

ORDINANCE NO. 477

AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF IONE AMENDING TITLE 17 (ZONING) OF THE  
IONE MUNICIPAL CODE ESTABLISHING A  
DOWNTOWN RESIDENTIAL OVERLAY DISTRICT

The City Council of the City of Ione does ordain as follows:

Section 1: Purpose and Authority

The purpose of this Ordinance is to update the City of Ione Municipal Code, Chapter 17 (Zoning) to establish a downtown residential overlay district, including both a text amendment and an amendment to the zoning map.

Section 2: Findings

**CEQA**

Finding: The proposed amendments are exempt from review under the California Environmental Quality Act under the “general rule” that CEQA only applies to projects that “have the potential for causing a significant effect on the environment.”

Evidence: CEQA requires analysis of agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” The proposed Municipal Code amendment is not subject to CEQA. Specifically, this action qualifies for an exemption under Section 15061 (b)(3) of the CEQA Guidelines under the general rule that CEQA only applies to projects which “have the potential for causing a significant effect on the environment; where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The approval of this action does not approve any development project nor does it either directly or indirectly disturb the physical environment. It updates the City’s development regulations consistent with the City’s General Plan. Therefore, the proposed amendments will not result in any direct or indirect change in the environment, the project qualifies for the exemption, and no further environmental review is required.

**General Plan**

Finding: The proposed amendments to Title 17 (Zoning) of the City’s Municipal Code are consistent with the General Plan.

Evidence: The proposed amendments are consistent with the General Plan as the amendments maintain consistency with the land use plan and allowed density and intensity of development provided under the General Plan. These amendments help to preserve the

“small town character” described in the General Plan vision by promoting the repair, renovation, and reconstruction of existing residential structures within the proposed overlay district, as well as encouraging and simplifying the construction of new, compatible structures within the proposed overlay district.

Section 3: Add Section 7.28.030

*Chapter 17.28, Overlay Zoning Districts*

**7.28.030 Downtown Residential Overlay District**

- A. **Purpose and Intent.** The purpose of the Downtown Residential Overlay (DR) Zoning District is to recognize and validate existing residential structures that were constructed prior to adoption of current zoning regulations and development standards. This overlay district supplements the provisions of the underlying base zoning district(s) for the special purposes identified herein. Where there is conflict between this Overlay District and the underlying Base District, the Overlay District regulations prevail.
- B. **Applicability.**
1. **Location.** The Downtown Residential Overlay (DR) Zoning District standards are applicable to those properties zoned with the Downtown Residential Overlay (DR) Zoning District. Such properties are generally south of Sutter Creek, east of Mill Street, north of Washington Street, and west of El Dorado Street, including those properties north of West Market Street and East Market Street (generally abutting the Historic Downtown Overlay Zoning District) and excluding those properties zoned Central Business District (C-2) and Heavy Commercial (C-3).
  2. **Existing Residential Structures.** This section applies only to Existing Residential Structures with a base zoning of R-1a, R-1b, or CT, as defined in 7.28.030.C.1.
  3. **Existing vacant properties.** This section applies to existing vacant properties with a base zoning of R-1a or R-1b.
  4. **Uses.** When a property is located in the Downtown Residential Overlay (DR) Zoning District, it is subject to the allowed use regulations of the base zoning district.
- C. **Definitions.**
1. **Existing Residential Structures.** For purposes of this section, existing residential structure means an existing primary residential structure, secondary residential structure, or accessory structure within the Downtown Residential Overlay (DR) Zoning District that were in existence or for which a valid building permit had been obtained as of the effective date of this section and were not known to have been constructed or modified in conflict with the City’s zoning, building, or other requirements.
  2. **Repair and maintenance.** For purposes of this section, repair and maintenance includes all typical maintenance and repair as may be required, including both

interior and exterior maintenance, repair, renovation and/or improvement, which do not materially alter the exterior structure or increase the size of the structure or its appurtenances.

