

ORDINANCE NO. 8-2011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING PORTIONS OF THE ELK GROVE MUNICIPAL CODE TITLE 23

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

WHEREAS, the proposed amendments at this time include the remaining major amendments that were identified by the City Council, the Planning Commission, the public, and staff over the past year; and

WHEREAS, the purpose for the proposed amendments is to simplify the development review process, to comply with state and federal laws, and to implement the City's Housing Element that was certified in 2009.

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

WHEREAS, the approval of these amendments does not approve any development project. Rather, they clarify the various planning permits and entitlements, clarify the allowed uses in the various zoning districts consistent with the General Plan, and clarify other development regulations including accessory structures, fences and walls, parking, signs, and wireless facilities.

NOW, THEREFORE, the City Council of the City of Elk Grove does ordain as follows:

Section 1: Purpose and Authority

The purpose of this Ordinance is to amend the Elk Grove Municipal Code Title 23 (Zoning) text to implement the goals, policies, and action items of the General Plan. The proposed amendments help implement the City's Housing Element certified in 2009. Additionally, the proposed amendments clarify the development standards and streamline the development review process for the public.

Section 2: Findings

California Environmental Quality Act (CEQA)

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

Evidence: CEQA requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for

resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” Section 15061 (b)(3) of Chapter 3, Title 14 of the California Code of Regulations (the CEQA Guidelines) describes the General Rule that CEQA only applies to projects which “have the potential for causing a significant effect on the environment; where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

The approval of these amendments does not approve any development project. Rather, they clarify the various planning permits and entitlements, clarify the allowed uses in the various zoning districts consistent with the General Plan, and clarify other development regulations including accessory structures, fences and walls, parking, signs, and wireless facilities.

Each of these components, individually and cumulatively, does not result in the possibility of creating significant or cumulative effects on the environment. Future development under the proposed regulations would be subject to CEQA at that time, as those actions would be classified as “projects” under CEQA. Therefore, these changes are not subject to CEQA under the General Rule and no further environmental review is necessary.

General Plan Consistency

Finding: The proposed amendments to Title 23 are consistent with the General Plan goals, policies, and implementation programs.

Evidence: The proposed text amendments to Title 23 implement the goals, policies, and actions items of the General Plan. The proposed amendments help implement the City’s Housing Element certified in 2009. Additionally, the proposed amendments clarify the development standards and streamline the development review process for the public

Section 3. Amendments to Chapter 23.02 – Purpose of Zoning Code

Elk Grove Municipal Code Chapter 23.02 is amended as follows:

A. The title of Chapter 23.02 is amended as follows:

PURPOSE OF TITLE 23

B. Section 23.02.010 is repealed and replaced as follows:

23.02.010 Purpose of Title 23.

Title 23 of the City of Elk Grove Municipal Code 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. Title 23 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 title are

to:

A. 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;

B. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage and other public facilities and utilities;

C. Conserve and protect the City's natural features such as creeks, oak trees, and historic and environmental resources;

D. Minimize automobile congestion by promoting pedestrian-oriented development, safe and effective traffic circulation, and adequate off-street parking facilities; and

E. Ensure compatibility between residential and nonresidential development and land uses.

C. Section 23.02.020 is repealed and replaced as follows:

23.02.020 Authority.

This title 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 (Section 65000 et seq. of the Government Code); the Subdivision Map Act (Section 66410 et seq. of the California Government Code); and the California Environmental Quality Act (Section 21000 et seq. of the California Public Resources Code).

Section 4. Amendments to Chapter 23.04 – Zoning Ordinance Applicability

Elk Grove Municipal Code Chapter 23.04 is amended as follows:

A. The title of Chapter 23.04 is amended as follows:

TITLE 23_APPLICABILITY

B. Section 23.04.010 is repealed and replaced as follows:

23.04.010 Relationship to prior Title 23.

C. Section 23.04.030 is repealed and replaced as follows:

23.04.030 New land uses or structures.

It shall be unlawful, and a violation of this title 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.

D. Section 23.04.050 is repealed and replaced as follows:

23.04.050 Subdivisions.

Any subdivision of land proposed within the City after the effective date of this title shall be consistent with the minimum lot size requirements of Division III, Zoning Districts, Allowable Uses, and Development

Standards, of this title, the subdivision requirements of the City of Elk Grove subdivision ordinance, and all other applicable requirements of this title.

E. Section 23.04.060 is repealed and replaced as follows:

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.

F. Section 23.04.070 is repealed and replaced as follows:

23.04.070 Conflicting requirements.

A. Title 23 and Municipal Code Provisions. If conflicts occur between requirements of this title, or between this title, the Elk Grove Municipal Code, or other plans and policies adopted by the City, Title 23 shall govern.

B. Development Agreements or Specific Plans. If conflicts occur between the requirements of this title and standards adopted as part of any development agreement or applicable specific plan, the requirements of the development agreement or specific plan shall govern.

C. Private Agreements. This title 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.

G. Section 23.04.080 is repealed and replaced as follows:

23.04.080 Other requirements/permits.

Nothing in this title 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.

H. Section 23.04.100 is repealed and replaced as follows:

23.04.100 Severability, partial invalidation of Title 23.

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.

Section 5. Amendments to Chapter 23.10 – Identification and Responsibilities of Designated Planning Agencies

Elk Grove Municipal Code Chapter 23.10 is amended as follows:

A. Section 23.10.040 is repealed and replaced as follows:

23.10.040 Responsibilities of the Planning Commission.

The Planning Commission shall have the following land use responsibilities:

A. Hear and decide appeals of the decisions of the Planning Director.

B. Hear and decide applications for conditional use permits, variances, major design review, major uniform

sign programs, extensions to nonconforming use status, tentative subdivision maps, and tentative parcel maps.

C. Review and approve or disapprove Official Zoning Interpretations.

D. Hear and make recommendations to the City Council on applications or proposals for amendments to this title.

E. Initiate studies of amendments to this title and make recommendations to the City Council for amendments to this title.

F. 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.

G. Exercise such other powers and duties as are prescribed by state law, local ordinance, or as directed by the City Council.

B. Section 23.10.060 is repealed and replaced as follows:

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:

A. Maintain the sections of this title, zoning map, and all records of zoning actions and interpretations.

B. Advise the City Council, City Manager, and Planning Commission on planning matters.

C. Decide administrative permits, including zoning clearance/plan check, minor design review, minor deviations, minor uniform sign programs, parking reduction permits, reasonable accommodation permits, and temporary use permits.

D. Staff meetings and provide administrative services for the Planning Commission.

E. Direct planning-related policy amendments and special studies as necessary or desired.

F. 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 EGMC, Permit Requirements.

G. Provide information to the public and facilitate public participation on planning matters.

H. Prepare Official Zoning Interpretations for Planning Commission review and action.

I. Exercise such other powers and duties as are prescribed by state law, local ordinance, or as directed by the City Manager.

Section 6. Revisions to Chapter 23.12 – Interpretation and Enforcement of Code

Elk Grove Municipal Code Chapter 23.12 is amended as follows:

A. The title of Chapter 23.12 is amended as follows:

INTERPRETATION AND ENFORCEMENT OF TITLE 23

B. Section 23.12.040 is repealed and replaced as follows:

23.12.040 Official Zoning Interpretation.

A. Applicability and Authority to Prepare. Whenever the Planning Director determines that an ambiguity in a zoning regulation exists, or a formal request for an interpretation is made by an applicant, property owner, or interested party to the Planning Director, the Planning Director shall prepare an Official Zoning Interpretation as described herein.

B. Official Zoning Interpretation Defined – Threshold for Preparation of Official Zoning Interpretation. An Official Zoning Interpretation is a recorded decision on the meaning and/or application of the development standards, allowed use regulations, or other standards contained within Title 23 (Zoning). An Official Zoning Interpretation is only prepared to address an ambiguity and is not prepared as part of the normal application of the code in review of development applications and Zoning Clearance/Plan Check.

C. Content of Official Zoning Interpretation. Official Zoning Interpretations shall be prepared by the Planning Director, in writing, and shall cite the provisions being interpreted, together with any explanation of the meaning or applicability of the provision(s) in the particular or general circumstances that caused the need for the interpretation.

D. Procedure for Interpretations.

1. Planning Commission Routing and Action. The Planning Director shall forward the Official Zoning Interpretation to the Planning Commission as an action item at its next regularly scheduled Planning Commission meeting for Planning Commission approval or disapproval. The action on the interpretation shall not be final until after Planning Commission meeting and action.

2. General Routing. A copy of the Official Zoning Interpretation shall be provided by the Planning Director to the City Manager, City Attorney, City Council, and to the applicant, property owner, or interested party requesting the interpretation at the same time or prior to being provided to the Planning Commission. Such routing shall include a public notice identifying the pending action by the Planning Commission including the date it is scheduled to appear before the Commission.

3. Appeal. Planning Commission action on interpretations by the Planning Director may be appealed to the City Council pursuant to Section 23.14.060 (Appeals). Appeals of Official Zoning Interpretations are not subject to appeal fees.

E. Keeping of Official Zoning Interpretations. 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.

F. Codification of Official Zoning Interpretations. To the extent practical, Official Zoning Interpretations shall be incorporated into this Title by amendment as soon as is possible.

C. Section 23.12.050 is repealed in its entirety.

23.12.050 REPEALED.

D. Section 23.12.060 is repealed and replaced as follows:

23.12.060 Enforcement procedures.

A. Purpose and Intent. The purpose of these provisions is to identify enforcement authority and provisions for enforcement of this title.

B. Action on Violations. Municipal code enforcement is the responsibility of the Code Enforcement Division. Working in partnership with the Planning Director, the Code Enforcement Division shall investigate all alleged violations of the municipal code and violations of conditions of approval of land use and development permits issued under this title, 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 1.04.040, 1.11, 1.12, and 16.18 EGMC.

C. Public Nuisance Declared. Any building or structure, or any use of property contrary to or in violation of this title or condition of approval of land use and development permits issued under this title is unlawful and is a public nuisance. All abatement and enjoinder proceedings shall be conducted in accordance with Chapters 1.04.040, 1.11, 1.12, and 16.18 EGMC, as well as relevant provisions of state law. Additionally, should a violation of a condition of approval of a land use and development permit not be corrected in a reasonable timeframe, the City (by initiation of any of the City's designated planning agencies as identified in Section 23.10.020, Composition of Elk Grove Planning Agency) may undertake proceedings to revoke the permit in accordance with chapter 23.20 (Modification and Revocation).

Section 7. Revisions to Chapter 23.14 - General Application Processing Procedures.

Elk Grove Municipal Code Chapter 23.14 is amended as follows:

A. Section 23.14.040(B) is repealed and replaced as follows:

Section 23.14.040 Public notices.

...

B. Project Application Noticing on Site. Within thirty (30) days of submittal of a development application, the City shall post the project site with a sign identifying the existence of the application. Said sign shall remain on site until the project is decided or withdrawn as outlined in this division. The method, size, and message of the notice shall be as determined by the Planning Director so as to reach the largest reasonable audience without impacting public safety. The fees for developing and establishing the on-site notice shall be established by resolution of the City Council. On-site signs identifying a current development application shall be posted for the following requests:

1. General Plan amendment;
2. Rezone;
3. Specific plan amendment;
4. Special planning area amendment;
5. Major design review;
6. Tentative subdivision map;
7. Conditional use permit; or
8. Any application for design review for multi-family development.

B. Section 23.14.050 is repealed and replaced as follows:

23.14.050 Approving authority.

A. 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 or action. 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 EGMC, 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 EGMC 23.14.060, Appeals.

**Table 23.14-1
Approval Authority**

Type of Permit or Decision	Designated Approval Authority ¹		
	Planning Director	Planning Commission	City Council
	"R" symbolizes the "Recommending Body"		
	"F" symbolizes the "Final Decision-Making Body"		
	Planning Director	Planning Commission	City Council
Official Zoning Interpretation	R	F	
Zoning clearance/plan check	F		
Minor Uniform Sign Program ²	F		
Major Uniform Sign Program ²	R	F	
Minor Deviation	F		
Parking Reduction Permit	F		
Variance	R	F	
Temporary use permit	F		
Reasonable Accommodation	F		
Conditional use permit	R	F	
Minor design review ³	F		
Major Design review ³	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
Prezoning	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 23.16.027 for applicable projects subject to Uniform Sign Program approval and the corresponding Approving Authority (Planning Director or Planning Commission).
3. See Section 23.16.080 for a specific listing of applicable projects subject to Design Review approval and the corresponding Approving Authority (Planning Director or Planning Commission).

B. Planning Director Elevations. For any entitlement where the Planning Director is the final approving authority, the Planning Director may elevate any project to the Planning Commission for review and final action if, in the opinion of the Planning Director, the projects warrants Planning Commission hearing because of project location, size, design, or other unique issues as determined by the Planning Director.

C. Section 23.14.055 is added as follows:

23.14.055. Permit Issuance.

A. Administrative permits and actions. The final action on any administrative permit and action by the designated approving authority shall constitute approval of the permit. Unless otherwise specified, such permit shall only become valid after the designated 10-day appeal period has been completed.

B. Quasi-judicial permits and actions. The final action on any quasi-judicial permit and action by the designated approving authority shall constitute approval of the permit. Unless otherwise specified, such permit shall only become valid after the designated 10-day appeal period has been completed.

C. Legislative actions. Adoption of the legislative action by ordinance (or resolution in the case of General Plan amendments) of the City Council shall constitute final action and approval of the action. Authorization for construction and occupancy in accordance with the action may only be granted after the effective date of the action.

Section 8. Amendments to Chapter 23.16 - Permit Requirements

Elk Grove Municipal Code Chapter 23.16 is amended as follows:

A. Section 23.16.020 is repealed and replaced as follows:

23.16.020 Zoning clearance/plan check.

A. Purpose and Applicability. The purpose of 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.

B. 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.

C. Process.

1. Generally. 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.

2. Signs. The process for reviewing signs shall be as generally provided above, except that additional information describing the existing signs on the project site and the new proposed signs shall be required on a form provided by the Planning Department. Further, upon approval of the proposed project, the Planning Director shall issue a sign permit for the sign. The permit shall be on a label provided by the Planning Department indicating the building permit file number associated with that sign. The permit shall be affixed to the sign in a conspicuous place.

B. Section 23.16.027 is added as follows:

23.16.027 Uniform Sign Program.

A. Purpose and applicability. There are two types of uniform sign programs: major and minor. Both programs provide a process for the City's review of and decisions related to requests for signs for multi-tenant projects. The intent of the uniform sign programs are to allow for the integration of a project's signs with the design of the structures involved to achieve a unified architectural statement and to approve common sign regulations for multi-tenant projects. A uniform sign program (either major or minor) shall be required for all new multi-tenant shopping centers, office parks, and other multi-tenant, mixed use, or otherwise integrated developments of three or more separate tenants/uses that share buildings, public spaces, landscape, and/or parking facilities. The differences between the programs are as follows:

1. Minor Uniform Sign Program. A minor uniform sign program does not allow for deviations from the signage standards in this title.
2. Major Uniform Sign Program. The intent of the major uniform sign program is to:
 - a. Provide a process for the application of sign regulations in ways that will allow creatively designed signs that make a positive visual contribution to the overall image of the City, while mitigating the impacts of large or unusually designed signs; and
 - b. Allow for the installation of signs larger, taller, and/or more numerous than otherwise permitted by this title.

B. Approving Authority. The designated approving authority for uniform sign programs (both major and minor) are listed below. In evaluating a uniform sign program, the designated approving authority shall not consider the graphic design or message of any noncommercial message proposed for any of the signs within the program.

1. Minor Uniform Sign Program. The Planning Director shall be the designated approving authority for a minor uniform sign program. The Planning Director shall approve or deny applications for minor design after making the necessary findings.
2. Major Uniform Sign Program. The designated approving authority for a major uniform sign program is the Planning Commission. The Planning Director provides a recommendation and the Planning Commission approves, conditionally approves, or denies the major uniform sign program in accordance with the requirements of this title. The Planning Commission shall approve, approve with conditions, or deny applications for a major uniform sign program after making the necessary findings.

C. Procedure. The procedures for a uniform sign program shall be as provided in Chapter 23.14 (General Application Processing Procedures), except as provided below:

1. Minor Uniform Sign Program. No public hearing or notice shall be required.
2. Major Uniform Sign Program. A public hearing shall be required and public notice shall be provided as specified in Section 23.14.040 (Public Notice).

D. Standards. The uniform sign program (both major and minor) shall include criteria for building-attached signs, freestanding building signs, and the integrated development itself to establish consistency of sign type, location, center logo, and/or letter height, lines of copy, illumination, and construction details of signs for the project. All signs within the development shall be consistent with the approved uniform sign program. The message substitution policy of Section EGMC Section 23.62 shall be deemed incorporated in every sign program, even if the sign program documents do not explicitly so state.

1. Minor Uniform Sign Program. Maximum size, location, height, setback, and other development standards for signs in the minor uniform sign program shall be consistent with the standards of this title. No deviations from sign standards are allowed through a minor uniform sign program.

2. Major Uniform Sign Program.

a. Deviations Allowed. The following types of deviations from the signage standards of this title may be requested by the applicant for a major uniform sign program and may, upon written findings, be approved by the approving authority:

i. Increases in maximum allowed area per tenant for permanent signs on the subject site not to exceed 150 percent of the respective development standards in the underlying zoning district for the subject parcel (for a total of 50% more than the respective development standard);

ii. Increases in the total number of monument signs allowed per project not to exceed 200 percent of the respective development standards in the underlying zoning district for the subject parcel (for a total of 100% more than the respective development standard);

iii. Allowances for signs to exceed the maximum height and length requirement(s) not to exceed 125 percent of the respective development standards in the underlying zoning district for the subject parcel (for a total of 25% more than the respective development standard).

iv. All other sign deviations require approval of a variance application. The general operational standards (e.g., lighting, setback, etc.) listed in EGMC 23.62.110 and 23.62.120 shall be observed.

b. Deviations Prohibited. A major uniform sign program shall not be used to allow prohibited signs listed in EGMC 23.62.100, including electronic readerboard signs, and/or billboard signs in accordance with EGMC 23.47.

c. Considerations and Basis for Deviations. In approving an application for a major uniform sign program and any deviations from the signage standards of this title, the designated approving authority shall ensure that the proposed sign meets all of the following criteria:

i. Design quality. The sign shall:

(A) Have a positive visual impact on the surrounding area;

(B) Be of a unique design and exhibit a high degree of imagination, inventiveness, and thoughtfulness; and

(C) Provide strong graphic character through the imaginative use of any of the following: color, graphics, proportion, quality materials, scale, and texture.

ii. Contextual criteria. The sign shall contain at least one of the following elements:

(A) Creative image reflecting current or historic character of the City; or

(B) Inventive representation of the logo, name, or use of the structure or business.

- iii. Architectural criteria. The sign shall:
 - (A) Utilize or enhance the architectural elements of the related building(s); and
 - (B) Be placed in a logical location in relation to the overall composition of the building's facade and not cover any key architectural features and details of the facade.
- iv. Impacts on surrounding uses. The sign shall be located and designed so as not to cause light and glare impacts on surrounding uses, especially residential uses, and vehicle circulation patterns.

E. Findings.

1. Minor Uniform Sign Program. A minor uniform sign program, or revisions thereto, may be approved only when the designated approving authority makes findings of fact that the proposed sign program is consistent with the development standards for a uniform sign program as established in EGMC 23.16.027.
2. Major Uniform Sign Program. A major uniform sign program, or revisions thereto, may be approved only when the designated approving authority makes all of the following findings:
 - a. The proposed major uniform sign program is consistent with the objectives of the General Plan;
 - b. The proposed signage is consistent with the purposes of the major uniform sign program; and
 - c. The proposed deviations from the signage standards of this title are consistent with the considerations and basis for deviations listed in the title.

F. Conditions. Only in the case of a major uniform sign program may the designated approving authority modify plans in whole or in part and condition the uniform sign program permit to ensure specific design features, construction materials, and conformance with all applicable provisions of this title.

C. Section 23.16.030 is repealed and replaced as follows:

23.16.030 Minor deviation.

A. 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 10 percent of the respective development standards in the underlying zoning district for the subject parcel. All other deviations require approval of a variance application.

B. Approving Authority. The designated approving authority for minor deviations is the Planning Director. The Planning Director approves or denies the minor deviation in accordance with the requirements of this title.

C. Findings. The Planning Director may approve and/or modify any application for a minor deviation in whole or in part with the following findings:

1. The deviation(s) improve the site, architectural, and/or overall project design; and

2. The deviation(s) are materially consistent with the project and are compatible with surrounding uses and structures.

D. Section 23.16.037 is added as follows:

23.16.037 Parking Reduction Permit.

A. Purpose. A parking reduction permit *provides a process* for the review of requests for reduction in the number of required parking spaces where such reduction is justified without compromising the basic health, safety and welfare of the community. Through the parking reduction permit, the City is creating a formal, documented process for the allowance of parking reductions.

B. Applicability. The minimum number of off-street parking spaces required by this title may be reduced when one or more of the following parking reduction programs, as described in Section 23.58.060, is approved through a granted parking reduction permit:

1. Facilities and Programs;
2. Preferred Carpool/Vanpool Parking Spaces;
3. Proximity to Alternative Modes;
4. Shared Parking; and
5. Vehicle Park-and-Ride Lot Requirements at Shopping Centers.

C. Approving Authority. The designated approving authority for all parking reduction permits shall be the Planning Director. The Planning Director approves or denies the parking reduction permit in accordance with the requirements of this title.

D. Submittal requirements. The application for a parking reduction permit shall be made on a form as prescribed by the Planning Department and shall be accompanied by the information identified on the form. The City may require a parking demand study, conducted by a licensed traffic engineer or other transportation professional satisfactory to the Planning Director, be prepared as part of an application submittal when, at the discretion of the Planning Director, such a study would provide necessary technical information in order to adequately review the request.

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

1. For mixed use projects, a request for parking reduction may be granted where the approving authority determines that a reduction is justified based on characteristics of the uses, hourly parking demand studies published by the Urban Land Institute, or other appropriate information demonstrating that sufficient parking capacity will exist to accommodate all uses at all times as determined by the Director.
2. For any other circumstance where the applicant wishes to request a parking reduction, such reduction may be granted where the review authority finds that:
 - a. The land use is unique in some way that the parking requirement for the land use established in EGMC 23.58 is greater than what will be needed by the land use; and
 - b. The *intent* of the parking regulations, in compliance with all other applicable provisions of this title, is met; and
 - c. Sufficient parking would be provided to serve the use intended and potential future uses

of the subject parcel.

E. Section 23.16.040(C)(4) is repealed and replaced as follows:

23.16.040 Variance.

...

4. That granting the variance is consistent with the objectives of the General Plan and Title 23.

F. Section 23.16.040(E) is repealed in its entirety as follows:

23.16.040 Variance.

...

E. Repealed.

G. Section 23.16.050(E) is repealed in its entirety as follows:

23.16.050 Temporary use permit.

...

E. Repealed.

H. Section 23.16.060 is repealed in its entirety as follows:

23.16.060 REPEALED.

I. Section 23.16.065 is added as follows:

23.16.065 Reasonable Accommodation

A. Purpose and Intent. The purpose of allowing Reasonable Accommodation(s) is to provide a process for individuals with disabilities to make requests for Reasonable Accommodation(s) for relief from the various land use, zoning, or rules, policies, practices, and/or procedures of the City. It is the policy of the City, pursuant to the Federal Fair Housing Act (as amended), to provide people with disabilities Reasonable Accommodation(s) in rules, policies, and procedures that may be necessary to ensure equal access to housing.

B. Requesting Reasonable Accommodation(s):

1. In order to make specific housing available to an individual with a disability, a disabled person, or representative may request Reasonable Accommodation(s) relating to the various land use, zoning, or rules, policies, practices, and/or procedures of the City.

2. If an individual needs assistance in making the request for Reasonable Accommodation(s) or appealing a determination regarding Reasonable Accommodation(s), the Planning Director will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant.

3. A request for Reasonable Accommodation(s) with regard to City regulations, rules, policies, practices, and/or procedures may be filed on an application form provided by the Planning Director at the time that the accommodation may be necessary to ensure equal access to housing.

C. Required Information. The applicant shall provide the following information when requesting Reasonable Accommodation(s). This information shall be made part of the public record for the project and subject to all applicable State and Federal laws for public access to records.

1. A completed City application indicating, among other things, the applicant's name, address, and

telephone;

2. Address of the property for which the request is being made;

3. The current actual use of the property;

4. The Title 23 provision, regulation, or policy from which Reasonable Accommodation(s) is being requested;

5. The basis for the claim that the person(s) for whom the Reasonable Accommodation(s) is/are sought is/are considered disabled under the Fair Housing Act and why the accommodation is reasonably necessary to make specific housing available to the person(s);

6. Such other relevant information as may be requested by the Planning Director as the Director reasonably concludes is necessary to determine whether the findings required by Section 23.16.065.F (Required Findings for Reasonable Accommodation(s)) can be made, so long as any request for information regarding the disability of the individuals benefited complies with fair housing law protections and the privacy rights of the individual(s) affected.

D. Approving Authority and Approval Process.

1. The Planning Director shall have the authority to consider and take action on requests for Reasonable Accommodation(s). When a request for Reasonable Accommodation(s) is filed with the Planning Department, it will be referred to the Planning Director for review and consideration as a ministerial action unless determined otherwise by the Planning Director. A request for Reasonable Accommodation(s) shall be considered ministerial in nature when it is related to a physical improvement that cannot be constructed to conform to the City's setbacks or design standards. Typical improvements considered to be "ministerial" in nature would include ramps, walls, handrails, or other physical improvements necessary to accommodate a person's disability. The Planning Director shall issue a written determination of his or her action within 15 days of the date of receipt of a completed application and may:

a. Grant or deny the accommodation request; or

b. Grant the accommodation request subject to specified nondiscriminatory condition(s); or

c. Forward the request to the Planning Commission for consideration as a Conditional Use Permit and subject to the findings stated in Section 23.16.065.F (Required Findings for Reasonable Accommodation(s)).

2. In the event the Planning Director determines that the request for Reasonable Accommodation(s) is non-ministerial in nature, such request shall be forwarded to the Planning Commission in accordance with Section 23.16.070 Conditional Use Permit) and shall be subject to the findings stated in Section 23.16.065.F (Required Findings for Reasonable Accommodation(s)).

3. All written determinations of actions of the Planning Director shall give notice of the right to appeal and the right to request Reasonable Accommodation(s) on the appeals process (e.g., requesting that City staff attempt to schedule an appeal hearing as soon as legally and practically possible), if necessary. The notice of action shall be sent to the applicant by mail.

4. If necessary to reach a determination or action on the request for Reasonable Accommodation(s), the Planning Director may request further information from the applicant specifying in detail what information is required. In the event a request for further information is made, the 15-day period to issue a written determination shall be stayed until the applicant fully and sufficiently responds to the request.

