

ORDINANCE NO. 23-2014

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

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

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

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

Section 1: Purpose

The purpose of this Ordinance is to amend various sections of Title 23 of the Elk Grove Municipal Code to implement the goals, policies, and action items of the General Plan. Additionally, the proposed amendments clarify various development standards and permitting procedures 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, Chapter 3 (State CEQA Guidelines).

Evidence: The approval of these amendments does not approve any development project. The proposed changes to Title 23 modify and 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 density bonus, fences and walls, parking, signs, and care facilities, and home occupations. The proposed rezonings are being completed for consistency with the General Plan land use map and no specific development is being proposed. Subsequent development is subject to discretionary design review and/or use permit.

The changes to the Citywide Design Guidelines provide flexibility for future development applications but do not alter the specific design requirements and provisions required for new development.

Finally, the proposed General Plan amendments correct the zoning consistency table based upon prior Zoning Code edits, and include re-titling two districts and eliminating one district. One amendment adds a specific reference to a zone consistent with an existing footnote. The proposed General Plan Map Amendments (1) reflect encumbrances for preservation easements, and (2) provide a consistent General Plan designation across an existing integrated development, providing for uniform development regulations.

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 permit requirements, allowed use regulations, and development standards for various uses and activities.

Section 3: Action – Title 23

Title 23 of the Elk Grove Municipal Code is hereby amended as provided in Exhibit A, incorporated herein by this reference.

Section 4: Action – Rezonings

The Zoning Map of the City of Elk Grove is hereby amended as provided in Exhibit B, incorporated herein by this reference.

Section 5: 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 6: 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 7: 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 8: 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).

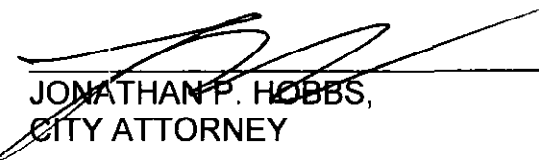
ORDINANCE: 23-2014
INTRODUCED: August 27, 2014
ADOPTED: September 10, 2014
EFFECTIVE: October 10, 2014



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

Title 23. Zoning

DIVISION I. Zoning Code Enactment and Applicability

Section 23.04.060 shall be amended to clarify the effect of Zoning Code amendments on pending applications.

23.04.060 Effect of Zoning Code changes on pending applications.

The enactment of this title or amendments to its requirements may have the effect of imposing different standards on new land uses, development, and/or structures than those that applied to existing land uses, development, and/or structures. Following the effective date of this title, or any amendments to this title, the following provisions shall apply:

- A. Pending applications. All land use permit applications that are pending before the City shall be processed according to the regulations in effect when the application was first heard before the designated approving authority. If final action on the application is delayed for more than sixty (60) days from the date of the first hearing by the designated approving authority, the application shall be considered based upon the regulations in effect at the subsequent hearing.
- B. Approved projects not yet under construction. Any structure authorized by a conditional use permit, design review, variance, or other quasi-judicial permit or action for which construction has not begun as of the effective date of this title or any amendment, may still be constructed in compliance with the approved permit, as long as construction is completed and the approved land use is established before the expiration of the permit or, where applicable, before the expiration of any approved time extension (see section 23.18.030, exercising permits).
- C. Projects under construction. A structure that is under construction pursuant to a building permit as of the effective date of this title or any amendment, may be completed and need not be changed to satisfy any new or different requirements of this title so long as construction is beyond the approval of the first building inspection on the effective date of this title or any amendment. Such a structure shall be deemed to be a lawfully existing building.

Section 23.04.110 shall be added to relocate existing provisions from section 23.24.040.

23.04.110 Conformance with zoning regulations.

Except as otherwise provided in Chapter 23.84 (Nonconforming Uses, Buildings, and Structures) of this title:

- A. No building or structure shall be used or designated for any purpose or in any manner other than is permitted in the zoning district in which such building, land or premises is located.

- B. No building shall be erected, reconstructed or structurally altered to exceed in height the limit designated in this title for the zoning district in which such building is located.
- C. No building shall be erected, nor shall any existing building be altered, enlarged or rebuilt, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area, and building location regulations designated in this title for the zoning district in which such building or open space is located.
- D. No yard or other open space abutting any building and provided for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building on any other building site.

Division II. Administration and Permit Procedures

Section 23.10.030 shall be amended to include reference to community plans.

23.10.030 Responsibilities of the City Council.

The City Council shall have the following land use responsibilities:

- A. Approve appointment of members of the Planning Commission by the Mayor.
- B. Hear and decide appeals of the decisions of the Planning Commission.
- C. Hear and decide applications for zoning amendments, General Plan and amendments thereto, community plans, specific plans, special planning areas, rezoning, and development agreements. In the event that applications for other land use permits are requested in conjunction with these entitlements, the City Council shall also be the final decision-making body for the other land use permits.
- D. Direct planning-related policy amendments and special studies as necessary or desired.
- E. Exercise such other powers and duties as are prescribed by State law or local ordinance.

Section 23.14.040.C, Notice of Hearing, shall be amended as follows:

C. Notice of Hearing. Pursuant to Section 65091 of the California Government Code, not less than ten (10) days before the scheduled date of a hearing, public notice shall be given of such hearing in the manner listed below. The notice shall state the date, time, and place of hearing, identify the hearing body, a general explanation of the matter to be considered, and a general description of the real property (text or diagram), if any, which is the subject of the hearing.

1. Notice of the public hearing shall be published in at least one (1) newspaper of general circulation in the City.

2. Except as otherwise provided herein, notice of the public hearing shall be mailed, postage prepaid, to the owners and tenants of property within a radius of five hundred (500' 0") feet of the exterior boundaries of the property involved in the application, using for this purpose that last known name and address of such owners as shown upon the current tax assessor's records. Exceptions to this mailing requirement are as follows:

a. For all properties designated as "rural residential," "estate residential," or "Elk Grove Triangle" on the City's General Plan land use policy map, notices shall be mailed to owners of property and residents/occupants, as applicable, within one thousand (1,000' 0") feet of the boundary of the property that is the subject of the application.

b. For drive-through uses in the rural commercial combining zone (RUC), notices shall be mailed to owners of property and residents/occupants, as applicable, within two thousand (2,000' 0") feet of the boundary of the property that is the subject of the application.

c. For regional projects, notices shall be mailed to owners of property and residents/occupants, as applicable, within two thousand (2,000' 0") feet of the boundary of the property that is the subject of the application. A regional project shall include a new specific plan, a new special planning area, any project for which an Environmental Impact Report is required pursuant to the California Environmental Quality Act, or any other project determined by the Planning Director to be a regional project.

d. For properties within all zoning districts, a minimum of thirty (30) parcels shall be notified. If this minimum standard is not met, the notification distance shall be increased in one hundred (100' 0") foot intervals until the standard is achieved.

e. The president or chairperson of all neighborhood associations or community groups in the City's neighborhood association index which have boundaries that overlap any of the noticing radius defined above shall also receive a notice of all public hearings to the extent that address of such associations or groups are on file with the Planning Department. Mailings to such organizations shall not be counted toward the thirty (30) parcel minimum defined above.

3. Notice of the public hearing shall be mailed, postage prepaid, to the owner of the subject real property or the owner's authorized agent, and to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the proposed project.

Section 23.14.050 shall be amended to include as follows:

23.14.050 Approving authority.

A. Approving Authority. The approving authority for each of the City's permits or decisions is listed in Table 23.14-1. Table 23.14-1 identifies both recommending and final approving authorities for each permit or action, and the corresponding section of this title where the permit or decision is described. When a proposed project requires more than one (1) permit with more than one (1) approving authority, all project permits shall be processed concurrently and final action shall be taken by the highest-level designated approving authority for all requested permits. In acting on a permit, the approving authority shall make the applicable findings as established in EGMC Chapter 23.16, Permit Requirements, and as may be required by other laws and regulations. An action of the designated approving authority may be appealed pursuant to procedures set forth in EGMC Section 23.14.060, Appeals.

Table 23.14-1: Approval Authority

Type of Permit, Entitlement, or Decision	Permit Description (EGMC Section)	Designated Approval Authority ¹			
		Planning Director	Zoning Administrator	Planning Commission	City Council
Administrative Permits					
Official zoning interpretation	23.12.040	Recommending	---	Final	---
Zoning clearance/plan check	23.16.020	Final	---	---	---

Type of Permit, Entitlement, or Decision	Permit Description (EGMC Section)	Designated Approval Authority ¹			
		Planning Director	Zoning Administrator	Planning Commission	City Council
Minor deviation	23.16.030	Final	---		
Minor uniform sign program ²	23.16.027	Final	---	---	---
Temporary use permit	23.16.050	Final	---	---	---
Parking reduction permit	23.16.037	Final	---	---	---
Reasonable accommodation	23.16.065	Final	---	---	---
Master home plan-design review ³	23.16.080	Final	---	---	---
Outdoor Activity Design Review	23.16.080	Final	---	---	---
Quasi-Judicial Permits and Entitlements					
Minor design review	23.16.080	Recommending	Final	---	---
Major uniform sign program ²	23.16.027	Recommending	---	Final	---
Variance	23.16.040	Recommending	---	Final	---
Minor conditional use permit	23.16.070	Recommending	Final	---	---
Conditional use permit	23.16.070	Recommending	---	Final	---
Major design review ³	23.16.080	Recommending	---	Final	---
Subdivision Design Review	23.16.080	Recommending	---	Final	---
District Development Plan Design Review	23.16.080	Recommending	---	Final	---
CIP Design Review	23.16.080	Recommending	---	Recommending	Final
Tentative parcel map	22.20	Recommending	---	Final	---
Tentative subdivision map	22.20	Recommending	---	Final	---
Legislative Approvals					
Special planning area (establishment and amendment)	23.16.090	Recommending	---	Recommending	Final
Specific plan (establishment and amendment)	23.16.100	Recommending	---	Recommending	Final
Zoning amendment (text and map)	23.16.110	Recommending	---	Recommending	Final
Community Plan (establishment and amendment)	23.16.115	Recommending	---	Recommending	Final
General Plan amendment	23.16.120	Recommending	---	Recommending	Final
Prezoning	23.16.130	Recommending	---	Recommending	Final

Type of Permit, Entitlement, or Decision	Permit Description (EGMC Section)	Designated Approval Authority ¹			
		Planning Director	Zoning Administrator	Planning Commission	City Council
Development agreement (establishment and amendment)	23.16.140	Recommending	---	Recommending	Final

Notes:

1. All listed actions are subject to appeal pursuant to EGMC Section 23.14.060.

Section 23.14.060 shall be amended to clarify the appeals process.

23.14.060 Appeals.

- Purpose. This section identifies the procedures for filing and processing an appeal consistent with Section 65904 of the California Government Code. Where the appeal provisions of this section conflict with other provisions of the Elk Grove Municipal Code, the appeal provisions of this section shall apply with regard to planning and zoning matters.
- Appeal Applicability and Authority. Any person dissatisfied with an interpretation or action of the Planning Director, Zoning Administrator, or Planning Commission made pursuant to this division, whether an initial decision or a subsequent appeal, may appeal such action to the next highest authority as described in Table 23.14-2 with the City Council being the final appeal authority. Actions by the City Council are final and not subject to appeal.

Table 23.14-2 Appeal Authority

<u>Action by this Authority</u>	<u>Appeal Authority Shall be Appealed to this Authority</u>	
	<u>Planning Commission</u>	<u>City Council</u>
Planning Director	X	
Zoning Administrator	X	
Planning Commission		X

- Filing an Appeal. All appeals shall be submitted in writing, identifying the action being appealed and specifically stating the basis or grounds of the appeal. Appeals shall be filed within 10 days following the date of determination or action for which an appeal is made, accompanied by a filing fee established by City Council resolution, and submitted to the City Clerk. The filing of an appeal shall stay the issuance of subsequent permit(s) (e.g., building permits).
- Notice and Schedule of Appeal Hearings. Unless otherwise agreed upon by the person filing the appeal and the applicant, appeal hearings should be conducted within 45 days from the date of appeal submittal. Notice of hearing for the appeal shall be provided pursuant to noticing requirements of EGMC Section 23.14.040, Public notices.

- E. Appeal Hearing and Action. Each appeal shall be considered a de novo (new) and the appeal authority may reverse, modify or affirm the decision in whole or in part. In taking its action on an appeal, the appeal authority shall state the basis for its action. The appeal authority may modify, delete, or add such conditions as it deems necessary. The appeal authority may also refer the matter back to the original approving authority for further action. The action of the appeal authority is final on the date of decision and may not be further appealed.

Section 23.14.030 shall be amended to read 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, maximum allowed signage area, and parking provisions not to exceed ten (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.

Section 23.14.080 shall be amended to read 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 are substantially improved by, and provides a City benefit with, the consideration of minor modifications to the conventional development regulations of the underlying zoning district under special circumstances. 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~~ (2) seven (7) types of design review as described below:

1. Master Home Plan Design Review. A master home plan design review is required for master home plans for single-family residential subdivisions.

2. Outdoor Activity Design Review. An outdoor activity design review is required for permanent outdoor storage and service uses and permanent and seasonal outdoor seating as described in EGMC chapter 23.86 (outdoor sales, display, storage, and seating).

~~4~~3. Minor Design Review. A minor design review permit is required for the following items:

a. New construction of a multifamily residential building or structure with fewer than one hundred fifty (150) units;

b. New construction of a mixed use or nonresidential building or structure less than ten thousand (10,000 ft²) square feet (e.g., commercial, office, industrial, public/quasi-public);

c. Additions of more than one thousand (1,000 ft²) square feet and less than ten thousand (10,000 ft²) square feet to multifamily residential buildings or structures or nonresidential buildings or structures;

d. The exterior remodel of multifamily residential buildings or structures or mixed use and nonresidential buildings or structures when not substantially consistent with existing improvements or approved plans as determined by the Planning Director;

e. Non-required fences in accordance with EGMC Chapter 23.52;

f. Permanent outdoor storage and service uses in accordance with EGMC Chapter 23.86;

g. Permanent and seasonal outdoor seating in accordance with EGMC Chapter 23.86;

h. Modification of nonconforming structures in accordance with EGMC Section 23.84.020; and

i. Other items identified in this title.

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

a. New construction of a multifamily residential building or structure with one hundred fifty (150) or more units;

b. New construction of a nonresidential building or structure ten thousand (10,000 ft²) square feet or more (e.g., commercial, office, industrial, public/quasi-public);

c. Additions of ten thousand (10,000 ft²) square feet or more to multifamily residential buildings or structures or nonresidential buildings or structures;

d. Other items identified in this title.

5. Subdivision Design Review. A subdivision design review is required for any tentative subdivision map.

6. District Development Plan Design Review. A district development plan design review is process reserved for larger non-residential or mixed use development areas that will be developed in phases over time. A district development plan provides overall site plan approval and establishes development elements including, but not limited to, pedestrian improvements, signage, landscaping, internal setbacks, lighting, building architecture design parameters, and other features that are common across the site. Examples of applicable projects include, but are not limited to, hospitals, village centers, and large retail complexes. A district development plan design review may be combined with major design review for the architecture of initial phase development. All subsequent development within the boundaries of an approved district development plan shall be consistent with the district development plan. District development plans shall not be subject to the time limits of section 23.18.020 unless specified as a condition of approval.

