

ORDINANCE NO. 7-2007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE EAST ELK GROVE SPECIFIC PLAN TO MODIFY SECTION 4.3.3 (A) AND ADD SECTION 4.3.3 (D) TO REQUIRE 15 ACRES OF HIGH DENSITY RESIDENTIAL USES IN A PORTION OF APN 134-0182-001 (SITE M) AND AMENDING THE CITY OF ELK GROVE ZONING MAP FROM AR-5 TO RD-20 FOR APNS 115-0180-002, -020 (SITE A), FROM LC TO RD-30 FOR APN 125-0010-003 (SITE J), AND FROM MP TO RD-20 FOR A 15 ACRE PORTION OF APN 134-0182-001 (SITE M) PROJECT NO. EG-092 (GPA 07-001)

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 Exhibits B, C and D.

Section 2: Findings

Finding: The proposed Zoning Amendment is consistent with the General Plan goals, policies, and implementation programs.

Evidence: The proposed rezone is consistent with the allowable density ranges for the High Density Residential land use designation as defined by the adopted General Plan and Zoning Code. The proposed rezone is consistent with the General Plan goals and policies contained within the Housing and Land Use Elements. The project will further the objectives of orderly and systematic development and responds to opportunities and constraints in the local community area.

Section 3: Action

The City Council hereby amends the East Elk Grove Specific Plan to modify Section 4.3.3(a) and add Section 4.3.3(d) as indicated on attached Exhibit A. The City Council hereby amends the City of Elk Grove Zoning Map for APN 115-0180-002, -020 from AR-5 to RD-20 as shown on attached Exhibit B. The City Council hereby amends the City of Elk Grove Zoning Map for APN 125-0010-003 from LC to RD-30 as shown on attached Exhibit C. The City Council hereby amends the City of Elk Grove Zoning Map for a portion of APN 134-0182-001 from MP to RD-20 as shown on attached Exhibit D. This rezone is 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).

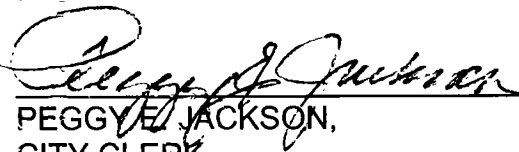
ORDINANCE NO. 7-2007

INTRODUCED: February 14, 2007
ADOPTED: February 28, 2007
EFFECTIVE: March 30, 2007

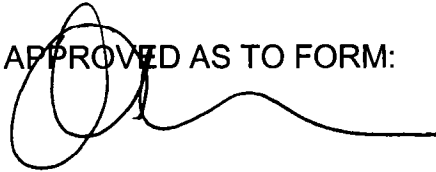


JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY JACKSON,
CITY CLERK

APPROVED AS TO FORM:


ANTHONY B. MANZANETTI,
CITY ATTORNEY

EXHIBIT A
Section 4.3.3 of the East Elk Grove Specific Plan
(amendments indicated in underline)

