

ORDINANCE NO. 16-2021

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
ADOPTING AMENDMENTS TO THE ELK GROVE MUNICIPAL CODE /TITLES 16, 22
AND 23 (ZONING CODE) REZONING CERTAIN PARCELS, AND AMENDING THE
SOUTHEAST POLICY AREA SPECIAL PLANNING AREA FOR CONSISTENCY
WITH THE GENERAL PLAN ADOPTED ON FEBRUARY 27, 2019**

**GENERAL PLAN-ZONING CONSISTENCY PROGRAM, PHASE 3
FILE NO: PL0022**

WHEREAS, California Government Code Section 65300 requires the City to adopt a comprehensive, long-term general plan for the physical development of the City; and

WHEREAS, Government Code Section 65860 requires that the City's zoning regulations be consistent with the General Plan and that in the event zoning regulations become inconsistent with the General Plan by reason of amendment to the General Plan, the zoning shall be amended so that it is consistent with the General Plan as amended; and

WHEREAS, in February 2019, the City adopted a comprehensive update to its General Plan; and

WHEREAS, amendments to the Elk Grove Municipal Code (EGMC), including its zoning regulations, are necessary to provide consistency with the 2019 General Plan Update (referred to herein as the General Plan-Zoning Consistency Program); and

WHEREAS, the City determined that the General Plan Update, including the General Plan-Zoning Consistency Program (also referred to herein as the "Project") was a project requiring review pursuant to the California Environmental Quality Act (CEQA), Public Resources Code 21000 et seq. and that an Environmental Impact Report (EIR) should be prepared to evaluate the potential environmental effects of the Project; and

WHEREAS, on February 27, 2019, the City Council adopted Resolution No. 2019-035, certifying the EIR for the General Plan Update (State Clearinghouse Number SCH#2017062058), adopting Findings of Fact and a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program; and

WHEREAS, amendments to the EGMC are necessary in order to provide consistency between the General Plan and EGMC; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on June 3, 2021 as required by law to consider all of the information presented by staff and public testimony presented in writing and at the meeting and voted 5-0 to recommend approval to the City Council; and

WHEREAS, on July 28, 2021, the City Council held a duly-noticed public hearing as required by law to consider all of the information presented by staff and public testimony presented in writing and at the meeting.

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

Section 1: Purpose

The purpose of this Ordinance is to amend Elk Grove Municipal Code Titles 16, 22, and 23 (the Zoning Code) for consistency with the General Plan and state law; approve the rezoning of parcels located at 8672 and 8688 Sheldon Road from Park to Low Density Residential, and a parcel located at 8476 Sheldon Road from Rural Residential to High Density Residential; rezone various parcels around the City for consistency with the General Plan; and to amend the Southeast Policy Area Special Planning Area for consistency with the General Plan and state law.

Section 2: Findings

California Environmental Quality Act (CEQA)

Finding: No further environmental review is required pursuant to State CEQA Guidelines Section 15162.

Evidence: The proposed amendments implement the General Plan, which was considered through the General Plan Update Environmental Impact Report (EIR) (SCH No. 2017062058). That document provides a programmatic review of the potential impacts associated with implementation of the overall General Plan. The EIR is comprised of a Draft EIR (Draft EIR) and Final EIR (Final EIR). The Final EIR was released for public review on January 4, 2019 and certified by the City Council on February 27, 2019

State CEQA Guidelines Section 15162 provides that no further review is required under CEQA when there are no substantial changes in the Project, there are no substantial changes with respect to the circumstances under which the Project is undertaken, and there is no new information of substantial importance, which was not known and could not have been known at the time of certification of the EIR. The proposed EGMC amendments are consistent with the analysis presented in the EIR and, pursuant to State CEQA Guidelines Section 15162, no subsequent analysis is required. Specifically, the revisions increase the allowed building height in various zones, including office and industrial, consistent with the allowed floor area ratio for the corresponding General Plan land use designations. Additional provisions for Density Bonus and Accessory Dwelling Units are updated consistent with State law, which provides an exemption from the General Plan's density limitations for these activities.

The proposed rezonings are consistent with the General Plan land use as provided in General Plan Table 3-1 (Consistency Matrix), therefore, the potential density and intensity was considered as part of the General Plan EIR.

Therefore, there are no substantial changes in the Project, there are no substantial changes with respect to the circumstances under which the Project is undertaken, and there is no new information of substantial importance, which was not known and could not have been known at the time of certification of the EIR, and no further environmental review is required.

Municipal Code Amendments

Finding: The proposed municipal code amendments (text and map) are consistent with the General Plan goals, policies, and implementation programs.

Evidence: The proposed revisions update the allowed uses and permit requirements for various uses, consistent with the land use plan provided in the General Plan. The revisions also establish procedures for ensuring multi-family development provides its fair share funding towards new parkland dedication. Other revisions ensure that the City's regulations are consistent with state law, including revisions to Density Bonus, Accessory Dwelling Units, and Wireless Communication Facilities. The revisions also establish standards for Urban Crop Production as provided for in General Plan policy and implementation actions 1.1 and 6.5.

Southeast Policy Area Special Planning Area Amendment

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

Evidence: The proposed revision to the Southeast Policy Area Special Planning Area allows the City to consider increased height for office buildings. The maximum floor area ratio provided in the General Plan would still limit the total building area of the site. Therefore, the proposed revision is consistent with the General Plan.

Section 3: Action – Rezoning

The City of Elk Grove Zoning Map shall be amended to appear as provided in Exhibit A, attached hereto and incorporated herein by this reference.

Section 4: Action – Municipal Code Amendments

The City of Elk Grove Municipal Code shall be amended as provided in Exhibit B, attached hereto and 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: 16-2021
INTRODUCED: July 28, 2021
ADOPTED: August 11, 2021
EFFECTIVE: September 10, 2021


BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

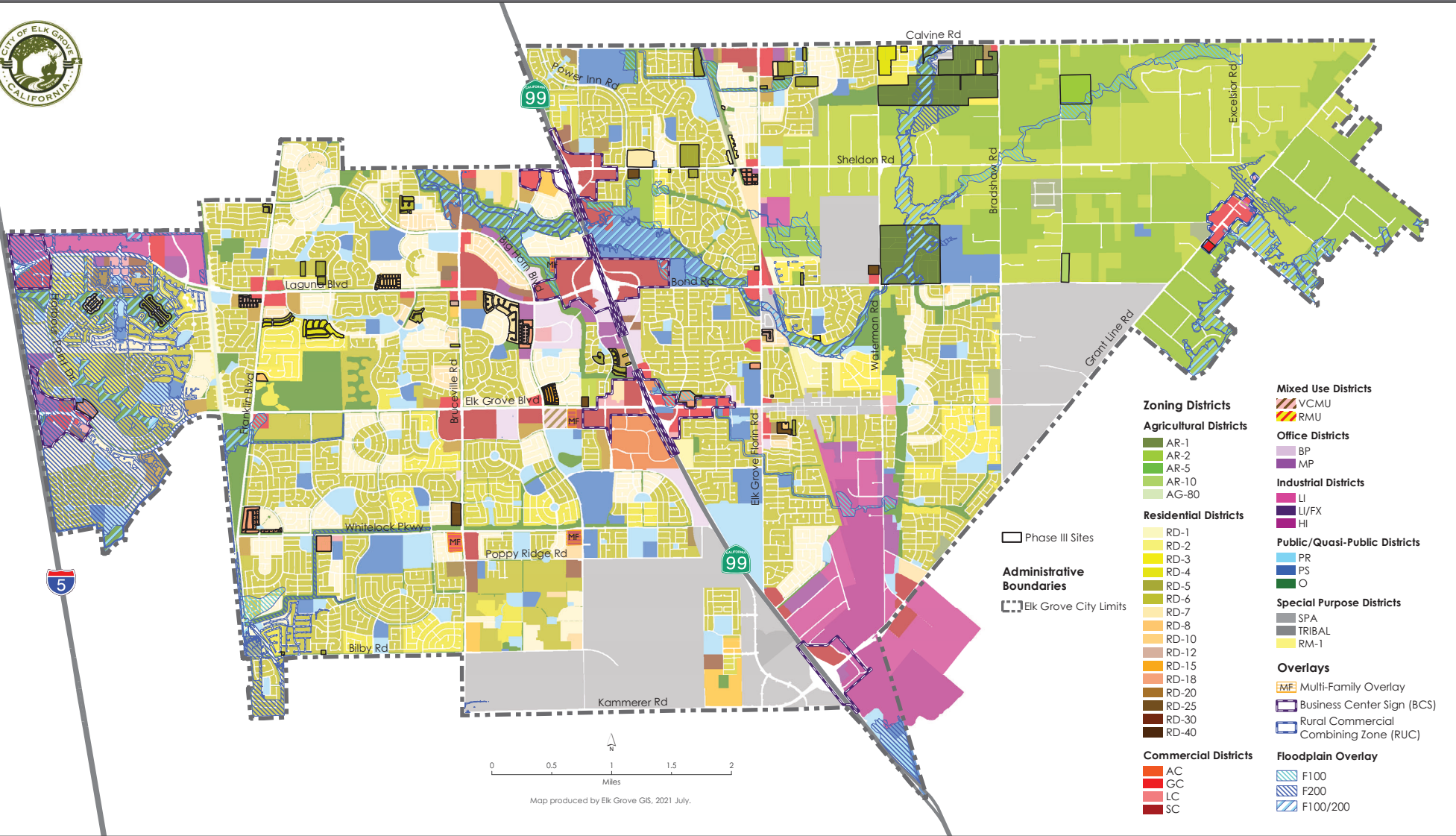
APPROVED AS TO FORM:


JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: August 11, 2021

EXHIBIT A

Zoning Map Amendments



- Zoning Districts**
- Agricultural Districts**
 - AR-1
 - AR-2
 - AR-5
 - AR-10
 - AG-80
- Residential Districts**
 - RD-1
 - RD-2
 - RD-3
 - RD-4
 - RD-5
 - RD-6
 - RD-7
 - RD-8
 - RD-10
 - RD-12
 - RD-15
 - RD-18
 - RD-20
 - RD-25
 - RD-30
 - RD-40
- Commercial Districts**
 - AC
 - GC
 - LC
 - SC
- Mixed Use Districts**
 - VCMU
 - RMU
- Office Districts**
 - BP
 - MP
- Industrial Districts**
 - IU
 - IU/FX
 - HI
- Public/Quasi-Public Districts**
 - PR
 - PS
 - O
- Special Purpose Districts**
 - SPA
 - TRIBAL
 - RM-1
- Overlays**
 - MF Multi-Family Overlay
 - BCS Business Center Sign
 - RUC Rural Commercial Combining Zone
- Floodplain Overlay**
 - F100
 - F200
 - F100/200

Phase III Sites
 Administrative Boundaries
 Elk Grove City Limits



Map produced by Elk Grove GIS, 2021 July.

**Proposed Municipal Code Revisions
General Plan Consistency Update, Phase 3 – Draft Dated June 4, 2021**

Proposed changes are shown in ~~strikeout~~ (for deleted text) and underline (for added text).

Changes to Title 16 (Buildings and Construction)

Chapter 16.80 (Park Land In Lieu Fee) shall be added as follows:

**Chapter 16.80
PARK LAND IN LIEU FEE**

Sections:

- 16.80.010 Purpose**
- 16.80.020 Definitions**
- 16.80.030 Applicability**
- 16.80.040 Calculation of In Lieu Fee**
- 16.80.050 Use of In Lieu Fee**

16.80.010 Purpose.

The City's General Plan provides that new residential development shall provide park land at a rate of five (5) acres for every one thousand (1,000) residents. New residential developments that are part of a subdivision provide dedications of park land or, in some instances, an in lieu fee for park land acquisition, pursuant to the Quimby Act (Government Code Section 66477) and EGMC Chapter 22.40 (Park And Recreation Dedication And Fees). However, certain residential developments are allowed under the General Plan and EGMC Title 23 (Zoning) without having to first subdivide the land. This chapter provides a process to ensure that those residential developments provide their fair share funding towards the acquisition of park land consistent with General Plan policy.

16.80.020 Definitions.

The following terms, as used in this chapter, shall have the following meanings:

1. "Apartment area" means an area of land used for or proposed for residential occupancy in buildings or structures designed for five (5) or more families for living or sleeping purposes and having kitchen and bath facilities for each family. Included are condominiums and cluster developments.
2. "Dwelling unit" means one (1) or more rooms in a building or structure or portion thereof designed exclusively for residential occupancy by one (1) family for living or sleeping purposes and having kitchen and bath facilities, including mobile homes.
3. "Mobile home development" means an area of land used for or proposed for residential occupancy in vehicles which require a permit to be moved on a highway, other than a motor vehicle designed or used for human habitation and for being drawn by another vehicle.
4. "Multiple-family area" means an area of land used for or proposed for residential occupancy in buildings or structures designed for two (2) to four (4) families for living or sleeping purposes and having kitchen and bath facilities for each family, including two (2) family, group and row dwelling units.
5. "Park factor" means the factor, or ratio, that describes the amount of park land required per dwelling unit based upon the average household size for the applicable dwelling unit type. See EGMC 16.80.040(a)(3).

6. “Qualifying residential development” means any residential development that excludes, as part of its planning and entitlement approval, a tentative parcel map or tentative subdivision map, or for which a tentative parcel map or tentative subdivision map was previously approved or a parcel map or final map recorded, and for which no land dedication or in lieu fee was collected pursuant to the Quimby Act and EGMC Chapter 22.40. Examples include, but are not limited to, a multifamily residential development such as an apartment development, where no subdivision of land is required or proposed. A qualifying residential development shall exclude a home constructed on a legal lot of two (2) gross acres or more and that is located in a Agricultural or Rural Residential General Plan designation. It shall also exclude any accessory dwelling unit or junior accessory dwelling unit as provided in EGMC 23.90.

7. “Single-family area” means an area of land used for or proposed for detached buildings designed for residential occupancy by one (1) family.

16.80.030 Applicability.

The requirements of this chapter shall apply to any qualifying residential development.

16.80.040 Calculation of In Lieu Fee.

A. A qualifying residential development shall make payment to the City, prior to issuance of the first building permit for the development, for the parkland necessary to support the development consistent with the General Plan, pursuant to the following.

1. The value of the payment shall be a sum calculated pursuant to the following formula:

$$A \times V = M$$

where,

A = the amount of park land required;

V = fair market value (per acre) of the Qualified Residential Development, as determined by this section; and

M = the number of dollars to be paid in lieu of dedication of land.

2. The amount of park land required shall be determined according to the following formula:

$$D \times F = A, \text{ where:}$$

D = the number of dwelling units

F = a “park factor” herein described in subsection (3) of this section

A = the park land required

3. The park factor shall be determined by the Development Services Director and updated from time to time, based upon the following:

a. The park factor shall be the acreage required for each of the four (4) types of dwelling units defined in this chapter. The method for calculating the park factor shall be as illustrated in the following equation. To complete the calculation, the Development Services Director shall, using data for the City of Elk Grove as reported by the U.S. Census Bureau for the City of Elk Grove, identify the household size for each of the four (4) dwelling unit types. The household size shall be determined based upon the total population in each dwelling category, divided by the total number of occupied units in that dwelling category.

$$\frac{\text{Parkland Requirement (e.g., 5 acres)}}{(1,000 \div \text{Household Size})} = \text{Park Factor}$$

b. For qualifying residential developments located within a specific plan, special planning area, or similar master or strategic plan for a geographic area, the park factors shall be established at the time of adoption of the plan as provided in subsection(a) above.

4. For multifamily developments, the number of dwelling units used to determine the amount of park land required shall be the number of units approved as part of the planning or entitlement approval.

5. The fair market value shall be determined based upon an appraisal. The developer of the qualifying residential development shall request that the City cause the appraisal to be conducted. The appraisal shall be consistent with the following requirements.

a. Upon request by the developer of the qualifying residential development to calculate the in-lieu fee, the City shall request that an appraisal be conducted by a qualified licensed real estate appraiser from the City's list of approved appraisers. The appraiser shall hold a certified general appraisal license issued by the California Bureau of Real Estate Appraisers (BREA) or equivalent certification, as determined in the sole discretion of the City. The cost of the appraisal and the City's review of the appraisal shall be borne by the developer of the qualifying residential development. A deposit for such fees, established by the City's Development Services Department services fees schedule as approved by resolution of the City Council, shall be deposited with the City at least one hundred twenty (120) days prior to the issuance of the building permit. If the deposit is nearing depletion, the City may request an additional deposit. If an unbilled balance remains at the end of the appraisal process, a refund will be issued to subdivider.

The appraisal shall render a value based upon the approved qualifying residential development assuming a land use and zoning designation in accordance with the project application, utilizing the following market value: The most probable price, as of a specific date, in cash, or terms equivalent to cash, or in other precisely revealed terms, for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self interest, and assuming that neither is under undue duress.

The appraisal shall value the property as of a date no earlier than ninety (90) days prior to the issuance of the building permit. The appraisal report shall be subject to approval by the Development Services Director.

b. Nothing here shall preclude the City from determining fair market value by an appraisal procedure that is alternative to the procedures set forth above, as long as the alternative appraisal method is reasonably likely to determine the substantially same fair market value as if conducted by the appraisal method above, all as determined by the City in its sole discretion.

16.80.050 Use of In Lieu Fee

The City shall, in its sole discretion, determine the use of the funds towards the acquisition of one or more properties, or portions thereof, in order to achieve the park land policy.

Changes to Title 22 (Land Development)

Section 22.20.076 (Waiver of parcel maps for condominiums) shall be modified as follows:

22.20.076 Waiver of parcel maps for condominiums.

The Planning Commission or the City Council may waive the requirements for a tentative or final map imposed by the Subdivision Map Act for the construction of a residential condominium project on a single lawful parcel. The ~~Public Works Director~~ Development Services Director may waive the requirements for a tentative or final map imposed by the Subdivision Map Act for the construction of a commercial or industrial condominium project on a single lawful parcel.

The procedure for determining whether such a waiver for a ~~residential~~ condominium is appropriate shall be initiated by an application for waiver filed with the Development Services Director. An ~~application for waiver for a commercial or industrial condominium shall be initiated by an application for waiver filed with the Public Works Director.~~

The application shall contain a legal description for the single lawful parcel and a description of the proposed condominium project. If an application for waiver on a residential condominium project is filed contemporaneously with an application to adopt or amend a specific plan, then the application for waiver shall be first considered by the Planning Commission at a public hearing. After this hearing, the Planning Commission shall provide a written recommendation to the City Council which shall make the final determination on the application. All other applications for waiver on a residential condominium project shall be considered by the Planning Commission at a public hearing. The Planning Commission shall make the final determination on these applications for waiver.

Applications for waiver of final or tentative maps on a commercial or industrial condominium project on a single lawful parcel shall be considered and granted or denied by the ~~Public Works Director~~ Development Services Director.

No applications for a waiver of the requirement for a tentative or final map for the construction of a condominium project on a single lawful parcel shall be granted unless it is found that the proposed division of land complies with the requirements of the Subdivision Map Act and the Elk Grove Municipal Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act and the Elk Grove Municipal Code.

