

ORDINANCE NO. 32-2005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE TO PRE-ZONE PROPERTY LOCATED IN THE EAST FRANKLIN SPECIFIC PLAN AREA TO RESIDENTIAL AND OPEN SPACE FRANKLIN CROSSING PROJECT NO. EG-04-727

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 adopt the Pre-Zoning Map as shown on attached Exhibit A.

Section 2: Findings

Finding: The proposal to establish pre-zoning for the project area 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: The proposed Pre-Zoning Map makes the subject property consistent with the land use designations in the East Franklin Specific Plan. The City's adoption of the pre-zoning would not result in any new planned land uses or impacts which have not already been considered in the East Franklin Specific Plan EIR and the Mitigated Negative Declaration prepared for the whole project. On the basis of the whole record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

Finding: The proposed adoption of the Pre-Zoning Map is in the public interest.

Evidence: The City has reviewed the proposed Pre-Zoning Map, reviewed the staff report, and has received public testimony at a duly noticed public hearing regarding the matter. The proposed Pre-Zoning Map is consistent with the allowed density ranges and uses in the General Plan. The proposed amendment is consistent with the Plan's objectives of orderly and systematic development and responds to opportunities and constraints in the local area.

Section 3: Action

The City Council hereby adopts the Pre-Zoning Map as shown on attached Exhibit A, subject to the findings contained in this Ordinance.

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 12th day of October 2005.



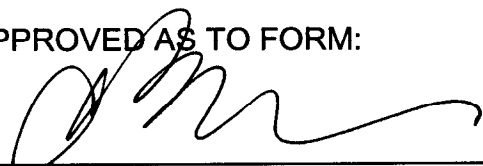
DANIEL BRIGGS, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



PEGGY E. JACKSON,
CITY CLERK



ANTHONY B. MANZANETTI,
CITY ATTORNEY

EFFECTIVE DATE: November ¹¹~~30~~, 2005

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

EXHIBIT A

