

ORDINANCE NO. 11-2002

AN ORDINANCE OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE COMMUNITY PLAN MAP FROM RD-5 AND PUBLIC QUASI-PUBLIC TO GENERAL COMMERCIAL AND RD-5 AND AMENDING THE CITY OF ELK GROVE ZONING MAP FROM RECREATION AND RECREATION FLOODING TO GENERAL COMMERCIAL AND RD-5 ON A PORTION OF ASSESSOR PARCEL NUMBER 116-0100-081, BELL SOUTH PROJECT (EG-00-003 AND EG-00-004)

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 Community Plan Map and Zoning Map to assign revised community plan and zoning designations to the parcel shown on attached Exhibit A.

Section 2: Findings

1. Finding: The proposed Community Plan Amendment and Rezone implements and is consistent with the General Plan and does not create problems detrimental to the public health, safety and general welfare of the residents of Elk Grove.

Evidence: The City reviewed the proposed amendment to the Community Plan Map and Zoning Map and received public testimony at a duly noticed public hearing regarding the matter. The applicant's proposal is consistent with the allowed density ranges and uses in the General Plan. Also, the proposed amendment is consistent with the Plan's objectives of orderly and systematic development. The Community Plan and Zone Amendment will not go into effect unless and until the City Council approves the corresponding General Plan Amendment.

Section 3: Action

The City Council hereby amends the Community Plan Map and Zoning Map of the City of Elk Grove for Assessor's Parcel Number 116-0100-081 as shown on Exhibit A, subject to approval of the General Plan Amendment for this project and 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).

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 15th day of May 2002.



MICHAEL P. LEARY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY JACKSON,
CITY CLERK

APPROVED AS TO FORM:



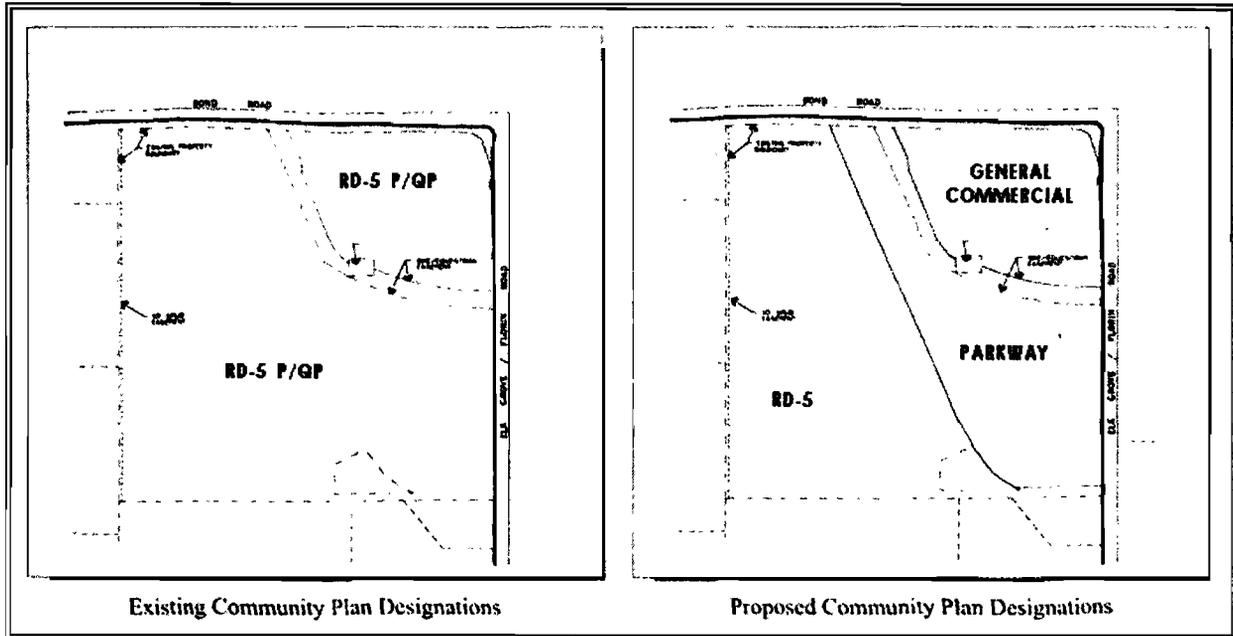
TONY B. MANZANETTI,
CITY ATTORNEY

AYES: Leary, Scherman, Cooper,
Soares, Briggs
NOES: None
ABSTAIN: None
ABSENT: None

Effective Date: June 14, 2002

Exhibit A

Community Plan Amendment



Rezoning

