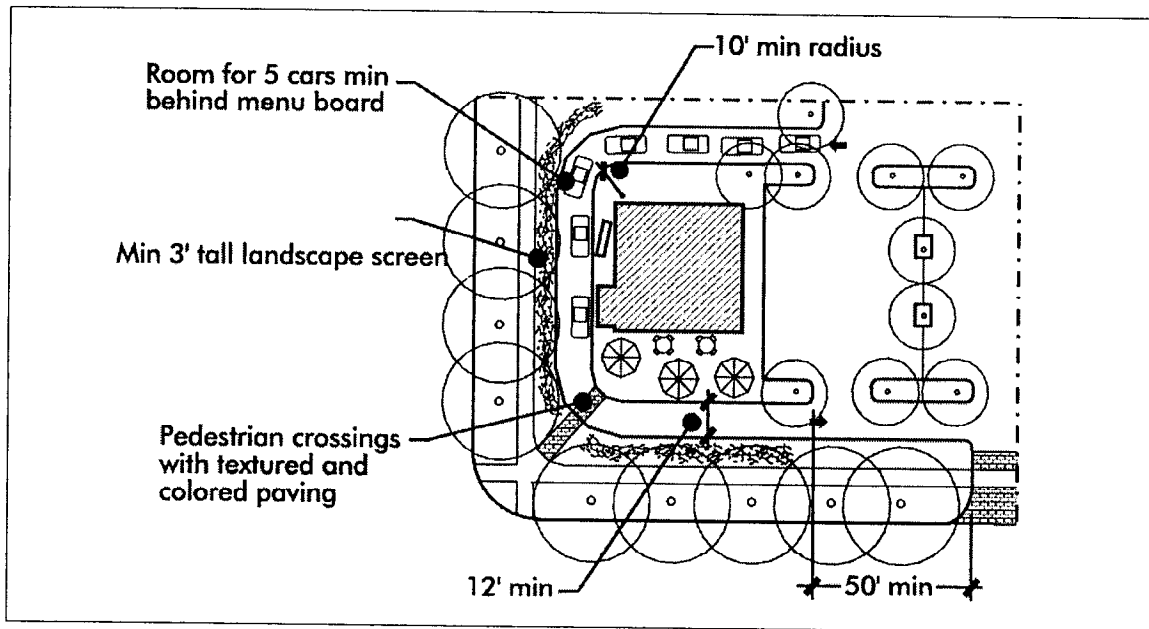
**23.78.030 Development Standards**

The development standards in this section are intended to supplement the standards in the underlying zoning district for drive-in and drive-through uses. In the event of conflict between these standards and the underlying zoning district standards, the provisions of this section shall apply.

- (1) **Drive-through aisles.** The minimum standards for drive-through aisles are as follows:
  - (A) Drive-through aisles shall have a minimum ten-foot interior radius at curves and a minimum 12-foot width.
  - (B) Drive-up windows and remote tellers shall provide at least 180 feet of stacking space for each facility, as measured from the service window or unit to the entry point into the drive-up lane. Nonfood and/or nonbeverage businesses may reduce the stacking space to a minimum of 60 feet.
  - (C) Each drive-through entrance/exit shall be at least 50 feet from an intersection of public rights-of-way, measured at the closest intersecting curbs, and at least 25 feet from the curb-cut on an adjacent property. Exceptions may be granted by the designated Approving Authority when drive-through pull-out spaces are provided.
  - (D) Each entrance to an aisle and the direction of traffic flow shall be clearly designated by signs and pavement markings.
  - (E) Each drive-through aisle shall be separated from the circulation routes necessary for ingress or egress from the property, or access to a parking space.
  - (F) Drive-through windows and menu boards shall be located a minimum of 300 feet from a residential zone (RD-1 through RD-30) and 1,000 feet from a Rural Residential General Plan designation.

- (2) **Landscaping of the drive-through aisle.** Landscaping shall be provided as described below:
  - (A) A five-foot wide planter between the drive-through aisle and the parking area that includes shade trees consistent with those used in the parking area. (See Chapter 23.54, Landscaping)
  - (B) A minimum three-foot, maximum four-foot, tall planter with low shrubs that screens the drive-through aisles from the abutting public right-of-way shall be used to minimize the visual impact of readerboard signs and directional signs. At no time shall this landscape barrier be pruned in a manner that allows the vehicle headlights from the drive-through lane to be visible from abutting street rights-of-way. Plantings should also be designed to discourage potential safety issues (e.g., persons lying in wait). (See Figure 23.78-1)
- (3) **Pedestrian access and crossings.** Pedestrian access shall be provided from each abutting street to the primary entrance with a continuous four-foot-wide sidewalk or delineated walkway. Pedestrian walkways should not intersect the drive-through drive aisles, but where they do the walkways shall have clear visibility and shall be delineated by textured and colored paving. (See Figure 23.78-1)

**Figure 23.78-1  
Drive-through Site Design**



- (4) **Hours of operation.** When located on a site within 100 feet of any residential property (measured from the nearest property lines), hours of operation for the drive-up/drive-through service shall be limited from 7:00 a.m. to 10:00 p.m. daily. If the use is located greater than 100 feet from a residential use then there are no restrictions on the hours of operations.

- (5) **Signs.** Signs shall be permitted in accordance with provisions of Chapter 23.62, Signs on Private Property. Double drive-through aisles shall be restricted to one menu-order board sign.
- (6) **Parking.** The provision of drive-through service facilities shall not justify a reduction in the number of required off-street parking spaces for the accompanying use.
- (7) **Noise.** Any drive-up or drive-through speaker system shall emit no more than 50 decibels and at no time shall any speaker system be audible above daytime ambient noise levels beyond the property lines of the site. The system shall be designed to compensate for ambient noise levels in the immediate area and shall not be located within 300 feet of any residential property (measured at the nearest residential property line).

## Chapter 23.80 Emergency Shelters and Transitional Housing Facility

### Sections:

- 23.80.010 Purpose and Intent
- 23.80.020 Definitions
- 23.80.030 Permit Requirements and Exemptions
- 23.80.040 Development and Operational Standards

### 23.80.010 Purpose and Intent

General Plan Housing Element Policies H-10 and H-13 identify the City's need to provide equal access to housing for people with special needs, including encouraging the development of emergency and transitional housing. It is the intent of this Chapter to provide for adequate development and operational standards to ensure appropriate housing and services for special needs populations are met.

### 23.80.020 Definitions

**Emergency Shelter.** Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

**Transitional Housing.** Housing with supportive services for up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized housing for low-income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents in moving to permanent housing.

**Homeless person.** An individual or family who lacks a fixed, regular, and adequate nighttime residence; or an individual or family who has a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.

**Domestic Violence Shelter.** Any emergency or transitional housing shelter operated with the primary purpose of sheltering victims of domestic violence and their children whose location is considered to be secured and confidential.

**Domestic Violence Victim.** Any person who has been victimized by an imbalance of power in an intimate relationship where power and control have been used to force and/or coerce a partner through the use of emotional, psychological, physical and/or sexual abuse, or through stalking, to do something they do not wish to do or to stop them from doing something they wish to do.

### 23.80.030 Permit Requirements and Exemptions

Emergency shelter and transitional housing facilities are permitted in GC and M-1 zones and shall be subject to the following conditions:

**(1) Permit Requirements**

- (A) Emergency shelter and transitional housing facilities shall comply with all Federal and California State licensing requirements.
- (B) Emergency shelter and transitional housing facilities shall comply with all applicable Uniform Building and Fire Codes, including maximum occupancy restrictions.
- (C) Maximum number of beds: No more than 100 beds shall be provided in any single emergency shelter or transitional housing facility.

**(2) Exceptions to permit requirements**

- (A) Shelter facilities may exceed the maximum 100-bed limitation through a conditional use permit subject to approval by the designated Approving Authority.
- (B) An emergency shelter or transitional housing facility for ten or fewer persons may be located in any portion of the City zoned for residential or commercial development.

**23.80.040 Development and Operational Standards**

Emergency Shelter and Transitional Housing shall comply with all standards provided by this Chapter.

**(1) Development Standards****(A) Location and Separation**

- (i) Emergency shelters and transitional housing facilities of more than ten persons shall be located in GC and M-1 Zones and situated within one-half mile of a transit corridor or existing bus route.
- (ii) All shelter programs must be situated more than 1,000 feet from any other similar program; a public park; a public or private K-12 school; an indoor or outdoor recreational facility primarily designed to serve persons under 18 years old; a child care facility or single family residential zone (1,000 feet measured from property line to property line.) Programs may have multiple buildings.

**(B) Physical Characteristics**

- (i) The maximum number of beds for Emergency and Transitional Housing shall be 100 unless a Conditional Use Permit is applied for and approved.
- (ii) The maximum number of beds does not apply in situations of City or State wide designated disasters or catastrophic conditions.
- (iii) Smoke detectors, approved by the Fire Department, must be provided in all sleeping and food preparation areas.
- (iv) The facility shall have adequate private living space, shower and toilet facilities and secure storage areas for its intended residents.

- (v) The size of emergency facility shall be in character with the surrounding neighborhood.
- (vi) The facility shall have at least one room, which has 120 square feet of floor area. Other habital rooms shall have an area not less than 70 square feet. When more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet for each occupant in excess of two.

**(2) Operational Standards**

- (A) If the facility is proposed for location in an area either zoned or developed as residential area, all intake and screening shall be conducted off-site.
- (B) If a program includes drug or alcohol abuse counseling component appropriate State and or Federal licensing shall be required.
- (C) The program shall provide accommodations appropriate for a minimum stay of 28 days and a maximum stay of 180 days per client/family.
- (D) The program shall identify a transportation system that will provide its clients with a reasonable level of mobility including, but not limited to, access to social services housing and employment opportunities.
- (E) Transitional housing programs shall provide specific mechanisms for residents to contact social services.
- (F) The program shall include clear and acceptable arrangements, for facility residents, such as onsite meal preparation or food provision and disbursement.
- (G) The program, where applicable, shall provide child care services and ensure that school aged children are enrolled in school during their stay at the facility.
- (H) The transitional housing provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to ensure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.
- (I) Shelters may establish written expectations of residents – behavioral, medical, and religious, etc. Expectations of residents will be available to each resident at entry to shelter, and to the public (upon request).
- (J) Shelters shall have infection control policies in accordance with guidelines of the Centers for Disease Control covering but not necessarily limited to HIV/AIDS, hepatitis, and tuberculosis.
- (K) Domestic Violence Shelters must maintain a record of clients and visitors at all times. Clients will have immediate 24 hour access to shelter staff and no walk-in services will be provided at any time in the safe-house itself.
- (L) Emergency shelters and transitional housing facilities shall provide onsite management and support staff at all times during shelter use.



**Chapter 23.82 Home Occupations****Sections:**

- 23.82.010 Purpose
- 23.82.020 Definition
- 23.82.030 Permit Requirements
- 23.82.040 Development and Operational Standards
- 23.82.050 Restricted Home Occupations
- 23.82.060 Prohibited Uses

**23.82.010 Purpose**

The purpose of the Home Occupation is to allow limited commercial/office uses within a residential neighborhood or zoning district consistent with established criteria to ensure compatibility and to keep the integrity of the surrounding residential uses and character. It will also minimize noise, traffic nuisances, hazardous material usage, and other possible side effects of commercial uses being conducted in residential areas.

**23.82.020 Definition**

The following term is used in this section as defined below:

**Home Occupation.** Home occupation means any business-related use carried on within a residential structure or accessory structure thereto, by the residents thereof, which use is clearly incidental and subordinate to the residential use of the structure.

**23.82.030 Permit Requirements**

Zoning Clearance/Plan Check is required prior to operating any commercial/office-related use within a residential neighborhood or zoning district, residential structure or accessory structure thereof within the City in accordance with the provisions of this section. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes. The applicant must demonstrate they reside at the dwelling listed on the permit application.

**23.82.040 Development and Operational Standards**

Prior to the issuance of Zoning Clearance/Plan Check for a Home Occupation, the Planning Director shall find that the proposed home occupation is in compliance with the following criteria. In addition to these performance standards herein, Section 23.82.050 lists restricted uses and Section 23.82.060 lists specific prohibited uses.

**(1) Storage and Display**

- (A) Storage, operation or display of materials, goods, supplies or equipment related to the operation of a home occupation may not be located outside the residence.
- (B) On-site storage of hazardous materials associated with the home occupation shall be prohibited.

