

ORDINANCE NO. 4-2011

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE CITY OF ELK GROVE ZONING MAP FROM RD-4 TO RD-5
FOR THE FIELDSTONE SOUTH AMENDMENTS PROJECT EG-10-018
APNS 134-0110-136; 134-0110-137; AND 134-0110-138**

WHEREAS, the Planning Department of the City of Elk Grove received an application from East Elk Grove 24, LLC (hereinafter referred to as the Applicant) on March 12, 2010 for a General Plan Amendment, Specific Plan Amendment, Rezone, Tentative Subdivision Map; and

WHEREAS, the project is located on real property in the incorporated portions of the City of Elk Grove more particularly described as APNs 134-0110-136; 134-0110-137; and 134-0110-138; and

WHEREAS, the Applicant is requesting to Rezone the site from RD-4 to RD-5; and

WHEREAS, the proposed rezone of the site to RD-5 is consistent with the zoning designations and density range proposed as part of the General Plan Amendment and East Elk Grove Specific Plan Amendment, provided that the City Council amends the General Plan and East Elk Grove Specific Plan to ensure compatibility; and

WHEREAS, the proposed zoning implements the General Plan's policies and goals for orderly development that is adequately supported by public infrastructure and services; and

WHEREAS, before considering the rezoning of the project site, the City Council reviewed and considered the information contained in the Initial Study and Mitigated Negative Declaration for the Fieldstone South Amendments project; and

WHEREAS, the City Council finds that the mitigation measures identified in the Initial Study/Mitigated Negative Declaration, incorporated into a Mitigation Monitoring Reporting Program and imposed on the project, are sufficient to mitigate or avoid the significant environmental effects from development of the project; and

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on December 2, 2010, and recommended the City Council approve the Fieldstone South Amendments project; and

WHEREAS, the City Council is the appropriate authority to hear and take action on this project after a recommendation by the Planning Commission; and

WHEREAS, the City Council held a duly noticed public hearing as required by law to consider all of the information presented by staff, information presented by the Applicant, and public testimony presented in writing and at the meeting.

NOW, THEREFORE, BE IT RESOLVED THAT, 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 the attached Exhibit A, incorporated herein by this reference.

Section 2: Findings

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

Evidence: The proposed rezone of the site to RD-5 is consistent with the zoning designations and density range proposed as part of the concurrent General Plan Amendment and East Elk Grove Specific Plan Amendment. The proposed project implements the General Plan's policies and goals for orderly development that is supported by public infrastructure and services. The proposed rezoning meets all applicable development standards established in Elk Grove Municipal Code Title 23 Zoning.

Section 3: Enactment of New Zoning

The City Council hereby amends the City of Elk Grove Zoning Map for APNs 134-0110-136; 134-0110-137; and 134-0110-138, as shown on attached in Exhibit A, incorporated herein by this reference.

Section 4: No Mandatory Duty of Care.

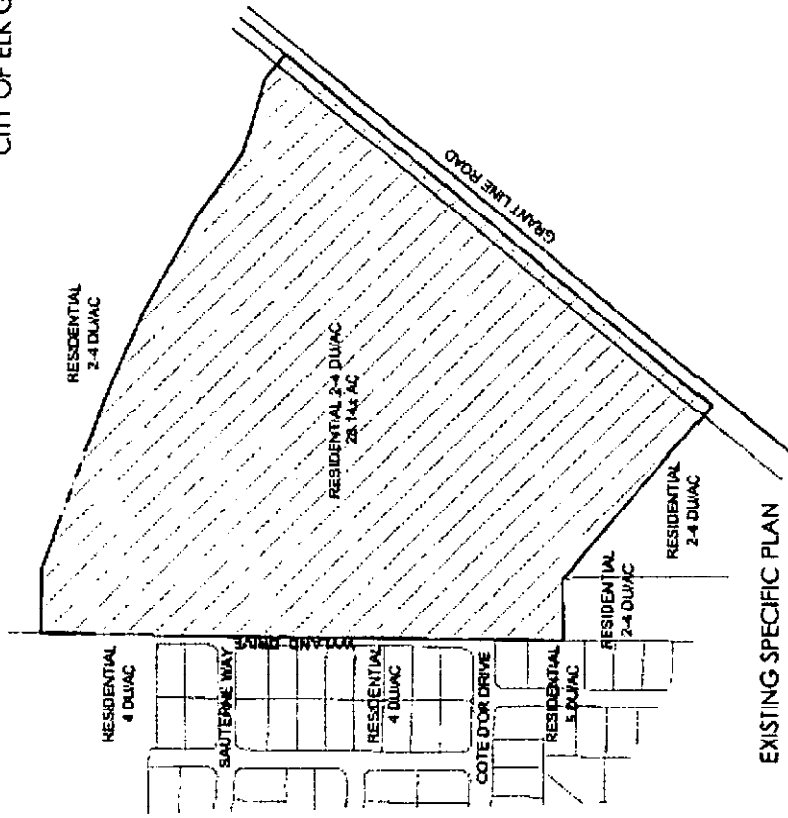
This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: Severability.