Section 22.40.035.C (Park Factors) shall be modified as follows:

C. Park Factors

~~1. The Development Services Director shall establish, and update from time to time, the park factors necessary to determine the acreage of parkland required. The data source for these park factors shall be data for the City of Elk Grove as reported by the U.S. Census Bureau for the City of Elk Grove. The park factors shall be calculated based upon the following equation and shall be specific for each of the four (4) types of dwelling units defined above (single-family area, multiple-family area, apartment area, and mobile home area). The household size shall be determined based upon the total population in each dwelling category, divided by the total number of occupied units in that dwelling category. The park factor shall be the acreage required for each of the four (4) types of dwelling units defined in this chapter. The method for calculating the park factor shall be as illustrated in the following equation. To complete the calculation, the Development Services Director shall, using data for the City of Elk Grove as reported by the U.S. Census Bureau for the City of Elk Grove, identify the household size for each of the four (4) dwelling unit types. The household size shall be determined based upon the total population in each dwelling category, divided by the total number of occupied units in that dwelling category.~~

$$\frac{\text{Parkland Requirement (e.g., 5 acres)}}{(1,000 \div \text{Household Size})} = \text{Park Factor}$$

2. In the case of a specific plan, special planning area, or similar master or strategic plan for a geographic area, the park factors shall be established at the time of adoption of the plan as provided in subsection (C)(1) of this section.

Section 22.40.035.E (Timing of In-Lieu Fee Payment) shall be modified as follows:

E. Unless a specific written request is made by the applicant, fees shall be payable at the time of the recording of the final map or parcel map. When a tentative parcel map or tentative subdivision map includes one or more lots intended for multiple family and apartment development, as provided in subsection (D), the designated approving authority may ~~Upon the written request of the applicant, the Planning Commission may recommend and the City Council may add a condition to any the map contemplated by subsection (D) of this section for multifamily development, whether submitted as a parcel map or subdivision map, stating that required land or dedication or improvements or the payment of an in-lieu fee may occur after the recordation of the final or parcel map and that required land or dedication or improvements or the payment of an in-lieu fee shall occur at some~~ be deferred to a later time but not later than prior to the issuance of building permits. In such instance, the value of the in-lieu fee shall be calculated at the time of the payment of the fee.

Changes to Title 23 (Zoning)

Sections 23.10.030 (Responsibilities of the City Council) and 23.10.040 (Responsibilities of the Planning Commission) shall be modified as follows:

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. Make determinations on consistency with the General Plan of proposed real property acquisitions or disposals as provided in Section 65402 of the California Government Code; provided, however, that the Planning Commission shall make determinations in the circumstances set forth in Section 23.10.040(H).
- F. Exercise such other powers and duties as are prescribed by State law or local ordinance.

23.10.040 Responsibilities of the Planning Commission.

The Planning Commission shall have the following land use responsibilities.

- A. Hear and decide appeals of the decisions of the Development Services Director and Zoning Administrator.
- B. Hear and decide applications for conditional use permits, variances, major design review, major uniform sign programs, extensions to nonconforming use status, tentative subdivision maps, ~~and~~ tentative parcel maps, and other permits as entitlements as provided in EGMC 23.16.
- C. Review and approve or disapprove official zoning interpretations.
- D. Hear and make recommendations to the City Council on applications or proposals for amendments to this title.
- E. Initiate studies of amendments to this title and make recommendations to the City Council for amendments to this title.
- F. Hear and make recommendations to the City Council on applications for zoning amendments, General Plan and amendments thereto, specific plans, special planning areas, rezoning, and other related planning studies.
- G. Make recommendations to the City Council with respect to the consistency of a proposed capital improvement program with the General Plan as provided in EGMC Chapter 21.15, or the proposed Public Works improvements or projects of other agencies or special districts within the City as requested and provided under Section 65401 of the California Government Code.
- H. Make determinations with respect to consistency with the General Plan for real property dedications, dispositions, vacations, and abandonments as required by Section 65402 of the

California Government Code when proposed as part of the initial development application, except that if the City Council is the designated approving authority for the development project as provided in EGMC 23.14.050 (Approving authority) then the City Council shall make the determination after a recommendation by the Planning Commission. However, if the proposed dedication, disposition, vacation, or abandonment is not known or otherwise proposed with the development application then the City Council may consider it and make a determination as to General Plan consistency as part of the approval of the final map or parcel map to the extent such action is a subsequent action of the development application. Where no final map or parcel map is proposed and the General Plan consistency determination is required subsequent to initial approval of the development project the determination shall be made by the original approval authority.

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

Section 23.12.040 (Official zoning interpretation) shall be modified and Section 23.12.045 (Similar use determination) shall be added as follows:

23.12.040 Official zoning interpretation.

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

B. Official Zoning Interpretation Defined – Threshold for Preparation of Official Zoning Interpretation. An official zoning interpretation is a recorded decision on the meaning and/or application of the development standards, allowed use regulations, or other standards contained within this title. An official zoning interpretation is only prepared to address an ambiguity and is not prepared as part of the normal application of the code in review of development applications and zoning clearance/plan check. It is not used to determine if a proposed use is similar to another use listed in this Title as such determinations are made through the similar use determination process described in section 23.12.045 (similar use determination).

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

D. Procedure for Interpretations.

1. Development Services Director Action. The Development Services Director shall prepare the draft official zoning interpretation and place it, along with any relevant supporting information, as a regular agenda item on the next available Planning Commission agenda.

~~42. Planning Commission Routing Review and Action. The Development Services Director shall forward the official zoning interpretation to the Planning Commission as an action item at its next regularly scheduled Planning Commission meeting for Planning Commission approval or disapproval. The action on the interpretation shall not be final until after Planning Commission meeting and action. The Planning Commission shall review the draft official zoning interpretation and, based upon the materials and information presented at the meeting, either affirm, affirm with modification, or deny the interpretation.~~

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

3. Appeal. ~~Planning Commission action on interpretations by the Development Services Director~~ Official zoning interpretations may be appealed to the City Council pursuant to EGMC Section 23.14.060 (Appeals). Appeals of official zoning interpretations are not subject to appeal fees.

E. Keeping of Official Zoning Interpretations. The Development Services Director shall maintain a complete record of all official interpretations available for public review, indexed by the chapter number of this title that is the subject of the interpretation.

F. Codification of Official Zoning Interpretations. To the extent practical and appropriate, official zoning interpretations shall be incorporated into this title by amendment as soon as is possible.

23.12.045 Similar use determination.

A. Applicability. All possible land uses may not be listed within the provisions of this title, and new uses may evolve over time. When a particular use is not specifically listed in this zoning code and it is unclear whether the use is permitted, the provisions established in this section allow the approving authority, to determine whether or not a proposed use is substantially similar to another use already listed in this title and whether such proposed use may be allowed in a particular zoning district.

B. Approving authority. The Development Services Director shall be the designated approving authority for similar use determinations.

C. Procedure. The issuance of a similar use determination is an administrative function and no public hearing or notice is required. The determination may be appealed to the Planning Commission subject to the procedures of EGMC 23.14.060 (Appeals).

D. Approval Findings. In determining if a proposed use is substantially similar to another listed use, the approving authority shall make all of the following findings:

1. The characteristics of and activities associated with the proposed use are equivalent to one or more of the listed uses and will not involve a higher level of activity or density than the uses listed in the zoning district (e.g., traffic, hours of operation, intensity of use, population density);
2. The proposed use will be consistent with the purposes of the applicable zoning district; and
3. The proposed use will be consistent with the general plan, any applicable specific plan, and the zoning code.

E. Documentation of determination. Determinations shall be made in writing and shall contain the facts that support the determination. The City shall maintain all such determinations on record for review by the general public upon request. The decision shall be provided, in writing, to the applicant, interested parties, and decision-makers. The notice shall include:

1. A brief statement explaining the criteria and standards considered relevant to the decision;
2. A statement of the standards and facts relied upon in rendering the decision; and
3. Statement of appeal rights and appeal deadlines.

F. Keeping of similar use determinations. The Development Services Director shall maintain a complete record of all similar use determinations and make them available for public review.

Table 23.14-1 (Approval Authority) is modified as follows:

**Table 23.14-1
 Approval Authority**

Type of Permit, Entitlement, or Decision	Permit Description (EGMC Section)	Designated Approval Authority ¹			
		Development Services Director	Zoning Administrator	Planning Commission	City Council
Administrative Permits					
Official zoning interpretation	23.12.040	Recommending	---	Final	---
<u>Similar Use Determination</u>	<u>23.12.045</u>	<u>Final</u>	---	---	---
Zoning clearance/plan check	23.16.020	Final	---	---	---
Minor deviation	23.16.030	Final	---	---	---
Minor uniform sign program	23.16.027	Final	---	---	---
Temporary use permit	23.16.050	Final	---	---	---
Special parking permit	23.16.037	Final	---	---	---
Reasonable accommodation	23.16.065	Final	---	---	---
Master home plan – design review	23.16.080	Final	---	---	---
Outdoor activity design review	23.16.080	Final	---	---	---
Quasi-Judicial Permits and Entitlements					
Map extension (tentative subdivision, vesting tentative subdivision, tentative parcel)	22.20.090	Recommending	Final	---	---
Minor design review	23.16.080	Recommending	Final	---	---
Major uniform sign program	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	23.16.080	Recommending	---	Final	---
Subdivision design review	23.16.080	Recommending	---	Final	---
District development plan design review	23.16.080	Recommending	---	Final	---

Type of Permit, Entitlement, or Decision	Permit Description (EGMC Section)	Designated Approval Authority ¹			
		Development Services Director	Zoning Administrator	Planning Commission	City Council
CIP design review	23.16.080	Recommending	---	Recommending	Final
Cluster development permit	23.16.085	Recommending	---	Final	---
Tentative parcel map	22.20	Recommending	---	Final	---
Tentative subdivision map	22.20	Recommending	---	Final	---
Density bonus	23.50	Recommending	---	Recommending	Final
Legislative Approvals					
Special planning area (establishment and amendment)	23.16.100	Recommending	---	Recommending	Final
Specific plan (establishment and amendment)	23.16.090	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
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 23.16.030 (Minor deviation) shall be modified 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 regard 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, sign height, sign setbacks, sign projections, and parking provisions not to exceed ten (10%) percent of the respective development standards in the underlying zoning district for the subject parcel or the applicable sign standard in accordance with EGMC Chapter 23.62, Signs on Private Property. Except as otherwise set forth in EGMC Title 22 or 23, all other deviations require approval of a variance application.

B. Approving Authority. The designated approving authority for minor deviations is the Development Services Director. The Development Services Director approves or denies the minor deviation in accordance with the requirements of this title. The Development Services Director may elevate the matter to the Zoning Administrator if the Development Services Director determines that the deviation could not be simply approved without conditions or denied, or due to the nature, location, size, or design of the project. In such instances, the permit shall be processed pursuant to the provisions of EGMC Section 23.14.050(B) (Development Services Director/Zoning Administrator Elevations).

C. Procedure. No public hearing or notice shall be required unless the minor deviation is bundled with another planning approval or entitlement that requires a public hearing and notice or if the matter is elevated to the Zoning Administrator.

C. Findings. The Development Services 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 23.16.050.F (Temporary use permit) shall be modified as follows:

23.16.050 Temporary Use Permit

A. Purpose and Applicability. The purpose of a temporary use permit is to ~~allow uses of a temporary nature on private property to exist for a specified length of time, in a manner which will not adversely impact the general welfare of persons residing in the community~~ provide a mechanism for review and determination of proposed qualifying short-term activities (as described in EGMC 23.92) that do not constitute a land use of sufficient magnitude or longevity to require a permanent land use approval, and to ensure that such activities are consistent with the General Plan and provisions of this Title. A temporary use permit is required prior to the construction or operation of any facilities or uses associated with any activity that requires authorization of a temporary use permit. Also see temporary use provisions in EGMC Chapter 23.92, Temporary Uses, and permanent outdoor use provisions in EGMC Chapter 23.86, Outdoor Sales, Display, Storage, and Seating.

B. Approving Authority. The designated approving authority for temporary use permits is the Development Services Director. The Development Services Director approves, conditionally approves, or denies the temporary use permit in accordance with the requirements of this title.

C. Findings. A temporary use permit shall be granted only when the designated approving authority finds that the proposed activity complies with all of the following criteria:

1. The establishment, maintenance or operation of the temporary use ~~will~~ shall not be detrimental to the public health, safety, or welfare of the persons residing or working in the ~~neighborhood area proximate to~~ of the proposed use (e.g., excessive dust, noise, light, odor, or other objectionable characteristics).
2. The temporary use is in conformance with applicable provisions of this title and other regulations of the City, including but not limited to fire access and prevention, security provisions, and access to necessary water and sewer services.
3. Measures for removal of the use and site restoration have been required.

D. ~~Conditions/Guarantees.~~ The designated approving authority may place conditions on the temporary use permit including, but not limited to, hours of operation, the establishment of operating buffers, landscaping and maintenance, lighting, security, off-site improvements, parking, performance guarantees, property maintenance, signs, surfacing, time limits, traffic circulation, and

~~reimbursement agreement(s) for special City services such as public works and police. The following conditions shall apply to all temporary use permits. The approving authority may impose additional conditions and/or require guarantees to ensure conformance with this title.~~

- ~~1. Requirements for vehicular ingress/egress and corresponding traffic safety provisions, parking requirements and facilities, and hours of operation.~~
- ~~2. Regulation of public nuisance factors (e.g., light glare, noise, vibration, smoke, dust, dirt, odors, gases, and heat).~~
- ~~3. Regulation of maintenance and site restoration during and after termination of the temporary use or expiration of the temporary use permit. A bond or other form of security acceptable to the Planning Director may be required prior to the initiation of the use to ensure cleanup after the use is finished.~~

~~E. Repealed by Ord. 8-2014. Extension of an Existing Temporary Use Permit. An existing temporary use permit, which was originally permitted for a period of less than thirty (30) days, may be extended for no more than five (5) additional days, subject to the issuance of a revised temporary use permit by the designated approving authority. The request for the permit extension shall be made prior to the expiration of the original permit. Any request for extension made after the expiration of the original permit shall constitute a request for a new temporary use permit.~~

~~F. Request for a Temporary Use Permit for Term Limit Longer Than Otherwise Allowed. Applicants seeking a temporary use permit for a time period longer than otherwise allowed by this title must submit for a minor use permit for said activity; provided, that it complies with the relevant development and operational standards provided in EGMC Chapter 23.92. Approval of the minor use permit shall be in accordance with the permit requirements for minor use permits as identified in EGMC Section 23.16.070. The minor use permit shall specify a maximum duration for which the permit is valid, after such time the use shall be discontinued.~~

~~G. Revocation. A temporary use permit may be revoked by the City pursuant to the procedures of EGMC 23.20.020 (revocation).~~

Section 23.16.080.B (Design review applicability) shall be amended as follows:

B. Design Review Applicability. There are 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.
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 Development Services Director;

e. Accessory buildings exceeding eight hundred (800) square feet in RD zones as provided in EGMC 23.46 (accessory structures).

ef. Nonrequired fences in accordance with EGMC Chapter 23.52;

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

gh. Other items identified in this title.

4. 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 single nonresidential building or structure, or multiple buildings or structures within a single shopping center complex, comprising ten thousand (10,000 ft²) square feet or more (e.g., commercial, office, industrial, public/quasi-public);

c. Additions of a single multifamily residential or nonresidential building or structure, or multiple multifamily residential buildings or structures within a multifamily complex, or multiple nonresidential buildings or structures within a single shopping center complex, comprising ten thousand (10,000 ft²) square feet or more;

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 a process reserved for larger nonresidential 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 EGMC 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).

Section 23.26.020 (Classification of land uses) shall be amended as follows:

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 (1) 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 in subsection (E) of this section.

Each land use is described in EGMC 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 of this title (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 (1) 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 Development Services Director determines that the use is substantially similar to other uses listed based on the listed criteria and making required findings outlined in EGMC Section 23.12.040045 (~~Official zoning interpretation~~ Similar use determination). It is further recognized that not every conceivable use cannot can be identified in this title and, anticipating that new uses will evolve over time, the Development Services 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.

Section 23.26.050.F (Description of land use classifications) shall be amended as follows (listings shall be renumbered as appropriate):

23.26.050 Description of land use classifications

...

A. "A" Allowed Use Descriptions

...

4. "Agricultural tourism" means establishments that cater to tourists and provide agricultural products ~~either produced~~ grown on the site or within the community with limited on-site processing. Such uses include but are not limited to ~~wineries with tasting rooms and permanent roadside crop stands or fruit stands and winery tasting rooms where crushing, fermentation, and bottling occur off-site~~.

...

C. “C” Allowed Use Descriptions

...

12. “Crop production” means the lawful, nonpersonal raising and harvesting of plants, tree crops, row crops, or field crops on an agricultural or commercial basis, including packing and processing, and includes horticulture establishments engaged in the cultivation of flowers, fruits, vegetables, or ornamental trees and shrubs for wholesale and incidental retail sales. Excludes uses for which other garden, nursery, or landscape merchandise is commercially sold on the site. Also excludes beekeeping. This use is divided into the following types:

a. Indoor Facilities. Facilities where the use is conducted entirely indoors, such as a warehouse or other industrial-style space, typically through hydroponics or other appropriate method for growing plants indoors.

b. Outdoor Facilities. Facilities where the use is primarily conducted outdoors, such as a traditional outdoor farm. This classification includes agricultural buildings accessory to such uses and roadside stands for display/sale of agricultural products grown on the premises.

c. Urban. The primary use of a site for cultivation for sale or donation of its produce to the public. This use is distinguished from Community Garden (which is separately defined) and private gardens that are accessory to the primary residential use of the lot. This use only occurs in the residential, commercial, mixed use, office, industrial, and public/quasi-public zones; this use does not occur in the agricultural and agricultural-residential zones (see Crop production, outdoor facilities for these zones).

Nothing herein shall be construed to allow the production or cultivation of any crop, plant, or other substance where such production or cultivation is prohibited or restricted by local, State, or Federal law including, without limitation, the prohibition or restriction on production or cultivation of marijuana, as set forth in this code.

...

D. “D” Allowed Use Descriptions

...

1. “Distribution, Logistics, and Delivery Center” means establishments engaged in logistics services for material goods, where goods are stored in anticipation of delivery to a physical store for direct sale to customers, or are part of the operation of an e-commerce business where goods are sold online and shipped from the warehouse to the customer. Also includes distribution centers used in the supply chain and delivery process for delivery to the customer.

...

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.

