

## **ORDINANCE NO. 8-2003**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE REPLACING TITLE 1, CHAPTER 10, ARTICLE 7 OF THE CITY OF ELK GROVE ZONING CODE ESTABLISHING A DESIGN REVIEW PROCESS**

#### **AND**

### **AMENDING THE CITY OF ELK GROVE ZONING CODE TITLE 2, CHAPTER 15 (RESIDENTIAL LAND USE ZONES) AND TITLE 3, CHAPTER 5 (RESIDENTIAL USE DEVELOPMENT STANDARDS) TO ALLOW DESIGN FLEXIBILITY FOR THE DEVELOPMENT OF HIGH DENSITY SINGLE-FAMILY RESIDENTIAL PROJECTS AND TO ENCOURAGE TWO-FAMILY RESIDENTIAL PROJECTS ON CORNER LOTS IN SINGLE FAMILY NEIGHBORHOODS**

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

#### SECTION 1: Purpose and Authority

The purpose of this Ordinance is to amend the City of Elk Grove Zoning Code to establish a Design Review process and to allow design flexibility for high-density single-family and two-family residential projects.

#### SECTION 2: Findings

##### **CEQA**

1. Finding: An Initial Study has been prepared and noticed for the project in accordance with CEQA. A Negative Declaration was also prepared, noticed, and filed with the determination that the project would not have a significant effect on the environment.

Evidence: In accordance with the analysis in the Initial Study, the proposed project to establish a Design Review entitlement process and corresponding Citywide Design Guidelines establishing the basis for design review will not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Additionally, the project will not have impacts, which are individually limited, but cumulatively considerable. Finally, the project will not have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly.

##### Zoning Amendment

2. Finding: There is a reasonable probability that the action proposed will be consistent with the general plan proposal being considered or studied or which will be studied within a reasonable time.

Evidence: The amendments to the Zoning Code relate to the establishment of a Design Review process and to allow design flexibility for high density single-family and two-family projects. This ordinance is consistent with the following Goals of the General Plan: Goal 1-5 to promote excellence in the design of development and Goal 1-8 to promote a strong and positive community image for Elk Grove. Therefore, the proposed amendment is consistent with the General Plan and all other applicable state and local regulations.

3. Finding: The project is consistent with the latest version of the Draft General Plan Elements, which have been reviewed by the General Plan Advisory Committee as of the date on which the project is approved.

Evidence: The amendments to the Zoning Code relate to the establishment of a Design Review process and to allow design flexibility for high density single-family and two-family projects. The ordinance is consistent with the following Goals of the General Plan: Goal 1-5 to promote excellence in the design of development and Goal 1-8 to promote a strong and positive community image for Elk Grove. Therefore, the proposed amendment is consistent with the General Plan and all other applicable state and local regulations.

4. Finding: There is little or no probability of substantial detriment to or interference with the future adopted general plan if the proposed action is ultimately inconsistent with the plan.

Evidence: The amendments to the Zoning Code relate to the establishment of a Design Review process and to allow design flexibility for high density single-family and two-family projects. This ordinance by its nature would not interfere or cause detriment to the future adopted General Plan.

5. Finding: The proposed use or action complies with all other applicable requirements of state law and local ordinances.

Evidence: Establishment of a Design Review process is in keeping with the Police Power granting local land use control under the State Enabling Legislation in the 1920's and case law regarding aesthetic regulation. The amendments to the Zoning Code relate to the establishment of a Design Review process and to allow design flexibility for high density single-family and two-family projects. The proposed amendment is consistent with the General Plan and all other applicable state and local regulations.

6. Finding: The proposed Amendment to the Zoning Code is in the public interest and is consistent with the General Plan.

Evidence: The amendments to the Zoning Code relate to the establishment of a Design Review process and to allow design flexibility for high density single-family and two-family projects. This ordinance will allow the City to review the design of new development and to allow design flexibility for higher density development,

which is in the public interest. The proposed amendment is consistent with the General Plan goals and all other applicable state and local regulations.

7. Finding: The proposed Amendments to the zoning code are internally consistent.

Evidence: The amendments to Titles 2 and 3 of the Elk Grove Zoning Code establish consistency with the proposed provision of new Title 1 regulations regarding purpose and findings of the Design Review process.