7. Capital Improvement Program Design Review. A Capital Improvement Program (CIP) Design Review is required for any activity that otherwise requires design review pursuant to this section but is a project under the City's Capital Improvement Program (CIP).

C. 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.

1. Single-family custom homes;

2. Additions to or the exterior remodels of single-family residential homes;

3. Additions to multifamily residential buildings or structures that are less than one thousand (1,000 ft²) square feet in footprint size when consistent with existing style, materials, and colors of existing structures as determined by the Planning Director;

4. Additions to nonresidential buildings or structures that are less than one thousand (1,000 ft²) square feet in footprint size when consistent with existing style, materials, and colors of existing structures as determined by the Planning Director;
5. Accessory structures consistent with the provisions of EGMC Chapter 23.46, Accessory Structures;
6. 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;
7. 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
8. 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).

G D. Approving Authority. The designated approving authorities for the seven types of design review are listed below in Table 23.14-1 (Approval Authority). For any design review process not specifically identified in subsection (B) of this section (Design Review Applicability), the Planning Commission shall be the designated approving authority. The following notes apply to the table:

1. Where Planning Director is identified as the designated approving authority for a design review, the Planning Director may elevate the matter to the Zoning Administrator if the Planning Director determines that 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 Zoning Administrator. In such instances, the permit request shall become a minor design review.
2. Where the Zoning Administrator is identified as the designated approving authority for a design review, the Zoning Administrator shall approve, approve with conditions, or deny applications for minor design after making the necessary findings. The Zoning Administrator may elevate a minor design review permit to the Planning Commission for review and consideration if Zoning Administrator 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.
3. Where the Planning Commission is identified as the designated approving authority for a design review, the Planning Commission shall approve, approve with conditions, or deny applications for major design review after making the necessary findings.

4. Where the City Council is identified as the designated approving authority for a design review, the City Council shall approve, approve with conditions, or deny applications for major design review after making the necessary findings.

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

1 Master Home Plan Design Review and Outdoor Activity Design Review. No public hearing or notice shall be required.

2. Minor Design Review, Major Design Review, Subdivision Design Review, District Development Plan Design Review, and CIP Design Review. A public hearing shall be required and public notice shall be provided as specified in EGMC Section 23.14.040, Public notices.

F. 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 and/or other applicable 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. G. Conditions. As part of any discretionary design review approval (i.e., minor design review, major design review, district development plan design review, CIP design review), the designated approving authority may 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 ministerial design review application (i.e., master home plan design review, outdoor activity design review) cannot be approved without the application of conditions of approval, then the Planning Director shall elevate the project to a minor design review consistent with subsection (C) of this section (Approving Authority).

H. Deviations from Standards. As part of any discretionary design review approval (i.e., minor design review, major design review, subdivision design review, district development plan design review, CIP design review), the designated approving authority may approve deviations from the development

standards in this title and applicable design guidelines provided that the approving authority makes a finding that the deviation improves the usability of the site and its relationship to surrounding development, including but not limited to pedestrian and vehicular movement and accessibility, architectural design, and landscaping and site amenities or otherwise does not impact the usability of the site or negatively impact adjoining property. Allowed deviations shall be limited to standards that affect the layout of the site, including, but not limited to, setbacks, height, and landscaping. Deviations from minimum lot size and signage standards shall be specifically prohibited.

Section 23.16.090.F shall be amended as follows.

F. Findings. Specific plans and any amendment thereto shall be approved/adopted only when the City Council makes the following findings as applicable:

1. The proposed specific plan is consistent with the General Plan goals, policies, and implementation programs.
2. The land use and development regulations within the specific plan are comparable in breadth and depth to similar zoning regulations contained in this title.
3. The administration and permit processes within the specific plan are consistent with the administration and permit processes of EGMC Title 23.

Section 23.16.110 shall be amended to reflect limitations on conditioning rezonings.

23.16.110 Zoning amendments (text and map).

- A. Purpose. The purpose of a zoning amendment is to allow modification to any provisions of this title (including the adoption of new regulations or deletion of existing regulations) or to change the zoning designation on any parcel(s). This section is consistent with Section 65853 of the California Government Code.
- B. Approving Authority. The designated approving authority for zoning amendments is the City Council. The Planning Director and Planning Commission provide recommendations and the City Council approves or denies the zoning amendment in accordance with the requirements of this title.
- C. Initiation of Amendment. A zoning amendment to this title may be initiated by motion of the Planning Commission or City Council, by application by property owner(s) of parcel(s) to be affected by zoning amendment, or by recommendation of the Planning Director to clarify text, address changes mandated by state law, maintain General Plan consistency, address boundary adjustments affecting land use designation(s), or for any other reason beneficial to the City.
- D. Findings for Zoning Amendment (Text or Map). Zoning amendments shall be granted only when the City Council makes the following findings:
 1. The proposed zoning amendment (text or map) is consistent with the General Plan goals, policies, and implementation programs.

Division III. Zoning Districts, Allowable Uses, and Development Standards

Chapters 23.24 through 23.38 shall be repealed in full and replaced with the following.

Chapter 23.24

ESTABLISHMENT OF ZONING DISTRICTS

Sections:

23.24.010	Purpose
23.24.020	Zoning Districts Established
23.24.030	Map Established

23.24.010 Purpose

This chapter establishes the framework of zoning districts within the City of Elk Grove. This chapter also establishes the zoning map as the official designation of zoning district boundaries.

23.24.020 Zoning Districts Established

- A. **Overview.** Zoning districts are established in order to classify, regulate, designate, and distribute the uses of land and buildings; to regulate and restrict the height and bulk of buildings; to regulate the area of yards and other open spaces around buildings; and to regulate the density of population.

The City of Elk Grove is divided into zoning districts that are grouped into two categories: (a) base zoning districts, and (b) overlay zoning districts. These districts conform to and implement the City's general plan land use. Chapter 23.27 (Allowed Uses and Required Entitlements) identifies the allowed uses and requirements for planning entitlements. Chapter 23.29 (Development Standards by Zoning District) identifies development standards unique to each zoning district.

1. **Base Zoning Districts.** The base zoning district is the primary zoning district that applies to a property. Every parcel throughout the City has a base zoning district that establishes the primary land use type, density, intensity, and site development regulations. Base districts are grouped into five categories as follows:
 - a. Agricultural zoning districts;
 - b. Residential zoning districts;
 - c. Commercial zoning districts;
 - d. Office zoning districts;
 - e. Industrial zoning districts;
 - f. Open space zoning district;
 - g. Special purpose zoning districts.

2. **Overlay Zoning Districts.** The overlay zoning districts function to supplement the base zoning district for one or more of the following purposes. In the event of a conflict between the regulations of the base zoning district and the overlay zoning district, the provisions of the overlay zoning district shall apply.
 - a. To allow more flexibility from the standard provisions of the underlying base zone;
 - b. When special provisions are needed to protect unique site features or implement location-specific provisions; and/or
 - c. To specify a particular standard or guideline for an area.

B. Agricultural Districts

1. **Agricultural (AG-20, -80):** The AG districts are applied to areas of the City for viable agricultural use and very low density residential use. The agricultural zoning districts allow for a wide range of agricultural uses on large parcels of land. These uses may include crop production, commercial riding academies and stables, animal keeping, agricultural labor housing, and compatible accessory uses. The zoning district number associated with the AG districts corresponds to the minimum lot size in such district.
 - a. AG-80. The AG-80 zone is applied to areas of the City to accommodate a wide range of agricultural uses on parcels of land a minimum of 80 gross acres in size.
 - b. AG-20. The AG-20 zone is applied to areas of the City to accommodate agricultural use on parcels a minimum of 20 gross acres in size.
2. **Agricultural Residential (AR).** The AR districts are applied to areas of the City intended to accommodate very low density single-family residential uses in a rural setting with agricultural and accessory uses. The AR districts implement the estate residential and rural residential General Plan land use designation. The zoning district number associated with the AR districts corresponds to the minimum lot size in such district.
 - a. AR (-1). The AR-1 zoning district is applied to areas of the City to accommodate low density single-family residential uses in a rural setting with agricultural and accessory uses. The AR-1 zoning district implements the estate residential General Plan designation. The AR-1 district allows for one primary residential unit on lots with a minimum size of one gross acre. While the AR-1 zoning district falls within the estate residential density range of the General Plan, the nature and character of the district is more in keeping with the rural residential land use designation of the General Plan. These zoning districts also allow for normal agricultural uses and practices.
 - b. AR (-2). The AR-2 zoning district is applied to areas of the City to accommodate low density single-family residential uses in a rural setting with agricultural and accessory uses. Lots with this zoning designation are rural in nature and include

small local roadways, animal keeping and raising, equestrian uses, agriculture and limited commercial opportunities. The AR-2 zoning district implements the rural residential General Plan designation. The AR-2 district allows for one primary residential unit on lots with a minimum size of two gross acres.

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

C. Residential Districts

1. **Very Low Density Residential (RD-1 through RD-3).** The very low density residential zoning district designations are applied to areas of the City intended to accommodate very low density single-family residential uses in a semi-rural setting. Residential densities shall be in the range of one to three dwelling units per acre with minimum lots sizes between one-third acre to one acre. This residential designation includes the following specific zoning districts:
 - a. RD (-1, -2, and -3). The RD districts are applied to areas of the City intended to accommodate very low density single-family estate type uses. Property with these RD designations should serve as a transitional residential district between agricultural residential and traditional lower density single-family neighborhoods. The zoning district number associated with the RD districts corresponds to the number of dwelling units permitted per acre of land. These RD districts allow a density range of one to three dwelling units per acre.
2. **Low Density Residential (RD-4 through RD-7).** The low density residential zoning district designations are applied to areas of the city intended to accommodate low density single-family residential neighborhoods. Typical development includes detached (and in some cases attached) single-family homes. Permitted uses in the RD districts include single-family and two-family homes, second units, and compatible neighborhood support facilities. Residential densities shall be in the range of 3.1 to seven dwelling units per acre. Property with this designation should be located near other residential properties, schools, parks/open space, and neighborhood commercial

services with low-impact office and light industrial uses nearby. Development standards for these districts allow design flexibility and promote a range of housing densities and variety of housing types. This residential designation includes the following specific zoning districts:

- a. RD-4. The RD-4 district is intended for detached single-family and two-family homes up to a maximum density of four dwelling units per acre. Development is typically one and two stories in height with larger yard areas.
 - b. RD-5. The RD-5 district allows single-family and two-family homes up to a maximum density of five dwelling units per acre. This district may include detached and attached housing types. Development is typically one and two stories in height with private yard areas.
 - c. RD-6. The RD-6 district allows single-family and two-family homes up to a maximum density of six dwelling units per acre. This district may include detached and attached housing types, as well as cluster developments. Building heights in this district are typically one and two stories. Development standards allow for a variety of housing types.
 - d. RD-7. The RD-7 district allows single-family and two-family homes up to a maximum density of seven dwelling units per acre. This district may include detached and attached housing types, as well as cluster developments. Building heights in this district are typically one and two stories. Development standards allow for a variety of housing types.
3. **Medium Density Residential (RD-10 and RD-15).** The medium density residential zoning district designations are applied to areas of the City intended to accommodate higher density single-family and lower density multifamily residential neighborhoods. These RD districts accommodate a variety of housing types with a density range between 7.1 and 15 dwelling units per acre. Specifically, medium density residential development may include detached and attached single-family homes, duplexes, townhomes, condominiums, row houses, and garden apartments. Development standards for these districts allow significant design flexibility to encourage a broad range of housing types and are intended to ensure compatibility and connectivity with surrounding neighborhoods and uses. This residential designation includes the following specific zoning districts:

- a. RD-10. The RD-10 district allows higher density single-family attached and detached homes, and may include lower density multifamily for-sale and for-lease units with a maximum of 10 dwelling units per acre. Property with this designation should be located near other residential sites, office, commercial uses and services, or light industrial areas. Development is typically one and two stories in height (three stories in some cases) with greater lot coverage than the low density single-family residential districts.
 - b. RD-15. The RD-15 district may include single-family, two-family, and/or multifamily residential use within a maximum density of 15 dwelling units per acre. Development may include both for-sale and for-lease products, such as small-lot single-family attached or detached homes, townhomes, condominiums, row houses, and garden apartments. Residential structures are typically one and two stories in height (three stories in some cases) with greater lot coverage than the low density single-family residential districts. The RD-15 district should serve as a transitional residential district between lower density single-family neighborhoods and high density residential districts, office buildings, commercial uses, or light industrial uses. RD-15 sites should be located near arterial or collector roads.
4. **High Density Residential (RD-20 through RD-30).** The high density residential zoning district designations are applied to areas of the City intended to accommodate higher density multifamily development such as apartments and condominiums. This designation may also include high density single-family development types such as townhomes and other attached housing types. High density detached homes may be considered in the RD-20 designation. Residential densities shall be in the range of 15.1 to 30 dwelling units per acre. Property with this designation should be located near other multifamily sites, office, commercial uses, or light industrial areas. Additionally, multifamily residential sites should be located along thoroughfare, arterial, or collector roads or near existing or planned public transit stops. Standards for these districts promote attractive residential development that is compatible with surrounding neighborhoods, while at the same time carefully regulating uses to assure compatible development that limit impacts on surrounding uses. This residential designation includes the following specific zoning districts:
- a. RD-20. The RD-20 district is intended for high density attached single-family homes, such as townhomes or row houses, as well as medium density multifamily development that includes apartments and condominiums up to a maximum density of 20 dwelling units per acre. Detached single-family homes

may be considered on a case-by-case basis with a conditional use permit request. Development is typically two stories in height (three stories in some cases) with greater lot coverage than the medium density residential districts.

- b. RD-25. The RD-25 district is intended for high density residential development, including apartments and condominiums or higher density attached single-family units, such as townhomes. The maximum density in this district is 25 dwelling units per acre and it is expected that most developments will be two to three stories in height with greater lot coverage than in the RD-20 district.
- c. RD-30. The RD-30 district allows the maximum residential density permitted in the City. Except with a density bonus, the maximum density is thirty (30) dwelling units per acre and in general building heights will be three stories with greater lot coverage than in the RD-25 district. Apartments or condominiums are generally expected to be the primary type of development in this district. The City encourages the location of RD-30 sites near commercial or office centers or near light industrial uses or other centers of employment.

