

ORDINANCE NO. 40-2005

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE CITY OF ELK GROVE ZONING MAP
FROM SC TO RD-15
SHELDON TERRACE PROJECT NO. EG-04-587**

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

CEQA

Finding: The proposal will not have a significant adverse impact on the environment and a Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA).

Evidence: An Initial Study was prepared for the proposed project. Potential adverse environmental impacts were identified in the areas of biology, noise, and air quality. The City determined that the mitigation proposed in the Mitigation Monitoring and Reporting Program will reduce impacts to a less than significant level and a Mitigated Negative Declaration was prepared. On the basis of the Mitigated Negative Declaration, comments received, and the entire administrative record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

General Plan

Finding: The proposed Sheldon Terrace project is consistent with the goals and policies of the Elk Grove General Plan.

Evidence: The Sheldon Terrace project site is currently designated Medium Density Residential (MDR) on the General Plan land use map. This project includes a request for a rezone of the site from SC to RD-15, an implementing zoning district of MDR.

Rezone

Finding: The proposed rezone is in the public interest (Section 65358(a) of the Government Code).

Evidence: The proposed rezone of the project site from SC to RD-15 is consistent with the site's Medium Density Residential General Plan Designation. However, as detailed in the staff report, the proposed project does not meet the minimum development standards for RD-15 zoning. Approval of a Special Development Permit is required to allow for the proposed Sheldon Terrace project.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APN 116-0021-036 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.

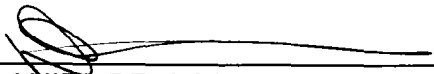
Section 5: Severability.

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

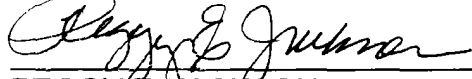
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified 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 14th day of December 2005.



DANIEL BRIGGS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON,
CITY CLERK

APPROVED AS TO FORM:



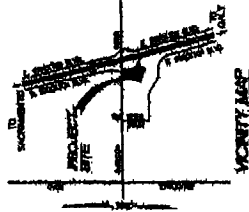
ANTHONY B. MANZANETTI,
CITY ATTORNEY

EFFECTIVE DATE: January 14, 2006

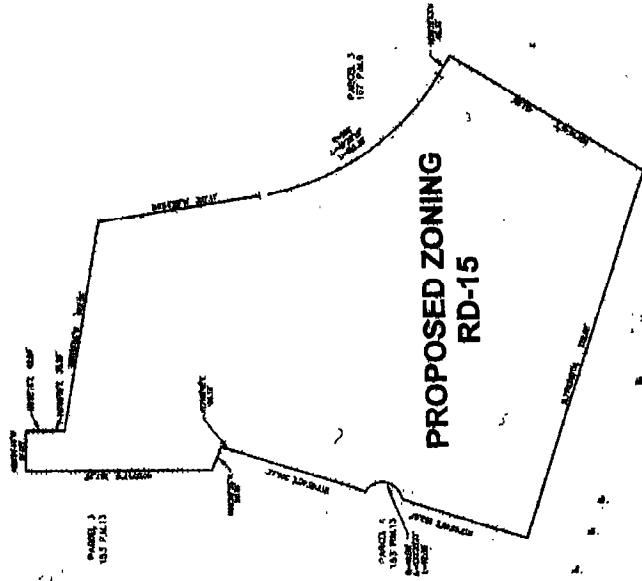
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| AYES: | Scherman, Sores, Briggs, Cooper, Leary |
| NOES: | None |
| ABSTAIN: | None |
| ABSENT: | None |

EXHIBIT A

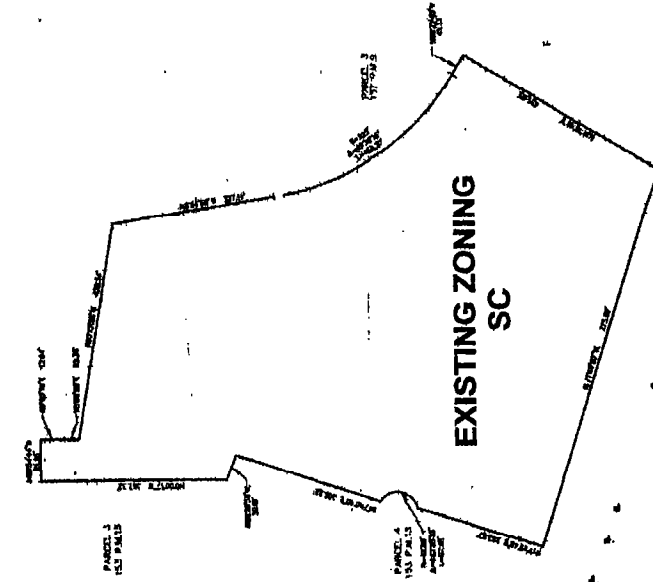
**REZONE EXHIBIT
FOR
SHELDON TERRACE**



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PROPOSED ZONING
SCALE: 1"=100'



EXISTING ZONING
SCALE: 1"=100'

