

ORDINANCE NO. 8-2012

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE CITY OF ELK GROVE ZONING MAP FROM M1 TO BP FOR THE
FALLS OF ELK GROVE PROJECT NO. EG-11-053 SPECIFICALLY AFFECTING
ASSESSOR'S PARCEL NUMBER 132-2130-003**

WHEREAS, the Planning Division of the City of Elk Grove received an application on December 13, 2011 requesting a General Plan Amendment, Specific Plan Amendment, Rezone, Tentative Parcel Map, Design Review and Conditional Use Permit for the Falls of Elk Grove Project No. EG-011-053 (Project); and

WHEREAS, the proposed Project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as Assessor's Parcel Number 132-2130-003; and

WHEREAS, the Project consists of amending the City of Elk Grove Zoning Map by eliminating M1 zoning and adding BP zoning to the Project site; and

WHEREAS, an Addendum to the Laguna Ridge Specific Plan Environmental Impact Report (EIR) has been prepared finding no further impacts as a result of the Project, pursuant to the California Environmental Quality Act (CEQA) Section 15164 of Title 14 of the California Code of Regulations (State CEQA Guidelines) – Addendum to an EIR or Negative Declaration; and

WHEREAS, the Planning Commission considered the Applicants' request at a public hearing on April 19, 2012, and recommended the City Council approve the Project; 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 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's Parcel Number 132-2130-003, as shown on attached Exhibit A, incorporated herein by this reference, on the basis of the following finding:

Finding: The proposed Zoning Amendment is consistent with the General Plan's goals, policies, and implementation programs.

Evidence: The proposed rezone of the site to Business and Professional Office (BP) is consistent with the zoning designation of the property to the west and would implement the General Plan land use designation proposed concurrently as part of the General Plan Amendment and Laguna Ridge Specific Plan Amendment. The proposed project implements the General Plan's policies and goals for orderly development that is supported by public infrastructure and services. The proposed rezoning meets all applicable development standards established in Elk Grove Municipal Code Title 23 Zoning.

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: Savings Clause.

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take affect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

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 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: 8-2012
INTRODUCED: May 9, 2012
ADOPTED: May 23, 2012
EFFECTIVE: June 22, 2012




JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

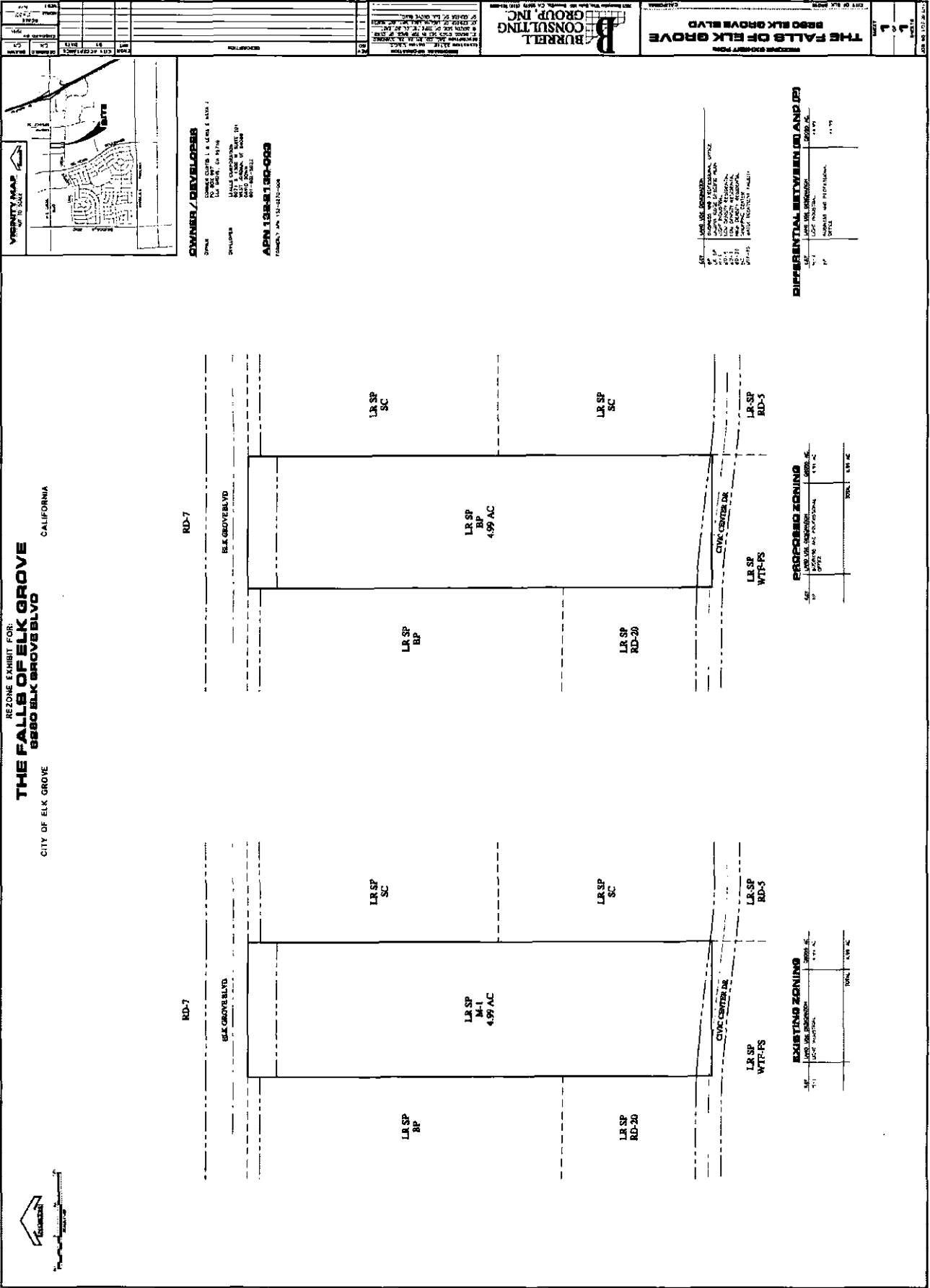
APPROVED AS TO FORM:



JONATHAN HOBBS,
INTERIM CITY ATTORNEY

Date signed: May 30, 2012

EXHIBIT A



**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 8-2012**

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

I, Jason Lindgren, 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 May 9, 2012 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 23, 2012 by the following vote:


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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Cooper*

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



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