D. Commercial Districts

- 1. **Limited Commercial (LC).** The limited commercial district is designed to foster low intensity neighborhood-oriented commercial development adjacent to, integrated within, or at the entrance to residential neighborhoods. The limited commercial district may also be located along arterial or collector roads at midblock locations between major intersections. This district is intended to promote a mix of retail goods and services as well as small-scale office uses and low intensity mixed-use development. Limited commercial properties should be smaller in size, developed with buildings that are compatible in scale with surrounding residential neighborhoods. Development should be pedestrian-friendly with entrances and windows oriented to the sidewalk/street.
- 2. **General Commercial (GC).** The general commercial district is intended to allow for medium- to high intensity uses with a wide range of retail, wholesale commercial, entertainment, office, services, and professional uses. Development should be pedestrian-oriented, but is expected to be auto-accommodating as well. This district should be applied to medium to large sites adjacent to other commercial uses, office uses or higher density residential development. When located adjacent to single-family residential, vehicles using the commercial site should not have a direct impact on the entrances to the neighborhood, but pedestrian connections should be provided. GC

sites should be located near freeways, along arterials, or at major intersections. This district is also intended to support the development of urban villages that offer a mixture of uses including retail, offices, services, entertainment, and commercial within the same site with connections between those uses. Development should provide a pleasant visual atmosphere for motorists, transit users, and pedestrians as well as for the other businesses located within the zoning district.

3. **Shopping Center (SC).** The shopping center district is intended for medium to high intensity shopping centers with a local or regional market area. Developments within this district should include a wide choice of goods and services. The designation should be applied to medium to large sites near freeways, along arterials, and at major intersections. The SC zone should be adjacent to other commercial uses or higher density residential development. When located adjacent to single-family residential, vehicles using the commercial site should not have a direct impact on the entrances to the neighborhood. Development in this district typically involves integrated structures with multiple uses and tenants providing a broad range of goods and services. Development should incorporate pedestrian-friendly designs that include walkways interior to the project as well as connections to adjacent uses and neighborhoods, but should also be auto-accommodating.
4. **Auto Commercial (AC).** The auto commercial district is characterized by automotive sales and services and related uses. This zone is intended to promote the unified grouping of auto-oriented uses in locations where they will be convenient to residents and visitors alike. The designation should be used on sites adjacent to other existing commercial or office uses and should be located near freeways, thoroughfares, and arterials. Uses should be of medium intensity and should be auto-accommodating.
5. **Commercial Recreation (C-O).** The commercial recreation district is intended to provide an area for commercial uses normally considered to be recreation-oriented and for commercial uses associated with major recreation areas, such as aquatic centers, private and public sports facilities, and outdoor theaters. In addition to providing automobile access and parking, development within this district should provide access for pedestrians to and throughout the development. Development and uses should be low to medium intensity in nature and should serve as a buffer between residential neighborhoods or agriculture uses and more intense commercial development where possible.

E. Office Districts

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

F. Industrial Districts

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

Residential uses of any kind are prohibited in this district with the exception of a caretaker residence. Development should be auto-accommodating with sufficient and clearly defined parking and loading areas

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

G. Open Space District

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

H. Special Purpose Districts

1. **Specific Plan (SP).** The purpose of the specific plan (SP) district is to designate unique planning areas within the City for which the City Council has adopted or requires adoption of a separate planning document, a specific plan, consistent with the General Plan and State law.
2. **Special Planning Area (SPA).** 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.
3. **Mobile Home (RM-1).** The purpose of the mobile home subdivision (RM-1) district is to provide regulations for the placement of mobile homes on individual lots within an approved subdivision specifically designed and designated for the sale, not rental, of lots to accommodate mobile homes as the dwelling unit.

I. **Overlay/Combining Districts.**

1. **Multifamily Overlay District (MF).** The purpose of the multifamily overlay zone (MF) is to implement the General Plan by establishing opportunities for multifamily housing in specified locations throughout the City. This overlay zone supplements the allowed uses and development standards of the underlying zoning district. The intent is to allow multifamily development in conjunction with or exclusive of nonresidential uses permitted in the underlying zoning district to which it is applied.
2. **Flood Combining District (F).** The flood (F) combining district provides special regulations for the development of properties within the City covered by rivers, creeks, and streams and subject to flooding.
3. **Mobile Home Park Combining District (MHP).** The mobile home park (MHP) combining district is designed to provide for the development of mobile home parks, as defined in Division VI, Zoning Definitions A – Z, of this title. When combined with the underlying zone, it will provide opportunity for a variety of mobile home park environments that are compatible with the communities in which they are placed.
4. **Rural Commercial Combining Zone (RUC).** The rural commercial (RUC) combining district as shown on the City's zoning map includes all parcels generally located at or near the intersection of Grant Line Road and Wilton Roads that are zoned as either general commercial (GC), limited commercial (LC), or industrial (M-1), as well as all parcels at or near that intersection that have a General Plan designation of commercial or light industry.
5. **Surface Mining Combining District (SM).** The surface mining combining district (SM) identifies lands for the development of surface mining operations as required by State law.
6. **Business Center District Sign Overlay Zone (BCS).** The business center district sign overlay zone (BCS) is established to increase the visibility and economic vitality of specified areas of the City while at the same time ensuring public safety. In doing so, it provides a mechanism for the identification of establishments, uses, activities, or features within a business center area as defined in this section.

23.24.030 Map Established

The City Council hereby adopts the City of Elk Grove zoning map (Zoning Map) as the official designation of zoning district boundaries on real property within the City. The Zoning Map shall be regulated as set forth below.

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- A. **Map Amendments.** Amendments to the Zoning Map shall follow the zoning amendment process established in Chapter 23.16 (Permit Requirements).
- B. **Relationship to General Plan and Other Plans.** The Zoning Map shall implement and shall be consistent with the City's adopted General Plan. The Zoning Map shall be specifically consistent with the General Plan land use plan and the roadway sizing diagram, and any adopted specific plans, special planning areas, or other applicable plans.
- C. **Zoning District Symbol.** Zoning districts shall be illustrated on the Zoning Map as follows:
1. Each base zoning district shall be described on the Zoning Map by use of its identified zoning district symbol, as listed in section 23.24.202 (zoning districts established).
 2. Each specific plan and special planning area zoning district shall be delineated with a name, number, symbol, or other delineation, as determined by the Planning Director, which distinguishes it from other special purpose zones, base zoning districts, or overlay zones. The assignment of the special purpose designation serves to provide a reference to the corresponding special purpose zoning document (e.g., specific plan) adopted by the City Council.
 3. Overlay zoning districts shall be designated by their representative symbol in conjunction with the base zoning district in a format determined by the Planning Director (e.g., GC-BCS).
- D. **Zoning Map Interpretation.** If there is uncertainty about the location of any zoning district boundary shown on the Zoning Map, the precise location of the boundary shall be determined by the Planning Director as follows:
1. The boundaries of a zoning district shall be the centerlines of streets, alleys, railroad right-of-way, drainage channel, or other watercourse, or the lot lines of real property, unless otherwise shown. Where a district's boundaries approximately follow centerlines or lot lines, those lines shall be interpreted as the district boundaries.
 2. If a district boundary divides a lot and the boundary line location is not specified by distances printed on the zoning map or the adopting ordinance, the location of the boundary shall be determined by using the scale appearing on the Zoning Map. Each portion of the property shall be developed to the standards and allowed use provisions of the applied zoning district and any applied overlay zone(s).
 3. Where the street layout on the ground or the parcel lines differ from such layout or lines shown on the Zoning Map, the Planning Director shall determine the exact boundary and correct the map accordingly.
 4. Where a public street or alley is legally vacated or abandoned, the property that was formerly in the street or alley shall be included within the zoning district of the adjoining property on either side of the centerline of the vacated or abandoned street or alley.

Chapter 23.26
Use Classification System

Sections:

23.26.010	Purpose
23.26.020	Classification of Land Uses
23.26.030	Allowed Land Uses
23.26.040	Temporary Uses
23.26.050	Description of Land Use Categories

23.26.010 Purpose

The purpose of this chapter is to establish the system for classifying land uses within the City. This article defines the various land uses referred to elsewhere in this title.

23.26.020 Classification of Land Uses

Land uses listed in this division and throughout this title have been grouped into general categories based on common function, product, or compatibility characteristics. These use categories are called use classifications. Use classifications describe one or more uses having similar characteristics but do not list every use or activity that may appropriately be within the classification. For that reason, the City has established a similar use determination process as described below in subsection D below.

Each land use is described in section 23.26.050 (description of land use categories). For example, personal service use includes a wide range of individual personal service uses (beauty parlor, dry cleaning, tanning salons, tailors).

The following rules shall apply to use classifications:

- A. **Special Use Regulations.** Additional use regulations for special land uses are listed in division V (special use regulations).
- B. **Illegal Uses.** No use that is illegal under local, state, or federal law shall be allowed in any zoning district within the City.
- C. **Specific Plan and Special Planning Area Zoning Districts.** When a property is located within a specific plan or special planning area zoning district, the allowed use provisions of that specific plan or special planning area zoning district shall govern. If a specific plan or special planning area zoning district refers back to, utilizes, or defers to one or more of the City's base zoning districts, the allowed use provisions in those base zoning districts shall apply. If there are any conflicts between a base zoning district and a specific plan or special planning area zoning district, the specific plan or special planning area zoning district shall control.

- D. **Overlay Zoning District.** When a property is located within an overlay zoning district, the allowed use provisions of that overlay zoning district shall prevail. When an overlay zoning district is silent on allowed use provisions, it defers to the allowed use provisions to the base zoning district. Only where there is a conflict between two will the overlay zoning district provisions prevail.
- E. **Uses Not Listed/Similar Uses.** When a use is not specifically listed in this title, the use may be permitted if the Planning Director determines that the use is substantially similar to other uses listed based on the listed criteria and making required findings outlined in section 23.12.040 (official zoning determination). It is further recognized that every conceivable use cannot be identified in this title and, anticipating that new uses will evolve over time, the Planning Director may make a similar use determination to compare a proposed use and measure it against those uses listed.
- If a use is not specifically listed, or if the use is not substantially similar to a use classification provided in this title, the use shall not be allowed.

23.26.030 Allowed Land Uses

Zoning district allowed uses and corresponding requirements for entitlements are listed in table 23.27-1 (allowed uses and required entitlements for base zoning districts) for all of the City's base zoning districts. Generally, a use is either allowed by right, allowed through issuance of a permit, or not permitted. In addition to the requirements for planning entitlements of this title, other permits may be required prior to establishment of the use (e.g., building permit or permits required by other agencies). The requirements for planning entitlements identified in table 23.27-1 include:

- A. **Permitted (P).** A land use shown with a "P" indicates that the land use is permitted by right in the designated zoning district, subject to compliance with all applicable provisions of this title (e.g., development standards) as well state and federal law.
- B. **Minor Conditional Use Permit (MUP) Required.** A land use shown with "MUP" indicates that the land use is permitted in the designated zoning district upon issuance of a minor conditional use permit from the designated approving authority, subject to compliance with all applicable provisions of this zoning code (e.g., development standards), as well as state and federal law.
- C. **Conditional Use Permit (CUP) Required.** A land use shown with "CUP" indicates that the land use is permitted in the designated zoning district upon issuance of a conditional use permit from the designated approving authority, subject to compliance with all applicable provisions of this zoning code (e.g., development standards) as well state and federal law.
- D. **Not Permitted (-).** A land use shown with a hyphen ("-") in the table is not allowed in the applicable zoning district.

23.26.040 Temporary Uses

On occasion, property will be used for an event, activity, or use on a short-term basis. Such use is considered a temporary use. Temporary uses of property are not regulated through table 23.27-1 (allowed uses and required entitlements for base zoning districts). Rather, the provisions of chapter 23.92 (temporary uses) provides the regulations for these uses, including development standards and time limits.

23.26.050 Description of Land Use Classifications

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

A. "A" Allowed Use Descriptions.

1. "Adult day health care center" means a facility that provides an organized day program of therapeutic, social, and skilled nursing health activities and services provided to elderly persons or adults with disabilities with functional impairments, either physical or mental, for the purpose of restoring or maintaining optimal capacity for self-care. Provided on a short-term basis, adult day health care serves as a transition from a health facility or home health program to personal independence. Provided on a long-term basis, it serves as an alternative to institutionalization in a long-term health care facility when 24-hour skilled nursing care is not medically necessary or viewed as desirable by the recipient or his or her family.
2. "Adult-oriented business" means any of the following commercial establishments (as defined in EGMC Chapter 23.100) where patrons are permitted or invited, including but not limited to: 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.
3. "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.
4. "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.
5. "Airport" means a facility where aircraft such as airplanes can take off and land. An airport minimally consists of one (1) runway but other common components are hangars and terminal buildings.

6. "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 beverages. 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."

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

8. "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."

9. "Animal keeping" means the care and maintenance of animals, as described below, 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.

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.

10. "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 seventy-two (72) hours conducted entirely within an enclosed building with no outdoor use. Also see "Kennels, commercial," which provides for the boarding of animals for longer periods of time.

11. "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."

12. "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.

13. "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.

14. "Auto and vehicle rental" means retail establishments renting automobiles, trucks, and vans. This use listing includes the rental of recreational 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.

15. "Auto and vehicle sales" means retail establishments selling automobiles, trucks, and vans. This use listing includes the sales of recreational 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.

16. "Auto and vehicle sales, wholesale" means establishments selling new and used vehicles not through conventional automobile dealerships (see "auto and vehicle sales and rental") This use also includes auto brokers where no or limited stock (e.g., vehicles being prepared for pre-arranged delivery) are kept on site.

17. "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.

18. "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" or businesses dealing exclusively in used parts, which are included under "auto and vehicle sales, wholesale."

19. "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. This listing includes retail sales of reclaimed or salvaged parts from vehicles kept on-site.

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 (1) family in permanent residence with up to five (5) 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 (5) 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/or convenience of waiting transit passengers that has a roof and usually two (2) or three (3) 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. This listing does not include temporary car washes (e.g., community fundraisers).
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. This listing includes bingo when conducted as the primary use on the site; ancillary activity shall be covered under the primary use of the site.
4. “Caretaker housing” means a residence that is accessory to a nonresidential primary use of the site, where needed for security, twenty-four (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 facility” means a facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than 24-hour basis. Includes day care centers, employer-sponsored child care centers, and family day care homes. This use is regulated through the following facility types:
 - a. Family Day Care Home. A home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider’s own home, for periods of less than 24 hours per day while the parents or guardians are away.
 - b. Child Care Center. A day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age childcare centers. Also includes any child day care facility at the employer’s site of business operated directly or through a provider contract by any person or entity having one or more employees, and

available exclusively for the care of children of that employer, and of the officers, managers, and employees of that employer.

7. "Community care facility" means a nonmedical residential care, day treatment, adult day care, or foster facility, including a residential facility, adult day program, therapeutic day services facility, foster family agency, foster family home, small family home, social rehabilitation facility, community treatment facility, full-service adoption agency, noncustodial adoption agency, transitional shelter care facility, group home, and transitional housing placement facility (e.g., aged out foster children) as defined by the State of California. This use is regulated through the following facility types:

a. Large Facilities. Those facilities providing service to more than six persons.

b. Small Facilities. Those facilities providing service to six or fewer persons.