- (C) All activities of the home occupation, including storage of inventory or products and all other equipment, fixtures, office and work space may not exceed 20 percent of the total square footage of the dwelling unit. Total square footage shall include rooms used for residential and home occupation use.
- (D) There shall be not display of products produced by the applicants of the dwelling which are visible in any manner from the outside of the dwelling unit.
- (2) **Employees/Clients**
- (A) Employees (up to three) 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.
- (B) The number of clients that can be present at the residence shall be limited to one at any one time, and shall not exceed the maximum of eight per day. Clients shall be permitted at the home occupation business location only on weekdays from 7:00 a.m. to 8:00 p.m. and on weekends from 8:00 a.m. to 6:00 p.m.
- (3) **Vehicles/parking.** In addition to the following standards, all parking associated with the home occupation shall comply with parking regulations in Section 23.58.040 (General Parking Regulations).
- (A) Commercial vehicles as defined in Section 23.98.030 may not be parked or stored on any residential property or local residential street in conjunction with a home occupation. However, one vehicle with a maximum one-ton capacity may be retained on site of a home occupation contingent upon the existence or establishment of an additional vehicle parking space located outside of the required front and street-side side yard setback area. Such parking space shall comply with residential parking provisions. Regardless of the number of home occupations at a residence, only two additional vehicles (including non-resident employee and client vehicles) shall be present at any one time. Off-street parking shall be provided for all vehicles associated with the home occupation. Additionally, no trailer used for commercial, industrial, or agricultural purposes shall be parked or stored in any residential zone except for loading or unloading services.
- (B) There shall be no more than one commercial delivery per day, during normal business hours of 8:00 a.m. to 6:00 p.m.
- (4) **Signs.** A sign no larger than 2 square feet shall be allowed for the Home Occupation other than the address of the residence.
- (5) **Nuisances.** No activity that produces noise, smoke, odor, glare, electrical interference, vibrations, or junk and rubbish discernible beyond the site shall be allowed.
- (6) **Sales.** There shall be no products sold on the premises.
- (7) **Conditions.** The Planning Director may impose additional conditions necessary to ensure that the home occupation does not substantially or materially change the residential character of the surrounding neighborhood. The Community Enhancement Department may impose additional conditions necessary to ensure that the home occupation does

not substantially or materially change the residential character of the surrounding neighborhood.

- (8) **Permit Issuance.** An authorized signature of the Planning Director or the Director's designee on the completed Home Occupation Permit application form shall signify issuance of the permit.
- (9) **Business License Required.** The home occupation may not begin operation until a business license has been obtained.

#### **28.82.050 Restricted Home Occupations**

The following specific home occupation uses shall be permitted, subject to further limitations as follows:

- (1) Beauty/barbershops limited to one operator only.
- (2) Contractors and subcontractors offices are permitted as home occupations. However, the storage of vehicles, materials and equipment not normally associated with residential uses shall be prohibited, except as provided in the RD 1, RD 2, and AR 1 through AR 10 zones.
- (3) Furniture repair and restoration shall be limited to one occupant of the dwelling on a part time basis, subject to approval of Building Inspection and Fire Marshal, as applicable. There shall be no pickup or delivery at the location by the public.
- (4) Shoe Repair, on a part time basis, providing that no more than eight (8) visitors a day either drop off or pickup such items. No sales of any kind are permitted. The use will not be conducted in such a fashion as to constitute either a public or private nuisance.
- (5) Dressmaking, sewing, tailoring, contract sewing (one operator)

#### **23.82.060 Prohibited Uses**

The following uses are expressly prohibited as home occupations.

- (1) Ambulance Service
- (2) Ammunition reloading, including custom reloading
- (3) Boarding house, bed and breakfast hotel, time share condominium
- (4) Carpentry, cabinet makers
- (5) Ceramics (kiln of six cubic feet or more)
- (6) Health salons, gyms, dance studios, aerobic exercise studios
- (7) Medical, dental, chiropractic, or veterinary clinics
- (8) Mortician, hearse service

- (9) Palm reading, fortune telling
- (10) Private clubs
- (11) Repair, or reconditioning, of boats or recreation vehicles
- (12) Restaurants or taverns
- (13) Retail sale from site (except direct distribution and artists originals).
- (14) Storage, repair or reconditioning of major household appliances, including refrigerators, freezers, clothes washers and dryers, dishwashers, stoves, heating and air condition equipment.
- (15) Storage, repair or reconditioning of motorized vehicles or large equipment on site.
- (16) Tattoo service
- (17) Tow truck services
- (18) Veterinary uses (including boarding)
- (19) Welding Service (office only)

**Chapter 23.84 Non-Conforming Uses, Buildings, and Structures****Sections:**

- 23.84.010 Purpose and Intent
- 23.84.020 Restrictions on Nonconforming Uses and Structures
- 23.84.030 Agricultural and Residential Exemptions
- 23.84.040 Loss of Nonconforming Status
- 23.84.050 Nonconforming Parcels
- 23.84.060 Nonconforming Due to Lack of Use Permit

**23.84.010 Purpose and Intent**

- (1) This section provides regulations for nonconforming land uses, structures, and parcels that were lawful before the adoption, or amendment of this Zoning Ordinance, but which would be prohibited, regulated, or restricted differently under the current terms of this Zoning Ordinance or future amendments.
- (2) It is the intent of this Zoning Ordinance to discourage the long-term continuance of nonconformities, providing for their eventual elimination, while allowing them to exist under the limited conditions outlined in this Chapter.

**23.84.020 Restrictions on Nonconforming Uses and Structures**

- (1) **Nonconforming uses of land.** A nonconforming use of land may be continued, transferred, or sold, provided that the use shall not be enlarged or intensified, nor be extended to occupy a greater area than it lawfully occupied before becoming nonconforming.
- (2) **Nonconforming structures.** A nonconforming structure may continue to be used as follows:
  - (A) Changes to, or expansion of a structure. Changes to a nonconforming structure by addition, enlargement, extension, reconstruction, or relocation, may be allowed if the changes conform to applicable provisions of this Zoning Ordinance.
  - (B) Maintenance and repair. A nonconforming structure may be maintained and repaired.
  - (C) Other modifications allowed. The enlargement, extension, reconstruction, or structural alteration of a nonconforming structure to improve safety, reduce fire hazard and/or to improve the appearance of the structure may be allowed with Minor Use Permit approval.

**23.84.030 Agricultural and Residential Exemptions**

An involuntarily damaged or destroyed agricultural structure, or single- or multifamily dwelling may be reconstructed or replaced with a new structure with the same footprint, height, and number of dwelling units, in compliance with current Building and Fire Code requirements.

A nonconforming mobile home may be replaced with a new or newer and larger mobile home placed in the same location as the former unit, subject to applicable provisions of this Title.

**23.84.040 Loss of Nonconforming Status****(1) Termination by discontinuance.**

- (A) If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of six months or more, rights to legal nonconforming status shall terminate.
- (B) The Director shall base a determination of discontinuance on evidence including the removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or no business records to document continued operation.
- (C) Without further action by the City, any further use of the site or structure shall comply with all of the regulations of the applicable zoning district and all other applicable provisions of this Zoning Ordinance.

**(2) Termination by destruction.** Except as provided by Section 23.84.030, nonconforming status shall terminate if a nonconforming structure, or a conforming structure occupied by a nonconforming use, is involuntarily damaged or destroyed, provided that the structure may be repaired or rebuilt and reoccupied as follows.

- (A) If the cost of repairing or replacing the damaged portion of the structure is 50 percent or less of the assessed value of the structure immediately before damage, the structure may be restored and the use continued if the restoration is started within one year of the date of damage and is diligently pursued to completion.
- (B) Conditional Use Permit approval shall be required if the cost of repairing or replacing the damaged portion of the structure is more than 50 percent of the assessed value of the structure immediately before damage. Conditional Use Permit approval shall require a finding, in addition to those contained in Section 23.16.070 that the benefit to the public health, safety or welfare exceeds the detriment inherent in the restoration and continuance of nonconformity.

**23.84.050 Nonconforming Parcels****(1) Legal building site.** A nonconforming parcel that does not comply with the applicable area or width requirements of this Zoning Ordinance shall be considered a legal building site if it meets at least one of the following criteria, as documented to the satisfaction of the Director by evidence furnished by the applicant.

- (A) Approved subdivision. The parcel was created by a recorded subdivision;
- (B) Individual parcel legally created by deed. The parcel is under one ownership and of record, and was legally created by a recorded deed before the effective date of the zoning amendment that made the parcel nonconforming;
- (C) Variance or lot line adjustment. The parcel was approved through the Variance procedure or resulted from a lot line adjustment; or

(D) Partial government acquisition. The parcel was created in compliance with the provisions of this Zoning Ordinance, but was made nonconforming when a portion was acquired by a governmental entity so that the parcel size is decreased not more than 20 percent and the yard facing a public right-of-way was decreased not more than 50 percent.

(2) **Subdivision of a nonconforming parcel.** No subdivision shall be approved that would increase the nonconformity of an existing parcel or any nonconforming use on the parcel.

**23.84.060 Nonconforming Due to Lack of Use Permit**

(1) **Conformity of uses requiring Conditional Use Permits.** A use lawfully existing without a Conditional Use Permit that would be required by this Zoning Ordinance to have Conditional Use Permit approval, shall be deemed conforming only to the extent that it previously existed (e.g., maintain the same site area boundaries, hours of operation, etc.).

(2) **Previous Conditional Use Permits in effect.** A use that was authorized by a Conditional Use Permit but is not allowed by this Zoning Ordinance in its current location may continue, but only in compliance with the original Conditional Use Permit.

## Chapter 23.86 Outdoor Sales, Display, Storage, and Seating

### Sections:

- 23.86.010 Purpose
- 23.86.020 Permit Requirements
- 23.86.030 Exemptions
- 23.86.040 Development and Operational Standards for Permanent Outdoor Uses

### 23.86.010 Purpose

The purpose of this chapter is to regulate temporary and permanent outdoor sales, display, storage, and seating. The intent of these regulations is to limit outdoor uses except for specific circumstances where conditions can be met to ensure that such outdoor uses do not obstruct pedestrian or vehicle circulation or create the unsightly appearance of unrestricted clutter.

### 23.86.020 Permit Requirements

- (1) **Temporary Outdoor Uses.** Temporary outdoor uses are permitted in non-residential zoning districts, subject to the approval of a Temporary Use Permit in compliance with provisions of Section 23.16.050 (Temporary Use Permits).
- (2) **Permanent Outdoor Sales and Display Uses.** Permanent outdoor sales and displays are permitted in commercial zoning districts, subject to Zoning Clearance authorization by the Planning Director in compliance with provisions of Section 23.16.020 (Zoning Clearance/Plan Check) and with the development and operational standards in this chapter.
- (3) **Permanent Outdoor Storage and Service Uses.** Permanent outdoor storage and service is permitted as specified by use classification in the allowed use tables of Article III. If not part of the original development permit for the principal use, permanent outdoor storage and service uses may be permitted in non-residential zoning districts, subject to Design Review approval in compliance with Section 23.16.080 (Design Review). All such uses shall be consistent with development and operational standards in this chapter.
- (4) **Permanent and Seasonal Outdoor Seating Uses.** If not part of the original development permit for the principal use, outdoor seating uses shall be permitted in non-residential zoning districts subject to Zoning Clearance/Plan Check or Design Review, depending on the total number of outdoor seats. Zoning Clearance/Plan Check is required for ten or fewer seats and Design Review is required for more than 12 seats. All such uses shall be consistent with the development and operational standards in this chapter.

### 23.86.030 Exemptions

The following uses are exempt from the requirements of this section as specified below and are subject to compliance with all other provisions of this Title.

- (1) **Automobile dealerships.** Outdoor use associated with automobile dealerships shall be determined in conjunction with the required Conditional Use Permit.



- (2) **Outdoor Storage.** Outdoor storage of building materials for use on the same parcel or building site may be stored on the parcel or building site during the time that a valid building permit is in effect for construction on the premises.
- (3) **Outdoor Uses.** Outdoor uses in residential zoning districts consistent with the provisions in Chapter 23.58 (Parking) and 23.64 (Yard Measurements and Projections).

### **23.86.040 Development and Operational Standards for Permanent Outdoor Uses**

- (1) **General Development and Operational Standards.** Unless otherwise exempt, the following general development and operational standards shall apply to all permanent outdoor uses.
  - (A) Owner authorization required. Property owner authorization shall be required for all permanent outdoor uses.
  - (B) Location and required clearance. Permanent outdoor uses shall not be located within any public right-of-way, in designated parking areas or vehicle circulation areas, or within landscape planter areas. A minimum four-foot-wide path of travel shall be provided and maintained along all pedestrian walkways from the public right-of-way and/or parking lot to all public building entrances. No outdoor use may obstruct this required pedestrian clearance in any manner, regardless of the width of the sidewalk.
  - (C) Signs. No additional business identification or advertising signs for the outdoor use may be permitted above the maximum allowable sign area for the corresponding business. All advertising on umbrellas or canopies shall count toward the total allowable sign area for the business.
  - (D) Hours of operation. Except as specifically identified in subsequent sections, hours of operation for outdoor uses shall coincide with the hours of operation for the corresponding business with which the outdoor use is granted.
  - (E) Noise. Generally, the use of mechanically produced sound, amplified sound or live music shall be prohibited in conjunction with outdoor uses. Any such noise proposed in conjunction with the permanent outdoor use shall require the preparation of a noise analysis with appropriate mitigation measures to ensure compliance with the City's Noise Ordinance.
  - (F) Maintenance. All permanent outdoor uses shall be maintained free of garbage and other debris. Additional trash receptacles may be required for permanent outdoor uses.
- (2) **Permanent Outdoor Sales and Displays.** Unless otherwise exempt, the following development and operational standards apply to all permanent outdoor sales and display uses.
  - (A) Associated Operations. Only those goods and materials associated with the existing on-site use may be stored, sold, or displayed.