Table 23.27-1 (Allowed Uses and Required Entitlements for Base Zoning Districts) is hereby amended as follows (note, only the rows, as shown, are amended; rows not listed are not amended; where rows are retitled they shall be reordered within that uses listing as appropriate; where rows are added they shall be listed alphabetically within their land use grouping):

**Table 23.27-1
 Allowed Uses and Required Entitlements for Base Zoning Districts**

Land Use/Zoning District	Zoning Districts																									Specific Use Regulations
	Agricultural					Residential					Commercial					Mixed Use		Office		Industrial			Public/Quasi-Public			
	AG-80	AG-20	AR-5/10	AR-2	AR-1	RD-1/2/3	RD-4/5/6	RD-7	RD-8/10/12/15/18	RD-20/25/30/40	LC	GC	SC	AC	C-O	VCMU	RMU	BP	MP	LI	LI/FX	HI	PR	PS	O	
Residential Uses																										
Caretaker Housing	-	-	-	-	-	-	-	-	-	-	P ¹	P ¹	P ¹	P ¹	P ¹	-	-	-P	-P	P	P	P	-	-	-	
Mobile Home Park	-	-	-	-	-	-	-	-	-P	-P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Navigation Housing	P	P	P	P	P	P	P	P	P	P	-	P	-	-	-	-P	-P	-	-	P	-	-	-	-	-	
Supportive Housing	P	P	P	P	P	P	P	P	P	P	-	.22	-	-	-	.7	P	-	-	-P	-	-	-	-	-	
Agriculture, Animal Keeping, and Resource Uses																										
Crop Production, Urban, < 1 acre	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	EGMC Chapter 23.93
Crop Production, Urban, ≥ 1 acre	-	-	-	-	-	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	EGMC Chapter 23.93
Retail, Service, and Office Uses																										
Offices, Business and Professional	-	-	-	-	-	CUP	CUP	CUP	CUP	CUP	P	P	P	-	-	P	P	P	P	MUP	P	CUP	-	-P	-	
Industrial, Manufacturing, and Processing Uses																										
Distribution, Logistics, and Delivery Center																		.5	CUP ⁹	P	CUP	P				
Manufacturing, Minor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	.5	CUP ⁹	CUP ⁵ P ⁵	CUP ⁵ MUP ⁵	CUP ⁵ P ⁵	-	-	-	

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Land Use/Zoning District	Zoning Districts																									Specific Use Regulations
	Agricultural					Residential					Commercial					Mixed Use		Office		Industrial			Public/Quasi-Public			
	AG-80	AG-20	AR-5/10	AR-2	AR-1	RD-1/2/3	RD-4/5/6	RD-7	RD-8/10/12/15/18	RD-20/25/30/40	LC	GC	SC	AC	C-O	VCMU	RMU	BP	MP	LI	LI/FX	HI	PR	PS	O	
Manufacturing, Small Scale	-	-	-	-	-	-	-	-	-	-	CUP ¹²	P ¹²	-	-	-	-	-	.5	.5, 9	CUP ⁵ <u>P⁵</u>	P	CUP ⁶ <u>P⁵</u>	-	-	-	
Storage, Personal Storage Facility	-	-	-	-	-	-	-	-	-	-	-	CUP	-	-	-	-	-	.5	CUP	<u>P</u> <u>CUP</u>	<u>P</u> <u>CUP</u>	<u>P</u> <u>CUP</u>	-	-	-	
Wholesaling and Distribution	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	.5	CUP ⁹	P	P	P	-	-	-	

NOTE TO CODIFIER: There are no revisions to the notes for this table

Table 23.29-1 (Development Standards for Base Zoning Districts) is hereby amended as follows:

**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-20	AR-10	AR-5	AR-2	AR-1	RD-1	RD-2	RD-3	RD-4	RD-5	RD-6	RD-7	RD-8	RD-10	RD-12	RD-15	RD-18	RD-20	RD-25	RD-30	RD-40	
Residential Density																							
Density (du/acre)																							
Minimum	-	-	-	-	-	-	-	-	-	-	-	-	-	-	7.1 du/acre	8.1 du/acre	10.1 du/acre	12.1 du/acre	15.1 du/acre	18.1 du/acre	20.1 du/acre	25.1 du/acre	30.1 du/acre
Maximum	1 du/lot	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	8.0 du/acre	10 du/acre	12.0 du/acre	15 du/acre	18.0 du/acre	20 du/acre	30 du/acre	30 du/acre	40.0 du/acre	
Lot Dimensions²																							
Lot Area, minimum																							
Acres	80	20	10	5	2	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Square feet	-	-	-	-	-	-	43,560	20,000	10,000	8,500	5,200	4,000	- ⁴	- ⁴	- ⁴	- ⁴	- ⁴	- ⁴	- ⁴	- ⁴	- ⁴	- ⁴	
Lot Width/Frontage, minimum																							
Generally	1,000 ft	500 ft	300 ft	250 ft	150 ft	75 ft	75 ft	75 ft	65 ft	65 ft	52 ft	40 ft	- ⁴	- ⁴	- ⁴	- ⁴	- ⁴	- ⁴	-	-	-	-	
Corner lots	-	-	-	-	-	-	-	-	-	75 ft	62 ft	47.5 ft	- ⁴	- ⁴	- ⁴	- ⁴	- ⁴	- ⁴	-	-	-	-	
Lot Depth, minimum	1,500 ft	1,500 ft	100 ft	100 ft	100 ft	100 ft	125 ft	125 ft	125 ft	100 ft	85 ft	65 ft	- ⁴	- ⁴	- ⁴	- ⁴	- ⁴	- ⁴	-	-	-	-	
Setbacks																							
Front Yard																							
Generally	50 ft	50 ft	30 ft	30 ft	25 ft	25 ft	20 ft ³	20 ft ³	20 ft ³	20 ft ³	15 ft ³	15 ft ³	12.5 ft ³	- ⁴	- ⁴	- ⁴	- ⁴	- ^{4,11}	25 15ft	25 15 ft	25 15 ft	25 15 ft	
To covered porch										20 ft ³	15 ft ³	12.5 ft ³	12.5 ft ³ / ₅	- ⁴	- ⁴	- ⁴	- ⁴	- ⁴	-	-	-	-	

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Measurement/ Zoning District	Agricultural Zoning Districts						Residential Zoning Districts																
	AG-80	AG-20	AR-10	AR-5	AR-2	AR-1	RD-1	RD-2	RD-3	RD-4	RD-5	RD-6	RD-7	RD-8	RD-10	RD-12	RD-15	RD-18	RD-20	RD-25	RD-30	RD-40	
To garage door, front facing										22 ft ³	20 ft ³	20 ft ³	18 ft ³	4	4	4	4	4	-	-	-	-	
To garage, swing/side load										15 ft ³	15 ft ³	15 ft ³	12.5 ft ³	4	4	4	4	4	-	-	-	-	
Side Yard																							
Interior side, generally	50 ft	50 ft	20 ft	20 ft	20 ft	10 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	4	4	4	4	4,11	25 15 ft ⁸	25 15 ft ⁸	25 15 ft ⁸	25 15 ft ⁸
Side setback for zero lot line	-	-	-	-	-	-	-	-	-	10 ft	10 ft	10 ft	10 ft	4	4	4	4	4	-	-	-	-	
Interior side, adjacent to residential and open space																							
Street side	50 ft	50 ft	15 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	4	4	4	4	4,11	25 15 ft	25 15 ft	25 15 ft	25 15 ft	
Rear Yard																							
Generally	50 ft	50 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	-	-	-	15 ft ⁷	4	4	4	4	4,11	20 ft ⁸	20 ft ⁸	20 ft ⁸	20 ft ⁸	
To living area, lots > 100 feet deep										20 ft	15 ft	15 ft	-	4	4	4	4	4	-	-	-	-	
To living area, lots ≤ 100 feet deep										15% of average lot depth ⁶			4	4	4	4	4	4	-	-	-	-	
To detached garage/secondary dwelling unit										5 ft	5 ft	5 ft	-	4	4	4	4	4	-	-	-	-	
Height Limits																							
Generally	30 ft ¹	30 ft ¹	30 ft ¹	30 ft ¹	30 ft ¹	30 ft ¹	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	35 ft	35 ft	35 ft	35 ft	40 ft ^{9,11}	40 ft ⁹	40 ft ⁹	40 ft ⁹	60 ft
Buildings < 100 feet from agricultural, agricultural residential, residential	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<u>Buildings, or portions thereof, ≥ 500 feet</u>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

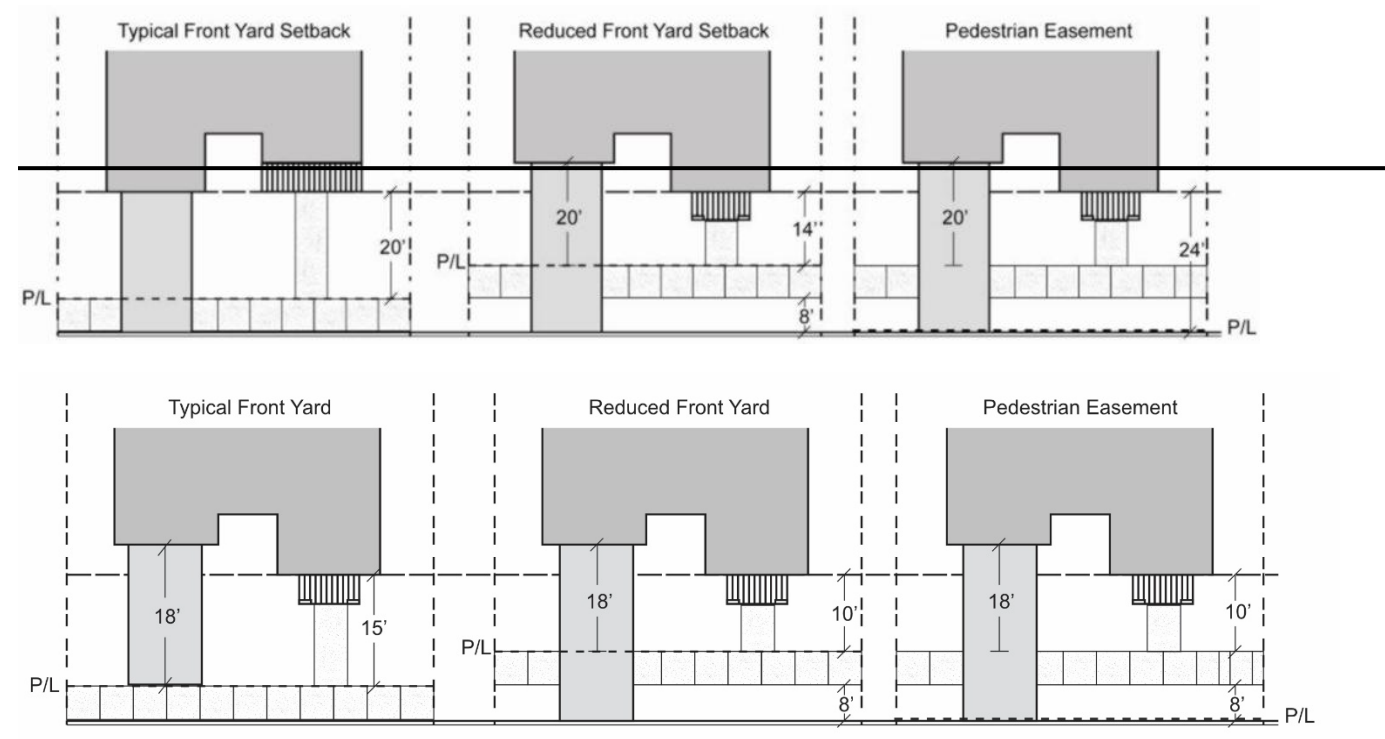
Measurement/ Zoning District	Agricultural Zoning Districts						Residential Zoning Districts																
	AG-80	AG-20	AR-10	AR-5	AR-2	AR-1	RD-1	RD-2	RD-3	RD-4	RD-5	RD-6	RD-7	RD-8	RD-10	RD-12	RD-15	RD-18	RD-20	RD-25	RD-30	RD-40	
from residential zoning district																							
Other Development Standards																							
Minimum open space ¹⁰	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	25%	25%	20%	10%	
Maximum lot coverage from structures	5%	10%	20%	25%	50%	50%	75%	75%	75%	75%	75%	75%	75%	75%	85%	85%	85%	85%	75%	75%	80%	90%	
Accessory structures	Refer to Chapter EGMC 23.46																						
Fences and walls	Refer to Chapter EGMC 23.52																						
Landscaping	Refer to Chapter EGMC 23.54																						
Lighting	Refer to Chapter EGMC 23.56																						
Parking	Refer to Chapter EGMC 23.58																						
Performance standards	Refer to Chapter EGMC 23.60																						
Signs	Refer to Chapter EGMC 23.62																						

Notes:

- Accessory structures are generally permitted to a maximum height of forty (40' 0") feet, 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.
- Typically, the sidewalk is located attached to the curb (for a monolith sidewalk) with the front property line at the back of the sidewalk. Pursuant to EGMC 23.64.040, the setback measurement is taken from this property line. However, in some cases, the sidewalk may be detached from the curb and a landscape planter provided between the curb and sidewalk. In these instances, the property line may be located either at the curb or at the back of the sidewalk. When this occurs, the required front setback may be reduced by an amount no greater than the width of the width of the planter; however, the total distance between the back of the sidewalk and the face of the structure shall be no less than twelve and one half (12' 6") feet but may be reduced to ten (10' 0") feet as part of a reduced public utility easement approved by the City at the time of the tentative subdivision map approval in consultation with utility agencies. This reduction shall not be applied to the minimum setback for a front-facing garage door. See the following example figure, which illustrates this concept with the development standards for the RD-5 zone:

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3. 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.

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7. Portions of the structure limited to one (1) story may be setback a minimum of ten (10' 0") feet; second story portions shall be setback a minimum of fifteen (15' 0") feet.

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.

11. Notwithstanding footnote 4, development of multifamily dwellings in the RD-18 zone shall utilize the corresponding development standard provided in the RD-20 zone.

**Table 23.29-1
 Development Standards for Base Zoning Districts
 Part B: Commercial, Mixed Use, Office, Industrial, and Public/Quasi-Public Zoning Districts**

Measurement/Zoning District	Commercial Zoning Districts					Mixed Use		Office Zoning Districts		Industrial Zoning Districts			Public/Quasi-Public Zoning Districts		
	LC	GC	SC	AC	C-O	VCMU	RMU	BP	MP	LI	LI/FX	HI	PR	PS	O
Residential Density															
Density Range (du/acre)															
Minimum	-	-	-	-	-	12.1	15.1	-	-	-	-	-	-	-	-
Maximum	-	-	-	-	-	40	40	-	-	-	-	-	-	-	-
Nonresidential Building Intensity															
Maximum floor area ratio (FAR)	1.0	1.0	1.0	1.0	1.0	2.0	2.0	2.0	2.0	1.5	1.5	1.5	0.3	2.0	0.1
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	0 ft	5 ft	25 ft	25 ft	25 ft	25 ft	25 ft	10 ft	25 ft	25 ft
To covered porch	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
To garage door, front facing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
To garage, swing/side load	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Side Yard															

Measurement/Zoning District	Commercial Zoning Districts					Mixed Use		Office Zoning Districts		Industrial Zoning Districts			Public/Quasi-Public Zoning Districts		
	LC	GC	SC	AC	C-O	VCMU	RMU	BP	MP	LI	LI/FX	HI	PR	PS	O
Interior side, generally	0 ft ¹	0 ft ¹	0 ft ¹	0 ft ¹	0 ft ¹	0 ft	0 ft	10 ft	10 ft	0 ft	0 ft	0 ft	10 ft	10 ft	10 ft
Interior side, adjacent to residential and open space	25 ft	25 ft	25 ft	25 ft	25 ft	10 ft	15 ft	-	-	-	15 ft	-	15 ft	15 ft	-
Street side	0 ft ¹	0 ft ¹	0 ft ¹	0 ft ¹	0 ft ¹	0 ft	5 ft	25 ft	25 ft	25 ft	25 ft	25 ft	10 ft	25 ft	25 ft
Rear Yard															
Generally	0 ft ¹	0 ft ¹	0 ft ¹	0 ft ¹	0 ft ¹	0 ft	10 ft	10 ft	10 ft	0 ft	0 ft	0 ft	10 ft	10 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	10 ft	15 ft	-	-	-	15 ft	-	15 ft	15 ft	-
Height Limits															
Generally	40 ft ²	40 ft ²	40 ft ²	40 ft ²	40 ft ²	75 ft ²	60 ft ²	60 ft ²	40 ft ²	40 ft ²	40 ft ²	40 ft ²	40 ft	40 ft	40 ft
Buildings, or portions thereof, < 100 feet from agricultural, agricultural residential, residential, or open space zoning district	20 ft ²	20 ft ²	20 ft ²	20 ft ²	20 ft	40 ft ²	40 ft ²	24 ft ²	24 ft ²	24 ft ²	24 ft ²	24 ft ²	24 ft ²	24 ft ²	24 ft ²
Buildings, or portions thereof, ≥ 500 feet from residential zoning district	40 ft ²	40 ft ²	40 ft ²	40 ft ²	40 ft ²	75 ft ²	60 ft ²	90 ft ²	90 ft ²	120 ft ²	120 ft ²	120 ft ²	40 ft	40 ft	40 ft
Other Development Standards															
<u>Maximum lot coverage from structures</u>	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=
Accessory structures	Refer to Chapter EGMC 23.46														
Fences and walls	Refer to Chapter EGMC 23.52														

Measurement/Zoning District	Commercial Zoning Districts					Mixed Use		Office Zoning Districts		Industrial Zoning Districts			Public/Quasi-Public Zoning Districts		
	LC	GC	SC	AC	C-O	VCMU	RMU	BP	MP	LI	LI/FX	HI	PR	PS	O
Landscaping	Refer to Chapter EGMC 23.54														
Lighting	Refer to Chapter EGMC 23.56														
Parking	Refer to Chapter EGMC 23.58														
Performance standards	Refer to Chapter EGMC 23.60														
Signs	Refer to Chapter EGMC 23.62														

Notes:

1. When the building frontage along the applicable yard is greater than three hundred (300' 0") linear feet, the required setback shall be a minimum of twenty (20' 0") feet.
2. As part of the design review process, the maximum height may be increased to a height as determined by the designated approving authority; provided, that the intensity of the development is consistent with the General Plan and on-site improvements, including but not limited to architectural articulation, quality, and materials and landscaping, are provided to ensure, as determined by the approval authority, compatibility with the surrounding context and character of the project site.

Section 23.40.030 (Mobile home subdivision district, RM-1) shall be amended as follows:

23.40.030 Mobile home subdivision district.

A. Purpose. 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.

B. Allowed Uses. The uses permitted in the RM-1 zone shall be those uses specified in the allowed uses and permit requirements for the mobile home subdivision district table (Table 23.40-1). Descriptions of the land use listings can be found in EGMC Section 23.26.050, Description of land use classifications.

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

P = Use Permitted	CUP = Conditional Use Permit Required	N = Not Permitted
Land Use	RM-1	Specific Use Regulations
Residential Uses		
Dwelling, multifamily	P	
Dwelling, single-family	P	
Dwelling, two-family	P	
Home occupations	P	EGMC Chapter 23.82
Mobile home <u>park</u>	P	
<u>Supportive housing</u>	P	
<u>Transitional housing</u>	P	
Recreation, Education, and Public Assembly Uses		
Parks and public plazas	P	
Utility, Transportation, and Communication Uses		
Public safety facility	P	
Telecommunications facility	P	EGMC Chapter 23.94
Utility facility and infrastructure	P	

C. Development Standards. The minimum net area, lot width and public street frontage of each lot in the RM-1 zone shall be as set forth below. The public street frontage for lots fronting on a curved street or on the curved portion of a cul-de-sac street may be measured along an arc located within the front fifty (50' 0") feet of the lot, and based on a center point coincidental with the center point of the street curve. If such arc is further than twenty (20' 0") feet from the right-of-way line of the street, that arc will be considered the front yard setback line of the lot.

D. Yards. No building, structure or mobile home nor the enlargement of any building, structure or mobile home shall hereafter be erected or moved onto property in the RM-1 zone unless the following yards are provided and maintained:

1. Front Yard. There shall be a front yard depth of not less than twenty (20' 0") feet. No recreation vehicles, trailers, or boats shall be stored or parked in said front yard, except for in the driveway.
 2. Rear Yard. There shall be a rear yard depth of not less than twenty (20' 0") feet. On a corner lot the rear yard may be provided opposite the side street yard instead of at the narrow end of the lot, provided the combined area of the substituted rear yard and the interior side yard shall not be less than the area which would be required for the area of a normal rear yard and interior side yard. The resulting interior side yard at the narrow end of the lot shall not be less than ten (10' 0") feet. On an interior lot the minimum depth of the required rear yard may be reduced to ten (10' 0") feet if an equivalent or greater amount of space is added to the required side yard area so that the combined total area of the rear and side yards is equal to or greater than the minimum area which would otherwise be required for the combined rear and side yards.
 3. Side Yard. There shall be a side yard of not less than five (5' 0") feet for one (1) story buildings and mobile homes and seven and one-half (7' 6") feet for two (2) story buildings and mobile homes.
 4. Side Street Yard. On corner lots there shall be a side street yard of not less than fifteen (15' 0") feet for all single-family detached mobile homes and accessory structures. All other buildings shall provide side street yards of not less than twenty-five (25' 0") feet.
- E. Roofed Area. The total roofed area including mobile homes, accessory buildings, ramadas, canopies, carports, and awnings shall not exceed fifty (50%) percent of the net area of the lot.