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

9. "Convenience stores" means easy-access retail stores of five thousand (5,000 ft²) square feet or less in gross floor area that 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 fifty (50%) percent of the total sales floor area to the sale of nontaxable goods. Convenience stores may devote less than fifty (50%) percent of the total sales floor area to the sale of nontaxable goods provided the focus of the store is on food and drink sales (both taxable and nontaxable).

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

11. "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 (3) 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). By definition, each unit in a multifamily dwelling shall be limited to one kitchen.

3. "Dwelling, second unit" means an attached or detached dwelling unit which provides complete independent living facilities for one (1) 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 so-called "granny flats." By definition, a second-unit dwelling shall be limited to one kitchen.

4. "Dwelling, single-family" means a building designed exclusively for occupancy by one (1) 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. By definition, a single-family dwelling shall be limited to one kitchen; however, it may also include a kitchenette and/or outdoor kitchen.

5. "Dwelling, two-family" means an attached building (e.g., duplex) designed for occupancy by two (2) 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 (2) attached units, each with a separate lot). More than one (1) 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. By definition, each unit in a two-family dwelling shall be limited to one kitchen; however, it each unit may also include a kitchenette and/or outdoor kitchen.

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 (1) or more buildings, or one (1) 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 (2) types of employee housing as follows:

a. Employee Housing, Large. Employee housing that serves more than six (6) employees and consists of no more than thirty-six (36) beds in group quarters or twelve (12) units or spaces designed for use by a single family or household.

b. Employee Housing, Small. Employee housing that serves six (6) 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), and pack stations. It also includes barns, stables, corrals, paddocks, and other similar structures 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. "Fitness and sports facilities" means predominantly participant sports and health activities. 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. See "outdoor commercial recreation" for spectator venues and uses.

3. "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.

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

5. "Fueling station" means a retail business selling gasoline, diesel, or other motor vehicle fuels. Vehicle services that are incidental to fuel services are included under separate listing, including, but not limited to, "car washing and detailing" and "vehicle services – minor."

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" means a retail business focusing on food products packaged for preparation and consumption away from the site of the store. These stores are greater than fifteen thousand (15,000 ft²) square feet but less than seventy-five thousand (75,000 ft²) square feet and dedicate at least fifty (50%) percent of the total sales floor area to the sale of nontaxable goods.

4. "Guest house" means a detached structure accessory to a single-family dwelling, accommodating living/sleeping quarters, but without kitchen or cooking facilities as defined in this title.

H. "H" Allowed Use Descriptions.

1. "Heliport" means a facility, other than an emergency medical services (EMS) landing site as defined in Title 21 Section 3527 of the California Code of Regulations, for the landing and takeoff of one (1) 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 Title 21 Section 3527 of the California Code of Regulations.

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 conducting 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 thirty (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 (4) or more electronic games or coin-operated amusements in any establishment, or a premises where fifty (50%) percent or more of the floor area is occupied by amusement devices (whichever is greater), are considered an electronic game arcade as described above; uses operating below these restrictions are not considered a use separate from the primary use of the site.

3. "Indoor shooting range" means a totally enclosed facility designed to offer a totally controlled shooting environment that includes impenetrable walls, floor and ceiling, adequate ventilation and lighting systems, and acoustical treatment for sound attenuation suitable for the range's approved use.

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 daytime 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 stores; 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. "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.

3. "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.

4. "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.

5. "Medical marijuana cultivation" means the planting, growing, harvesting drying or processing of marijuana plants or any part thereof.

6. "Medical marijuana dispensary" means any facility or location where medical marijuana is made available to, distributed by, or distributed to two (2) or more of the following: a qualified patient, a person with an identification card, or a primary caregiver. All three (3) of these terms are identified

in strict accord with California Health and Safety Code Section 11362.5 et seq. A medical marijuana dispensary shall not include the following uses, as long as the location of such use is otherwise in accord with this Code and other applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; a hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Section 11362.5 et seq.

7. "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."

8. "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.

9. "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.

10. "Mobile home park" means any site that is planned and improved to accommodate two (2) or more mobile homes used for residential purposes, or on which two (2) 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 eighteen (18) hours per day. Neighborhood markets range in size between five thousand one (5,001 ft²) square feet and fifteen thousand (15,000 ft²) square feet and devote more than fifty (50%) percent of the total floor area to the sale of nontaxable goods. Neighborhood markets may devote less than fifty (50%) percent of the total sales floor area to the sale of nontaxable goods provided the focus of the store is on food and drink sales (both taxable and nontaxable). For larger stores, see "grocery store." 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 criterion for this definition is that the floor area of the accessory office use shall not exceed fifty (50%) percent of the total floor area.

2. "Office, Building Trade Contractors" means the business offices of a contractor whose principal business is in connection with any structure built, being built, or to be built (general contractors, etc.).

3. "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").

4. "Organizational houses" means residential lodging houses operated by educational and religious institutions and/or membership organizations for their members and not open to the general public. Includes convents, dormitories, fraternity and sorority houses, monasteries, and religious residential retreats.

5. "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 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. For privately owned facilities, see "private residential open space" and "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. "Private residential open space" means privately owned recreational facilities as part of a residential development. Features include, but are not limited to, play lots, playgrounds, and athletic fields.

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 (1) 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 one thousand (1,000 ft²) 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 (1) 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. May include collection of small amounts of scrap metal. No dismantling or processing is permitted.

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 one thousand (1,000 ft²) 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. May include collection of scrap metal. No dismantling or processing of scrap is permitted.

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

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 twenty-five (25%) percent of the total square footage for each tenant space.

13. "Retail, general" means a retail business focusing on the sale of merchandise not specifically listed under another use classification and that devotes less than a majority portion of the total sales floor area to the sale of nontaxable goods. There are three subcategories as follows:

a. Small Format – Stores that are less than seventy-five thousand (75,000 ft²) square feet with less than fifty (50%) percent of the total sales floor area dedicated to nontaxable goods;

b. Medium Format – Stores that are at least seventy-five thousand (75,000 ft²) square feet but less than one hundred fifty thousand (150,000 ft²) square feet with less than ten (10%) percent of the total sales floor area dedicated to nontaxable goods; and

c. Large Format – Stores that are one hundred fifty thousand (150,000 ft²) square feet or larger with less than ten (10%) percent of the total sales floor area dedicated to nontaxable goods.

14. "Retail, superstore" means a retail business selling a wide range of consumer products that is at least seventy-five thousand (75,000 ft²) square feet but less than one hundred fifty thousand (150,000 ft²) square feet and dedicating at least ten (10%) percent of the total sales floor area to the sale of nontaxable goods.

15. "Retail, superstore, large format" means a retail business selling a wide range of consumer products that is at least one hundred fifty thousand (150,000 ft²) square feet and dedicating at least ten (10%) percent of the total sales floor area to the sale of nontaxable goods.

16. "Retail, warehouse/club" means a retail store where many items are sold in large quantities or bulk. Shoppers may 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.

17. "Rooming and/or boarding houses" means a dwelling structure, or part thereof, that has no more than one dining room and in which, for compensation, three or more rooms are leased and/or

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 (5) 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 for the chronically ill" means a residential care facility for persons with chronic, life-threatening illness who are eighteen (18) years of age or older or are emancipated minors, and for family units. This use is regulated through the following facility types:

- a. Large Facilities. Those facilities providing service to more than six (6) persons.
- b. Small Facilities. Those facilities providing service to six (6) or fewer persons.

8. "Residential care facility for the elderly" means a housing arrangement chosen voluntarily by persons sixty (60) years of age or over, or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, or personal care are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility. These facilities provide care, supervision and assistance with activities of daily living, such as bathing and grooming. They may also provide incidental medical services under special care plans. Common names for these types of facilities include, but are not limited to, assisted living facilities, retirement homes, and board and care homes. This use is regulated through the following facility types:

- a. Large Facilities. Those facilities providing service to more than six (6) persons.
- b. Small Facilities. Those facilities providing service to six (6) or fewer persons.

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

meals are provided by the week or month. Does not include the rental of one or two rooms ("Dwelling, Single-Family").

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:

a. 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 twelfth (12th) grade pursuant to the California Education Code.

b. 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.

c. 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.

d. Colleges and Universities – Private. Any privately owned college or university, including medical schools, law schools, and other institution of higher education, including dorms, offices, facility maintenance yards, offices, and similar supportive functions pursuant to the California Education Code.

e. 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.

f. 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).

g. 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:

- i. Computers and electronics training schools;
- ii. Drama schools;
- iii. Driver educational schools;
- iv. Language schools;
- v. Music schools;
- vi. 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
- vii. 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. "Single room occupancy (SRO) facilities" means 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.

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

4. "Smoke shops" means an establishment that either devotes more than fifteen (15%) percent of its total floor area to smoking, drug, and/or tobacco paraphernalia or devotes more than a two (2' 0") foot by four (4' 0") foot (two (2' 0") feet in depth maximum) section of shelf space for display for sale of smoking, drug, and/or tobacco paraphernalia. Includes e-cigarettes.

5. "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.

6. "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").

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

8. "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 Section 50675.14 of the Health and Safety Code there is no limit on the length of stay and such facilities are occupied by a target population that includes, 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:

a. Low income having one (1) or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions; or

b. 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 EGMC Chapter 23.94.

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 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 buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

U. "U" Allowed Use Descriptions.

1. Utility Facility and Infrastructure. Includes the following:

a. 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 Section 53091 of the Government Code: 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.

b. 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, and brewery" means manufacturing facilities where raw materials (e.g., grapes, hops, barley) are processed and fermented into wine, beer, and other alcoholic drinks. May include tasting and accessory retail sales of products 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.

Chapter 23.27
Allowed Uses and Required Entitlements

Sections:

23.27.010	Purpose
23.27.020	Allowed Uses and Required Entitlements

23.27.010 Purpose

The purpose of this chapter is to establish allowed land uses and requirements for planning entitlements for each of the City's base zoning districts. Allowed uses herein are consistent with and implement the City's General Plan corresponding land use designations as shown in table 23.27-1 (allowed uses and required entitlements for base zoning districts).

23.27.020 Allowed Uses and Required Entitlements

Table 23.27-1 (allowed uses and required entitlements for base zoning districts) identifies allowed uses and corresponding requirements for land use permits and entitlements for all base zoning districts within the City. Definitions for the land uses listed herein (use classifications) are provided in section 23.26.050 (description of land use classifications). See additional use requirements in division V (special use regulations). Uses are organized into common categories as follows:

- A. Residential Uses;
- B. Agricultural and Animal-Related Uses;
- C. Recreation, Resource Preservation, Open Space, Education, and Public Assembly Uses;
- D. Utility, Transportation, Public Facility, and Communication Uses;
- E. Retail, Service, and Office Uses;
- F. Automobile and Vehicle Uses;
- G. Industrial, Manufacturing, and Processing Uses; and

Any land use shown with a "P" indicates that the land use is permitted by right; "MUP" indicates that the land use is permitted in the designated zoning district upon issuance of an minor conditional use permit; "CUP" indicates that the land use is permitted in the designated zoning district upon issuance of a conditional use permit (pursuant to chapter 23.26); and a hyphen ("-") indicates that the use is not allowed. Except as otherwise provided for in this title, uses not shown in the table are not permitted.

Notes to Table 23.27-1

Notes that pertain to the Agricultural Zoning Districts:

1. Allowed as a conditionally permitted use only as part of the expansion of an existing cemetery.
2. Permitted by right if the use is located on a property owned by the school district.
3. Only permitted as part of a winery tasting room.
4. Offices are permitted without retail sales.

Notes that pertain to the Residential Zoning Districts:

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. 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 forty (40' 0") feet from any property line unless contained within the dwelling.
 - b. Fowl. All fowl shall be kept and maintained a minimum distance of forty (40' 0") feet from any property line. A maximum of six (6) fowl may be kept, maintained, or fed as pets. All birds shall be kept within confined, clean coops or cages. Roosters are not permitted.
 - c. Household Pet. Keeping of any combination of five (5) or more cats and dogs is considered a kennel for this title. See EGMC Section 8.02.050 for restrictions on the number of animals allowed.
 - d. Livestock. Two (2) livestock animals may be permitted for each half acre of land. All livestock shall be kept and maintained a minimum distance of forty (40' 0") feet from any property line and a minimum distance of seventy-five (75' 0") feet from any residential dwelling.
4. Permitted as an accessory use to the primary use permitted in the specific zoning district.
5. Permitted by right if the use is located on a property owned by the school district.

Notes that pertain to the Commercial Zoning Districts

1. Limited to one (1) 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. All activities must be enclosed when the use is located within five hundred (500' 0") feet of any residential (RD) zone.
4. All related activities must be entirely enclosed within a structure.
5. Maximum gross floor area is five thousand (5,000 ft²) square feet.
6. Permitted by right if the use is located on a property owned by the school district.
7. All activity must be entirely screened from public view.
8. 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.
9. When the use is located within five hundred (500' 0") feet of a residential zoning district (RD-1 through RD-30) 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.
10. Hours of operation are limited to a maximum of eighteen (18) hours per day.
11. Permitted by right when the drive-through window and menu board are both located more than three hundred (300' 0") feet from a residential zoning district (RD-1 through RD-30) or residential use, and more than one thousand (1,000' 0") 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 EGMC Chapter 23.78, Drive-In and Drive-Through Facility.
12. 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.
13. 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.

- e. The special studies provided for herein may be included as part of the environmental document for the project or may be stand-alone documents.

- 14. Motorcycle sales may be permitted subject to a CUP.
- 15. No on-site repair of vehicles permitted.

Notes pertaining to the Office Zoning Districts

- 1. A CUP is required when located within five hundred (500' 0") feet of any agricultural, agricultural residential or residential zoned property or residential use.
- 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 EGMC Chapter 23.78, 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.

Notes pertaining to the Industrial Zoning Districts

- 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 two thousand five hundred (2,500 ft²) square feet. Otherwise, a conditional use permit is required.
- 3. Allowed by right as an ancillary use to the main use provided that the fueling facilities are not accessible to the public and that no sale of fuel is allowed.
- 4. A CUP is required when located within five hundred (500' 0") feet of any agricultural, agricultural residential, or residential zoning district or use. Otherwise the use is permitted by right.
- 5. All outdoor storage associated with the use shall be located within a secured enclosure with a minimum six (6' 0") foot tall solid wall to screen visibility of all business operations.
- 6. Tasting room or retail sales require approval of a CUP.

Notes pertaining to the Open Space Zoning Districts

- 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.

Chapter 23.29
Development Standards by Zoning District

Sections:

- 23.29.010 Purpose
- 23.29.020 General Zoning District Development Standards

23.29.010 Purpose

The purpose of this chapter is to establish development standards for lot area, allowed density, building setbacks, height, and lot coverage as appropriate for each of the City's base zoning districts. Standards for overlay zoning districts are provided in chapter 23.42 (overlay/combining districts).

23.29.020 General Zoning District Development Standards

Table 23.29-1 (development standards for base zoning districts) includes lot area, allowed density, building setbacks, height, and lot coverage requirements, as defined in this title, for each of the City's base zoning districts.