- (B) Location. Permanent outdoor sales and displays shall not be located within any required yard in the corresponding zoning district on which it is located. Outdoor sales and displays shall be located in a designated area immediately abutting the associated building(s).
- (C) Maximum area. Except as otherwise approved in conjunction with development permits, the area used for permanent outdoor sales and display of materials shall not exceed ten percent of the gross floor area of the corresponding commercial building.
- (D) Height of displayed materials. The outdoor display of merchandise shall not exceed a maximum height of six feet.
- (E) Screening required. Outdoor sales areas larger than 400 square feet in size shall be enclosed with a solid fence or wall to screen views from public right-of-ways. Maximum height of enclosure shall be ten feet. The design of the fencing enclosure shall be compatible with the main building(s) and surrounding development.
- (3) **Permanent Outdoor Storage.** Unless otherwise exempt, the following development and operational standards apply to all permanent outdoor storage and associated service uses.
- (A) Location. Outdoor storage shall not be located in any required yard for the corresponding zoning district within which it is located. Outdoor storage for residential use may not be located in any front or street side yard unless entirely screened from view of an abutting street by a solid screen (e.g., fence, wall, planting hedge) with a minimum six-foot height in compliance with this Title.
- (B) Maximum area. Outdoor storage areas which exceed ten percent of the total enclosed floor area for the associated use shall be approved in conjunction with the primary business or development.
- (C) Enclosure/screening. Outdoor storage areas for materials other than plants shall be entirely enclosed with a solid wall or fence to ensure stored materials are not visible from the public right-of-way (street). Material storage and screening shall not exceed a maximum height of 15 feet and shall be designed compatible with the primary building for the corresponding business.
- (D) Parking. Parking for permanent storage use shall be provided consistent with the off-street parking requirements of Chapter 23.58 (Parking).
- (4) **Permanent and Seasonal Outdoor Seating.** Unless otherwise exempt, the following development and operational standards apply to all outdoor seating for food uses, including both fixed and movable seats.
- (A) Location. Except as established for joint-use of a multi-tenant development, tables and chairs shall be limited to the area immediately abutting the corresponding restaurant use. Any outdoor restaurant seating within 50 feet of any residential property shall require approval of a Conditional Use Permit.

- (B) Parking. A maximum of ten outdoor seats shall be permitted per food and/or drinking establishment without increasing the required parking. Additional parking shall be provided for any seating in excess of the foregoing limits at a ratio of one parking space per five outdoor seats. Required off-street parking shall be provided in accordance with Chapter 23.58 (Parking).
- (C) Enclosure. An enclosure wall or fence shall be required around any outdoor seating areas with restaurant table service. Walls and fences shall not exceed a maximum height of 30 inches. The wall/fence may be extended to a maximum height of six feet if the area above 30 inches remains primarily open view (e.g. glass, wrought iron). Outdoor seating may be uncovered, partially covered or fully covered by means of umbrellas, awnings, or canopies. Design of enclosures shall be reviewed and approved in conjunction with the Design Review Permit to ensure design compatibility with the corresponding building and landscape.
- (D) Lighting. Minimum security lighting shall be provided for all outdoor seating areas open to the public after 6:00 p.m. Decorative or accent lighting may be provided that the canopy/awning lighting be directed down. Exposed neon tubing shall be prohibited.
- (E) Noise. All forms of speaker amplification associated with the outdoor dining shall be prohibited unless otherwise authorized in conjunction with a Minor Use Permit.
- (F) Accessory structures. Outdoor fireplaces, fountains, and other structures accessory to the outdoor seating use shall be reviewed and authorized by the designated Approving Authority in conjunction with the required Design Review Permit.
- (G) Trash collection. A minimum of one outdoor trash receptacle shall be located within 20 feet of the outdoor dining area.

## Chapter 23.88 Residential Care Facility

### Sections:

- 23.88.010 Purpose
- 23.88.020 Definitions
- 23.88.030 Permit Requirements
- 23.88.40 Development Standards for Residential Care Facility

### 23.88.010 Purpose

The purpose of this chapter is to establish standards for review of residential care homes and facilities in compliance with State law. Residential care homes and facilities provide a cost-effective, humane and non-institutional environment for State-licensed operations. In order to protect the public health, safety and welfare and to preserve and protect the integrity of residential neighborhoods, provisions herein are intended to prevent an over-concentration of residential care facilities.

### 23.88.20 Definitions

The following term is used in this section as defined below (also see definition for Residential Care Home in Article VI, Definitions):

**Residential Care Facility.** Facility that provide 24-hour non-medical care for more than six persons 18 years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living, or for the protection of the individual. This classification includes group homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the State of California.

### 23.88.30 Permit Requirements

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

### 23.88.40 Development Standards for Residential Care Facility

In addition to the development standards of the underlying zoning district, residential care facilities shall comply with the following standards.

- (1) **Licensed.** Residential care facilities shall be licensed by the appropriate state or county agency and shall comply with all licensing requirements thereof.
- (2) **Separation.** To prevent an over-concentration of facilities in any one area, no residential care facility shall be allowed to be located within 1000 feet of the boundaries of a parcel with another such facility.
- (3) **Parking.** Parking shall comply with applicable provisions of Chapter 23.58 (Parking).

- (4) **Signs.** In residential neighborhoods, all identification signs for uses listed herein are restricted to the size and location provisions for home occupation signs. Signs for residential care facilities located on non-residential property shall comply with provisions of Chapter 23.62 (Signs on Private Property).

## Chapter 23.90 Second Dwelling Units

### Sections:

- 23.90.010 Purpose
- 23.90.020 Definitions
- 23.90.030 Allowed Use Provisions
- 23.90.040 Development Standards

### 23.90.010 Purpose

The purpose of this Chapter is to regulate second dwelling units in residential zoning districts and on residential property consistent with State Law (California Government Code Sections 65852.1 through 65852.2). Implementation of this section is intended to expand housing opportunities for low-income and moderate-income or elderly households by increasing the number of rental units available within existing neighborhoods while maintaining the primarily single family residential character of the area.

### 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, and sanitation facilities occupied and intended for one household.

**Second dwelling unit.** An attached or detached dwelling unit which provides complete independent living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking and sanitation sited on the same parcel as the primary dwelling unit. This definition includes granny flats. 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 bathroom provisions, exclusive of kitchen or cooking facilities. Such structures shall not to be used or rented as a separate dwelling for permanent living quarters unless a Conditional Use Permit is granted to do so.

### 23.90.030 Allowed Use Provisions

Second dwelling units shall be allowed in all residential, agricultural residential, and agricultural zoning districts in compliance with the Development Standards as set forth in Section 23.90.040 of this Code.

**23.90.040 Development Standards**

Pursuant to Government Code Section 65852.2, second units shall be permitted on single family residential parcels by the Planning Director when the following conditions are met:

- (1) Second units shall only be located on lots with an area of 6,000 square feet or larger.
- (2) Second units shall be compatible with the architectural style, materials, and colors of the primary dwelling unit.
- (3) No more than one second unit shall be allowed per parcel.
- (4) The property owner shall occupy either the primary unit or second unit. The property owner shall record a declaration acknowledging owner occupancy, recorded with the property as a condition of the administrative permit.
  - (A) Prior to issuance of the administrative permit, the declaration shall be recorded with the Sacramento County Recorders Office.
  - (B) The declaration shall be in a form as required by the Planning Director.
  - (C) The declaration shall run with the land and be binding upon the applicant and successor property owners. Lack of compliance at any time after recording shall void the approval of the second unit permit and shall constitute a public nuisance which may result in legal or administrative action against the property owner.
- (5) A second unit shall not exceed 1,200 square feet, excluding garage area.
- (6) The maximum building coverage, including a second unit, is five percent above the maximum lot coverage as set forth in this code for the underlying zoning district.
- (7) Building setbacks for attached second units shall comply with all required building setbacks for the primary unit. Building setbacks for detached second units 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. Roof overhangs into required setback areas shall be governed by Chapter 23.64 (Yard Measurements and Projections).
- (8) The maximum height of a detached second unit shall not exceed the height of the primary dwelling unit within the building envelope, while detached second units (or portions thereof) may not exceed 16 feet in the required yard area. Within the Agricultural and Agricultural-Residential Zoning Districts, the maximum height of a detached structure shall be 30 feet. (See Chapter 23.64, Yard Measurements and Projections, for description of required yard area.)
- (9) No second unit may be sold separately from the primary dwelling unit.
- (10) A second unit shall provide one additional off-street parking space for each bedroom in the second unit. The additional parking space(s) shall meet all the parking requirements of the underlying zoning district.

## Chapter 23.92 Temporary Uses

### Sections:

- 23.92.010 Purpose
- 23.92.020 Permit Required
- 23.92.030 Development and Operational Standards
- 23.92.040 Temporary Uses Exempt from Permit
- 23.92.050 Similar Uses

### 23.92.010 Purpose

The purpose is to allow uses of a temporary nature on private property to exist for a specified length of time, in a manner which will not adversely impact the general welfare of persons residing in the community.

### 23.92.020 Permit Required

A Temporary Use Permit is required prior to the construction or operation of any facilities or uses associated with any permitted activity as required by Section 23.16.050. Also see permanent outdoor use provisions in Article V Chapter 23.86 (Outdoor Sales, Display, Storage, and Seating).

### 28.92.030 Development and Operational Standards

The following activities are allowed with the approval of a Temporary Use Permit. Temporary Use Permits may not be in place for longer than one year.

(1) **No Maximum term limit.**

Farmers Market. A Farmers Market may operate for once a week at the same location with a Temporary Use Permit

(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 residential, 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 residential uses, containers may not be placed within the required front or side 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.
- (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.
- (3) **Maximum 14-day term limit (consecutive or intermittent).** The following uses are permitted for a maximum 14-day period 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, based on a calendar year).
 

Arts and crafts exhibits, carnivals, circuses, concerts, fairs, , animal shows, festivals, flea markets, food events, fund raising activities, outdoor entertainment/sporting events, rodeos, rummage/second hand sales, and swap meets shall be permitted for a maximum of 14 consecutive days, or six weekends (including nationally-recognized holidays that fall on a Friday or Monday), within a 12-month period.
- (4) **Maximum 30-day term limit (consecutive).** The following uses are permitted for a maximum 30-day period with approval of a Temporary Use Permit. No more than one such Temporary Use Permit may be issued for each property within a three-month period (no more than one per quarter, based on a calendar year).
  - (A) Seasonal sales including, but not limited to Halloween, Thanksgiving, Christmas on non-residential properties.
  - (B) Temporary residence on non-residential properties.
  - (C) Outdoor promotional displays and sales of merchandise customarily sold on the premises by a permanently established business in a commercial zoning district. The temporary use shall be in conformance with provisions of Article V Chapter 23.86 (Outdoor Sales, Display, Storage, and Seating).
- (5) **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 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 residential uses, containers may not be placed within the required front or side 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.
- (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.
- (6) **Maximum six-month term limit.** The following use is permitted for a maximum six-month period with approval of a Temporary Use Permit.
  - (A) Seasonal Roadside Crop Sales. No seasonal crop sales building shall be installed, maintained, or operated in any zone unless the standards and requirements listed below are complied with and maintained.
    - (i) Each crop sales building shall have no more than 1,200 square feet of indoor sales area and shall have a total enclosed area of no more than 2,400 square feet, including storage. Each crop sales stand shall have a display/storage area of no more than 200 square feet, and the use shall not be located in a permanent building.
    - (ii) Only one sales building per parcel is to be associated with this use. The use shall be operated by the property owner.
    - (iii) The use of this building is seasonal, only. The period of operation is to be less than six months in any calendar year.
    - (iv) Hours of operation shall be no greater than sunrise to 10:00 p.m.
    - (v) Products sold are limited to fresh fruits, vegetables and nuts. Crops sold are to be grown on site or, with permission granted during the use permit hearing process, the appropriate authority may grant approval to include fresh crops grown off site, or preserved, baked or packaged products that have been prepared on the property from crops grown on the property.