Table 23.42-1 (Allowed Uses and Permit Requirements for Mobile Home Park Combining District) shall be amended as follows:

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

P = Use Permitted	CUP = Conditional Use Permit Required	N = Not Permitted
Land Use	MHP District	Specific Use Regulations
Residential Uses		
Caretaker housing	P	
Child care center	CUP	
Dwelling, single-family	P	
Dwelling, two-family	P	
Mobile home	P	
Mobile home park	CUP	
<u>Supportive housing</u>	<u>P</u>	
<u>Transitional housing</u>	<u>P</u>	
Recreation, Education, and Public Assembly Uses		
Assembly uses	CUP ¹	
Community garden	P ¹	

P = Use Permitted	CUP = Conditional Use Permit Required	N = Not Permitted
Land Use	MHP District	Specific Use Regulations
Golf courses/clubhouse	CUP ¹	
Recreational vehicle parks	CUP	
Resource protection and restoration	P	
Resource-related recreation	P	
Utility, Transportation, and Communication Uses		
Bus and transit shelters	P	
Telecommunications facility	CUP	EGMC Chapter 23.94
Utility facility and infrastructure	P	
Retail, Service, and Office Uses		
Offices, accessory	CUP ¹	
Restaurants	CUP ¹	
Industrial, Manufacturing, and Processing Uses		
Recycling facility – Collection, small	P	

Notes:

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

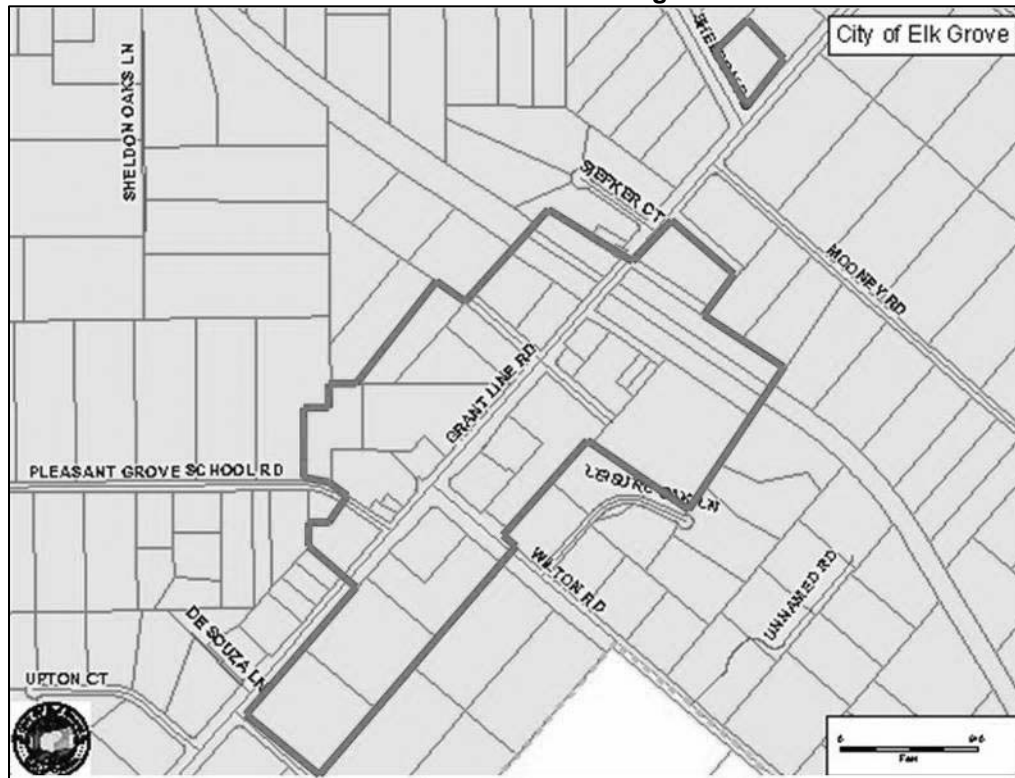
Section 23.42.060 (Rural commercial combining zoned (RUC)) shall be amended as follows:

23.42.060 Rural commercial combining zone (RUC)

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

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

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



C. Definitions.

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

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

1. All uses defined as “agricultural” in Table 23.27-1, Allowed Uses and Permit Requirements for Agricultural and Agriculture Residential Zoning Districts;

2. Agricultural tourism:

32. Animal hospital and veterinary office;

43. Farm equipment – rental and incidental storage;

54. Hay, seed and grain store;

65. Nursery or greenhouse.

E. Maximum Building Footprint. The maximum gross square footage of any single structure in the RUC combining zone shall not exceed the limitations listed below. The intent is to limit the scale of individual buildings to ensure compatibility with the rural residential community. It is not intended to diminish the developable square footage per parcel or to limit the list of permissible land uses established by each district in this title.

1. Generally. Except as provided below, no single structure shall exceed a gross square footage of fifteen thousand (15,000 ft²) square feet.

2. Neighborhood Market. Any structure that contains a neighborhood market, as defined in EGMC Section 23.26.050 (Description of land use classifications), may have a gross square footage not to exceed twenty-five thousand (25,000 ft²) square feet, regardless of whether the structure includes one (1) or multiple tenants.

3. Agricultural Structures. Agricultural structures, including large-animal veterinary clinics, may have a gross square footage not to exceed twenty thousand (20,000 ft²) square feet upon approval of a conditional use permit by the designated approving authority.

F. Drive-Through Uses.

1. Uses Restricted. Drive-through uses in the RUC combining zone shall be limited to the following:

a. Services uses, including, but not limited to, banks/ATMs/financial institutions, pharmacies, and dry cleaning.

b. Restaurants, upon approval of a conditional use permit, where fifty-one (51%) percent or more of the sales (receipts) are beverages.

2. Development Standards. All allowed drive-through uses in the RUC combining zone shall comply with the standards listed in EGMC Chapter 23.78 (Drive-In and Drive-Through Facility) and with the following additional standards:

a. Hours of Operation. Hours of operation for the drive-up/drive-through service shall be limited from 7:00 a.m. to 10:00 p.m. daily.

b. Noise. Any drive-through speaker system shall be located and operated in a manner such that the speaker system is not audible above daytime ambient noise levels at adjoining residential property lines.

c. Orientation. Drive-through window(s) shall be designed and oriented to minimize visual, noise, traffic, and air quality impacts on the adjoining residential properties.

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

Chapter 23.46 (Accessory Structures) shall be amended as follows:

**Chapter 23.46
ACCESSORY STRUCTURES**

Sections:

- 23.46.010 Purpose.**
- 23.46.020 Definitions.**
- 23.46.030 Permit requirements and exceptions.**
- 23.46.040 Development standards.**

23.46.010 Purpose.

The purpose of this chapter is to identify and regulate detached accessory structures to ensure that such structures do not create public safety or public nuisance issues and do not create an adverse aesthetic from street rights-of-way or adjacent/neighborhood properties. The intent of these regulations is to complement the requirements and standards of the City's adopted building code and fire code.

23.46.020 Definitions.

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

23.46.030 Permit requirements and exceptions.

A. Except as otherwise provided, Generally, no special planning permit or entitlement shall be required for accessory structures that are consistent with the standards herein, except that zoning clearance/plan check shall be conducted in the event that a building permit is required. Even if a building permit is not required a planning permit or entitlement may be. Certain structures may require design review, variance, or other permits or entitlements as specified in EGMC Chapter 23.16 (Permit Requirements).

B. Accessory buildings in RD zones with a building footprint of eight hundred (800) square feet or more shall obtain a Minor Design Review prior to issuance of a building permit pursuant to EGMC 23.16.080 (Design review).

23.46.040 Development standards.

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

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

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

3. Maximum Lot Coverage. The total size area of all accessory structure(s), inclusive of both the primary and any accessory structures, on a lot may shall not exceed the following collective percent coverage: the maximum lot coverage for structures as provided in Table 23.29-1.

a. In agricultural and agricultural residential zoning districts: twenty five (25%) percent of the entire lot; and

b. In all other zoning districts: thirty (30%) percent of the actual rear yard area (see EGMC Section 23.64.030, Required yard areas, for a definition of actual yard area).

4. Separation Between Structures. All accessory structures shall maintain the minimum distance between other buildings as required under EGMC Chapter 16.04 (California Building Code).

B. Development Standards by Type of Accessory Structure. Table 23.46-1 establishes development standards based on the type of accessory structure as defined in EGMC Chapter 23.100 (General Definitions).

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

1. Height. The maximum height for all accessory structures on agricultural or agricultural residential property is forty (40' 0") feet. See additional development standards in Table 23.29-1 (Development Standards for Base Zoning Districts).

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

D. Architectural Design. The following design requirements apply to accessory buildings larger than one hundred twenty (120) square feet.

1. Accessory buildings shall be finished with materials and colors that complement the primary structure(s) on the site.

2. Walls longer than fifteen (15' 0") feet shall includes doors, windows, or other architectural features to break up the massing of the wall.

E. Kitchens. An accessory building shall not include a kitchen but may include a kitchenette as those terms are defined in EGMC 23.100. If an accessory building includes a kitchen it shall be reclassified as an accessory dwelling and subject to the requirements of EGMC 23.90 (Accessory dwelling units).

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

Accessory Structure	Minimum Setback Distance from Property Line			Maximum Height
	Front	Street Side	Interior (Including Rear)	
Building, ≤ 120 sf. and < 8 ft. tall	Same as for primary structure	12.5 ft.	3 ft.	8 ft. ¹
Building, ≤ 120 sf. and ≥ 8 ft. tall	Same as for primary structure	12.5 ft.	5 ft.	16 ft. ¹
Building, > 120 sf.				
Fully enclosed	Same as for primary structure	12.5 ft.	5 ft.	16 ft. ¹
Limited/No enclosure	Same as for primary structure	12.5 ft.	3 ft.	16 ft. ¹
Landscape features	No minimum	12.5 ft.	3 ft.	16 ft. ¹
Pool/spa	Same as for primary structure	12.5 ft.	No minimum	16 ft. ¹
Deck/patio	No minimum	No minimum	No minimum	No minimum
Play equipment	Same as for primary structure	12.5 ft.	3 ft.	16 ft. ¹

Notes:

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

Chapter 23.50 (Density Bonus and Other Developer Incentives) shall be amended as follows:

**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 Section 65915 et seq. of the California Government Code. 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 EGMC 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 (10%) percent of the total units of a housing development are for lower income households as defined in Section 50079 of the California Health and Safety Code.
- B. Five (5%) percent of the total units of a housing development are for very low income households as defined in Section 50105 of the California Health and Safety Code.
- C. A senior citizen housing development as defined in Section 51.3 of the California Civil Code, or age-restricted mobile home park pursuant to Section 798.76 or 799.5 of the California Civil Code.
- D. Ten (10%) percent of the total dwelling units are in a common interest development as defined in Section 4100 of the California Civil Code for persons and families of moderate income as defined in Section 50093 of the California Health and Safety Code; provided, that all units in the development are offered to the public for purchase.
- E. Ten (10%) percent of the total units in a housing development for transitional foster youth (as defined in Section 66025.9 of the California Education Code), disabled veterans (as defined in Section 18541 of the California Government Code), or homeless persons (as defined in the Federal McKinney-Vento Homeless Assistance Act, 42 USC Section 11301 et seq.). The units described in this subsection shall be subject to a recorded affordability restriction of fifty-five (55) years and shall be provided at the same affordability level as very low income units.

F. Twenty (20%) percent of the total units (for purposes of this subsection “units” is defined as one (1) rental bed and its pro rata share of associated common area facilities, subject to a recorded affordability restriction of fifty-five (55) years) for lower income students in a student housing development that meets the qualifications provided in Section 65915(b)(1)(F) of the California Government Code.

G. One hundred (100%) percent of ~~the total all units,~~ in the development, including total units and density bonus units, but exclusive of a manager’s unit or units, are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to twenty (20%) percent of the total units in the development, including total units and density bonus units, may be for moderate income households, as defined in Section 50053 of the Health and Safety Code.

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 (10.5%) percent), the allowed density bonus would be based on ten (10%) percent lower income units, not eleven (11%) percent.

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.

1. Upon request by the applicant, the City shall not require that a housing development meeting the requirements of EGMC Section 23.50.020 (Eligibility for density bonus and incentives and concessions) provide a vehicular parking ratio, inclusive of handicapped parking for persons with a disability and guests parking that exceeds the following.

- a. Zero (0) (studio) to one (1) bedroom: one (1) on-site parking space per unit;
- b. Two (2) to three (3) bedrooms: ~~two (2)~~ one and one-half (1.5) on-site parking spaces per unit;
- c. Four (4) or more bedrooms: two and one-half (2.5) parking spaces per unit.

2. 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.

3. Notwithstanding subsection (D)(1) of this section, if a development includes ~~the maximum percentage of low income or very low income~~ at least twenty (20%) percent low income units provided for in for housing developments described in EGMC Sections 23.50.020(A) and at least eleven (11%) percent very low income units for housing developments described in EGMC Section 23.50.020(B) and is located within one-half (1/2) mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, a city, county, or city and county shall not impose a vehicular parking ratio,

~~inclusive of handicapped parking for persons with a disability and guests parking, that exceeds one-half (1/2) space per bedroom. For purposes of this subsection, a development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments. For purposes of this subparagraph, "natural or constructed impediments" includes, but is not limited to, freeways, rivers, mountains, and bodies of water, but does not include residential structures, shopping centers, parking lots, or rails used for transit.~~

4. Notwithstanding subsection (D)(1) of this section, if a development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code, then, upon the request of the developer, the City shall not impose ~~a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following ratios~~ standards if the development meets either of the following criteria:

a. ~~If the~~ The development is located within one-half (1/2) mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, ~~the ratio shall not exceed one-half (1/2) space per unit.~~

b. ~~If the~~ The development is a for-rent housing development for individuals who are sixty-two (62) years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code and the development has, ~~the ratio shall not exceed one-half (1/2) space per unit. The development shall have~~ either paratransit service or unobstructed access, within one-half (1/2) mile, to fixed bus route service that operates at least eight (8) times per day.

5. Notwithstanding subsections (D)(1) and (D)(6) of this section, if a development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code, and the development is either a special needs housing development, as defined in Section 51312 of the Health and Safety Code, or a supportive housing development, as defined in Section 50675.14 of the Health and Safety Code, then, upon the request of the developer, the City shall not impose any minimum vehicular parking requirement. A development that is a special needs housing development shall have either paratransit service or unobstructed access, within one-half (1/2) mile, to fixed bus route service that operates at least eight (8) times per day.

6. Notwithstanding subsections (D)(3) and (D)(4) of this section, if the City or an independent consultant has conducted an areawide or jurisdiction-wide parking study in the last seven (7) years, then the City may impose a higher vehicular parking ratio not to exceed the ratio described in subsection (D)(1) of this section, based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low income and very low income individuals, including seniors and special needs individuals. The City shall pay the costs of any new study. The City shall make findings, based on a parking study completed in conformity with this subsection, supporting the need for the higher parking ratio.

7. A request pursuant to this subsection shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to this subsection (D).

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 EGMC 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 EGMC 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 Section 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 nontarget 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 EGMC Section 23.50.020 (Eligibility for density bonus and incentives and concessions) shall be entitled to the following density bonus:

1. For developments providing ten (10%) percent lower income target units, the City shall provide a twenty (20%) percent increase above the otherwise maximum allowable residential density as of the date of application, plus a one-and-one-half (1.5%) percent supplemental increase over that base for every one (1%) percent increase in low income target units above

ten (10%) percent, up to a thirty-five (35%) percent bonus at twenty (20%) percent low income target units, after which an additional three-and-three-quarters (3.75%) bonus shall be provided for each one (1%) percent increase. The maximum density bonus allowed including supplemental increases is ~~thirty-five (35%)~~ fifty (50%) percent.

2. For developments providing five (5%) percent very low income target units, the City shall provide a twenty (20%) percent increase above the otherwise maximum allowable residential density as of the date of application, plus a two-and-one-half (2.5%) percent supplemental increase over that base for every one (1%) percent increase in very low income target units above five (5%) percent, up to a thirty-five (35%) percent bonus at ten (11%) percent very low income target units, after which an additional three-and-three-quarters (3.75%) bonus shall be provided for each one (1%) percent increase. The maximum density bonus allowed including supplemental increases is ~~thirty-five (35%)~~ fifty (50%) percent.

3. For senior citizen housing developments, a flat twenty (20%) percent of the number of senior units.

4. For common interest developments providing ten (10%) percent moderate income target units, the City shall provide a five (5%) percent increase above the otherwise maximum allowable residential density as of the date of application, plus a one (1%) percent increase in moderate income units above ten (10%) percent, up to a thirty-five (35%) percent bonus at forty (40%) percent moderate income target units, after which an additional three-and-three-quarters (3.75%) bonus shall be provided for each one (1%) percent increase. The maximum density bonus allowed including supplemental increases is ~~thirty-five (35%)~~ fifty (50%) percent.

5. For developments providing ten (10%) percent of the total units for transitional foster youth, disabled veterans, or homeless persons, a flat twenty (20%) percent of the number of the type of units giving rise to a density bonus.

6. For development providing twenty (20%) percent of the total units for lower income students in a student housing development, a flat thirty-five (35%) percent of the student housing units.

7. For developments providing one hundred (100%) percent of the units for lower income households as provided in EGMC 23.50.020(G), a flat eighty (80%) percent of the number of units for lower income households; except that if the development is located within one-half (1/2) mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the California Public Resources Code, there shall be no maximum density and the minimum allowed building height shall be three (3) stories or thirty three feet (33' 0").

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 (10%) percent of the total units for lower income households, at least five (5%) percent for very low income households, or at least ten (10%) percent 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 (20%)~~ seventeen (17%) percent of the total units for lower income households, at least ten (10%) percent for very low income households, or at least twenty (20%) percent for persons and families of moderate income in a common interest development.

3. Three (3) incentives or concessions for projects that include at least ~~thirty (30%)~~ twenty-four (24%) percent of the total units for lower income households, at least fifteen (15%) percent for very low income households, or at least thirty (30%) percent for persons and families of moderate income in a common interest development.

4. Four (4) incentives or concessions for projects meeting the criteria of EGMC 23.50.020(G). If the project is located within one-half (1/2) mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, the applicant shall also receive a height increase of up to three (3) additional stories, or thirty-three (33' 0") feet.

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 Section 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 and actual cost reductions to provide for affordable housing costs as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code Section 65915(c).

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 (10%) percent of the total units before the density bonus for very low income households, the applicant shall be entitled to a fifteen (15%) percent increase above the otherwise maximum allowable residential density, plus a one (1%) percent supplemental increase for each additional percentage of very low income units to a maximum density bonus of thirty-five (35%) percent 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 (35%) percent.

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 (10%) percent 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 Section 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 Section 65583.2 of the 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 (1/4) mile of the boundary of the proposed development; and

h. A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

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

E. Additional Density Bonus or Incentives and Concessions for Development of Child Care Facility.

1. Housing developments meeting the requirements of EGMC Section 23.50.020 (Eligibility for density bonus and incentives and concessions) and including a child care facility that will be located on the premises of, as part of, or adjacent to the housing development shall receive either of the following:

a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility;

b. An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the child care facility.

