

ORDINANCE No. 33-2005

**AN ORDINANCE OF THE CITY OF ELK GROVE
REGARDING THE CREATION OF A RURAL
COMMERCIAL (RUC) COMBINING LAND USE ZONE
AS §235-05 THROUGH §235-08 OF THE
CITY OF ELK GROVE 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 add §235-05 through §235-08 to the City of Elk Grove Zoning Code regarding the creation of a rural commercial combining land use zone.

Section 2: Findings

1. Finding: The proposal is not subject to CEQA pursuant to §15061(3).

Evidence: §15061(3) notes that CEQA "...applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

2. Finding: The proposed Zoning Code text amendment 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 Zoning Code text amendment and received public testimony at a duly noticed public hearing regarding the matter. The Zoning Code text amendment enables the City to better realize General Plan policies, including LU-18, which reads as follows: "Land uses within the Sheldon area (generally encompassing the area designated for Rural Residential uses in the eastern portion of Elk Grove) shall be consistent with the community's rural character, emphasizing lot sizes of at least two gross acres, roadways which preserve the area's mature trees, and limited commercial services."

3. Finding: Adoption of the combining land use zone advances several legitimate state interests.

Evidence: The Rural Commercial (RUC) combining land use zone will assist in the preservation of the rural character of the Old Town Sheldon area and will reduce the negative consequences associated with large-scale retail such as traffic and air pollution by encouraging smaller neighborhood serving commercial businesses.

Section 3: Action

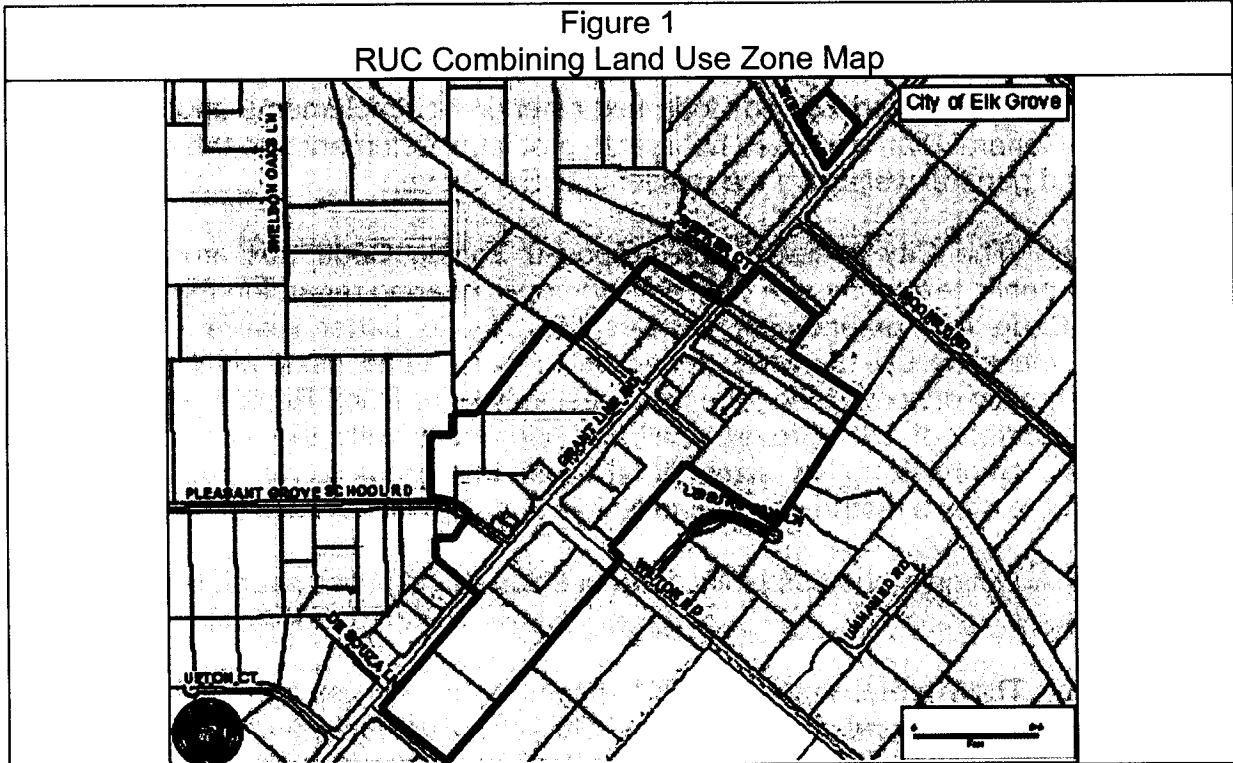
The City Council hereby adopts §235-05 through §235-08 of the Zoning Code of the City of Elk Grove as follows:

Article 1.5: (RUC) Rural Commercial (Combining Land Use Zone)

§235-05 Purpose

The (RUC) Combining Zone as shown on the City's Zoning Map includes all parcels generally located at or near the intersection of Grant Line Road and Wilton Roads that are zoned as either General Commercial (GC), Limited Commercial (LC), or Industrial (M-1), as well as all parcels at or near that intersection that have a General Plan designation of Commercial or Light Industry, as illustrated below in Figure 1. By adopting the regulations in this Article, the City Council recognizes the following:

- (a) The preservation of the City's rural residential area requires limited commercial services in that area, as noted by General Plan policy LU-18; and
- (b) The mass and scale of individual structures is central to the preservation of the City's rural residential area.



§235-06 Definitions

- (a) Rural residential area – That area designated “Rural Residential” on the City’s General Plan Land Use Policy Map, adopted on November 19, 2003.
- (b) Agricultural—Uses that may be allowed subject to a Conditional Use Permit in the RUC zone for structures between 12,001 and 20,000 square feet are:
 - a. All uses defined as “agricultural” in Section 201-02 of the City of Elk Grove Zoning Code, Permitted Uses of Residential-Open Space Lots
 - b. Animal Hospital and Veterinarian Office
 - c. Farm Equipment-Rental and Incidental Storage
 - d. Hay, Seed and Grain store
 - e. Nursery or Greenhouse

§235-07 Applicability

The (RUC) appearing after a zone abbreviation on the City’s adopted Zoning Maps indicates that the property so classified is subject to the provisions of this Article in addition to those of the underlying zone.

§235-08 Prohibition

No individual building or structure shall be built, altered, expanded, or relocated into the (RUC) combining land use zone whose footprint exceeds a gross square footage of 12,000 square feet. Agricultural structures, including large-animal veterinary clinics, may be up to 20,000 square feet upon approval of a Conditional Use Permit with Planning Commission approval. The intent of this prohibition is to limit the mass and scale of individual buildings to ensure compatibility with the rural residential community. It is not intended to diminish the developable square footage per parcel or to limit the list of permissible land uses established by each district in the Zoning Code.

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.

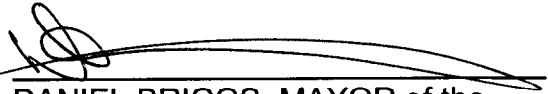
Section 5: Severability.

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

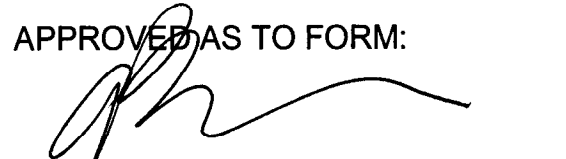
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified 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 12th day of October 2005, by the following vote:


DANIEL BRIGGS, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

ANTHONY B. MANZANETTI,
CITY ATTORNEY

EFFECTIVE DATE: NOVEMBER ~~30~~¹¹, 2005

AYES:	SOARES, BRIGGS, COOPER, SCHERMAN
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	LEARY