

**ORDINANCE NO. 03-2014**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
ADOPTING AN AMENDMENT TO THE ZONING MAP OF THE CITY OF ELK GROVE  
FOR THE FIELDSTONE NORTH PROJECT (EG-13-004)  
APN: 134-0110-154**

**WHEREAS**, the Planning Department of the City of Elk Grove received an application on January 31, 2013 from LVP & Pappas Arizona LP & ETAL (the "Applicant") requesting a General Plan Amendment, Specific Plan Amendment, Rezone, Large Lot Tentative Subdivision Map, Small Lot Tentative Subdivision Map, and Design Review for the Large Lot Tentative Subdivision Map and Small Lot Tentative Subdivision Map layouts for the Fieldstone North Project ("Project"); and

**WHEREAS**, the Project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as APN: 134-0110-154; and

**WHEREAS**, the Planning Department considered the Project request pursuant to the General Plan, Title 23 of the Elk Grove Municipal Code (Zoning Code) including the East Elk Grove Specific Plan, Citywide Design Guidelines, and all other applicable State and local regulations; and

**WHEREAS**, the Planning Commission held duly noticed public hearings as required by law to consider all of the information presented by staff, information presented by the Applicants, and public testimony presented in writing and at the meeting, and voted to recommend approval of the Project to the City Council; and

**WHEREAS**, the City Council held duly noticed public hearings 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; and

**WHEREAS**, on January 22, 2014, the City Council adopted Resolution No. 2014-14, adopting a Mitigated Negative Declaration for the Fieldstone North Project.

**NOW, THEREFORE**, the City Council of the City of Elk Grove does hereby ordain as follows:

Section 1: Purpose

The purpose of this Ordinance is to amend the Zoning Map for the City of Elk Grove consistent with the General Plan of the City of Elk Grove.

Section 2: Findings

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

Evidence: The proposed rezone of the site from AR-10 to RD-5 and OS is consistent with the EEGSP land use designations and density range proposed as part of the concurrent General Plan Amendment and 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 EEGSP and Zoning Code.

### Section 3: Action

The City Council of the City of Elk Grove hereby amends the Zoning Map of the City of Elk Grove as illustrated in Exhibit A.

### 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: 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 effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and effect 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 7: 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:**       **03-2014**  
**INTRODUCED:**     February 12, 2014  
**ADOPTED:**         February 26, 2014  
**EFFECTIVE:**       March 28, 2014

  
\_\_\_\_\_  
GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:

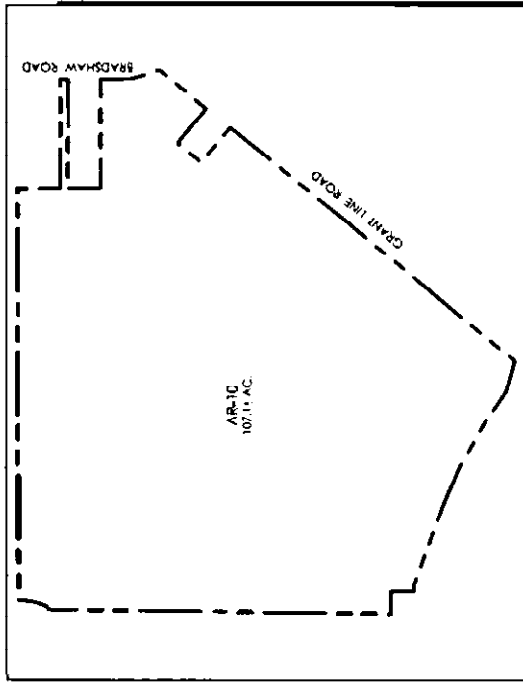
  
\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

  
\_\_\_\_\_  
JONATHAN P. HOBBS,  
CITY ATTORNEY

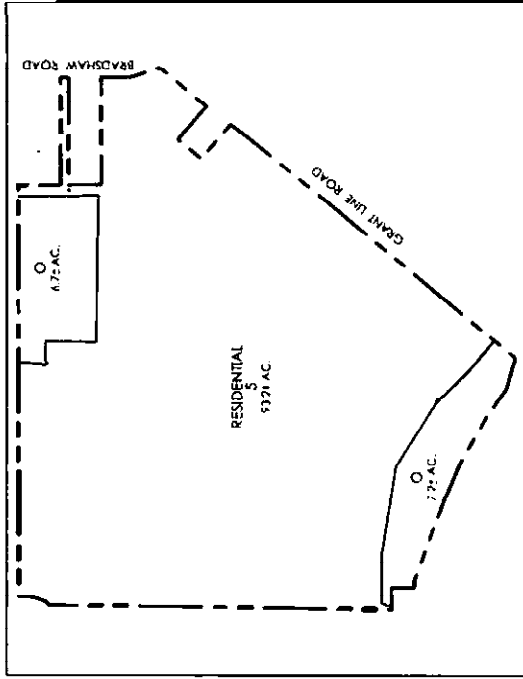
Date signed: February 28, 2014

# EXHIBIT A

## REZONE EXHIBIT FIELDSTONE NORTH CITY OF ELK GROVE, CALIFORNIA NOVEMBER 26, 2013



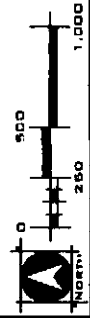
EXISTING ZONING



PROPOSED ZONING

SUMMARY TABLE

DESIGNATION	LAND USE	EXISTING	PROPOSED	DIFFERENCE
AR-10	AG-RESIDENTIAL (10-AC MIN.)	107.1	0	- 107.1
RD-5	RESIDENTIAL 5 DU/AC	0.0	93.2	+ 66.7
O	OPEN SPACE/PARK	0.0	13.9	+ 13.9
		107.1	107.1	0
		AC	AC	



**WOOD RODGERS**  
ASSOCIATES, INC.  
CONSULTING ENGINEERS  
2801 O St., Suite 500-4  
Sacramento, CA 95816  
Tel: 916.841.7700  
Fax: 916.841.7797

**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 03-2014**

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 February 12, 2014 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 26, 2014 by the following vote:***

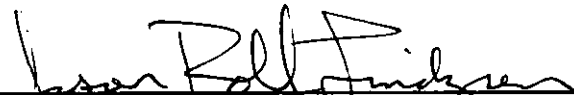
**AYES :       COUNCILMEMBERS:       Davis, Cooper, Hume, Trigg**

**NOES:       COUNCILMEMBERS:       None**

**ABSTAIN:   COUNCILMEMBERS:       None**

**ABSENT:    COUNCILMEMBERS:       Detrick**

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

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