

ORDINANCE NO. 42-2002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CITY OF ELK GROVE ZONING MAP TO CHANGE THE ELK GROVE-FLORIN AND BOND ROADS SPECIAL PLANNING AREA FROM RESIDENTIAL TO OPEN SPACE / RECREATION, TRI-MARK PROJECT NO. EG-02-278

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 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: The proposed project is in a predominantly urban area and is currently zoned Residential. The proposed rezone and subsequent development of the parcel will result in a less intense use than was previously allowed. The Open Space use is in conformance with the General Plan. On the basis of the Negative Declaration and the whole record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

Finding: The project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

Evidence: The City finds that, as a result of its Initial Study conducted to evaluate the potential for adverse environmental impacts, the proposed project involves no potential for any adverse effect, either individually or cumulatively on wildlife resources.

Finding: The establishment, maintenance or operation of the park/staging area applied for will not under the circumstances of the particular case be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City. (§110-30 of the City of Elk Grove Zoning Code)

Evidence: The proposed project will be consistent with the City's General Plan and Zoning Code. Furthermore, staff has identified no effects from the proposal that would result in a significant detrimental impact on adjoining or neighboring properties.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map as shown on attached Exhibit A and 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.

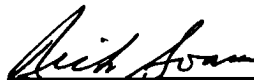
Section 5: Severability.

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

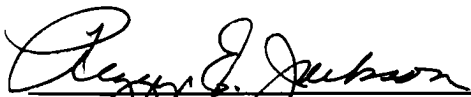
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified 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 6th day of November 2002.



RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY JACKSON,
CITY CLERK

APPROVED AS TO FORM:

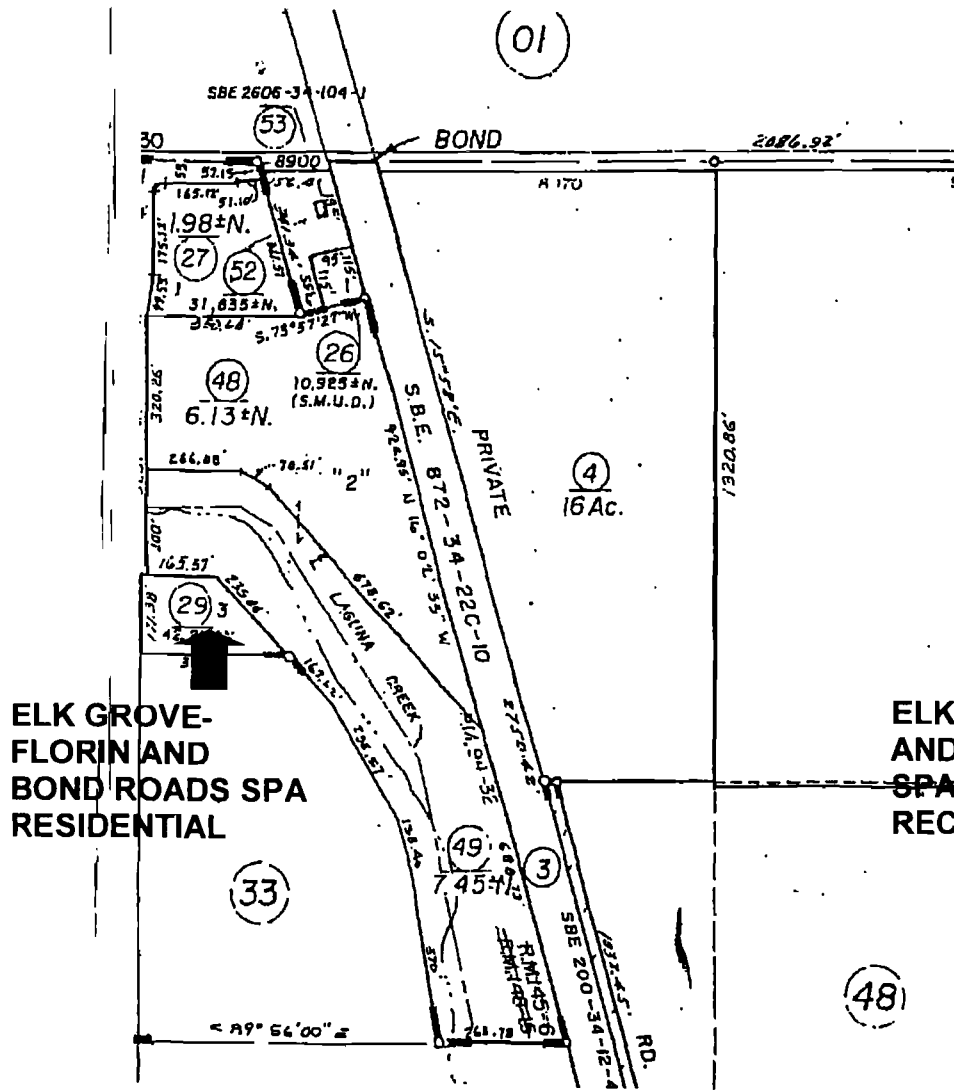


ANTHONY B. MANZANETTI,
CITY ATTORNEY

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

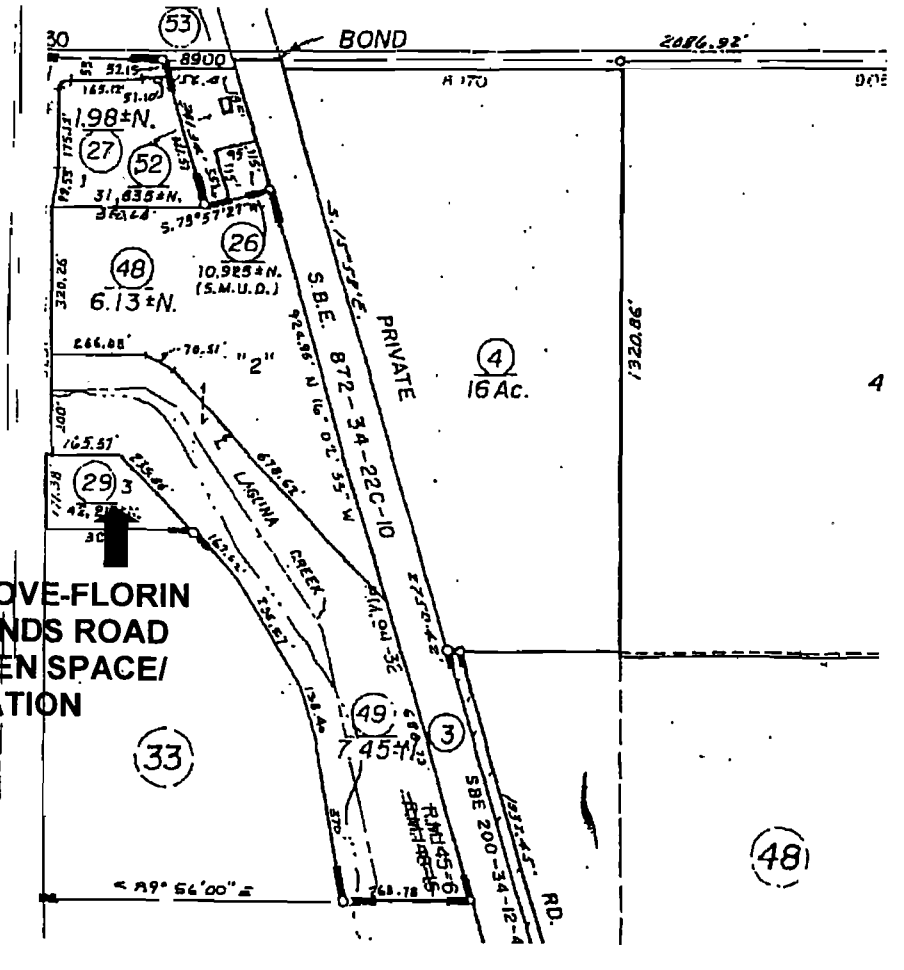
EFFECTIVE DATE: December 6, 2002

REZONE EXHIBIT



ELK GROVE-
FLORIN AND
BOND ROADS SPA
RESIDENTIAL

EXISTING ZONING



ELK GROVE-FLORIN
AND BONDS ROAD
SPA OPEN SPACE/
RECREATION

PROPOSED ZONING