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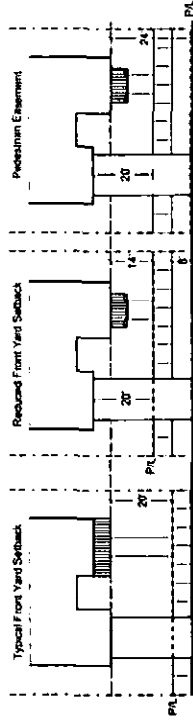
Table 23.29-1: Development Standards for Base Zoning Districts
 Part A: Agricultural and Residential Zoning Districts

Measurement/ Zoning District	Agricultural Zoning Districts					Residential Zoning Districts													
	AG-80	AG-50	AR-10	AR-5	AR-1	RD-1	RD-2	RD-3	RD-4	RD-5	RD-5	RD-7	RD-10	RD-16	RD-20	RD-25	RD-30		
Residential Density (Density (du/acre))																			
Minimum																			
Maximum	1 du/lot	1 du/lot	1 du/lot	1 du/lot	1 du/lot	1 du/acre	2 du/acre	3 du/acre	4 du/acre	5 du/acre	6 du/acre	7 du/acre	10 du/acre	15 du/acre	20 du/acre	25 du/acre	25 du/acre	30 du/acre	
Lot Dimensions																			
Lot Area, minimum	80	20	10	5	2	43,560	20,000	10,000	8,500	5,200	4,000								
Square feet																			
Lot Width/Frontage, minimum	1,000 ft	500 ft	300 ft	250 ft	150 ft	75 ft	75 ft	65 ft	65 ft	52 ft	40 ft								
Corner Lots																			
Lot Depth, minimum	1,500 ft	1,500 ft	100 ft	100 ft	100 ft	125 ft	125 ft	125 ft	100 ft	85 ft	65 ft								
Setbacks																			
Front Yard	50 ft	50 ft	30 ft	30 ft	25 ft	20 ft	20 ft	20 ft	20 ft	15 ft	15 ft	12.5 ft	12.5 ft	12.5 ft	25 ft	25 ft	25 ft	25 ft	25 ft
Generally																			
To covered porch																			
To garage door, front facing																			
To garage, front/side load																			
Side Yard	50 ft	50 ft	20 ft	20 ft	20 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Interior side, generally																			
Side setback for zero lot line																			
Interior side, adjacent to residential and open space																			
Street side	50 ft	50 ft	15 ft	15 ft	15 ft	12.5 ft	12.5 ft	12.5 ft	12.5 ft	12.5 ft	12.5 ft	12.5 ft	12.5 ft	12.5 ft	25 ft	25 ft	25 ft	25 ft	25 ft
Rear Yard	50 ft	50 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	20 ft	15 ft	15 ft	15 ft	15 ft	15 ft	20 ft	20 ft	20 ft	20 ft	20 ft
Generally																			
To living area, lots > 100 feet deep																			
To living area, lots ≤ 100 feet deep																			
To detached garage/secondary dwelling unit																			
Height Limits																			
Generally	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	35 ft	35 ft	40 ft	40 ft	40 ft	40 ft	40 ft
Buildings < 100 feet from agricultural, agricultural residential, residential																			
Other Development Standards																			
Minimum open space ¹⁾																			
Accessory structures																			
Fences and walls																			
Landscaping																			
Lighting																			
Parking																			
Performance standards																			
Signs																			
Refer to Chapter EGMC 23.46																			
Refer to Chapter EGMC 23.52																			
Refer to Chapter EGMC 23.54																			
Refer to Chapter EGMC 23.56																			
Refer to Chapter EGMC 23.58																			
Refer to Chapter EGMC 23.60																			
Refer to Chapter EGMC 23.62																			

Notes:

- Accessory structures are generally permitted to a maximum height of forty feet (40'-0"), except that water tanks, silos, granaries, and similar structures or necessary mechanical apparatus may be a maximum height of sixty-five (65' 0") feet.
- Flag lots are discouraged and will be reviewed on a case-by-case basis.
- 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 twenty (20' 0") feet (fifteen (15' 0") feet for side garages/swing driveways). See the following example figure, which illustrates this concept with the development standards for the RD-5 zone:



4. Determined through the Design Review process.
5. The front setback to covered porch may be reduced to ten (10' 0") feet if a reduced public utility easement (PUE) is approved as part of the subdivision map.
6. In no event shall the rear yard be less than ten (10' 0") feet for one (1) story buildings and fifteen (15' 0") feet for two (2) and three (3) story buildings.
7. Fifteen (15' 0") foot setback for two (2) story; ten (10' 0") foot setback for one (1) story.
8. The side and rear setback for all three (3) or more story multifamily structures (or portions thereof) abutting any single-family residential or open space district shall be one hundred (100' 0") feet, measured from the property line of the common boundary.
9. As part of the design review process, the maximum height may be increased to sixty (60' 0") feet.
10. 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.

Table 23.29-1: Development Standards for Base Zoning Districts
 Part B: Commercial, Office, Industrial, and Open Space Zoning Districts

Measurement/Zoning District	Commercial Zoning Districts						Office Zoning Districts			Industrial Zoning Districts			Open Space Zoning District
	LC	GC	SC	AC	C-O	BP	MP	LI	HI	O			
Measurement/Zoning District													
Residential Density													
Density Range (du/acre)													
Minimum													
Maximum													
Lot Dimensions													
Lot Area, minimum (square feet)													
Lot Width/Frontage, minimum													
Generally													
Corner Lots													
Lot Depth, minimum													
Setbacks													
Front Yard													
Generally	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft
To covered porch													
To garage door, front facing													
To garage, swing/side load													
Side Yard													
Interior side, generally	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	10 ft	10 ft	0 ft	0 ft	0 ft	10 ft	10 ft
Interior side, adjacent to residential and open space	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft
Street side													
Rear Yard													
Generally	0 ft	0 ft	0 ft	0 ft	0 ft	0 ft	10 ft	10 ft	0 ft	0 ft	0 ft	25 ft	25 ft
To living area, lots > 100 feet deep													
To living area, lots ≤ 100 feet deep													
To detached garage/secondary dwelling unit													
Adjacent to residential and open space	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft
Height Limits													
Generally	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft
Buildings < 100 feet from agricultural, agricultural residential, residential, or open space zoning district	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft	24 ft	24 ft	24 ft	24 ft	24 ft	24 ft	24 ft
Other Development Standards													
Accessory structures													
Fences and walls													
Landscaping													
Lighting													
Parking													
Performance standards													
Signs													

Notes:

1. When the building frontage is greater than three hundred (300' 0") linear feet, the rear setback must be a minimum of twenty (20' 0") feet.
2. As part of the design review process, the maximum height may be increased up to one hundred fifty (150' 0") 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 (1' 0") foot for each foot that such building exceeds forty (40' 0") feet in height. In any case, the floor area to lot area ratio shall not exceed 2.5:1.

Section 23.42.080.K shall be amended to clarify the applicability of the spacing requirement consistent with prior City Council direction.

K. Spacing Between Freeway Fronting Signs. All City-approved freeway fronting freestanding signs within the business center district sign overlay zone (BCS), regardless of their status as a business center sign, shall have a minimum one hundred (100' 00") foot separation from any other freeway fronting freestanding sign.

Division IV. Site Planning and General Development Regulations

Chapter 23.50, Density Bonus and Other Developer Incentives, shall be repealed in full and replaced with the following:

Chapter 23.50

Density Bonus and Other Developer Incentives

Sections:

23.50.010	Purpose.
23.50.020	Eligibility for Density Bonus and Incentives and Concessions
23.50.030	General Provisions for Density Bonus and Incentives and Concessions
23.50.040	Number and Types of Density Bonuses and Incentives and Concessions Allowed
23.50.050	Location of Density Bonus Units
23.50.060	Continued Availability
23.50.070	Process for Approval or Denial

23.50.010 Purpose.

The purpose of this chapter is to provide incentives for the production of housing for very low-income, lower-income, moderate-income, special needs, and senior households in the City and to establish procedures for carrying out the legislative requirements and complying with California Government Code §65915, et seq. In enacting this chapter, it is the intent of the City to facilitate the development of affordable housing by positively impacting the economic feasibility of providing lower-income housing and implementing the goals, objectives, and policies of the City's housing element.

23.50.020 Eligibility for Density Bonus and Incentives and Concessions

The City shall grant one (1) density bonus, with concessions or incentives, as specified in section 23.50.040 (number and types of density bonuses and incentives and concessions allowed), when the applicant for a residential development seeks and agrees to construct a residential development, excluding any units permitted by the density bonus awarded pursuant to this chapter, that shall contain at least one (1) of the following. The units qualifying a development for a density bonus shall be referred to as "target units." The applicant shall specify which of the following is the basis for the density bonus:

- A. Ten percent (10%) of the total units of a housing development are for lower-income households;
- B. Five percent (5%) of the total units of a housing development are for very low-income households;
- C. A senior citizen housing development as defined in Civil Code Sections 51.3 and 51.12, or age-restricted mobile home park; or

- D. Ten percent (10%) of the total dwelling units are in a common interest development as defined in California Civil Code §4100 for persons and families of moderate income, provided that all units in the development are offered to the public for purchase.

23.50.030 General Provisions for Density Bonus and Incentives and Concessions

The following general requirements apply to the application and determination of all incentives and bonuses:

- A. Rounding.** All density calculations resulting in fractional units shall be rounded up to the next whole number; except that the percentage of total units proposed to qualify the development for a density bonus shall not be rounded up. For example, for a two hundred (200) unit project that proposes twenty-one (21) lower-income units (or ten and one-half percent (10.5%)), the allowed density bonus would be based on ten percent (10%) lower-income units, not eleven percent (11%).
- B. Relation to General Plan, Zoning.** The granting of a density bonus, or a concession or incentive, shall not be interpreted, in and of itself, to require a general plan amendment, zoning change (rezone), or other discretionary approval.
- C. Density Bonus Excluded in Calculation.** The density bonus shall not be included when calculating the total number of housing units that qualify the housing development for a density bonus.
- D. Parking.** Upon request by the applicant, the City shall not require that a housing development meeting the requirements of section 23.50.020 (eligibility for density bonus and incentives and concessions) provide a vehicular parking ratio, inclusive of handicapped and guest parking that exceeds the following. If the total of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subsection, a development may provide "on-site parking" through tandem parking or uncovered parking, but not through on-street parking.
1. Zero (0) (studio) to one (1) bedroom: one (1) on-site parking space per unit
 2. Two (2) to three (3) bedrooms: two (2) on-site parking spaces per unit
 3. Four (4) or more bedrooms: two and one-half (2.5) parking spaces per unit.
- E. Waived or Reduced Development Standards.** The City shall not apply any development standard that would have the effect of physically precluding the construction of a housing development meeting the requirements of section 23.50.020 (eligibility for density bonus and incentives and concessions) at the densities or with the incentives or concessions permitted by this chapter. A proposed waiver or reduction of development standards shall neither reduce nor increase the number of allowable incentives or concessions under section 23.50.040 (number and types of density bonuses and incentives and concessions allowed).

An applicant may submit to the City a proposal for the waiver or reduction of development standards, when standards would have the effect of physically precluding the proposed development, and may request a meeting with the City. Nothing in this subsection, however, shall be interpreted to require the City to waive or reduce development standards if:

1. The waiver or reduction would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of §65589.5 of the California Government Code, upon health and safety or the physical environment and for which the City determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households;
2. This would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or
3. The waiver or reduction would be contrary to state or federal law.

F. Multiple Zoning Districts. If the site of a development proposal is located in two (2) or more zoning districts, the number of dwelling units permitted in the development is the sum of the dwelling units permitted in each of the zoning districts respectively. The permitted number of dwelling units may be distributed within the development without regard to the zone boundaries.

G. City Authority. Nothing in this chapter shall be construed to enlarge or diminish the authority of the City to require a developer to donate land as a condition of development.

H. Agreement Required.

1. Prior to the award of a density bonus and any related incentives or concessions, the applicant shall enter into an agreement with the City to ensure the continued affordability of all target units.
2. For all target units, the agreement shall specify the household income classification, number, location, size, and construction scheduling and shall require target units in a project and phases of a project to be constructed concurrently with the construction of non-target units. The agreement shall include such other provisions as necessary to establish compliance with the requirements of this chapter.

I. Reports. The applicant shall submit financial or other reports along with the application for the project to establish compliance with this chapter. The City may retain a consultant to review any financial report (pro forma). The cost of the consultant shall be borne by the applicant, except that if the applicant is a nonprofit organization, the cost of the consultant may be paid by the City upon prior approval of the City Council.

J. CEQA Review. Any residential development that qualifies for a density bonus shall not be exempt from compliance with the California Environmental Quality Act.

23.50.040 Number and Types of Density Bonuses and Incentives and Concessions Allowed

A. Density Bonus. A housing development that satisfies the eligibility requirements in section 23.50.020 (eligibility for density bonus and incentives and concessions) of this chapter shall be entitled to the following density bonus:

1. For developments providing ten percent (10%) lower-income target units, the City shall provide a twenty percent (20%) increase above the otherwise maximum allowable residential density as of the date of application, plus a one-and-a-half percent (1.5%) supplemental increase over that base for every one percent (1%) increase in low-income target units above ten percent (10%). The maximum density bonus allowed including supplemental increases is thirty-five percent (35%).
2. For developments providing five percent (5%) very low-income target units, the City shall provide a twenty percent (20%) increase above the otherwise maximum allowable residential density as of the date of application, plus a two and a half percent (2.5%) supplemental increase over that base for every one percent (1%) increase in very low-income target units above five percent (5%). The maximum density bonus allowed including supplemental increases is thirty-five percent (35%).
3. For senior citizen housing developments, a flat twenty percent (20%) of the number of senior units.
4. For common interest developments providing ten percent (10%) moderate-income target units, the City shall provide a five percent (5%) increase above the otherwise maximum allowable residential density as of the date of application, plus a one percent (1%) increase in moderate-income units above ten percent (10%). The maximum density bonus allowed including supplemental increases is thirty-five percent (35%).

B. Number of Incentives or Concessions. In addition to the density bonus described in this section, an applicant may request specific incentives or concessions. The applicant shall receive the following number of incentives or concessions.

1. One (1) incentive or concession for projects that include at least ten percent (10%) of the total units for lower-income households, at least five percent (5%) for very low-income households, or at least ten percent (10%) for persons and families of moderate income in a common interest development.
2. Two (2) incentives or concessions for projects that include at least twenty percent (20%) of the total units for lower-income households, at least ten percent (10%) for

very low-income households, or at least twenty percent (20%) for persons and families of moderate income in a common interest development.

3. Three incentives or concessions for projects that include at least thirty percent (30%) of the total units for lower-income households, at least fifteen percent (15%) for very low-income households, or at least thirty percent (30%) for persons and families of moderate income in a common interest development.

