

ORDINANCE NO. 32-2002

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE ELK GROVE COMMUNITY PLAN FROM OPEN SPACE TO
RESIDENTIAL DENSITY 7, AND APPROVING A REZONE FROM OPEN SPACE TO
RD-7 ON ASSESSOR PARCEL NUMBER 121-0910-029, SHADOWBROOK LOT A,
PROJECT NO. EG-02-276**

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 Map and the Elk Grove Community Plan as shown on attached Exhibit A.

Section 2: Findings

Finding: The proposal will not have a significant adverse impact on the environment and a 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 all impacts have been eliminated or reduced to a level of non-significance. On the basis of the 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.

Finding: The proposed Amendment to Elk Grove Community Plan and rezone is in the public interest. (Section 65358(a) of the Government Code and the Plan Administration Element of the Elk Grove General Plan).

Evidence: The City Council has reviewed the proposed amendment to the Elk Grove Community Plan and rezone, reviewed the staff report, and has 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. The proposed amendment is consistent with the Plan's objectives of orderly and systematic development and responds to opportunities and constraints in the local community area.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map and the Elk Grove Community Plan 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 16th day of October 2002.



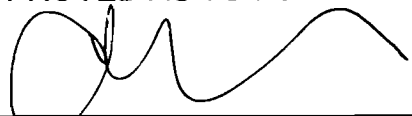
RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON,
CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

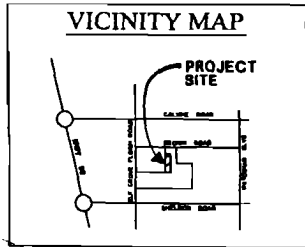
AYES: Soares, Briggs, Scherman,
Leary
NOES: None
ABSTAIN: None
ABSENT: Cooper

EFFECTIVE DATE: NOVEMBER 15, 2002

COMMUNITY PLAN AMENDMENT & REZONE EXHIBIT

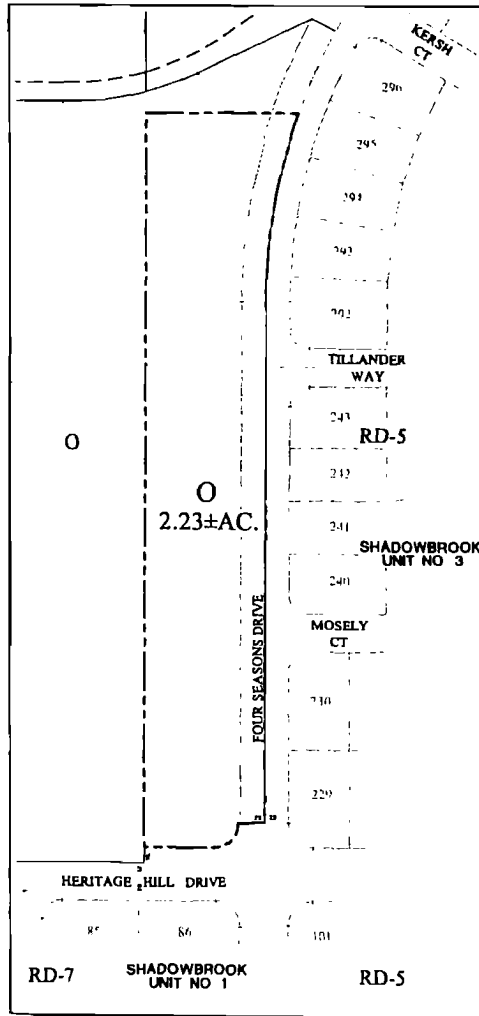
LOT "A" OF SHADOWBROOK UNIT 2

CITY OF ELK GROVE, CALIFORNIA
JUNE 19, 2002

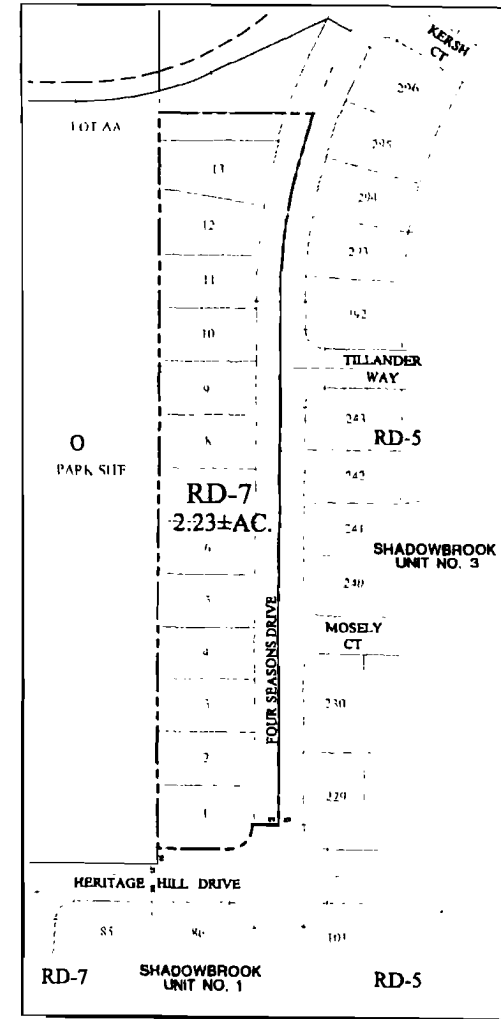


COMMUNITY PLAN & ZONING SUMMARY TABLE			
DESIGNATION	LAND USE	EXISTING ZONING	PROPOSED ZONING
O	OPEN SPACE	2.23+AC.	-
RD-7*	SINGLE FAMILY RESIDENTIAL (35 X 100' ± LOTS)	-	2.23+AC.
		2.23+AC.	2.23+AC.

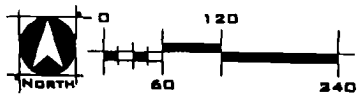
* LOTS TO BE DEVELOPED AT RD-5 STANDARD



Existing Community Plan & Zoning Designation



Proposed Community Plan & Zoning Designation




WOOD RODGERS
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