E. Considerations.

1. The City may consider, but is not limited to, the following factors in determining whether the requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling:

a. Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability;

b. Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation;

c. In the case of a residential care facility, whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants;

d. In the case of a residential care facility, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.

2. The City may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of this title:

a. Whether the requested accommodation would fundamentally alter the character of the neighborhood;

b. Whether the accommodation would result in a substantial increase in traffic or insufficient parking;

c. Whether granting the requested accommodation would substantially undermine any express purpose of either the City's General Plan or an applicable specific plan;

d. In the case of a residential care facility, whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.

F. Required Findings for Reasonable Accommodation(s). In making a determination regarding the reasonableness of a requested Reasonable Accommodation(s), the Approving Authority shall make the following findings:

1. The housing which is the subject of the request for Reasonable Accommodation(s) will be used for an individual protected under the Fair Housing Act.

2. The request for Reasonable Accommodation(s) is necessary to make specific housing available to an individual protected under the Fair Housing Act.

3. The requested Reasonable Accommodation(s) does not impose an undue financial or administrative burden on the City and does not fundamentally alter City zoning, development standards, policies, or procedures.

4. The requested accommodation will not result in a fundamental alteration in the nature of the City's zoning program, as "fundamental alteration" is defined in fair housing laws and interpretive case law.

5. The requested accommodation will not, under the specific facts of the case, result in a direct

threat to the health or safety of other individuals or substantial physical damage to the property of others.

J. Section 23.16.070(E) is repealed in its entirety as follows:

23.16.070 Conditional use permit.

...

E. Repealed.

K. Section 23.16.080 is repealed and replaced as follows:

23.16.080 Design review.

A. 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.

B. Design review applicability. There are two types of design review: major and minor.

1. Minor Design Review. A minor design review permit is required for the following items:

- a. Master home plans for single-family residential subdivisions;
- b. New construction of a multifamily residential building or structure with fewer than 150 units;
- c. New construction of a nonresidential building or structure less than 10,000 square feet (e.g., commercial, office, industrial, public/quasi-public);
- d. Additions of more than 1,000 square feet and less than 10,000 square feet to multifamily residential buildings or structures or nonresidential buildings or structures;
- e. The exterior remodel of multifamily residential buildings or structures or nonresidential buildings or structures;
- f. Non-required fences in accordance with EGMC 23.52;
- g. Permanent outdoor storage and service uses in accordance with EGMC 23.86;
- h. Permanent and seasonal outdoor seating in accordance with EGMC 23.86;
- i. Modification of Nonconforming structures in accordance with EGMC 23.84.020; and
- j. Other items identified in this title.

2. Major Design Review. A major design review permit is required for the following items:

- a. Single-family residential subdivision maps;
- b. New construction of a multifamily residential building or structure with 150 or more units;

- c. New construction of a nonresidential building or structure 10,000 square feet or more (e.g., commercial, office, industrial, public/quasi-public);
- d. Additions of 10,000 square feet or more to multifamily residential buildings or structures or nonresidential buildings or structures;
- e. Other items identified in this title.

3. Exemptions. The following structures are exempt from design review (major and minor). 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 or the exterior remodels of single-family residential homes;
- c. Additions to multifamily residential buildings or structures less than 1,000 square feet in size;
- e. Additions to nonresidential buildings or structures less than 1,000 square feet in size;
- f. Accessory structures consistent with the provisions of Chapter 23.46 EGMC, Accessory Structures;
- g. Repairs and maintenance to 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 and that employ the same materials and design as the original construction;
- h. 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
- i. 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).

C. Approving Authority. The designated approving authorities for design review (both major and minor) are listed below. For any design review process not specifically identified in section B (Design Review Applicability), the Planning Commission shall be the designated approving authority.

1. Minor Design Review. The Planning Director shall be the designated approving authority for minor design review. The Planning Director shall approve or deny applications for minor design after making the necessary findings. Minor 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).

a. Planning Director right to elevate. The Planning Director may elevate a minor design review permit to the Planning Commission for review and consideration if, in the discretion of the Planning Director, the application could not be simply approved without conditions or denied or if the Planning Director determines that because of location, size, or design the project warrants a hearing before the Planning Commission. In such instances, the permit request shall become a major design review.

2. Major Design Review. The Planning Commission shall be the designated approving authority

for major design review. The Planning Commission shall approve, approve with conditions, or deny applications for major design review after making the necessary findings. Major 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).

D. Procedure. The procedures for design review shall be as provided in Chapter 23.14 (General Application Processing Procedures), except as provided below:

1. Minor Design Review. No public hearing or notice shall be required.
2. Major Design Review. A public hearing shall be required and public notice shall be provided as specified in Section 23.14.040 (Public Notice).

E. Findings. A design review permit or any modification thereto shall be granted only when the designated approving authority makes all of the following findings:

1. 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.
2. 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;
3. 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;
4. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation; and
5. 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.

F. Conditions. Only in the case of a major design review may the designated approving authority modify plans in whole or in part and condition the design review permit to ensure specific design features, construction materials, and conformance with all applicable provisions of this Title. If a minor design review permit cannot be approved without the application of conditions of approval, then the Planning Director shall elevate the project to a major design review consistent with section C (Approving Authority) above.

L. Section 23.16.090(F)(3) is repealed and replaced as follows:

23.16.090 Specific plans.

...

3. The administration and permit processes within the specific plan are consistent with the administration and permit processes of Title 23.

M. Section 23.16.090(G) is repealed in its entirety as follows:

23.16.090 Specific plans.

...

G. Repealed.

N. Section 23.16.100 is repealed and replaced as follows:

23.16.100 Special planning area.

A. Purpose. The special planning area (SPA) process is established as a process whereby the City Council or the Planning Commission may initiate proceedings to regulate property in areas throughout the City that have unique environmental, historic, architectural, or other features which require special conditions not provided through the application of standard zone regulations. The purpose of this section is to establish a procedure to initiate or amend special planning areas and does not amend any existing special planning areas automatically. It is recognized that in certain circumstances it may be desirable to provide for a greater range or mixture of uses in an area than would be permitted in the standard land use zones of this title. It is the purpose of this section to provide the method for the City to guide the development of such areas so as to preserve such unique characteristics or provide for a broader mixture of land uses when appropriate.

B. Designation. The abbreviation SPA appearing on the zoning map incorporated in EGMC 23.40.020, Special planning area district, indicates that the property so classified is subject to the provisions of this section and an ordinance adopted pursuant to this section.

C. 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 title.

D. Mandatory Contents of SPA Ordinance. An 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:

1. A list of permitted, conditionally permitted, and prohibited uses.
2. Performance and development requirements relating to yards, lot area, intensity of development on each lot, parking, landscaping, and signs.
3. Other design standards appropriate for the specific site and development.
4. Legal description of property covered by the ordinance.
5. Reasons for establishment of an SPA land use zone on the particular property.

E. Optional Contents of SPA Ordinance. Additional contents may be required as determined by the Planning Director including, but not limited to, the following:

1. Regulations relating to nonconforming lots, uses, structures, and signs.
2. Time, phasing, and sequence of development projects.
3. Infrastructure plan.

4. Circulation plan.

F. Findings. Prior to adopting an SPA ordinance, the City Council shall make the following findings:

1. That the proposed special planning area is consistent with the goals, policies, and objectives of the General Plan; and
2. That the proposed special planning area meets the requirements set forth in this section; and
3. The area included within the SPA zone has one or more unusual environmental, historical, architectural, land use mixtures, or other specified significant features which justify the adoption of the SPA zone; and
4. The features cannot be adequately protected by the adoption of any existing standard zone regulation.

G. Application for Amendment to the SPA Land Use Zone. The procedures for amending an SPA land use zone shall be the same as for any amendment to zoning this title, as set forth in EGMC 23.16.110, including the necessary findings in subsection (F) of this section.

H. Application of SPA Development Requirements. Where specific conditions of the SPA are more restrictive than the development standards in Title 23, the conditions of the SPA shall apply. Where a standard is not addressed in the SPA, this title shall apply.

O. Section 23.16.110(F) is repealed in its entirety as follows:

23.16.110 Zoning amendments (text and map).

...

F. Repealed.

P. Section 23.16.120(F) is repealed in its entirety as follows:

23.16.120 General Plan amendments (text and map).

...

F. Repealed.

Q. Section 23.16.130(B) is repealed and replaced as follows:

23.16.130 Prezoning.

...

B. Procedure. The procedure, review, and action are the same as that established for a zoning amendment pursuant to EGMC 23.16.110, Zoning amendments (text and map).

Section 9. Amendments to Chapter 23.18 – Implementation, Time Limits, and Extensions

Elk Grove Municipal Code Chapter 23.18 is amended as follows:

A. Section 23.18.010 is repealed and replaced as follows:

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 eleventh day after the date of action, immediately following expiration of the 10-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 the California Civil Code and EGMC 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 planning entitlement that has been denied shall be resubmitted within one year from the date of final action, unless modified to address the basis for denial or when there is new evidence of proof of changed conditions found to be valid by the Planning Commission.

Section 10. Amendments to Chapter 23.24 – Establishment of Zoning Districts

Elk Grove Municipal Code Chapter 23.24 is amended as follows:

A. Section 23.24.010 is repealed and replaced as follows:

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 title by reference as though it were fully included.

Section 11. Amendments to Chapter 23.26 – Allowable Land Uses

Elk Grove Municipal Code Chapter 23.26 is amended as follows:

A. Section 23.26.010 is repealed and replaced as follows:

23.26.010 Allowable Land Uses.

Land use provisions are established in this title 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 division. 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 described in Section 23.26.015.

B. Section 23.26.015 is added as follows:

23.26.015 Allowed Use Descriptions.

The following terms are used throughout this title and shall have the following descriptions:

A. "A" Allowed Use Descriptions.

1. "Adult day care facility" means a state-licensed facility that provides nonmedical care and supervision for more than six adults for periods of less than 24 hours, with no overnight stays.
2. "Adult day care home" means, pursuant to definitions of state law, a home which provides supervision and nonmedical 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."
3. "Adult Oriented Business" means any of the following commercial establishments (as defined in Chapter 23.100) where patrons are permitted or invited: an Adult Arcade, Adult Bookstore, Adult Novelty Store, Adult Video Store, Adult Cabaret, Adult Motel, Adult Motion Picture Theatre, Adult

Theatre, Nude Model Studio, or Sexual Encounter Center.

4. "Agricultural products processing" means 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 or 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.

5. "Agricultural Tourism" means establishments that cater to tourists and provide agricultural products either produced on the site or within the community. Such uses include but are not limited to wineries with tasting rooms and permanent roadside crop stands or fruit stands.

6. "Airport" means a facility where aircraft such as airplanes can take off and land. An airport minimally consists of one runway but other common components are hangars and terminal buildings.

7. "Alcoholic beverage sales" means the retail sale of beer, wine, and/or other alcoholic beverages for off-premises consumption at a retail establishment which has less than fifty (50) percent of the shelving or gross floor area devoted to the public display and sale of alcoholic beverage. The retail sale of beer, wine, and/or other alcoholic beverages for off premises consumption at a retail establishment which has fifty (50) percent or more of the shelving or gross floor area devoted to the public display and sale of alcoholic beverages for off-site consumption is defined separately under "liquor store."

8. "Ambulance service" means emergency medical care and transportation, including incidental storage and maintenance of vehicles.

9. "Animal husbandry" means the raising and breeding of animals or production of animal products. Typical uses include grazing, ranching, dairy farming, poultry farming, and beekeeping, but exclude 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."

10. "Animal keeping" means the 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 Division III of this title. This classification is distinct from "animal husbandry" and "animal sales and grooming."

a. "Exotic" means any animal not normally kept as a domestic or household pet, livestock, and the like, including lions, tigers, and monkeys.

b. "Fowl" means any larger domestic bird such as a domesticated chicken, duck, goose, guinea fowl, peafowl, peacock, turkey, dove, pigeon, game bird, or similar bird intended for human consumption or for the production of eggs for human consumption.

c. "Household pets" means domestic animals ordinarily permitted in a place of residence, kept for company and pleasure, such as dogs, cats, domestic birds, guinea pigs, white rats, rabbits, mice, and other similar animals generally considered by the public to be kept as pets, excluding fowl.

d. "Livestock" means an animal kept for use on a farm and includes any swine, sheep, goat, horse, cattle, equine, or bovine animal.

11. "Animal sales and/or grooming" means 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.

12. "Art, antique, collectible" means 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."

13. "Artisan shops" means 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.

14. "Assembly uses" means a facility operated by religious, fraternal, or civic organizations for worship, or promotion of religious, fraternal, and civic activities, and accessory uses on the same site, such as living quarters for staff, and child day care facilities where authorized by the same type of land use permit required for the facility itself. Other establishments maintained by 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.

15. "Auto and Vehicle Rental" means retail establishments renting automobiles, trucks, and vans. This use listing includes the rental of recreation vehicles, motorcycles, and boats. May also include repair shops (for rental vehicles only) and the sales of parts and accessories, incidental to vehicle rental activities.

16. "Auto and Vehicle Sales" means retail establishments selling automobiles, trucks, and vans. This use listing includes the sales of recreation vehicles, motorcycles, and boats. May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. It does not include the sale of auto parts/accessories separate from a vehicle dealership (see "Auto Parts Sales"), bicycle and moped sales (see "Retail, General"), tire recapping establishments (see "Vehicle Services – Major"), businesses dealing exclusively in used parts (see "Recycling Facility - Scrap and Dismantling"), or "Service Station," all of which are separately defined.

17. "Auto and Vehicle Sales, Wholesale" means wholesale establishments selling new and used vehicles and used vehicle parts. This use is normally developed as part of an auto wrecking, junkyard, or salvage yard. Conventional automobile dealerships are listed under "Auto and Vehicle Sales and Rental."

18. "Auto and vehicle storage" means 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.

19. "Auto parts sales" means stores that sell new automobile parts, tires, and accessories. May also include minor parts installation (see "vehicle services, maintenance and minor repair"). Does not include tire recapping establishments, which are found under "~~vehicle services, major repair/body work~~ Vehicle Services – Major" or businesses dealing exclusively in used parts, which are included under "~~recycling facility, scrap and dismantling facility~~ Auto and Vehicle Sales, Wholesale."

20. "Auto Vehicle Dismantling" means establishment for the dismantling of automobile vehicles, including the dismantling or wrecking of automobiles or other motor vehicles, and/or the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking. Retail sales are included under the definition of "Auto and Vehicle Sales, Wholesale."

B. "B" Allowed Use Descriptions.

1. "Banks and financial services" means financial institutions such as banks and trust companies,

credit agencies, holding (but not primarily operating) companies, lending and thrift institutions, and investment companies. Also includes automated teller machines (ATM).

2. "Bars and nightclubs" means 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. Bars and nightclubs may include outdoor food and beverage areas.

3. "Bed and breakfast inns" means 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."

4. "Broadcasting and recording studios" means 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."

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

6. "Bus and transit shelter" means a small structure designed for the protection and convenience of waiting transit passengers that has a roof and usually two or three sides.

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

C. "C" Allowed Use Descriptions.

1. "Call center" means an office equipped to handle a large volume of calls especially for taking orders or servicing customers.

2. "Car washing and detailing" means permanent, drive-through, self-service and/or attended car washing establishments, including fully mechanized facilities. May include detailing services. Temporary car washes are fund-raising 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 are not part of this use classification (refer to Chapter 23.92 EGMC, Temporary Uses).

3. "Card Rooms" means any place where gaming is conducted and to which the public is invited to participate, as regulated in EGMC Chapter 4.20.

4. "Caretaker housing" means a residence that is accessory to a nonresidential 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.

5. "Cemeteries and mausoleums" means land used for the burial of the dead, and dedicated for cemetery purposes, including columbariums and mausoleums.

6. "Child care center" means a state-licensed facility which provides nonmedical care, protection and supervision to children under 18 years of age, on a less than a 24-hour basis. Commercial or nonprofit child day care facilities include 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. Includes Child Care Centers, Infant Care Centers, Toddler Programs, School-age Centers, and Child Care Centers for Mildly Ill Children, as well as child care homes where the occupant of the residence provides care and supervision.

7. "Community garden" means a site used for growing plants for food, fiber, herbs, or flowers, which is shared and maintained by City residents.

8. "Convenience stores" means 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. Such stores may devote more than ten percent of the total floor area to the sale of non-taxable goods.

9. "Crematorium" means an establishment or furnace that cremates dead human bodies.

10. "Crop production" means the 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 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. Also excludes beekeeping.

D. "D" Allowed Use Descriptions.

1. "Drive-in and Drive-through Sales and Service" means 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, banks, ATMs, drug stores etc.

2. "Dwelling, multifamily" means 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).

3. "Dwelling, second unit" means 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.

4. "Dwelling, single-family" means a building designed exclusively for occupancy by one family on a single lot. This classification includes manufactured homes (defined in Section 18007 of the California Health and Safety Code) and model homes for the first sale of homes within the subdivision.

5. "Dwelling, two-family" means 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.

E. "E" Allowed Use Descriptions.

1. "Emergency Shelter" means any facility, the primary purpose of which is to provide temporary or transitional shelter for the homeless in general or for specific populations of the homeless.

2. "Employee Housing" means property used temporarily or seasonally for the residential use of unrelated persons/families employed to perform agricultural or industrial labor either on or off-site of agricultural activities. The accommodations may 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, including area set aside for parking of mobile homes or camping of employees by the employer. Employee housing may also involve permanent residency if the housing accommodation is a mobile home, manufactured home, travel trailer, or recreational vehicle. Specifically, there are two types of employee housing as follows:

a. Employee Housing, Large. Employee housing that serves more than six employees and consists of no more than 36 beds in group quarters or 12 units or spaces designed for use by a single family or household.

b. Employee Housing, Small. Employee housing that serves six or fewer employees.

3. "Equestrian facility, commercial" means 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.

4. "Equestrian facility, hobby" means stables, corrals, and paddocks used by the individual homeowners of corresponding property and their animals.

5. "Equipment sales and rental" means service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for rental, including construction equipment.

F. "F" Allowed Use Descriptions.

1. "Feedlot" shall mean any premises used principally for the raising or keeping of livestock in a confined feeding area. "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.

2. "Freight Yard/Truck Terminal" means transportation establishments furnishing services incidental to air, motor freight, and rail transportation including freight forwarding services, freight terminal facilities, joint terminal and service facilities, packing, crating, inspection, and weighing services, postal service bulk mailing distribution centers, transportation arrangement services, truck repair, truck terminals, trucking facilities including transfer and storage.

3. "Fuel storage and distribution" means a large-scale facility where fuel (such as propane and gasoline) is stored and distributed without retail sales.

G. "G" Allowed Use Descriptions.

1. "Garden center/plant nursery" means establishments providing for the cultivation and sale of trees, shrubs, and plants, including the sale of garden and landscape materials (packaged and/or bulk sale of unpackaged materials) and equipment.
2. "Golf courses/clubhouse" means 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.
3. "Grocery store/supermarket" means 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. Such establishments are between 15,001 and 99,999 square feet in size and devote more than ten percent of the total floor area to non-taxable goods. Grocery stores include, but are not limited to, establishments such as Super Wal-Mart, Target, and Kmart that meet the square footage and non-taxable goods requirements of this section.
4. "Group residential" means 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.
5. "Guest house" means a detached structure accessory to a single-family dwelling, accommodating living/sleeping quarters, but without kitchen or cooking facilities.

H. "H" Allowed Use Descriptions.

1. "Heliport" means a facility, other than an emergency medical services (EMS) landing site as defined in the California Code of Regulations Title 21 Section 3527, for the landing and takeoff of one or more helicopters. Such facilities may include, but are not limited to, and are not required to have, the following: designated marked landing areas; storage structure(s) and/or tie-downs; refueling facilities; and other support services. This use listing specifically includes agricultural heliports, public-use heliports, heliports at hospitals, personal-use heliports, and temporary helicopter landing sites, all as defined in California Code of Regulations Title 21 Section 3527.
2. "Hog farm, commercial" means 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 residential zoning district, the term "hog farm, commercial" is not intended to otherwise preclude the raising of hogs as part of general agricultural practices and 4-H purposes (see also "animal keeping").
3. "Home occupation" means 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.
4. "Hotels and motels" means facilities 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.

I. "I" Allowed Use Descriptions.

1. "Indoor amusement/entertainment facilities" means 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.

2. "Indoor Fitness and Sports Facilities" means 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, gymnastic studios, athletic clubs and health clubs. Also see "outdoor commercial recreation" for spectator venues and uses.

J. Reserved for future use.

K. "K" Allowed Use Descriptions.

1. "Kennel, commercial" means a facility providing boarding of animals as the primary use of the facility. May also include day-time boarding and activity for animals (e.g., "doggie day care") and ancillary grooming facilities.

2. "Kennel, hobby" means a kennel where the animals are owned or kept by the owner or occupant for personal, noncommercial 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.

L. "L" Allowed Use Descriptions.

1. "Laundries and dry cleaning plants" means 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."

2. "Libraries and museums" means public or quasi-public facilities, including aquariums, arboretums, art exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, and planetariums, which are generally noncommercial in nature.

3. "Liquor stores" means a retail establishment which has fifty (50) percent or more of the shelving or gross floor area devoted to the public display and sale of alcoholic beverages for off-site consumption.

4. "Live-work facility" means a structure or portion of a structure:

a. That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household; and

b. Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed; and

c. Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

M. "M" Allowed Use Descriptions.

1. "Maintenance and repair service" means 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.
2. "Manufactured home," as defined in Section 18007 of the California Health and Safety Code, means a 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 definition except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under this title. "Manufactured home" includes a mobile home subject to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Section 5401, et seq.).
3. "Manufacturing, Major" means manufacturing, fabrication, processing, and assembly of materials in a raw form. Uses in this category typically create greater than usual amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be obnoxious to persons on an adjacent site. Uses include but are not limited to batch plants, rendering plants, aggregate processing facilities, plastics and rubber products manufacturing, chemical product manufacturing, lumber and wood product manufacturing, petroleum refining, and pulp and pulp product industries.
4. "Manufacturing, Minor" means manufacturing, fabrication, processing, and assembly of materials from parts that are already in processed form and that, in their maintenance, assembly, manufacture, or plant operation, do not create excessive amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be obnoxious to persons conducting business on-site or on an adjacent site. Uses include but are not limited to cabinetry and furniture manufacturing, food and beverage manufacturing, machinery assembly, paper product manufacturing, product assembly and distribution, and vehicle and boat assembly.
5. "Manufacturing, Small Scale" means establishments manufacturing and/or assembling small products primarily by hand, including but not limited to jewelry, pottery and other ceramics, as well as small glass and metal art and craft products.
6. "Medical services, extended care" means residential facilities providing nursing and health-related care as a primary use with in-patient beds, such as: board and care homes; convalescent and rest homes; extended care facilities; skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "residential care home."
7. "Medical services, general (clinics, offices, and laboratories)" means a 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, outpatient care facilities, acupuncture, and other allied health services. Counseling services by other than medical doctors or psychiatrists may also be considered an "offices, business and professional" use.
8. "Medical services, hospitals" means 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 "retail, accessory"). Does not include "ambulance service," which is defined separately.

9. "Mobile home" means 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 (Sections 18007 and 18008 of the California Health and Safety Code). A mobile home is included in the definition of manufactured home and the minimum dimensions for a mobile home are eight feet wide, 40 feet long, and a total area of 320 square feet.

10. "Mobile home park" means 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.

11. "Mortuaries and funeral homes" means funeral homes and parlors where the deceased are prepared for burial or cremation and/or are cremated, and funeral services may be conducted.

N. "N" Allowed Use Descriptions.

1. "Neighborhood market" means 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 operate less than 18 hours per day. Neighborhood markets range in size between 5,001 and 15,000 square and devote more than ten percent of the total floor area to the sale of non-taxable goods. 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.

O. "O" Allowed Use Descriptions.

1. "Offices, accessory" means 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.

2. "Offices, business and professional" includes offices of administrative businesses providing direct services to consumers (insurance companies, utility companies, etc.), government agency and service facilities (post office, civic center, etc.), professional offices (accounting, attorneys, employment, public relations, etc.), and offices engaged in the production of intellectual property (advertising, architectural, computer programming, photography studios, etc.). These do not include medical offices (see "medical services, clinics, offices, and laboratories"); temporary offices (see "office, temporary"), or offices that are incidental and accessory to another business or sales activity that is the primary use (see "offices, accessory").

3. "Outdoor commercial recreation" means a facility for various outdoor participant sports and types of recreation where a fee is normally charged for use, including but not limited to amphitheaters, 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.

P. "P" Allowed Use Descriptions.

1. "Park-and-ride facility" means a designated area where a vehicle may be left in order to carpool with other commuters or to ride public transit.

2. "Parking facility" means a parking lot or parking structure used for parking motor vehicles where the facility is the primary use of the site. Parking structures and lots that are developed in

conjunction with another primary use of the site to satisfy the on-site parking requirements for the development are not included in this definition.

3. "Parks and playgrounds/public plazas" means public parks, play lots, playgrounds, and athletic fields for noncommercial neighborhood or community use, including tennis courts, and public plazas and outdoor gathering places for community use. If privately owned, the same facilities are included under the definition of "outdoor commercial recreation."

4. "Pawn Shop" means any room, store, building, or other place in which the business of pawn brokering, or the business of lending money upon personal property, pawns or pledges, or the business of purchasing articles from vendors or their assignees at prices agreed upon at or before the time of such purchase, is engaged in, carried on, or conducted.

5. "Personal services" means establishments providing nonmedical 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.

6. "Personal services, restricted" means 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.

7. "Printing and publishing" means 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."

8. "Public safety facility" means a facility including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities.

Q. Reserved for future use.

R. "R" Allowed Use Descriptions.

1. "Recreational vehicle park" means 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.

2. "Recycling facility - collection, small" means a recycling facility used for the acceptance by donation, redemption, or purchase of recyclable materials from the public that does not occupy more than 1,000 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. This also includes "reverse vending machines," 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 slip with value of not less than the container's redemption value as determined by the state.

3. "Recycling facility, collection, large" means a recycling facility used for the acceptance by donation, redemption, or purchase of recyclable materials from the public that may occupy more than 1,000 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.

4. "Recycling facility, processing facility" means a recycling facility located where material is processed 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.

5. "Recycling facility, scrap and dismantling facility" means 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.

6. "Research and development" means 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, general").

7. "Residential care facility," consistent with the definitions of state law, means a facility that provides 24-hour nonmedical care for more than six persons 18 years of age or older, or emancipated minors, with chronic, life-threatening illnesses 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.

8. "Residential care home," consistent with the definitions of state law, means a home that provides 24-hour nonmedical care for six or fewer persons 18 years of age or older, or emancipated minors, with chronic, life-threatening illnesses 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."

9. "Resource protection and restoration" means activities and management of an area to preserve, recreate and enhance natural resource values such as habitat for fish and wildlife; rare, threatened, and endangered plants; vernal pools; erosion control; and floodwater conveyance.

