

## ORDINANCE NO. 25-2008

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE OLD TOWN SPECIAL PLANNING AREA UPDATING ZONING CODE REFERENCES

The City Council of the City of Elk Grove does ordain as follows:

#### Section 1: Purpose and Authority

Certain land use plans throughout the City, including the Old Town Special Planning Area, contain references to prior versions of the City's zoning code and/or the County's zoning code. The purpose of this ordinance is to amend the Old Town Special Planning Area so that the zoning code references contained therein refer to and are replaced by the provisions and definitions contained in the Elk Grove Zoning Code (Elk Grove Municipal Code Title 23), as adopted July 12, 2006, and as thereafter amended, to the fullest extent possible and practical. The City desires to do this so that the current zoning code, unless excepted, generally applies throughout the City, including the portion of the City covered by the Old Town Special Planning Area. This will aid in land use consistency within the City and make it easier for property owners and City staff to reach conclusions regarding applicable land use standards within the City. The City Council passes this ordinance pursuant to the authority granted cities by Article XI, Section 7 of the California Constitution.

#### Section 2: Amendments.

##### **THE OLD TOWN SPECIAL PLANNING AREA**

The Old Town Special Planning Area is amended to add the following provisions concerning application and interpretation of the Old Town Special Planning Area.

1. RULES OF APPLICABILITY AND INTERPRETATION. All zoning code references in the Old Town Special Planning Area shall be interpreted to refer to the Elk Grove Zoning Code as adopted July 12, 2006, and thereafter amended. To the fullest extent possible and practical, the zoning code references in the Old Town Special Planning Area are to be replaced with the corresponding or analogous Elk Grove Zoning Code references. Notwithstanding the foregoing, nothing herein shall expand or increase the permitted land uses within the Old Town Special Planning Area. Further notwithstanding the foregoing, the development and design standards of the Old Town Special Planning Area shall continue to apply. If there is a conflict between any development and/or design standards contained in the Old Town Special Planning Area and the Elk Grove Zoning Code, the Old Town Special Planning Area development and design standards shall prevail and govern. Where no specific development or design standard is contained in the Old Town Special Planning Area, the applicable provisions of the Elk Grove Zoning Code shall govern.

2. **AUTHORITY OF PLANNING DIRECTOR TO PROVIDE INTERPRETATIONS.** The Planning Director shall have administrative authority to interpret the applicable provisions of the Old Town Special Planning Area and the Elk Grove Zoning Code to determine the applicable standard or provision for a particular matter or project, all consistent with the above Rules of Applicability and Interpretation. Within thirty (30) days' written request by any interested person or applicant concerning a particular matter or project, the Planning Director shall provide a written interpretation of the applicable standard or provision. Such interpretations by the Planning Director may be appealed to the designated appeal authority pursuant to Elk Grove Zoning Code Sections 23.12.050 and 23.14.060, as now existing or hereafter amended.

3. **NO IMPAIRMENT OF VESTED RIGHTS.** Nothing herein is intended to impair or abrogate any vested rights acquired by any persons under applicable law.

#### Section 3: 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.

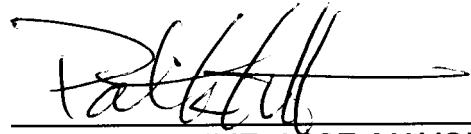
#### Section 4: Severability

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 5: 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).

**ORDINANCE:** 25-2008  
**INTRODUCED:** May 28, 2008  
**ADOPTED:** June 11, 2008  
**EFFECTIVE:** July 11, 2008



PATRICK HUME, VICE MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
SUSAN J. BLACKSTON, CITY CLERK

Date signed: June 19, 2008

APPROVED AS TO FORM:

  
SUSAN COCHRAN, CITY ATTORNEY

**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 25-2008**

STATE OF CALIFORNIA       )  
COUNTY OF SACRAMENTO    )  
CITY OF ELK GROVE         )       ss

***I, Susan J. Blackston, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on May 28, 2008 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on June 11, 2008 by the following vote:***

**AYES :       COUNCILMEMBERS:       Hume, Scherman, Leary,**

**NOES:       COUNCILMEMBERS:       None**

**ABSTAIN:   COUNCILMEMBERS:       None**

**ABSENT:    COUNCILMEMBERS:       Davis, Cooper**

***A summary of the ordinance was published pursuant to GC 36933(c) (1).***



**Susan J. Blackston, City Clerk  
City of Elk Grove, California**