4.3.3 RESIDENTIAL PERMITTED USES AND DEVELOPMENT STANDARDS

(a) Zone Classifications

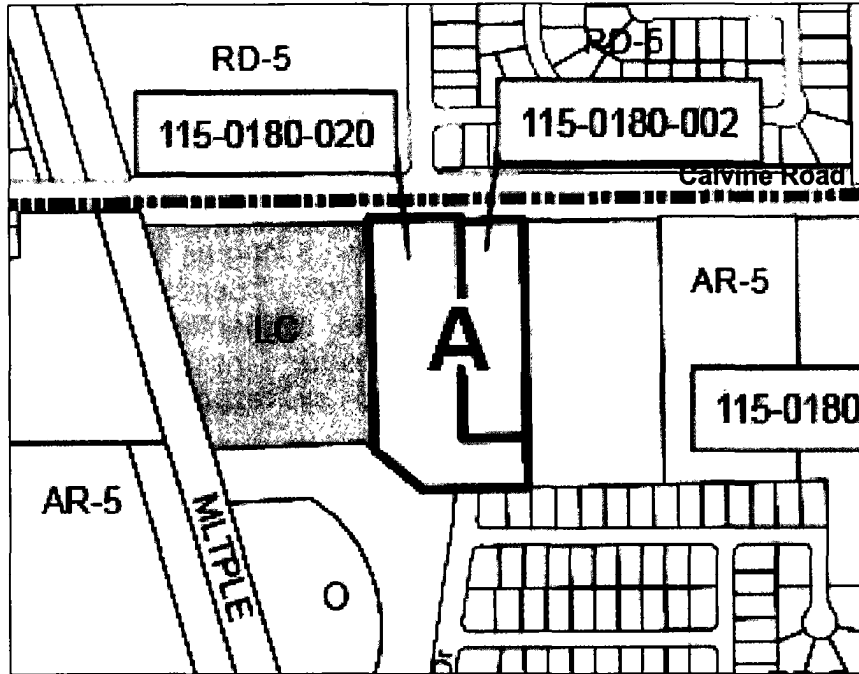
Zone classifications proposed by individual development applications may exceed the density assigned by the Land Use Diagram so long as it complies with the density averaging provisions of Section Ten, Implementation/Administration. Given the range of residential densities assigned by the Land Use Diagram and the provisions for density averaging, the following zone classifications may be applied by rezone action to properties designated Residential within the Plan area.

AR-5	Agricultural-Residential Land Use Zone
AR-2	Agricultural-Residential Land Use Zone
AR-1	Agricultural-Residential Land Use Zone
RD-1	Residential Land Use Zone
RD-2	Residential Land Use Zone
RD-3	Residential Land Use Zone
RD-4	Residential Land Use Zone
RD-5	Residential Land Use Zone
RD-7	Residential Land Use Zone
RD-10	Residential Land Use Zone
<u>RD-20</u>	<u>High Density Residential Land Use Zone</u>

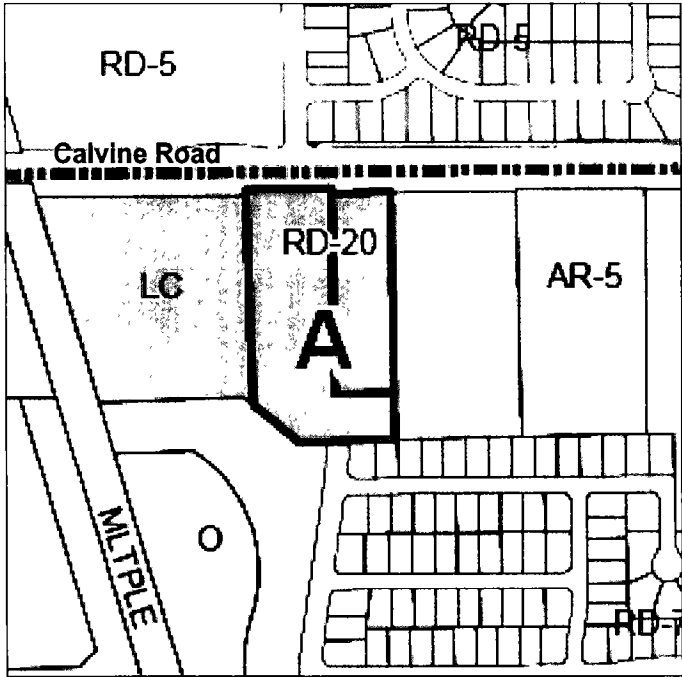
(d) High Density Residential Land Use Zone

The High Density Residential Land Use Zone applies to a 15 acre portion of APN 134-0182-001, located at the southwest corner of Grant Line and Mosher Roads. Allowable uses within the High Density Residential Land Use Zone include Dwelling, Multifamily as defined in Section 23.98.030 of the Elk Grove Zoning Code. The development standards for the High Density Residential Land Use Zone are indicated in Table 23.30-2D of the Elk Grove Zoning Code. Units resulting from high density residential development within this parcel are not subject to the East Elk Grove Specific Plan Residential Unit Allocation.

