

ORDINANCE NO. 44-2002

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING TITLE 3, CHAPTER 1, ARTICLE 1 OF THE CITY OF ELK GROVE
ZONING CODE RELATED TO STORAGE AND PARKING OF VEHICLES**

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 regarding the storage of Unregistered and/or Inoperable Vehicles and to add a section regarding Yard Parking Restrictions of Vehicles.

SECTION 2: Findings

CEQA

1. **Finding:** The proposed project is not subject to CEQA because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment. (CEQA § 15060).

Evidence: Section 15060 (c), Article 5 of the CEQA Guidelines states that a lead agency must determine whether or not an activity is subject to CEQA review. Section 15060 (c) (2) of the Guidelines allows the lead agency to determine that an activity is not subject to CEQA if the lead agency determines that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment. Staff has determined that restricting the multi-family use of the subject parcel will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Zoning Amendment

2. **Finding:** There is a reasonable probability that the land use or 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 storage and parking of vehicles within the City. This ordinance is consistent with the following Goals of the General Plan: Goal 1-1 to promote a community free from manmade hazards; 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 Land Use Policy Map and any 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 storage and parking of vehicles within the City. This ordinance is consistent with the following Goals of the General Plan: Goal 1-1 to promote a community free from manmade hazards; 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 use or action is ultimately inconsistent with the plan.

Evidence: The amendments to the Zoning Code relate storage and parking of vehicles within the City. 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: The amendments to the Zoning Code relate storage and parking of vehicles within the City. 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 City has prepared the amendment to the Zoning Code to enhance provisions related to storage and parking of vehicles within the City. This ordinance will allow the City to better enforce nuisance violations, which is in the public interest. The proposed amendment is consistent with the General Plan goals and all other applicable state and local regulations.

SECTION 3: Action

The City Council hereby amends and replaces Section 301-04.7, of Title 3, Chapter 1, Article 1 as follows:

301-04.7 Storage of Unregistered and/or Inoperable Vehicles

Storage of any unregistered or inoperable vehicles in public view is strictly prohibited. For purposes of this section, "unregistered vehicles" includes any vehicle that is considered non-operational, pursuant to a current Certificate of Non-operation issued by

the Department of Motor Vehicles of the State of California. Vehicles in an unregistered or inoperable condition will not be considered exempt from this ordinance by being stored in or on any operable and registered trailer, flatbed truck, or other legal means of conveyance.

Storage of not more than two (2) unregistered or inoperable vehicles may be allowed outside a fully enclosed building on a parcel of land located in any agricultural, agricultural-residential, residential, interim agricultural holding, interim estate, or interim residential zone, provided the following standards are met:

- (a) The parcel size is 10,000 square feet, or larger, for the first vehicle and that 5,000 additional square feet is provided for the second vehicle.
- (b) Vehicles are the legal property of the same person/family who resides in the on-site dwelling, as evidenced by a Certificate of Ownership issued by the Department of Motor Vehicles.
- (c) Vehicles shall not be stored in the front yard or side street yard.
- (d) Vehicles shall be stored behind a six (6) foot high solid wood fence or wall of sufficient density or design to shield the vehicle from public view. (Amended 1990)

Inoperable vehicles on commercial or industrial zoned properties must be stored inside a building or behind a solid wood fence or wall of sufficient density, height and design to shield the vehicle from public view. Inoperable vehicles that have been dropped off at a location specifically for the purpose of being repaired, relocated or destroyed, and with the consent of the owner of that property, may remain at that location in public view no longer than 72 hours.

Section 301-04.8 is hereby added to Title 3, Chapter 1, Article 1 as follows:

301-04.8. Yard Parking Restrictions

Vehicles subject to these provisions include all vehicles that are permitted to be driven on public streets, and any motorized vehicle, including but not limited to cars and trucks, trailers, recreational vehicles, motorcycles, dirt bikes, ATV's, snowmobiles, and dune buggies if the presence of such vehicles does not violate any other section of the Elk Grove Municipal Code.

Storage Area:

Vehicle parking or storage in the required front or side street yard of any lot, located in a residential zone containing a single family detached dwelling, duplex, half-plex, or mobile home shall be limited to not more than the greater of the following:

- (a) 40% of the required front or side street yard area, or

- (b) The paved area leading directly to a carport or enclosed garage, or
- (c) 400 square feet.

Surfacing Requirements:

- (a) The following surfacing requirements shall apply to parcels located in residential zones that are less than 15,000 square feet in size: Areas in the front or side street yard used for vehicle parking or storage shall have a surface other than lawn or landscaping, consisting of asphalt, concrete, grouted continuous brick, cobblestone, or other surface equal to the surface of the existing primary driveway serving the residence and is consistent with the driveway appearances in the immediately surrounding area.
- (b) The following surfacing requirements shall apply to parcels located in agricultural, agricultural/residential, and residential zones that are 15,000 square feet in size or greater: Areas in the front or side street yard used for vehicle parking or storage shall have a surface other than lawn or landscaping, consisting of asphalt, concrete, grouted continuous brick, cobblestone, gravel, turfstone, chipseal, paving stones, or silicon coating or other surface equal to the surface of the existing primary driveway serving the residence and is consistent with the driveway appearances in the immediately surrounding area.

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.

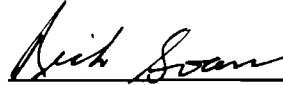
If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this 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 4th day of December 2002.



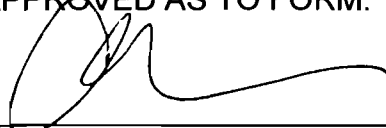
RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

Effective Date: January 3, 2003

AYES: Soares, Briggs, Cooper
Scherman, Leary

NOES: None

ABSTAIN: None

ABSENT: None