

ORDINANCE NO. 16-2010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE ZONING MAP FROM RD-4, RD-5, AND O TO RD-5 AND O FOR THE FRANKLIN CROSSING AMENDMENTS PROJECT EG-09-062

WHEREAS, the Planning Department of the City of Elk Grove received an application from Taylor Morrison of California, LLC (hereinafter referred to as the Applicant) on December 18, 2009, for a General Plan Amendment, Specific Plan Amendment, Rezone, Large Lot Tentative Subdivision Map, and Small Lot Tentative Subdivision Map; and

WHEREAS, the project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as Assessor Parcel Numbers 132-0132-042-0000 and 132-1680-032-0000; and

WHEREAS, the Applicant is requesting to Rezone the site from RD-4, RD-5, and O to RD-5 and O; and

WHEREAS, the proposed rezone of the site to RD-5 and O is consistent with the zoning designations and density range proposed as part of the General Plan Amendment and East Franklin Specific Plan Amendment, provided that the City Council amends the General Plan and East Franklin Specific Plan to ensure compatibility; and

WHEREAS, the proposed zoning implements the General Plan's policies and goals for orderly development that is adequately supported by public infrastructure and services; and

WHEREAS, before considering the rezoning of the project site, the City Council reviewed and considered the information contained in the Initial Study and Mitigated Negative Declaration for the Franklin Crossing Amendments project; and

WHEREAS, the City Council finds that the mitigation measures identified in the Initial Study / Mitigated Negative Declaration, incorporated into a Mitigation Monitoring and Reporting Program and imposed on the project, are sufficient to mitigate or avoid the significant environmental effects from development of the project; and

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on June 17, 2010, and recommended the City Council approve the Franklin Crossing Amendments project; and

WHEREAS, the City Council is the appropriate authority to hear and take action on this project after a recommendation by the Planning Commission; and

WHEREAS, the City Council held a duly noticed public hearing as required by law to consider all of the information presented by staff, information presented by the Applicant, and public testimony presented in writing and at the meeting.

NOW, THEREFORE, the City Council of the City of Elk Grove does hereby 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 the attached Exhibit A, incorporated herein by this reference.

Section 2: Enactment of New Zoning

The City Council hereby amends the City of Elk Grove Zoning Map for Assessor Parcel Numbers 132-0132-042-0000 and 132-1680-032-0000, as shown on the attached Exhibit A, incorporated herein by this reference.

Section 3: 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 4: 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 5: 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 fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) 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: 16-2010
INTRODUCED: July 14, 2010
ADOPTED: July 28, 2010
EFFECTIVE: August 27, 2010



SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



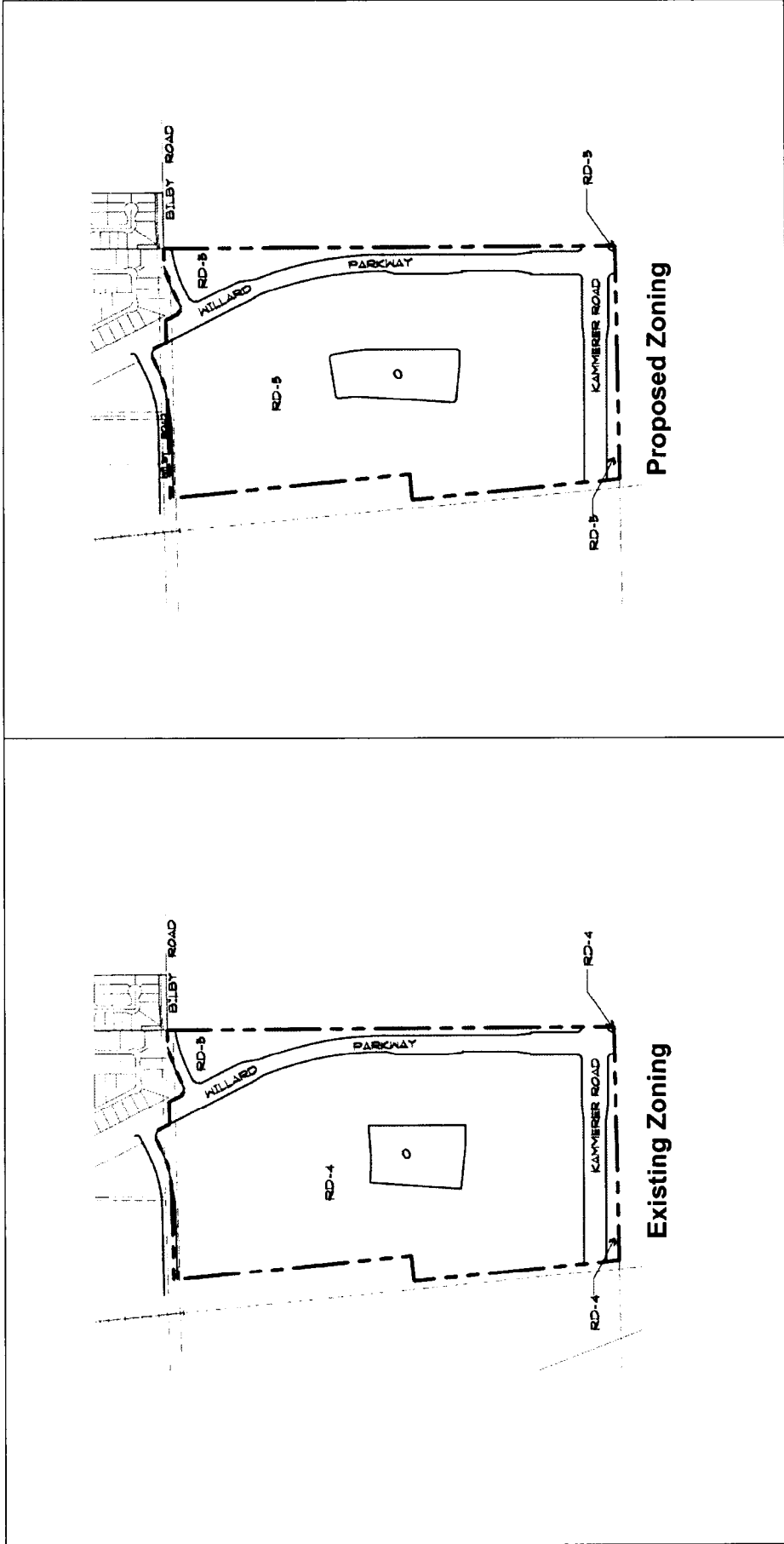
JASON LINDGREN, INTERIM CITY CLERK



SUSAN COCHRAN, CITY ATTORNEY

Dated: August 2, 2010

Exhibit A



**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 16-2010**

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

I, Jason Lindgren, Interim City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on July 14, 2010 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 28, 2010 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*

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



**Jason Lindgren, Interim City Clerk
City of Elk Grove, California**