- (vi) No activities relating to the operation of the seasonal crop sales building, including customer parking, shall occur on public property. All parking areas shall be maintained or surfaced so as to be dust free.
  - (vii) No part of this use, including merchandise or parking area, shall be located within the triangular visibility area described in Chapter 23.58 (Parking).
  - (viii) No additional signs beyond the signs otherwise permitted in the zone in which the crop sales use is located shall be permitted., Signs must be in conformance with the Chapter 23.62 (Signs on Private Property).
  - (ix) No food items shall be prepared and/or sold for immediate consumption on site, excluding canned or bottled beverages.
  - (x) All buildings and stands shall meet the setback standards of the zone in which the seasonal crop sales use is located.
- (7) **Maximum one-year term limit.** The following uses are permitted for a maximum one-year period with approval of a Temporary Use Permit.
- (A) On-site temporary real estate sales offices/trailers for residential subdivisions for the first sale of homes. This provision excludes model homes, which are a permitted use in residential zoning districts.
  - (B) Mobile home as a temporary residence of the property owner when a valid Building Permit for a new single family dwelling has been issued. The Temporary Use Permit shall expire upon expiration of the Building Permit or one year, whichever occurs first.
  - (C) Temporary enclosed storage with existing non-residential use.
  - (D) On-site and off-site construction yards and/or security trailers in conjunction with approved project development.
  - (E) Temporary classroom, office, or similar structure, including a manufactured or mobile unit, when a valid Building Permit has been issued. Structure(s) may be approved as an accessory use or as the first phase of a development project.

#### **23.92.040 Temporary Uses Exempt from Permit**

The following temporary uses are exempt from the permit requirement as set forth in this section and Section 23.16.050 (Temporary Use Permit), provided they meet the conditions listed below:

**Garage Sales.** Garage sales are permitted on any parcel where the sale operator resides, not to exceed three sales per calendar year and two consecutive days for each sale. All merchandise must be displayed within the property boundaries.

#### **23.92.050 Similar Uses**

When a temporary use is not specifically listed in this section, the Planning Director shall determine whether the use is similar in nature to listed uses and shall establish the term, make necessary findings and conditions for the particular use.

## Chapter 23.94 Wireless Communications Facility

### Sections:

- 23.94.010 Purpose and Intent
- 23.94.020 Definitions
- 23.94.030 Permit Requirements by Zoning District
- 23.94.040 Exemptions
- 23.94.050 Development Standards
- 23.94.060 Operational and Maintenance Standards
- 23.94.070 Removal Provisions
- 23.94.080 Transfer of Operation
- 23.94.090 Effects of Development

### 23.94.010 Purpose and Intent

The purpose of this chapter is to regulate the installation of antennas and other wireless communication facilities consistent with Federal law. The City acknowledges the community benefit associated with the provision of wireless communication service and potential public benefit from leasing of publicly-owned properties. It is also recognized that unrestricted installations are contrary to the City's efforts to promote safety and aesthetic considerations. It is not the intent of this section to unreasonably limit the reception or transmission of signals or to add excessive permit costs. Rather, it is the intent of this chapter to permit antennas and wireless communication facilities where they can be installed without creating adverse economic, safety and aesthetic impacts on abutting and nearby properties and the overall community.

### 23.94.020 Definitions

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

**Antenna.** Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure, or is portable or movable. Antennas shall include devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

**Antenna, amateur radio.** Any antenna which is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

**Antenna, directional (also known as a "panel" antenna).** An antenna that transmits and/or receives radio frequency signals in a directional pattern of less than 360 degrees.

**Antenna, building-mounted.** Any antenna, directly attached or affixed to a building, tank, tower, or other structure. Building-mounted antenna are identified in two distinct categories herein as follows:

Wall-mounted. Attached or affixed to the elevation of the structure.

Roof-mounted. Attached or affixed to the rooftop or top of the structure.

**Antenna, ground-mounted.** Any antenna with its base (either single or multiple posts) placed directly on the ground or a mast 12 feet or less in height and six inches in diameter.

**Antenna, parabolic (also know as "satellite dish" antenna).** Any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, bowl or cornucopia shaped and is used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern from orbiting satellites or ground transmitters. This definition is meant to include what are commonly referred to as television receive only (TVRO) and satellite microwave antennas.

**Co-location.** A wireless communication facility owned and operated by a communication service provider which is located on the same tower, building, accessory structure, or property as another communication facility owned or operated by a different communication service provider.

**Direct broadcast satellite service (DBS).** A system in which signals are transmitted directly from a satellite to a small home receiving dish.

**Electromagnetic.** An electrical wave propagated by an electrostatic and magnetic field of varying intensity.

**NEIR.** Non-ionizing electromagnetic radiation (e.g., electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum).

**Related equipment.** All equipment ancillary to the transmission and reception of voice and data by means of radio frequencies. Such equipment may include cable, conduit, connectors, equipment pads, equipment shelters, cabinets, buildings, and access ladders.

**Satellite earth station.** A facility consisting of more than a single satellite dish or parabolic antenna that transmits to and/or receives signals from an orbiting satellite.

**Tower.** A mast, pole, monopole, lattice tower, or other structure designed and primarily used to support antennas. This definition includes ground-mounted structures 12 feet or greater in height and building mounted structures that extend above the roofline, parapet wall, or other roof screen with a mast greater than six inches in diameter supporting one or more antenna, dishes, arrays, or other associated equipment.

**Wireless communication facility.** A facility that transmits and/or receives electromagnetic signals for the purpose of transmitting analog or digital voice or data communications. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.

### 23.94.030 Permit Requirements by Zoning District

- (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).

- (2) **Permit Processing.** Permits shall be processed in accordance with applicable provisions of Article II.
- (3) **Conditions.** The designated Approving Authority for each of the listed permits may impose conditions on the wireless communication facility applications to ensure compliance with all provisions and purposes of this chapter.
- (4) **Findings for Denial.** Findings to deny any permit for a wireless communication facility as regulated herein shall be done in writing and supported by substantial evidence contained in the written record. Denial shall not be based on the environmental effects of radio frequency emissions that comply with the Federal Communication Commission emission regulation.

### 23.94.040 Exemptions

The following wireless communication facilities are exempt from the requirements of this chapter as specified below and are subject to compliance with other provisions of this Title.

- (1) A wireless communication facility shall be exempt from the provisions of this section if and to the extent that a permit issued by the California Public Utilities Commission (CPUC) or the rules and regulations of the Federal Communication Commission (FCC) specifically provide that the antenna is exempt from local regulation.
- (2) Satellite Earth Station (SES) antennas, which are two meters (6.5616 feet) or less in diameter or in diagonal measurement, located in any non-residential zoning district. In order to avoid the creation of an attractive public nuisance, reduce accidental tripping hazards and maximize stability of the structure, such antennas shall be placed whenever possible on top of buildings and as far away as possible from the edges of rooftops.
- (3) Parabolic antennas, Direct Broadcast Satellite (DBS) antennas and Multi-point Distribution Service (MDS) antennas, which are one meter (3.2808 feet) or less in diameter or diagonal measurement and Television Broadcast Service (TVBS) antennas, so long as said antennas are located entirely on private property and are not located within the required front yard setback area. This locational requirement is necessary to ensure that such antenna installations do not become attractive nuisances and/or result in accidental tripping hazards if located adjacent to a street or other public right-of-way.
- (4) Amateur Radio Antenna structures provide a valuable and essential telecommunication service during periods of natural disasters and other emergency conditions and are therefore exempt from permit provisions of this chapter in compliance with the following standards.
  - (A) Height limits. In residential zoning districts, the height limit is 45 feet and in non-residential zoning districts, the height limit is 60 feet. However, amateur radio antennas in any district may extend to a maximum height of 75 feet, provided that the tower is equipped with a lowering device (motorized and/or mechanical) capable of lowering the antenna to the maximum permitted height when not in operation.
  - (B) Location parameters. All antenna structures shall be located outside of required front and street side yard areas. Antenna structures shall also be setback a minimum distance of five feet from interior property lines. If any portion of the antenna

overhangs any property line, a Design Review Permit is required to obtain the authorized signature of all affected property owners on the required application form.

- (C) Tower safety. All antenna shall be located within an enclosed fenced area or have a minimum five-foot high tower shield at the tower base to prevent climbing. All active elements of antennas shall have a minimum vertical clearance of eight feet.
- (D) Minor modifications (emergency or routine) provided there is little or no change in the visual appearance as determined by the Planning Director.

### 23.94.050 Development Standards

- (1) **General Development Standards.** Unless otherwise exempt pursuant to Section 23.94.040 (Exemptions), the following general development standards shall apply to all wireless communication facilities:
  - (A) All wireless communication facilities shall comply with all applicable requirements of the current Uniform Codes as adopted by the City and shall be consistent with the General Plan, this Title, as well as other standards and guidelines adopted by the City.
  - (B) All Conditional Use Permit applications for wireless communication facilities shall include a description of services proposed and documentation certifying applicable licenses or other approvals required by the Federal Communications Commission to provide services proposed in connection with the application.
  - (C) All and Conditional Use Permit applications for wireless communications facilities shall include a map and narrative description of all telecommunication sites existing, proposed or planned by the applicant in the City and within a one-mile radius of the City border. Such applications shall also include an analysis of all reasonable and technically feasible alternative locations and/or facilities (including co-locations) which could provide the proposed communication service.
  - (D) All Conditional Use Permit applications for wireless communication facilities shall include a propagation map. The propagation map will identify the existing coverage area and the proposed coverage area for the new wireless facility.
  - (E) To minimize the overall visual impact, new wireless communication facilities shall be co-located with existing facilities, with other planned new facilities, and with other facilities such as water tanks, light standards, and other utility structures whenever feasible and aesthetically desirable. To facilitate co-location when deemed appropriate, conditions of approval for Conditional Use Permits shall require all service providers to cooperate in the siting of equipment and antennas to accommodate the maximum number of operators at a given site when found to be feasible and aesthetically desirable. The applicant shall agree to allow future co-location of additional antennas and shall not enter into an exclusive lease for the use of the site.
  - (F) At least ten feet of horizontal clearance shall be maintained between any part of the antenna and any power lines unless the antenna is installed to be an integral part of a utility tower or facility.

- (G) Development Standards for Antennas (excluding amateur radio antennas). Unless otherwise exempt pursuant to Section 23.94.040 (Exemptions), the following development standards shall apply to receive-only antennas (ground- and building-mounted), parabolic antennas, and satellite earth stations as defined in this section.
- (i) Maximum number. One wireless facility per parcel, unless the applicant can demonstrate the service need for additional antenna.
  - (ii) Antenna location. Parabolic antenna and satellite earth stations shall be ground-mounted in residential zoning districts. In all non-residential zoning districts, the preference is for building-mounted antenna. No antenna shall be located in the required front or street side yard of any parcel unless entirely screened from pedestrian view of the abutting street rights-of-way (excluding alleys). In all zoning districts, ground-mounted antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function and all portions of the structure/antenna shall be set back a minimum of five feet from any property line.
  - (iii) Height limit. The height limit for ground-mounted antenna is six feet. However, the height may be increased to a maximum of 12 feet if the setback distance from all property lines is at least equal to the height of the antenna and if the structure is screened in accordance with Section 23.92.050.B.4 (Screening) below. Building-mounted antenna shall not extend above the roofline, parapet wall, or other roof screen or project beyond a maximum of 18 inches from the face of the building or other support structure.
  - (iv) Screening. Ground-mounted antenna shall be screened with a fence, wall or dense landscaping so that the antenna is not visible from the public right-of-way and to minimize the visual impact on abutting properties. Building-mounted antenna shall be screened as follows:
    - (a) Wall-mounted equipment shall be flush-mounted and painted or finished to match to building with concealed cables.
    - (b) Roof-mounted equipment shall be screened from view of public right-of-ways by locating the antenna below the roofline, parapet wall, or other roof screen and by locating the antenna as far away as physically feasible and aesthetically desirable from the edge of the building.
  - (v) Color. Antennas shall have subdued colors and non-reflective materials which blend with the materials and colors of the surrounding area or building.



