

ORDINANCE NO. 13-2002

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE CITY OF ELK GROVE ZONING CODE FOR
ASSESSORS PARCEL NUMBER 127-0170-052
Waterman Elk Grove Center, EG-01-203**

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 Code to modify the zoning text to the parcel specified within this Ordinance.

Section 2: Findings

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

Evidence: An Initial Environmental Study was also prepared specifically for the proposed project and mitigation measure 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 Zone Text Amendment request will implement and be consistent with Elk Grove Old Town Special Planning Area.

Evidence: The OTSPA allows for certain uses and establishes development standards that are unique and special for the "Old Town" area of the City of Elk Grove. The requested changes will not materially impact the intent of the SPA and will not provide an unfair condition upon the subject property, inconsistent with other limitation established in the OTSPA.

Section 3: Action

The City Council hereby amends Ordinance 91-0063 of the City of Elk Grove Zoning Code for Assessor's Parcel Numbers 127-0170-052 as shown below:

1. Section 506-42.3 List of Permitted Uses, shall include the term "Prescription Pharmacy"
2. Section 506-48 Development Standards for APN 127-0170-052, (2)b shall permit two (2) driveway approaches on Elk Grove Blvd.
3. Section 506-48 Development Standards for APN 127-0170-052, new paragraph (5) shall establish the maximum building height of 24 feet, and architectural projections shall not exceed 28 feet in height.

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.

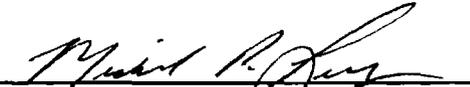
Section 5: Severability

If any such provision of section of this Ordinance is determined to be unenforceable, invalid, or unlawful, such determination shall not affect the enforceability of the remaining provisions of this Ordinance.

Section 6: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publishing 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

ATTEST:


Peggy Jackson, City Clerk

APPROVED AS TO FORM:


Anthony Manzanetti, City Attorney

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

Effective Date: June 14, 2002