10. "Resource-related recreation" means facilities related to passive recreation in open space areas including bicycle and pedestrian trails, picnic areas, parking areas, and interpretive centers.

11. "Restaurant" means a retail business selling prepared food and beverages for on- or off-premises consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premises consumption, and establishments where

most customers are served food at tables for on-premises consumption, but may include providing food for take-out. Also includes coffee houses and accessory cafeterias as part of office and industrial uses.

12. "Retail, accessory" means 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.

13. "Retail, discount stores" means stores with off-street parking that usually offer a variety of customer services, centralized cashing, and a wide range of products. They usually maintain long store hours seven days a week. The stores are often the only ones on the site, but they can also be found in mutual operation with a related or unrelated garden center or service station. Discount stores are also sometimes found as separate parcels within a retail complex with their own dedicated parking. "Discount stores" occupy up to 99,999 square feet and devote less than ten percent of the total sales floor area to the sale of non-taxable merchandise. Stores that devote more than ten percent but are less than 100,000 square feet are considered and defined separately as either "convenience stores" as defined in Section 23.26.015C, "neighborhood markets" as defined in Section 23.26.015N, or as "grocery stores" as defined in Section 23.26.015G.

14. "Retail, discount superstore" means a store that is similar to a "discount store," except that they range in size from 100,000 to 149,999 square feet and devote at least ten percent of the total sales floor area to the sale of nontaxable merchandise. These stores usually offer a variety of customer services, centralized cashing, and wide range of products. They usually maintain long store hours seven days a week. The stores are often the only ones on the site, but they can also be found in mutual operation with a related or unrelated garden center or service station. Discount superstores are also sometimes found as separate parcels within a retail complex with their own dedicated parking.

15. "Retail, discount warehouse/club" means a retail store where shoppers pay a membership fee in order to take advantage of discounted prices on a wide variety of items such as food, clothing, tires, and appliances; many items are sold in large quantities or bulk.

16. "Retail, general" means the retail sales of merchandise not specifically listed under another use classification. This classification includes department stores; drug stores; furniture, furnishings, and appliance stores; dry goods; clothing stores; fabric and sewing supplies; home improvement supplies; florists (except that nurseries are separately defined); and businesses retailing goods such as the following: toys, hobby materials, handcrafted items, jewelry, cameras and electronic equipment, audio and video sales and rental, sporting goods, kitchen utensils, art supplies, and similar activities. This definition includes stores of any size where the total floor area dedicated to non-taxable goods is less than ten percent, except where separately defined as a "Retail, Discount Store" in Section 23.26.015R.

17. "Retail, large-format discount superstore" means a store that is similar to a "discount store," except that they are 150,000 square feet in size or larger and devote at least ten percent of the total sales floor area to the sale of nontaxable merchandise. These stores usually offer a variety of customer services, centralized cashing, and wide range of products. They may also contain a full service grocery department under the same roof that shares entrances and exits with the discount store area. They usually maintain long store hours seven days a week. The stores are often the only ones on the site, but they can also be found in mutual operation with a related or unrelated garden center or service station. Discount superstores are also sometimes found as separate parcels within a retail complex with their own dedicated parking.

S. "S" Allowed Use Descriptions.

1. "School" means a facility that provides for the education and/or training of individuals or groups as further defined as follows:

- Academic-Private. Any privately-owned and operated elementary school, middle school, secondary school, high schools, or other institution providing academic instruction for students from kindergarten through 12th grade pursuant to the California Education Code.
- Academic-Charter. Any privately-owned and operated elementary school, middle school, secondary school, high schools, or other institution providing academic instruction for students from kindergarten through 12th grade operating under a charter from the local school district and not managed directly by the governing body of the public school district (e.g., school board) pursuant to the California Education Code.
- Academic-Public. Public elementary schools, middle schools, secondary schools, high schools, and any other public school providing academic instruction for students from kindergarten through 12th grade pursuant to the California Education Code.
- Colleges and Universities-Private. Any privately-owned college or university, including medical schools, law schools, and other instruction of higher education, including dorms, offices, facility maintenance yards, offices, and similar supportive functions pursuant to the California Education Code.
- Colleges and Universities-Public. Public community colleges, colleges, and universities, including dorms, offices, facility maintenance yards, offices, and similar supportive functions pursuant to the California Education Code.
- Equipment/Machinery/Vehicle Training. Facilities and programs for training students in the repair and maintenance of various equipment, machinery, and vehicles which tend to have a more industrial nature to them. Examples include, but are not limited to, maintenance of business equipment and consumer products (e.g., computers and other electronic equipment, appliance repair, re-upholstery and furniture repair), trade schools (e.g., metal work/welding), and vehicle repair and maintenance (e.g., repair, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, motorcycles, trucks, recreational vehicles, boats, and other vehicles).
- Specialized Education and Training/Studios. Specialty schools for instructing and training students in a variety of specialized programs, including, but not limited to, the following:
 - Computers and electronics training schools,
 - Drama schools;
 - Driver educational schools;
 - Language schools;
 - Music schools;
 - Professional, vocational, and trade schools of a non-industrial nature (e.g., culinary, cosmetology, arts and media, accounting and finance, health and dental including nursing, legal, psychology, and technology); and
 - Studio-style facilities including, but not limited to, dance/ballet, art, photography, yoga, martial arts (e.g., Karate, Kung Fu, Judo, Tae Kwon Do, Jujitsu), and fitness studios other than "Indoor Fitness and Sports Facilities."

2. "Service station" means a retail business selling gasoline or other motor vehicle fuels. Vehicle services which are incidental to fuel services are included under "vehicle services – minor."

3. "Single Room Occupancy (SRO) Facilities" means a multi-unit housing for very low income persons that typically consists of a single room and shared bath and also may include a shared common kitchen and common activity area. SROs could be restricted to seniors or be available to persons of all ages. Subsidized versions could be supervised by a government housing agency.

4. "Slaughterhouse" means an establishment for the slaughter of livestock.

5. "Smoke Shops" means an establishment that either devotes more than 15 percent of its total floor area to smoking, drug, and/or tobacco paraphernalia or devotes more than a two foot by four foot (two feet in depth maximum) section of shelf space for display for sale of smoking, drug, and/or tobacco paraphernalia.

6. "Storage, personal storage facility" means 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.

7. "Storage, Warehouse" means a 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").

8. "Storage, Yards" means the storage of various materials outside of a structure other than fencing, either as an accessory or principal use.

9. "Supportive housing" means housing that is linked with on- or off-site services that assist the resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, where possible, work in the community. In accordance with Health and Safety Code Section 50675.14 there is no limit on the length of stay and such facilities are occupied by a target population that include, among other populations, adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people who are:

- Low income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions; or
- Individuals eligible for services provided under the Lanterman Development Disabilities Services Act (Division 4.5 of the Welfare and Institutions Code).

T. "T" Allowed Use Descriptions.

1. "Telecommunications facility" means a facility designed and/or used for the purpose of transmitting, receiving, or relaying voice and/or data signals from various wireless communication devices, including a 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 "telecommunications facilities." Additional definitions can be found in Chapter 23.94 EGMC.

2. "Theaters and auditoriums" means 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, and 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").

3. "Thrift Store" means a retail establishment selling secondhand goods donated by members of the public.

4. "Transit Facilities" means a maintenance and service centers for the vehicles operated in a mass transportation system. Includes buses, taxis, railways, etc.

5. "Transit stations and terminals" means 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, railways, etc.

6. "Transitional housing" means 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.

U. "U" Allowed Use Descriptions.

1. Utility Facility and Infrastructure. Includes the following:

- 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.
- Pipelines for potable water, reclaimed 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.

V. "V" Allowed Use Descriptions.

1. Vehicle Services – Major. The repair, alteration, restoration, towing, painting, cleaning (e.g., 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 major repair and body work-repair facilities dealing with entire vehicles; such establishments typically provide towing, collision repair, other body work, and painting services and may also include tire recapping establishments.

2. Vehicle Services – Minor. Minor facilities specialize in limited aspects of repair and maintenance (e.g., muffler and radiator shops, quick-lube, smog check). Does not include repair shops that are part of a vehicle dealership on the same site (see "Auto and Vehicle Sales") or automobile dismantling yards, which are included under "Recycling Facility - Scrap and Dismantling."

3. "Veterinary facility" means a 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.

W. "W" Allowed Use Descriptions.

1. "Wholesaling and distribution" means 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.

2. "Wineries, distilleries" means 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 products processing" as defined in this section.

X. Reserved for future use.

Y. Reserved for future use.

Z. Reserved for future use.

Section 12. Amendments to Chapter 23.28 – Agricultural Zoning Districts

Elk Grove Municipal Code Chapter 23.28 is amended as follows:

A. Section 23.28.030 is repealed and replaced as follows:

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 the land use listings can be found in Section 23.26.015 (Allowed Use Descriptions). 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 title.

B. Table 23.28-1 is repealed and replaced as follows:

**Table 23.28-1
Allowed Uses and Permit Requirements
for Agricultural and Agricultural 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	
Residential Uses						
Adult Day Care Home	P	P	P	P	P	
Child Care Center	P	P	P	P	P	
Dwelling, Second Unit	P	P	P	P	P	Chapter 23.90 EGMC
Dwelling, Single Family	P	P	P	P	P	
Employee Housing, Large	P	P	P	P	P	
Employee Housing, Small	P	P	P	P	P	
Group Residential	CUP	CUP	N	N	N	
Guest House	P	P	P	P	P	
Home Occupations	P	P	P	P	P	
Manufactured Home	P	P	P	P	P	
Mobile Home	P ¹	P ¹	P ¹	P ¹	P ¹	
Residential Care Facility	CUP	CUP	CUP	CUP	CUP	
Residential Care Home	P	P	P	P	P	
Supportive Housing	P	P	P	P	P	
Transitional Housing	P	P	P	P	P	

Land Use	CUP = Conditional Use Permit Required					N = Not Permitted
	Uses Permitted by District					Specific Use Regulations
	AG-80	AG-20	AR-5/10	AR-2	AR-1	
Agriculture, Resource, and Open Space Uses						
Animal Husbandry	P	P	P	P	P	
Animal Keeping - Exotic	P	P	P	P	P	
Animal Keeping - Fowl	P	P	P	P	P	
Animal Keeping – Household Pets	P	P	P	P	P	
Animal Keeping - Livestock	P	P	P	P	P	
Crop Production	P	P	P	P	P	
Equestrian Facility – Commercial	CUP	CUP	CUP	CUP	N	
Equestrian Facility-Hobby	P	P	P	P	P	
Feed Lots	P	P	N	N	N	
Hog Farm - Commercial	P	P	CUP	N	N	
Kennel, Hobby	P	P	P	P	P	
Kennel, Commercial	CUP	CUP	CUP	CUP	CUP	
Slaughterhouse	CUP	CUP	N	N	N	
Veterinary Facility	CUP	CUP	CUP	CUP	N	
Recreation, Education, and Public Assembly Use Listings						
Assembly Uses	CUP	CUP	CUP	CUP	CUP	
Cemeteries, Mausoleums	CUP	CUP	N ²	N	N	
Community Garden	P	P	P	P	P	
Crematories	CUP	CUP	N ²	N	N	
Golf Courses/Clubhouse	CUP	CUP	CUP	CUP	CUP	
Parks and Public Plazas	P	P	P	P	P	
Resource Protection and Restoration	P	P	P	P	P	
Resource-Related Recreation	P	P	P	P	P	
Schools – Academic Private	CUP	CUP	CUP	CUP	CUP	
Schools – Academic Charter	CUP ³	CUP ³	CUP ³	CUP ³	CUP ³	
School – Academic Public	P	P	P	P	P	
Schools – Colleges and Universities-Private	N	N	N	CUP	CUP	
Schools – Colleges and Universities-Public	N	N	N	P	P	
Schools – Equipment/Machine/Vehicle Training	N	N	N	CUP	CUP	
Schools –Specialized Education and Training/Studios	N	N	N	CUP	CUP	
Utility, Transportation, and Communication Uses						
Bus and Transit Shelters	P	P	P	P	P	
Park and Ride Facility	CUP	CUP	CUP	CUP	CUP	
Public Safety Facility	P	P	P	P	P	

P = Use Permitted	CUP = Conditional Use Permit Required					N = Not Permitted
Land Use	Uses Permitted by District					Specific Use Regulations
	AG-80	AG-20	AR-5/10	AR-2	AR-1	
Telecommunication Facility	CUP	CUP	CUP	CUP	CUP	Chapter 23.94 EGMC
Utility Facility and Infrastructure	CUP	CUP	CUP	CUP	CUP	
Retail, Service, and Office Uses						
Agricultural Tourism	P	P	P	P	P	
Alcoholic Beverage Sales	CUP ⁴	CUP ⁴	CUP ⁴	N	N	
Animal Sales/Grooming	P	P	P	P	CUP	
Bed and Breakfast Inns	CUP	CUP	CUP	CUP	CUP	
Garden Center/Plant Nursery	CUP	CUP	CUP	CUP	CUP	
Offices – Accessory	P ⁵	P ⁵	P ⁵	P ⁵	CUP ⁵	
Industrial, Manufacturing, and Processing Uses						
Agricultural Products Processing	P	P	P	P	P	
Wineries, distilleries	CUP	CUP	CUP	N	N	

Notes:

1. Mobile homes are required to have a permanent chassis, removal of wheels, and permanent hookup to private water and sewer. See Chapter 23.92 EGMC, Temporary Uses.
2. Allowed as a conditionally permitted use only as part of the expansion of an existing cemetery.
3. Permitted by right if the use is located on a property owned by the School District.
4. Only permitted as part of a winery tasting room.
5. Offices are permitted without retail sales.

C. Table 23.28-2 is repealed and replaced as follows:

**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			
Maximum density	1 du/parcel	1 du/parcel	1 du/parcel	1 du/parcel	1 du/parcel
Setbacks²					
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.
Minimum Lot Dimensions					
Width/frontage	1,000 ft.	500 ft.	250 ft./300 ft.	150 ft.	75 ft.
Depth	1,500 ft.	1,500 ft.	100 ft.	100 ft.	100 ft.
Height Limit					

Development Standard	Agricultural Zoning Districts				
	AG-80	AG-20	AR-5/10	AR-2	AR-1
Primary structures	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.
Accessory structures	40 ft. ³	40 ft. ³	40 ft.	40 ft.	40 ft.
Accessory structures	Refer to Chapter 23.46 EGMC				
Fences and Walls	Refer to Chapter 23.52 EGMC				
Landscaping	Refer to Chapter 23.54 EGMC				
Lighting	Refer to Chapter 23.56 EGMC				
Parking	Refer to Chapter 23.58 EGMC				
Performance standards	Refer to Chapter 23.60 EGMC				
Signs	Refer to Chapter 23.62 EGMC				

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, granaries, and similar structures or necessary mechanical apparatus may be a maximum height of 65 feet.

Section 13. Amendments to Chapter 23.30 – Residential Zoning Districts

Elk Grove Municipal Code Chapter 23.30 is amended as follows:

A. Section 23.30.030 is repealed and replaced as follows:

23.30.030 Allowed uses and permit requirements.

Table 23.30-1 identifies allowed uses for all residential zoning districts subject to compliance with Chapter 23.26 EGMC, Allowable Land Uses, and all other provisions of this title. Descriptions of the land use listings can be found in Section 23.26.015 (Allowed Use Descriptions). Note: The far right column in the table ("Specific Use Regulations") includes the chapter number(s) for regulations that apply to the particular use listed, in addition to the other general standards of this title.

B. Table 23.30-1 is repealed and replaced as follows:

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

Land Use	CUP = Conditional Use Permit Required					N = Not Permitted
	Permit by Residential Zoning District					
	RD-1/2/3	RD-4/5/6	RD-7	RD-10/ 15	RD-20/25/30	Specific Use Regulations
P = Use Permitted						

P = Use Permitted	CUP = Conditional Use Permit Required					N = Not Permitted
Land Use	Permit by Residential Zoning District					Specific Use Regulations
	RD-1/2/3	RD-4/5/6	RD-7	RD-10/15	RD-20/25/30	
Residential Uses						
Adult Day Care Home	P	P	P	P	CUP	
Child Care Center	P	P	P	P	P	
Dwelling, Multi-Family	N	N	P	P	P	
Dwelling, Second Unit	P	P	P	P	N	
Dwelling, Single-Family	P	P	P	P	CUP ¹	Chapter 23.90 EGMC
Dwelling, Two-Family	P ²	P ²	P ²	P ²	N	
Emergency Shelter	N	N	CUP	CUP	CUP	Chapter 23.80 EGMC
Group Residential	N	N	CUP	CUP	CUP	
Guest House	P	P	P	P	N	
Home Occupations	P	P	P	P	P	Chapter 23.82 EGMC
Live-Work Facility	N	N	CUP	CUP	CUP	
Manufactured Home	P	P	N	N	N	
Mobile Home	P ³	P ³	N	N	N	
Residential Care Facility	N	N	N	N	P	Chapter 23.88 EGMC
Residential Care Home	P	P	P	P	P	
Single Room Occupancy (SRO) Facilities	N	N	N	CUP	CUP	
Supportive Housing	P	P	P	P	P	
Transitional Housing	P	P	P	P	P	Chapter 23.80 EGMC
Agriculture, Resource, and Open Space Uses						
Animal Keeping – Exotic	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	
Animal Keeping – Fowl	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	
Animal Keeping – Household Pets	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	
Animal Keeping - Livestock	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	
Recreation, Education, and Public Assembly Uses						
Assembly Uses	CUP	CUP	CUP	CUP	CUP ³	
Community Garden	P	P	P	P	P	
Golf Courses/Clubhouse	CUP	CUP	N	N	N	
Indoor Fitness and Sports Facilities	N	N	N	N	P ⁵	

P = Use Permitted	CUP = Conditional Use Permit Required					N = Not Permitted
Land Use	Permit by Residential Zoning District					Specific Use Regulations
	RD-1/2/3	RD-4/5/6	RD-7	RD-10/15	RD-20/25/30	
Outdoor Commercial Recreation	CUP	CUP	CUP	CUP	CUP ⁵	
Parks and Public Plazas	P	P	P	P	P	
Resource-Related Recreation	P	P	P	P	N	
Schools – Academic-Private	CUP	CUP	CUP	CUP	N	
Schools – Academic-Charter	CUP ⁶	CUP ⁶	CUP ⁶	CUP ⁶	N	
Schools – Academic-Public	P	P	P	P	P	
Schools – Colleges and Universities-Private	CUP	CUP	CUP	CUP	N	
Schools – Colleges and Universities-Public	P	P	P	P	P	
Schools – Equipment/Machine/Vehicle Training	CUP	CUP	CUP	CUP	N	
Schools – Specialized Education and Training/Studios	CUP	CUP	CUP	CUP	N	
Utility, Transportation, and Communication Uses						
Bus and Transit Shelters	P	P	P	P	P	
Public Safety Facility	P	P	P	P	P	
Telecommunication Facility	CUP	CUP	CUP	CUP	CUP	Chapter 23.94 EGMC
Utility Facility and Infrastructure	P	P	P	P	P	
Retail Service, and Office Uses						
Bed and Breakfast Inns	CUP	CUP	CUP	CUP	N	
Offices, 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. Mobile homes are required to have a permanent chassis, removal of wheels, and permanent hookup to water and sewer. See Chapter 23.92 EGMC, 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. Exotic. All exotic animals shall be kept and maintained a minimum distance of 40 feet from any property line unless contained within the dwelling.

- b. Fowl. Generally, all fowl shall be kept and maintained a minimum distance of 40 feet from any property line. However, a maximum of six (6) chicken hens may be kept, maintained or fed as pets within confined clean coops or cages. Roosters are not permitted.
 - c. Household Pet. Keeping of any combination of five or more cats and dogs is considered a kennel for this Title. See EGMC Chapter 8.01.020 for restrictions on the number of animals allowed.
 - d. Livestock. Two livestock animals may be permitted for each half acre of land. All livestock 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.
5. Permitted as an accessory use to the primary use permitted in the specific zoning district.
6. Permitted by right if the use is located on a property owned by the School District.

C. Table 23.30-2A is repealed and replaced as follows:

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

Development Standard	RD-1	RD-2	RD-3
Minimum lot area	1 acre	20,000 sf.	10,000 sf.
Maximum density	1 du/acre	2 du/acre	3 du/acre
Setbacks			
Front ¹	20 ft.	20 ft.	20 ft.
Sides, interior lot	5 ft.	5 ft.	5 ft.
Street side, corner lot	12.5 ft.	12.5 ft.	12.5 ft.
Rear	25 ft.	25 ft.	25 ft.
Minimum Lot Dimensions			
Width/frontage	75 ft.	75 ft.	65 ft.
Depth	125 ft.	125 ft.	125 ft.
Height Limit			
Primary structures	30 ft.	30 ft.	30 ft.
Accessory	16 ft.	16 ft.	16 ft.
Accessory structures	Refer to Chapter 23.46 EGMC		
Fences and Walls	Refer to Chapter 23.52 EGMC		
Landscaping	Refer to Chapter 23.54 EGMC		
Lighting	Refer to Chapter 23.56 EGMC		
Parking	Refer to Chapter 23.58 EGMC		
Performance standards	Refer to Chapter 23.60 EGMC		
Signs	Refer to Chapter 23.62 EGMC		

Notes:

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

D. Table 23.30-2B is repealed and replaced as follows:

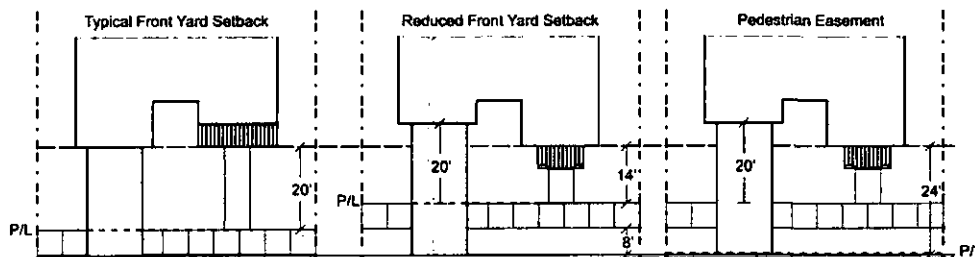
**Table 23.30-2B
Low Density Residential Zoning Districts Development Standards**

Development Standard	RD-4	RD-5	RD-6	RD-7
Minimum lot area	8,500 sf.	5,200 sf.	4,000 sf.	No minimum ¹
Maximum density	4 du/acre	5 du/acre	6 du/acre	7 du/acre
Front Setbacks				
To garage door	22 ft.	20 ft.	20 ft.	18 ft.

Development Standard	RD-4	RD-5	RD-6	RD-7
To living area	20 ft.	15 ft.	15 ft.	12.5 ft.
To covered porch	20 ft.	15 ft.	12.5 ft.	12.5 ² ft.
To side garage/swing driveway	15 ft.	15 ft.	15 ft.	12.5 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.
Rear Setback^{4, 3, 4}				
To living area (lots > 100 feet deep)	20 ft.	15 ft.	15 ft.	15 ft. ^{3, 5}
To living area (lots < 100 feet deep)	15% of average lot depth			
To detached garage/secondary dwelling unit	5 ft.	5 ft.	5 ft.	
Lot Dimensions				
Width/frontage	65 ft.	52 ft.	40 ft.	No minimum ^b
Corner lot	75 ft.	62 ft.	47.5 ft.	
Depth	100 ft.	85 ft.	65 ft.	
Height Limit				
Primary structures	30 ft.	30 ft.	30 ft.	30 ft.
Accessory	16 ft.	16 ft.	16 ft.	16 ft.
Accessory structures	Refer to Chapter 23.46 EGMC			
Fences and Walls	Refer to Chapter 23.52 EGMC			
Landscaping	Refer to Chapter 23.54 EGMC			
Lighting	Refer to Chapter 23.56 EGMC			
Parking	Refer to Chapter 23.58 EGMC			
Performance standards	Refer to Chapter 23.60 EGMC			
Signs	Refer to Chapter 23.62 EGMC			

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. The front yard setback is measured from the front property line, which is typically located at the back of a monolith sidewalk that is contiguous to the street. When a separated sidewalk is used, the property line may either be located at the back of the sidewalk or at the back of the curb. In such instances, the width of the landscaping separating the sidewalk from the curb may be reduced from the required front yard setback. In any instance, however, the driveway shall maintain a minimum depth of 20 feet (15 feet for side garages/swing driveways). See the following example figure, which illustrates this concept with the development standards for the RD-5 zone:



2. The front setback to covered porch may be reduced to 10 ft. if a reduced Public Utility Easement (PUE) is approved as part of the Subdivision Map.

3. 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 EGMC 23.64.050, Allowed encroachments/projections into required yards.

4. In no event shall the rear yard be less than 10 feet for one-story buildings and 15 feet for two- and three-story buildings.

5. Fifteen-foot setback for two-story; 10-foot setback for one-story.

6. Determined in the design review process.

E. Table 23.30-2C is repealed and replaced as follows:

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

Development Standard	RD-10	RD-15
Minimum lot area	No minimum ¹	No minimum ¹
Minimum density	7.1 du/acre	10.1 du/acre
Maximum density ²	10 du/acre	15 du/acre
Lot coverage	No minimum ¹	No minimum ¹
Setbacks		
Front	No minimum ¹	No minimum ¹
Rear, single-story	No minimum ¹	No minimum ¹
Rear, two-story	No minimum ¹	No minimum ¹
Street side	No minimum ¹	No minimum ¹
Interior	No minimum ¹	No minimum ¹
Lot dimensions	No minimum ¹	No minimum ¹
Open space	No minimum ¹	No minimum ¹
Height Limit		
Primary structures	35 ft.	35 ft.
Accessory	16 ft.	16 ft.
Accessory structures	Refer to Chapter 23.46 EGMC	
Fences and Walls	Refer to Chapter 23.52 EGMC	
Landscaping	Refer to Chapter 23.54 EGMC	
Lighting	Refer to Chapter 23.56 EGMC	
Parking	Refer to Chapter 23.58 EGMC	
Performance standards	Refer to Chapter 23.60 EGMC	
Signs	Refer to Chapter 23.62 EGMC	

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 EGMC, Density Bonus and Other Developer Incentives.

F. Table 23.30-2D is repealed and replaced as follows:

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

Development Standard	RD-20	RD-25	RD-30
Minimum lot area	No minimum ¹	No minimum ¹	No minimum
Minimum density	15.1 du/acre	20.1 du/acre	25.1 du/acre

Development Standard	RD-20	RD-25	RD-30
Maximum density ²	20 du/acre	25 du/acre	30 du/acre
Setbacks			
Front	25 ft.	25 ft.	25 ft.
Sides, interior lot ³	25 ft.	25 ft.	25 ft.
Street side, corner lot	25 ft.	25 ft.	25 ft.
Rear ³	20 ft.	20 ft.	20 ft.
Open space ⁴	25%	25%	25%
Height Limit⁵			
Primary structures	40 ft.	40 ft.	40 ft.
Accessory	16 ft.	16 ft.	16 ft.
Accessory structures	Refer to Chapter 23.46 EGMC		
Fences and Walls	Refer to Chapter 23.52 EGMC		
Landscaping	Refer to Chapter 23.54 EGMC		
Lighting	Refer to Chapter 23.56 EGMC		
Parking	Refer to Chapter 23.58 EGMC		
Performance standards	Refer to Chapter 23.60 EGMC		
Signs	Refer to Chapter 23.62 EGMC		

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 EGMC, Density Bonus.
3. The side and rear setback for all three- 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.