2. The City shall require the following as conditions of approving the housing development:

a. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the target units are required to remain affordable, pursuant to subdivision (c) of Section 65915 of the Government Code; and

b. Of the children who attend the child care facility, the children of very low income households, lower income households, or moderate income households shall equal a percentage that is equal to or greater than the percentage of target units that are required pursuant to EGMC Section 23.50.020 (Eligibility for density bonus and incentives and concessions).

3. Notwithstanding any other requirements of this section, the City shall not be required to provide a density bonus or incentive or concession for a child care facility if it makes a written finding, based upon substantial evidence, that the community has adequate child care facilities.

F. Condominium Conversion Incentives for Low Income Housing Development.

1. When an applicant for approval to convert apartments to a condominium project agrees to the following, the City shall grant either a density bonus of twenty-five (25%) percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion, or provide other incentives of 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 (33%) percent of the total units of the proposed condominium project to persons and families of low or moderate income; or

b. Provide at least fifteen (15%) percent 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.

3. 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.

4. Nothing in this subsection shall be construed to require the City to approve a proposal to convert apartments to condominiums.

5. 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 nontarget 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 Fifty-Five (55) 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 fifty-five (55) years from the date of issuance of the certificate of occupancy by the building official, or longer if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Except as otherwise provided herein, rents for the lower income density bonus units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety Code. For housing developments meeting the criteria of Section 23.50.020(G), rents for all units in the development, including both base density and density bonus units, shall be as follows:

1. The rent for at least twenty (20%) percent of the units in the development shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.

2. The rent for the remaining units in the development shall be set at an amount consistent with the maximum rent levels for a housing development that receives an allocation of State or Federal low income housing tax credits from the California Tax Credit Allocation Committee.

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 very low, low, or moderate income, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code. 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 five (5) years for any of the purposes described in subdivision (e) of Section 33334.2 of the California Health and Safety Code that promote homeownership. The City's 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 Section 65915 of the Government Code, the City shall assure continued availability for low and moderate income units for fifty-five (55) 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, including but not limited to conditional use permit and design review, as provided in EGMC Section 23.14.050. The designated approving authority for density bonuses, incentives, and concessions shall be the City Council, and the City Council shall be the approving authority for all associated entitlements. In conjunction with approving the density bonus and any related incentives or concessions, the City and applicant shall enter into a density bonus agreement.

1. Upon determination that the application for density bonus is complete, the City shall provide the applicant with a determination as to the following:

- a. The amount of the density bonus, calculated pursuant to EGMC Section 23.50.040 for which the proposed project is eligible;
- b. If the applicant requests a parking ratio pursuant to EGMC Section 23.50.030, the parking ratio for which the proposed project is eligible; and
- c. If the applicant requests incentives or concessions pursuant to EGMC Section 23.50.040 or waivers or reductions of development standards pursuant to EGMC Section 23.50.040, whether the applicant has provided adequate information for the City to make a determination as to those incentives, concessions, or waivers or reductions of development standards.

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 Section 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 Section 65589.5 of the California Government Code, upon public health

and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which 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 (General height limits for fences and walls) shall be amended 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, 3} (i.e., along the street side of corner lots)	
≤ 5 feet from back of sidewalk	3 feet ^{3, 4}
> 5 feet from back of sidewalk	7 feet
Within required interior side and rear yard ¹	7 feet ^{4, 5}
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 street side yard shall extend the length of the lot all the way to the rear property line. The required street side yard shall take precedence over the required rear yard area.

4.3. The maximum height for fences and walls in the required street side yard may be increased to six (6' 0") feet if a decorative, open wrought iron or tubular steel fence or wall is placed along the street side property line or within the street side yard setback area. This height extension for open view fencing to a maximum of six (6' 0") feet may be placed on top of a solid fence or wall with a maximum three (3' 0") foot height listed in the table. Additionally, a post or pilaster, consisting of masonry, brick, or other solid material, not exceeding eighteen (18 in2) inches square and six (6' 0") feet tall, may be used to support a wrought iron or tubular steel fence at a minimum distance between posts of six (6' 0") feet.

54. 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.

Section 23.54.050.B (Special landscaping provisions, residential landscape) shall be amended as follows:

B. Residential Landscape. For single-family and two-family residential zoning districts, ~~a minimum of twenty-five (25%) percent of the net lot area and forty (40%) percent of the front yard area shall be pervious surface~~ the following shall be maintained.

1. A minimum of forty (40%) percent of the required front yard shall be pervious surface.
2. A minimum of fifty (50%) of the required yard area shall be pervious surface.
3. A minimum of ten (10%) percent of the total lot area shall be pervious.

Section 23.58.040.C (Parking regulations for vehicles, trailers, and vessels) shall be amended as follows:

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

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

a. Operable vehicles, trailers, and vessels with registration expired three (3) months or less shall be stored either within an enclosed structure or shall be parked in designated parking areas of the lot (e.g., outside of required yard areas on permanent paved or other approved impervious surface consistent with the provisions of subsection (A)(2) of this section).

b. Inoperable vehicles, trailers, and vessels and those vehicles, trailers, and vessels with registration expired for a period greater than three (3) months shall be stored within an enclosed structure. No such vehicle shall be stored in any actual yard.

2. Commercial Vehicle Parking. Commercial vehicles weighing four (4) tons or more are prohibited on any street or parcel within a residential or agricultural-residential zoning district or neighborhood except long enough for typical residential delivery and pickup, moving, and towing. Commercial vehicles weighing less than four (4) tons may be permitted in residential zoning districts and neighborhoods consistent with applicable provisions of this title. See EGMC Chapter 23.82, Home Occupations.

3. Recreational Vehicle, Trailer, and Vessel Parking. Recreational vehicles, trailers, and vessels of an owner, tenant, guest, or visitor may be parked on any highway (street) for a maximum period of seventy-two (72) hours as provided in EGMC Section 10.24.070(B). Any request to extend this period for guests and visitors shall be submitted in writing to the Chief of Police for consideration and authorization. Recreational vehicle, trailer, and vessel storage is prohibited in required front and street side yards except as provided in EGMC Section 23.84.031. ~~Recreational vehicle, trailer, and vessel parking shall comply with applicable covenants, conditions and restrictions applicable to that subdivision~~ Vehicle owners are advised to verify that vehicles are parked consistent with any applicable covenants, conditions, and restriction applicable to that subdivision.

However, recreational vehicle, trailer, and vessel parking is permitted outside of required front and street side yard setback areas and within interior side and rear yards when screened by a

solid six (6' 0") foot tall fence, wall, and/or landscape barrier. Note, the street side yard shall extend the length of the lot all the way to the rear property line and shall take precedence over the required rear yard area. Screening shall be consistent with EGMC Chapter 23.52, Fences and Walls. The screening requirement does not apply to parcels with two (2) or more gross acres or within the Rural Area Community Plan area.

D. Tandem Parking. Tandem parking shall not be permitted to satisfy off-street parking requirements, except within mobile home parks and for single-family residential uses when located outside required yard setback areas with spaces and access paved in accordance with requirements of this chapter to the satisfaction of the designated approving authority.

Table 23.58-2 (Parking Requirements by Land Use) shall be amended as follows (note, only listed rows are modified; any new uses shall be listed in alphabetical order in the same groupings as listed in Table 23-27-1):

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

Land Use	Required Parking Spaces
<u>Crop Production, Urban, < 1 acre</u>	<u>None required</u>
<u>Crop production, Urban, ≥ 1 acre</u>	<u>1 space</u>
<u>Distribution, Logistics, and Delivery Center</u>	<u>1 space per 2,000 sf., plus one/company-operated vehicle</u>
<u>Wholesaling and Distribution</u>	<u>1 space/2,000 sf., plus one/company-operated vehicle</u>

Section 23.58.060 (Parking reduction programs for nonresidential uses) shall be amended as follows (note, the section listing at the beginning of the chapter shall be updated concurrently):

23.58.060 Parking reduction programs for nonresidential uses

~~Commercial, office, or industrial~~ Qualifying development projects listed herein may request a reduction in the minimum number of parking spaces required, provided they include facilities, programs, or services that reduce the overall parking demand for the site, contingent upon approval of a parking reduction permit from the designated approving authority pursuant to EGMC Section 23.16.037.

A. Facilities and Programs. A proponent of an office, commercial or industrial project may provide alternative facilities or programs which serve to reduce parking demand in return for a reduction in vehicle parking requirements. Vehicle parking requirements may be reduced in accordance with the following provisions:

1. Shower/Locker Facilities. Developments with one hundred (100) or more employees may reduce their parking requirement by providing shower and clothing locker facilities for bicycle commuting employees. Maximum reduction: two (2%) percent of required parking.
2. Secure Bicycle Parking. Developments which provide additional secure bicycle parking facilities over and above the minimum requirement may reduce their parking requirement by one (1) vehicle space for every three (3) additional bicycle spaces provided. Maximum reduction: two (2%) percent of required parking if short-term bicycle parking spaces are provided, four (4%) percent of required parking if long-term/end-of-trip bicycle parking spaces are provided.

B. Preferred Carpool/Vanpool Parking Spaces. Office or industrial developments which guarantee preferred parking spaces (e.g., covered, shaded, or near building entrance) to employees who participate regularly in a carpool or vanpool may reduce their parking requirement by one (1) vehicle space for every one (1) space which is marked and reserved for carpools/vanpools at a preferred location. Maximum reduction: two (2%) percent of required parking.

C. Proximity to Alternative Modes. Off-street vehicle parking reductions may also be granted when the applicant for a single or combined use can prove to the designated approving authority that the proximity of the facility to alternative modes of transportation justifies the requested parking reduction.

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

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

E. Vehicle Park-and-Ride Lot Requirements at Shopping Centers. Up to ten (10%) percent of the required number of parking spaces for retail stores/shopping centers may be contractually committed to be used for park-and-ride purposes without affecting the total parking requirement of the center. This parking reduction cannot be combined with any other parking reduction program and cannot be applied to parking lots that do not meet the minimum required parking requirements in accordance with EGMC Section 23.58.050, do not meet the parking design and development standards in accordance with EGMC Section 23.58.090, or have been issued any other approval that reduces the amount of parking on site.

F. A religious institution affiliated housing development project may take advantage of the following provisions. For purposes of this section, the terms “housing development project”, “place of worship”, “public transit,” “religious institution,” “religious institution affiliated housing development project”, and “religious-use parking spaces” shall have the same meaning as provided in Government Code Section 65913.6. This parking reduction is separate and apart from any development concession or incentive provided under EGMC 23.50 (Density Bonus).

1. A religious institution affiliated housing development project is not required to replace religious-use parking spaces that are eliminated as part of that housing development, provided the number of religious-use parking spaces being eliminated does not exceed fifty (50%) percent of the number of religious-use parking spaces that are available at the time of permit application.
2. Any parking spaces available for the remaining religious use may count towards the required parking for the housing development project. Notwithstanding the foregoing, the City shall not allow the remaining religious-use parking spaces to count toward the number of parking spaces otherwise required for approval of the housing development project as provided herein

to the extent that application of EGMC Section 23.58.060(E)(4) would prohibit City from requiring up to one parking space per unit,

3. The curing of any preexisting deficit in the number of religious-use parking spaces shall not be imposed as a condition of approval of the housing development and the City shall not deny the parking reduction solely on the basis of the reduction in the total number of parking spaces available at the place of worship provided the total reduction does not exceed fifty (50%) of the existing parking spaces.

4. The reduction in parking spaces shall not reduce the minimum parking standards below one space per unit; provided, however, that this limitation shall not apply to any religious institution affiliated housing development project if either of the following is true:

- a. The parcel is located within one-half mile walking distance of public transit; or
- b. There is a car share vehicle located within one block of the parcel.

Table 23.62-1 (Standards for Flags) shall be amended as follows:

**Table 23.62-1
Standards for Flags**

Site	Maximum Number of Poles	Maximum Height	Maximum Number of Flags	Maximum Area of All Flags	Image Types	Illumination	Minimum Setback from ROW ¹
Commercial, office, and industrial zones	2 3	Tallest building ²	Not limited	24 72 sf. ⁷	Commercial and noncommercial	3, 4	⁵
Residential	1	20 ft.	Not limited	15 sf.	Noncommercial	3, 4	10 ft.
Residential subdivision entryway ⁶	1	30 ft.	Not limited	40 sf.	Noncommercial	3, 4	10 ft.
Agricultural residential and agricultural zones	1	25 ft.	Not limited	24 sf.	Noncommercial	3, 4	10 ft.
All other properties	2	20 ft.	Not limited	15 sf.	Noncommercial	3, 4	10 ft.

Notes:

1. No flag may be placed within the clear-vision triangle.
2. The pole may be a maximum of twenty-five (25' 0") feet tall when all on-site buildings are less than twenty-five (25' 0") feet tall.
3. ~~Illumination of commercial flags not allowed. Federal, state, and local flags shall be illuminated consistent with the requirements of the US Flag Code (4 USC Chapter 1).~~
4. ~~Noncommercial flags may be illuminated only in times of officially declared or commemorated emergency, mourning, or memorial. All illumination shall be consistent with the standards of EGMC Chapter 23.56 (Lighting), except that illumination may extend from dusk through dawn.~~
5. Pole must be set back from right-of-way a distance equal to that of the pole height. Minimum setback is ten (10' 0") feet.
6. "Residential subdivision entryway" means any common area maintained by a private entity (such as a homeowners association) on private property when such entryway is located adjacent to a four (4) lane public road or wider.
7. No flag shall, individually, be larger than forty (40) square feet.

Section 23.86.020 (Outdoor Sales, Display, Storage, and Seating, Permit Requirements) shall be amended as follows:

23.86.020 Permit requirements.

A. Temporary Outdoor Uses. Temporary outdoor uses are permitted in nonresidential zoning districts, subject to the approval of a temporary use permit in compliance with the provisions of EGMC Section 23.16.050, Temporary use permit.

B. Permanent Outdoor Sales and Display Uses. Permanent outdoor sales and displays are permitted in commercial zoning districts, subject to zoning clearance authorization by the Development Services Director in compliance with the provisions of EGMC Section 23.16.020, Zoning clearance/plan check, and with the development and operational standards in this chapter.

C. Permanent Outdoor Storage and Service Uses. Permanent outdoor storage and service is permitted as specified by use classification in the allowed use tables of Division III of this title. If not part of the original development permit for the principal use, permanent outdoor storage and service uses may be permitted in nonresidential zoning districts, subject to design review approval in compliance with EGMC Section 23.16.080, Design review. All such uses shall be consistent with development and operational standards in this chapter.

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 nonresidential 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)~~ twenty (20) or fewer seats and design review is required for ~~thirteen (13)~~ twenty-one (21) or more seats. All such uses shall be consistent with the development and operational standards in this chapter.

Section 23.90.040.D (Development standards, Accessory Dwelling Units) shall be amended as follows:

D. Accessory dwelling units shall be permitted as follows:

1. One (1) accessory dwelling unit ~~or~~ and one (1) junior accessory dwelling unit that is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure; provided, that the space has exterior access from the proposed or existing single-family dwelling. An accessory dwelling unit or junior accessory dwelling unit hereunder a) shall not be subject to the setback standards of subsection (G) of this section, b) shall maintain side and rear setbacks that are sufficient for fire and safety, and c) may include an expansion of not more than one hundred fifty (150 ft²) square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress. A junior accessory dwelling unit hereunder shall comply with the requirements set forth in EGMC Section 23.90.050.

2. One (1) detached, new construction, accessory dwelling unit per lot with a proposed or existing single-family dwelling. This detached accessory dwelling unit may be combined with a junior accessory dwelling unit described in subsection (D)(1) of this section.

3. On lots with existing multifamily residential, a maximum of two (2) detached accessory dwelling units.

4. On lots with existing multifamily residential, at least one (1) accessory dwelling unit internal to the building(s) and up to a maximum of twenty-five (25%) percent of the total existing multifamily units within the development. Such accessory dwelling units may be developed within portions of existing multifamily dwelling structures that are not used as livable space,

including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with building standards for dwellings.

Chapter 23.92 (Temporary Uses) shall be amended as follows:

**Chapter 23.92
TEMPORARY USES**

Sections:

23.92.010 Purpose.

23.92.020 ~~Permit required requirements and exemptions.~~

23.92.030 ~~Development and operational standards~~ General Development Standards for Temporary Uses.

23.92.040 ~~Temporary uses exempt from permit~~ Standards for Specific Temporary Uses.

23.92.050 Similar uses.

~~23.92.060 Temporary use permit extensions.~~

23.92.010 Purpose.

~~The purpose of this chapter is to allow uses of a temporary nature on private property to exist for a specified length of time, in a manner which will not adversely impact the general welfare of persons residing in the community~~ establish development standards for temporary activities to ensure the overall health, safety, and general welfare of the community is maintained.

23.92.020 ~~Permit required requirements and exemptions.~~

~~A temporary use permit is required prior to the construction or operation of any facilities or uses associated with any permitted activity as required by EGMC 23.16.050. Also see permanent outdoor use provisions in Chapter 23.86 EGMC, Outdoor Sales, Display, Storage, and Seating.~~

Uses of property (including land, buildings, and structures) and activities that are temporary in nature shall comply with the permit requirements described below. The process for application for and review and issuance of a temporary use permit shall be as described in section 23.16.050 (temporary use permit).

A. Temporary Uses Exempt from Permit Requirements. The following temporary activities and uses are allowed by right and are expressly exempt from the requirement of first obtaining a temporary use permit, provided they conform to the listed development standards. Uses that fall outside of the categories defined shall be required to obtain a temporary use permit.

1. Car washes of a temporary nature (e.g., school fundraisers) when operated consistent with local and state regulations.
2. Construction yards, storage sheds, and construction offices (on-site) in conjunction with an approved construction project where the yard and/or shed are located on the same site as the approved project.
3. Emergency public health and safety facilities established by a public agency.
4. Entertainment and assembly events held within auditoriums, stadiums, or other public assembly facilities, provided the proposed use is consistent with the intended use of the facility and the use is established consistent with the permit requirements of this Title.
5. Events held exclusively on City property, such as those covered under a Special Events Permit pursuant to EGMC Chapter 9.40.
6. Events operated by the City.
7. Events held exclusively on property owned and/or operated by the Cosumnes Community Services District

8. Events held exclusively on school grounds and that are in conjunction with the school use.
9. Events held exclusively on church grounds and that are in conjunction with the church use where there is no reduction in parking area as part of the temporary use.
10. Garage and yard sales held on private property and when occurring no more than two (2) consecutive days and up to four (4) times per calendar year.
11. Outdoor promotional events and seasonal sales, including temporary outdoor display and sales of merchandise and seasonal sales, as part of a commercial business that has obtained a business license with the City and is in compliance with the development standards of EGMC Title 23, including but not limited to minimum parking requirements.
12. Private parties exclusively on private property where there is no sale of food or beverage to attendees of the event and the property is not being provided on the basis of compensation. Examples of such events include, but are not limited to, a back yard barbeque or a wedding at a family home; examples of events not included in this exemption include, but are not limited to, a wedding at a home where a rental fee is charged.
13. Seasonal sales involving legal fireworks, except that the use shall first secure any other permits required from the CCSD Fire Department as provided under Title 17 and the Fire Code.
14. Storage/cargo shipping containers not in conjunction with an approved construction project when located consistent with the provisions of this chapter.
15. Temporary sales offices and model home complexes as part of new home sales.

B. Temporary Use Permit Required. The following temporary activities and uses may be allowed, subject to the issuance of a temporary use permit prior to the commencement of the activity or use.

