

ORDINANCE NO. 13-2009

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE CITY OF ELK GROVE ZONING MAP FOR
A 2.0 ACRE PARCEL FROM HIGHWAY TRAVEL COMMERCIAL (TC)
TO GENERAL COMMERCIAL (GC) FOR HARBOUR POINT REZONE
PROJECT NO. EG-09-016 ASSESSOR PARCEL NUMBER 119-1970-003**

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 Exhibit A, and incorporated herein by this reference.

Section 2: Findings

California Environmental Quality Act (CEQA)

Finding: The proposed project is exempt from CEQA review under Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of the CEQA Guidelines.

Evidence: The CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) exempts projects that are consistent with a local agency's general plan, for which an Environmental Impact Report (EIR) was certified. An EIR was prepared and certified for the Elk Grove General Plan. The proposed rezone of Harbour Point is consistent with all applicable goals and policies established in the City's General Plan. Furthermore, no special circumstances exist that would create a reasonable possibility that the proposed rezone will have a significant effect on the environment.

General Plan

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

Evidence: The General Plan designates the Harbour Point property as Commercial. Rezoning the parcel from Highway Travel Commercial (TC) to General Commercial (GC) would be consistent with the General Plan's Commercial land use category. Furthermore, the proposed rezone would encourage commercial development that is consistent with the overall goals and policies established in the General Plan's Economic Development Element.

Rezone

Findings: Pursuant to Section 65860(a) of the California Government Code, the rezone must be consistent with the objectives, policies, general land uses, and programs specified in the General Plan.

Evidence: The proposed rezone from TC to GC is consistent with the Elk Grove General Plan's Land Use Policy LU-2 and LU-3. The rezone further complies with all of the goals and policies of the City's General Plan.

Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APN 119-1970-003, as shown on Exhibit A attached hereto and incorporated herein by this reference, 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 fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) 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: 13-2009
INTRODUCED: June 24, 2009
ADOPTED: July 8, 2009
EFFECTIVE: August 7, 2009



PATRICK HUME, MAYOR of the
CITY OF ELK GROVE

ATTEST:


SUSAN J. BLACKSTON, CITY CLERK

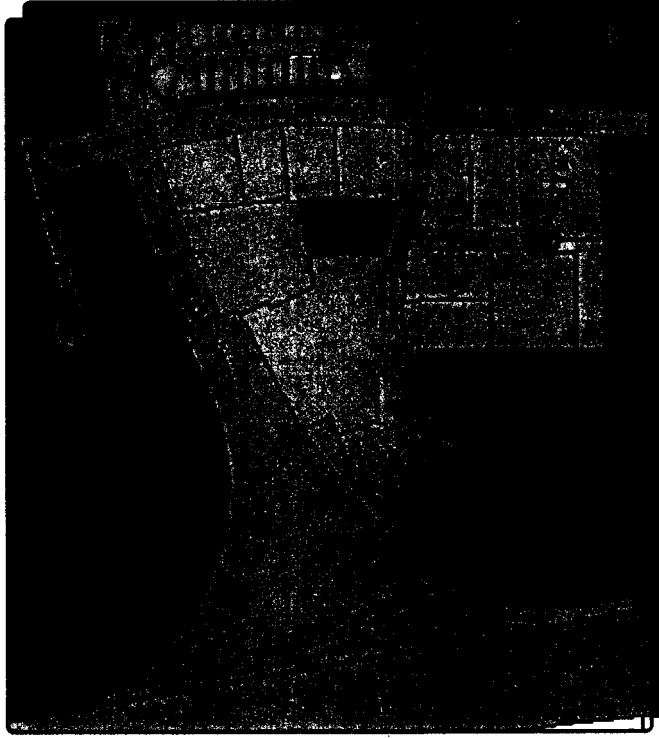
APPROVED AS TO FORM:


SUSAN COCHRAN, CITY ATTORNEY







Date signed: July 13, 2009

EXHIBIT A

EXISTING ZONING EXHIBIT









ZONING LEGEND

-  GC
-  M-1
-  O
-  RD-4
-  RD-7
-  TC

PROPOSED ZONING EXHIBIT



ZONING LEGEND

-  GC
-  M-1
-  O
-  RD-4
-  RD-7
-  TC

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 13-2009**

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

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 June 24, 2009 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 8, 2009 by the following vote:

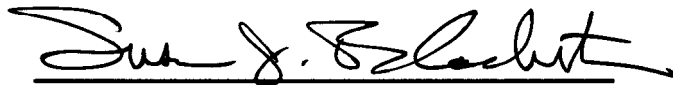
AYES : COUNCILMEMBERS: *Hume, Scherman, Cooper, Davis, Detrick*

NOES: COUNCILMEMBERS: *None*

ABSTAIN: COUNCILMEMBERS: *None*

ABSENT: COUNCILMEMBERS: *None*

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


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