Section 14. Amendments to Chapter 23.32 – Commercial Zoning Districts

Elk Grove Municipal Code Chapter 23.32 is amended as follows:

A. Section 23.32.030 is repealed and replaced as follows:

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 the land use listings can be found in Section 23.26.015 (Allowed Use Descriptions). 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 title.

B. Table 23.32-1 is repealed and replaced as follows:

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

Land Use	CUP = Conditional Use Permit Required						N = Not Permitted
	Permit by Commercial Zoning District						Specific Use Regulations
	LC	GC	SC	AC	TC	C-O	
Residential Uses							
Caretaker Housing	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	
Child Care Center	P	P	P	N	N	CUP	
Dwelling, Multi-Family	N	CUP ²	N	N	N	N	
Emergency Shelter	N	P	N	N	N	N	Chapter 23.80 EGMC
Group Residential	N	CUP ³	N	N	N	N	
Live-Work Facility	P ^{4,7}	P ^{4,7}	N	N	N	N	
Residential Care Facility	CUP ³	CUP ³	N	N	N	CUP ³	Chapter 23.88 EGMC
Residential Care Home	N	P	N	N	N	N	
Single Room Occupancy (SRO) Facilities	N	P	N	N	N	N	
Supportive Housing	N	N	N	N	N	N	
Transitional Housing	N	P	N	N	N	N	Chapter 23.80 EGMC
Agriculture, Resource, and Open Space Uses							
Equestrian Facility, Commercial	N	N	N	N	N	P	
Equestrian Facility, Hobby	N	N	N	N	N	P	
Kennels, Commercial	N	CUP ^{4,8}	CUP ^{4,8}	N	N	N	
Veterinary Facility	P ⁵	P ⁵	P ⁵	N	N	N	
Recreation, Education, and Public Assembly Uses							
Assembly Uses	P ⁶	P	P	N	N	P	
Cemeteries, Mausoleums	N	CUP	N	N	N	N	
Community Garden	CUP	CUP	N	N	N	P	
Crematories	CUP	CUP	CUP	N	N	N	
Golf Courses/Clubhouse	CUP	CUP	N	N	N	P	
Indoor Amusement/Entertainment Facility	P	P	P	N	P	CUP	
Indoor Fitness and Sports Facilities	CUP	P	P	N	CUP	P	
Libraries and Museums	P	P	P	N	N	P	
Mortuaries and Funeral Homes	CUP	P	P	N	N		
Outdoor Commercial Recreation	CUP	P	P	N	N	P	
Parks and Public Plazas	P	P	N	N	N	P	
Recreational Vehicle Parks	N	N	N	N	P	P	
Resource Protection and Restoration	N	N	N	N	N	P	
Resource-Related Recreation	N	N	N	N	N	P	
Schools – Academic-Private	CUP	CUP	CUP	CUP	N	N	
Schools – Academic-Charter	CUP ⁷	CUP ⁷	CUP ⁷	CUP ⁷	N	N	
Schools – Academic-Public	P	P	P	P	P	P	

P = Use Permitted	CUP = Conditional Use Permit Required						N = Not Permitted
Land Use	Permit by Commercial Zoning District						Specific Use Regulations
	LC	GC	SC	AC	TC	C-O	
Schools – Colleges and Universities-Private	CUP	CUP	CUP	CUP	N	N	
Schools – Colleges and Universities-Public	P	P	P	P	P	P	
Schools – Equipment/Machine/Vehicle Training	N	N	P	P	N	N	
Schools – Specialized Education and Training/Studios	P ⁶	P	P	P	N	N	
Theaters and Auditoriums	CUP	P	P	N	CUP	CUP	
Utility, Transportation, and Communication Uses							
Airport	N	N	N	N	N	CUP	
Broadcasting and Recording Studios	CUP	P	P	N	N	N	
Bus and Transit Shelters	P	P	P	P	P	P	
Heliports	N	CUP	CUP	N	N	N	
Park and Ride Facility	N	P	P	P	P	N	
Parking Facility	CUP	P	P	P	P	CUP	
Public Safety Facility	P	P	P	P	P	P	
Telecommunication Facility	CUP	CUP	CUP	CUP	CUP	CUP	Chapter 23.94 EGMC
Transit Stations and Terminals	CUP	CUP	CUP	CUP	CUP	CUP	
Utility Facility and Infrastructure	P	P	P	P	P	P	
Retail, Service, and Office Uses							
Adult Day Care Facility	P ⁶	N	N	N	N	N	
Alcoholic Beverage Sales	CUP	P	P	CUP	CUP	CUP	
Ambulance Service	N	CUP ⁸	CUP ⁸	CUP ⁸	N	N	
Animal Sales and Grooming	P ⁵	P ⁵	P ⁵	N	N	N	
Art, Antique, Collectable	P	P	P	N	P ⁵	N	
Artisan Shops	P ⁶	P	P	N	N	N	
Banks and Financial Services	P	P	P	P	P	N	
Bars and Nightclubs	CUP ⁹	CUP	CUP	N	N	N	Chapter 23.86 EGMC
Bed and Breakfast Inns	CUP	CUP	CUP	N	CUP	N	
Building Materials Stores and Yards	N	P	P	N	CUP	N	
Business Support Services	CUP	CUP	CUP	N	N	N	
Card Rooms	N	CUP	CUP	N	N	N	
Convenience Stores	P ¹¹	P	P	P	P	N	
Drive-in and Drive-through Sales and Service	CUP ¹²	CUP ¹²	CUP ¹²	N	CUP ¹²	N	Chapter 23.78 EGMC
Equipment Sales and Rental	N	CUP	CUP	P	CUP	N	
Garden Center/Plant Nursery	CUP	P	P	N	N	N	
Grocery Store/Supermarket	P	P	P	N	P	N	
Hotels and Motels	N	P	P	N	P	N	
Liquor Stores	CUP	CUP	CUP	N	N	N	

Land Use	CUP = Conditional Use Permit Required						N = Not Permitted
	Permit by Commercial Zoning District						Specific Use Regulations
	LC	GC	SC	AC	TC	C-O	
Maintenance and Repair Service	CUP ⁵	P ⁵	P ⁵	P ⁵	N	N	
Medical Services, Extended Care	N	N	N	N	N	N	
Medical Services, General (Clinics, Offices, and Labs)	P	P	P	N	N	N	
Medical Services, Hospitals	N	CUP	CUP	N	N	N	
Neighborhood Market	P ¹¹	P ¹¹	P ¹¹	N	CUP ¹¹	N	
Offices, Accessory	P	P	P	P	P	P	
Offices, Business and Professional	P	P	P	N	N	N	
Pawn Shop	N	CUP	CUP	N	N	N	
Personal Services	P	P	P	N	N	N	
Personal Services, Restricted	N	CUP	CUP	N	N	N	
Restaurants	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	Chapter 23.86 EGMC
Retail, Accessory	P	P	P	CUP	P	N	Chapter 23.86 EGMC
Retail, Discount Store	N	CUP ¹³	CUP ¹³	N	N	N	Chapters 23.74, 23.86 EGMC
Retail, Discount Superstore	N	CUP ^{13, 14}	CUP ^{13, 14}	N	N	N	Chapters 23.74, 23.86 EGMC
Retail, Large-format Discount Superstore	N	N	N	N	N	N	Chapters 23.74, 23.86 EGMC
Retail, Discount Warehouse/Club	N	N	CUP	N	CUP	N	Chapters 23.74, 23.86 EGMC
Retail, General	P ¹³	P ¹³	P ¹³	N	P ¹³	N	Chapters 23.74, 23.86 EGMC
Smoke Shops	N	CUP	CUP	N	N	N	
Thrift Store	CUP	P	P	N	N	N	Chapters 23.74, 23.86 EGMC
Automotive and Vehicle Use							
Auto and Vehicle Rental	N	P	CUP	P	N	N	
Auto and Vehicle Sales	N	N ¹⁵	N ¹⁵	P	N	N	
Auto and Vehicle Sales, Wholesale	N	N	N	P	N	N	
Auto and Vehicle Storage	N	N	N	P	N	N	
Auto Parts Sales	CUP ¹⁶	P ¹⁶	P ¹⁶	P	P	N	
Auto Vehicle Dismantling	N	N	N	N	N	N	
Car Washing and Detailing	N	CUP	CUP	P	CUP	N	
Service Station	N	CUP	P	P	CUP	N	Chapter 23.72 EGMC
Vehicle Services – Major	N	CUP ⁸	CUP ⁸	P ⁸	CUP ⁸	N	
Vehicle Services – Minor	CUP ⁸	P ⁸	P ⁸	P ⁸	CUP ⁸	N	
Industrial, Manufacturing, and Processing Uses							
Manufacturing, Small Scale	CUP ¹³	P ¹³	N	N	N	N	

Land Use	CUP = Conditional Use Permit Required						N = Not Permitted
	Permit by Commercial Zoning District						Specific Use Regulations
	LC	GC	SC	AC	TC	C-O	
Recycling Facility – Collection, Small	P	P	P	P	P	P	
Recycling Facility – Collection, Large	N	CUP	CUP	N	N	N	
Storage, Personal Storage Facility	N	N	CUP	CUP	CUP	N	
Storage, Yards	N	N	N	CUP	N	N	
Wineries and Distilleries	P ^{6,8}	P ^{6,8}	P ^{6,8}	N	N	N	

Notes:

1. Limited to one unit in conjunction with a primary nonresidential use. Any residential use will be treated as a primary residential use with regards to animal keeping, kennels (commercial or hobby), or animal husbandry.
2. Use permitted only in conjunction with nonresidential development (e.g., mixed-use development).
3. Use provisions consistent with state law regarding local use restrictions.
4. All activities must be enclosed when the use is located within 500 feet of any residential (RD) zone.
5. All related activities must be entirely enclosed within a structure.
6. Maximum gross floor area is 5,000 square feet.
7. Permitted by right if the use is located on a property owned by the School District.
8. All activity must be entirely screened from public view.
9. All forms of speaker amplification associated with outdoor dining shall be prohibited unless otherwise authorized in combination with project approval or subsequent minor design review.
10. 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 8:00 a.m. and 8:00 p.m., inclusive.
11. Hours of operation are limited to a maximum of 18 hours per day.
12. 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 1,000 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 EGMC, Drive-In and Drive-Through Facility.
13. 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.
14. Upon submittal and acceptance of an application for this use listing, and in addition to all other requirements of this title relating to applications, the following special studies and analyses shall be prepared by the City or by a qualified entity or consultant selected and retained by the City, the cost of which shall be an expense of the applicant. The studies shall not be prepared by or under the direction of the applicant. These studies shall be considered by the designated approving authority as part of the review of the proposed use. These studies include:
 - a. A community impact analysis, which shall analyze the project design and compatibility of the proposed use with the surrounding neighborhood and the community as a whole;
 - b. An economic/fiscal impact analysis, which shall analyze:

- i. The potential economic and fiscal impacts of the proposed use, both in terms of sales tax and impact on existing businesses in the community;
 - ii. Whether the proposed superstore will result in a net increase or decrease of jobs in the City, segregated by types of jobs; and
 - iii. The effects of the proposed superstore on the retail sales in the City and whether there will be a net increase or decrease in net retail sales in the City.
- c. A crime analysis, which shall analyze the potential impact of the proposed use on existing police services in the City;
 - d. An urban decay analysis as required for preparation of the environmental impact report (EIR) under the California Environmental Quality Act, which evaluates the extent to which the proposed use would have competitive impacts on existing retail facilities in the City and thus would generate urban decay and a physical deterioration of existing retail centers in the City. In instances where an EIR is not required, the urban decay analysis shall be prepared as part of the review of the conditional use permit application.
15. Motorcycle sales may be permitted subject to a CUP.
16. No on-site repair of vehicles permitted.

B. Table 23.32-2 is repealed and replaced as follows:

**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					
Setbacks						
Front and street side setback ¹	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Interior (includes rear), adjacent to residential and open space uses ^{2,3,4}	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Interior (includes rear), adjacent to all other uses ^{2,4}	0	0	0	0	0	0
Height Limit⁵						
Maximum height	40 ft.	40 ft. ⁶	40 ft. ⁶	40 ft. ⁶	40 ft. ⁶	40 ft. ⁶
Maximum stories	2	2	3	2	3	2
Accessory structures	Refer to Chapter 23.46 EGMC					
Fences and Walls	Refer to Chapter 23.52 EGMC					
Landscaping	Refer to Chapter 23.54 EGMC					
Lighting	Refer to Chapter 23.56 EGMC					
Parking	Refer to Chapter 23.58 EGMC					
Performance standards	Refer to Chapter 23.60 EGMC					
Signs	Refer to Chapter 23.62 EGMC					

Notes:

1. See Chapter 23.54 EGMC, Landscaping.
2. Minimum setbacks for all new development are measured from the property line as described in Chapter 23.64 EGMC, Yard Measurements and Projections.
3. Ten feet of the 25-foot setback shall be permanent landscape area, pursuant to Chapter 23.54 EGMC,

Landscaping.

4. When the building frontage is greater than 300 linear feet, the rear setback must be a minimum of 20 feet. See EGMC 23.60.020, Creeks and other natural drainage courses/tributary standards, for additional setback requirements when adjacent to creeks.

5. Maximum allowable height for primary structures are listed in both feet and stories and is limited to the lesser of the two. See Chapter 23.48 EGMC, Building Height Measurements 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 one 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 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.

Section 15. Amendments to Chapter 23.34 – Office Zoning Districts

Elk Grove Municipal Code Chapter 23.34 is amended as follows:

A. Section 23.34.030 is repealed and replaced as follows:

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 the land use listings can be found in Section 23.26.015 (Allowed Use Descriptions). 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 in this title.

B. Table 23.34-1 is repealed and replaced as follows:

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

P = Use Permitted	CUP = Conditional Use Permit Required		N = Not Permitted
	Permit by Office Zoning District		
	BP	MP	
Land Use			Specific Use Regulations
Residential Uses			
Child Care Center	P	P	
Agriculture, Resource, and Open Space Uses			
Kennels, Commercial	N	P ¹	
Veterinary Facility	CUP	CUP	
Recreation, Education, and Public Assembly Uses			
Assembly Uses	CUP	CUP	
Indoor Amusement/Entertainment Facility	CUP	CUP	
Indoor Fitness and Sports Facilities	CUP	CUP	
Libraries and Museums	P	N	

P = Use Permitted	CUP = Conditional Use Permit Required		N = Not Permitted
Land Use	Permit by Office Zoning District		Specific Use Regulations
	BP	MP	
Outdoor Commercial Recreation	CUP	CUP	
Schools – Academic-Private	CUP	CUP	
Schools – Academic- Charter	CUP ²	CUP ²	
Schools – Academic-Public	CUP	CUP	
Schools – Colleges and Universities-Private	CUP	CUP	
Schools – Colleges and Universities-Public	CUP	CUP	
Schools – Equipment/Machine/Vehicle Training	CUP	P	
Schools – Specialized Education and Training/Studios	P	P	
Theaters and Auditoriums	CUP	CUP	
Utility, Transportation, and Communication Uses			
Airport	N	N	
Broadcasting and Recording Studios	P	P	
Bus and Transit Shelters	P	P	
Heliports	CUP ³	CUP ³	
Park and Ride Facility	CUP	CUP	
Parking Facility	P	P	
Public Safety Facility	P	P	
Telecommunication Facility	CUP	CUP	Chapter 23.94 EGMC
Transit Facilities		P	
Transit Stations and Terminals	P	P	
Utility Facility and Infrastructure	P	P	
Retail, Service, and Office Uses			
Adult Day Care Facility	P	CUP	
Alcoholic Beverage Sales	CUP	CUP	
Banks and Financial Services	P	P	
Bars and Nightclubs	CUP ³	CUP	
Building Materials Stores and Yards	N	CUP	
Business Support Services	P	P	
Call Centers	P	P	
Card Rooms	N	N	
Convenience Stores	CUP ³	CUP	
Drive-in and Drive-through Sales and Service	CUP ⁴	N	Chapter 23.78 EGMC
Equipment Sales and Rental	N	CUP	

P = Use Permitted	CUP = Conditional Use Permit Required		N = Not Permitted	
	Land Use	Permit by Office Zoning District		
		BP		MP
Garden Center/Plant Nursery	N	CUP		
Hotels and Motels	CUP	CUP		
Maintenance and Repair Service	N	CUP		
Medical Services, Extended Care	CUP	CUP		
Medical Services, General (Clinics, Offices, and Labs)	P	P		
Medical Services, Hospitals	CUP	CUP		
Offices, Accessory	P	P		
Offices, Business and Professional	P	P		
Personal Services	P	P		
Personal Services, Restricted	CUP	CUP		
Restaurants	P	P	Chapter 23.86 EGMC	
Retail, Accessory	P	P		
Thrift Store	N	CUP		
Automobile and Vehicle Uses				
Auto and Vehicle Rental	N	P		
Auto and Vehicle Sales, Wholesale	N	N		
Auto Vehicle Dismantling	N	N		
Car Washing and Detailing	N	CUP		
Service Station	N	N	Chapter 23.72 EGMC	
Vehicle Services – Major	N	CUP		
Vehicle Services – Minor	N	P		
Industrial, Manufacturing, and Processing Uses⁵				
Agricultural Products Processing	N	CUP		
Freight Yard/Truck Terminal	N	CUP		
Laundry and Dry Clean Plant	N	CUP ⁶		
Manufacturing, Minor	N	CUP ⁶		
Printing and Publishing	N	CUP ⁶		
Research and Development	CUP	P		
Storage, Personal Storage Facility	N	CUP		
Storage, Warehouse	N	CUP		
Storage, Yards	N	CUP		
Wholesaling and Distribution	N	CUP		
Wineries and Distilleries	N	P ⁷		

Notes:

1. A CUP is required when located within 500 feet of any agricultural, agricultural residential or residential property.
2. Permitted by right if the use is located on a property owned by the School District.
3. Permitted as only an accessory use to the primary use of the property.
4. Drive-in and drive-through services are only permitted when associated with banks and financial services and may not be developed or operated with any other use type. Also see relevant regulations in Chapter 23.78 EGMC, Drive-In and Drive-Through Facilities.
5. The Planning Commission may also consider similar industrial uses within an industrial park subject to approval of a CUP.
6. Conditionally permitted when located within an industrial park. Otherwise, new freestanding industrial uses not a part of an integrated, industrial development are not permitted.
7. Tasting room or retail sales require approval of a CUP.

C. Table 23.34-2 is repealed and replaced as follows:

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

Development Standard	Office Zoning Districts	
	BP	MP
Setbacks		
Front	25 ft.	25 ft.
Street side, corner lot	25 ft.	25 ft.
Side and rear	10 ft. ¹	10 ft.
Dimensions		
Width/frontage	60	No minimum
Depth	100	No minimum
Height Limit		
Primary structures ^{2, 3}	40 ft.	40 ft.
Accessory	16 ft.	16 ft.
Accessory structures	Refer to Chapter 23.46 EGMC	
Fences and Walls	Refer to Chapter 23.52 EGMC	
Landscaping	Refer to Chapter 23.54 EGMC	
Lighting	Refer to Chapter 23.56 EGMC	
Parking	Refer to Chapter 23.58 EGMC	
Performance standards	Refer to Chapter 23.60 EGMC	
Signs	Refer to Chapter 23.62 EGMC	

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 uses. For light industrial uses, the rear and side setback shall be increased to a minimum of 50 feet when abutting an 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 uses 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.

Section 16. Amendments to Chapter 23.36 – Industrial Zoning Districts

Elk Grove Municipal Code Chapter 23.36 is amended as follows:

A. Section 23.36.030 is repealed and replaced as follows:

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 the land use listings can be found in Section 23.26.015 (Allowed Use Descriptions). 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 title.

B. Table 23.36-1 is repealed and replaced as follows:

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

Land Use	CUP = Conditional Use Permit Required		N = Not Permitted
	Permitted by Industrial Zoning District		Specific Use Regulations
	M-1	M-2	
Residential Uses			
Caretaker Housing	CUP	CUP	
Child Care Center	CUP	N	
Emergency Shelter	P	N	Chapter 23.80 EGMC
Transitional Housing	P	N	Chapter 23.80 EGMC
Agricultural, Resource, and Open Space Uses			
Kennels, Commercial	P	P	
Slaughterhouse	N	CUP	
Recreation, Education, and Public Assembly Uses			
Assembly Uses	CUP	N	
Cemeteries, Mausoleums	CUP	CUP	
Indoor Amusement/Entertainment Facility	CUP	CUP	
Indoor Fitness and Sports Facilities	P	CUP	
Outdoor Commercial Recreation	CUP	CUP	
Schools – Academic-Private	N	N	
Schools – Academic-Charter	N	N	
Schools – Academic-Public	N	N	

P = Use Permitted	CUP = Conditional Use Permit Required		N = Not Permitted
Land Use	Permitted by Industrial Zoning District		Specific Use Regulations
	M-1	M-2	
Schools – Colleges and Universities-Private	N	N	
Schools – Colleges and Universities-Public	CUP	CUP	
Schools – Equipment/Machine/Vehicle Training	P	P	
Schools – Specialized Education and Training/Studios	CUP	CUP	
Theaters and Auditoriums	CUP	CUP	
Utility, Transportation, and Communication Uses			
Airport	N	CUP	
Broadcasting and Recording Studios	CUP	CUP	
Bus and Transit Shelters	P	P	
Fuel Storage and Distribution	CUP	CUP	
Park and Ride Facility	P	P	
Parking Facility	P	P	
Public Safety Facility	P	P	
Telecommunication Facility	P	P	Chapter 23.94 EGMC
Transit Facilities	P	P	
Transit Stations and Terminals	P	P	
Utility Facility and Infrastructure	P	P	
Retail, Service, and Office Uses			
Adult Oriented Business	CUP	CUP	Chapter 23.70 EGMC
Alcoholic Beverage Sales	CUP ¹	CUP ¹	
Ambulance Service	P	P	
Banks and Financial Services	P	N	
Bars and Nightclubs	CUP	N	
Building Materials Stores and Yards	CUP	N	
Business Support Services	P	P	
Card Rooms	N	N	
Convenience Stores	CUP ¹	CUP ¹	
Drive-in and Drive-through Sales and Service	N	N	
Equipment Sales and Rental	P	P	
Garden Center/Plant Nursery	CUP	N	
Maintenance and Repair Service	CUP	N	
Offices, Accessory	P	P	
Offices, Business and Professional	CUP	CUP	

P = Use Permitted	CUP = Conditional Use Permit Required		N = Not Permitted
	Permitted by Industrial Zoning District		Specific Use Regulations
	M-1	M-2	
Personal Services, Restricted	CUP	CUP	
Restaurants	P ²	CUP	
Retail, Accessory	P	P	
Automotive and Vehicle Uses			
Auto and Vehicle Rental	P	CUP	
Auto and Vehicle Sales, Wholesale	P	P	
Auto and Vehicle Storage	CUP	P	
Auto Parts Sales	P	P	
Auto Vehicle Dismantling	N	CUP	
Car Washing and Detailing	CUP	CUP	
Service Station	N	CUP	Chapter 23.72 EGMC
Vehicle Services – Major	CUP	P ³	
Vehicle Services – Minor	P ³	P ³	
Industrial, Manufacturing, and Processing Uses			
Agricultural Products Processing	CUP	P	
Freight Yard/Truck Terminal	P	P	
Laundry and Dry Clean Plant	P ³	P ³	
Manufacturing, Major	CUP ⁴	P ³	
Manufacturing, Minor	P ³	P ³	
Manufacturing, Small Scale	CUP ³	P ³	
Printing and Publishing	P	P	
Recycling Facility – Collection, Small	P	P	
Recycling Facility – Collection, Large	CUP	CUP	
Recycling Facility – Processing	N	P	
Recycling Facility – Scrap and Dismantling	N	P	
Research and Development	P	P	
Storage, Personal Storage Facility	P	P	
Storage, Warehouse	P	P	
Storage, Yards	P ^{3, 4}	P ^{3, 4}	
Wholesaling and Distribution	P	P	
Wineries and Distilleries	P ⁵	P ⁵	

Notes:

1. Use may only be conditionally permitted when located in conjunction with an otherwise permitted service station.

2. Permitted when the use is the only restaurant tenant in a development and it does not occupy more than 2,500 square feet. Otherwise, a Conditional Use Permit is required.
3. A CUP is required when located within 500 feet of any agricultural, agricultural residential, or residential zoning district or use. Otherwise the use is permitted by right.
4. All outdoor storage associated with the use shall be located within a secured enclosure with a minimum six-foot-tall solid wall to screen visibility of all business operations.
5. Tasting room or retail sales require approval of a CUP.

C. Table 23.36-2 is repealed and replaced as follows:

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

Development Standard	Industrial Zoning Districts	
	M-1	M-2
Setbacks		
Front	25 ft. ¹	25 ft. ¹
Street side, corner lot	25 ft. ¹	25 ft. ¹
Side and rear	0 ft. ²	0 ft. ²
Height Limit – Primary Structures		
Buildings < 100 feet from agricultural, agricultural residential, residential	24 ft.	24 ft.
Buildings > 100 feet from agricultural, agricultural residential, residential	40 ft.	40 ft.
Buildings adjacent to other zoning districts not listed above ³	100 ft.	100 ft.
Height limit, accessory structures	16 ft.	16 ft.
Accessory structures	Refer to Chapter 23.46 EGMC	
Landscaping	Refer to Chapter 23.54 EGMC	
Fences and Walls	Refer to Chapter 23.52 EGMC	
Parking	Refer to Chapter 23.58 EGMC	
Performance standards	Refer to Chapter 23.60 EGMC	
Signs	Refer to Chapter 23.62 EGMC	

Notes:

1. See Chapter 23.54 EGMC, Landscaping.
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.

Section 17. Amendments to Chapter 23.38 –Open Space Zoning Districts

Elk Grove Municipal Code Chapter 23.38 is amended as follows:

- A. Section 23.38.030 is repealed and replaced as follows:

23.38.030 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. Descriptions of the land use listings can be found in Section 23.26.015 (Allowed Use Descriptions). 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 title.