1. Construction yards, storage sheds, and construction offices (off-site) in conjunction with an approved construction project, where the yard is located on a site different from the site of the approved construction project (e.g., yards and offices as part of subdivision construction).
2. Entertainment and assembly events, including carnivals, car shows, circuses, concerts, fairs, festivals, food events, fundraisers, haunted houses, outdoor entertainment/sporting events, and similar events designed to attract large crowds and when not otherwise part of or consistent with a permitted use (e.g., competition at a swim complex would be exempt from the requirement for a permit).
3. Farmers markets held on private property.
4. Swap meets, flea markets, rummage sales, and similar events held on private property.
5. Seasonal sales (e.g., Halloween, Christmas) except when related to an existing business, or located within an existing retail building, excluding fireworks stands (see EGMC 23.92.020.A.14).
6. Storage/cargo shipping containers when located for periods greater than the time periods provided under EGMC 23.92.040.E.1 through 3.

23.92.030 ~~Development and operational standards~~ General Development Standards for Temporary Uses.

~~The following activities are allowed with the approval of a temporary use permit. Temporary use permits may not be in place for longer than one year.~~

~~A. No Maximum Term Limit.~~

~~1. Farmers' Market. A farmers' market may operate for once a week at the same location with a temporary use permit.~~

~~B. Maximum Five-Day Term Limit. The following use is permitted for a maximum five-day period with approval of a temporary use permit.~~

~~1. Cargo/Shipping Containers. Cargo/shipping containers and other metal storage containers may be located in any agricultural residential or agricultural zone subject to the standards below, except as provided in subsection (E) of this section, Maximum 60-Day Term Limit. No more than one such temporary use permit may be issued for each property per calendar year. Containers may be located on site for a maximum of 24 hours as part of the active loading and unloading of the container without requiring a temporary use permit.~~

~~a. Development Standards.~~

~~i. Containers are located a minimum of 10 feet from any front or street-side property line, a minimum of five feet from any rear or interior property line, and a minimum of five feet from any other structure or container. At no time shall the container obstruct the clear-vision triangle. For agricultural residential uses, containers may not be placed within the required front yard area.~~

~~ii. One container may be permitted for every 5,000 square feet of permanent structure, or portion thereof.~~

~~iii. Containers may not be stacked.~~

~~iv. Containers are prohibited on residential-zoned property.~~

~~b. Exemptions to Temporary Use Permit.~~

~~i. When a cargo/shipping container is associated with storage for on-site construction activity, it shall be exempt from the requirements of this chapter. Use of the container shall be limited to the time that a valid building permit is in effect for construction on the premises (see EGMC 23.86.030).~~

~~ii. The storage of cargo/shipping containers associated with an otherwise permitted warehousing, storage, personal storage, or cargo transfer type facility is exempt from this chapter.~~

~~C. Maximum 14-Day Term Limit (Consecutive or Intermittent). The following uses are permitted for a maximum 14-day period (consecutive or intermittent) with approval of a temporary use permit. No more than one such temporary use permit may be issued for each property within a three-month period (no more than one per quarter).~~

~~1. Arts and crafts exhibits;~~

~~2. Carnivals;~~

~~3. Circuses;~~

~~4. Concerts;~~

~~5. Fairs;~~

~~6. Animal shows;~~

~~7. Festivals;~~

- ~~8. Flea markets;~~
- ~~9. Food events;~~
- ~~10. Fund-raising activities;~~
- ~~11. Outdoor entertainment/sporting events;~~
- ~~12. Rodeos;~~
- ~~13. Rummage/secondhand sales; and~~
- ~~14. Swap meets.~~

~~D. Maximum 30-Day Term Limit (Consecutive). The following uses are permitted for a maximum 30-day period with approval of a temporary use permit. No more than one such temporary use permit may be issued for each property within a three-month period (no more than one per quarter, based on a calendar year):~~

- ~~1. Seasonal sales including, but not limited to, Halloween, Thanksgiving, and Christmas, on nonresidential and agricultural/agricultural residential properties. This listing also includes associated sales trailers as part of the use.~~
- ~~2. Temporary residence on nonresidential properties.~~
- ~~3. Outdoor promotional displays and sales of merchandise customarily sold on the premises by a permanently established business in a commercial zoning district. The temporary use shall be in conformance with the provisions of Chapter 23.86 EGMC, Outdoor Sales, Display, Storage, and Seating.~~

~~E. Maximum 60-Day Term Limit. The following use is permitted for a maximum 60-day period with approval of a temporary use permit:~~

~~1. Cargo/Shipping Containers. Cargo/shipping containers and other metal storage containers may be located in any zone (other than residential) for a maximum of 60 days subject to the standards below, except as provided in EGMC 23.92.030(B). No more than one such temporary use permit may be issued for each property per calendar year. Containers may be located on-site for a maximum of 24 hours as part of the active loading and unloading of the container without requiring a temporary use permit:~~

~~a. Development Standards.~~

- ~~i. Containers are located a minimum of 10 feet from any front or street-side property line, a minimum of five feet from any rear or interior property line, and a minimum of five feet from any other structure or container. At no time shall the container obstruct the clear-vision triangle. For agricultural residential uses, containers may not be placed within the required front yard area.~~
- ~~ii. One container may be permitted for every 5,000 square feet of permanent structure, or portion thereof.~~
- ~~iii. Containers may not be stacked.~~
- ~~iv. Containers are prohibited on residential-zoned property.~~

~~b. Exemptions to Temporary Use Permit.~~

~~i. When a cargo/shipping container is associated with storage for on-site construction activity, it shall be exempt from the requirements of this chapter. Use of the container shall be limited to the time that a valid building permit is in effect for construction on the premises (see EGMC 23.86.030, Exemptions).~~

~~ii. The storage of cargo/shipping containers associated with an otherwise permitted warehousing, storage, personal storage, or cargo transfer type facility is exempt from this chapter.~~

~~F. Maximum Six-Month Term Limit. The following use is permitted for a maximum six-month period with approval of a temporary use permit:~~

~~1. Seasonal Roadside Crop Sales. No seasonal crop sales building shall be installed, maintained, or operated in any zone unless the standards and requirements listed below are complied with and maintained.~~

~~a. Each crop sales building shall have no more than 1,200 square feet of indoor sales area and shall have a total enclosed area of no more than 2,400 square feet, including storage. Each crop sales stand shall have a display/storage area of no more than 200 square feet, and the use shall not be located in a permanent building.~~

~~b. Only one sales building per parcel is to be associated with this use. The use shall be operated by the property owner.~~

~~c. The use of this building is seasonal only. The period of operation is to be less than six months in any calendar year.~~

~~d. Hours of operation shall be no greater than sunrise to 10:00 p.m.~~

~~e. Products sold are limited to fresh fruits, vegetables and nuts. Crops sold are to be grown on site or, with permission granted during the use permit hearing process, the appropriate authority may grant approval to include fresh crops grown off site, or preserved, baked or packaged products that have been prepared on the property from crops grown on the property.~~

~~f. No activities relating to the operation of the seasonal crop sales building, including customer parking, shall occur on public property. All parking areas shall be maintained or surfaced so as to be dust free.~~

~~g. No part of this use, including merchandise or parking area, shall be located within the triangular visibility area described in Chapter 23.58 EGMC, Parking.~~

~~h. No additional signs beyond the signs otherwise permitted in the zone in which the crop sales use is located shall be permitted. Signs must be in conformance with the Chapter 23.62 EGMC, Signs on Private Property.~~

~~i. No food items shall be prepared and/or sold for immediate consumption on site, excluding canned or bottled beverages.~~

~~j. All buildings and stands shall meet the setback standards of the zone in which the seasonal crop sales use is located.~~

~~G. Maximum One (1) Year Term Limit. The following uses are permitted for a maximum one (1) year period with approval of a temporary use permit:~~

~~1. Mobile home as a temporary residence of the property owner when a valid building permit for a new single family dwelling has been issued. The temporary use permit shall expire upon expiration of the building permit or one (1) year, whichever occurs first.~~

~~2. Temporary enclosed storage with existing nonresidential use.~~

~~3. Temporary classroom, office, or similar structure, including a manufactured or mobile unit, when a valid building permit has been issued. Structure(s) may be approved as an accessory use or as the first (1st) phase of a development project.~~

A. Conformance with Other Portions of Title 23. Standards for off-street parking spaces, setbacks, and other structure and property development standards contained in EGMC Title 23 that apply to the category of use or the zoning district of the subject parcel, as determined by the Development Services Director, shall apply to all temporary activities. Requirements for long-term improvements that exceed the duration of the temporary use, including but not limited to landscaping and paving of parking lots, as determined by the Development Services Director, shall not be imposed.

B. Access and Circulation. All temporary uses shall be organized to provide efficient and orderly ingress and egress from the site. The City may require the preparation and implementation of an access plan to the satisfaction of the City.

C. Animal Care. Any animals that are part of the temporary use shall be treated humanely and in keeping with EGMC Chapter 8.02 and any other applicable laws.

D. Emergency Communications System. The City may require, due to the size, nature, or location of the activity, that temporary uses include an on-site public address system. Any such system shall be to the satisfaction of the Chief of Police (or their designee).

E. Fire Protection. All temporary uses are subject to review by the CCSD Fire Chief and shall comply with any requirements and permits established by the CCSD Fire Department. The City shall not issue a temporary use permit for any activity for which a Fire Permit is required until such permit has been issued by the CCSD Fire Chief (or his or her designee).

F. Food and Alcohol.

1. Any food or beverage served or sold at the event shall comply with all applicable laws, including without limitation the California Retail Food Code, California Health and Safety Code Section 113700 et seq., as it may be amended.

2. Any sale or service of alcohol at a temporary use shall be conducted in accordance with State law and after the issuance of any required permit from the City and State Department of Alcoholic Beverage Control.

G. Medical Services. The City may require, due to the size, nature, or location of the activity, that temporary uses provide on-site first aid services. Any such service shall be to the satisfaction of the Chief of Police (or his or her designee).

H. Site Maintenance. All temporary uses shall be kept clean and organized. Temporary use operators shall collect and remove all rubbish associated with the use and shall clean and restore all areas used for the activity, including contiguous public roads, sidewalks, rights-of-way, and easements to substantially the same condition as existing prior to the activity following the conclusion of the use.

I. Site Security. As part of the approval of a temporary use permit, the City may require the presence of on-site security. The provided security shall be subject to the review and approval of the Chief of Police (or his or her designee). No security personnel required by this chapter shall act as a door person, ticket seller, ticket taker, admittance person, or be responsible for temporary use operations while performing their security duties.

J. Storm Water Discharge. All activities shall be managed in compliance with the City's storm water management regulations pursuant to EGMC Chapter 15.12, Storm Water Management and Discharge Control.

23.92.040 Temporary uses exempt from permit Standards for Specific Temporary Uses.

The following temporary uses are exempt from the permit requirement as set forth in this section and EGMC 23.16.050, Temporary use permit, provided they meet the conditions listed below:

~~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.~~

~~B. Temporary sales offices/trailers and model home complexes as part of new home sales.~~

~~C. On-Site and Off-Site Construction Yards and/or Security Trailers. On-site and off-site construction yards and/or security trailers are permitted in conjunction with approved project development and approval of a valid building permit. The yard/trailer is limited to the time that a valid building permit is in effect for construction on the premises.~~

The following standards shall apply to the specific temporary uses described below.

A. Construction Yard/Storage Shed and Temporary Construction Office. Any temporary use permit for a construction yard, storage shed, or temporary construction office shall expire upon completion of the construction project, or the expiration of the accompanying building permit or improvement permit authorizing construction, whichever occurs first.

B. Entertainment and Assembly Events. Entertainment and assembly events when not part of or consistent with a permitted use shall not be permitted for periods of longer than seven (7) consecutive days.

C. Farmers Market. Farmers markets shall not be held for more than two (2) consecutive days per week at the same location.

D. Garage/Yard Sale. Garage sales, yard sales, and similar activities shall not occur more than four (4) times per year, with no sale exceeding two (2) consecutive days. All merchandise must be displayed within the property boundaries.

E. Seasonal Sale. Seasonal sales (e.g., Halloween, Christmas) shall only be allowed on nonresidential property. The maximum period for seasonal sales shall be forty-five (45) days per sale. No more than two (2) such activities shall be allowed for a property within a twelve (12) month period

F. Storage/cargo shipping container. Storage/cargo shipping containers, when permitted, shall only be allowed consistent with the following.

1. In agricultural and agricultural-residential districts, for periods no greater than five (5) days and no more than one period per year.

2. In residential zoning districts, for periods no greater than seventy-two (72) hours and no more than one period per year.

3. In commercial, office, and industrial zones, for periods no greater than sixty (60) days and no more than one period per quarter, unless they are used as part of an active building permit.

4. In industrial zones:

a. As part of a storage/warehouse use, or when on vehicle as part of a distribution or logistics center, cargo/shipping container(s) may be stored for an indefinite period, provided the containers are within a secured/fenced area and screened from view from the public right of way.

b. Otherwise, for periods no greater than sixty (60) days and no more than one period per quarter, unless they are used as part of an active building permit.

5. Where allowed, storage/cargo shipping containers shall comply with the following development standards:

a. Containers shall be located a minimum of 10 feet from any front or street-side property line, a minimum of five feet from any rear or interior property line, and a minimum of five feet from any other structure or container. At no time shall the container obstruct the clear-vision triangle. For agricultural residential uses, containers may not be placed within the required front yard area.

b. One container may be permitted for every 5,000 square feet of permanent structure, or portion thereof.

c. Containers shall not be stacked, except when part of a storage/warehouse use or distribution or logistics center and the containers are screened from view from the public right of way.

6. If a minor use permit is issued for a cargo/shipping container(s) for a period greater than sixty (60) days, said container(s) must be screened from public view through any combination of landscaping, fencing, or other appropriate technique.

7. Nothing herein shall prohibit the use of a cargo/shipping container(s) as a permanent structure, provided their use is approved through a project's design review approval and the structure is compliant with all requirements of the Building Code.

23.92.050 Similar uses.

~~When a temporary use is not specifically listed in this chapter, the Development Services Director shall determine whether the use is similar in nature to listed uses and shall establish the term, and make necessary findings and conditions for the particular use. The Development Services Director may determine a use not specifically listed herein is substantially similar to a use that is listed based on the available criteria and description and after making the required findings outlined in EGMC Section 23.12.045 (Similar Use Determination).~~

23.92.060 Temporary use permit extensions.

~~A. Extension of an Existing Temporary Use Permit. An existing temporary use permit, which was originally permitted for a period of less than thirty (30) days, may be extended for no more than five (5) additional days, subject to the issuance of a revised temporary use permit by the Development Services Director. The request for the permit extension shall be made prior to the expiration of the original permit. Any request for extension made after the expiration of the original permit shall constitute a request for a new temporary use permit.~~

~~B. Request for a Temporary Use Permit for Term Limit Longer Than Otherwise Allowed. Applicants seeking a temporary use permit for a time period longer than otherwise allowed by this chapter may submit for a minor use permit for said activity; provided, that it complies with the relevant development and operational standards provided in EGMC Section 23.92.030. Approval of the minor use permit shall be in accordance with the permit requirements for minor use permits as identified in EGMC Section 23.16.060.~~

~~If a minor use permit is issued for a cargo/shipping container(s) for a period greater than sixty (60) days, said container(s) must be screened from public view through any combination of landscaping, fencing, or other appropriate technique.~~

Chapter 23.93, Urban Crop Production, is added as follows:

Chapter 23.93
Urban Crop Production

Sections:

23.93.010 Purpose and applicability

23.93.020 Permit requirements

23.93.030 Development and operational standards for urban crop production

23.93.010 Purpose.

The purpose of this chapter is to establish development and operational standards for urban crop production uses to ensure that the design and operation of such uses is compatible with the surrounding urban context and limits impacts, including but not limited to, noise and dust.

23.93.020 Permit requirements.

Urban crop production is permitted or conditionally permitted in designated zoning districts as described in Table 23.27-1, Allowed Uses and Required Entitlements for Base Zoning Districts.

23.93.030 Development and operational standards for urban crop production.

Urban crop production uses shall comply with the following development and operational standards.

A. Buildings and structures. Any buildings or structures constructed as part of the use shall comply with the required setback and building height limits for the applicable zoning district. Structures shall comply with any design review or building permit requirements.

B. Crop production area. Any crops or buffer plants shall be setback or trimmed as necessary so as to not extend beyond any property lines or inhibit pedestrian movements along any sidewalks or other pedestrian walkways.

C. Equipment.

1. Except as otherwise provided, equipment used to maintain the site shall be limited to landscaping equipment designed for household use, such as manual hand tools (e.g., shovel, hoe, clippers), mechanical hand tools that can be operated by no more than two people (e.g., string trimmer, edger, hedge trimmer, pole saw, chain saw, auger), or walk-behind mechanical equipment (e.g., walk behind tiller).

2. Heavy equipment may be used initially to prepare the land for crop production subject to approval of a minor use permit.

D. Maintenance and Composting.

1. A manager shall be designated for the site, who shall be the primary point of contact between site operations, the City, and neighbors. A sign indicating the contact information for the manager shall, at all times, be posted on the site in a publicly accessible area.

1. The site shall be maintained in an orderly condition and the operator shall ensure the regular removal of weeds, debris, and other rubbish.

2. Soil amendments, composting, and waste material shall be managed and shall not attract nuisance flies or support growth of flies.

3. Composting on-site shall occur consistent with the following:

a. Compost and compost receptacles shall be located and screened so as not to be visible from a public right-of-way.

b. Compost and compost receptacles shall be set back a minimum of 20 feet from residential buildings, whether on or off-site.

c. In Residential zones, composting shall be limited to the materials generated on-site and shall be used on-site.

E. Sales. Products produced on-site may be sold from the property. The sales area shall not exceed one hundred twenty (120 ft²) square feet.

F. Hours of Operation.

1. Urban crop production sites shall only be tended between dawn and dusk, unless additional hours are approved pursuant to a minor use permit.

2. Sales operations shall be limited to between the hours of 10:00 am and 7:00 pm.

G. Utilities. The site shall be served by a water supply sufficient to support the cultivation practices used on the site.

Section 23.94.040 (Exemptions, Wireless Communications Facilities) shall be amended to add subsection E as follows:

...

E. An emergency standby generator for a macro cell tower site, as defined in Government Code Section 65850.75, shall be exempt from any requirement for a user permit or design review required by this Code if it complies with all of the following:

1. The emergency standby generator is rated below fifty (50) horsepower, compliance with applicable air quality regulations, has a double-wall storage tank, not to exceed 300 gallons, and is mounted on a concrete pad.

2. The macro cell tower site at which the emergency standby generator is proposed to be installed is an existing site that was previously permitted by the City.

3. The emergency standby generator complies with all applicable state and local laws and regulations, including building and fire safety codes.

4. The physical dimensions of the emergency standby generator and storage tank are cumulatively no more than 250 cubic feet in volume.

5. The emergency standby generator shall be located not more than one hundred (100' 0") feet from the physical structure of the macro cell tower or base station.

Section 23.100.020 (General definitions) shall be amended as follows; where new definitions area added they shall be located alphabetically within the section and existing definitions shall be renumbered accordingly:

...

C. "C" Definitions.

...

