

ORDINANCE NO. 22-2014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING TITLE 23 OF THE CITY'S MUNICIPAL CODE RELATIVE TO THE RURAL COMMERCIAL COMBINING ZONE

WHEREAS, the proposed action includes amendments to Title 23 of the Elk Grove Municipal Code; and

WHEREAS, the City Council directed public outreach to business owners and community members in the Sheldon Commercial area to determine whether the existing zoning restrictions in the Rural Commercial Combining District are still appropriate; and

WHEREAS, the staff conducted interviews with individual business and property owners in November 2013 and an open house with the community in January 2014; and

WHEREAS, the outreach results were mixed with some businesses asking for minor changes and members of the community wanting to maintain existing zoning restrictions; and

WHEREAS, the staff proposed adding language to the Rural Commercial Combining District regarding the intent to preserve the rural character of the area and include minor changes to the maximum building size, drive through use restrictions; and

WHEREAS, the Planning Commission held a duly noticed public hearing on July 17, 2014 as required by law to consider all of the information presented by staff and public testimony presented in writing and at the meeting; and

WHEREAS, the City Council held a duly noticed public hearing on August 27, 2014 as required by law to consider all of the information presented by staff and public testimony presented in writing and at the meeting.

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

Section 1: Purpose

The purpose of the amendments to the Rural Commercial Combining Zone is to increase opportunities for non-residential development in the Sheldon Commercial area while maintaining the rural character of the area. Specifically, zoning amendments add purpose language, allow for consideration of limited drive through uses where specific conditions are met, and increase maximum building size.

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, Chapter 3 (State CEQA Guidelines).

Evidence: The approval of these amendments does not approve any development project. The proposed changes to Title 23 clarify the intent to preserve the rural character of the Sheldon Commercial area and modify a few special use restrictions and development standards applicable to the Rural Commercial Combining Zone. These amendments are consistent with the General Plan and subsequent development is subject to discretionary design review and/or use permit.

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 of the Municipal Code are consistent with the General Plan goals, policies, and implementation programs.

Evidence: The proposed text amendments to Title 23 of the Municipal Code are consistent with the General Plan as they do not alter the allowed intensity or density of development beyond that contemplated in the General Plan. The changes clarify the district intent, allowed use regulations, and development standards for the Rural Commercial Combining District.

Section 3: Action

Section 23.42.060 of the Elk Grove Municipal Code is amended as provided in Exhibit A, incorporated herein by this reference.

Section 4: No Mandatory Duty of Care.

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

Section 5: Severability.

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


Section 6: Savings Clause

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

Section 7: 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: 22-2014
INTRODUCED: August 27, 2014
ADOPTED: September 10, 2014
EFFECTIVE: October 10, 2014




GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: September 24, 2014

EXHIBIT A

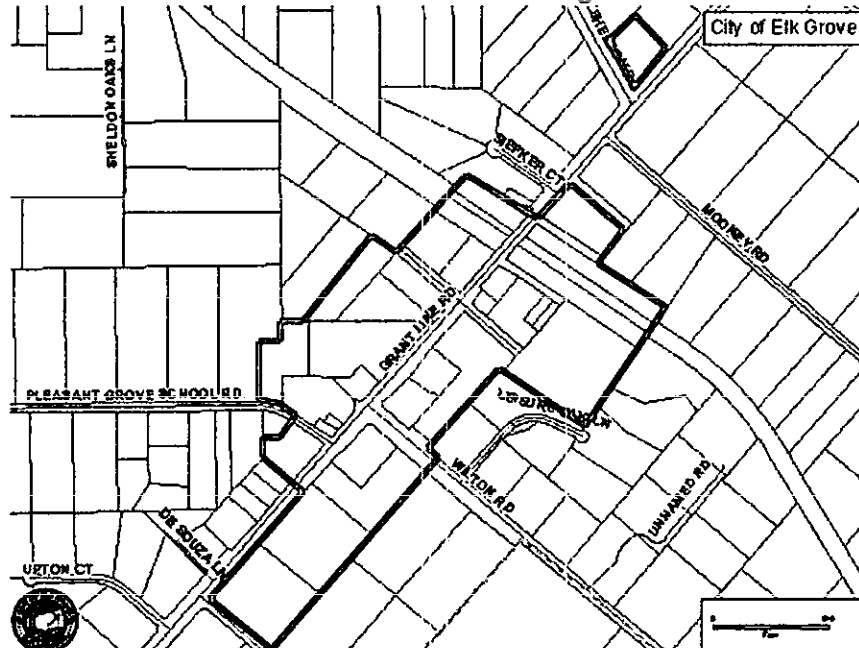
Section 23.42.060 shall be amended consistent with prior City Council direction:

23.42.060 Rural commercial combining zone (RUC).

A. Purpose and Intent. The purpose of the rural commercial (RUC) combining zone is to preserve and maintain the rural character of the City's rural commercial area by establishing unique allowed use and development standards applicable for those areas of the City with the RUC combining zone designation. This combining zone is intended to allow a full range of businesses and services that support surrounding agricultural and agricultural-residential uses and to maintain patterns in keeping with the historical context of the area.

B. Applicability. The rural commercial (RUC) combining zone as shown on the City's zoning map includes all parcels generally located at or near the intersection of Grant Line Road and Wilton Roads that are zoned as either general commercial (GC), limited commercial (LC), or industrial (LI), as well as all parcels at or near that intersection that have a General Plan designation of commercial or light industry, as illustrated in Figure 23.42-1. The (RUC) appearing after a zone abbreviation on the City's adopted zoning maps indicates that the property so classified is subject to the provisions of this section in addition to those of the underlying zone.

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



C. Definitions.

1. "Rural residential area" means that area east of Elk Grove-Florin Road that is designated rural residential on the City's General Plan land use map, adopted on November 19, 2003.

D. Allowed Uses. In addition to the allowed land uses of the underlying zoning district, the following agricultural uses are allowed by right in compliance with the maximum building footprint. Agricultural structures between fifteen thousand one (15,001 ft²) and twenty thousand (20,000 ft²) square feet may be allowed subject to approval of a conditional use permit.

1. All uses defined as "agricultural" in Table 23.27-1, Allowed Uses and Permit Requirements for Agricultural and Agriculture Residential Zoning Districts;
2. Animal hospital and veterinary office;
3. Farm equipment – rental and incidental storage;
4. Hay, seed and grain store;
5. Nursery or greenhouse.

E. Maximum Building Footprint. The maximum gross square footage of any single structure in the RUC combining zone shall not exceed the limitations listed below. The intent is to limit the 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.

1. Generally. Except as provided below, no single structure shall exceed a gross square footage of fifteen thousand (15,000 ft²) square feet.
2. Neighborhood Market. Any structure that contains a neighborhood market, as defined in EGMC Section 23.26.050 (description of land use classifications) may have a gross square footage not to exceed twenty-five thousand (25,000 ft²) square feet, regardless of whether the structure includes one or multiple tenants.
3. Agricultural Structures. Agricultural structures, including large-animal veterinary clinics, may have a gross square footage not to exceed twenty thousand (20,000 ft²) square feet upon approval of a conditional use permit by the designated approving authority.

F. Drive-Through Uses.

1. **Uses Restricted.** Drive-Through Uses in the RUC combining zone shall be limited to the following:
 - a. Services uses, including, but not limited to, banks/ATMs/financial institutions, pharmacies, and dry cleaning.
 - b. Restaurants, upon approval of a conditional use permit, where fifty-one (51%) percent or more of the sales (receipts) are beverages.
2. **Development Standards.** All allowed drive-through uses in the RUC combining zone shall comply with the standards listed in EGMC Chapter 23.78 (drive-in and drive-through facility) and with the following additional standards:
 - a. **Hours of operation.** Hours of operation for the drive-up/drive-through service shall be limited from 7:00 a.m. to 10:00 p.m. daily.
 - b. **Noise.** Any drive-through speaker system shall be located and operated in a manner such that the speaker system is not audible above daytime ambient noise levels at adjoining residential property lines..
 - c. **Orientation.** Drive-through window(s) shall be designed and oriented to minimize visual, noise, traffic, and air quality impacts on the adjoining residential properties.

G. Design Review. New development and qualifying modifications/expansions to existing development is subject to the supplemental design guidelines for the Old Town Sheldon Area adopted by City Council resolution.

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 22-2014**

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 August 27, 2014 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 10, 2014 by the following vote:

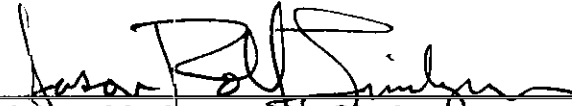
AYES : **COUNCILMEMBERS:** ***Davis, Cooper, Detrick, Hume, Trigg***

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**