Section 3 includes the recommended changes to the zoning ordinance. The text changes are identified as follows; the language that is added to the zoning code is underlined and the language to be removed is in strikethrough.

### SECTION 3: Action

Title 1, Chapter 10, Article 7 is hereby replaced as follows:

#### ARTICLE 7: DESIGN REVIEW

##### **110-80. Purpose and Intent of Design Review**

The purpose of the design review process is to promote the orderly and harmonious growth of the city; to encourage high quality land planning and architecture; to encourage development in keeping with the desired character of the City; to ensure physical, visual, and functional compatibility between uses; and to ensure proper attention is paid to site and architectural design, thereby protecting land values. The intent of the design review process is to establish discretionary review of development projects that require additional site and design considerations beyond conformance with minimum standards of the Zoning Code as outlined in this chapter.

##### **110-81. Citywide Design Guidelines**

City Council is adopting concurrently with the ordinance enacting this chapter a document setting forth a comprehensive set of Citywide Design Guidelines setting forth various aesthetic and functional provisions to guide structural development in the city. As used in this chapter, "Citywide Design Guidelines" means the document adopted here, as may from time to time be amended. The design review Approving Authority under this chapter shall have the authority to apply the Guidelines flexibly to account for circumstances relating to the site, provided the required findings in Section 110-88 are made. Design Review shall become effective in conjunction with the City's adoption of corresponding Design Guidelines for each particular land use type.

##### **110-82. Conflicts With Specific Plans/Special Planning Areas**

Except as otherwise specifically vested, if there are conflicts between the requirements of this title and the requirements in an adopted Specific Plan or Special Planning Area, the more restrictive requirements and guidelines shall govern. Until the effective date

of Design Review for each land use type Citywide, design review (previously titled development plan review) as required by adopted Specific Plans or Special Planning Areas shall apply. Projects located within the Old Town Special Planning Area (SPA) will not be subject to the citywide Design Guidelines as special provisions applicable to development in the historic area will be adopted as part of the Old Town SPA.

#### **110-83. Development Applications In Process**

Following the effective date of this title, or any amendment of this title, regulations of this title are applicable to all pending applications in process, unless prohibited by State law. Applications are no longer pending once the appeal period has expired or the appeal process fully exercised. Design review will not be required for approved subdivision maps. In other words, subdivision maps may be finalized in accordance with the tentative map approval. However, design review will be required for all building permit applications for master plans received after the effective date of this ordinance.

#### **110-84. Design Review Applicability**

Design Review is required for the following:

- a) Single-family residential subdivision maps;
- b) Master home plans for single-family residential subdivisions;
- c) Multi-family residential development; and
- d) Non-residential development (e.g., commercial, office, industrial, public/quasi-public).

#### **110-85. Design Review Exemptions**

The following structures are exempt from Design Review. However, such structures may require additional permits, such as a ministerial building permit to ensure compliance with adopted Building Code standards and applicable Zoning Code provisions.

- a) Single-family custom homes;
- b) Additions to single-family residential homes;
- c) Additions to non-residential structures less than 500 square feet in size;
- d) Accessory structures consistent with provisions of Zoning Code Title III, Chapter 5 Article 6 (Accessory Structures);
- e) Repairs and maintenance the site or structure that do not add to, enlarge, or expand the area occupied by the land use, or the floor area of the structure. Exterior repairs that employ the same materials and design as the original construction are also exempt from Design Review;
- f) Interior alterations that do not increase the gross floor area within the structure, or change/expand the permitted use of the structure (including solar collectors); and
- g) Construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby

approved developments (e.g., water, gas, electric or telecommunication supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, and similar facilities and equipment).

#### **110-86. Design Review Authority**

The designated Approving Authorities for Design Review are listed in the table below. The Approving Authority shall approve, conditionally approve, or deny the proposed Design Review application in accordance with the requirements of this chapter. Design Review approval is required prior to issuance of any ministerial building permits or site improvement plans and prior to or in conjunction with discretionary action of corresponding development applications (e.g., Conditional Use Permit, Variance).

