

ORDINANCE NO. 12-2004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE ELK GROVE ZONING CODE TO INCORPORATE THE ELK GROVE TRIANGLE SPECIAL PLANNING AREA (SPA) AND CHANGING THE ZONING DESIGNATION OF THE ELK GROVE TRIANGLE AREA FROM VARIOUS ZONING DISTRICTS TO "TRIANGLE SPA"

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 Article 4 of Chapter 1 of Title 1 of the Elk Grove Zoning Code, and to change the zoning designation of the Elk Grove Triangle property (the "Triangle") from various AR zoning districts to "Triangle SPA." This Ordinance is authorized by Article 11, Section 7 of the California Constitution and Government Code Section 65860.

The preparation of the Elk Grove Triangle SPA was initiated by the City of Elk Grove, and implements Policy LU-19 and Action LU-19-Action 1 of the Elk Grove General Plan.

Section 2. Findings

1. In adopting this Ordinance, the City Council makes the following findings:
 - A. On January 23, 2003; April 24, 2003; and June 12, 2003, the Elk Grove Planning Commission held public meetings and hearings on the Elk Grove Triangle SPA, including the proposed amendment to the Zoning Code and proposed change of zone, and recommended that the City Council approve the proposed amendment and change of zone.
 - B. On April 21, 2004, the City Council held a public hearing on the proposed amendment to the Zoning Code and change of zone, at which time public testimony was taken and duly considered.
 - C. The City Council finds, following approval of the amendment to the Zoning Code to incorporate the Elk Grove Triangle Special Planning Area, that the proposed SPA is consistent with the goals, policies, implementation programs and land use designations specified in the City's General Plan, as required by Government Code Section 65860.

Section 3. CEQA Findings

1. A Negative Declaration was prepared by the City to address the environmental effects of the Elk Grove Triangle SPA, including the amendment of the Zoning Code to incorporate the Elk Grove Triangle Special Planning Area and change of zone.

2. The Negative Declaration was adopted by the City Council as being complete and adequate pursuant to requirements of the California Environmental Quality Act (CEQA).

Section 4. Special Planning Area Findings

Pursuant to Section 235-93 of the Zoning Code, the City Council finds that the Elk Grove Triangle SPA contains all required contents, as follows:

1. An existing setting description, which includes:
 - A. A description of the physical characteristics of the site. The location of structures and other significant improvements shall be shown.
 - B. Available public services and facilities;
 - C. The capacity of the existing and planned circulation system; and
 - D. The existing and planned land use of adjacent properties within 1,000 (one thousand) feet.
 - E. A boundary survey map of the property and a calculation of the gross land area within the proposed district. A tentative subdivision map may be substituted if the applicant proposes to subdivide the property
 - F. An aerial photograph of the SPA area and surrounding properties

Finding: This information is included in the "Project Setting/Existing Conditions" section of the SPA, beginning on page 5 of the SPA document.

2. A discussion of specific objectives and limits for development of the property, which recognize and respond to identified opportunities and constraints of the SPA area.

Finding: This information is included in the "Introduction" and the "Purpose and Intent/Administration" sections, beginning on page one of the SPA document.

3. Proposed land uses which correspond to the land use categories established by the General Plan, and a statement of how the SPA relates to the General Plan. The density ranges of residential uses must correspond to density ranges established in the General Plan.

Finding: This information is included in the "Proposed Land Uses" section, beginning on page 37 of the SPA document. Proposed residential densities correspond to the densities assigned by the Elk Grove General Plan.

4. A land use plan identifying areas within the proposed SPA and uses to be developed, supported by such related planning and development data as the City may require, including but not limited to: proposed or projected acreage, population, housing units, and employment. The distribution of

land uses shall be expressed in terms of acreage and the total number of residential units and/or square footage of non-residential buildings allowed

Finding: This information is included in the “Proposed Land Uses” section, beginning on page 37 of the SPA document.

5. A circulation plan showing existing and proposed public and private streets, pedestrian ways, trails, and related transportation access or circulation features required to serve the proposed development. The circulation plan shall be supported by schematic designs of principal traffic and circulation improvements and such traffic engineering data as required by the City to demonstrate that existing and proposed facilities, both within and outside the zone, shall be adequate to serve land uses proposed by the development plan.

Finding: Standards for the development of new roadways within the SPA area are included in the “Infrastructure and Public Facilities” section, beginning on page 52 of the SPA document.

6. A development plan and preliminary time schedule indicating the general phasing or anticipated schedule indicating the total phasing of the SPA and areas to be developed in phases and the anticipated time schedule for beginning of construction and for completion of each phase of development. This is specifically intended to be a generalized schedule and may be adjusted according to market constraints as the community develops.

Finding: Phasing of development in the Triangle SPA is addressed in the “Phasing and Timing” section, beginning on page 39 of the SPA document.

7. Development standards for each of the proposed land use categories, including, but not limited to, regulations specifying:
 - A. Permitted, Conditionally Permitted, and Prohibited Land Uses
 - B. Setbacks
 - C. Building heights
 - D. Site coverage
 - E. Parking
 - F. Provision of open space
 - G. Grading
 - H. Design Guidelines, including site planning, architectural, and landscaping guidelines specific to the project.
 - I. Signs
 - J. Nonconforming uses, structures, and signs

Finding: Development standards for the Triangle SPA are included in the “Development Standards” section, beginning on page 40 of the SPA document.

8. A preliminary report and overall plan describing anticipated requirements and proposed means of providing utility facilities and public services, including but not limited to, storm drainage, sewage disposal, water supply, parks and recreation, and school facilities.

Finding: This information is included in the “Infrastructure and Public Facilities” section, beginning on page 52 of the SPA document.

9. Significant natural features and areas to be retained for common open space, and provisions for preserving, maintaining, and using those area.

Finding: No significant natural features or areas are proposed to be retained in the Triangle area; this information is therefore not included in the SPA document.

10. Known man-made and natural hazards, and the methods for mitigating the impacts of these hazards.

Finding: Information related to flooding in the Triangle area and flood protection is included in the “Project Setting/Existing Conditions” section, beginning on page 5 of the SPA document, and in the “Infrastructure and Public Facilities” section, beginning on page 52 of the SPA document.

11. Procedure for review of proposed development. The procedures may include:
 - A. Types of projects that require review and the reviewing and approving authority for each type of project.
 - B. Documents required from developers.
 - C. Review and Hearing procedures, if any.

Finding: This information is included in the “Development Standards” section of the SPA document (beginning on page 40), which identifies projects requiring approval of conditional use permits, development plan review, or other approvals as contained in the Elk Grove Zoning Code.

Section 5. Amendment

Article 4 of Chapter 1 of Title 1 of the City of Elk Grove Zoning Code is hereby amended to incorporate the Elk Grove Triangle Special Planning Area document, which is hereby incorporated by reference in its entirety.

Section 6. Change of Zone

The zoning classification of the Project Site is hereby changed from various AR zoning districts to "Triangle SPA."

Section 7. Severability

If any provision or section of this Ordinance is determined to be unenforceable, invalid or unlawful, such determination shall not affect the enforceability of the remaining provisions of the Ordinance.

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 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 Government Code section 36933(c)(1).

PASSED AND ADOPTED by the City of Elk Grove this 5th day of May 2004.




SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



PEGGY E. JACKSON, CITY CLERK



ANTHONY MANZANETTI,
CITY ATTORNEY

Effective Date: June 4, 2004

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