

ORDINANCE NO. 22-2007

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE CITY OF ELK GROVE ZONING MAP
FROM AR-5 TO AR-2 FOR
HOME MARK HOMES
PROJECT NO. EG-05-915
APN: 127-0030-019**

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 Findings

Finding: On the basis of the whole record, there is no substantial evidence that the project as designed, conditioned and mitigated will have a significant effect on the environment. A Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA). The Mitigated Negative Declaration reflects the independent judgment and analysis of the City.

Evidence: An Initial Study evaluating the potential environmental effects of the project was prepared and circulated. Potentially significant adverse effects related to noise were identified in the Initial Study. Mitigation measures have been imposed on the project that reduce the impacts to a less than significant level. Preparation of a Mitigation Monitoring and Reporting Program (MMRP) is required in accordance with the City of Elk Grove regulations and is designed to ensure compliance during project implementation.

The City distributed the Notice of Intent to Adopt the Mitigated Negative Declaration on February 20, 2007. It was posted at the Sacramento County Clerk's office, distributed through State Clearinghouse and at the City offices, pursuant to CEQA Guidelines 15072. A 30-day review and comment period was opened on February 23, 2007 and closed March 26, 2007. The Mitigated Negative Declaration was made available to the public during this review period. The City received no written comment letters within the 30-day public review period and prior to public hearing on this matter.

Rezone

Finding: The proposed rezoning is consistent with the General Plan goals, policies, and implementation programs.

Evidence: The Elk Grove General Plan identifies the site as Rural Residential. The density of the new lots is consistent with this land use designations (AR-2) as identified in General Plan Land Use Policy LU-3. Further, the proposed rezoning meets all applicable standards of the Elk Grove Zoning Code. The proposed project implements the General Plan's objectives for 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 APN 127-0030-019 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

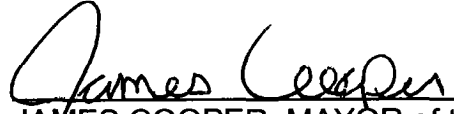
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

ORDINANCE NO. 22-2007

INTRODUCED: June 27, 2007

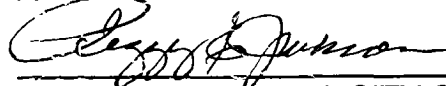
ADOPTED: July 11, 2007

EFFECTIVE: August 10, 2007



JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
INTERIM CITY ATTORNEY

Exhibit A – Rezone Exhibit

REZONE EXHIBIT

MAY 15 2007

SHELDON HOMEMARK
SUBDIVISION #: EG-05-915
A.P.N. 127-0030-019

Scale: 1"=100'

Date: AUGUST 1, 2005
Chemist/Applicant:

HOMEMARK HOMES
DENNIS MCKENNA
1001 GROSS ACRE ROAD
BRICK, NEW JERSEY 08723

Site Address: 9334 SHELDON RD, ELK GROVE, CA 94624

Submitted by:
ROSEY'S ENGINEERING
9182 ELK GROVE BLVD
ELK GROVE, CA 94624
(916) 886-0440

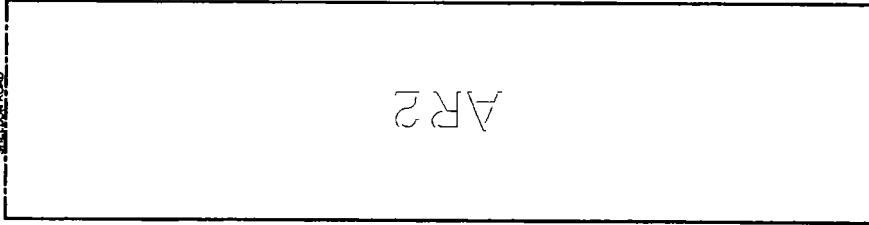
Parcel Description:
E 1/4 LOT 1 NE 1/4 COL 11

Source of Title: Field Survey
Commuter Service: 2 Feet
Easement: 10.01 GROSS ACRES
Easement: AR2
Proposed Use: AR2
Easement Use: Single Family Dwellings
Easement Improvement: Single Home
P.E.M.A.: Zone X

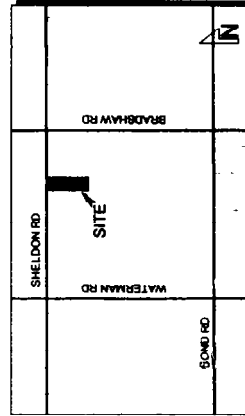
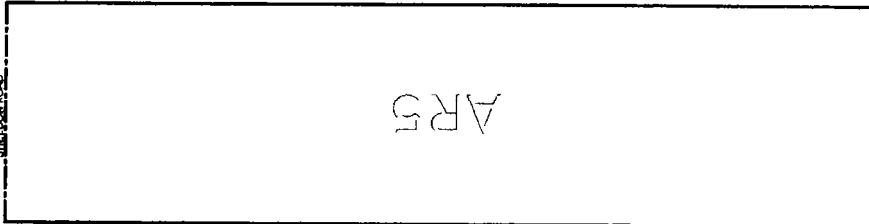
- Roads: City of Elk Grove
- Water: Private
- Sewer: Private
- Gas: Pacific Gas & Electric (916) 887-1112
4848 Helen/Peters Rd, Sacramento, CA 95825
- Electric: S J M E D (916) 726-1070
- Telephone: City of Elk Grove, CA 94624
- Fire: Elk Grove CSD (916) 886-4500
- School: Elk Grove Unified School Dist. (916) 886-4888
- Dwelling: Elk Grove Public Works (916) 886-2871
- Recreation & Parks: Elk Grove CSD (916) 886-4888



PROPOSED ZONING



EXISTING ZONING



**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 22-2007**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance was duly introduced on June 27, 2007 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 11, 2007 by the following vote:

AYES : COUNCILMEMBERS: Leary, Scherman, Hume, Davis

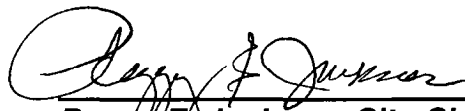
NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Cooper

A summary of the ordinance was published pursuant to GC 36933(c) (1).





**Peggy E. Jackson, City Clerk
City of Elk Grove, California**