

ORDINANCE NO. 16-2009

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

The City Council of the City of Elk Grove does ordain as follows:

Section 1: Purpose and Authority

The purpose of this Ordinance is to amend the City of Elk Grove Zoning Code text to make minor revisions, to clarify and correct errors, omissions, and incorrect provisions. These amendments ensure consistency and implement the policies and actions of the City's General Plan and are consistent with state and federal laws.

Section 2: Findings

California Environmental Quality Act (CEQA)

Finding: The proposed Zoning Code and Municipal Code amendments are exempt from the California Environmental Quality Act.

Evidence: This action qualifies for an exemption under Section 15183, Project Consistent with the General Plan. This exemption applies to projects that are consistent with the development densities and intensities established in the General Plan and analyzed in the General Plan Environmental Impact Report. The purpose of these regulations is to implement the land use policies established in the City's General Plan. An Environmental Impact Report was prepared for the General Plan and analyzed impacts associated with the adopted Land Use Policy Map. The proposed amendments to the Zoning Code do not increase the development densities or intensities above those identified in the General Plan or analyzed in the General Plan Environmental Impact Report.

Zoning Code Amendments

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

Evidence: These proposed text amendments to the City's Zoning Code implement the goals, policies, and action items of the General Plan. They clarify the development standards and allowed use provisions for each of the City's Zoning Districts and refine special use provisions.

Section 3: Amendment

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

The following changes are organized by section as they appear in the Zoning Code.

Section 23.14.040 – Public Notices is amended to read as follows:

A. **Public Hearing Required.** The following procedures shall govern the notice and public hearing, where required, for consideration of a permit. In accordance with planning and zoning law, the Subdivision Map Act, and the California Environmental Quality Act, public hearings shall be required for all quasi-judicial permits and legislative actions of the City (variance, conditional use permit, design review, specific plans, special planning areas, zoning amendments, and general plan amendments). The hearing(s) shall be held before the designated approving authority as identified in this title.

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

1. General Plan amendment;
2. Rezone;
3. Specific plan amendment;
4. Special planning area amendment;
5. Non-administrative design review;
6. Tentative subdivision map;
7. Conditional use permit; or
8. Any other entitlement application as deemed necessary and appropriate by the Planning Director, Planning Commission, or City Council.

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' 00") 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' 00") feet of the boundary of the property that is the subject of the application.

b. For regional projects, notices shall be mailed to owners of property and residents/occupants, as applicable, within two thousand (2,000' 00") 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.

c. 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' 00") foot intervals until the standard is achieved.

d. The president or chairperson of all neighborhood associations or community groups in the City's neighborhood association index which have boundaries that overlap any of the noticing radius defined above shall also receive a notice of all public hearings. Mailings to such organizations shall not be counted toward the 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.

D. Requests for Notification. Any person who requests to be on a mailing list for notice of hearing for a development project or projects shall submit such request in writing to the City Clerk. The City may impose a reasonable fee for the purpose of recovering the cost of such notification.

E. Failure to Receive Notice. Failure of any person or entity to receive notice required by law of any hearing as required by this title shall not constitute grounds for any court to invalidate the actions of a designated approving authority for which the notice was given.

F. Hearing Procedure. Hearings as provided for in this chapter shall be held at the date, time, and place for which notice has been given as required in this chapter. The designated approving authority shall conduct the public hearing and hear testimony. The summary minutes shall be prepared and made part of the permanent file of the case. Any hearing may be continued. If the hearing is not continued to a specific date/time, then the hearing shall be re-noticed.

Section 23.16.060(A) – Minor Use Permit is amended to read as follows:

A. Purpose and Applicability. The purpose of the minor use permit is to allow for administrative review and determination of requests for specific uses that warrant evaluation to ensure compatibility with surrounding uses. It is anticipated that qualifying uses are relatively minor in nature and can likely be conditioned to ensure compatibility. The designated approving authority may grant minor use permits for the following uses, subject to all other provisions of this title:

1. Outdoor amplification associated with an existing or proposed use;
2. Outdoor seating as permitted pursuant to Chapter 23.86 EGMC, Outdoor Sales, Display, Storage, and Seating; and
3. Newsracks pursuant to Chapter 23.68 EGMC, Accessory Uses.
4. Temporary Use Permit extensions pursuant to Chapter 23.92 (Temporary Uses).