C. Available Incentives and Concessions. The following are available incentives or concessions:

1. A reduction in the site development standards or a modification of the requirements of this title that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with §18901) of Division 13 of the Health and Safety Code, including but not limited to a reduction in setback and square footage requirements and in the ratio of vehicle parking spaces that would otherwise be required and that results in identifiable, financially sufficient, and actual cost reductions.
2. Approval of mixed-use zoning in conjunction with the housing development if the nonresidential land uses will reduce the cost of the housing development and the nonresidential land uses are compatible with the housing development and existing or planned development in the area in which the housing development will be located.
3. Other regulatory incentives or concessions proposed by the applicant or the City that result in identifiable, financially sufficient, and actual cost reductions.
4. Priority processing of a housing development that qualifies for a density bonus based on income-restricted units.

D. Additional Density Bonus and Incentives and Concessions for Donation of Land to the City

1. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the City (other than that land typically dedicated as part of a subdivision, such as roadways/rights-of-way, parks, utility sites and easements, landscape corridors, and similar land) and agrees to include a minimum of ten percent (10%) of the total units before the density bonus for very low-income households, the applicant shall be entitled to a fifteen percent (15%) increase above the otherwise maximum allowable residential density, plus a one percent (1%) supplemental increase for each additional percentage of very low-income units to a maximum density bonus of thirty-five percent (35%) for the entire development.

2. The density bonus provided in this subsection shall be in addition to any other density bonus provided by this chapter up to a maximum combined density bonus of thirty-five percent (35%).
3. The applicant shall be eligible for the increased density bonus described in this subsection if all of the following conditions are met:
 - a. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application;
 - b. The developable acreage and zoning designation of the land being transferred are sufficient to permit construction of units affordable to very low-income households in an amount not less than ten percent (10%) of the number of residential units of the proposed development;
 - c. The transferred land is at least one (1) acre in size or of sufficient size to permit development of at least forty (40) units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of §65583.2 of the Government Code, and is or will be served by adequate public facilities and infrastructure;
 - d. The transferred land shall have all of the entitlements and approvals, other than building permits, necessary for the development of the very low-income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the City may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of §65583.2 of Government Code if the design is not reviewed by the City prior to the time of transfer;
 - e. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with the requirements of this chapter which shall be recorded on the property at the time of the transfer;
 - f. The land is transferred to the City or to a housing developer approved by the City;
 - g. The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter ($\frac{1}{4}$) mile of the boundary of the proposed development; and

equivalent financial value. In either case, the applicant shall agree to pay for the reasonably necessary administrative costs incurred by the City.

- a. Provide at least thirty-three percent (33%) of the total units of the proposed condominium project to persons and families of low or moderate income; or
 - b. Provide at least fifteen percent (15%) of the total units of the proposed condominium project to lower-income households.
2. An applicant for approval to convert apartments to a condominium project may submit to the City a preliminary proposal pursuant to this subsection prior to the submittal of any formal requests for subdivision map approvals. The City shall, within ninety (90) days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this subsection.
 2. For purposes of this subsection, "other incentives of equivalent financial value" shall not be construed to require the City to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the City might otherwise apply as conditions of conversion approval.
 3. Nothing in this subsection shall be construed to require the City to approve a proposal to convert apartments to condominiums.
 4. An applicant shall be ineligible for a density bonus or other incentives under this subsection if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentive was previously provided.

23.50.050 Location of Density Bonus Units

The location of density bonus units within the housing development may be at the discretion of the developer. However, the target units shall be dispersed throughout the housing development and when feasible shall contain, on average, the same number of bedrooms as the non-target units in the development, and shall be compatible with the design or use of the remaining units in terms of appearance, materials, and quality finish.

23.50.060 Continued Availability

- A. Minimum 30 Years.** If a housing development provides low- or very low-income target units to qualify for a density bonus, the target units must remain restricted to lower- or very low-income households for a minimum of thirty (30) years from the date of issuance of the certificate of occupancy by the building official, or longer if required by the project financing.
- B. Common Interest Housing.** In the case of a common interest housing development providing moderate-income target units to qualify for a density bonus, the initial occupant of the target unit must be a person or family of moderate income. Upon resale, the seller of the

target units shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation, and the City shall recapture any initial subsidy and its proportionate share of appreciation which shall then be used within three (3) years for any of the purposes described in subdivision (e) of §33334.2 of the California Health and Safety Code that promote homeownership. The City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value. The City's "proportionate share" shall be equal to the percentage by which the initial sale price to the moderate-income household was less than the fair market value of the home at the time of the initial sale.

- C. Direct Financial Contributions.** Where there is a direct financial contribution to a housing development pursuant to Government Code §65915, the City shall assure continued availability for low- and moderate-income units for thirty (30) years.

23.50.070 Process for Approval or Denial

- A. Process for Approval.** The density bonus and incentive(s) and concession(s) request shall be considered in conjunction with any necessary development entitlements for the project. The designated approving authority for density bonuses, incentives, and concessions shall be the City Council. In approving the density bonus and any related incentives or concessions, the City and applicant shall enter into a density bonus agreement.
- B. Approval of Density Bonus Required.** The City shall grant the density bonus requested by the applicant provided it is consistent with the requirements of this chapter and State law.
- C. Approval of Incentives or Concessions Required Unless Findings Made.** The City shall grant the incentive(s) and concession(s) requested by the applicant unless the City makes a written finding, based upon substantial evidence, of any of the following:
1. The concession or incentive is not required in order to provide for affordable housing costs, as defined in §50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).
 2. The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of §65589.5 of the California Government Code, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

3. The concession or incentive would be contrary to State or federal law.

D. Administrative Fee. The City shall charge applicants an administrative fee to cover the City's cost to review all materials submitted in accordance with this chapter and for ongoing enforcement of this chapter. The amount of the administrative fee shall be established by City Council resolution and updated as required. Fees will be charged for staff time and materials associated with:

1. Review and approval of applications for the proposed development;
2. Project marketing and lease-up; and
3. Long-term compliance of the applicant and successors-in-interest to the applicant, with respect to the affordable housing units.

Table 23.52-1 shall be amended to read as follows:

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

Location of Fence/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 7 feet
Within required interior side and rear yard ¹	6 7 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' 0") feet with the issuance of a building permit from the City.

Table 23.58-2 shall be repealed and replaced with the following for consistency with the allowed uses table:

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

Land Use	Required Parking Spaces
Residential Uses	
Caretaker Housing	1 space/bedroom
Dwelling, Multi-Family	
Studio and one-bedroom units	1.5 spaces/unit, plus 1 guest space/4 units
Two- and three-bedroom units	2 spaces/unit, plus 1 guest space/4 units
Four- or more bedroom units	3 spaces/unit, plus 1 guest space/4 units
Senior product	0.5 spaces/unit, plus 0.25 spaces/unit guest parking
Dwelling, Second Unit	1 space/bedroom
Dwelling, Single-Family	2 spaces/unit ^{1, 2, 3}
Dwelling, Two-Family	2 spaces/unit ^{1, 2, 3}
Employee Housing, Large	1 space/unit
Employee Housing, Small	1 space/unit
Guest House	1 space/unit
Home Occupations	None required
Live-Work Facility	1 space/unit, plus that required for non-residential area
Mobile Home Park	2 spaces/unit, plus 1 guest space/8 home lots
Organizational Houses	1 space/bedroom
Rooming and/or Boarding Houses	1 space/bedroom
Single Room Occupancy (SRO) Facilities	1 space/bedroom
Supportive Housing	1 space/bedroom
Transitional Housing	2 spaces/unit ^{1, 2, 3}

Land Use	Required Parking Spaces
Human Services Uses	
Adult Day Health Care Center	1 space/employee, plus 1 space/facility vehicle, plus 1 space/8 persons at facility capacity
Child Care Facility, Child Care Center	1 space/employee, plus 1 space/facility vehicle, plus 1 space/8 persons at facility capacity
Child Care Center, Family Day Care Home	No requirement beyond single-family requirement
Community Care Facility, Large	1 space/employee, plus 1 space/facility vehicle, plus 1 space/8 persons at facility capacity
Community Care Facility, Small	1 space/employee, plus 1 space/facility vehicle, plus 1 space/8 persons at facility capacity
Emergency Shelter	1 space/40 beds
Medical Marijuana Cultivation	Not applicable
Medical Marijuana Dispensary	Not applicable
Medical Services, Extended Care	1 space/employee, plus 1 space/facility vehicle, plus 1 space/8 persons at facility capacity
Medical Services, General (Clinics, Offices, and Labs)	1 space/250 sf.
Medical Services, Hospitals	2 spaces/licensed bed
Residential Care Facility for the Elderly, Large	1 space/employee, plus 1 space/facility vehicle, plus 1 space/8 persons at facility capacity
Residential Care Facility for the Elderly, Small	1 space/employee, plus 1 space/facility vehicle, plus 1 space/8 persons at facility capacity
Residential Care Facility for the Chronically III, Large	1 space/employee, plus 1 space/facility vehicle, plus 1 space/8 persons at facility capacity
Residential Care Facility for the Chronically III, Small	1 space/employee, plus 1 space/facility vehicle, plus 1 space/8 persons at facility capacity
Agriculture, Resource, and Open Space Uses	
Animal Husbandry	None Required
Animal Keeping – Exotic	Not applicable
Animal Keeping – Fowl	Not applicable
Animal Keeping – Household Pets	Not applicable
Animal Keeping - Livestock	Not applicable
Crop Production	5 spaces/roadside stand
Equestrian Facility, Commercial	1 space/4 stables
Equestrian Facility, Hobby	None Required
Feed Lot	4.5 spaces/1,000 sf.
Hog Farm - Commercial	3 spaces, plus 1 space/employee
Kennels, Commercial	1 space/250 sf.
Kennels, Hobby	None Required
Slaughterhouse	3 spaces, plus 1 space/employee
Veterinary Facility	4.5 spaces/1,000 sf.
Recreation, Education, and Public Assembly Uses	
Assembly Uses	Greater of: 1 space/3 fixed seats or 1 space/50 sf. for non-fixed seats in the main assembly area
Cemeteries, Mausoleums	Greater of: 1 space/3 fixed seats or 1 space/50 sf. for non-fixed seats in the main assembly area
Community Garden	1 space/5,000 sf. lot area
Crematories	Greater of: 1 space/3 fixed seats or 1 space/50 sf. for non-fixed seats in the main assembly area
Golf Courses/Clubhouse	10 spaces/hole, plus 1.5 spaces/driving range tee station
Indoor Amusement/Entertainment Facility	1 space/600 sf.

Land Use	Required Parking Spaces
Indoor Shooting Range	1 space/range position, plus 1 space/250 sf. of retail area
Fitness and Sports Facilities	1 space/200 sf.
Libraries and Museums	1 space/400 sf.
Mortuaries and Funeral Homes	1 space/4 seats in main assembly area
Outdoor Commercial Recreation	Determined through Design Review
Parks and Public Plazas	For sites over 10 acres, 5% of the total site area; otherwise none required
Private Residential Open Space	For sites over 10 acres, 5% of the total site area; otherwise none required
Recreational Vehicle Parks	1.5 spaces/travel trailer/RV site
Resource Protection and Restoration	None Required
Resource-Related Recreation	1 space/10,000 sf. land area, minimum 4 spaces
Schools	
Academic charter	Greater of: 2 spaces/classroom or 1 space/5 seats in the main assembly area
Academic private	Greater of: 2 spaces/classroom or 1 space/5 seats in the main assembly area
Academic-Public	Greater of: 2 spaces/classroom or 1 space/5 seats in the main assembly area
Colleges and Universities-Private	1 space/2 students (maximum student capacity, plus 1 space/employee)
Colleges and Universities-Public	1 space/2 students (maximum student capacity, plus 1 space/employee)
Equipment/Machine/Vehicle Training	1 space/2 students, plus 1 space/employee
Specialized Education and Training/Studios	1 space/2 students, plus 1 space/employee
Theaters and Auditoriums	Greater of: 1 space/3 fixed seats or 1 space/30 sf.
Utility, Transportation, and Communication Use Listings	
Airport	Determined through Design Review
Broadcasting and Recording Studios	1 space/250 sf.
Bus and Transit Shelters	None Required
Fuel Storage and Distribution	
Heliports	Determined through Design Review
Park and Ride Facility	None Required
Parking Facility	Not Applicable
Public Safety Facility	Determined through Design Review
Telecommunication Facility	None Required
Transit Facilities	Determined through Design Review
Transit Stations and Terminals	Determined through Design Review
Utility Facility and Infrastructure	None Required
Retail, Service, and Office Uses	
Adult Oriented Business	Greater of: 1 space/3 fixed seats or 1 space/250 sf.
Agricultural Tourism	4.5 spaces/1,000 sf. accessible to the public
Alcoholic Beverage Sales	4.5 spaces/1,000 sf.
Ambulance Service	1 space/250 sf., plus 1 space/service vehicle
Animal Sales and Grooming	1 space/250 sf.
Art, Antique, Collectable	4.5 spaces/1,000 sf.
Artisan Shops	4.5 spaces/1,000 sf.
Banks and Financial Services	
Generally	5 spaces/1,000 sf.
Stand-alone ATMs	2 spaces/machine
Bars and Nightclubs	1 space/3 fixed seats, plus 1 space/50 sf. assembly area

Land Use	Required Parking Spaces
Bed and Breakfast Inns	1 space/guest room, plus 2 spaces/resident owner or manager
Building Materials Stores and Yards	4.5 spaces/1,000 sf.
Business Support Services	4.5 spaces/1,000 sf.
Call Centers	7 spaces/1,000 sf.
Card Rooms	1 space/2 seats in play area
Convenience Stores	4.5 spaces/1,000 sf.
Drive-in and Drive-through Sales and Service	
Non-Restaurant use	None required
Restaurant, with sit-down dining	See restaurant requirement
Restaurant, no sit-down dining	1 space/employee plus 1 space
Equipment Sales and Rental	1 space/250 sf. interior sales area, plus 1 space/1,000 sf. exterior sales and storage area
Garden Center/Plant Nursery	4.5 spaces/1,000 sf.
Grocery Store	4.5 spaces/1,000 sf.
Hotels and Motels	1 space/room
Maintenance and Repair Service	1 space/250 sf.
Neighborhood Market	4.5 spaces/1,000 sf.
Offices	
Accessory	4.5 spaces/1,000 sf.
Building Trade Contractors	4.5 spaces/1,000 sf.
Business and Professional	4.5 spaces/1,000 sf.
Pawn Shop	4.5 spaces/1,000 sf.
Personal Services	Greater of: 1 space/200 sf. or 2/chair
Personal Services, Restricted	Greater of: 1 space/200 sf. or 2/chair
Restaurants	Greater of: 1 space/3 fixed seats or 1 space/60 sf. dining area
Retail	4.5 spaces/1,000 sf.
Accessory	
General, large format	
General, medium format	
General, small format	
Superstore	
Superstore, large format	
Warehouse/club	
Smoke Shops	4.5 spaces/1,000 sf.
Thrift Store	4.5 spaces/1,000 sf.
Automobile and Vehicle Uses	
Auto and Vehicle Rental	1 space/400 sf., plus 1 space per rental vehicle
Auto and Vehicle Sales	1 space/400 sf.
Auto and Vehicle Sales, Wholesale	1 space/1,000 sf., minimum 2 spaces
Auto and Vehicle Storage	1 space/2,000 sf., plus one/company-operated vehicle
Auto Parts Sales	4.5 spaces/1,000 sf.
Auto Vehicle Dismantling	3 spaces, plus 1 space/employee
Car Washing and Detailing	
Full-Service	Greater of: 10 spaces or 3 times internal washing capacity*
Self-Service	2 spaces/wash bay
Fueling Station	None Required; see convenience stores and vehicle services are appropriate

Land Use	Required Parking Spaces
Vehicle Services Major Minor	2 spaces/service bay
Industrial, Manufacturing, and Processing Uses	
Agricultural Products Processing	1 space/500 sf., plus one/company-operated vehicle
Freight Yard/Truck Terminal	1 space/500 sf., plus one/company-operated vehicle
Laundry and Dry Clean Plant	1 space/500 sf., plus one/company-operated vehicle
Manufacturing Major Minor Small Scale	1 space/500 sf., plus one/company-operated vehicle
Printing and Publishing	1 space/500 sf., plus one/company-operated vehicle
Recycling Facility Collection, Small Collection, Large Processing Scrap and Dismantling	1 space/200 sf. of office space, plus 1 space/employee
Research and Development	4.5 spaces/1,000 sf.
Storage Personal Storage Facility Warehouse Yards	1 space/2,000 sf., plus one/company-operated vehicle
Wholesaling and Distribution	1 space/2,000 sf., plus one/company-operated vehicle
Wineries, Distilleries, and Brewery	1 space/500 sf., plus one/company-operated vehicle; see retail, general for publically accessible retail space

Notes:

1. If development includes private streets with limited or no parking, a minimum of one (1) guest parking space shall be provided per single-family residence as determined by the designated approving authority.
2. If five (5) or more bedrooms are provided in one (1) unit, then one (1) 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.