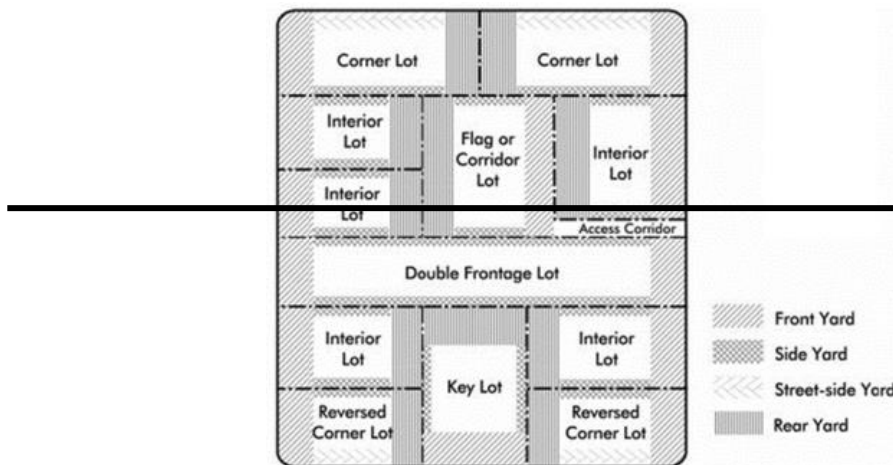
9. "Co-location" means a the locating of two or more wireless communications facility facilities owned and operated by a communication service provider which is located on the same tower, building, accessory structure, or property as another communications facility owned or operated by a different communication service provider on a single wireless communication tower or base station.

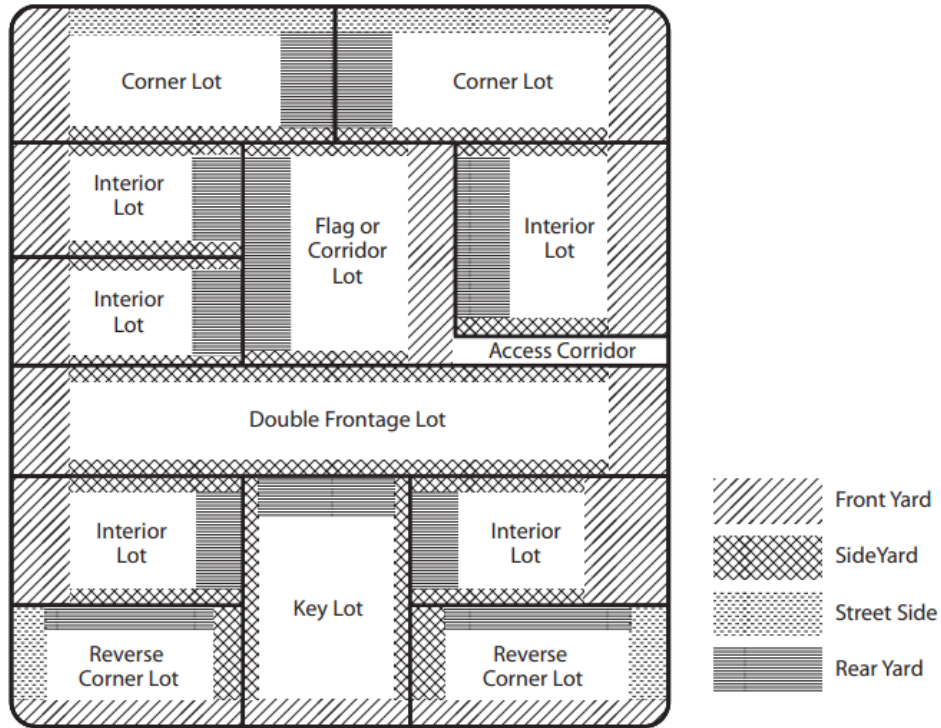
...

L. "L" Definitions

...

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



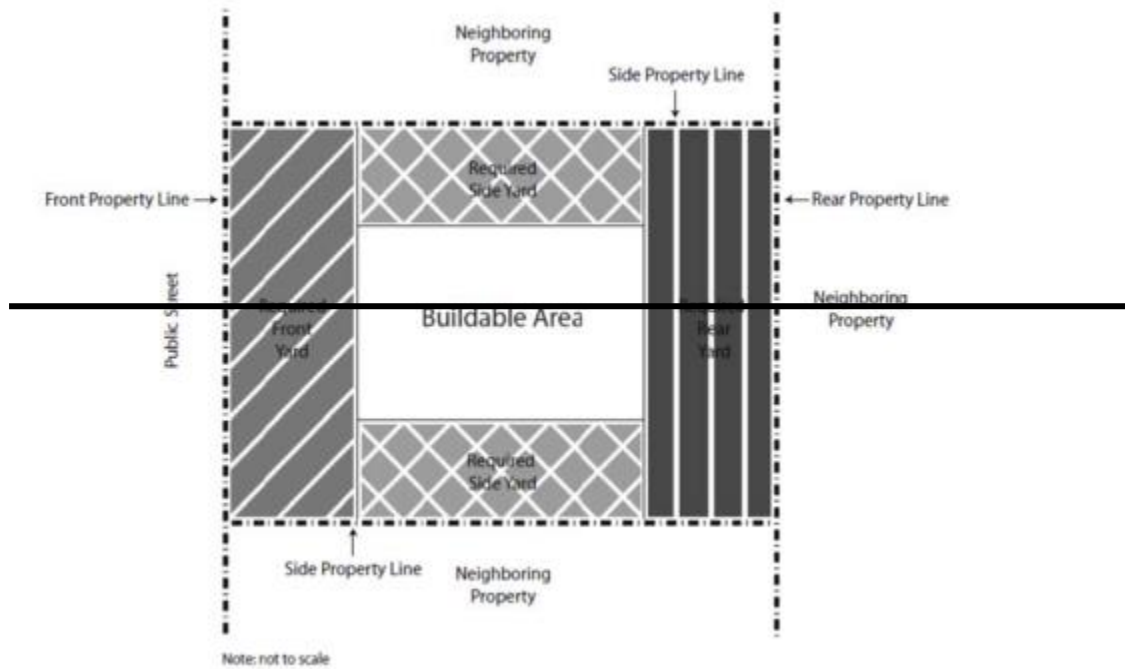


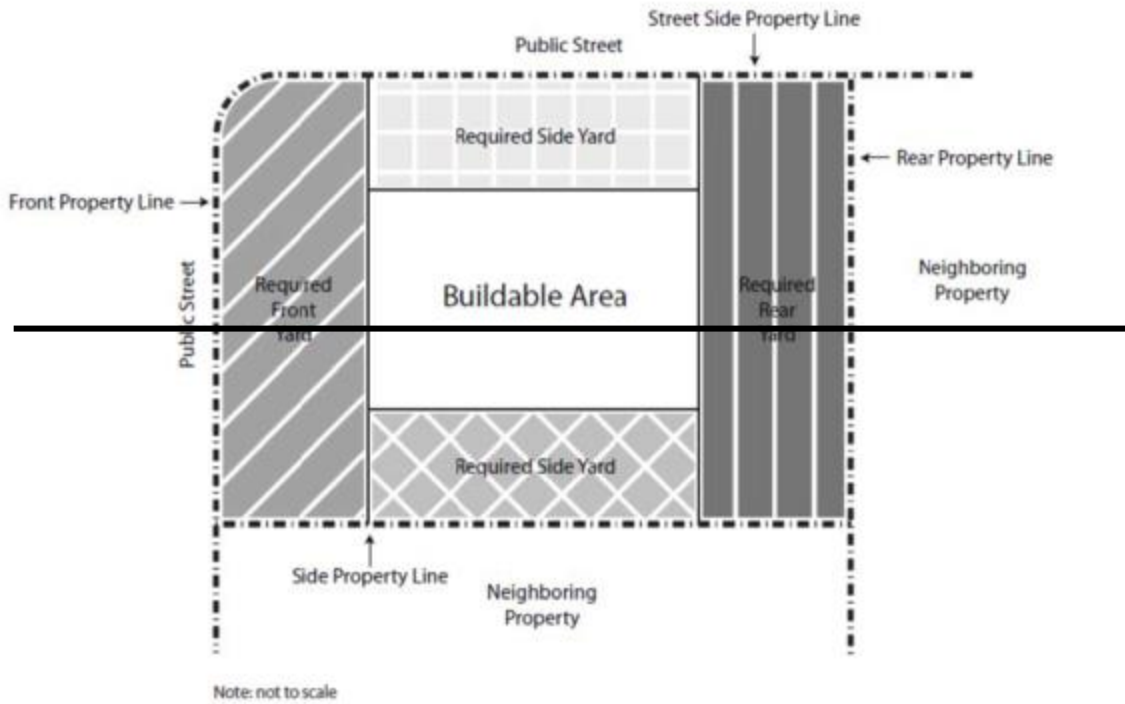
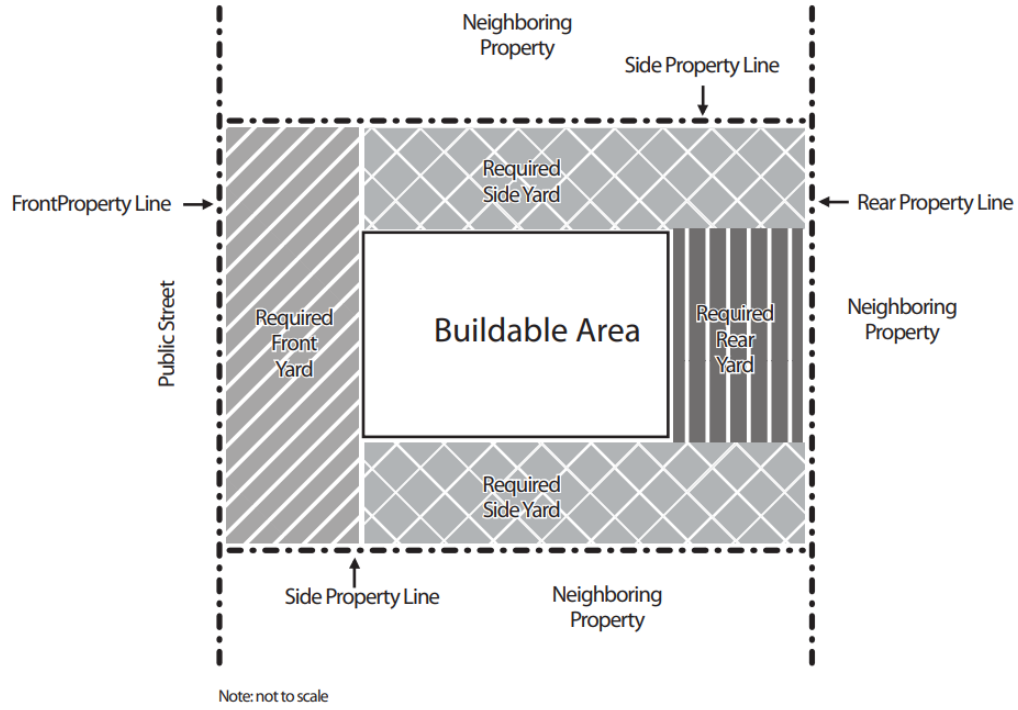
...

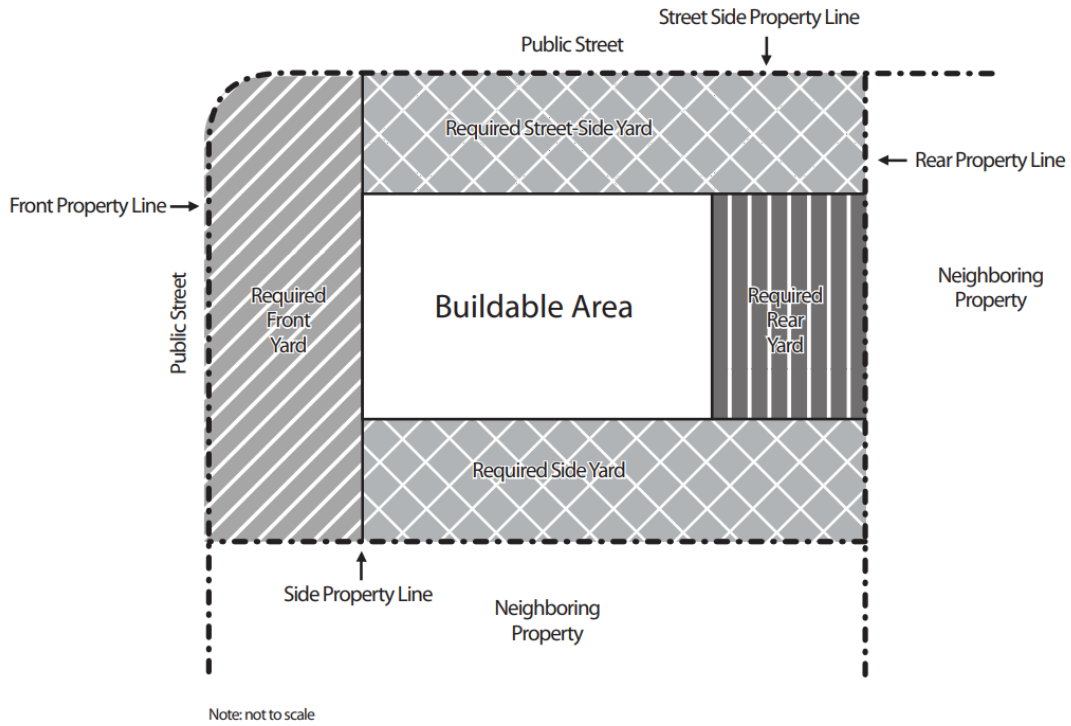
P. "P" Definitions.

...

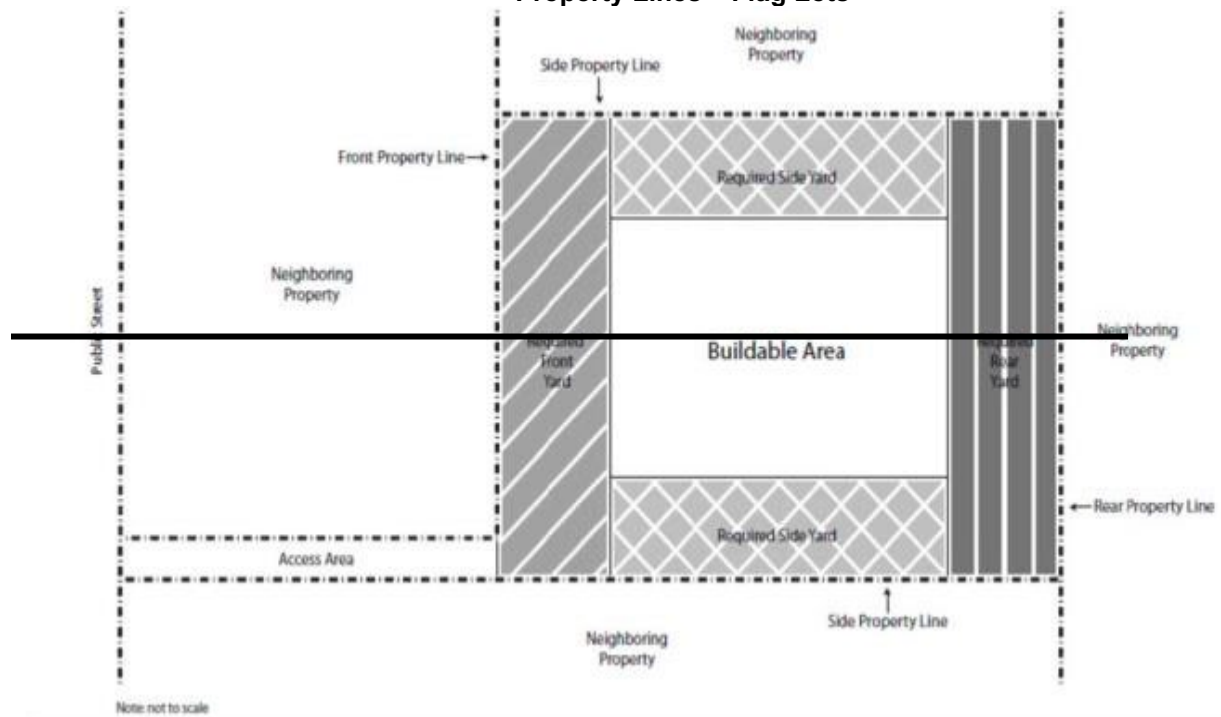
**Figure 23.100-4A
 Property Lines – Interior and Corner Lots**