Section 23.36.030 – Allowed uses and permit requirements – Amends the entry for “*Vehicle Services – Major Repair/Body Work*” in Table 23.36-1 as follows:

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

P = Use Permitted	CUP = Conditional Use Permit Required		N = Not Permitted
Land Use	Permitted by Industrial Zoning District		Specific Use Regulations
	M-1	M-2	
Vehicle Services – Major Repair/Body Work	CUP	P ^{3,4}	

Section 23.46.030(A) – Permit Requirements and Exceptions – is amended to read as follows:

A. Enclosed and/or solid-roofed accessory structures that are one hundred twenty (120 ft²) square feet or smaller in size with no portion of the structure equal to or greater than eight (8' 00") feet in height. Structures shall not be located in either a required front yard or street-side yard. In order to maintain necessary fire breaks, all combustible accessory structures shall be set back a minimum of three (3' 00") feet from side and rear property lines, with a minimum six (6' 00") foot separation between structures.

Section 23.68.030(A)(2) – Accessory uses permitted – is amended to read as follows:

2. Garage/yard sales are permitted on any parcel where the sale operator resides, not to exceed four (4) sales per calendar year for a maximum of two (2) consecutive days and may only operate during daylight hours.

Section 23.78.030(E) – Development Standards – is amended to read as follows:

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.

Section 23.86.020(D) – Permit Requirements – is amended to read as follows:

D. Permanent and Seasonal Outdoor Seating Uses. If not part of the original development permit for the principal use, outdoor seating uses shall be permitted in non-residential zoning districts subject to Zoning Clearance/Plan Check or Design Review, depending on the total number of outdoor seats. Zoning Clearance/Plan Check is required for twelve (12) or fewer seats and Design Review is required for thirteen (13) or more seats. All such uses shall be consistent with the development and operational standards in this chapter

Section 23.92.040(A) – Temporary use permit extensions – is amended to read as follows:

A. Garage Sales. Garage sales are permitted on any parcel where the sale operator resides, not to exceed four (4) sales per calendar year and two (2) consecutive days for each sale. All merchandise must be displayed within the property boundaries

Misspellings/Grammar: Amend misspellings and minor grammatical errors as follows:

Section	Page	Amendment
23.32.030	III-28	surrounding <u>surrounding</u>
23.42.050(7)	III-53	mobilhome <u>mobilehome</u>
23.42.070(10)	III-68	Elk Grovew
IV - Title Page	IV - Title Page	othe ramendments other amendments
23.58.040	IV-36	Stnadards <u>Standards</u>
23.61.030	IV-55	publicaly <u>publicly</u>
23.62.050	IV-60	the
23.62.060	IV-62	therof <u>thereof</u>
23.62.100(5)	IV-75	permitted <u>permitted</u>
Figure 23.62-4	IV-80	Distribuion <u>Distribution</u>
23.64.030	IV-95	wDevelopment
23.76.090	V-24	Finidings <u>Findings</u>
23.80.040	V-34	habital <u>habitable</u>
23.84.030	V-39	(Ord. 28-200, §3, p. 2) (Ord. 28-2008, §3, p. 2)
23.98.030	VI-12	ever oven
23.98.030	VI-18	These
Table of Contents	x	Distribuion <u>Distribution</u>

Section 4: No Mandatory Duty of Care.

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

Section 5: Severability.

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

invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 6: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 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 Government Code 36933(c)(1).

ORDINANCE: 16-2009
INTRODUCED: July 22, 2009
ADOPTED: August 26, 2009
EFFECTIVE: September 25, 2009



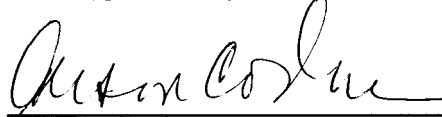
PATRICK HUME, MAYOR of the
CITY OF ELK GROVE

ATTEST:



SUSAN J. BLACKSTON, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

Date signed: September 1, 2009

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 16-2009**

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

I, Susan J. Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on July 24, 2009 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on August 26, 2009 by the following vote:

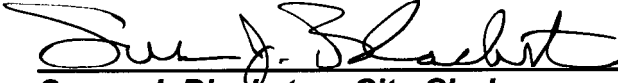
AYES : **COUNCILMEMBERS:** *Hume, Scherman, Davis, Detrick*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Cooper*

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


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