Section 23.62.090.B.11 shall be amended to read as follows:

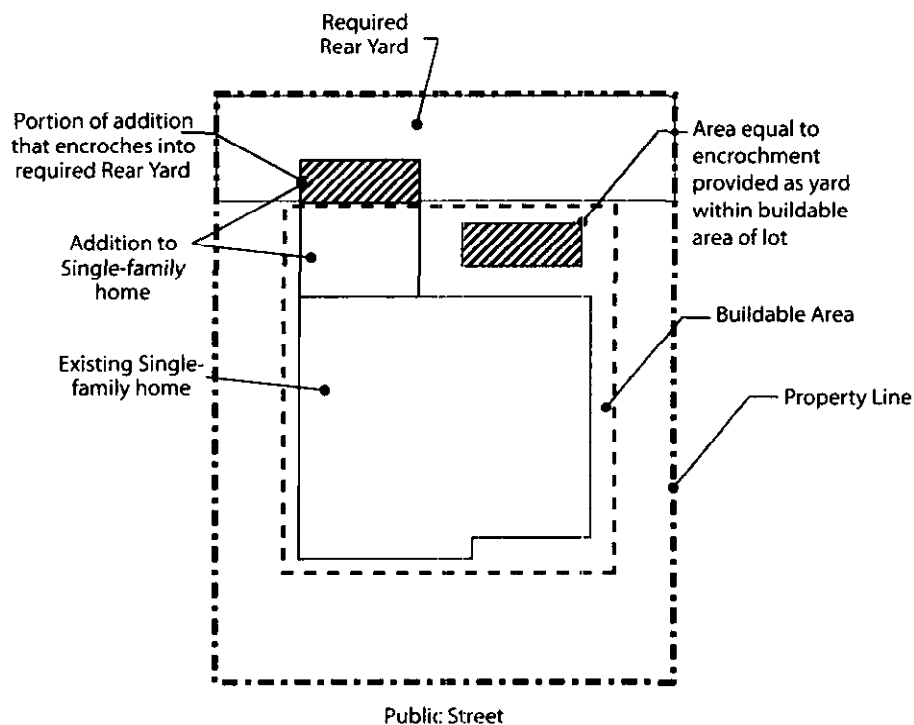
11. Noncommercial signs as defined in this title, consistent with the following requirements and not located within or over a public right-of-way unless authorized pursuant to EGMC Chapter 23.61, or over the roofline of any building, and outside of any clear-vision triangle ~~as follows:~~
 - a. Except as provided in (b) below, signs shall measure no more than six square feet (6 ft²).
 - b. During the time period beginning ninety (90) calendar days before a special, general, or primary election and ending twenty-one (21) calendar days after such election, the total allowed sign area for noncommercial signs may be increased by an additional forty two square feet (42 ft²) in area (for a total of forty eight square feet (48 ft²)).

Section 23.64.050.B shall be amended to read as follows:

- B. For single-family residential development, the following encroachments/projections are allowed by right:

1. A portion of the main building may project into the required rear yard area; provided, that an equal area of the buildable portion of the lot (this area can be anywhere on the lot) is provided as a yard or court (see Figure 23.64-4). In no event shall the rear yard be less than ten (10' 0") feet for one (1) story buildings and fifteen (15' 0") feet for two (2) and three (3) story buildings.

Figure 23.64-4
Main Building Projections into the Rear Yard for Single-Family Development



2. Structures that are attached to the primary dwelling and that have limited or no enclosure (e.g., patio covers) are allowed to project into in the required rear and interior side yard setbacks, provided they maintain a minimum five foot (5' 0") setback from the rear and interior side property lines. This allowance shall not be subject to the requirements of section 1 above.

Division V. Special Use Regulations

Chapter 23.72 (Automobile Service Stations) shall be amended to read as follows:

Chapter 23.72

AUTOMOBILE FUELING STATIONS

Sections:

- 23.72.010 Purpose.
- 23.72.020 Permit requirements and exemptions.
- 23.72.030 Location and separation requirements.
- 23.72.040 Development and operational standards.

23.72.010 Purpose.

The purpose of this chapter is to regulate fueling station development to ensure that the design and operation of such uses effectively mitigate associated problems with traffic, congestion, excessive pavement and lighting, litter, hazardous materials, and noise.

23.72.020 Permit requirements and exemptions.

Fueling stations are permitted or conditionally permitted in designated zoning districts as described in Division III, Zoning Districts, Allowable Land Uses, and Development Standards, of this title.

23.72.030 Location and separation requirements.

In the City, fueling stations shall be separated by a minimum of 500 feet, except that a maximum of two fueling stations are permitted at any single intersection. Separation distance shall be measured in a straight line from the property line of said fueling stations. Where two fueling stations are located at a single intersection, the City encourages fueling stations to be sited in such a manner as to serve different flows of traffic. The City may waive the spacing requirements for infill sites or locations affected by roadway widening or other infrastructure improvements.

23.72.040 Development and operational standards.

The development standards in this section are intended to supplement the standards in the underlying zoning district for fueling station uses. In the event of conflict between these standards and the underlying zoning district standards, the provisions of this section shall apply. Fueling station uses shall also comply with all applicable state and federal regulations regarding site design, pricing signs, containment, maintenance, and operations.

A. Minimum Lot Size. The minimum lot size to accommodate a service station in the City is 15,000 square feet.

B. Lot Coverage. Maximum lot coverage for a service station (including canopy) is 40 percent of the total lot size. No more than 20 percent of the total lot area shall be covered by a canopy.

C. Setbacks. Generally, no building shall be located within 20 feet of any public right-of-way or within 15 feet of any interior parcel line. However, to encourage a more pedestrian streetscape, a primary building with direct access from the street may be located a minimum of 15 feet from the right-of-way (and outside of required landscape corridors). The City may consider deviations from this requirement through the design review process.

D. Landscaping. In order to provide adequate screening for the large expanses of pavement associated with fueling station use, a minimum of 15 percent of the site shall be landscaped, concentrated at the perimeter of the site. Street frontage landscaping shall be a minimum of 15 feet in width and bermed to no less than two feet in height. Minimum five-foot-wide landscape planter areas shall be provided adjacent to all other exterior property lines. Planter areas shall be landscaped with trees, shrubs, and ground cover, including the following specific standards:

1. Trees along all street frontages shall be fast-growing evergreen species, a minimum of 24-inch box in size, planted no farther apart on center than the mature diameter of the proposed species.
2. Shrubs planted along all street frontages shall be a minimum five-gallon size and shall be designed and maintained to screen vehicles from view from adjacent roadways to a minimum continuous overall height of 30 inches, measured from the finished grade of on-site pavement abutting the planter.

E. Access/Circulation. The intent of the specific access and circulation standards below is to ensure safe and convenient internal circulation and access to and from the site, while minimizing the negative visual impact of multiple curb cuts, discontinuous landscape, and excessive pavement.

1. No more than two (2) exterior points of access (driveways along abutting streets) shall be provided for each fueling station, regardless of the length or number of street frontages. No more than thirty-five (35%) percent of the street frontage shall be devoted to curb cuts. Within integrated developments, shared access driveways are preferred.
2. The internal circulation system shall allow for vehicle stacking without blocking ingress and egress on and off the site. The pump island shall be situated to provide stacking space for a minimum of two vehicles behind the vehicle parked at the pump closest to the entrance and/or exit driveway. The City may consider deviations from this requirement through the design review process.

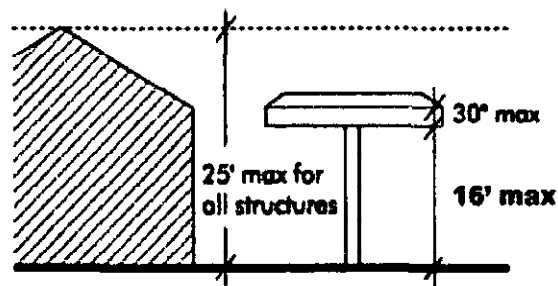
F. Pedestrian Access to Convenience Market. A minimum of one continuous four-foot-wide internal pedestrian walkway shall be provided from the perimeter public sidewalk of each abutting street to the

nearest entrance to the convenience market. Internal pedestrian walkways shall be distinguished from driving surfaces through the use of raised sidewalks, special pavers, bricks, or scored/stamped concrete.

G. Building Placement and Orientation. Buildings shall be placed close to the street and oriented to the public view.

H. Building and Canopy Design. The service station building and/or canopy shall be designed for architectural compatibility with the surrounding area. The maximum height for all fueling station buildings shall be twenty-five (25' 0") feet. In order to reduce the visual impact of the canopy structure and corresponding lighting, the maximum height of the canopy clearance shall be sixteen (16' 0") feet and the maximum width of the canopy fascia shall be thirty (30") inches. Canopy fascia shall match the color and texture of the primary building. See Figure 23.72-1.

**Figure 23.72-1
Fueling Station Building and Canopy Design**



I. Signs. All signs, except window signs, shall be constructed and maintained within a permanent sign structure. Except as provided below, fueling station signs are subject to compliance with the provisions of Chapter 23.62 EGMC, Signs on Private Property:

1. Building Signs. Allowable sign area for building signs is one square foot of sign area for each linear foot of primary building frontage, up to a maximum sign area of 50 square feet.
2. Freestanding Signs. One freestanding monument sign is permitted for corporate identification with a maximum sign area of 24 square feet and a six-foot height limit. Pricing signs shall be incorporated into such monument sign, the area of which shall not count against the maximum allowable freestanding sign area. Service stations located on a corner parcel shall locate the monument sign at the intersection for visibility from both abutting street rights-of-way. Said sign shall be located outside of the visibility requirement.

J. Parking. In addition to the off-street vehicle parking provisions in Chapter 23.58 EGMC, Parking, the following standards apply to fueling station uses:

1. Customer and employee parking shall not be utilized for vehicle repair, finishing work or storage of vehicles. No vehicle which is waiting for service, or which has been serviced, shall be parked on site for a period of longer than 72 hours.

2. No vehicle shall be parked on the premises for the purpose of offering it for sale.

3. **Outdoor Display of Materials.** Temporary and permanent outdoor display and sale of products shall be limited to one display rack near the entrance to the corresponding pay booth or convenience/service building and one display rack on each pump island. Display racks shall have a maximum area of 10 square feet at the base with a maximum height of six feet. Display racks shall not obstruct required vehicle or pedestrian access.

K. **Lighting.** In addition to the lighting provisions of Chapter 23.56 EGMC, Lighting, canopy lighting shall be recessed so that the luminaire does not extend below the surface of the underside of the canopy.

L. **Noise.** All outdoor noise generators associated with the business shall be identified by the applicant during conditional use permit review and may require the submittal of a professional noise analysis to quantify noise sources. All outdoor speakers and video/audio pump stations and sound signals associated with the service stations shall be turned off daily between the hours of 10:00 p.m. and 7:00 a.m.

Chapter 23.78 (Drive-In and Drive-Through Facility) shall be amended to read as follows:

Chapter 23.78

DRIVE-IN AND DRIVE-THROUGH FACILITY

Sections:

23.78.010 Purpose and applicability.

23.78.020 Permit requirements.

23.78.030 Development standards.

23.78.010 Purpose and applicability.

The purpose of this chapter is to regulate drive-in/drive-through facilities with development standards to ensure that the design and operation of such uses effectively mitigate associated problems with traffic, congestion, excessive pavement, litter, and noise.

23.78.020 Permit requirements.

Drive-in/drive-through facilities are permitted or conditionally permitted in designated zoning districts as described in Division III, Zoning Districts, Allowable Land Uses, and Development Standards, of this title.

23.78.030 Development standards.

The development standards in this section are intended to supplement the standards in the underlying zoning district for drive-in and drive-through uses. In the event of conflict between these standards and the underlying zoning district standards, the provisions of this section shall apply.

A. Drive-Through Aisles. The minimum standards for drive-through aisles are as follows:

1. Drive-through aisles shall have a minimum 10-foot interior radius at curves and a minimum 12-foot width.
2. Drive-up windows and remote tellers shall provide at least 180 feet of stacking space for each facility, as measured from the service window or unit to the entry point into the drive-up lane. Nonfood and/or nonbeverage businesses may reduce the stacking space to a minimum of 60 feet.
3. Each drive-through entrance/exit shall be at least 50 feet from an intersection of public rights-of-way, measured at the closest intersecting curbs, and at least 25 feet from the curb-cut on an adjacent property. Exceptions may be granted by the designated approving authority when drive-through pull-out spaces are provided.
4. Each entrance to an aisle and the direction of traffic flow shall be clearly designated by signs and pavement markings.
5. Each drive-through aisle shall be separated from the circulation routes necessary for ingress or egress from the property, or access to a parking space.
6. See section 23.42.060 (rural commercial combining zone) for additional development standards for projects within the rural commercial combining zone.