**Figure 23.100-4B
 Property Lines – Flag Lots**



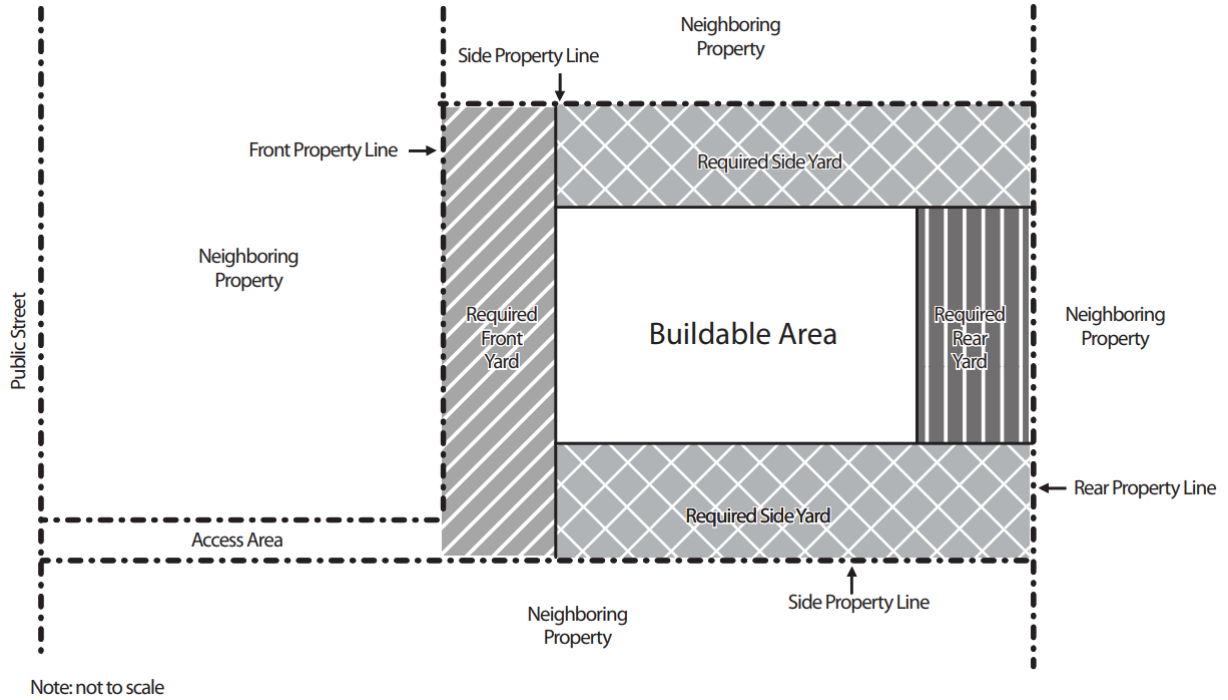
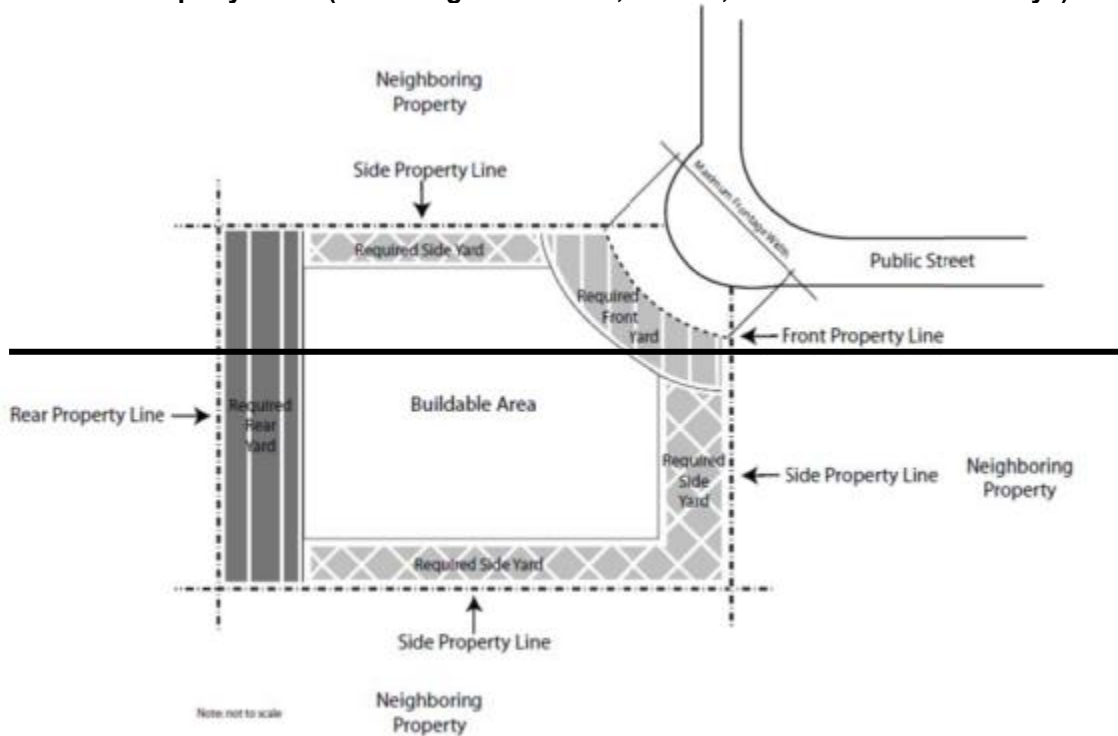
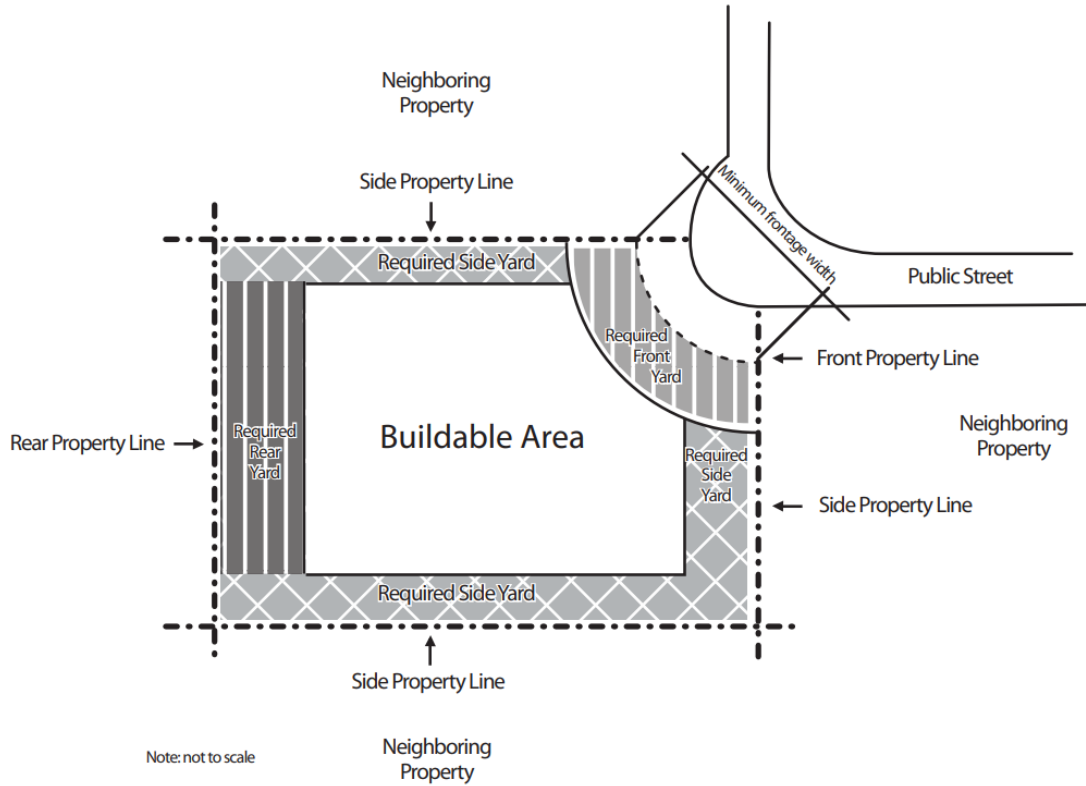
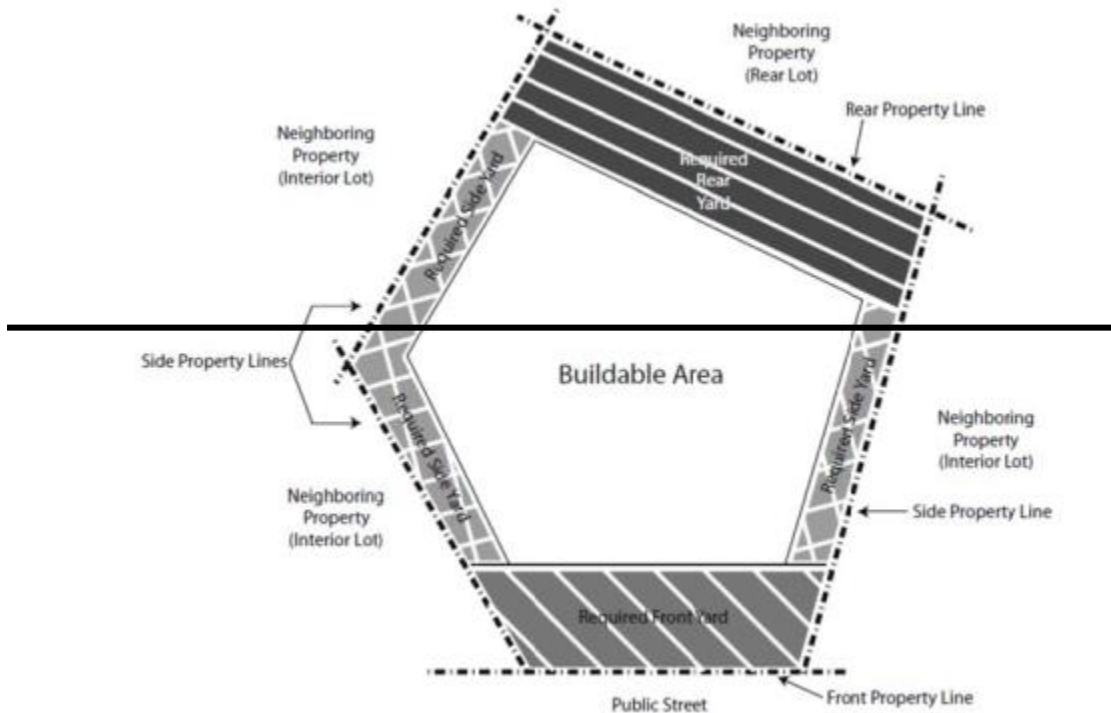


Figure 23.100-4C
Property Lines (lots along cul-de-sacs, elbows, or other similar roadways)





**Figure 23.100-4D
 Property Lines – Irregular Lots**



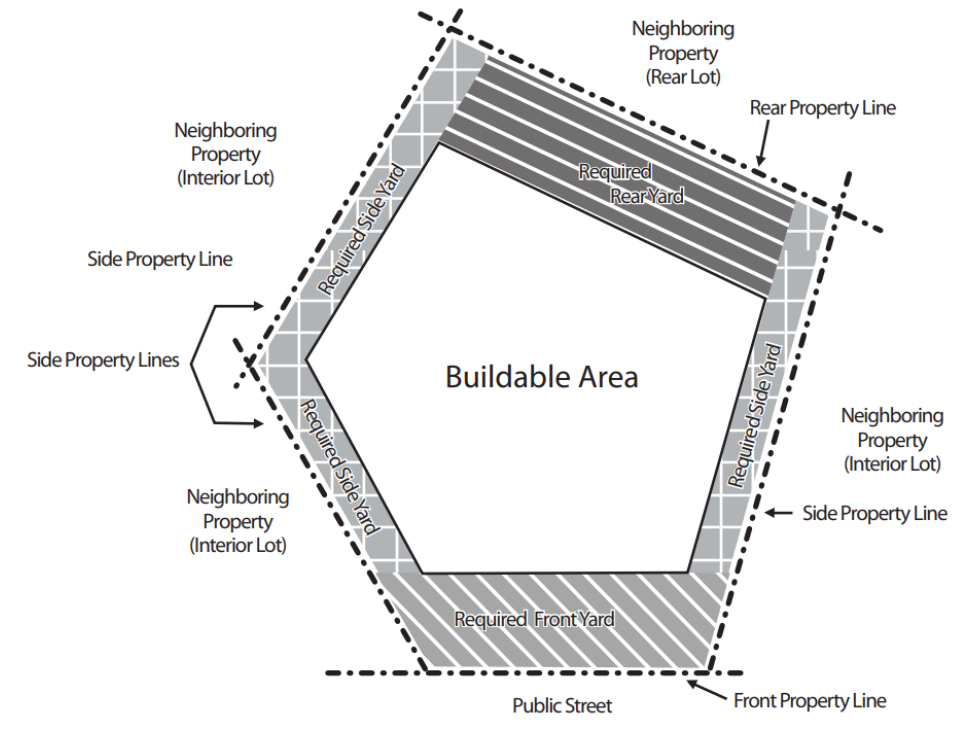
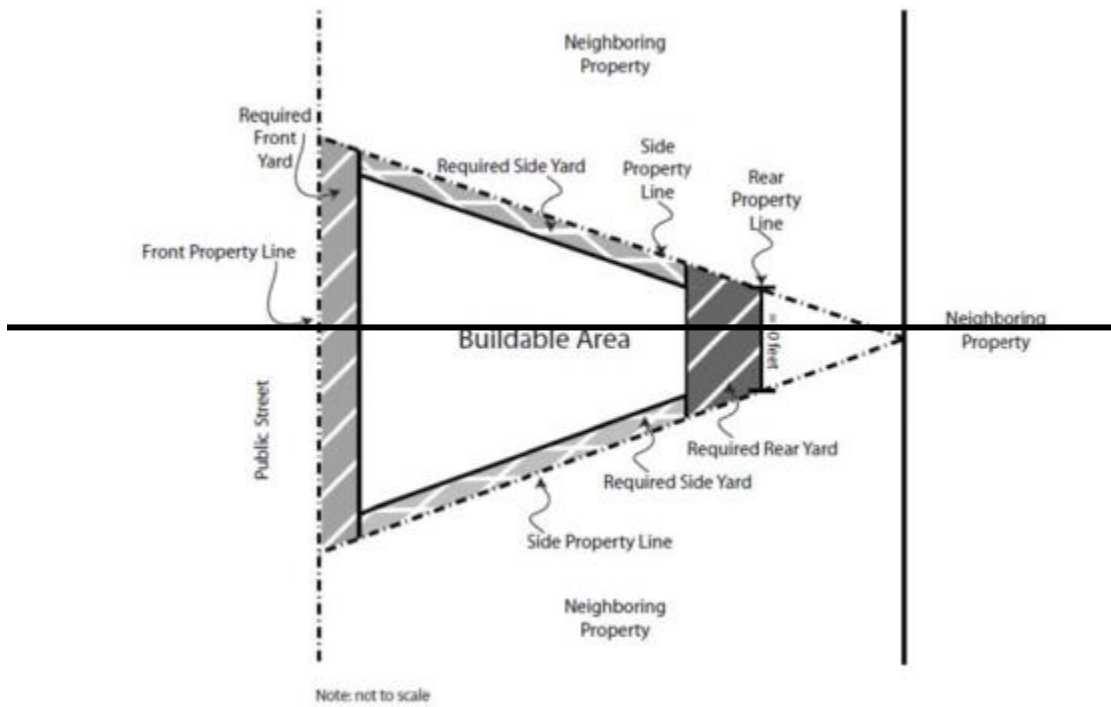
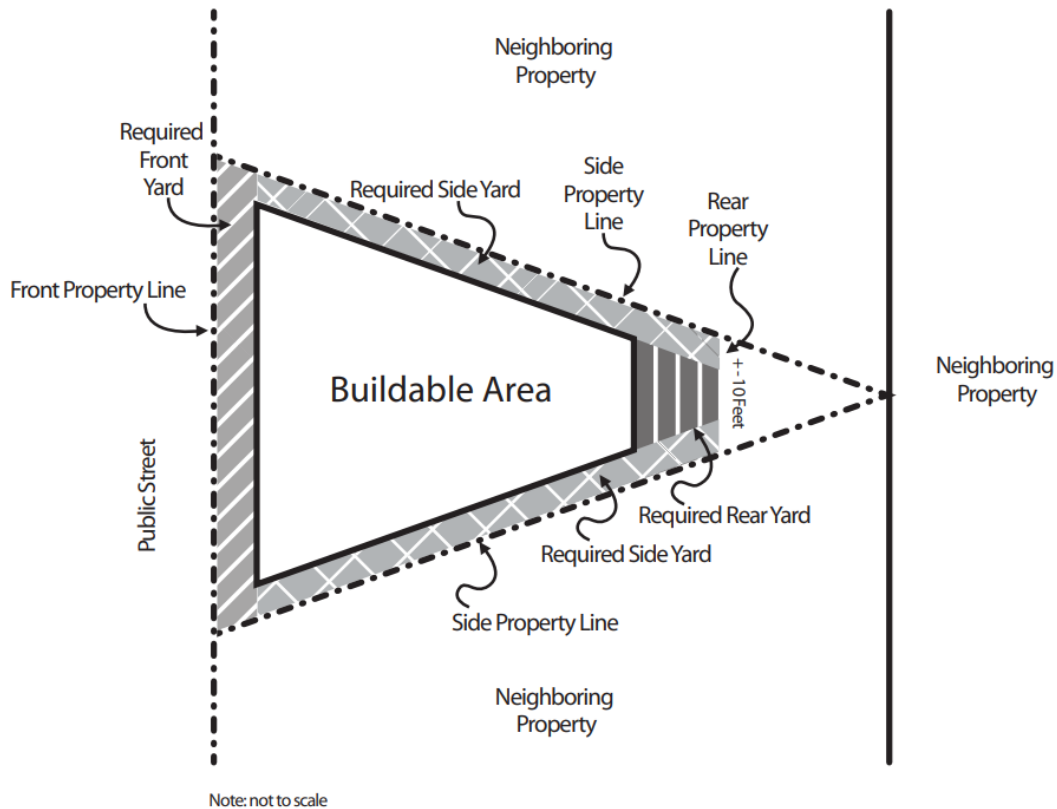


Figure 23.100-4E
Property Lines – Converging Lot Lines





...

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. A kitchen shall comply with the requirements for providing two (2), twenty (20A) ampere, small appliance branch circuits and receptacle outlets as outlined in Chapter 2, Wiring and Protection, of the California Electrical Code.
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 (80 ft²) square feet specifically excluding a stove and/or oven. A kitchenette cannot include more than one (1), twenty (20A) ampere, small appliance branch circuit or gas fueled appliances, except of heating. Examples include, but are not limited to, butler's pantries, mini-bars, and similar space in recreation rooms.

...

Y. "Y" Definitions.

1. "Yard" means land unoccupied or unobstructed, except for such encroachments as may be permitted by this Title, surrounding a building site. Types of yards include the following and are illustrated in Figures 23.100-2, 23.100-4A, 23.100-4B, 23.100-4C, 23.100-4D, and 23.100-4E. The term "yard" may be utilized to apply to the required yard as determined through

application of a setback from the corresponding property line (as in a “front yard setback”) or to the actual yard area between a property line and a structure (as in the actual front yard area).

a. “Yard, front” means a yard extending across the full width of the lot along the front property line.

b. “Yard, rear” means a yard extending across the width of the property along the rear property line. A rear yard shall not extend past the interior limits of a side yard or street side yard.

c. “Yard, side” means a yard extending along an interior side property line from the front yard to the rear property line.

d. “Yard, side street” means a yard extending along a side lot line adjacent to the street right-of-way, extending from the front yard to the rear property line.

24. “Yard (area), required” means the horizontal area between a property line and a parallel line drawn at the minimum (primary structure) setback distance, measured at a right angle from the property line. See Figure 23.100.5.

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

...

Page 4-28 of the Southeast Policy Area SPA shall be amended to add Note 1 as follows:

CHAPTER 4

PHYSICAL FORMS: BUILDINGS

A. Office Park

Lot Standards

Lot Coverage

Building Coverage	40% max.
Landscape Coverage	20% min.

Setback Requirements

Setback requirements are for the overall property. If a property is subdivided, setback standards shall be established through design review.

- A. Front 20 ft. min., 100 ft. max. may be reduced to 10 ft. when adjacent to greenway
- B. Interior Side 20 ft. min.; may be reduced to 10 ft. when adjacent to greenway
- C. Street Side 20 ft. min., 100 ft. max.
- D. Rear 10 ft. min.

Height

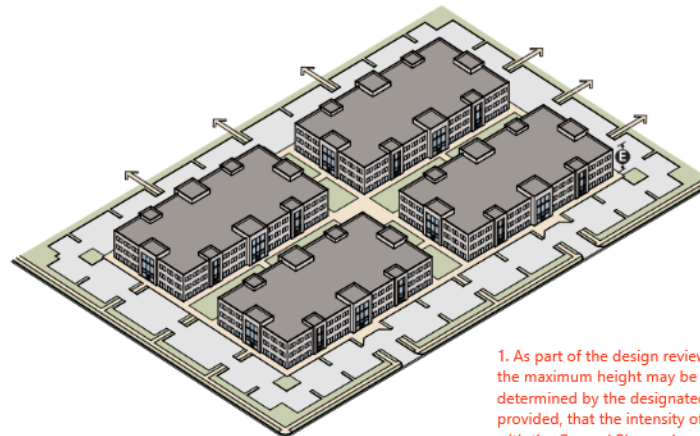
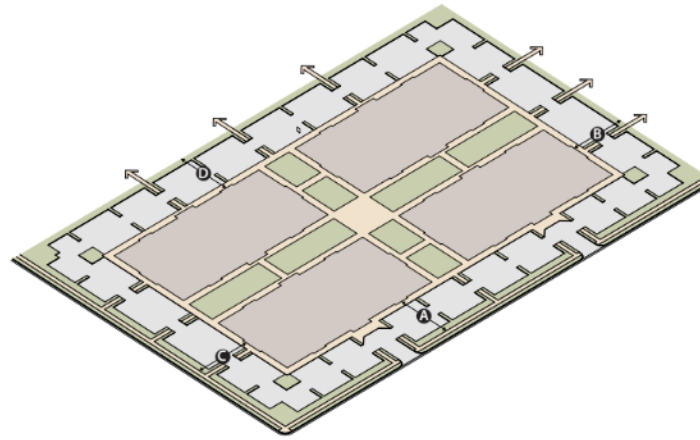
- E. Building Height 90 ft. max.¹

Parking

Minimum 3.5 spaces per 1,000 sq ft. of net floor area or 1 space for every 2 occupants, whichever is less

End-of-Trip Facilities

Clothes Lockers 1 per 4 employees
 Showers 1 per 80 employees



1. As part of the design review process, the maximum height may be increased to a height as determined by the designated approving authority; provided, that the intensity of the development is consistent with the General Plan and on-site improvements, including but not limited to architectural articulation, quality, and materials and landscaping, are provided to ensure, as determined by the approval authority, compatibility with the surrounding context and character of the project site

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 16-2021**

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 July 28, 2021, and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on August 11, 2021, by the following vote:

AYES: COUNCILMEMBERS: Singh-Allen, Nguyen, Hume, Spease, Suen

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**