

ORDINANCE NO. 5-2006

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE CITY OF ELK GROVE ZONING MAP
FROM RD-2, RD-4, RD-5, RD-5(F), O TO RD-5, RD-10, O FOR THE
VINTARA PARK PROJECT NO. EG-04-787**

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 Map as shown on attached Exhibit A.

Section 2: Findings

CEQA

Finding: The proposal 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 and mitigation measures have been developed that will reduce potential environmental impacts to less than significant levels. On the basis of the Mitigated Negative Declaration, environmental analysis, and the whole record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

General Plan

Finding: The project is consistent with the goals and policies of the Elk Grove General Plan and Zoning Code.

Evidence: The General Plan designation on the Land Use Policy Map for the site is *Low Density Residential* and *Rural Residential*. The project is consistent with the goals and policies of the General Plan for development within the City of Elk Grove.

Rezone

Finding: The proposed rezone is in the public interest. (Section 65358(a) of the Government Code).

Evidence: The Applicant's proposal is consistent with the allowed density ranges and uses of the Elk Grove General Plan and General Plan Land Use Map. The proposed project is consistent with the Plan's objectives of orderly and systematic development and responds to opportunities and constraints in the local community area.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for a portion of APN APN 127-0010-002, 017, 018, 019, 020, 040 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 8th day of March 2006.



RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON,
CITY CLERK

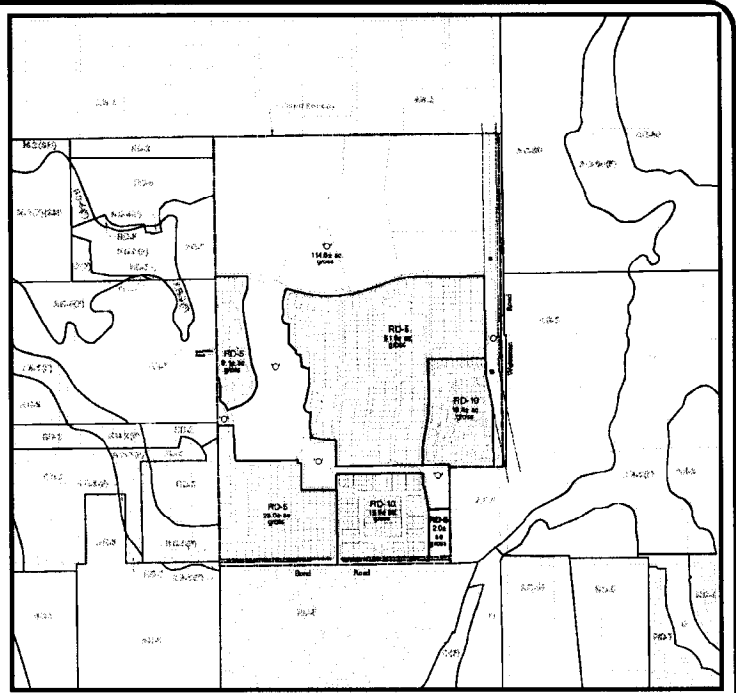
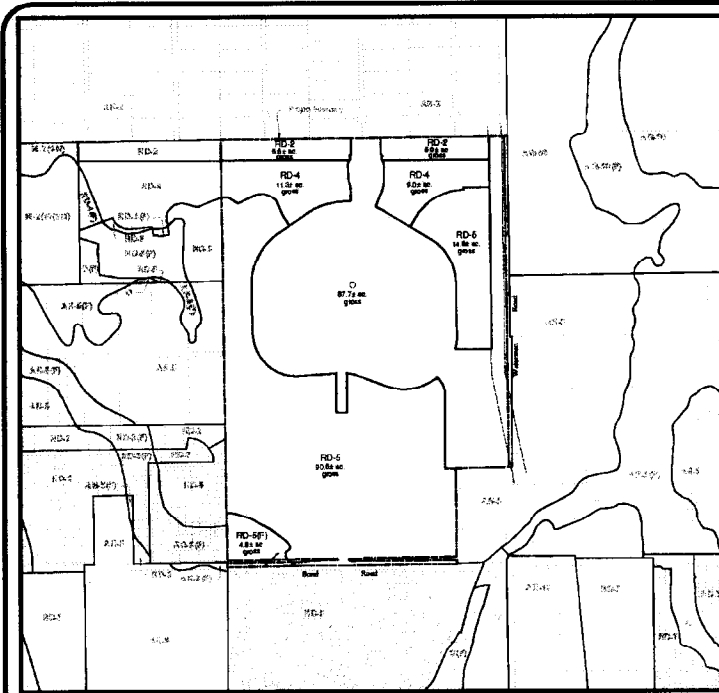
APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

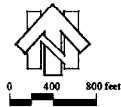
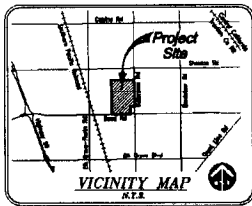
EFFECTIVE DATE:	April 7, 2006
AYES:	Scherman, Leary, Briggs, Cooper, Soares
NOES:	None
ABSTAIN:	None
ABSENT:	None

EXHIBIT A



Existing Zoning

Proposed Zoning



Rezone Exhibit
VINTARA PARK

City of Elk Grove,
Scale: N.T.S.

California
December 21, 2004
Revised: August 11, 2005
October 13, 2005

MACKAY & SOMPS
CIVIL ENGINEERS, INC.
SACRAMENTO, CALIFORNIA
958 227-5092