- (2) **Development Standards for Amateur Radio Antennas.** Amateur radio antennas as defined in Section 23.94.020 (Definitions) may exceed the height limit and/or amend the setback provisions of the exempt amateur radio antenna structures (Section 23.92.040, Exemptions) only when said regulation will result in unreasonable limitations on, or prevent, reception or transmission of signals. The designated Approving Authority may issue the Design Review Permit subject to any conditions necessary or appropriate to minimize the safety or aesthetic impacts of antenna installations, provided the conditions do not unreasonably prevent or limit transmission or reception of signals.
- (3) **Development Standards for Towers.** The following development standards shall apply to towers (including co-location facilities) as defined in Section 23.94.020 (Definitions).
- (A) Site design. All facilities (including related equipment) shall be designed to minimize the visual impact to the greatest extent feasible, considering technological requirements, by means of placement, screening, camouflage, to be compatible with existing architectural elements, landscape elements, and other site characteristics. The applicant shall use the smallest and least visible antennas possible to accomplish the owner/operator's coverage objective. A visual impact analysis is required to demonstrate how the proposed facility will appear from public rights-of-way (including public trails).
- (B) Safety design. All facilities shall be designed so as to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions which would result in hazardous conditions, visual blight, or attractive nuisances.
- (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.
- (D) Height limit. The height limit for towers shall be consistent with the maximum building height of the zoning district of the subject parcel. 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.
- (E) Lighting. Towers and related equipment shall be unlit except as provided below:
- (i) A manually-operated or motion-detector controlled light above the equipment shed door may be provided, except that the light shall remain off except when personnel are present at night; and
  - (ii) The minimum tower lighting required under FAA regulation; and
  - (iii) Where tower lighting is required, said lighting shall be shielded or directed downward to the greatest extent possible to ensure that such light does not spill over onto abutting properties, especially residential zoning districts or uses.

- (F) Landscape. Where appropriate, facilities shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage and shrubs, whether or not utilized for screening. Additional landscaping shall be planted around the tower and related equipment and along street frontages to buffer abutting residential zoning districts or uses, and to buffer public trails in accordance with the following standards:
- (i) Perimeter of facility. Landscaping around the perimeter of the facility shall include dense tree and shrub plantings with necessary irrigation. Wireless communication facilities shall be developed with an immediate landscape screen. 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.
  - (ii) Street frontage. Along all street frontages abutting the subject parcel, trees shall be fast-growing evergreen species, a minimum of 24-inch box in size, planted no further apart on center than the mature diameter of the proposed species.
  - (iii) Buffer to residential zoning districts or uses and public trails. Along the entire length of all residential property lines and public trails abutting the subject parcel, 24-inch box, fast-growing evergreen trees shall be planted no further apart on center than the mature diameter of the proposed species. Additionally, shrub planting along public trails shall be a minimum five-gallon size and species shall be consistent with the native or other plantings along the trail in that same area.
- (G) Design/finish. The tower and related equipment shall have subdued colors and non-reflective materials that blend with the colors and materials of surrounding areas.
- (H) Advertising. The tower and related equipment shall not bear any signs or advertising devices other than certification, warning or other required seals or signs.
- (I) Parking. The off-street parking for wireless communication facilities shall be determined by the designated Approving Authority in conjunction with required development permits. All required parking shall be provided in accordance with Chapter 23.58 (Parking).

#### **23.94.060 Operation and Maintenance Standards**

- (1) **Noise.** All wireless communication facilities shall comply with the Section 23.60.40 (Noise Standards) at all times. When facilities are located within 100 feet of any residential property, a noise analysis shall be required to ensure that all proposed equipment either complies with or employs noise attenuation measures in compliance with the City's maximum noise level standards. Back-up generators shall only be operated during power outages and for testing and maintenance purposes.
- (2) **Non-ionizing Electromagnetic Radiation (NIER) exposure.** No wireless communication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To this end, no facility or combination of facilities shall produce, at any time, power densities in any inhabited area that exceed the FCC's Maximum Permissible Exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any more

restrictive standard subsequently adopted or promulgated by the City, County, State, or the Federal government.

**23.94.070 Removal Provisions**

In the event one or more antennas, towers, or related equipment are not operated for the provision of wireless telecommunication services for a continuous period of three months or more, such antenna, tower, and/or related equipment shall be deemed abandoned. The owner of same shall remove all such items within 30 days following the mailing of written notice that removal is required. If two or more providers of wireless telecommunication services use the antenna support structure or related equipment, the period of non-use under this section shall be measured from the cessation of operation at the location by all such providers. Failure to remove shall constitute a public nuisance and shall be enforced as such.

**23.94.080 Transfer of Operation**

Any carrier/service provider authorized by the City to operate a specific wireless communication facility may assign the operation of the facility to another carrier licensed by the FCC for that radio frequency provided that such transfer is made known the Planning Director in writing prior to the transfer and all conditions of approval for the subject installation are carried out by the new carrier/service provider. However, the carrier/service provider may, without written notification, transfer operations of the facility to its general partner or any party controlling, controlled by or under common control with the carrier/service provider.

**23.94.090 Effects of Development**

The City shall not be liable if development within the City, after installation of the antenna, impairs antenna reception.

# Title 23 - Zoning



## Article VI

### Zoning Definitions A-Z

**Chapters:**

23.98 Definitions

**Revisions:**

The following revisions have been made to Article VI of Title 23:

Date of Adoption	Ordinance Number	Subject	Chapter	Page Number

## Chapter 23.98 Definitions

### Sections:

- 23.98.010 Applicability
- 23.98.020 Additional Zoning Code Definitions
- 23.98.030 Definitions A-Z

### 23.98.010 Applicability

The purpose of this Chapter is to provide definitions of the terms and phrases used in this Code that are technical or specialized in an effort to ensure provision in interpretation of the Zoning Code. Where any definition in this Chapter may conflict with definitions in other Title of the Elk Grove Municipal Code, their definitions shall prevail for the purposes of this Title. If a word is not defined in this Chapter, or in other provisions of the Elk Grove Municipal Code, the most common dictionary definition is presumed to be correct.

### 23.98.020 Additional Zoning Code Definitions

In addition to the definitions listed in Section 23.98.030 below, there are specialized terms defined in several sections of the Zoning Code. In order to provide a user-friendly reference in the context of the specific standards and regulations, specialized definitions are maintained within the particular Chapter. Those sections with definitions incorporated that are not otherwise listed in this Article are as follows:

- Chapter 23.46 Accessory Structures
- Chapter 23.50 Density Bonus and Other Developer Incentives
- Chapter 23.56 Lighting
- Chapter 23.62 Signs
- Chapter 23.64 Yard Measurements and Projections
- Chapter 23.70 Adult Oriented Businesses
- Chapter 23.80 Emergency Shelters and Transitional Housing Facility
- Chapter 23.84 Non-conforming Uses, Buildings, and Structures
- Chapter 23.88 Residential Care Facility
- Chapter 23.90 Second Dwelling Units
- Chapter 23.94 Wireless Communications Facility

### 23.98.030 Definitions A-Z

The following terms are used throughout this Zoning Code and shall have the following definitions:

**Adult Day Care Facility.** State-licensed facilities that provide non-medical care and supervision for more than six adults for periods of less than 24 hours, with no overnight stays.

**Adult Day Care Home.** Pursuant to definitions of state law, an adult day care home is a home which provides supervision and non-medical care to six or fewer adults, including elderly persons, in the provider's own home, on a less than 24-hour basis. Homes serving more than six adults are included in "Adult Day Care Facility".

**Alcoholic Beverage Sales.** The retail sale of beer, wine, and/or other alcoholic beverages for on- or off-premise consumption.

**Agricultural Products Processing.** The act of changing an agricultural crop, subsequent to its harvest, from its natural state to the initial stage of processing of that crop in order to prepare it for market for further processing at an off-site location. Examples of this processing include nut hulling and shelling, bean cleaning, corn shelling and sorting, grape sorting and crushing, primary processing of fruits to juice and initial storage of the juice, without fermentation, cleaning and packing of fruits.

**Ambient Noise.** The total of all noise in the environment minus the sound from a source of interest (background noise of an existing condition).

**Ambulance Service.** Emergency medical care and transportation, including incidental storage and maintenance of vehicles.

**Amphitheater.** A semi-circular outdoor entertainment venue with a sloping gallery with or without seats for spectators.

**Animal Husbandry.** Raising and breeding of animals or production of animal products. Typical uses include grazing, ranching, dairy farming, poultry farming, and beekeeping, but excludes slaughterhouses and feedlot operations. This classification includes accessory agricultural buildings accessory to such uses. . Animal sales, boarding, and grooming are defined separately under "Animal Sales and Grooming". Keeping of animals is defined separately under "Animal keeping".

**Animal Keeping.** Care and maintenance of animals on private property. The listing below provides a distinction between various types of animals related to allowed use provisions in Article III. This classification is distinct from "Animal Husbandry" and "Animal Sales and Grooming"

Domestic Pets. Small animals (no larger than the largest breed of dogs) customarily kept as pets within a dwelling unit. This classification includes dogs, cats, fish, and birds (excluding large tropical birds and poultry).

Exotic Animals. Wild animals not customarily confined or cultivated by man for domestic or commercial purposes, but kept as a pet or for display, including potbelly pigs, snakes, reptiles and large tropical birds (including peacocks).

Livestock Animals. Livestock refers to domesticated animals that may be kept or raised in pens, barns, houses and pastures whether for commercial or private use. Livestock includes, but is not limited to cattle, sheep, swine, goats, equine and fowl.

Poultry. Domesticated birds (fowl) customarily kept for eggs or meat. This classification includes chickens, roosters, ducks, geese, turkeys, guinea fowl, and Cornish game hens.

**Animal Sales and Grooming.** Retail sales of domestic and exotic animals, bathing and trimming services and boarding of said animals for a maximum period of 72 hours conducted entirely within an enclosed building with no outdoor use.

**Art, antique, collectable.** Retail sales uses including antique shops, art galleries, curio, gift, and souvenir shops, and the sales of collectible items including sports cards and comic books. Stores selling handcrafted items that are produced on the site are instead defined as "Artisan Shops."

**Artisan Shops.** Retail stores selling art glass, ceramics, jewelry, and other handcrafted items, where the facility includes an area for the crafting of the items being sold.

**Artisan/Craft Product Manufacturing.** Establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products.

**Auto and Vehicle Sales/Rentals.** Retail establishments selling and/or renting automobiles, trucks and vans. This use listing includes the sales and rental of mobile homes, recreation vehicles, and boats. May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership (see "Auto Parts Sales"); bicycle and moped sales (see "General Retail Stores"); tire recapping establishments (see "Vehicle Services"); businesses dealing exclusively in used parts, (see "Recycling - Scrap and Dismantling Yards"); or "Service Stations," which are separately defined.

**Auto and Vehicle Storage.** Storage of operative and inoperative vehicles for limited periods of time. Includes storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreation vehicles. Does not include vehicle dismantling or retail sales.

**Auto Parts Sales.** Stores that sell new automobile parts, tires, and accessories. May also include minor parts installation (see "Vehicle Services"). Does not include tire recapping establishments, which are found under "Vehicle Services" or businesses dealing exclusively in used parts, which are included under "Recycling - Scrap and Dismantling Yards."

**Automated Teller Machines (ATMs).** Computerized, self-service machines used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without contact with financial institution personnel. The machines may be located at or within banks, or in other locations, in compliance allowed use provisions of with Article III.

**Banks and Financial Services.** Financial institutions including: banks and trust companies credit agencies holding (but not primarily operating) companies lending and thrift institutions other investment companies Securities/commodity contract brokers and dealers security and commodity exchanges vehicle finance (equity) leasing agencies. See also "Automated Teller Machine".

**Bars and Nightclubs.** Any bar, cocktail lounge, discotheque, or similar establishment, which may also provide live entertainment (music and/or dancing, comedy, etc.) in conjunction with alcoholic beverage sales. These facilities do not include bars that are part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include the brewing of beer as part of a brew pub or microbrewery.

**Bed and Breakfast Inns.** Residential structures with one family in permanent residence with up to five bedrooms rented for overnight lodging, where meals may be provided subject to applicable Health Department regulations. A Bed and Breakfast Inn with more than five guest rooms is considered a hotel or motel, and is included under the definition of "Hotels and Motels." Does not include room rental, which is separately defined.

**Big-Box Retail.** As regulated in Chapter 23.74 (Big Box Retail), any commercial retail establishment that meets or exceeds 50,000 square feet of gross floor area."

**Broadcasting and Recording Studios.** Commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus such as antennas and towers, which are under the definition of "Telecommunications Facility."

**Building Materials Stores and Yards.** 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, Wholesaling and Distribution." Hardware stores are listed in the definition of "General Retail Stores," even if they sell some building materials

**Bus and Transit Shelters.** A small structure designed for the protection and convenience of waiting transit passengers that has a roof and usually two or three sides.

**Business Support Services.** 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 Yards"); film processing laboratories; heavy equipment repair services where repair occurs on the client site; janitorial services; mail advertising services (reproduction and shipping); mail box services other "heavy service" business services; outdoor advertising services; photocopying and photofinishing; protective services (other than office related); soils and materials testing laboratories; window cleaning.

**Call Centers.** An office equipped to handle a large volume of calls especially for taking orders or servicing customers.