<b>Land Use Type</b>	<b>Planning Director</b>	<b>Planning Commission</b>
Residential Subdivisions Maps		X
Residential Master Home Plans	X	
Multi-family Residential		X
Non-residential (new construction and additions)	< 5,000 square feet	> 5,000 square feet

#### **110-87. Design Review Process**

- a) **Application Submittal.** Design Review applications shall be submitted to Planning on a City application form, together with all fees, plans, maps, and any other information required by Planning to evaluate the Design Review application.
- b) **Application Review.** In accordance with the Permit Streamlining Act (California Government Code Section 65943), within 30 days of application submittal, the Planning Director shall determine whether or not the application is complete. In order to expedite the process for administrative Design Review applications, the Planning Director shall make the completeness determination within five (5) days of application submittal. The applicant shall be notified in writing of the determination. Once complete, the Planning Staff shall distribute complete application materials to appropriate departments and agencies for review and comment. Planning Staff shall be responsible for requesting feedback and incorporating comments into project modifications or conditions of approval to ensure conformance with applicable provisions of the Municipal Code, adopted Specific Plan or Special Planning Area design provisions, and adopted Citywide Design Guidelines.
- c) **Environmental Review.** The project shall be reviewed in accordance with the environmental review procedures of the California Environmental Quality Act (CEQA).
- d) **Notice and Hearing/Determination.** For Design Review applications decided by the Planning Commission, public notice and hearings shall be

conducted in accordance with Zoning Code Title 1, Chapter 10 Article 1 (Permits Generally). For administrative Design Review applications decided by the Planning Director, public notice shall be mailed to the applicant and property owners of sites directly abutting the subject parcel(s) no less than seven (7) days prior to the scheduled date of determination. The notice shall identify the subject parcel, describe the request, and identify the date of Planning Director determination on the administrative Design Review application. The notice shall also identify the opportunity to provide input prior to the determination and the right to appeal the determination in accordance with this title. The Planning Director shall create a written record of action to approve, conditionally approve, or deny the administrative Design Review application. This record of action shall be mailed to the applicant within three (3) days from the date of action.

- e) Appeals. Any person dissatisfied with an action of the Planning Director or Planning Commission may appeal such action to the next highest Approving Authority, within ten days from the date of the action. Actions of the Planning Manager are appealed to the Planning Commission and actions of the Planning Commission are appealed to the City Council for final action. Appeals shall be conducted in accordance with Zoning Code Title 1, Chapter 15 Article 3 (Appeals).

#### **110-88. Design Review Determination**

- a) Findings for All Design Review Applications. Design Review applications shall be granted only when the designated Approving Authority makes all of the following findings:
  - 1) The proposed project is consistent with the objectives of the General Plan, complies with applicable zoning regulations, Specific Plan provisions, Special Planning Area provisions, and Citywide Design Guidelines adopted by the City.
  - 2) The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community;
  - 3) The architecture, including the character, scale and quality of the design, relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing and similar elements establishes a clear design concept and is compatible with the character of buildings on adjoining and nearby properties;
  - 4) The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation; and
- b) Additional Findings for Residential Design Review Applications. Design Review applications for single-family residential subdivision maps shall be granted only when the designated Approving Authority makes the additional finding that the residential subdivision is well integrated with the City's street network, creates unique neighborhood environments, reflects traditional architectural styles, and establishes a pedestrian friendly environment.

- c) Conditions. The designated Approving Authority may modify plans in whole or in part and may condition the Design Review application to ensure specific design features, construction materials, and conformance with all applicable provisions of this chapter.
- d) Permit Issuance. Design Review authorization shall only become valid upon completion of the designated ten-day appeal period.
- e) Permit Term. Design Review approval shall be valid for a period of three years from the date of final approval. The permit term for Design Review approval of single-family residential subdivision maps shall run concurrent with the life of the tentative map approval.

The City Council hereby amends Section 215.50, of Title 2, Chapter 15 Article 6 as follows:

**215-50. Lot Area, Width and Public Street Frontage**

Amend the RD-5 table so that net lot area, lot width and public street frontage for two family corner lots is the same as single family corner lots.

The City Council hereby amends Section 215.55, of Title 2, Chapter 15 Article 6.5 as follows:

**215.55. Lot Area, Width and Public Street Frontage**

Amend the RD-7 table so that net lot area, lot width and public street frontage for two family corner lots is the same as single family corner lots.

The City Council hereby amends Section 215.60, of Title 2, Chapter 15 Article 7 as follows:

**215-60. Lot Area, Width and Public Street Frontage**

Amend the RD-10 table to eliminate the minimum lot area, width and public street frontage for the RD-10 zoning designation. Add the note, the appropriate lot sizes will be reviewed as part of the Design Review process.