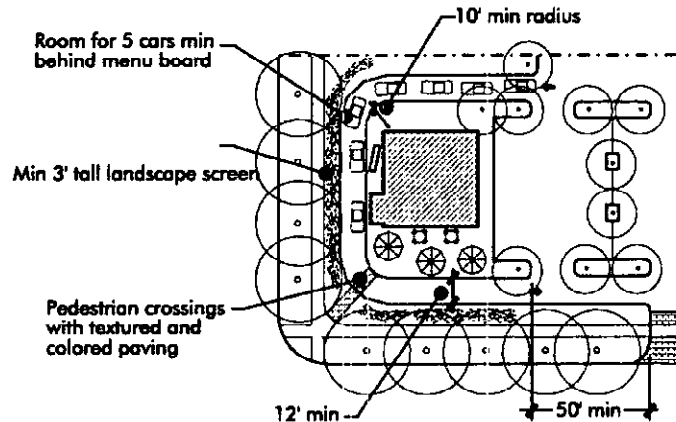
B. Landscaping of the Drive-Through Aisle. Landscaping shall be provided as described below:

1. A five-foot-wide planter between the drive-through aisle and the parking area that includes shade trees consistent with those used in the parking area (see Chapter 23.54 EGMC, Landscaping).
2. A minimum three-foot-tall, maximum four-foot-tall planter with low shrubs that screens the drive-through aisles from the abutting public right-of-way shall be used to minimize the visual impact of readerboard signs and directional signs. At no time shall this landscape barrier be pruned in a manner that allows the vehicle headlights from the drive-through lane to be visible from abutting street rights-of-way. Plantings should also be designed to discourage potential safety issues (e.g., persons lying in wait) (see Figure 23.78-1).

C. Pedestrian Access and Crossings. Pedestrian access shall be provided from each abutting street to the primary entrance with a continuous four-foot-wide sidewalk or delineated walkway. Pedestrian

walkways should not intersect the drive-through drive aisles, but where they do the walkways shall have clear visibility and shall be delineated by textured and colored paving (see Figure 23.78-1).

Figure 23.78-1
Drive-Through Site Design



D. Hours of Operation. When located on a site within 100 feet of any residential property (measured from the nearest property lines), hours of operation for the drive-up/drive-through service shall be limited from 7:00 a.m. to 10:00 p.m. daily. If the use is located greater than 100 feet from a residential use, then there are no restrictions on the hours of operation.

E. Signs. Signs shall be permitted in accordance with the provisions of Chapter 23.62 EGMC, Signs on Private Property. Double drive-through aisles shall be restricted to two (2) menu/order board signs.

F. Parking. The provision of drive-through service facilities shall not justify a reduction in the number of required off-street parking spaces for the accompanying use.

G. Noise. Any drive-up or drive-through speaker system shall emit no more than 50 decibels and at no time shall any speaker system be audible above daytime ambient noise levels beyond the property lines of the site. The system shall be designed to compensate for ambient noise levels in the immediate area.

Section 23.82.060 (Prohibited Home Occupations) shall be modified to read as follows.

23.82.060 Prohibited uses.

The following uses are expressly prohibited as home occupations:

- A. Ambulance service
- B. Ammunition reloading, including custom reloading
- C. Boarding house, bed and breakfast hotel, time share condominium
- D. Carpentry, cabinetmakers

- E. Ceramics (kiln of six (6 ft³) cubic feet or more)
- F. Health salons, gyms, dance studios, aerobic exercise studios
- G. Medical, dental, chiropractic, or veterinary clinics
- H. Mortician, hearse service
- I. Palm reading, fortune telling
- J. Private clubs
- K. Repair, or reconditioning, of boats or recreation vehicles
- L. Restaurants or taverns
- M. Retail sale from site, including but not limited to firearms and retail car sales. It shall specifically exclude direct distribution, artists' originals, and food sales_as provided by the California Health and Safety Code for cottage food operations
- N. Storage, repair or reconditioning of major household appliances, including refrigerators, freezers, clothes washers and dryers, dishwashers, stoves, heating and air conditioning equipment
- O. Storage, repair or reconditioning of motorized vehicles or large equipment on site
- P. Tattoo service
- Q. Tow truck services
- R. Veterinary uses (including boarding)
- S. Welding service (office only)

Chapter 23.83 (Marijuana Cultivation) shall be deleted in full.

Chapter 23.88 (Residential Care Facilities) shall be amended to read as follows:

**Chapter 23.88
CARE FACILITIES**

Sections:

- 23.88.010 Purpose and applicability
- 23.88.020 Definitions
- 23.88.030 Permit Requirements
- 23.88.040 Development Standards for residential care facilities

23.88.010 Purpose and applicability

The purpose of this chapter is to establish standards for review of large community care facilities and large residential care facilities for the elderly and chronically ill in compliance with state law. In order to protect the public health, safety and welfare and to preserve and protect the integrity of residential

neighborhoods, provisions herein are intended to prevent an overconcentration of these facilities. [Ord. 26-2006 §3, eff. 8-11-2006]

23.88.020 Definitions.

Terms unique to this chapter are listed in EGMC Chapters 23.26 (Use Classification System) and 23.100 (General Definitions).

23.88.030 Permit requirements.

A permit is required for large community care facilities and large residential care facilities for the elderly and chronically ill, as applicable, in accordance with Division III, Zoning Districts, Allowable Land Uses, and Development Standards, of this title.

23.88.040 Development standards for residential care facilities.

In addition to the development standards of the underlying zoning district, large community care facilities and large residential care facilities for the elderly and chronically ill shall comply with the following standards:

- A. License. Facilities shall be licensed by the appropriate State or county agency and shall comply with all licensing requirements thereof.
- B. Separation. To prevent an overconcentration of facilities in any one area, no large community care facilities and large residential care facilities for the elderly and chronically ill shall be allowed to be located within one thousand (1,000' 0") feet of the boundaries of a parcel with another such facility.
- C. Parking. Parking shall comply with the applicable provisions of EGMC Chapter 23.58, Parking.
- D. Signs. In residential neighborhoods, all identification signs for uses listed herein are restricted to the size and location provisions for home occupation signs. Signs for facilities located on nonresidential property shall comply with the provisions of EGMC Chapter 23.62, Signs on Private Property.

Division VI. Zoning Definitions A – Z

Section 23.100.020.D is amended as follows:

D. "D" Definitions.

1. "dB" means decibel, a unit used to express the relative intensity of a sound. Every increase of ten (10) dBA doubles the perceived loudness though the noise is actually ten (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 twenty (20%) percent, unless a lesser percentage is elected by the applicant, over the otherwise maximum allowable residential density.
6. "Designated approving authority" means the official or body of the City's planning agency (e.g., City Council, Planning Commission, Zoning Administrator, Planning Director), as defined in section 23.10.020, who has the designated authority to grant or approve a planning permit, entitlement, or legislative action.
7. "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.
8. "Direct broadcast satellite service (DBS)" means a system in which signals are transmitted directly from a satellite to a small home receiving dish.
9. "Direct distribution" means, in the context of home occupations, the sale of goods from a home with delivery completed by a third-party delivery services (e.g., FedEx, UPS, USPS), including but not limited to internet sales.
10. "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.

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

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

13. "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.

14. "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.

15. "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.

Section 23.100.020.K is amended as follows:

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.

2. "Kitchen, outdoor" means a space outside of a dwelling that is used or intended to be used for the cooking or preparation of food.

3. "Kitchenette" means a small space used or intended to be used for the preparation of food and that covers less than eighty square feet (80 ft²), specifically excluding a stove and/or oven. Examples include, but are not limited to, butler's pantries, mini-bars, and similar space in recreation rooms.

Section 23.100.020.R is amended as follows:

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. "Recommending authority" means an official or body of the City's planning agency (e.g., Planning Commission, Zoning Administrator, Planning Director), as defined in section 23.10.020, who is to make a recommendation to the designated approving authority on an action regarding a planning permit, entitlement, or legislative action.
4. "Recreational vehicle (RV)" means any motor home, travel trailer, truck camper, camper trailer, all terrain vehicle (ATV), or similar vehicle.
5. "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.
6. "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.
7. "Right-of-way line" means the dividing line between a street (including curb, gutter, sidewalk, and other associated infrastructure) and the abutting property.
8. "Roof sign" means a sign installed on a roof or projecting above the eave of a building or mounted on an arcade or parapet.
9. "Roofline" means the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

EXHIBIT B

Zoning Map Amendments

The following properties are hereby rezoned:

Rezone Site Number	Site/APN	General Plan	Existing Zoning	Proposed Zoning
6	134-0010-019*	P/QP	HI	LI/HI
7	116-0090-021 & 027	OF/MF	RD-5	BP
8	116-0090-007, 022, & 030	OF/MF	RD-5	BP
9	116-0100-079	OF/MF	AR-2	BP
10	125-0030-014	Institutional	RD-5	O
11	127-0190-001	Institutional	RD-2	O

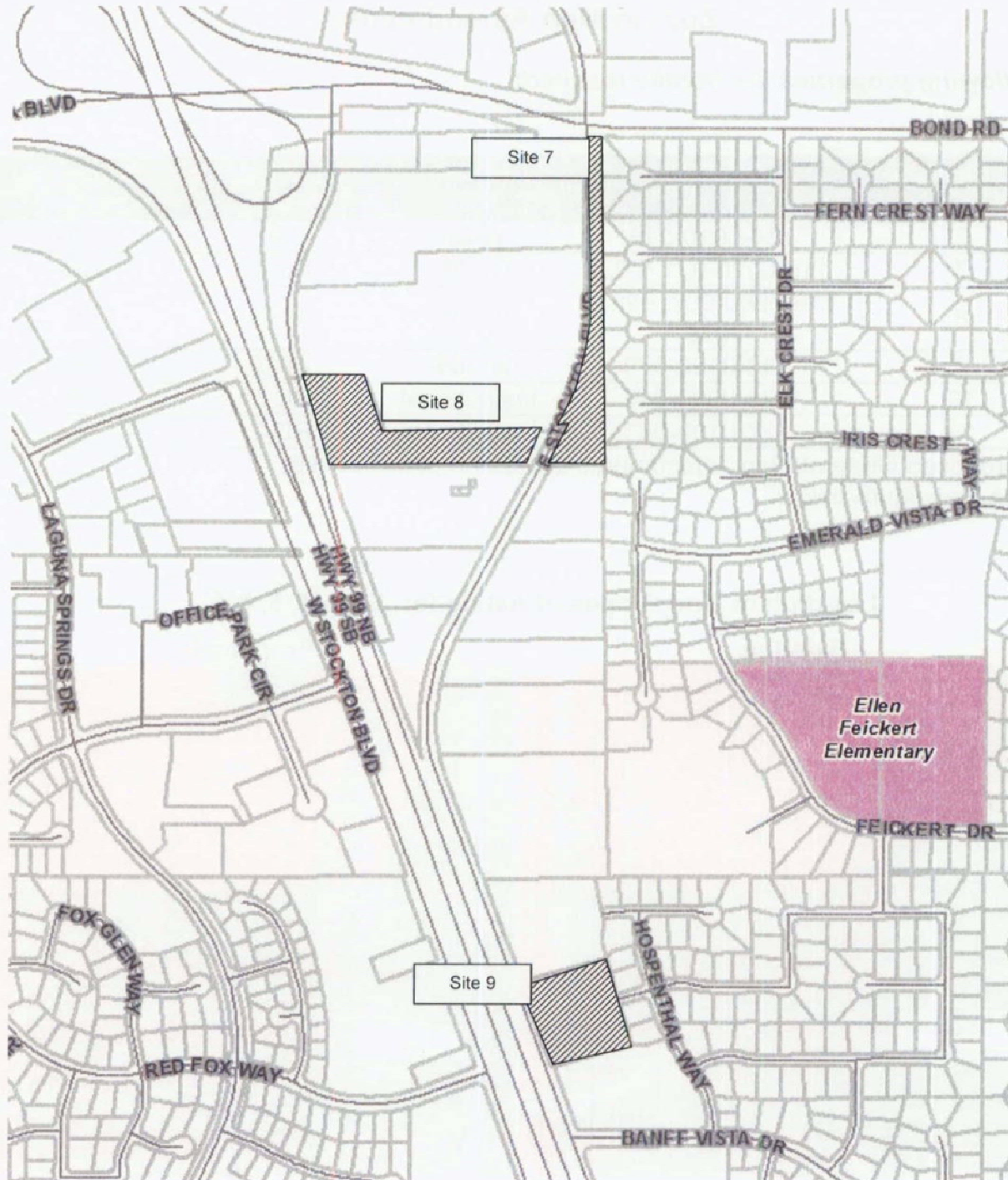
† See proposed General Plan amendments at the end of this packet.

* Portion, see figure below.

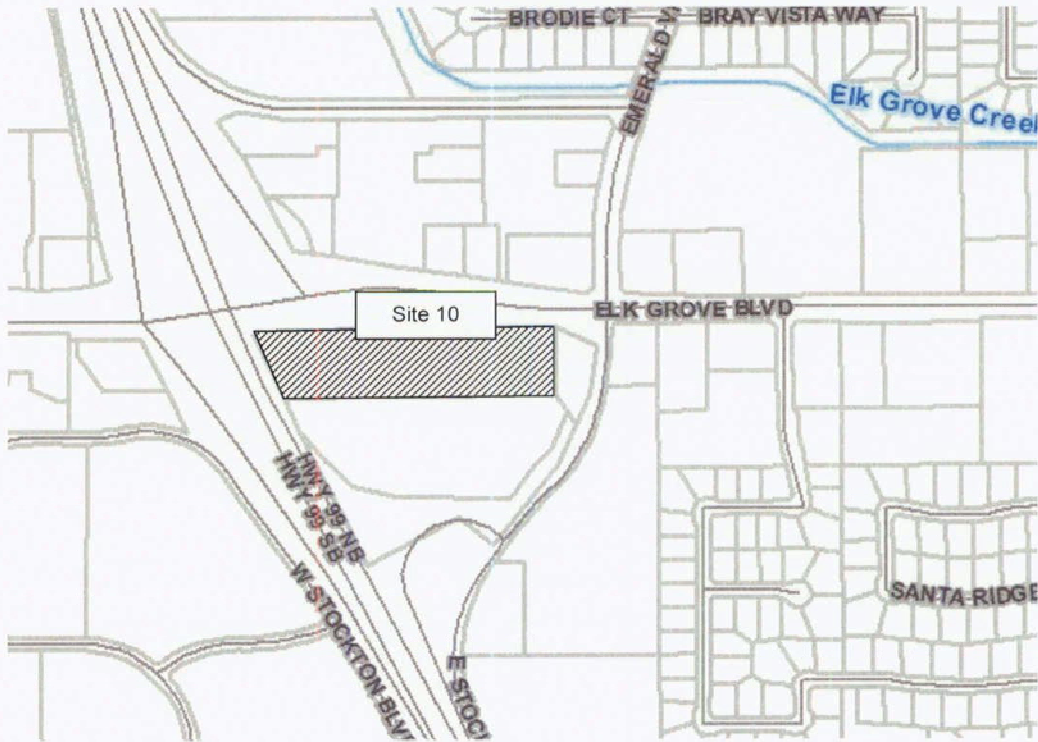
Location of, and Proposed Action for, Sites 4, 5, & 6



Location of Sites 7, 8, & 9



Location of Site 10



Location of Site 11



**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 23-2014**

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**