

ORDINANCE NO. 45-2002

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE,
CALIFORNIA, TO PRE-ZONE PROPERTY IN THE LAGUNA WEST AREA
TO VARIOUS COMMERCIAL, OFFICE, INDUSTRIAL, RESIDENTIAL,
AND OTHER DESIGNATIONS**

WHEREAS, the City of Elk Grove ("City") has submitted and application to the Sacramento Local Agency Formation Commission ("LAFCO") to annex the area known as "Laguna West"; and

WHEREAS, the City is required by LAFCO to pre-zone the proposed annexation area to indicate the zoning districts which will apply to lands within the area upon annexation; and

WHEREAS, the City has the authority to adopt this ordinance pursuant to the general police power granted to cities by Article 11, Section 7 of the California Constitution and California Government Code Section 65859; and

WHEREAS, the City on October 16, 2002, adopted Resolution No. 2002-185, which established that the City is using its Draft General Plan for determining the consistency of projects, including zoning decisions, with the General Plan; and

WHEREAS, the proposed pre-zoning is consistent with the Land Use policies established in the Draft General Plan;

NOW, THEREFORE, the Council of the City of Elk Grove does hereby ordain as follows:

Section 1: Purpose and Authority

The purpose of this Ordinance is to adopt the Pre-Zoning Map as shown on attached Exhibit A.

Section 2: Findings

Finding: The proposal to establish pre-zoning for the Laguna West area will not have a significant adverse impact on the environment and a Notice of Exemption has been prepared and completed in accordance with the California Environmental Quality Act (CEQA).

Evidence: Because the proposed Pre-Zoning Map makes no changes from the existing zoning designations as depicted on the County of Sacramento Zoning Map, the City's adoption of pre-zoning would not result in any new planned land uses or impacts, which have not already been considered by the County of Sacramento in its zoning decisions. On the basis of the whole record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

Finding: The proposed adoption of the Pre-Zoning Map is in the public interest.

Evidence: The City Council has reviewed the proposed Pre-Zoning Map, reviewed the staff report, and has received public testimony at a duly noticed public hearing regarding the matter. The proposed Pre-Zoning Map is consistent with the allowed density ranges and uses in the Draft 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 area.

Section 3: Action

The City Council hereby adopts the Laguna West Area Pre-Zoning Map as shown on attached 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.

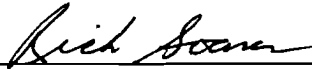
Section 5: Severability

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 18th day of December 2002.



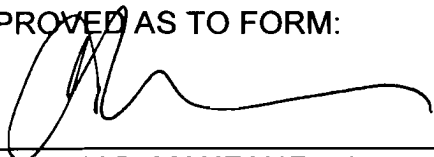
RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

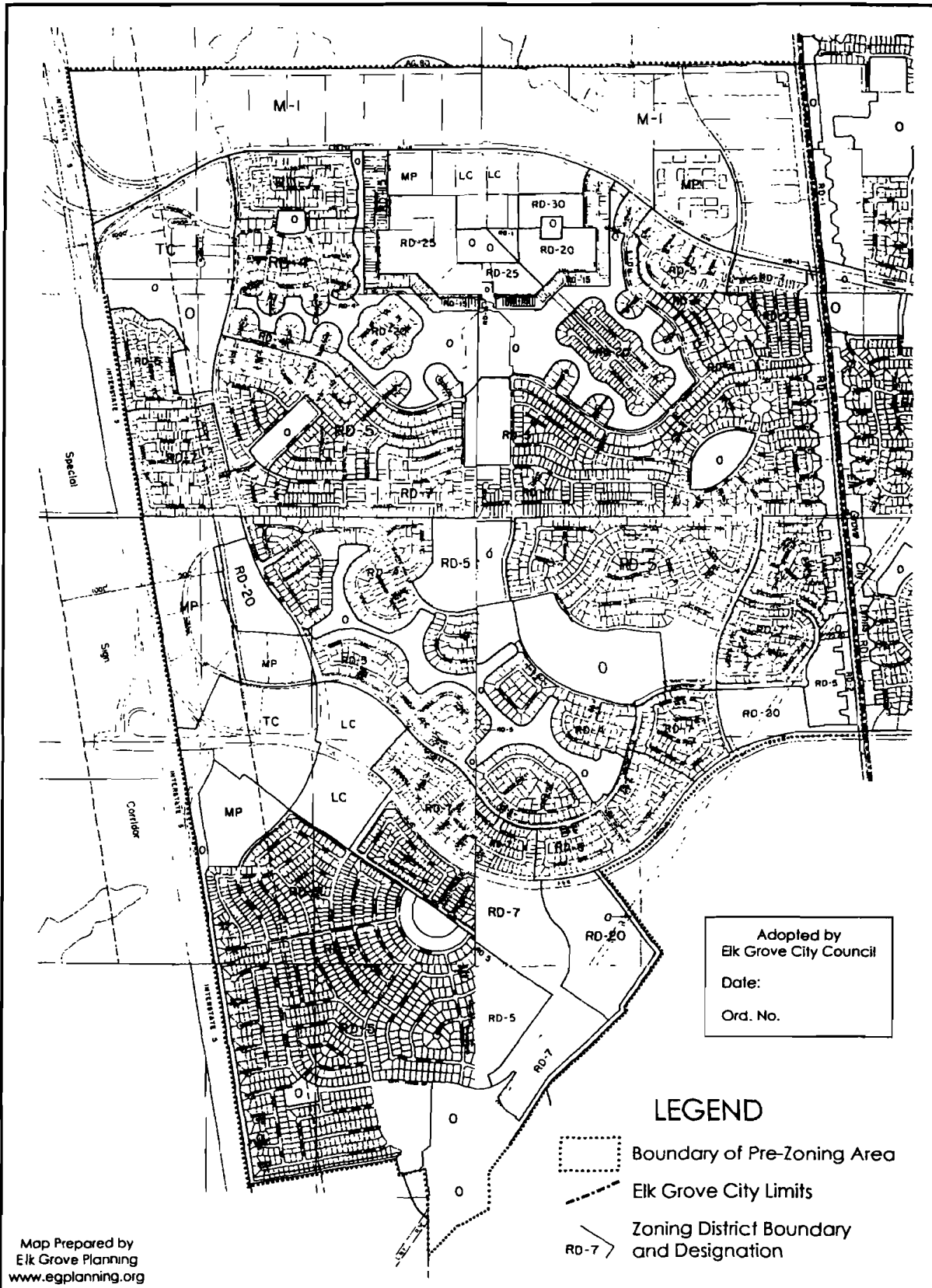
EFFECTIVE DATE: January 17, 2003

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



City of Elk Grove Pre-Zoning Map for the Laguna West Annexation Area

Exhibit A



Map Prepared by
Elk Grove Planning
www.egplanning.org