

## ORDINANCE NO. 29-2007

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING VARIOUS CHAPTERS OF THE ELK GROVE MUNICIPAL CODE FOR CONSISTENCY WITH THE CITY'S ZONING CODE

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 Municipal Code for consistency with recent amendments to the City's Zoning Code. These amendments ensure consistency within the Municipal Code and implement the City's General Plan.

#### Section 2: Findings

##### **California Environmental Quality Act (CEQA)**

Finding: The proposed Zoning Code and Municipal Code amendments are exempt from the California Environmental Quality Act.

Evidence: The proposed amendments to the Zoning Code are revisions and edits to the previously approved Zoning Code update which was adopted by the City Council in July 2006. These amendments to the City's Zoning Code are exempt from California Environmental Quality Act (CEQA) pursuant to Section 15183 (Project Consistency with the General Plan) of the CEQA Guidelines. This exemption applies to projects that are consistent with the development densities and intensities established in the General Plan and analyzed in the General Plan Environmental Impact Report (EIR). The purpose of these regulations is to implement the land use policies established in the City's General Plan. An EIR was prepared for the General Plan and analyzed impacts associated with the adopted Land Use Policy Map. Given that the proposed amendments to the Zoning Code are minor clarifying modifications to the existing zoning code and that implementation of these amendments will not cause the increase of development densities or intensities with respect to those identified in the General Plan or analyzed in the General Plan EIR, they qualify for the above stated exemption.

##### **Municipal Code Amendments**

Finding: The proposed Municipal Code amendments are consistent with the General Plan goals, policies, and implementation programs.

Evidence: The proposed amendments to the Municipal Code provide for consistency with the General Plan and the Zoning Code by consolidating sign standards, Planning Commission procedures, surface mining and reclamation regulations, and process and procedures for adoption and amendments of plans into the Zoning Code. The amendments also revise the provisions relating to design and improvement standards for residential development consistent with the standards of the Zoning Code.

Section 3: Action

The City Council hereby amends the City of Elk Grove Municipal Code as set forth below.

*The following changes are organized by section as they appear in the Zoning Code.*

***Chapter 2.30 Planning Commissions - Delete the chapter in its entirety.***

***Chapter 16.38 Signs on City Property - Delete this chapter in its entirety.***

***Chapter 20.04 Surface Mining and Reclamation - Delete this chapter in its entirety.***

***Chapter 21.12 Procedures for Adoption or Amendment of Plans - Delete this chapter in its entirety.***

***Chapter 21.14 Specific Plans - Delete this chapter in its entirety.***

***Chapter 22.24.630 - Amend this section to read as follows:***

22.24.630 WATER AND SEWER REQUIREMENTS. Water and Sewer service shall be provided as set forth below:

(1) Wells and septic tanks shall be constructed in compliance with the standards and codes of the County.

(2) For subdivisions with lots less than two gross acres in size, domestic water shall be provided to all lots from a public water supply source and distribution system conforming to the standards of the County or a water purveyor acceptable to the Director.

(3) The water purveyor shall not be a homeowners association or mutual water company or corporation. Exceptions to this restriction may be granted by the advisory agency or the board if it is determined that the proposed subdivision lies within the existing franchise area of a mutual water company or corporation, or if the advisory agency or the board makes a finding in accordance with the provisions of this chapter.

(4) For subdivisions with lots less than two gross acres in size, a water meter setter shall be installed at each service connection conforming to the standards of the County or the water purveyor which will operate the system after completion. (SCC 0828 § 1, 1991; SCC 0805 § 1, 1990; SCC 0712 § 3, 1988).

***Chapter 22.110.070(d) - Delete this section in its entirety.***

***Chapter 22.110.070(h)(i)(2) - Amend this section to read as follows:***

(2) All lots shall provide for a buildable area which is located at least 50 feet from the center line of the tributary and which provides for construction having a minimum habitable floor elevation that is at least one foot above the water surface elevation of the 100-year floodplain and is outside the floodway.

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

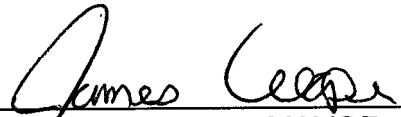
If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this 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.

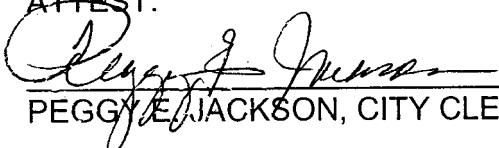
Section 6: Effective Date and Publication

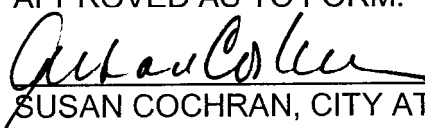
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified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

**ORDINANCE NO. 29-2007**

INTRODUCED: September 12, 2007  
ADOPTED: September 26, 2007  
EFFECTIVE: October 26, 2007

  
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JAMES COOPER, MAYOR of the  
CITY OF ELK GROVE

ATTEST:  
  
\_\_\_\_\_  
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
SUSAN COCHRAN, CITY ATTORNEY

**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 29-2007**

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 September 12, 2007 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 26, 2007 by the following vote:**

**AYES :           COUNCILMEMBERS:       Cooper, Hume, Davis, Leary, Scherman**

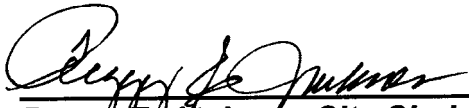
**NOES:           COUNCILMEMBERS:       None**

**ABSTAIN:       COUNCILMEMBERS:       None**

**ABSENT:        COUNCILMEMBERS:       None**

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



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