**Car Washing and Detailing.** Permanent, drive-through, self-service and/or attended car washing establishments, including fully mechanized facilities. May include detailing services. Temporary car washes are fundraising activities, typically conducted at a service station or other automotive-related business, where volunteers wash vehicles by hand, and the duration of the event is limited to one day (Refer to Chapter 23.92, Temporary Use Permit).

**Caretaker Housing.** A residence that is accessory to a non-residential primary use of the site, where needed for security, 24-hour care or supervision, or monitoring of facilities, equipment, or other conditions on the site.

**Cargo/shipping Containers.** A metal box measuring a minimum of 20 feet long and 8 feet wide that is designed for storage and/or shipping of goods.

**Cemeteries, Mausoleums.** Land used for the burial of the dead, and dedicated for cemetery purposes, including crematories, columbariums, and mausoleums. Also see "Mortuaries and Funeral Homes".

**Chemical Product Manufacturing.** Manufacturing facilities that produce or use basic chemicals, and other establishments creating products predominantly by chemical processes. Facilities included in this definition manufacture three general classes of products



as listed below. Also includes sales and transportation establishments handling the chemicals described above that are not otherwise listed in the Retail, Service, and Office Use Listing.

Basic chemicals, including acids, alkalies, salts, and organic chemicals;

Chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and

Finished chemical products to be used for ultimate consumption, including drugs, cosmetics, and soaps; or to be used as materials or supplies in other industries including paints, fertilizers, and explosives.

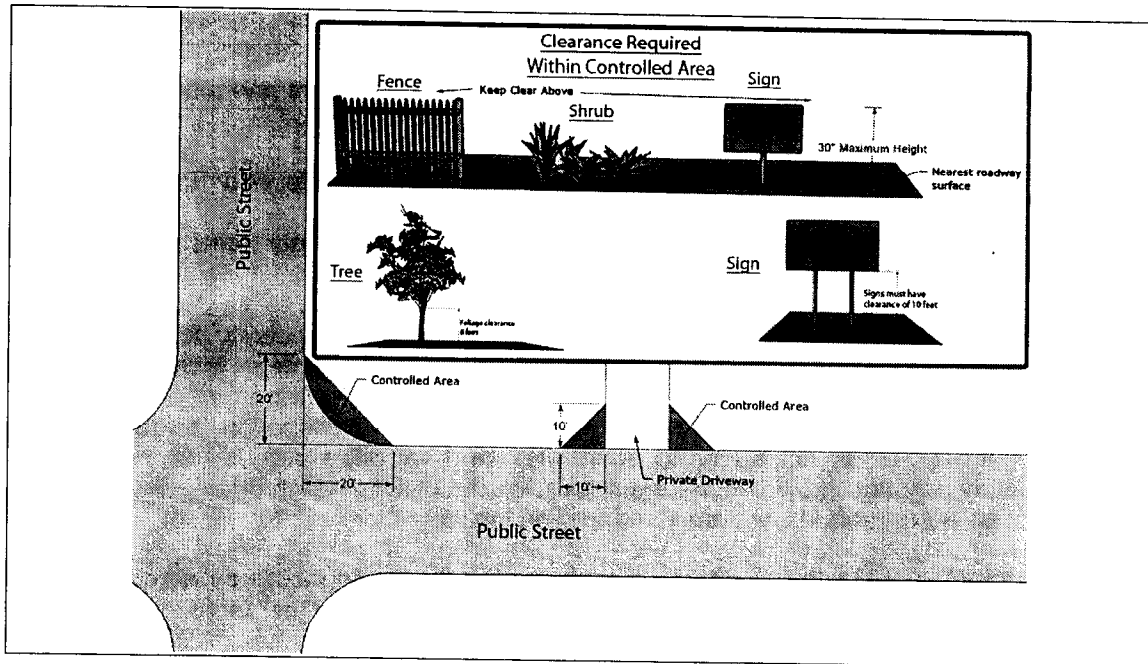
**Child Day Care Facility.** A State licensed facility which provides non-medical, care, protection and supervision, to more than 14 children under 18 years of age, on a less than 24-hour basis. Commercial or non-profit child day care facilities includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.

**Clear Vision Triangle.** The required clear cross-visibility area unobstructed by any structure or landscape between 30 inches and seven feet above the surface of the public sidewalk as follows (See figure 23.98-1):

At any corner formed by the intersection of a driveway/alley and street, the cross-visibility area shall be a triangle having two sides ten feet long and running along the driveway/alley edge and curb line of street, said length beginning at their intersection and the third side formed by a line connecting the two ends.

At any corner formed by the intersecting streets, the cross-visibility area shall be a triangle having two sides 20 feet long and running along each curb line, said length beginning at their intersection and the third side formed by a line connecting the two ends.

**Figure 23.98-1  
Clear Visibility Triangle**



**Clubs, Lodges, and Private Meeting Halls.** Permanent, headquarters-type and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for: business associations; civic, social and fraternal organizations; labor unions and similar organizations political organizations; professional membership organizations other membership organizations.

**Commercial Vehicle.** A motor vehicle used for commercial, industrial or agricultural purposes and rated more than one ton (2000 lbs.) capacity. Examples of commercial use vehicles include but are not limited to; tow trucks, flat-bed trucks, mobile food preparation vehicles including large trucks converted as food vehicles (ice cream, etc), street sweepers, buses, utility trucks with hydraulic arms or lifts, and tractors and semi-trailers, etc.

**Community Centers/Civic Uses.** Multi-purpose meeting and recreational facilities typically consisting of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

**Community Garden.** A site used for growing plants for food, fiber, herbs, flowers, which is shared and maintained by City residents.

**Community Noise Equivalent Level (CNEL).** A 24-hour energy equivalent level derived from a variety of single-noise events, with weighting factors of 5 and 10 dBA applied to the evening (7 p.m. to 10 p.m.) and nighttime (10 p.m. to 7 a.m.) periods to allow for greater sensitivity to noise during these hours.

**Concrete, Gypsum, and Plaster Products.** Manufacturing establishments producing bulk concrete, concrete building block, brick and all types of pre-cast and prefab concrete

products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, including plasterboard. A retail ready-mix concrete operation as an incidental use in conjunction with a building materials outlet is defined under "Building Material Stores."

**Contractors Storage Yards.** Storage yards for contractor equipment and supplies.

**Convenience Stores.** Easy access retail stores of 5,000 square feet or less in gross floor area, which carry a range of merchandise oriented to convenience and travelers' shopping needs. These stores may be part of a service station or an independent facility. Also see "Neighborhood Market" and "Grocery Store/Supermarket" for larger stores or stores oriented towards the daily shopping needs of residents.

**Crop Production.** Raising and harvesting of plants, tree crops, row crops, or field crops on an agricultural or commercial basis, including packing and processing. Includes horticulture establishments engaged in the cultivation of flowers, fruits, vegetables, or ornamental trees and shrubs for wholesale and incidental retail sales. This classification includes accessory agricultural buildings accessory to such uses and roadside stands for display/sale of agricultural products grown on the premises. Excludes uses for which other garden, nursery or landscape merchandise are stored and sold on the site.

**dB.** Decibel; a unit used to express the relative intensity of a sound. Every increase of 10 dBA doubles the perceived loudness though the noise is actually ten times more intense.

**dBA.** The "A-weighted" scale for measuring sound in decibels; adjusts the effects of low and high frequencies in order to simulate human hearing.

**Development Agreement.** Refers to agreements entered between developers and the City pursuant to Government Code Section 65864 et seq. as those sections exist or are hereafter amended or renumbered.

**Drive-in and Drive-through Sales.** Facilities where food or other products may be purchased by motorists without leaving their vehicles. These facilities include fast-food restaurants, drive through coffee, dairy product, photo stores, etc.

**Drive-in and Drive-through Services.** Facilities where services may be obtained by motorists without leaving their vehicles. These facilities include drive-up bank teller windows, dry cleaners, etc. Does not include: automatic teller machines (ATMs) or automobile service stations, or car washes, which are separately defined.

**Dwelling, Multifamily.** A building designed and intended for occupancy by three or more families living independently of each other, each in a separate dwelling unit, which may be owned individually or by a single landlord (e.g., apartment, apartment house, townhouse, condominium).

**Dwelling, Second Unit.** An attached or detached dwelling unit which provides complete independent living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking and sanitation sited on the same parcel as the primary dwelling unit. This definition includes granny flats.

**Dwelling, Single Family.** A building designed exclusively for occupancy by one family on a single lot. This classification includes manufactured homes (defined in California Health and

Safety Code Section 18007) and model homes for the first sale of homes within the subdivision.

**Dwelling, Two-Family.** An attached building (e.g. duplex) designed for occupancy by **two families** living independently of each other, where both dwellings are located on a single lot. For the purposes of this Title, this definition also includes halfplexes (two attached units, each with a separate lot). More than one two-family dwelling may be located on a single lot consistent with the density provisions of the General Plan. Does not include "Second Dwelling Units."

**Electronics, Equipment, and Appliance Manufacturing.** Establishments engaged in **manufacturing** machinery, apparatus, and supplies for the generation, storage, transmission, transformation and use of electrical energy, including: appliances such as stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines, aviation instruments, electrical transmission and distribution equipment, electronic components and accessories, and semiconductors, integrated circuits, related devices, electronic instruments, components and equipment such as calculators and computers, electrical welding apparatus, lighting and wiring equipment such as lamps and fixtures, wiring devices, vehicle lighting, industrial apparatus, industrial controls, instruments for measurement, testing, analysis and control, associated sensors and accessories, miscellaneous electrical machinery, equipment and supplies such as batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines, motors and generators. Optical instruments and lenses, photographic equipment and supplies, pre-recorded magnetic tape, radio and television receiving equipment such as television and radio sets, phonograph records and surgical, medical and dental instruments, equipment, and supplies. Surveying and drafting instruments, telephone and telegraph apparatus transformers, switch gear and switchboards watches and clocks. Does not include testing laboratories (soils, materials testing, etc.) (see "Business Support Services"), or research and development facilities separate from manufacturing (see "Research and Development").

**Employee Housing.** Premises used for residential purposes for temporary or seasonal periods by five or more unrelated persons for families employed to perform agricultural or industrial labor. The accommodations consist of any living quarters, dwelling, boardinghouse, tent, bunkhouse, mobile home, manufactured home, recreational vehicle, travel trailer, or other housing accommodations maintained in one or more buildings, or one or more sites, and the premises upon which they are situated, or the area set aside and provided for parking of mobile homes or camping of five or more employees by the employer. Concurrent with the previous definition, employee housing may also involve permanent residency if the housing accommodation is a mobile home, manufactured home, travel trailer or recreational vehicle.

**Equestrian Facility, Commercial.** Commercial horse, donkey, and mule facilities including **horse** ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), pack stations, and barns, stables, corrals and paddocks accessory and incidental to these uses.

**Equestrian Facility, Hobby.** Stables, corrals, paddocks used by the individual homeowners of corresponding property and their animals.

**Equipment and Material Storage Yards.** All uses related to outdoor storage of large construction **equipment** or machinery, company vehicles, or large quantities of other materials. Excludes storage associated with vehicle service and equipment.

**Equipment Sales and Rental.** Service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for rental, including construction equipment.

**Fabric Product Manufacturing.** Manufacturing establishments fabricating clothing, draperies, and other products by cutting and sewing purchased textile fabrics, and related materials such as leather, rubberized fabrics, plastics and furs. Custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store ("General Retail Stores") are instead included under "Personal Services." See also, "Textile and Leather Product Manufacturing."

**Family Day Care Home, Large.** State licensed facilities that provide non-medical care and supervision of minor children for periods of less than 24 hours within a single family residence. The occupant of the residence provides care and supervision generally for seven to 14 children. As described in the California Health and Safety Code, large day care homes may provide services for up to 16 children when specific conditions are met.

**Family Day Care Home, Small.** State licensed facilities that provide non-medical care and supervision of minor children for periods of less than 24 hours within a single family residence. The occupant of the residence provides care and supervision generally to six or fewer children. As described in the California Health and Safety Code, small day care homes for children may provide services for up to eight children when specific conditions are met.

**Feed Lot.** Feedlot shall mean any premises uses principally for the raising or keeping of animals in a confined feeding area. Confined feeding area shall mean any livestock feeding, handling, or holding operation or feed yard where animals are concentrated in an area:

Which is not normally used for pasture or for growing crops and in which animal wastes may accumulate; and

Where the space per animal is less than 600 square feet.

Feedlot is not intended to otherwise preclude the raising of animals as part of a general farming and/or livestock operation or as an FFA, 4-H, or other student project in an agricultural zone. General farming and/or livestock operation shall mean one in which the confined feeding of animals is an incidental part of the total livestock operation.

