

ORDINANCE NO. 27-2003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE ELK GROVE ZONING MAP FROM AR-5 TO RD-7 FOR A PROJECT KNOWN AS LAKEMONT DRIVE SUBDIVISION, PROJECT NO. EG-02-353

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 Elk Grove Zoning Map to assign a change of zoning for parcels specified within the attached Exhibit A.

Section 2: Findings

1. Finding: The proposal will not have a significant adverse impact on the environment and a Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA).

Evidence: An Initial Environmental Study was prepared for the proposed project and mitigation measures have been developed that will reduce potential environmental impacts to less than significant levels. On the basis of the Mitigated Negative Declaration, comments received, and the whole record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

2. Finding: The proposed Rezone request will implement and be consistent with goals and policies of the General Plan of the City of Elk Grove.

Evidence: The Rezone of AR-5 to RD-7 is consistent with the allowed zoning prescribed in the General Plan of the City of Elk Grove.

3. Finding: The City shall not approve any proposed development project unless the following findings are made, based on substantial evidence in the record:

- a) There is a reasonable probability that the land use or action proposed will be consistent with the general plan proposal being considered or studied or which will be studied within a reasonable time.
- b) The project is consistent with the latest version of the Draft Land Use Policy Map and any draft General Plan Elements, which have been reviewed by the General Plan Advisory Committee as of the date on which the project is approved.
- c) There is little or no possibility of substantial detriment to or interference with the future adopted general plan if the proposed is or action is ultimately

inconsistent with the plan.

- d) The proposed use or action complies with all other applicable requirements of state law and local ordinance.

Evidence: The following statements are made in support of the required findings stated above.

- a) The proposed general plan has acknowledged and has designated a land use category of Low Density Residential for this area. As such, any project proposed would be consistent with the proposed General Plan. The new Plan has not altered the land use designations or categories within this area and all projects have been reviewed and made consistent with the General Plan.
- b) As stated above, the latest version of the adopted Draft Land Use Policy Map and the Land Use Element are consistent with one another. Any changes to the Draft Land Use Policy Plan would cause a change to the General Plan in order to maintain consistency. The proposed project is consistent with the policies and guidelines of the General Plan and conditions of approval have been recommended for the project that are consistent with the draft policies of the Elements of the General Plan.
- c) There is little possibility that the General Plan would change in this area. The new General Plan would designate certain properties for low-density development; this project is listed or designated for that land use category in either the General Plan or the Specific Plan.
- d) The proposed project is requesting a rezone that is consistent with the policies and development standards as listed in the General Plan. The requested rezone of AR-5 to RD-7 is consistent with the density ranges of the adjoining neighborhood.

Section 3: Action

The City Council hereby amends the Zoning Map of the City of Elk Grove for Assessor's Parcel Number 121-0140-007, as shown on the attached exhibit.

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 20th day of August 2003.



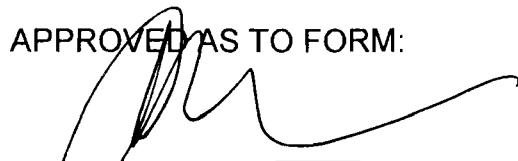
SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

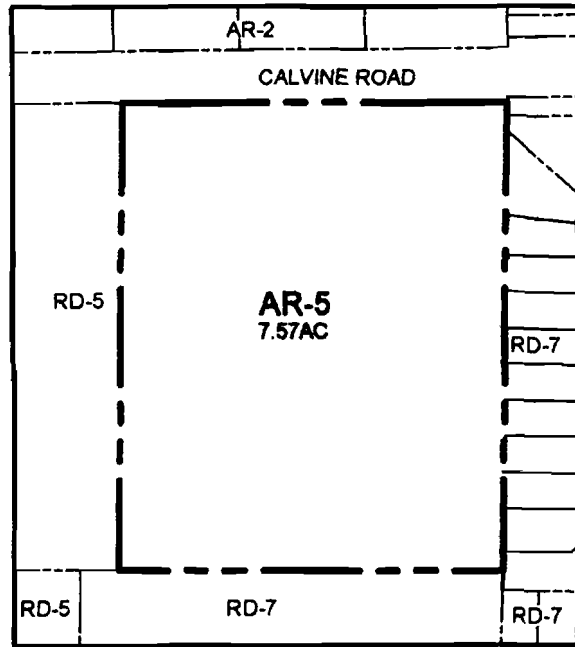


ANTHONY B. MANZANETTI,
CITY ATTORNEY

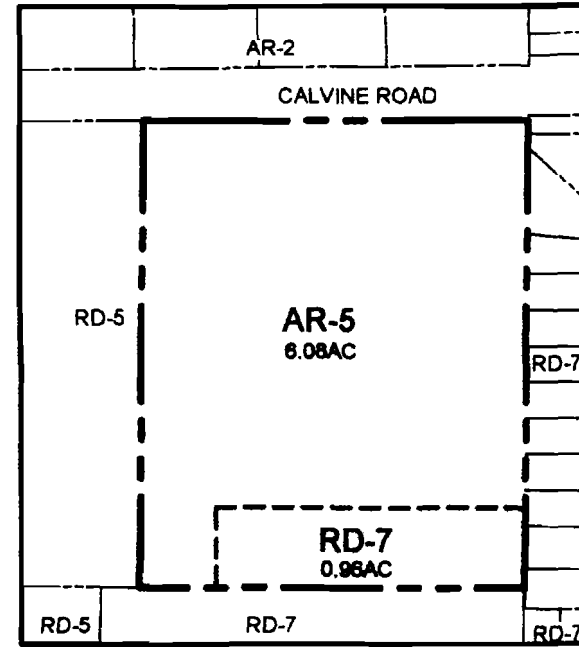
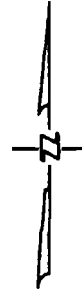
Effective Date: September 19, 2003

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

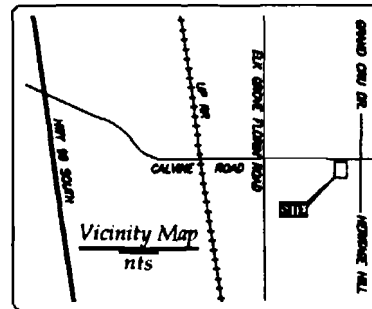
Exhibit A - Rezone



Current Zoning



Proposed Zoning



GERMAN ENGINEERING

3000 FRANKLIN BLVD.
SACRAMENTO, CALIFORNIA 95818
(916) 455-3000 Fax (916) 455-3118

CIVIL ENGINEERING - SURVEYING - LAND PLANNING

Rezone Exhibit
Lakemont Drive 8

CITY OF ELK GROVE
October, 2002

California
Scale 1"=200'