B. Table 23.38-1 is repealed and replaced as follows:

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

P = Use Permitted	CUP = Conditional Use Permit Required	N = Not Permitted
Land Use	Permit by Open Space Zoning District	Specific Use Regulations
	O	
Residential Uses		
Child Care Center	P	
Agriculture, Resource, and Open Space Uses		
Crop Production	CUP	
Equestrian Facility, Commercial	CUP	
Equestrian Facility, Hobby	CUP	
Recreation, Education, and Public Assembly Uses		
Assembly Uses	CUP ¹	
Cemeteries, Mausoleums	P	
Community Garden	CUP ¹	
Golf Courses/Clubhouse	CUP ¹	
Libraries and Museums	CUP ¹	
Outdoor Commercial Recreation	CUP ¹	
Parks and Public Plazas	P	
Recreational Vehicle Parks	CUP	
Resource Protection and Restoration	P	
Resource-Related Recreation	P	
Schools – Academic-Private	CUP ¹	
Schools – Academic-Charter	CUP ¹	
Schools – Academic-Public	CUP ¹	
Schools – Colleges and Universities-Private	CUP ¹	
Schools – Colleges and Universities-Public	CUP ¹	
Schools – Equipment/Machine/Vehicle Training	CUP ¹	
Schools – Specialized Education and Training/Studios	CUP ¹	

P = Use Permitted	CUP = Conditional Use Permit Required	N = Not Permitted
Land Use	Permit by Open Space Zoning District	Specific Use Regulations
	O	
Theaters and Auditoriums	CUP ¹	
Utility, Transportation, and Communication Uses		
Bus and Transit Shelters	P	
Parking Facility	CUP	
Telecommunication Facility	CUP	Chapter 23.94 EGMC
Utility Facility and Infrastructure	P	

Notes:

1. Private nonprofit 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.

C. Table 23.38-2 is repealed and replaced as follows:

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

Development Standard	Open Space Zoning District
	O
Minimum lot area	No minimum
Setbacks	
Front	25 ft.
Sides, interior lot	10 ft.
Street side, corner lot	25 ft.
Rear	25 ft.
Height Limit	
Primary structures	40 ft.
Landscaping	Refer to Chapter 23.54 EGMC
Accessory structures	Refer to Chapter 23.46 EGMC
Fences and Walls	Refer to Chapter 23.52 EGMC
Lighting	Refer to Chapter 23.56 EGMC
Parking	Refer to Chapter 23.58 EGMC
Performance standards	Refer to Chapter 23.60 EGMC
Signs	Refer to Chapter 23.62 EGMC

Section 18. Amendments to Chapter 23.40 –Special Purpose Zoning Districts

Elk Grove Municipal Code Chapter 23.40 is amended as follows:

A. Section 23.40.020(A) is repealed and replaced as follows:

23.40.020 Special planning area district.

A. 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. Special planning area purposes, content requirements, and procedures are outlined in EGMC 23.16.100, Special planning area.

B. Section 23.40.030(B) is repealed and replaced as follows:

23.40.030 Mobile home subdivision district.

B. Allowed Uses. The uses permitted in the RM-1 zone shall be those uses specified in the allowed uses and permit requirements for the mobile home subdivision district table (Table 23.40-1). Descriptions of the land use listings can be found in Section 23.26.015 (Allowed Use Descriptions).

C. Table 23.40-1 is repealed and replaced as follows:

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

P = Use Permitted	CUP = Conditional Use Permit Required	N = Not Permitted
Land Use	RM-1	Specific Use Regulations
Residential Uses		
Dwelling, Multi-Family	P	
Dwelling, Single-Family	P	
Dwelling, Two-Family	P	
Home Occupations	P	Chapter 23.82 EGMC
Mobile Home	P	
Recreation, Education, and Public Assembly Uses		
Parks and Public Plazas	P	
Utility, Transportation, and Communication Uses		
Public Safety Facility	P	
Telecommunication Facility	P	Chapter 23.94 EGMC
Utility Facility and Infrastructure	P	

Section 19. Amendments to Chapter 23.42 – Overlay/Combining Districts

Elk Grove Municipal Code Chapter 23.42 is amended as follows:

A. Section 23.42.040(B) is repealed and replaced as follows:

23.42.040 Flood combining district.

B. 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 title; 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 section, the regulations and provisions applicable to such base zone, and other applicable regulations of this title. To the extent of any conflict between the provisions of the base zone with which the F district is combined, the provisions of this section shall prevail.

B. Section 23.42.050(C) is repealed and replaced as follows:

23.42.050 Mobilehome park combining district.

...
 C. Allowed Uses and Permit Requirements. Table 23.42-1 identifies allowed uses for the MHP Combining District subject to compliance with Chapter 23.26 EGMC, Allowable Land Uses, and all other provisions of this title. Descriptions of the land use listings can be found in Section 23.26.015 (Allowed Use Descriptions). 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 title.

C. Table 23.42-1 is repealed and replaced as follows:

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

P = Use Permitted	CUP = Conditional Use Permit Required	N = Not Permitted
Land Use	MHP District	Specific Use Regulations
Residential Uses		
Caretaker Housing	P	
Child Care Center	CUP	
Dwelling, Single-Family	P	
Dwelling, Two-Family	P	
Mobile Home	P	
Mobile Home Park	CUP	
Recreation, Education, and Public Assembly Uses		
Assembly Uses	CUP ¹	
Community Garden	P ¹	
Golf Courses/Clubhouse	CUP ¹	
Recreational Vehicle Parks	CUP	
Resource Protection and Restoration	P	
Resource-Related Recreation	P	
Utility, Transportation, and Communication Uses		
Bus and Transit Shelters	P	

P = Use Permitted	CUP = Conditional Use Permit Required	N = Not Permitted
Land Use	MHP District	Specific Use Regulations
Telecommunication Facility	CUP	Chapter 23.94 EGMC
Utility Facility and Infrastructure	P	
Retail, Service, and Office Listings		
Offices, Accessory	CUP ¹	
Restaurants	CUP ¹	
Industrial, Manufacturing, and Processing Uses		
Recycling Facility – Collection, Small	P	

Notes:

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

D. Table 23.42-2 is repealed and replaced as follows:

**Table 23.42-2
Mobile Home Park Combining District Development Standards**

Development Standard	MHP
Minimum Lot Area	
Mobile home park	5 acres
Individual mobile home site ¹	2,940 sf/site
Maximum density	Consistent with underlying zone ²
Lot coverage (individual sites)	75%
Minimum park area	5 acres (net)
Front yard setback (landscaped)	20 ft.
Interior yard setback (landscaped)	10 ft.
Mobile Home Site Setback Distance	
Internal street setback distance	5 ft.
Distance between mobile home structures	10 ft. ^{3,4}
Distance between mobile homes and interior lot lines or property lines	3 ft.
Distance between mobile homes and detached accessory structures	10 ft. ⁴
Minimum width of street frontage	60 ft.
Water supply	Public water supply ⁵
Sanitation facility	Public sanitary sewerage
Fences and Walls	Refer to Chapter 23.52 EGMC
Landscaping	Refer to Chapter 23.54 EGMC
Lighting	Refer to Chapter 23.56 EGMC
Parking	Refer to Chapter 23.58 EGMC
Performance standards	Refer to Chapter 23.60 EGMC
Signs	Refer to Chapter 23.62 EGMC

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 single-wide mobile homes.

3. Distance is side to side. If side to rear, minimum setback is eight feet. If rear to rear, minimum setback is six feet.

4. Overhangs may encroach into required setback as long as a minimum of six 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.

E. Section 23.42.060(D) is repealed and replaced as follows:

23.42.060 Rural commercial combining zone (RUC).

D. 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 this title.

Section 20. Amendments to Chapter 23.46 – Accessory Structures

Elk Grove Municipal Code Chapter 23.46 is amended as follows:

A. Section 23.46.010 is repealed and replaced as follows:

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 and do not create an adverse aesthetic from street right-of-ways or adjacent/neighborhood properties. The intent of these regulations is to complement the requirements and standards of the City's adopted building code and fire code.

B. Section 23.46.020 is repealed and replaced as follows:

23.46.020 Definitions.

Terms unique to this chapter are listed in Chapter 23.100 (General Definitions).

C. Section 23.46.030 is repealed and replaced as follows:

23.46.030 Permit requirements and exceptions.

Generally, no special planning permit or entitlement shall be required for accessory structures that are consistent with the standards herein, except that Zoning Clearance/Plan Check shall be conducted in the event that a Building Permit is required. Even if a Building Permit is not required a planning permit or entitlement may be. Certain structures may require Design Review, Variance, or other permits or entitlements as specified in Chapter 23.16 (Permit Requirements).

D. Section 23.46.040 is repealed and replaced as follows:

23.46.040 Development standards.

A. Development Standards for All Accessory Structures. The development standards in this section apply only to accessory structures. Primary structures, and any other feature attached to the primary structure (e.g. patio cover), are subject to the setback, height, and other requirements for the zoning district in which they are located.

1. Setback Measurement. Minimum setback distances for accessory structures from property lines and between accessory structures shall be measured to any portions of the structure(s), inclusive of any overhangs, projections, and railings, etc.

2. Construction Phasing. Accessory structures may be constructed only in conjunction with or after construction of the primary building(s) on the site. However, in agricultural and agricultural residential zoning districts, accessory structures may be constructed prior to the primary residential dwelling.

3. Maximum Lot Coverage. The total size of all accessory structure(s) on a lot may not exceed the following collective percent coverage:

- a. In agricultural and agricultural residential zoning districts: 25 percent of the entire lot; and
- b. In all other zoning districts: 30 percent of the actual rear yard area (see Section 23.64.030, Required Yard Areas for a definition of actual yard area).

B. 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 23.100 (General Definitions).

C. Special Setbacks and Height Limits for Accessory Structures in Agricultural or Agricultural Residential Districts.

1. Height. The maximum height for all accessory structures on agricultural or agricultural residential property is 40 feet. See additional development standards in Table 23.28-2 (Agricultural Zoning District Development Standards).

2. Setbacks. Enclosed and solid-roofed accessory structures shall be set back from all interior property lines not less than the height of the structure.

E. Table 23.46-1 is repealed and replaced as follows:

**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)		
Building, ≤120 sf. and < 8 ft. tall	Same as for Primary Structure	12.5 ft.	3 ft.	6 ft.	8 ft. ¹
Building, ≤120 sf. and ≥ 8 ft. tall	Same as for Primary Structure	12.5 ft.	5 ft.	6 ft.	16 ft. ¹
Building, >120 sf.					

Accessory Structure	Minimum Setback Distance From Property Line			Minimum Distance Between Structures	Maximum Height
	Front	Street Side	Interior (including rear)		
Fully Enclosed	Same as for Primary Structure	12.5 ft.	5 ft.	6 ft.	16 ft. ¹
Limited/No Enclosure	Same as for Primary Structure	12.5 ft.	3 ft.	6 ft.	16 ft. ¹
Landscape Features	No minimum	12.5 ft.	3 ft.	6 ft.	16 ft. ¹
Pool/Spa	Same as for Primary Structure	12.5 ft.	No minimum	6 ft.	16 ft. ¹
Deck/Patio	No minimum	No minimum	No minimum	No minimum	No minimum
Play Equipment	Same as for Primary Structure	12.5	3. ft.	6 ft.	16 ft. ¹

Notes:

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

F. Figures 23.46-1, 23.46-2, and 23.46-3 are repealed.

Section 21. Amendments to Chapter 23.48 – Building Height Measurements and Exceptions

Elk Grove Municipal Code Chapter 23.48 is amended as follows:

A. Section 23.48.010 is repealed in full and replaced as follows:

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 title, and exceptions to the height limits established by this title.

Section 22. Amendments to Chapter 23.50 – Density Bonus and Other Developer Incentives

Elk Grove Municipal Code Chapter 23.50 is amended as follows:

A. Section 23.50.020 is repealed and replaced as follows:

23.50.020 Definitions.

Terms unique to this chapter are listed in Chapter 23.100 (General Definitions).

B. Section 23.50.040(C)(1) is repealed in full and replaced as follows:

23.50.040 Types of density bonus and other incentives allowed.

...

1. A reduction in the site development standards or a modification of Title 23 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 the 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.

Section 23. Amendments to Chapter 23.52 – Fences and Walls

Elk Grove Municipal Code Chapter 23.52 is amended as follows:

A. Section 23.52.010 is repealed and replaced as follows:

23.52.010 Purpose.

The purpose of this chapter is to establish development standards and regulations for fences and walls. The intent of these regulations is to provide for adequate air and light permeability onto lots, adequate buffering between and screening of uses and activities, and provide for the mitigation of noise.

B. Section 23.52.020 is repealed and replaced as follows:

23.52.020 Applicability and Exemptions.

Except as provided below, the requirements of this chapter apply to all fences and walls.

A. Fences that are required by Federal or State law or regulation, or which are required by the City for public safety (e.g., temporary construction site fencing) are exempt from this chapter.

B. Walls that are required by a mitigation measure and designed and approved through a tentative subdivision map, tentative parcel map, or major design review for noise attenuation are exempt from this chapter.

C. Section 23.52.030 is repealed and replaced as follows:

23.52.030 Permit Requirements.

Except as provided below, no special planning permit or entitlement shall be required for fences or walls except that Zoning Clearance/Plan Check shall be conducted in the event that a Building Permit is required.

A. Design Review Required. A Minor Design Review permit is required for all fences that exceed the standards of this chapter.

B. Retaining Walls. Retaining walls, as defined in this Title, may only be constructed as part of an approved grading permit for the site at the time of initial development, as part of a roadway improvement project, or as part of the necessary stabilization of soil for the primary intended use of the property as determined by the Public Works Director.

D. Section 23.52.040 is repealed and replaced as follows:

23.52.040 Measurement of Fence and Wall Height.

Fence and wall height shall be measured as the vertical distance between the lowest finished grade at the base of the fence and the top edge of the fence material. The finished grade shall be that as shown on the approved grading plan for the site at the time of initial development of the residential subdivision, multifamily development, or non-residential development. In cases where a retaining wall does not require the approval of a grading plan, the finished grade shall be as determined by the Public Works Director.

A. Landscape Walls. When a fence or wall is placed atop a landscape wall (as defined in this title), the height of the landscape wall shall be considered as part of the fence or wall for purposes of determining the height of the fence or wall.

B. Retaining Walls. When a fence or wall is placed atop a retaining wall, the height of the fence shall be determined exclusive of the height of the retaining wall such that the top of the retaining wall is considered the finished grade.

E. Section 23.52.050 is repealed and replaced as follows:

23.52.050 Height Limits.

A. General Standards. All fences and walls (except fencing in agricultural and agricultural residential zoning districts as described in Section B below) shall comply with the height limits shown in Table 23.52-1 (General Height Limits for Fences and Walls).

**Table 23.52-1
General Height Limits for Fences and Walls**

Location of Fence or Wall	Maximum Height
Within required front yard ^{1,2}	3 feet
Within required street side yard ¹ (i.e., along the street side of corner lots) ≤5 feet from back of sidewalk	3 feet
>5 feet from back of sidewalk	6 feet
Within required interior side and rear yard ¹	6 feet ³
Within the Clear Visibility Area at the intersections of streets, alleys, and driveways	3 feet
Outside of required yard ¹	10 feet

Notes:

1. See EGMC Section 23.100 020.Y for the definition for "yard (area), required"
2. The required front yard area is determined by zoning district.
3. The maximum height for fences and walls in the required interior side and rear yard may be increased to eight (8) feet with the issuance of a Building Permit from the City.

B. Fencing in Agricultural and Agricultural Residential Zoning Districts. In Agricultural and Agricultural Residential Zoning Districts, the following development standards for fences may be used in place of those listed in Section A above without first obtaining approval of a planning permit, provided the fence is constructed (1) as an open view fence as defined by this Title and (2) consistent with the following development standards:

1. Within any required yard area the fence may be constructed to a maximum height of six feet.
2. Outside of the required yard area the fence may be constructed to a maximum height of 10 feet,

provided that the fence is setback from interior property lines a distance equal to or greater than the height of the fence.

C. Landscape Walls. Landscape walls within required yard areas shall be constructed to a maximum height of 36 inches. Landscape walls shall not be used to alter the finish grade of the lot.

D. Retaining Walls.

1. Timing of Construction. As provided in Section 23.52.030, retaining walls shall only be constructed as part of an approved grading plan for the site at the time of initial development of the residential subdivision, multifamily development, or non-residential development, as part of a roadway improvement project, or as part of the necessary stabilization of the soil for the primary intended use of the property as determined by the Public Works Director.

2. Height Limit. There shall be no height limits for retaining walls when constructed along the exterior property lines of the project or the final interior property lines in the case of a residential subdivision. Otherwise, a retaining wall over four feet in height shall be benched so that no individual wall exceeds a height of six feet, with the depth of each bench a minimum of three feet.

F. Section 23.52.060 is added as follows:

23.52.060 Fence and wall design standards.

A. 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.

B. Fencing Materials. Fences and walls shall be constructed of long-lasting materials. Unless approved as a condition of approval or in conjunction with another permit or entitlement, fences or walls of sheet or corrugated iron, steel, concertina wire, or aluminum are prohibited with the exception of ornamental fences as consistent with the City's Design Guidelines. Barbed wire fencing shall not be constructed or placed on top of a fence except in agricultural, open space, or industrial areas. Minor design review is required for barbed wire fencing abutting residential or commercial areas.

C. Graffiti-Resistant Surface. When required by the Planning Director or through conditions of approval due to the location and nature of the wall, masonry walls shall be treated with a graffiti-resistant aesthetic surface.

D. Landscaping. All required street side yard areas between the back of sidewalk and fence/retaining wall shall be landscaped and continuously maintained in accordance with EGMC 23.54.070.

G. Section 23.52.070 is added as follows:

23.52.070 Special fence and wall requirements.

A. 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.

B. Special Fencing for Large Vehicle Storage. Vehicles greater than one ton that are not permitted to travel on public highways as defined in the California Vehicle Code that are stored on property when not part of an active construction project shall be screened from public view.

C. Special Fencing for Agricultural Uses Zones. All fences that 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.

D. Special Fencing for Commercial and Industrial Uses Adjacent to Residential and Agricultural-Residential Zones and Uses. Commercial and industrial uses shall be screened from adjacent residential and agricultural-residential zones and uses by a masonry wall or similar solid 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.

E. Special Fencing for Multi-family Uses Adjacent to Residential and Agricultural-Residential Zones and Uses. Multi-family uses shall be screened from adjacent residential and agricultural-residential zones and uses by a solid wall. The design and material of the solid wall shall be determined during the design review process.

F. Temporary Fences. Nothing in this chapter shall be deemed to prohibit the erection of a temporary fence around construction projects in compliance with the California Building Code and other applicable provisions of the Elk Grove Municipal Code.

G. Maintenance. Fences and walls shall be continuously maintained in an orderly and good condition, at no more than their maximum allowed height.

H. Figures 23.52-1 and 23.52-2 are repealed.

Section 24. Amendments to Chapter 23.54 – Landscaping

Elk Grove Municipal Code Chapter 23.54 is amended as follows:

A. Section 23.54.040(C)(2)(b) is repealed and replaced as follows:

23.54.040 Landscape development standards.

...

b. Water-Efficient Landscape. Consistent with the purposes of Section 65591 of the California Government Code (Water Conservation in Landscaping Act), all new multifamily and nonresidential development shall comply with EGMC 14.10 Water Efficient Landscape Requirements.

B. Section 23.54.040(C)(3)(d)(i) is repealed and replaced as follows:

23.54.040 Landscape development standards.

...

i. Trees or shrubs with a full-grown height equal to or greater than 36 inches shall not be planted in any clear-vision triangle.

C. Section 23.54.050(H) is repealed and replaced as follows:

23.54.050 Special landscape provisions.

...

H. 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 36 inches in height at full maturity.

Section 25. Amendments to Chapter 23.56 – Lighting

Elk Grove Municipal Code Chapter 23.56 is amended as follows:

A. Section 23.56.020 is repealed and replaced as follows:

23.56.020 Definitions.

Terms unique to this chapter are listed in Chapter 23.100 (General Definitions).

B. The title for Section 23.56.030 is repealed and replaced as follows:

23.56.030 Multi-family and non-residential outdoor lighting standards.

C. Section 23.56.030(A) is repealed and replaced as follows:

23.56.030 Multi-family and non-residential outdoor lighting standards.

...

A. Shielding Required. Except as otherwise exempt, all multi-family and non-residential 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. See Figure 23.56-1.

Section 26. Amendments to Chapter 23.58 – Parking

Elk Grove Municipal Code Chapter 23.58 is amended as follows:

A. Section 23.58.020(A) is repealed and replaced as follows:

23.58.020 Applicability.

...

A. 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 the ordinance codified in this title have the option of meeting the parking requirements of this title in effect on the project approval date or being subject to the provisions required herein.

B. Section 23.58.040 is repealed and replaced as follows:

23.58.040 General parking regulations.

A. Location Requirements for Off-Street Parking Spaces.

1. 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.

2. 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 first two (2) required (pursuant to Table 23.58-2) may be allowed in the front and street-side side yards of single-family residential lots in compliance with all of the following conditions:

a. Vehicle parking (and access thereto) in residential areas shall be on permanent paved or other approved impervious surface that prevents the infiltration of stormwater consistent with EGMC 23.58.090. Exceptions may be granted when a pervious surface is required to reduce the impact within the dripline of a protected tree.

b. Parking is not permitted within any required side, rear, and street-side setback area pursuant to Division III, Zoning Districts, Allowable Land Uses, and Development Standards, of this title. Parking is permitted in the front yard setback area. Also see maximum impervious surface area for residential property in Chapter 23.54 EGMC, Landscaping.

c. Parking may not occur within any required clear-vision triangle area on a corner lot.

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

1. Living, sleeping, or housekeeping in any vehicle, trailer, or vessel (as defined in Division VI, Zoning Definitions A – Z, of this title) is prohibited, except as permitted in subsection (C)(3) of this section, when parked or stored on private property.

2. Parking facilities shall be used for automobile parking only. No sales, dead storage, repair work, dismantling, or servicing of any kind shall be permitted without necessary permits for such use. The only exception to this rule is for temporary use of parking areas when the remaining number of unobstructed parking spaces complies with the minimum parking requirements for the permanent use(s) of the property in accordance with Table 23.58-2.

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

C. Parking Regulations for Vehicles, Trailers, and Vessels.

1. Inoperable/Unregistered Vehicles, Trailers, and Vessels. Any vehicle, trailer, or vessel which is inoperable and/or unregistered shall be stored consistent with the following standards. These requirements do not apply to farm equipment located on property zoned for agricultural use or to auto vehicle dismantling facilities.

a. Operable vehicles with registration expired three months or less shall be stored either within an enclosed structure or shall be parked in designated parking areas of the lot (e.g., outside of required yard areas on permanent paved or other approved impervious surface consistent with the provisions of Section 23.58.040.A.2).

b. Inoperable vehicles and those vehicles with registration expired for a period greater than three months shall be stored within an enclosed structure. No such vehicle shall be stored in any actual yard.

2. 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 EGMC, Home Occupations.

3. 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 EGMC, Fences and Walls. The screening requirement does not apply to parcels with two or more gross acres.

D. Tandem Parking. Tandem parking shall not be permitted to satisfy off-street parking requirements, except within mobile home parks and for single-family residential uses 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.

C. The Notes for Table 23.58-2 are repealed and replaced as follows:

Notes:

1. If development includes private streets with limited or no parking, a minimum of one guest parking space shall be provided per single-family residence as determined by the designated approving authority.
2. If five or more bedrooms are provided in one unit, then one additional space shall be provided.
3. At least two (2) 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.

D. Section 23.58.060 is repealed and replaced as follows:

23.58.060 Reduction of off-street parking requirements.

Commercial, office, or industrial projects 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 of a Parking Reduction Permit from the designated approving authority pursuant to EGMC 23.16.037.

A. 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:

1. 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.

2. 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.

B. 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.

C. Proximity to Alternative Modes. 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 proximity of the facility to alternative modes of transportation justifies the requested parking reduction.

D. Shared Parking. Shared parking solutions are encouraged. Multiple uses may use joint parking facilities when operations for the respective uses are not normally conducted during the same hours, or when hours of peak use differ. A request for the use of shared parking must meet the following conditions:

1. Located in a common parking lot or off-site convenient to the use(s) requiring the parking; and
2. The applicant is able to show through a parking analysis that there shall be no substantial conflicts between the subject uses with regard to principal hours of operation and periods of peak parking demand. A possible option for determining shared parking arrangements includes the Urban Land Institute publication "Shared Parking"; and
3. Right of joint use shall be evidenced by a deed, lease, contract, or similar written instrument that shall be approved as to form by the City Attorney upholding such joint use; and
4. In no instance shall the total parking required be less than would be required for any one of the independent uses.

E. Vehicle Park-and-Ride Lot Requirements at Shopping Centers. Up to 10 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; This parking reduction cannot be combined with any other parking reduction program and cannot be applied to parking lots that do not meet the minimum required parking requirements in accordance with EGMC 23.58.050, do not meet the parking design and development standards in accordance with EGMC 23.5.090, or have been issued any other approval that reduces the amount of parking onsite.

Section 27. Amendments to Chapter 23.60 – Performance Standards

Elk Grove Municipal Code Chapter 23.60 is amended as follows:

A. Section 23.60.040 is repealed in full as follows:

23.60.040 REPEALED.

Section 28. Amendments to Chapter 23.61 – Private Party Signs on City Property

Elk Grove Municipal Code Chapter 23.61 is amended as follows:

A. Section 23.61.030 is repealed and replaced as follows:

23.61.030 Definitions.

Terms unique to this chapter are listed in Chapter 23.100 (General Definitions).

B. Sections 23.61.050(A)(6) and Section 23.61.050(A)(7) are repealed and replaced as follows:

23.61.050 Temporary signs displaying noncommercial messages.

...

6. 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 this title.

7. The message substitution policy of EGMC 23.62 applies only to the traditional public

C. Section 23.61.070(B) is repealed and replaced as follows:

23.61.070 Street banner program.

...

B. Notwithstanding any other section of this title, the City Manager (or his designee), or the City Council upon appeal, may authorize the temporary placement of banner signs within the public right-of-way on City property where those banners display the name and/or date of an event and/or activity sponsored entirely by the City of Elk Grove or co-sponsored by the City of Elk Grove that calls attention to the City, its natural advantages, resources, enterprises, attractions, climate, facilities, businesses, and community.

Section 29. Amendments to Chapter 23.62 – Signs on Private Property

Elk Grove Municipal Code Chapter 23.62 is amended as follows:

A. Section 23.62.050(B) is repealed and replaced as follows:

23.62.050 Basic policies for sign regulation.

...

B. Regulatory Interpretations. All regulatory and administrative interpretations of this chapter are to be exercised in light of the City's message neutrality and message substitution policies. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a "structure" as defined in this title or the building code, then the 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.

B. Section 23.62.060 is repealed and replaced as follows:

23.62.060 Definitions.

Terms unique to this chapter are listed in Chapter 23.100 (General Definitions).

C. Section 23.62.070 is repealed and replaced as follows:

23.62.070 Permits and entitlements for signs.

The following permits or entitlements shall be required for signs.