**Fence.** A barrier made of durable material to establish a boundary, as a means of protection or to provide confinement. Fences provide privacy, screening of negative visual features, noise attenuation, architectural treatment, and security for the property which they enclose.

**Food and Beverage Manufacturing.** Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Includes bakeries (wholesale), bottling plants, breweries, candy, sugar and confectionery products. Manufacturing catering services separate from stores or restaurants, coffee roasting, dairy products manufacturing, fats and oil product manufacturing, fruit and vegetable canning, preserving, related processing, grain mill products and by-products, meat, poultry, and seafood canning, curing, byproduct processing, soft drink production, miscellaneous food item preparation from raw products. May include tasting and accessory retail sales of beverages produced on site. Does not include: bakeries which sell all products on-site, which

are included in the definition of "General Retail Stores;" or beer brewing as part of a brew pub, bar or restaurant (see "Night Clubs and Bars").

**Fuel Storage and Distribution.** A large scale facility where fuel (such as propane and gasoline) is stored and distributed without retail sales.

**Furniture and Fixtures Manufacturing, Cabinet Shops.** Manufacturers producing: wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Includes wood and cabinet shops, but not sawmills or planing mills, which are instead included under "Lumber and Wood Product Manufacturing." Does not include the manufacture of household appliances ("Electronics, Equipment, and Appliance Manufacturing").

**Furniture, Furnishings, and Appliance Stores.** Stores engaged primarily in selling the following products and related services, including incidental repair services: draperies, floor coverings, furniture, glass and chinaware, home appliances, home furnishings, home sound systems, interior decorating materials and, services, large musical instruments, lawn furniture, movable spas and hot tubs, office furniture, other household electrical and, gas appliances, outdoor furniture, refrigerators, stoves, and televisions.

**Garage Sale.** The informal sale of used goods on any parcel where the sale operator resides.

**Garden Center/Plant Nursery.** Establishments providing for the cultivation and sale of ornamental trees, shrubs, and plants, including the sale of garden and landscape materials (packaged and/or bulk sale of unpackaged materials) and equipment.

**Glass Product Manufacturing.** Manufacturing establishments producing flat glass and other glass products which are pressed, blown, or shaped from glass produced in the same establishment. Does not include artisan and craftsman type operations of a larger scale than home occupations; see "Handcraft Industries and Small Scale Manufacturing."

**Golf Courses/Clubhouse.** Golf courses, and accessory facilities and uses including: clubhouses with bar and restaurant, locker and shower facilities; driving ranges; "pro shops" for on-site sales of golfing equipment; and golf cart storage and sales facilities.

**Grocery Stores/Supermarket.** A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the site of the store. These full service businesses do not typically have limited hours of operation. See separate, but related listings for "Neighborhood Market" and "Convenience Store".

**Group Residential.** Shared living quarters without separate kitchen and/or bathroom facilities for each room or unit. This classification includes residential hotels, dormitories, fraternities, sororities, convents, rectories, and private residential clubs but does not include living quarters shared exclusively by a family. This category includes boarding houses, which are defined as a building other than a hotel or restaurant, where meals or lodging or both meals and lodging are provided for compensation for four or more persons.

**Guest House.** A detached structure accessory to a single family dwelling, accommodating living/sleeping quarters, but without kitchen or cooking facilities.

**Heliports.** A designated, marked area on the ground or the top of a structure where helicopters may land at any time.

**Hog Farm - Commercial.** Any premises used for the raising or keeping of hogs when raised, fed, or fattened for purposes of sale and consumption by other than the owner of the site. In an agricultural and agricultural zoning district, the term hog farm commercial is not intended to otherwise preclude the raising of hogs as part of a general agricultural practices and 4-H purposes (See also Animal Keeping).

**Home Occupations.** The conduct of a business within a dwelling unit or residential site, employing occupants of the dwelling, with the business activity being subordinate to the residential use of the property.

**Hotels and Motels.** Facility with guest rooms or suites, provided with or without kitchen facilities, rented to the general public for transient lodging (less than 30 days). Hotels provide access to most guest rooms from an interior walkway, and typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Motels provide access to most guest rooms from an exterior walkway. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

**Indoor Amusement/Entertainment Facility.** Establishments providing indoor amusement and entertainment services for a fee or admission charge, including: dance halls and ballrooms and electronic game arcades, as primary uses. Four or more electronic games or coin-operated amusements in any establishment, or a premises where 50 percent or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above, three or less machines are not considered a land use separate from the primary use of the site.

**Indoor Sports and Recreation Facility.** Predominantly participant sports and health activities conducted entirely within an enclosed building. Typical uses include bowling alley, billiard parlor, ice/roller skating rinks, indoor racquetball courts, indoor climbing facilities, soccer areas, athletic clubs and health clubs. Also see Outdoor Commercial Recreation for spectator venues and uses.

**Integrated Development.** A group of five or more adjacent uses or entities planned and developed in a joint manner with undivided or non-segregated parking facilities shared by them or that are governed by a common business, tenant, homeowner, or other association or by common conditions, covenants, and restrictions (CC&Rs), regardless of whether such uses or entities are located on the same lot or parcel.

**Kennels, Commercial.** Facility for the keeping, boarding or maintaining of five or more dogs (four months of age or older), or five or more cats except for dogs or cats for sale in pet shops, or patients in animal hospitals. A kennel where the animals are kept for commercial purposes, including boarding, breeding, buying, selling, renting, exhibiting, or training. Does not include a veterinary facility, pet shop, humane society shelter, or animal shelter.

**Kennels, Hobby.** Facility for the keeping, boarding or maintaining of five or more dogs (four months of age or older), or five or more cats except for dogs or cats for sale in pet shops, or patients in animal hospitals. A kennel where the animals are owned or kept by the owner or occupant for personal, non-commercial purposes, including hunting, tracking, exhibiting at shows, exhibitions, field trials or other competitions, or enhancing or perpetuating a given

breed, other than dogs or cats used in conjunction with an agricultural operation on the lot or premises.

**Kitchen.** Any room or portion thereof containing facilities designed or used for the preparation of food, including but not limited to stoves, ranges, or hotplates.

**Laundries and Dry Cleaning Plants.** Service establishments engaged primarily in high volume laundry and garment services, including: laundries; garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners. Does not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment; see "Personal Services."

**Ldn.** (see "Community Noise Equivalent Level")

**Libraries and Museums.** Public or quasi-public facilities including aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums, which are generally non-commercial in nature.

**Live-Work Facility.** An integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes:

Complete kitchen space and sanitary facilities in compliance with the City building code; and

Working space reserved for and regularly used by one or more occupants of the unit.

**Lumber and Wood Product Manufacturing.** Manufacturing, processing, and sales uses involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products: containers, pallets and skids, milling operations, trusses and structural beams, turning and shaping of wood products, wholesaling of basic wood products, and wood product assembly. Craft-type shops are included in "Handcraft Industries." Other wood and cabinet shops are included under "Furniture and Fixture Manufacturing." The indoor retail sale of building materials, construction tools and equipment is included under "Building Material Stores."

**Machinery Manufacturing.** The manufacturing of machinery and equipment used: for the manufacturing of other products; as parts in the assembly of other products; and for end-use purposes, including the following: construction equipment, conveyors, cranes, die casting, dies, dredging, engines and turbines, farming and gardening, food products manufacturing, gear cutting, heating, ventilation, air conditioning, , industrial trucks and tractors, industrial furnaces and ovens, industrial molds, laundry and dry cleaning, materials handling, mining, oil field equipment, paper manufacturing, passenger and freight elevators, pistons, printing, pumps, refrigeration equipment, textile manufacturing.

**Maintenance and Repair, Small Equipment.** Establishments providing on-site repair and accessory sales of supplies for appliances, office machines, home electronic/mechanical equipment, bicycles, tools, or garden equipment, conducted entirely within an enclosed building. This classification does not include maintenance and repair of vehicles.



**Manufactured Home.** As defined in the California Health and Safety Code Section 18007, means structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under this part. "Manufactured home" includes a mobilehome subject to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, et seq. ).

**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, other allied health service. Counseling services by other than medical doctors or psychiatrists are included under "Offices."

**Medical Services – Extended Care.** 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 Homes."

**Medical Services – Hospitals.** Hospitals and similar facilities engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses and emergency heliports (see the separate definition of "Accessory Retail Uses"). Does not include "Ambulance Services", which are defined separately.

**Metal Products Fabrication, Machine/Welding Shops.** Establishments engaged primarily in the assembly of metal parts, including the following uses that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products, blacksmith and welding shops, sheet metal shops, machine shops and boiler shops.

**Metal Products Manufacturing.** Manufacturing establishments engaged in the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; in the rolling, drawing, and alloying of ferrous and nonferrous metals; in the manufacture of castings, forgings, stampings, extrusions and other basic products of ferrous and nonferrous metals; and in the manufacture of nails, spikes, and insulated wire and cable.

**Mobile Home.** A transportable structure, which is built on a permanent chassis and designed as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein (California Health and Safety Code Sections 18007 and 18008). A mobile home is included in the definition of manufactured home and the minimum dimensions for a mobile home are 8 feet wide, 40 feet long, and a total area of 320 square feet.

**Mobile Home Park.** Any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are

rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes.

**Mortuaries and Funeral Homes.** Funeral homes and parlors, where deceased are prepared for burial or cremation, and funeral services may be conducted.

**Neighborhood Market.** A pedestrian-oriented grocery/specialty market store offering food products packaged for preparation and consumption away from the site of the store and oriented to the daily shopping needs of surrounding residential areas. Neighborhood markets are less than 15,000 square feet in size and operate less than 18 hours per day. For larger stores, see "Grocery Store/Supermarket". Neighborhood markets may include deli or beverage tasting facilities that are ancillary to the market/grocery portion of the use.

**Office – Temporary.** A mobile home, recreational vehicle or modular unit used as a temporary office facility. Temporary Offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction.

**Offices - Business and Professional.** This use listing 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 and Laboratories"); temporary offices (see "Offices – Temporary"), or offices that are incidental and accessory to another business or sales activity that is the primary use (see "Offices – Accessory").

**Offices – Accessory.** Offices that are incidental and accessory to another business or sales activity that is the primary use. Incidental offices that are customarily accessory to another use are allowed as part of an approved primary use. The qualification criteria for this definition is that the floor area of the accessory office use shall not exceed 50 percent of the total floor area.

**Outdoor Commercial Recreation.** Facility for various outdoor participant sports and types of recreation where a fee is charged for use, including: amphitheatres, amusement and theme parks, golf driving ranges, health and athletic club outdoor, facilities, miniature golf courses, skateboard parks, stadiums and coliseums, swim and tennis clubs, tennis courts, water slides, and zoos.

**Paper Product Manufacturing.** The manufacture of paper and paperboard, from both raw and recycled materials, and their conversion into products including paper bags, boxes, envelopes, wallpaper, etc.

**Park and Ride Facility.** A designated area where a vehicle may be left in order to carpool with other commuters or to ride public transit.

**Parking Facility.** Parking Facility refers to structured parking.

**Parks and playgrounds.** Public parks, play lots, playgrounds, and athletic fields for noncommercial neighborhood or community use, including tennis courts. If privately-owned, the same facilities are included under the definition of "Outdoor Commercial Recreation."

**Paving Material Manufacturing.** The manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood and various compositions of asphalt and tar. The manufacture of wood roofing materials (shingles, shakes, etc.) is included under "Lumber and Wood Product Manufacturing."

**Pending Applications.** Means any formal application submitted to the City for land use or development permit or action that has been deemed complete, but has not yet been acted upon/finally decided by the designated Approving Authority, including any appeal determination.

**Personal Services.** Establishments providing non-medical services as a primary use, including: barber and beauty shops, clothing rental, dry cleaning pick-up stores with limited equipment, home electronics and small appliance repair, laundromats (self-service laundries), shoe repair shops, and tailors. These uses may also include accessory retail sales of products related to the services provided. Also includes massage parlors, spas and hot tubs for rent, and tanning salons.

**Personal Services, Restricted.** Personal service establishments that may tend to have a blighting and/or deteriorating effect upon surrounding areas and which may need to be dispersed to minimize their adverse impacts, including: check cashing services, fortune tellers, psychics, palm readers, and similar services, tattooing, piercing, and similar services. These uses may also include accessory retail sales of products related to the services provided.

**Plastics, Synthetics, Rubber Products Manufacturing.** The manufacture of rubber products including: tires; rubber footwear; mechanical rubber goods; heels and soles; flooring; and other rubber products from natural, synthetic or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires. Also includes: establishments engaged in molding primary plastics for other manufacturers, and manufacturing miscellaneous finished plastics products; fiberglass manufacturing, and fiberglass application services. Establishments engaged primarily in recapping and retreading automobile tires are classified in "Vehicle Services - Major Repair/Body Work."

