

## ORDINANCE NO. 35-2004

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ADDING TITLE II, CHAPTER 35, ARTICLE 11 TO THE CITY OF ELK GROVE ZONING CODE ESTABLISHING A MULTI-FAMILY OVERLAY ZONING DISTRICT FOR MULTI-FAMILY REZONE PROJECT NO. EG-062

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 Multi-family Overlay Zoning District.

#### SECTION 2: Findings

##### CEQA

1. Finding: The project will not have a significant adverse impact on the environment and a Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA).

Evidence: An Initial Environmental Study was prepared for the proposed project. No significant environmental impacts are expected to occur as a result of this project and mitigation measures from the East Franklin Specific Plan were incorporated and apply only to the development of the Kuhn property (Area 8). On the basis of the Mitigated Negative Declaration, comments received, and the entire administrative record, there is no substantial evidence that the project will have a significant adverse impact on the environment. The City received written comment letters within the 30 day public review period and responded to those comments in the project staff report. However, they do not alter the conclusions in the Initial Study and Mitigated Negative Declaration.

##### Zoning Amendment

2. Finding: The action is consistent with the City of Elk Grove General Plan.

Evidence: The amendments to the Zoning Code relate to the establishment of a Multi-family Overlay District. This ordinance is consistent with the following Goal of the General Plan: Goal 1-6 to promote safe and affordable housing for all residents. Therefore, the proposed amendments are consistent with the General Plan and all other applicable state and local regulations.

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

Evidence: The amendments to the Zoning Code relate to the establishment of a Multi-family Overlay Zoning District. The proposed amendments are consistent with

the goals and policies of the General Plan and all other applicable state and local regulations.

4. 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 Multi-family Overlay Zoning District. The proposed amendments are consistent with the General Plan goals and all other applicable state and local regulations.

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

Evidence: The amendments to Title II of the Elk Grove Zoning Code are internally consistent with each other and to the rest of the zoning code.

Section 3 includes the recommended changes to the zoning ordinance.

### SECTION 3: Action

The City Council hereby adds Title II, Chapter 35, Article 11 as follows:

#### ARTICLE 11: Multi-family Overlay Zoning District

##### Sections:

- 235-220. Purpose and Intent
- 235-221. Applicability of Multi-family Overlay Zoning District
- 235-222. Permitted Uses
- 235-223. Development Standards
- 235-224. Design Review Required

##### 235-220. Purpose and Intent

The purpose of the Multi-Family Overlay Zone (MF) is to implement the General Plan by establishing opportunities for multi-family housing in specified locations throughout the City. This overlay zone supplements the allowed uses and development standards of the underlying zoning district. The intent is to allow multi-family development in conjunction with or exclusive of non-residential uses permitted in the underlying zoning district to which it is applied.

##### 235.221. Applicability of Multi-family Overlay Zoning (MF) District

The (MF) appearing after a zone abbreviation on the Comprehensive Zoning Map indicates that the property so classified is subject to the provisions of this Article in addition to those of the underlying zone.

#### 235.222. Permitted Uses

In addition to the permitted uses in the underlying zoning district, the multi-family overlay district establishes multi-family residential use as a permitted use. For the purpose of this section, multi-family development means three or more attached units. The approving authority may consider detached single family residential projects in the multi-family overlay district if the approving authority finds that the project furthers the City's affordable housing goals as specified in the General Plan. Multi-family development within this district may occur independent of other uses or in conjunction with other non-residential uses permitted in the underlying zoning district (e.g. mixed use with commercial on the ground floor, residential use above).

#### 235.223. Development Standards

Multi-family residential uses shall be permitted with a minimum density of 15.1 dwelling units to the acre and a maximum density of 30 dwelling units to the acre. Additional density may be granted in accordance with the State density bonus provision and any density bonus ordinance enacted by the City. All multi-family projects shall be subject to the development standards as listed in Title III, Section 5. For mixed use development, the development shall comply with the development standards for the underlying zoning district. The opportunity for special provisions for mixed-use development shall be considered in conjunction with the Design Review process.

#### 235.224. Design Review Required

Design Review is required for all multi-family development within the multi-family overlay zone pursuant to Title 1, Chapter 10, Article 7 (Design Review). Projects with less than 150 units may be approved by the Planning Director and projects with 150 units or more shall be subject to Planning Commission review and approval.

#### 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

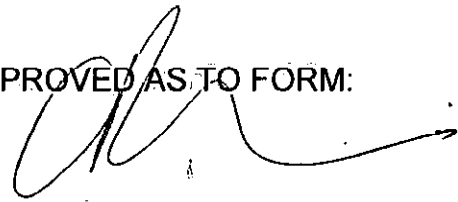
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified 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 15<sup>th</sup> day of December 2004.

  
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SOPHIA SCHERMAN, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:  
  
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ANTHONY B. MANZANETTI,  
CITY ATTORNEY

Effective Date: January 14, 2005

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