A. Sign Permit Required. A Sign Permit shall be required for all permanent signs (building attached or freestanding) prior to erection, relocation, alteration, or replacement of a sign, unless otherwise exempted by this Chapter. The process for application, review, and decision regarding a Sign Permit shall be as established in Section 23.16.020 (Zoning Clearance/Plan Check). A Sign Permit shall not be required for general maintenance of existing signs or the replacement of the sign face (including message) when the area of the sign is not being changed and a building permit is not required (e.g., the replacement of a sign face on a can sign). A Sign Permit is also not required for the establishment of temporary signs; however, such signs shall be consistent with the development standards and time duration limits established in this Chapter.

B. Sign Program Required. In order to provide for the integration of project signage and ensure compatibility with the architecture of related buildings, a uniform sign program (either major or minor) shall be required for all new multi-tenant shopping centers, office parks, and other multi-tenant, mixed use, or otherwise integrated developments of three or more separate tenants/uses that share buildings, public spaces, landscape, and/or parking facilities. There are two types of uniform sign programs: major and minor. Both programs provide a process for the City's review of and decisions related to requests for signs for multi-tenant projects. The intent of the uniform sign programs are to allow for the integration of a project's signs with the design of the structures involved to achieve a unified architectural statement and to approve common sign regulations for multi-tenant projects. The process for application, review, and decision of uniform sign programs is described in Section 23.16.027 (Uniform Sign Program). This section also describes the allowed deviations and the standards for approval of a major uniform sign program.

The differences between the programs are as follows:

1. **Minor Uniform Sign Program.** A minor uniform sign program does not allow for deviations from the signage standards in this title.

2. **Major Uniform Sign Program.** *The intent of the major uniform sign program is to:*

a. Provide a process for the application of sign regulations in ways that will allow creatively designed signs that make a positive visual contribution to the overall image of the City, while mitigating the impacts of large or unusually designed signs; and

b. Allow for the installation of signs larger, taller, and/or more numerous than otherwise permitted by this title.

C. **Variances.** Applications for a variance from the terms of this title shall be reviewed by the Planning Commission according to the variance procedures set forth in EGMC Section 23.26.040.

D. Section 23.62.080 is repealed and replaced as follows:

23.62.080 Procedures.

A. **Method of Application.** An application for a sign permit and uniform sign program (either major or minor) shall be made on the form(s) prescribed by the Planning Department. The application shall be accompanied by any fees as specified by City Council Resolution. The required contents of the application shall be as specified in EGMC Chapter 23.16.

B. **Application Review Procedures and Decisions.** The application and review procedures for sign permits and uniform sign programs shall be as provided in EGMC Chapter 23.14.

C. **Appeals.** Appeal procedures shall be as provided in EGMC Section 23.14.060.

E. Section 23.62.110 is repealed and replaced as follows:

23.62.110 Standards for special category signs.

A. **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:

1. **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.

2. **Maximum Area and Height.** Sign area shall comply with the requirements established by Table 23.62-2 and EGMC 23.62.120, *General development, maintenance, and removal*. Sign area shall be calculated so as to only include the copy area. Said eCopy area shall occupy a maximum of 75 percent of the awning face. No structural elements of an awning or canopy shall be located less than eight feet above the finished grade.

3. **Lighting.** Awnings shall not be illuminated from under the awning (back-lit) so that the awning appears internally illuminated. Lighting directed downwards that does not illuminate the awning is allowed.

4. **Required Maintenance.** Awning and canopy signs shall be regularly cleaned and kept free of dust and visible defects.

5. The style of the awning/canopy shall complement the architectural style of the building to which it is attached. Awnings shall have a simple horizontal valance if located over rectangular or square

window/door openings. Domed or barrel shaped awnings shall be allowed for buildings with arched window/door openings.

B. Blade/Bracket Signs.

1. Location. Blade or bracket signs shall be placed only on ground floor facade, except for businesses located above the ground level with direct exterior pedestrian access.
2. 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.
3. Sign Structure. Sign supports and brackets shall be compatible with the design and scale of the sign.
4. 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.

C. Menu/Order Board Sign.

1. Location. Menu/order board signs shall not face onto the public right-of-way.
2. Illumination. Menu/order board signs shall only be illuminated by internal light source with opaque (nontransparent) background.
3. Maximum Size, Height, and Number. The size, height, and number of menu/order board signs shall be limited as described EGMC 23.62.120, General development, maintenance and removal.

D. Monument Signs.

1. Location. A monument sign may be located only along a site frontage adjoining a public street and not within the clear-vision triangle. It shall be set back a minimum of 10 feet from the right-of-way. See EGMC 23.62.120, General development, maintenance, and removal.
2. Maximum Area and Height. The sign shall comply with the height and area requirements established in Table 23.62-2.
3. 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.
4. 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 EGMC 23.54.050(E), Landscape Corridors.
5. Construction. Monument signs may be constructed with poles as a substructure; provided, that the poles are covered with architectural cladding or coverings so they appear as a solid structure.
6. Materials and design for freestanding signs shall be complementary to the materials and design of the buildings for the related development. For example, if the façade of the building is made of brick or brick veneer, a complementary freestanding sign would also include brick.

E. Readerboard Signs. Readerboard signs are subject to:

1. Readerboards with manually changeable copy are allowed on parcels where the primary use is human assembly with the presentation of changing programs, such as theaters, museums, music concert facilities, churches, etc. The total area for these signs shall be included in maximum allowed sign area as listed in Table 23.62-2.

F. 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:

1. Maximum Area and Height. The sign shall have a maximum area of 10 square feet and shall comply with the height requirements established by Table 23.62-2.

2. 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.

G. Building Signs. Where allowed in Table 23.62-2, a building sign shall comply with the following additional requirements:

1. Location. The sign shall not be placed to obstruct any portion of a window, doorway, transom, or other architectural detail.

2. 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 23.62-2. It shall not take up more than 75 percent of the building frontage on which it is placed.

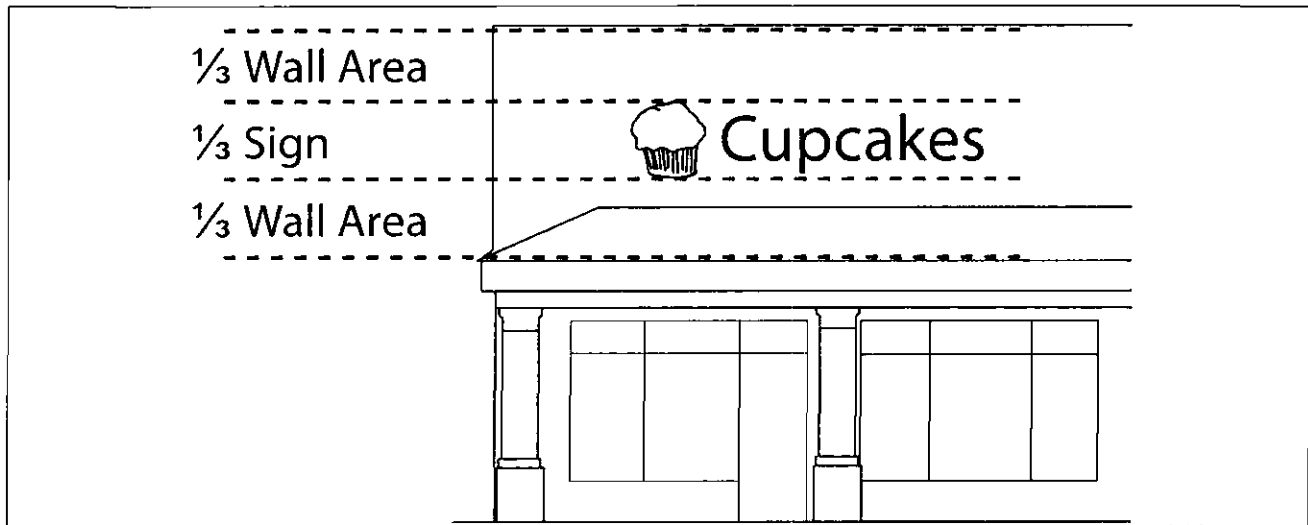
3. Projection from Wall. The sign shall not project from the surface upon which it is attached more than requirements for construction purposes and in no case more than 12 inches. See EGMC 23.62.120, General development, maintenance, and removal, for three-dimensional elements on all signs.

4. Wall signs shall be compatible with the predominant visual architectural elements of the building facade.

5. Wall signs shall be placed to establish facade rhythm, scale, and proportion where such elements are weak. In many existing buildings that have a monolithic or plain facade, signs can establish or continue appropriate design rhythm, scale, and proportion.

6. Wall signs shall utilize a consistent proportion of signage to building scale. Examples include, but are not limited to, 1/3 text to 2/3 wall area or 1/4 text to 3/4 wall area. See Figure 23.62-2b (Text Scale).

Figure 23.62-2b
Text Scale



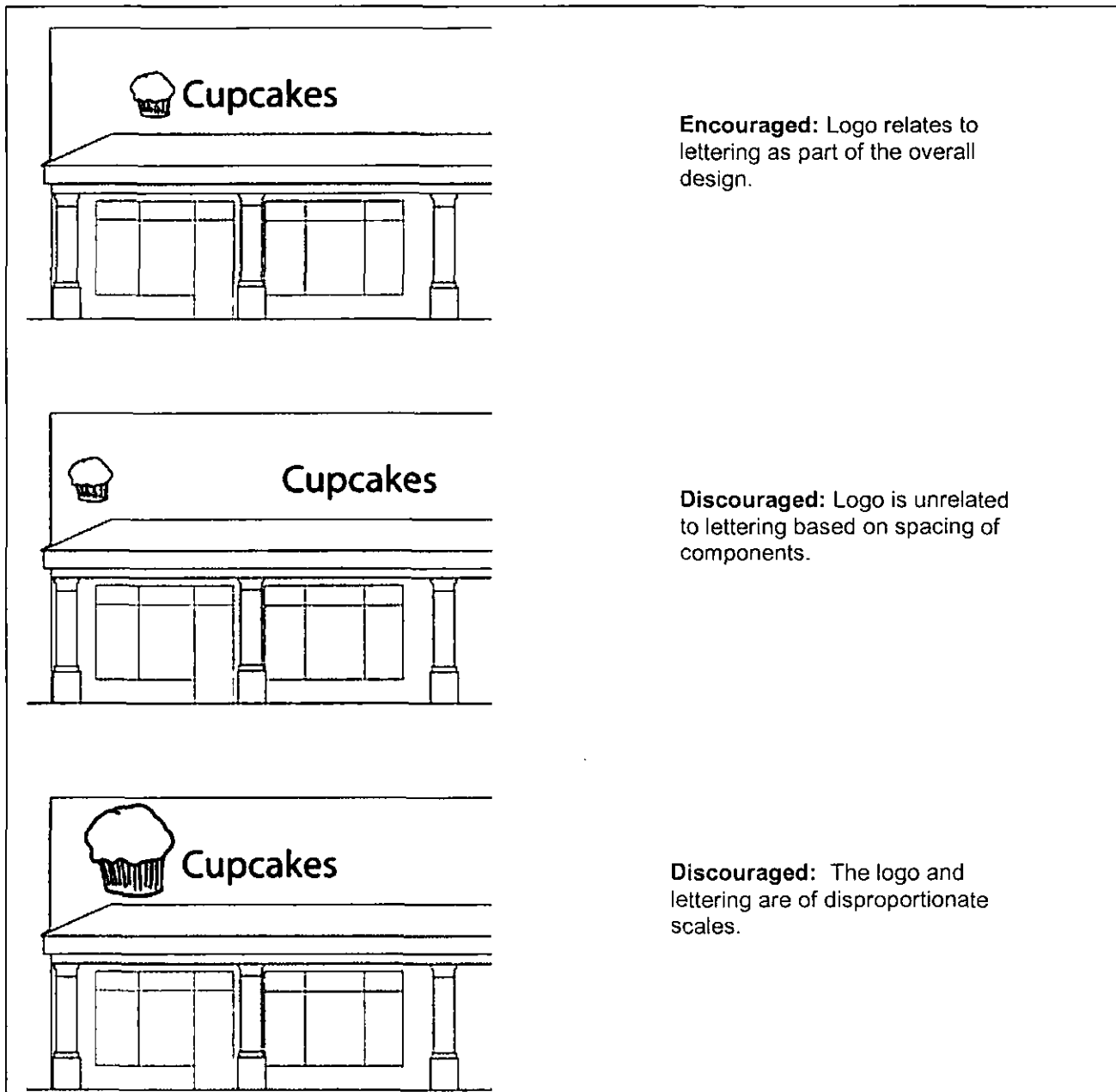
7. Wall sign raceways shall be concealed from public view (e.g., within the building wall or painted to match the exterior color of the building where the sign is located) or otherwise integrated with the design of the sign and building so as to not detract from the architectural character of the building.

8. Direct and indirect lighting methods are allowed for wall signs provided that they are not harsh or unnecessarily bright. Light shall either be directed down or in such a way that it does not cause light trespass or glare onto adjoining properties or public rights-of-way.

9. Can signs are discouraged. Channel letters, reverse channel letters, and push pin letters are preferred.

10. If a tenant's signage on one façade is comprised of multiple elements (e.g. logo and text), the elements shall be located and scaled with relationship to each other. See figure 23.62-2c (Multiple Sign Elements).

Figure 23.62-2c
Multiple Element Signs



F. Section 23.62.120(F) is repealed and replaced as follows:

23.62.120 General development, maintenance, and removal.

...

F. 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 set back a minimum of 10 feet from the public right-of-way with the following

exception:

1. Where the public right-of-way has not been improved to its ultimate width, signs shall be set back 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 title. All encroachment permits for signs may be revoked by the City with 30 days' written notice.

G. Section 23.62.130 is repealed and replaced as follows:

23.62.130 Permitted signs by type and development characteristics.

Signs permitted within the City are regulated by sign and corresponding development type and/or zoning district. The standards for their development are described in Table 23.62-2 below. Zoning Clearance (Administrative Plan Check) is required to determine compliance with applicable provisions of this chapter. Only those signs that may be permitted are listed. The goal of these standards is to regulate permanent signs that have a commercial message so that they comply with the purpose of this chapter, as established in Section 23.62.010 (Purpose and Applicability). Non-commercial signs and signs that are exempt from these standards are described in Section 23.62.090 (Exempt Signs). Temporary signs are listed in section 23.62.140 (Temporary and Special Event Signs). The following general standards apply to permanent signs regulated in this Section:

A. 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));

B. 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));

C. 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.

D. 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.

E. 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 23.62.120 (General Development, Maintenance, and Removal). Where a ratio is described, it applies up to the listed maximum sign area.

F. 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**

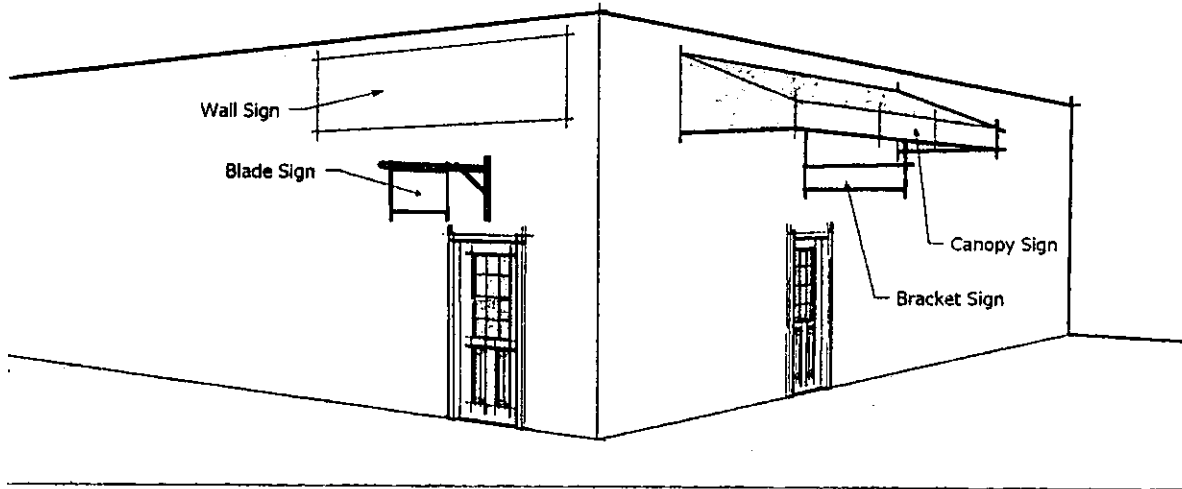
Sign Type	Maximum Number Permitted	Maximum Area	Maximum Height	Minimum Setback from ROW	Illumination Standards	Other Standards (See Notes)
Residential Dwellings/Uses						
1. Building Signs ¹	1/ home	2 sf.	Roofline	-	No Illumination	²
Single Family Subdivisions						
1. Freestanding Signs: Entry Monument	1/ project entrance ³	24 sf. Each ³	6 ft.	10 ft.	Indirect or background	
Multifamily Dwellings and Complexes						
1. Building Signs	1/ complex	6 sf.	Roofline	-	No Illumination	³
2. Freestanding Signs	1/ vehicle entrance	25 sf. each	6 ft.	10 ft.	Indirect or background	³
Agricultural Uses						
1. Building Signs	1/ establishment	20 sf. each	6 ft.	-	No Illumination	
2. Freestanding Signs	1/ establishment	20 sf. each	8 ft.	10 ft.	No Illumination	
Permitted Non-Residential Uses in Agricultural and Residential Zoning Districts						
1. Building Signs	1/ establishment	20 sf.	Roofline	-	No Illumination	²
2. Freestanding Signs	1/ establishment	20 sf.	10 ft.	10 ft.	No Illumination	
Commercial Zoning Districts						
1. Building Signs: Pad Buildings and In-line stores >50k sf.	1/ public frontage	2.5:1 with max 250 sf. total for all signs	Roofline	-	⁴	²
2. Building Signs: In-line stores <50k sf.	1/ public frontage	2:1 with max 200 sf. total for all signs	Roofline	-	⁴	²
3. Freestanding Signs: Individual Establishments	1/project entrance	50 sf.	10 ft.	10 ft.	Indirect or background	
4. Freestanding Signs: Integrated Development	1/project entrance	150 sf. / sign	20 ft.	10 ft.	Indirect or background	

Sign Type	Maximum Number Permitted	Maximum Area	Maximum Height	Minimum Setback from ROW	Illumination Standards	Other Standards (See Notes)
Office and Industrial Zoning Districts						
1. Building Signs	1/ public frontage	1:1 with max 150 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	50 sf. / sign	10 ft.	10 ft.	4	
Permitted Uses in the Open Space Zoning District						
1. Building Signs	1/ establishment	20 sf.	6 ft.	-	No Illumination	
2. Freestanding Signs	1/ establishment	16 sf.	10 ft.	10 ft.	4	

Notes:

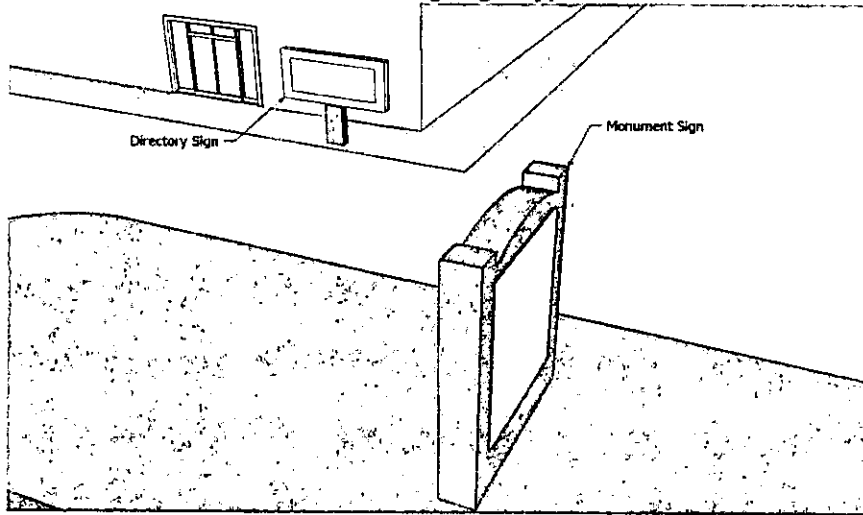
1. Excludes Name Plates as described in Section 23.62.090; See Figure 23.62-6 for illustrations of allowed Building Signs and Figure 23.62-7 for illustrations of allowed Freestanding Signs.
2. Must be attached to the main building on the front of the building.
3. Sign area may be distributed on up to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

**Figure 23.62-6
Permitted Building Sign Types**



Note: See EGMC 23.62.120 and Table 23.62-2 for development standards for these types of signs.

**Figure 23.62-7
Freestanding Sign Types**



Note: See EGMC 23.62.120 and Table 23.62-2 for development standards for these types of signs.

H. Table 23.62-3 is repealed and replaced as follows:

**Table 23.62-3
Temporary Sign Standards**

Use Type	Maximum Temporary Number Permitted	Maximum Area	Maximum Height	Minimum Setback from ROW
Commercial uses, building signs	1/establishment	36 sf. each	Roofline	-
Commercial uses, freestanding signs	1/establishment	6 sf.	5 ft.	10 ft.
Auto dealerships and uses	3/establishment	36 sf. each	10 ft.	10 ft.

within the TC zoning district				
Office and industrial uses	3/establishment	10 sf. each	10 ft.	10 ft.
Permitted uses in the open space zoning district	1/establishment	10 sf.	8 ft.	10 ft.
Noncommercial and public/quasi-public uses	2/use	5 sf. total	5 ft.	10 ft.

I. Section 23.62.140(C)(2)(b) is repealed and replaced as follows:

23.62.140 Temporary and special event signs.

...

b. Weekend Directional Signs. For the interim period of five months from the effective date of this section, subdivisions may display temporary weekend directional signage in accordance with Table 23.62-3 and the standards below.

J. Section 23.62.170 is repealed and replaced as follows:

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 the effective date of this chapter.

Section 30. Amendments to Chapter 23.64 – Yard Measurements and Projections

Elk Grove Municipal Code Chapter 23.64 is amended as follows:

A. Section 23.64.020 is repealed and replaced as follows:

23.64.020 Definitions.

Terms unique to this chapter are listed in Chapter 23.100 (General Definitions).

B. Section 23.64.035 is added as follows:

23.64.035 Lot area measurement.

Unless otherwise specified, lot area shall be calculated using gross rather than net areas.

C. Section 23.64.045 is added as follows:

23.64.045 Light and air easements.

Light and Air Easements are easements intended to keep a certain area free of visually obstructive structures. For purposes of this section, "structures" shall not include the following as defined in this title:

A. Pools and spas;

B. Play equipment (including sports courts);

C. Decks, patios, and other flatwork; and

D. Features that are less than 120 square feet with limited or no enclosure and with substantially open roofs.

Section 31. Amendments to Chapter 23.68 – Accessory Uses

Elk Grove Municipal Code Chapter 23.68 is amended as follows:

A. Section 23.68.030(A)(6) is repealed and replaced as follows:

23.68.030 Accessory uses permitted.

...

6. Private residential recreation facility for use by persons living at or visiting the premises.

B. Section 23.68.040 is repealed in full as follows:

23.68.040 REPEALED.

Section 32. Amendments to Chapter 23.70 – Adult-Oriented Businesses

Elk Grove Municipal Code Chapter 23.70 is amended as follows:

A. Section 23.70.020 is repealed and replaced as follows:

23.70.020 Definitions.

Terms unique to this chapter are listed in Chapter 23.100 (General Definitions).

Section 33. Amendments to Chapter 23.80 – Emergency Shelters and Transitional Housing Facilities

Elk Grove Municipal Code Chapter 23.80 is amended as follows:

A. Section 23.80.020 is repealed and replaced as follows:

23.80.020 Definitions.

Terms unique to this chapter are listed in Chapter 23.100 (General Definitions).

Section 34. Amendments to Chapter 23.82 – Home Occupations

Elk Grove Municipal Code Chapter 23.82 is amended as follows:

A. Section 23.82.020 is repealed and replaced as follows:

23.82.020 Definition.

Terms unique to this chapter are listed in Chapter 23.100 (General Definitions).

B. Section 23.82.040(A)(4) is repealed and replaced as follows:

23.82.040 Development and operational standards.

...

4. Products produced as a function of the home occupation shall not be displayed in any manner that would make them visible from the exterior of the dwelling unit.

C. Section 23.82.040(G) is repealed and replaced as follows:

23.82.040 Development and operational standards.

...

G. 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 Code Enforcement 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.

Section 35. Amendments to Chapter 23.84 – Nonconforming Uses, Buildings, and Structures

Elk Grove Municipal Code Chapter 23.84 is amended as follows:

A. Section 23.84.010 is repealed and replaced as follows:

23.84.010 Purpose and intent.

A. This chapter provides regulations for nonconforming land uses, structures, and parcels that were lawful before the adoption or amendment of this title, but which would be prohibited, regulated, or restricted differently under the current terms of this title or future amendments.

B. It is the intent of this title to discourage the long-term continuance of nonconformities that have the potential to create nuisance or other incompatibility issues, providing for their eventual elimination, while allowing them to exist under the limited conditions outlined in this chapter.

B. Section 23.84.020 is repealed and replaced as follows:

23.84.020 Restrictions on nonconforming uses and structures.

A. 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.

B. Nonconforming Structures. A nonconforming structure may continue to be used as follows:

1. 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.

2. Maintenance and Repair. A nonconforming structure may be maintained and repaired.

3. 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 design review approval.

C. Section 23.84.040(A) is repealed and replaced as follows:

23.84.040 Loss of nonconforming status.

A. Termination by Discontinuance.

1. If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of one year or more, rights to legal nonconforming status shall terminate.

2. 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.

3. 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 title.

D. Section 23.84.050(A)(4) is repealed and replaced as follows:

23.84.050 Nonconforming parcels.

A. Legal Building Site. A nonconforming parcel that does not comply with the applicable area or width requirements of this title 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:

4. Partial Government Acquisition. The parcel was created in compliance with the provisions of this title, 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.

E. Section 23.84.060 is repealed and replaced as follows:

23.84.060 Nonconforming due to lack of use permit.

A. Conformity of Uses Requiring Conditional Use Permits. A use lawfully existing without a conditional use permit that would be required by this title 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.).

B. Previous Conditional Use Permits in Effect. A use that was authorized by a conditional use permit but is not allowed by this title in its current location may continue, but only in compliance with the original conditional use permit.

F. Section 23.84.070 is added as follows:

23.84.070 Extension of legal nonconforming status.

A property owner may apply for, and the City may grant, an extension of nonconforming status established in Section 23.84.040(A)(1) when consistent with the following requirements.

A. Application.

1. Form of Application. Application for extension of legal nonconforming status shall be made to the Planning Department on a form provided by the Department. As part of the application, the applicant shall identify a period of time for which they would like the extension to be made, consistent with section D below.

2. Timing of Application. The application shall be submitted before the expiration of the legal nonconforming status.

3. Proof of Legal Nonconformance. As part of the application, the applicant shall provide proof that the use in question was legally established prior to becoming a legal nonconforming use.