**Printing and Publishing.** Establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade including bookbinding, typesetting, engraving, photoengraving, and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. Does not include "quick printing" services or desktop publishing which are included in Business Support Services.

**Project.** Proposed development or a new land use.

**Public Nuisance.** A nuisance that unreasonably interferes with a right that is common to the general public.

**Public Safety Facility.** Facility operated by public agencies including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.

**Recreational Vehicle Parks.** A site where one or more lots are used, or are intended to be used, by campers with recreational vehicles or tents. Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

**Recycling Facility – Large Collection Facility.** A recycling facility used for the acceptance by donation, redemption, or purchase of recyclable materials from the public that may occupy more than 500 square feet and include permanent structures. Facility does not use power-driven processing equipment except for compacting, baling, plastic shredding, and other activities necessary for efficient temporary storage and material shipment.

**Recycling Facility – Processing Facility.** A recycling facility located in a building or enclosed space and used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment or to an end-user's specifications by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing.

**Recycling Facility - Reverse Vending Machine.** An automated mechanical device that accepts one or more types of empty beverage containers including, but not limited to, aluminum cans, glass bottles and plastic bottles, and issues a cash refund or a redeemable credit clip with value of not less than the container's redemption value as determined by the State.

**Recycling Facility – Scrap and Dismantling Facility.** Uses engaged in the assembling, breaking up, sorting, temporary storage, and distribution of recyclable or reusable scrap and waste materials, including the dismantling or wrecking of automobiles or other motor vehicles, or the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking. The presence on any lot or parcel of land of five or more inoperable vehicles from which parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard. This use does not include landfills or other terminal waste disposal sites.

**Recycling Facility – Small Collection Facility.** A recycling facility used for the acceptance by donation, redemption, or purchase of recyclable materials from the public that does not occupy more than 500 square feet. This classification may include a mobile unit, kiosk-type units that may include permanent structures and unattended containers placed for the donation of recyclable materials.

**Religious Institutions.** Facility operated by religious organizations for worship, or the promotion of religious activities, including churches, mosques, synagogues, temples, etc. ; and accessory uses on the same site, such as living quarters for ministers and staff, and child day care facilities where authorized by the same type of land use permit required for the religious facility itself. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals and other potentially related operations (such as a recreational camp) are classified according to their respective activities.

**Research and Development Services.** Indoor facilities for scientific research, and the design, development and testing of electrical, electronic, magnetic, optical and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Includes chemical and biotechnology research and development. Does not include computer software companies (see "Offices – Business and Professional"), soils and other materials testing laboratories (see "Business Support Services"), or medical laboratories (see "Medical Services - Clinics and Labs").

**Residential Care Facility.** Consistent with the definitions of State law, a residential care facility is a facility that provide 24-hour non-medical care for more than six persons 18 years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living, or for the protection of the individual. This classification includes group homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the State of California.

**Residential Care Home.** Consistent with the definitions of State law, a residential care home is a home that provides 24-hour non-medical care for six or fewer persons 18 years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living, or for the protection of the individual. This classification includes group homes, rest homes, residential care facilities for the elderly, adult residential facilities, wards of the juvenile court, and other facilities licensed by the State of California. Convalescent homes, nursing homes and similar facilities providing medical care are included under the definition of "Medical Services - Extended Care."

**Resource Protection and Restoration.** Activities and management of an area to preserve, re-create and enhance natural resource values such as fish and wildlife habitat, rare and endangered plants, vernal pools, erosion control, and floodwater conveyance.

**Resource-Related Recreation.** Facility related to passive recreation in open space areas including bicycle and pedestrian trails, picnic areas, parking areas, and interpretive centers.

**Restaurants.** A retail business selling food and beverages prepared on the site, for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption, and establishments where most customers are served food at tables for on-premise consumption, but may include providing food for take-out. Also includes coffee houses.

**Restaurants - Accessory Cafeteria.** A restaurant that is accessory to a non-residential use.

**Restaurants – Fast Food.** A restaurant that provides both sit down and take out service and has two of the following characteristics: 1. Food to be consumed on the premises is served with disposable tableware. 2. Food is not delivered to the table. 3. Orders are placed at a counter; and 4. Drive through and walk up windows. Fast food restaurants shall not include ice cream shops, coffeehouses, bakeries, hot dog stands, or other businesses whose primary function is not the sale of full meals.

**Restaurants – Sit Down, Take Out Inclusive.** A business serving prepared food or beverages for consumption on or off the premises. Service is predominantly sit down, however the occasional take out customer may be accommodated.

**Restaurants – Take-Out.** A restaurant where food is prepared on-site for off-site consumption, other than those deemed to be fast food restaurants.

**Restaurants – With Alcohol Sales.** A restaurant with a valid Alcohol Beverage license that sells alcoholic drinks along with preparing and serving food. Also includes restaurants with breweries, subordinate to the restaurant use, that operate for the production of on-site consumption.

**Restaurants – With Live Entertainment.** A restaurant that has live entertainment along with preparing and serving food.

**Restaurants – With Outdoor Dining.** A restaurant or other eating establishment where tables and seating are provided and food and/or beverages are served in outdoor areas, which front a street, and have at least one side open. For purposes of parking calculations, these do not include interior courtyard areas.

**Retail – Accessory.** The retail sales of various products (including food service) in a store or similar facility that is located within a health care, hotel, office, or industrial complex. These uses include pharmacies, gift shops, and food service establishments within hospitals; convenience stores and food service establishments within hotel, office and industrial complexes. This use category also includes retail associated with industrial uses for the products sold, distributed or manufactured on site. Such retail area shall not exceed 25 percent of the total square footage for each tenant space.

**Retail – General.** Stores and shops selling multiple lines of merchandise. These stores and lines of merchandise include: art galleries, artists' supplies, bakeries (all production in support of on-site, sales), bicycles, books, cameras and photographic supplies, clothing and accessories, collectibles (cards, coins, comics, stamps, etc.), department stores, drug and discount stores, dry goods, fabrics and sewing supplies, florists and houseplant stores (indoor sales, only; outdoor sales are "Plant Nurseries"), furniture, home furnishings and equipment, general stores, gift and souvenir shops, hardware, hobby materials, jewelry, luggage and leather goods, musical instruments, parts and accessories, newsstands, orthopedic supplies,, pet supplies sales with no animals but fish, religious goods, small wares, specialty shops, sporting goods and equipment, stationery, toys and games, variety stores. This use listing includes Big-Box retail uses as defined and regulated in Chapter 23.74.

**Schools -Private.** Private educational institutions, including: boarding schools, business, secretarial, and vocational schools, colleges and universities, elementary, middle, and junior high schools, establishments providing courses by mail, high schools, professional schools (law, medicine, etc.), and seminaries/religious ministry training facilities.

**Schools – Public.** Public educational institutions including: community colleges, colleges and universities, elementary, middle, and junior high schools, high schools, and military academies, .

**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"). See also the definition of "Studios" for smaller-scale facilities offering specialized instruction.

**Service Stations – With Vehicle Service.** A retail business selling gasoline or other motor vehicle fuels, which may also provide services which are incidental to fuel services. These secondary services may include vehicle engine maintenance and repair, towing and trailer rental services. Does not include the storage or repair of wrecked or abandoned vehicles, vehicle painting, body or fender work, or the rental of vehicle storage or parking spaces.

**Service Stations – Without Vehicle Service.** A retail business selling gasoline or other motor vehicle fuels.

**Single Family Dwelling.** A freestanding residential building designed for and/or occupied exclusively by one living unit that includes one kitchen and permanent provisions for living, sleeping, eating, sanitation, and parking.

**Storage – Indoor.** The storage of various materials entirely within a structure, as the primary use of the structure. The storage of materials accessory and incidental to a primary use is not considered a land use separate from the primary use.

**Storage – Outdoor.** The storage of various materials outside of a structure other than fencing, either as an accessory or principal use.

**Storage - Personal Storage Facility.** A structure or group of structures containing generally small, individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand.

**Structure.** Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground. For the purpose of this Zoning Code, the term "structure" includes "buildings".

**Structural Clay and Pottery Product Manufacturing.** Manufacturing establishments engaged primarily in producing brick and structural clay products, including pipe, china plumbing fixtures, and vitreous china articles, fine earthenware and porcelain products. Artist/craftsman uses are included in "Handcraft Industries and Small Scale Manufacturing," and "Home Occupations."

**Telecommunication Facility.** Facility designed and/or used for the purpose of transmitting, receiving, or relaying voice and/or data signals from various wireless communication devices, including transmission tower, antenna, and or other facility designed or used for that purpose. Amateur radio transmission facilities, facilities operated exclusively as part of a public safety network, and facilities used exclusively for the transmission of television and/or radio broadcasts are not "telecommunication facilities". Additional definitions can be found in Article V Chapter 23.86.

**Temporary Real Estate.** The temporary use of a dwelling unit within a residential development project as a sales office for the units on the same site, which is converted to residential use at the conclusion of its office use.

**Textile and Leather Product Manufacturing.** Manufacturing establishments engaged in performing any of the following operations: coating, waterproofing, or otherwise treating fabric, dyeing and finishing fiber, yarn, fabric, and knit apparel, manufacture of knit apparel

and other finished products from yarn, manufacture of felt goods, lace goods, non-woven fabrics and miscellaneous textiles, manufacturing of woven fabric, carpets and rugs from yarn, preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage, and upholstery manufacturing.

**Theaters and Auditoriums.** Indoor facilities for public assembly and group entertainment, other than sporting events, including: civic theaters, and facilities for "live" theater and concerts, exhibition and convention halls, motion picture theaters, public and semi-public auditoriums, similar public assembly uses. Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events; see "Outdoor Commercial Recreation."

**Transit Stations and Terminals.** Passenger stations for vehicular and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, etc.

**Transitional Housing.** Housing containing sleeping, kitchen, and bathroom facilities that are used to ease the transition of homeless individuals to independent living within 24 months. Usually provided with supportive services to assist in finding and keeping permanent housing.

**Utility Facility.** Fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are not exempted from land use permit requirements by Government Code Section 53091: electrical substations and switching stations, natural gas regulating and distribution facilities, public water system wells, treatment plants and storage, telephone switching facilities, wastewater treatment plants, settling ponds and disposal fields. These uses do not include office or customer service centers (classified in "Offices"), or equipment and material storage yards.

**Utility Infrastructure.** Pipelines for water, natural gas, and sewage collection and disposal; and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (see "Offices"), or distribution substations (see "Utility Facility").

**Vehicle Services – Maintenance and Minor Repair** Minor facilities specialize in limited aspects of repair and maintenance (e.g., muffler and radiator shops, quick-lube, etc.). Does not include automobile parking (see "Parking Facility/Vehicle Storage"), repair shops that are part of a vehicle dealership on the same site (see "Auto and Vehicle Sales"); automobile service stations, which are separately defined; or automobile dismantling yards, which are included under "Recycling - Scrap and Dismantling Yards." This classification does not include vehicle maintenance and repair accessory to a residential use as regulated in Section 23.68.030.1.J.

**Vehicle Services – Major Repair/Body Work.** The repair, alteration, restoration, towing, painting, cleaning (including self-service and attended car washes), or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories. Major Repair/Body Work. Repair facilities dealing with entire vehicles. These establishments provide towing, collision repair, other body work, and painting services; and also include tire recapping establishments.



**Vehicle Storage.** Service establishments in the business of storing operative cars, trucks, buses, recreational vehicles, and other motor vehicles for clients. Does not include dismantling yards (classified in "Recycling Facility - Scrap and Dismantling Yards").

**Veterinary Facility.** Veterinary facility that is primarily enclosed, containing only enough cage arrangements as necessary to provide services for domestic and exotic animals requiring acute medical or surgical care with accessory outdoor use that provides long term medical care. Grooming and boarding of animals is allowed only if accessory to the facility use.

**Warehousing.** Facility for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini-storage facilities offered for rent or lease to the general public (see "Storage, Personal Storage Facility") or warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see "Wholesaling and Distribution").

**Warehouse/Retail.** Retail stores that emphasize the packaging and sale of products in large quantities or volumes, some at discounted prices. Sites and buildings are usually large and industrial in character. Patrons may be required to pay membership fees. This use listing includes Big-Box retail uses as defined and regulated in Chapter 23.74.

**Wholesaling, and Distribution.** Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as: agents, merchandise or commodity brokers, and commission merchants, assemblers, buyers and associations engaged in the cooperative marketing of farm products, merchant wholesalers, and stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

**Wineries, distilleries.** Manufacturing facilities where wine grapes are crushed, fermented, aged, bottled, and sold at wholesale as finished wine. May include tasting and accessory retail sales of wine produced on site. Processing of the products, without fermentation, is considered "Agricultural Product Processing" as defined in this Chapter.