

ORDINANCE NO. 1-2005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE REGARDING DEVELOPMENT STANDARDS FOR DRIVE-THROUGH WINDOWS AND REMOTE TELLERS, BY AMENDING SECTIONS 225-14(36) AND 315-22(e) OF THE ELK GROVE ZONING CODE

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 §225-14(36) and §315-22(e) of the Elk Grove Zoning Code regarding development standards for drive-up windows and remote tellers.

Section 2: Findings

1. Finding: The proposal is not subject to CEQA pursuant to §15061(3).

Evidence: §15061(3) notes that CEQA "...applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

2. Finding: The proposed Zoning Code text amendment 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 Zoning Code text amendment and received public testimony at a duly noticed public hearing regarding the matter. The Zoning Code text amendment enables the City to better realize General Plan policies, including LU-11 (support neighborhood-serving commercial uses adjacent to residential areas without impacting neighborhood character). Also, the proposed Zoning Code text amendment is consistent with the General Plan's objectives of orderly and systematic development.

Section 3: Action

The City Council hereby adopts the Zoning Code text amendments as set forth below.

- A. Section 225-14(36) of the Zoning Code of the City of Elk Grove is hereby amended as follows, with additions underlined:

“These uses are permitted in the listed zones, if in compliance with design standards of Section 315-22(a) and (b), for drive-up windows and remote tellers. A conditional use permit from the appropriate authority is required when the design standards of Section 315-22(a) and (b) are not met, or if the drive-up window and/or the order station is located within 300 feet of a residential zone (RD-1 through RD-40), or if the drive-up window and/or the order station is located within 1,000 feet of a Rural Residential General Plan designation.

- B. §315-22(e) of the Zoning Code of the City of Elk Grove is hereby amended as follows, with additions underlined:

“Drive-up windows and their order stations shall be three hundred (300) feet from residential zones (RD-1 through RD-40) and shall be 1,000 feet from a Rural Residential General Plan designation.”

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.

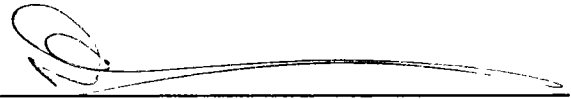
Section 5: Severability.

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 on this 5th day of January 2005.

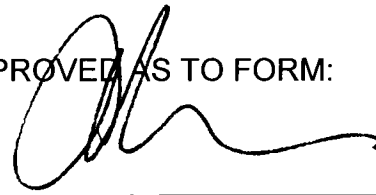


DANIEL BRIGGS, MAYOR of the
CITY OF ELK GROVE

ATTEST:


PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY

Effective Date: February 4, 2005

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