EXHIBIT B

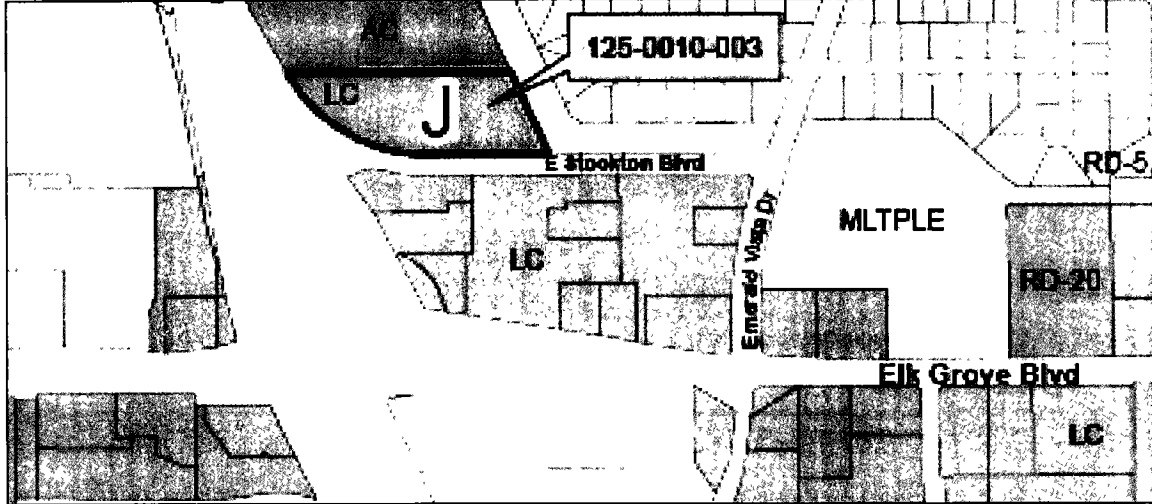


Existing Zoning

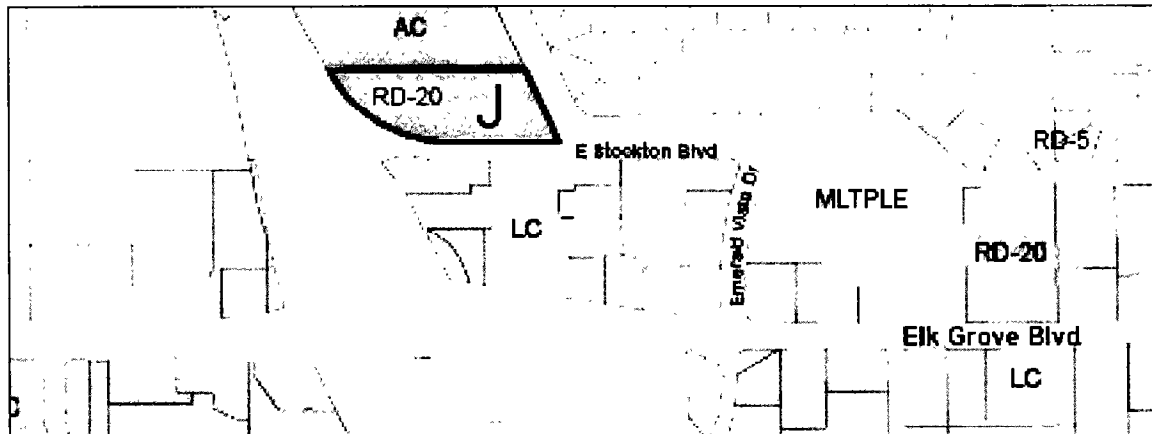


Proposed Zoning

EXHIBIT C

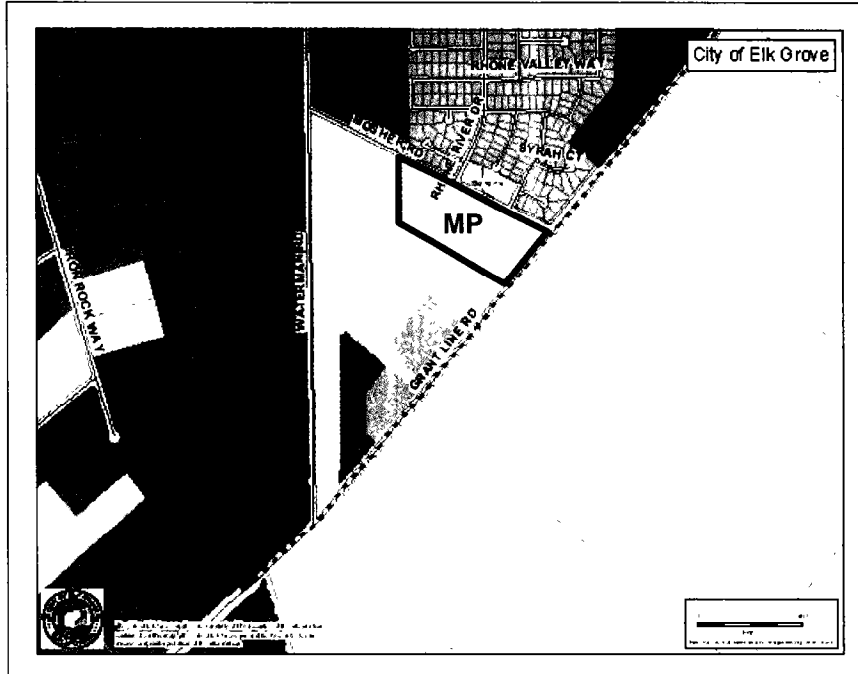


Existing Zoning

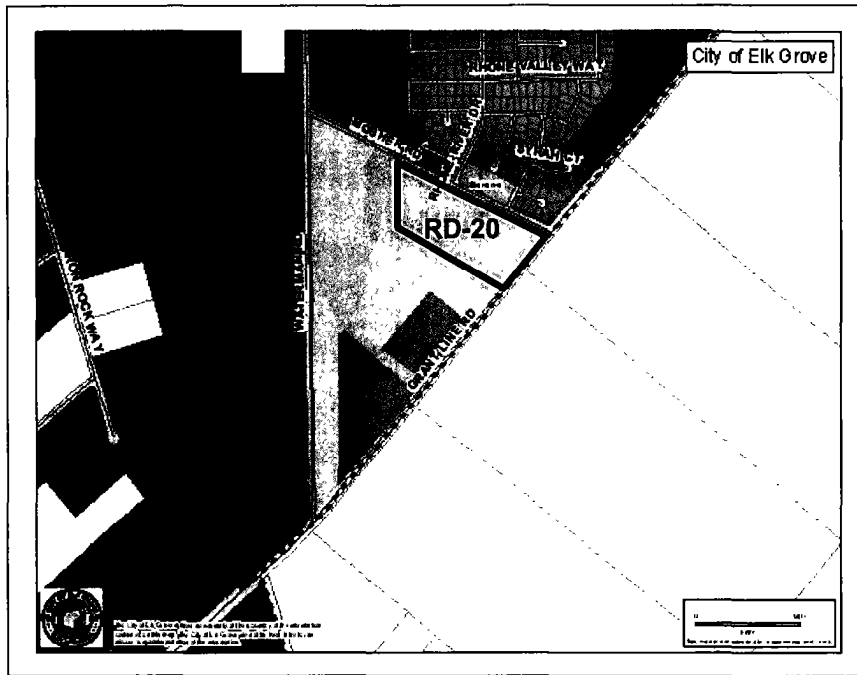


Proposed Zoning

EXHIBIT D



Existing Zoning (approximate location)



Proposed Zoning (approximate location)

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 7-2007**

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

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance was duly introduced on February 14, 2007 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 28, 2007 by the following vote:

AYES : COUNCILMEMBERS: Scherman, Cooper, Davis, Leary

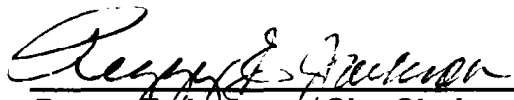
NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Hume

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





**Peggy E. Jackson, City Clerk
City of Elk Grove, California**