B. Review and Approval Authority.

1. The Planning Director, or designee, shall review the application and prepare a report on the matter for the designated approving authority

2. The Commission shall be the designated approving authority for extensions to the legal nonconforming status.
3. The application shall be heard within 60 days of the date of submittal.
4. Action on the request for extension of the legal nonconforming status shall be by resolution of the designated approving authority.
5. Action by the approving authority may be appealed consistent with the provisions of EGMC Section 23.14.060 (Appeals).

C. Conditions of Approval. In approving an extension of the legal nonconforming status, the designated approving authority may impose reasonable conditions of approval to ensure the public health, safety, and general welfare are maintained.

D. Time Period. The designated approving authority shall establish a maximum time period for the extension of the legal nonconforming status. In no event shall the extension be longer than 24 months. Regardless of the length of the time period approved, the approval shall not be subsequently increased except as provided in section G below.

E. Findings. The designated approving authority, in approving an extension to the legal nonconforming status, shall make all of the following findings:

The subject use was legally established prior to becoming a nonconforming use; and

Continuation of the subject use 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.

F. Making of Application to Stay Loss of Nonconforming Status.

1. The submittal of the application to the Planning Department shall stay the loss of nonconforming status until such time as the application is heard and decided by the designated approving authority.
2. No planning, building, and public works permits, nor business license, shall be issued for the property involving the nonconforming activity until the application for extension of the legal nonconforming use period has been decided.
3. If a request for extension of the legal nonconforming use period is denied, any time remaining as of the date of decision shall be allowed.

G. Effect of Intervening Use. The establishment of a legal nonconforming use under the terms of an extension granted under this section shall not prohibit the applicant from applying for, or the City considering and granting, a subsequent extension of legal nonconforming status at a future date should the intervening use also cease operations. The establishment of a new use shall "reset the clock" on these provisions.

Section 36. Amendments to Chapter 23.86 – Outdoor Sales, Display, Storage, and Seating

Elk Grove Municipal Code Chapter 23.86 is amended as follows:

A. Section 23.86.040(A)(5) is repealed and replaced as follows:

23.86.040 Development and operational standards for permanent outdoor uses.

...

5. Noise. Generally, the use of mechanically produced sound, amplified sound or live music shall be permitted in conformity with the City's noise standards.

B. Sections 23.86.040(D)(5) and 23.86.040(D)(6) are repealed and replaced as follows:

23.86.040 Development and operational standards for permanent outdoor uses.

...

5. Noise. All forms of speaker amplification associated with the outdoor dining shall be permitted in compliance with the City's noise standards.

6. 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 permit.

Section 37. Amendments to Chapter 23.88 – Residential Care Facilities

Elk Grove Municipal Code Chapter 23.88 is amended as follows:

A. Section 23.88.020 is repealed and replaced as follows:

23.88.020 Definitions.

Terms unique to this chapter are listed in Chapter 23.100 (General Definitions).

Section 38. Amendments to Chapter 23.90 – Second Dwelling Units

Elk Grove Municipal Code Chapter 23.90 is amended as follows:

A. Section 23.90.020 is repealed and replaced as follows:

23.90.020 Definitions.

Terms unique to this chapter are listed in Chapter 23.100 (General Definitions).

Section 39. Amendments to Chapter 23.94 – Wireless Communications Facilities

Elk Grove Municipal Code Chapter 23.94 is amended as follows:

A. Section 23.94.010 is repealed and replaced as follows:

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 safety and aesthetic impacts on abutting and nearby properties and the overall community.

B. Section 23.94.020 is repealed and replaced as follows:

23.94.020 Definitions.

Terms unique to this chapter are listed in Chapter 23.100 (General Definitions).

C. Section 23.94.030 is repealed and replaced as follows:

23.94.030 Permit requirements by zoning district.

A. Permit Required. In an attempt to protect scenic, historic, natural, or cultural resources of the City; to assure land use compatibility with properties adjacent to such facilities; to minimize negative visual, noise and aesthetic impacts; and to protect the general safety, welfare, and quality of life of the community, unless exempt from permit requirements pursuant to EGMC 23.94.040, Exemptions, all wireless communication facilities require a conditional use permit pursuant to EGMC 23.16.070, conditional use permit, except for co-location facilities that have been granted a valid conditional use permit from the designated approving authority. Such co-locations shall not increase the height of the tower as previously approved, nor shall they include any new equipment beyond the physical enclosure(s) of the prior approval(s). Additionally, improvements to existing wireless facilities that deviate from the prior conditional use permit approval or result in new visual or noise impacts as determined by the Planning Director shall require amendments to the conditional use permit. Development of the facility may be phased without being required to obtain additional conditional use permit(s) for each antenna or service located on the structure; provided, that the maximum height of the structure(s), the location of the structure(s), and design of the structure(s) are consistent with the approved conditional use permit.

B. Permit Processing. Permits shall be processed in accordance with the applicable provisions of Division II of this title.

C. Conditions. The designated approving authority may impose conditions on wireless communication facility applications to ensure compliance with all provisions and purposes of this chapter.

D. Findings for Approval. The approving authority may approve or conditionally approve a conditional use permit for a wireless communications facility only upon making the following written findings, in addition to the required findings for conditional use permits as provided in Section 23.16.070 (conditional use permit), based on substantial evidence in the record.

1. All of the following findings are required for the approval of a conditional use permit for any wireless communications facility:

a. The establishment or expansion of the facility demonstrates a reasonable attempt by the applicant to minimize stand-alone facilities.

b. All applicable development standards in Section 23.94.050 have been met; or, if the application includes a request for an exception to those standards, then the approving body finds that lack of compliance with the development standards would not create adverse visual, noise, or aesthetic impacts to adjacent property.

2. Findings for the establishment of a wireless communications facility that is not co-located with other existing or proposed facilities or a new freestanding pole or tower (at least one finding required):

a. Co-location is not reasonably feasible;

b. Co-location would have greater adverse effects on views, noise or aesthetics as compared with a stand-alone installation; or

c. Co-location is not permitted by the property owner.

E. 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 Communications Commission emission regulations.

D. Section 23.94.050 is repealed and replaced as follows:

23.94.050 Development standards.

A. General Development Standards. Unless otherwise exempt pursuant to EGMC 23.94.040, Exemptions, the following general development standards shall apply to all wireless communication facilities:

1. 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 and this title, as well as other standards and guidelines adopted by the City.
2. All wireless communications facilities shall be designed, screened and/or camouflaged from the view of surrounding properties and the public view to the greatest extent possible in one or more of the following ways:
 - a. Co-located with existing facilities or structures so as not to create substantial visual, noise, or aesthetic impacts. 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.
 - b. Sited within areas with substantial screening by existing vegetation;
 - c. Designed to appear as natural features found in the immediate area, such as trees or rocks, so as to be unnoticeable (camouflaged facilities); or
 - d. Screened with additional trees and other native or adapted vegetation which shall be planted and maintained around the wireless communications facility, in the vicinity of the project site, and along access roads, where such vegetation is appropriate and deemed necessary to screen the facilities. Such landscaping, including irrigation, shall be installed and maintained by the applicant, as long as the permit is in effect.
3. All wireless communications facilities, including onsite generators, shall be designed, located, and operated to have little to no noise impact on the surrounding area or neighborhood, including interference from adverse noise and aesthetic impacts, and at a minimum shall be subject to the City-adopted noise standards contained in EGMC 6.32 and the General Plan. Failure to comply with the City's adopted noise standard after written notice and opportunity to cure have been given shall be grounds for the City to conduct a revocation hearing regarding the permit granted pursuant to this Section.
4. 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.
5. All 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.

6. At least 10 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.

7. Development Standards for Antennas (Excluding Amateur Radio Antennas). Unless otherwise exempt pursuant to EGMC 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:

a. Maximum Number. One wireless facility per parcel, unless the applicant can demonstrate the service need for additional antenna.

b. Antenna Location. Parabolic antenna and satellite earth stations shall be ground-mounted in residential zoning districts. In all nonresidential zoning districts, the preference is for building-mounted antennas. 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.

c. Height Limit. The height limit for ground-mounted antennas 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 subsection (A)(7)(d) of this section, Screening. Building-mounted antennas 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.

d. Screening. Ground-mounted antennas 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 antennas shall be screened as follows:

i. Wall-mounted equipment shall be flush-mounted and painted or finished to match the building with concealed cables.

ii. Roof-mounted equipment shall be screened from view of public rights-of-way 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.

e. Color. Antennas shall have subdued colors and nonreflective materials which blend with the materials and colors of the surrounding area or building.

B. Development Standards for Amateur Radio Antennas. As part of a minor design review, amateur radio antennas as defined in EGMC 23.100, may exceed the height limit and/or amend the setback provisions of the exempt amateur radio antenna structures (EGMC 23.94.040, 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.

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

1. 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, and 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).

2. 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.

3. Location. Towers shall not be located in any required front or street side yard in any zoning district. The setback distance from any abutting street right-of-way, residential property line, or public trail shall be equal to the height of the facility (tower and related equipment). Otherwise, the minimum setback distance from all other property lines shall be at least equal to 20 percent of the height of the tower. Existing towers may be allowed to increase the height with a maximum addition of 10 feet without requiring the tower to be relocated as part of the conditional use permit approval, provided the overall maximum height of the tower does not exceed the height limit listed in EGMC 23.94.050(C)(4). Only one addition may be permitted per existing tower and towers may only be extended when the facility is being used as part of a co-location facility.

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

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

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

5. Lighting. Towers and related equipment shall be unlit except as provided below:

a. 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 shall be shielded or directed downward to the greatest extent possible to ensure that light shall not spill over onto abutting properties, especially residential zoning districts or uses; and

b. Tower lighting required by FAA regulation.

6. Landscape. Where appropriate, wireless facilities shall be landscaped so as to maintain and enhance the aesthetic quality of the community and generally screen the ground equipment from public view. The perimeter of the facility, as well as any portion of the leasable area directly adjacent to a public right-of-way, a residential use, or a public trail shall be landscaped with trees, foliage, and shrubs. Trees shall be fast-growing evergreen species, 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.

7. Design/Finish. The tower and related equipment shall have subdued colors and nonreflective materials that blend with the colors and materials of surrounding areas.

8. Advertising. The tower and related equipment shall not bear any signs or advertising devices other than certification, warning or other required seals or signs.

9. 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 EGMC, Parking.

E. Section 23.94.060(A) is repealed and replaced as follows:

23.94.060 Operation and maintenance standards.

A. Noise. All wireless communication facilities shall comply with EGMC 23.60.040, Noise standards, at all times. Back-up generators shall only be operated during power outages and for testing and maintenance purposes.

Section 40. Amendments to Chapter 23.98 – Definitions

Elk Grove Municipal Code Chapter 23.98 is amended as follows:

A. Chapter 23.98 is repealed in full.

Section 41. New Chapter 23.100 – General Definitions

Chapter 23.100 is added as follows:

**Chapter 23.100
General Definitions**

23.100.010 Applicability.

The purpose of this chapter is to provide all general definitions of the terms and phrases used in this title 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 titles 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. Definitions are organized alphabetically.

23.100.020 General Definitions

A. "A" Definitions.

1. "Accessory Structure" means a detached structure or building which is subordinate to, and the use of which is subordinate to, and whose use is customarily incidental to, that of the main building, structure, or use on the same or attached/adjacent lot. There are five kinds of accessory structures as follows:

a. "Accessory Building" means a detached structure ten square feet in size or greater. Such structures are broken down into one of the following three categories:

i. Fully Enclosed. Structures that are enclosed with walls for at least 50 percent of the perimeter of the building. These include but are not limited to garages, greenhouses, poolhouses, sunrooms, workshops, storage sheds, barns, windmills, water towers, and other agricultural outbuildings;

ii. Limited/No Enclosure. Structures that are substantially open on all sides (less than 50 percent of the perimeter is enclosed), including:

- With solid roofs. These include but are not limited to carports, solid roofed patio covers and gazebos, and lean-tos and similar agricultural outbuildings with solid roof construction; and

- With substantially open roofs. These include trellis patio covers, arbors, pergolas, and similar structures constructed with a lattice-like roof structure. For purposes of this definition "substantially open" shall mean a minimum of 50 percent of the covered area is open to light and air.

b. "Landscape Feature" means a detached decorative structure that is placed outside of any other structure. Such features are sometimes used in conjunction with plant materials for aesthetic enhancement. This definition includes trellises and vertical lattice structures less than ten square feet in size, statues, fountains/water features, and similar features.

c. "Pool/Spa," as defined in the Uniform Building Code, any structure intended for swimming or recreational bathing that contains water over eighteen (18) inches deep. This includes in-ground, aboveground, and on-ground swimming pools, hot tubs, and spas. Also includes incidental equipment and housing (e.g., pumps, heating equipment, etc).

d. "Deck" means an exterior floor supported by posts, piers, or other independent supports. As an accessory structure, a deck is not supported by an adjacent structure.

e. "Play equipment" means any structure used for recreational purposes including play structures, jungle gyms, and swings, as defined in the California Building Code.

2. "Affordable rent" means 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: 1. "Very low income" means 50 percent of the area median income for Sacramento County, adjusted for household size, multiplied by 30 percent, and 2. "Low income" means 60 percent of the area median income for Sacramento County, adjusted for household size, multiplied by 30 percent, and divided by 12.

3. "Abandoned sign" means any sign which is located on a premises that has been vacated for a period of more than 180 days.

4. "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:

a. The proportion of the business' displays that are distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation of specified sexual activities or specified anatomical areas.

b. 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 of specified sexual activities or specified anatomical areas.

5. "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:

a. 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

b. Instruments, devices, or paraphernalia, except for clothing, which are designed for use in connection with specified sexual activities.

c. The phrase "regular and substantial course of conduct" shall be construed with reference to all relevant factors, including but not limited to the following:

i. 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.

ii. 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.

iii. 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: (i) books, (ii) magazines, (iii) 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, (iv) novelties and devices, and (v) on-premises viewing of images, films, and/or videos.

iv. Gross revenue derived from merchandise in any category set forth in subsection (3)(c) of this definition exceeds 25 percent of the total gross revenue for the category.

v. There is a rebuttable presumption that a business constitutes an adult bookstore, adult novelty store or adult video store where the business (i) offers or advertises merchandise that is distinguished or characterized by an emphasis upon specified sexual activities or specified anatomical areas as set forth in subsection (c)(iii) of this definition and (ii) fails to make revenue and inventory-related business records available to the City upon 24 hours' advance notice.

6. "Adult cabaret" means a nightclub, bar, restaurant, or similar commercial establishment which, as a regular and substantial course of conduct, features:

a. Persons who appear in a state of nudity or semi-nude condition; or

b. Live performances which are distinguished or characterized by an emphasis upon the exposure of specified anatomical areas or by specified sexual activities; or

c. 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.

d. The phrase "regular and substantial course of conduct" shall be construed with reference to all relevant factors, including but not limited to the following:

i. The proportion of the business' performances or services that is distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation of specified sexual activities or specified anatomical areas.

ii. 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 of specified sexual activities or specified anatomical areas.

7. "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. A sign visible from the public right-of-way which advertises the availability of the above-described photographic reproductions; or

b. Offers a sleeping room for rent for a period of time that is less than 10 hours; or

c. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

8. "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.

a. The phrase "regularly shown" shall be construed with reference to all relevant factors, including but not limited to the following:

i. 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.

ii. 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.

iii. 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.

9. "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.

a. The phrase "regular and substantial course of conduct" shall be construed with reference to all relevant factors, including but not limited to the following:

i. The proportion of the business' performances or services that are distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation of specified sexual activities or specified anatomical areas.

ii. 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 of specified sexual activities or specified anatomical areas.

10. "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.

11. "Affordable sales price" means 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.

12. "Ambient noise" means the total of all noise in the environment minus the sound from a source of interest (background noise of an existing condition).

13. "Animated sign" means 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.

14. "Antenna, amateur radio" means 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.

15. "Antenna, building-mounted" means any antenna directly attached or affixed to a building, tank, tower, or other structure. Building-mounted antennas are identified in two distinct categories herein as follows:

a. "Wall-mounted" means attached or affixed to the elevation of the structure.

b. "Roof-mounted" means attached or affixed to the rooftop or top of the structure.

16. "Antenna, directional" (also known as a "panel antenna") means an antenna that transmits and/or receives radio frequency signals in a directional pattern of less than 360 degrees.

17. "Antenna, ground-mounted" means 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.

18. "Antenna, parabolic" (also known as "satellite dish antenna") means 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.

19. "Antenna" means 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.

20. "Area (of a sign)" means the measurable surface area of a sign, calculated as described in EGMC 23.62.120, General development, maintenance, and removal, and Figure 23.62-2.

21. "Awning" means 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.

B. "B" Definitions.

1. "Banner" means 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 definition of flag).*

2. "Billboard" means a sign which meets any one or more of the following criteria: 1. A permanent structure sign which is used for the display of off-site commercial messages; 2. 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; 3. 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 4. An off-site outdoor advertising sign on which space is leased or rented.

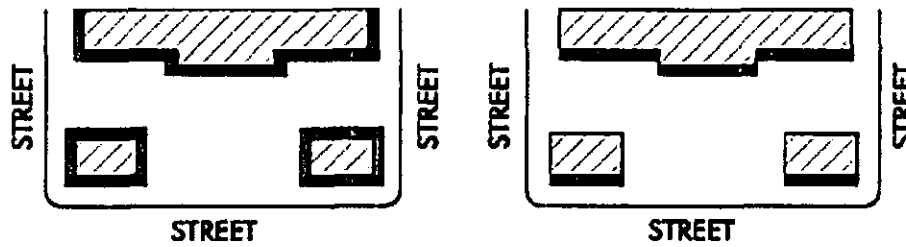
3. "Blade/bracket sign" means a small, pedestrian-oriented sign that projects perpendicular from a structure (bracket sign) or is hung beneath a canopy (blade sign; may also be referred to as an "under-canopy sign").

4. "Buildable area" means the area of a lot that is not the required yard area.

5. "Building" means any structure having a roof, columns, walls, and a foundation.

6. "Building frontage, primary" means 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 (see Figure 23.100-1).

**Figure 23.100-1
Building Frontage vs. Primary Building Frontage**



Building frontage vs. Primary building frontage

7. "Building sign" means a sign placed on a wall, awning, canopy, parapet, or a projecting sign.

C. "C" Definitions.

1. "Canopy sign" means 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.

2. "Changeable copy sign" means 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.

3. "Child care facility" means 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.

4. "City property" means 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 publicly owned or operated, are not within this definition.

5. "City" means the City of Elk Grove, California.

6. "Clear-vision triangle" means the visibility control area as set forth in the City of Elk Grove Improvement Standards and Standard Drawings for sight distance at intersections and driveways.

7. "Co-location" means 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.

8. "Commercial mascot" means a human or live animal used as a commercial advertising or signaling device. Sometimes called "sign twirlers" or "sign clowns."

9. "Commercial message" means any sign wording, logo, or other representation that names or advertises a business, product, service, or other commercial activity.

10. "Community noise equivalent level (CNEL)" means a 24-hour energy equivalent level derived from a variety of single-noise events, with weighting factors of five and 10 dBA applied to the evening (7:00 p.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) periods to allow for

greater sensitivity to noise during these hours.

11. "Confined feeding area" shall mean any livestock feeding, handling, or holding operation or feed yard where animals are concentrated in an area:

a. Which is not normally used for pasture or for growing crops and in which animal wastes may accumulate; and

b. Where the space per animal is less than 600 square feet.

12. "Construction sign" means a temporary sign located on a site where physical construction is occurring or is scheduled to begin in the near future.

13. "Custom home" means a home whose floor plan is only used once in a subdivision.

D. "D" Definitions.

1. "dB" means 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 10 times more intense.

2. "dBA" means the "A-weighted" scale for measuring sound in decibels; adjusts the effects of low and high frequencies in order to simulate human hearing.

3. "Density bonus housing agreement" means a legally binding agreement between a developer and the City of Elk Grove to ensure that the requirements of this chapter are satisfied.

4. "Density bonus units" means those residential units granted pursuant to the provisions of this chapter, which exceed the otherwise maximum residential density for the development site.

5. "Density bonus" means a density increase of at least 20 percent, unless a lesser percentage is elected by the applicant, over the otherwise maximum allowable residential density.

6. "Development agreement" refers to agreements entered into between developers and the City pursuant to Section 65864 et seq. of the Government Code as those sections exist or are hereafter amended or renumbered.

7. "Direct broadcast satellite service (DBS)" means a system in which signals are transmitted directly from a satellite to a small home receiving dish.

8. "Directional sign, on-site" means 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.

9. "Director" means the City's Planning Director or any other person authorized by the City Council to enforce and interpret this chapter.

10. "Directory sign" means a pedestrian-oriented sign that identifies or lists the names and locations of tenants at a multi-tenant site.

11. "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.

12. "Domestic violence shelter" means 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.

13. "Domestic violence victim" means 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.

E. "E" Definitions.

1. "Equivalent financial incentive" means a monetary contribution, based upon a land cost per dwelling unit value, equal to one of the following: 1. A density bonus and an additional incentive(s). 2. A density bonus, where an additional incentive(s) is not requested or is determined to be unnecessary.

2. "Establishment sign" means a sign displayed on an establishment which displays any combination of noncommercial messages and on-site commercial messages.

3. "Establishment" means any nonresidential 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. The term 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.

4. "Exempt sign" means a sign which is not subject to a sign permit.

F. "F" Definitions.

1. "Face change" means 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.

2. "Family" means one or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit.

3. "Fence or wall" or "fence and wall" means a vertical structure used to prevent the passage of people and animals or obstruct views, air, or light. This does not include structures or portions of structures designed to support a roof, awning, or other horizontal structure, such as the wall of a building. Wing walls or other extensions of a building wall that do not support the building shall be included in the definition of a fence for purposes of this Title.

4. "Finished grade" means the final contour of the ground surface of a site that conforms to the approved grading plan.

5. "Flag" means 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.

6. "Flashing sign" means an illuminated sign that exhibits changing light or color effect by blinking or any other such means so as to provide a nonconstant illumination.

7. "Flatwork" shall mean concrete floors, slabs and other flat surfaces, generally made of finished concrete.

8. "Foot-candle" means a unit of illumination produced on a surface, all points of which are one foot from a uniform point of one candle.

9. "Freestanding sign" means 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.

10. "Full shielding" means 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.

11. "Future tenant signs" means signs erected for the purpose of announcing the future occupancy of a new tenant, other than the current resident tenant.

G. "G" Definitions.

1. "Garage, yard, estate, and other home-based sales" means the occasional nonbusiness public sale of secondhand household and other goods incidental to household uses by a person or persons from a residential use.

2. "Gas pricing signs" means signs identifying the brand, types, octane rating, etc., of gasoline for sale, as required by state law.

3. "General advertising" means the business of advertising or promoting other businesses or causes using methods of advertising, in contrast to self-promotion or on-site advertising; also known as "advertising for hire."

4. "Glare" means 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.

5. "Governmental/civic sign" means 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.

H. "H" Definitions.

1. "Home occupation sign" means a sign located at a residence advertising a business or profession legally conducted in the residence.

2. "Homeless person" means 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.

3. "Hours of darkness" means any time from one-half hour before sunset and one-half hour after sunrise.

I. "I" Definitions.

1. "Illuminated sign" means 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.

2. "In-Line Shops" mean a building (see Figure 23.100-3):

- a. Located at the rear of the project site or along a site boundary, with parking between the building and the public right of way; or
- b. With a majority of the tenants in the shopping center when there are no anchor tenants (gross floor area > 50 square feet); or
- c. With the anchor tenant(s) (gross floor area > 50 square feet) and liner tenants in a shared structure.

3. "Incentives" or "concessions" mean regulatory concessions as specified in Subsection 65915(l) of the California Government Code 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.

4. "Incidental sign" means 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.

5. "Integrated development" means a group of five or more adjacent uses or entities planned and developed in a joint manner with undivided or nonsegregated parking facilities shared by them or that are governed by a common business, tenant, homeowners', 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.

J. Reserved for future use.

K. "K" Definitions.

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

L. "L" Definitions.

1. "Landscape wall" means a wall of stone, brick, block, wood, or similar material used to retain soil for purposes of creating a landscape area raised above the finish grade of the lot. A landscape wall does not function as a retaining wall as defined by this Title.

2. Ldn. (See "community noise equivalent level (CNEL)").

3. "Light pollution" means 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.

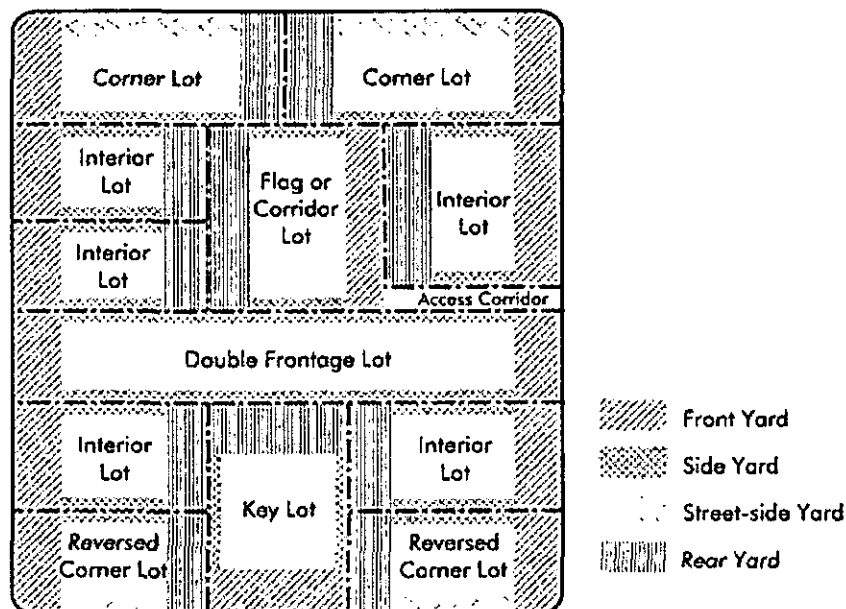
4. "Light trespass" means the shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

5. "Lot" means a legally established parcel of land under one ownership having frontage upon a

street. Lot types are as follows (see Figure 23.100-2):

- a. "Corner lot" means a lot bounded by two or more abutting and intersecting street lines.
- b. "Double frontage lot" means an interior lot bounded by two or more abutting street lines that do not intersect.
- c. "Flag lot" means a lot connected to a street by an access corridor such as an alley, narrow private drive, or access easement.
- d. "Interior lot" means a lot which is not a corner lot and has only one street frontage.
- e. "Key lot" means the first interior lot to the rear of a reversed corner lot.
- f. "Reverse corner lot" means 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).

**Figure 23.100-2
Lot Definitions and Yard Areas**



6. "Lot area" means the total horizontal area (square footage) contained within the boundaries of a lot.

- a. "Gross lot area" means the lot area inclusive of streets and alleys.
- b. "Net lot area" means the lot area exclusive of existing and proposed public and private streets and alleys.

