

ORDINANCE NO. 17-2002

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE CITY OF ELK GROVE COMMUNITY PLAN AND ZONING MAP
FROM AR-10 (39.93 ACRES) AND AR-5 (14.75 ACRES)
TO AR-1 ON ASSESSOR PARCEL NUMBER 127-0120-092
KAPALUA ESTATES EG-00-012**

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 and Zoning Map to assign revised land use designations and zoning to the parcel shown on 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 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 Elk Grove Community Plan 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.

Section 3: Action

The City Council hereby amends the Community Plan and Zoning Map of the City of Elk Grove for Assessor's Parcel Number 127-0120-092 as shown on Exhibit A, 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 19th day of June 2002.




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

ATTEST:



PEGGY JACKSON,
CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

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

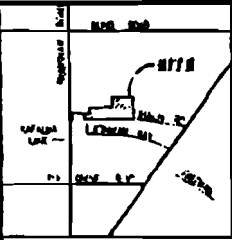
Eff ctiv Date: July 19, 2002

RECEIVED

99 0711

NOV 02 1999
PLANNING DEPT.
County of Sacramento

**BLONIEN REZONE
MAP**




VICINITY MAP
N.Y.S.



1" = 200'



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