3. Reconstruction. For purposes of this section, reconstruction means the substantial rebuilding of a structure which was damaged or destroyed through an unanticipated event.
4. Expansion. For purposes of this section, expansion means an increase in the square footage of an existing residential structure or an increase in or the addition of appurtenances such as porches and decks.

**D. Repair and Maintenance, Reconstruction, Expansion, and New Construction.**

1. Repair and maintenance. For the purposes of this section, repair and maintenance of an existing residential structure does not trigger the need to comply with parking requirements, setbacks and required separations between structures as defined in Section 17.22.040 of the Ione Municipal Code.
2. Reconstruction. For the purposes of this section, in the event of damage to or destruction of an existing residential structure, reconstruction within the previously existing footprint does not trigger the requirement to comply with parking requirements, setbacks, or required separation between structures as defined in Section 17.22.040 of the Ione Municipal Code.
3. Expansion. For the purposes of this section, expansion of an existing residential structure is allowed, subject to the development standards set forth in Table 17.28.030-1, below, and Section E. Parking, below.

**Table 17.28.030-1  
Development Standards for the Downtown Residential Overlay (DR) Zoning District**

<u>Development Standard</u>	<u>Downtown Residential Overlay (DR) Zoning District</u>		
	<u>R-1a and R-1b Zoning Districts</u>	<u>Single Family Dwellings Within the C-T Zone</u>	<u>All Other Development in the C-T Zone</u>
<u>Setbacks (minimum)<sup>1,2</sup></u>			See development standards of the C-T Zone
<u>Front and Street Side</u>	The average of the existing setbacks on the same block		
<u>Interior Side</u>	3 ft one side, 3 ft second side		
<u>Rear</u>	3 ft		
<u>Minimum Lot Size<sup>3</sup></u>	4,000 sf		
<u>Allowed Residential Density<sup>4</sup></u>			
<u>Minimum</u>	2.1 du/ac		
<u>Maximum</u>	7.0 du/ac		
<u>Height (maximum)<sup>5</sup></u>	45 ft / 3 stories		

Notes:

1. Minimum setbacks and construction standards for fire-rated walls shall apply as prescribed in the City-adopted Building Code and other applicable regulations.

2. No structure shall be located within the clear vision triangle as defined by this Title.
3. Minimum lot size requirement is for the creation of new lots only. All existing lots as of the date of adoption of this section shall be deemed legal lots and may be used and developed consistent with the development standards of this Title.
4. Allowed residential densities shall be consistent with the underlying General Plan land use designations for the property; however, consistent with the underlying Base Zoning District, each legal lot within the Downtown Residential Overlay (DR) Zoning District shall be permitted one single family residence, regardless of existing parcel size.
5. The height of any accessory structure shall not exceed the height of the primary structure.

E. **Parking.** The following parking standards shall apply to the Downtown Residential Overlay (DR) Zoning District:

1. New single family dwellings shall provide at least one uncovered, covered, or enclosed off-street parking space (e.g., driveway or garage), for each 1000 square feet of primary structure, or fraction thereof;
2. All other uses shall provide off-street parking as required under Chapter 17.40 (Parking).
3. Existing dwelling units without off-street parking shall be deemed conforming with Downtown Residential Overlay (DR) Zoning District parking standards.

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 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 enforced.

Section 6: Effective Date and Publication

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

The foregoing Ordinance of the City Council of the City of Ione was duly introduced on April 5, 2016 and adopted by the City Council at its regular meeting on April 19, 2016 by the following vote:

**AYES:** Epperson, Smylie, Atlan, Haney

**NOES:** None

**ABSTAIN:** None

**ABSENT:** None

INTRODUCED: April 5, 2016


ADOPTED: April 19, 2016

EFFECTIVE: May 19, 2016

SUMMARY PUBLISHED: April 29, 2016

  
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Dan Epperson, Mayor

ATTEST:

  
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Janice Traverso, City Clerk