7. "Lot depth" means the horizontal distance between the front and rear property lines measured along a line midway between the side property lines.

8. "Lot frontage" means that portion of a lot that abuts a street right-of-way or other principal means of access thereto.

9. "Lot width" means the horizontal distance between side lot lines, measured at the required front

setback line.

10. "Low income household" means a household 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.

11. "Luminaire" means 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.

M. "M" Definitions.

1. "Master home plan" means a home plan where the plan/home is being used multiple times within a single subdivision. Includes all variants of the same (or mirrored) floor plan where the exterior design has been altered to reflect a different architectural style but the interior floor plans are substantially the same.

2. "Maximum residential density" means the maximum number of residential units permitted by the Elk Grove General Plan land use element and zoning ordinance at the time of application.

3. "Menu/order board sign" means a sign installed in a drive-through facility and oriented so as to be visible primarily by drive-through customers (see EGMC 23.62.110 for standards).

4. "Minimum maintained foot-candles of light" means 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.

5. "Monument sign" means a freestanding sign constructed upon a solid-appearing base or pedestal.

N. "N" Definitions.

1. "Name plate" means a sign attached to a wall that identifies the occupant.

2. "NEIR" means nonionizing electromagnetic radiation (e.g., electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum).

3. "Noncommercial messages" means 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.

4. "Noncommercial sign" means a sign which displays noncommercial speech, e.g., commentary or advocacy on topics of public debate and concern.

5. "Noncommunicative aspects" means those aspects of a sign which are not directly communicative, such as sign height, setback, illumination, spacing, density, etc.

6. "Nonconforming sign" means 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.

7. "Nontaxable merchandise" means projects, commodities, or items the sale of which is not

subject to California State sales tax.

8. "Nude model studio" means any place where a person: (1) appears semi-nude, in a state of nudity, or displays specified anatomical areas; and (2) 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:

a. That has no sign visible from the exterior of the structure and no other advertising that indicates a person in a state of nudity or a semi-nude condition is available for viewing;

b. Where, in order to participate in a class, a student must enroll at least three days in advance of the class; and

c. Where no more than one nude or semi-nude model is on the premises at any one time.

9. "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, except as allowed for the purpose of breast feeding, or the showing of completely or opaquely covered (by fabric) male genitals in a discernibly turgid state.

O. "O" Definitions.

1. "Off-site or off-premises sign" means 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 or on-premises sign"). The off-site/on-site distinction applies only to commercial messages.

2. "On-site or on-premises sign" means 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 "on-site" 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 "on-site" when placed at any location within the area controlled by the program or SPA.

3. "Open view fencing" means fencing that is substantially open to light and air passage such that more than fifty percent of the fence surface area is open. Examples include, but are not limited to, split rail and ornamental tubular steel.

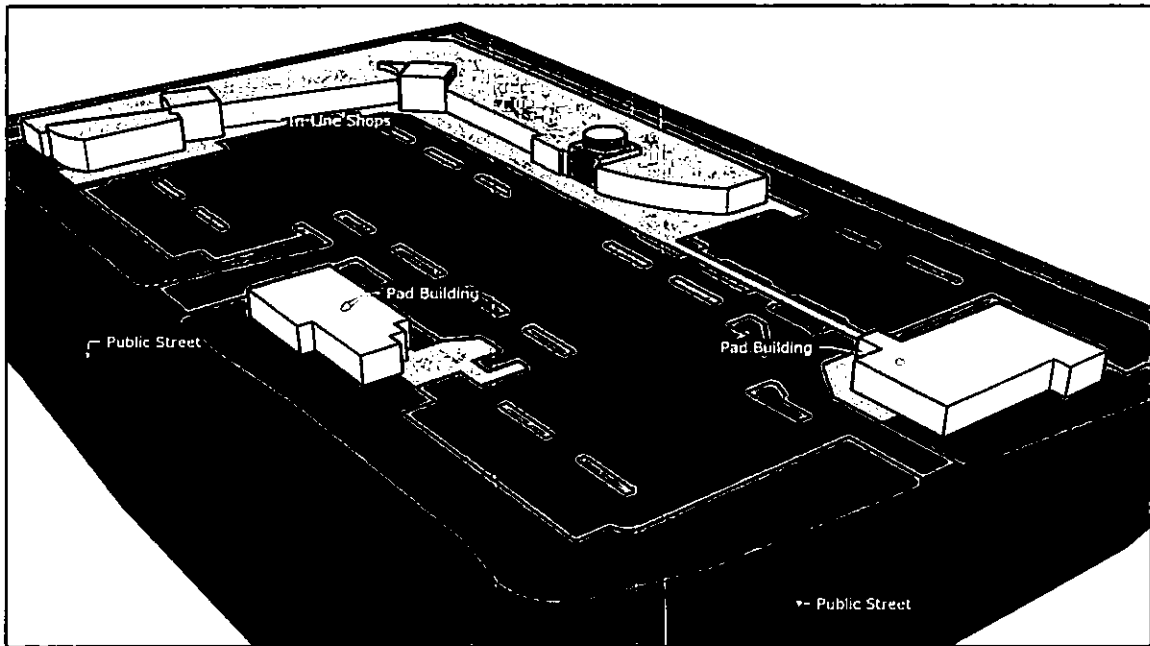
P. "P" Definitions.

1. "Pad Building" means a building with either a single or multiple tenants that is (see Figure 23.100-3):

a. Separated from other buildings by surface parking and/or a public right-of-way on at least two sides without an anchor tenant (gross floor area > 50 sf); or

b. A stand-alone building with a drive-through.

**Figure 23.100-3
Pad Buildings vs. In-Line Shops**



2. "Pending application" means any formal application submitted to the City for a 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.

3. "Pennant" means 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.

4. "Persons and families of moderate income" means 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.

5. "Pole sign" means a freestanding sign supported by one or more metal or wood posts, pipes, or other vertical supports.

6. "Portable sign" means 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 definition of "commercial mascot").

7. "Primary dwelling unit" means an existing single-family residential structure on a single parcel with provisions for living, sleeping, eating, a single kitchen for cooking as defined in Chapter 23.98 EGMC, and sanitation facilities occupied and intended for one household.

8. "Project" means proposed development or a new land use.

9. "Property line, front" means that narrowest property line which abuts a public street (see Figure 23.100-4A). In the case of a flag lot, it shall be property line that abuts the access corridor (see Figure 23.100-4B). In the case of lots along cul-de-sacs, elbows, or other similar roadways where

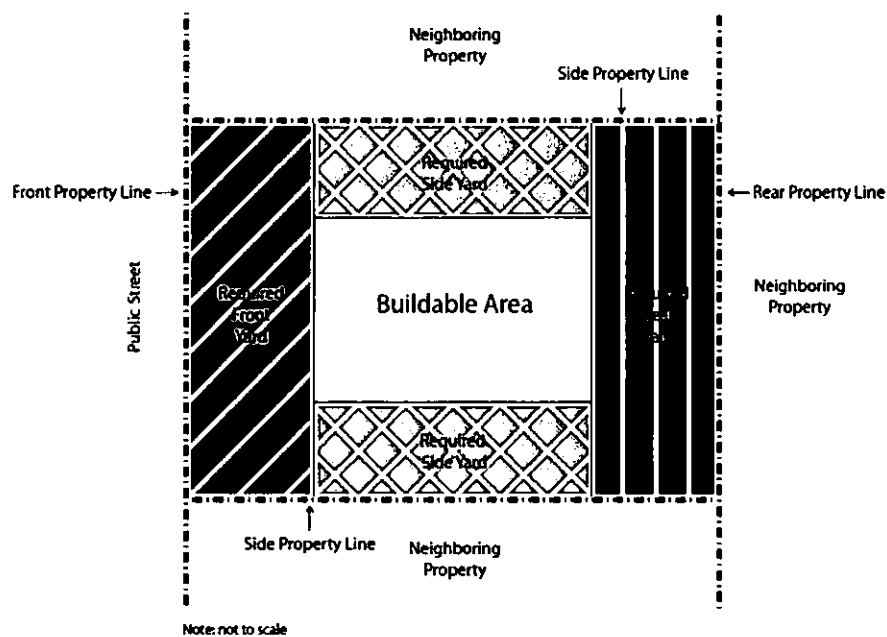
the property does not comply with the minimum frontage requirements of this Title, the front property line for purposes of determining setbacks shall be measured from an imaginary line drawn parallel to the property line along the street and with a minimum length equal to the minimum frontage (see Figure 23.100-4C).

10. "Property line, rear" means the property line which is opposite and most distant from the front property line and most parallel to the front property line. See Figures 23.100-4A, 4B, and 4C for an example of a common rear property line and see Figure 23.100-4D for an example of a rear property line on an irregular shaped lot where the rear property line is not exactly parallel to the front property line. In the case of lots where the side property lines converge to a point, the rear property line for purposes of determining rear setbacks shall be measured from an imaginary line drawn parallel to the front property line and with a minimum length of 10 feet. See Figure 23.100-4E for an example.

11. "Property line, side" means those property lines that are not the front or rear property lines.

12. "Property line, street site" means a side property line that abuts a public street.

Figure 23.100-4A
Property Lines - Interior and Corner Lots



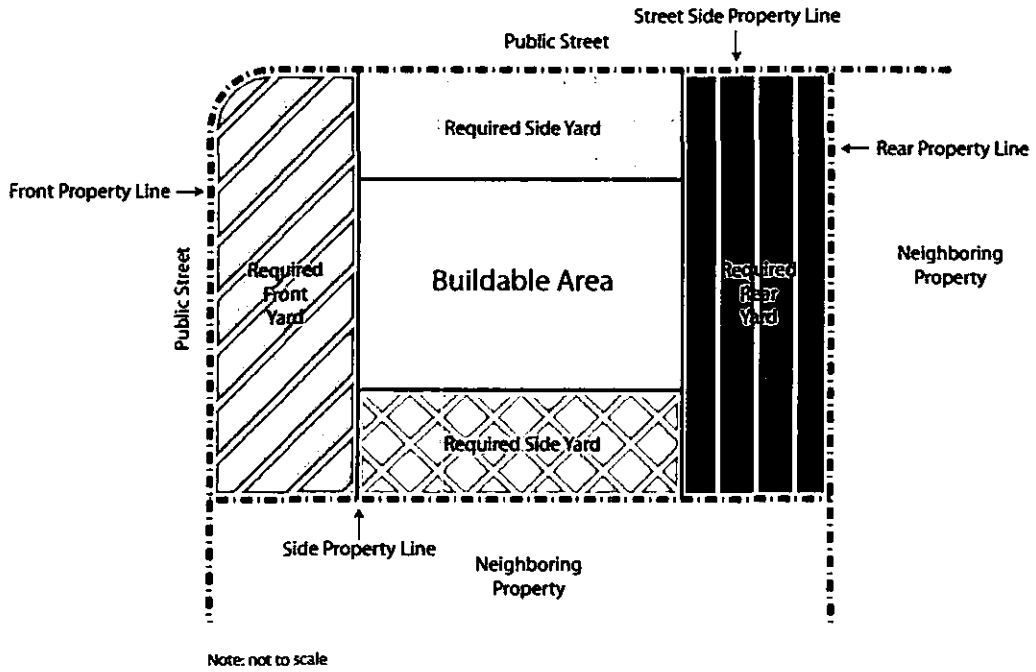


Figure 23.100-4B
Property Lines – Flag Lots

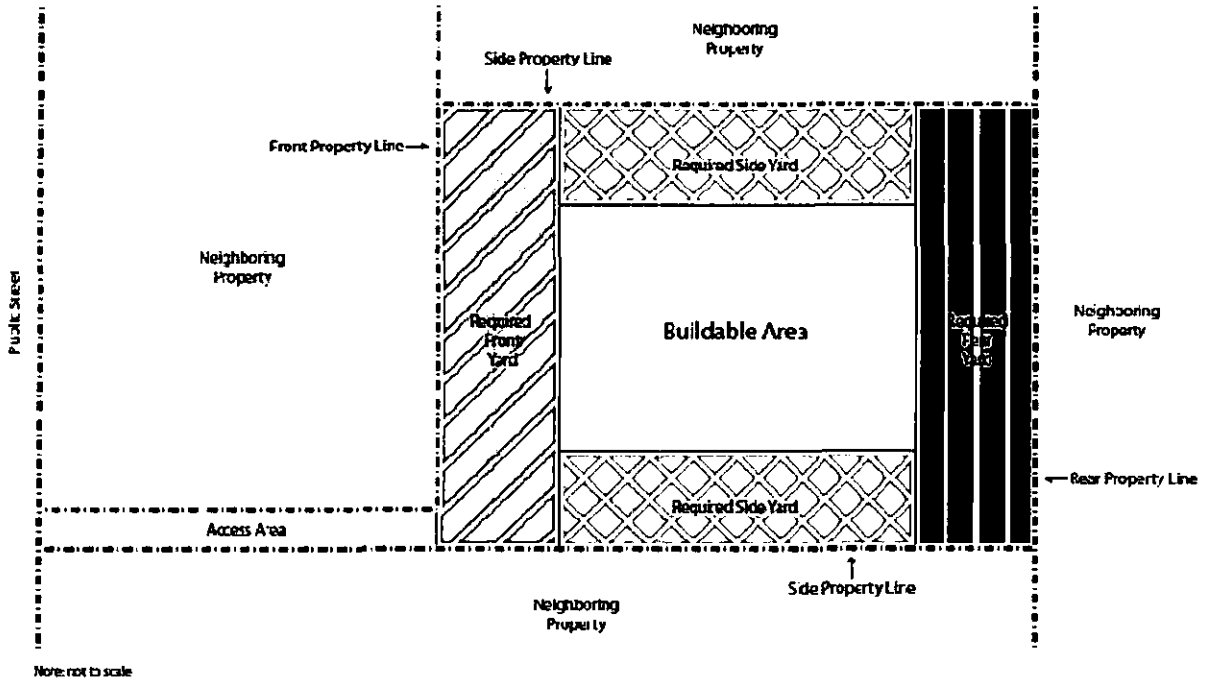


Figure 23.100-4C
Property Lines (lots along cul-de-sacs, elbows, or other similar roadways)

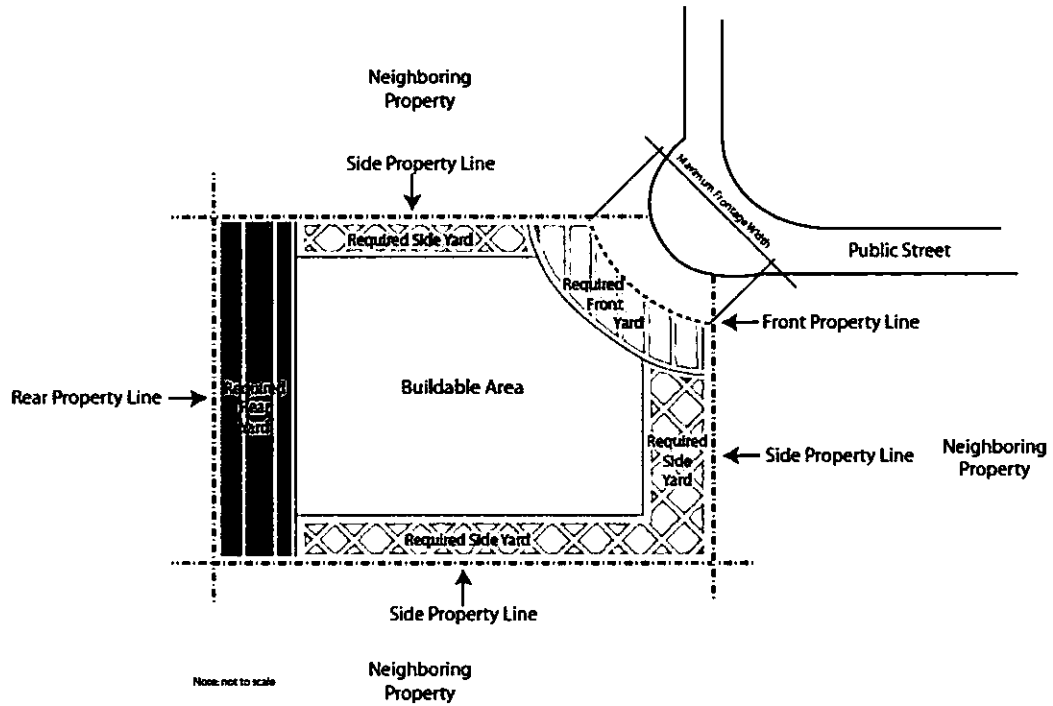


Figure 23.100-4D
Property Lines - Irregular Lots

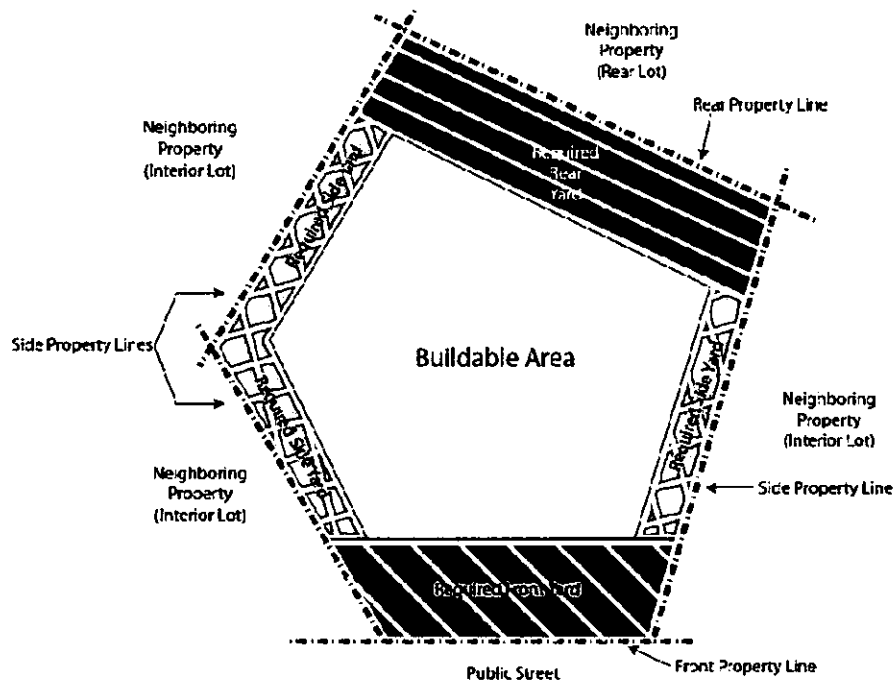
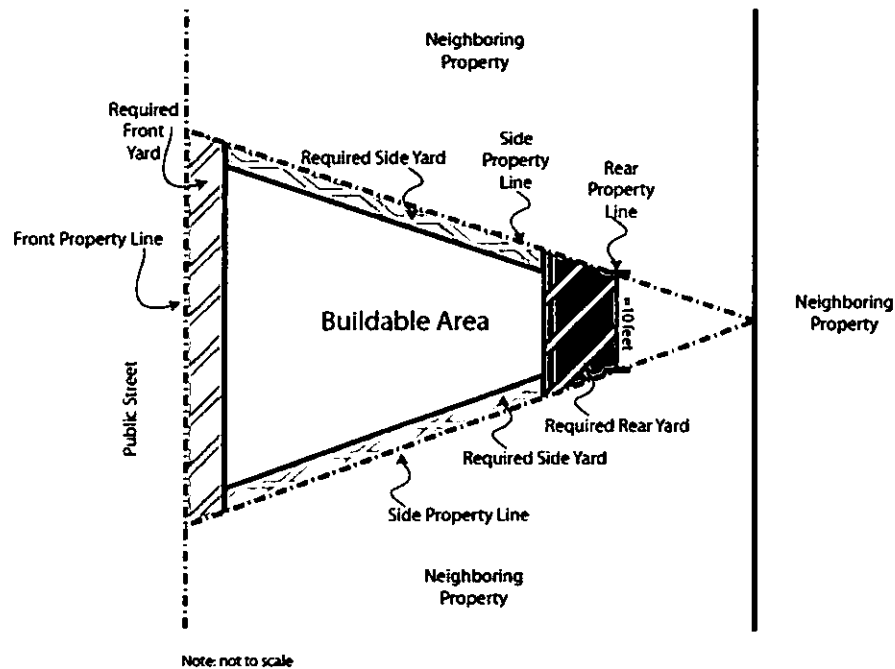


Figure 23.100-4E

Property Lines - Converging Lot Lines



13. "Private residential recreation facility" means a privately-owned, non-commercial outdoor recreation facility which does not require dues or payment for admission, such as a soccer field, softball or baseball field, tennis court, or basketball court, accessory to the primary residential use of the property.

14. "Public nuisance" means anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway. A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Q. Reserved for future use.

R. "R" Definitions.

1. "Readerboard sign" means a sign on which copy is changed manually in the field or electronically, including but not limited to theater marquee signs, business directories, church and museum signs, and gas price signs.

2. "Real estate sign" means 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.

3. "Recreational vehicle (RV)" means any motor home, travel trailer, truck camper, camper trailer, boat, all terrain vehicle (ATV), personal watercraft, or similar vehicle.

4. "Related equipment" in the context of wireless facilities means 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.

5. "Retaining wall" means a wall constructed as part of the development of the site through the issuance of a grading permit or as part of a roadway improvement project that is designed and engineered to retain soil for purposes of soil stabilization.

6. "Right-of-way line" means the dividing line between a street (including curb, gutter, sidewalk, and other associated infrastructure) and the abutting property.

7. "Roof sign" means a sign installed on a roof or projecting above the eave of a building or mounted on an arcade or parapet.

8. "Roofline" means the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

S. "S" Definitions.

1. "Sales floor area" means all interior building space including, but not limited to, storage space, automobile service areas, or open-air garden sales space.

2. "Satellite earth station" means a facility consisting of more than a single satellite dish or parabolic antenna that transmits to and/or receives signals from an orbiting satellite.

3. "Second dwelling unit" means an attached or detached dwelling unit, sited on the same parcel as the primary dwelling unit, which provides complete independent living facilities for one or more persons, with permanent provisions for living, sleeping, eating, sanitation, and includes a single kitchen as defined in Chapter 23.98 EGMC. This definition shall also include:

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

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

4. "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.

5. "Senior citizen housing development" means a residential development developed, substantially rehabilitated, or substantially renovated for senior citizens that has at least 35 dwelling units and complies with the requirements of Section 51.3 of the California Civil Code.

6. "Setback" means 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 Division III, Zoning Districts, Allowable Land Uses, and Development Standards, of this title. See Figure 23.64-3.

7. "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.

8. "Sexually oriented business" means an adult-oriented business.

9. "Shielding" means 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.

10. "Sign" means 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:

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

b. Fireworks, Etc. The legal use of fireworks, candles and artificial lighting not otherwise regulated by this chapter;

c. 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;

d. Gravestones and grave markers;

e. 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;

f. 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;

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

h. Newsracks and newsstands;

i. 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.

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

k. Shopping carts, golf carts, and horse-drawn carriages;

l. Symbols Embedded in Architecture. Symbols of noncommercial 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;

m. Vehicle and Vessel Insignia. On street-legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, noncommercial 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;

n. Vending machines which do not display off-site commercial messages or general advertising messages.

11. "Specified anatomical areas" means and includes the following:

- a. Less than completely and opaquely covered by fabric: (a) human genitals or pubic region; (b) human buttocks; (c) human anus; or (d) the female breast below a point immediately above the top of the areola;
- b. Human male genitals in a discernibly turgid state, even if completely or opaquely covered by fabric; and
- c. Any device, costume, or covering that simulates any of the body parts included in subsection (1)(a) or (b) of this definition.

12. "Specified sexual activities" means and includes any of the following, whether performed directly or indirectly through clothing or other covering:

- a. The fondling or other erotic touching of human genitals, pubic area, buttocks, anus, or female breast;
- b. Sex acts, actual or simulated, including, but not limited to, intercourse, oral copulation, or sodomy;
- c. Masturbation, actual or simulated;
- d. Excretory functions as part of or in connection with any of the other activities described in subsections (1) and (2) of this definition.

13. "Structure" means 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*.

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

T. "T" Definitions

1. "Target unit" means 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.

2. "Temporary real estate" means 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.

3. "Temporary sign" means 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 EGMC 23.62.050(B), Regulatory Interpretations.

4. "Temporary sign" means 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.

5. "Time/temperature sign" means an electronic or mechanical device that shows time and/or temperature but contains no business identification or advertising.

6. "Tower" means 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 antennas, dishes, arrays, or other associated equipment.

7. "Traditional public forum" means 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.

U. "U" Definitions.

1. "Under-Canopy Sign." See "blade/bracket sign."

V. "V" Definitions.

1. "Vehicle sign" means 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.

2. "Very low income household" means a household 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.

W. "W" Definitions

1. "Wall sign" means 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 by which it is supported.

2. "Window sign" means a sign attached to, suspended behind, placed, or painted upon the window or glass door of a building and 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.

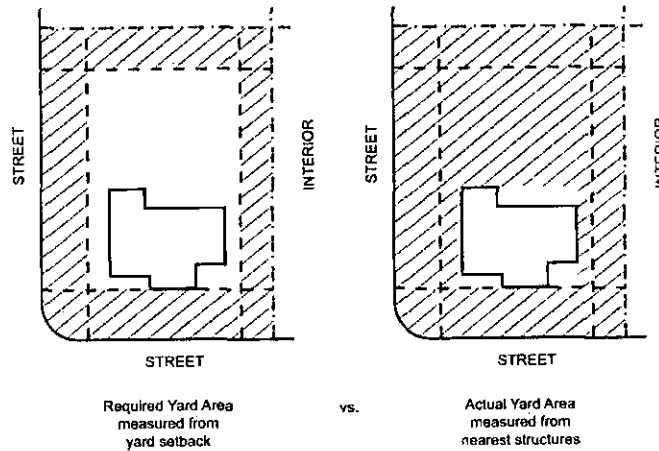
X. Reserved for future use.

Y. "Y" Definitions.

1. "Yard (area), required" means 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 23.100.5.

2. "Yard (area), actual" means the horizontal area between a property line and a parallel line along the nearest structure located outside of the required setback area. See Figure 23.100.5.

**Figure 23.100.5
Required vs. Actual Yard Area**



Z. Reserved for future use.

Section 42: 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 43: 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 44: Savings Clause

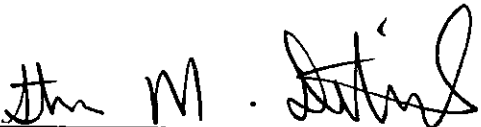
The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been

repealed or altered.

Section 45: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

ORDINANCE: **8-2011**
INTRODUCED: April 27, 2011
ADOPTED: May 25, 2011
EFFECTIVE: June 24, 2011



STEVEN M. DETRICK, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

Date signed: May 31, 2011

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 8-2011**

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

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on April 27, 2011 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 25, 2011 by the following vote:


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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*

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



Jason Lindgren, City Clerk
City of Elk Grove, California