Amend the RD-10 table so that net lot area, lot width and public street frontage for two family corner lots is the same as single family corner lots.

The City Council hereby amends Section 215.65, of Title 2, Chapter 15 Article 7.5 as follows:

**215-65. Lot Area, Width and Public Street Frontage**

Amend the RD-15 table to eliminate the minimum lot area, width and public street frontage for the RD-15 zoning designation. Add the note, the appropriate lot sizes will be reviewed as part of the Design Review process.

Amend the RD-15 table so that net lot area, lot width and public street frontage for two family corner lots is the same as single family corner lots.

The City Council hereby amends Section 305.02, of Title 3, Chapter 5, Article 1 as follows:

**305-02. Yards**

No building or structure, or the enlargement of any building or structure shall be erected for any of the uses specified in Section 305-01 unless the following yards are provided and maintained.

- (a) Front Yard. There shall be a front yard of not less than twenty (20) feet except as provided below:
  - (1) To encourage the design and development of separated sidewalks on local residential streets where separated sidewalks are incorporated, the minimum front yard setback may be reduced by the following distances (measured from the back of walk):
    - (aa) Six (6) feet for the livable portion of the home. Outdoor entry features may extend an additional five feet into the required front yard setback. However, such feature shall not be located within a designated utility easement.
    - (bb) Two (2) feet for the garage to ensure a minimum eighteen (18) foot length for parking in the driveway that will not obstruct the sidewalk.
    - (cc) Other incentives for separated sidewalks may be approved by agreement of the City of Elk Grove and the Community Services District.
  - (2) To allow flexibility for the higher density single-family "small lot" development, the minimum building setbacks in the RD-7 may be reduced to eighteen (18) feet in the front yard.
  - (3) To allow design flexibility for higher density single family "small lot" development, there is no minimum front yard setback in the RD-10 and RD-15 zoning districts. The front setback shall be determined in conjunction with the Design Review process.
  - (4) The front yard setback requirement for side on garages may be reduced by a maximum of five (5) feet.
- (b) Rear Yard.
  - (1) For lots less than one hundred twenty-five (125) feet in depth, a rear yard of not less than twenty-five (25) feet shall be provided.



- (2) For lots less than one hundred twenty-five (125) feet in depth, the rear yard may be reduced to twenty (20) percent of the average depth of the lot. In no event shall the rear yard be less than ten (10) feet for one-story buildings and fifteen (15) feet for two- and three- story buildings.
  - (3) The main building may project into the required rear yard provided that an equal area is provided as a yard or court within the buildable portion of the lot.
  - (4) In the RD-7 zoning districts the minimum rear yard setback may be reduced to 10 feet for a one-story structure and 15 feet for a two-story structure.
  - (5) To allow design flexibility for the higher density single family "small lot" development, there are no minimum rear building setbacks in the RD-10 and RD-15 zoning districts. The appropriate rear setback shall be determined in conjunction with the Design Review process.
  - (6) When the garage is placed at the rear of the lot with access from the alley, there is no minimum setback requirement.
- (c) Side yard. There shall be a side yard on each side of all buildings as follows:
- (1) For a one-story or two-story structure the side yard shall not be less than five (5) feet.
  - (2) For a three-story structure the side yard shall not be less than twenty five (25) feet.
  - (3) To allow design flexibility for higher density single-family "small-lot" development, there is no minimum side yard setback in the RD-10 and RD-15 zoning districts. The appropriate side yard setback shall be determined in conjunction with the Design Review process.

The City Council hereby amends Section 305.52, of Title 3, Chapter 5, Article 4 as follows:

### **305.52 Lot Area**

- (a) Duplexes. See Title II, Chapter 15, Articles 6 through 10
- (b) Halfplexes: See Title II, Chapter 15, Articles 6 through 10.

### **Section 4: No Mandatory Duty of Care**

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

Section 5: Severability

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

Section 6: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five 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).

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 19<sup>th</sup> day of March 2003.



RICK SOARES, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



PEGGY E. JACKSON, CITY CLERK



ANTHONY B. MANZANETTI,  
CITY ATTORNEY

**Effective Date: April 19, 2003**

**AYES:** Soares, Cooper, Scherman, Leary  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** Briggs