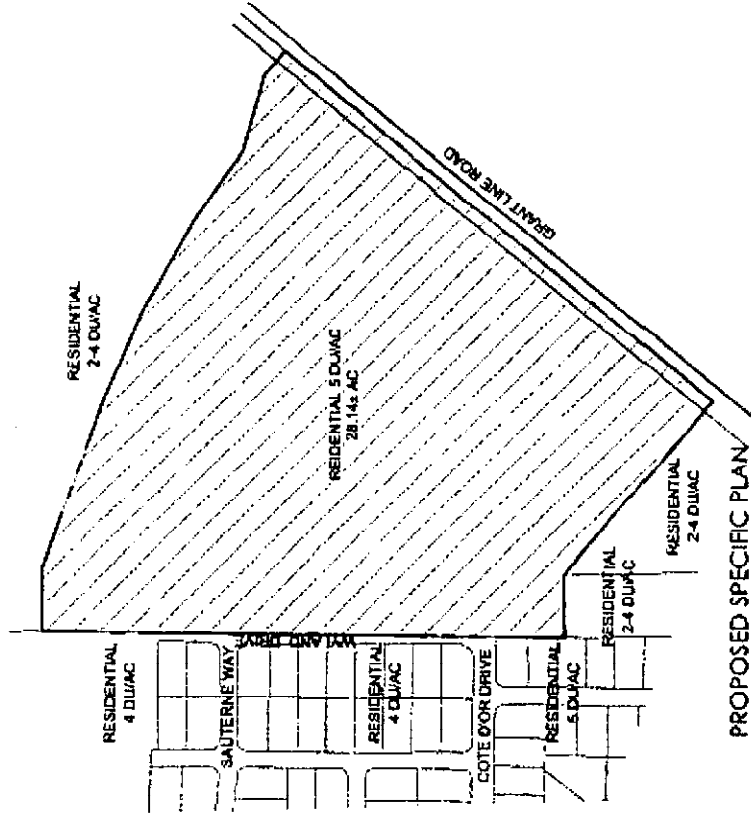
If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this 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.

EXHIBIT A

SPECIFIC PLAN AMENDMENT FIELDSTONE SOUTH CITY OF ELK GROVE, CALIFORNIA



EXISTING SPECIFIC PLAN



PROPOSED SPECIFIC PLAN

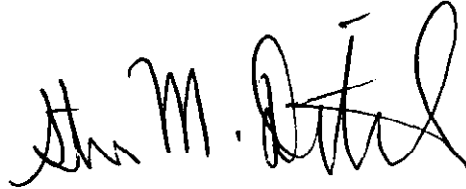
MARCH 10, 2010
NORTH COAST RESOURCE MANAGEMENT
14147 MARKET STREET \ PO BOX 339
WALNUT GROVE, CA 95690
P. 916.776.4900 \ F. 916.776.4911
WWW.NCRM.COM



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: 4-2011
INTRODUCED: January 26, 2011
ADOPTED: February 9, 2011
EFFECTIVE: March 11, 2011



STEVEN M. DETRICK, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

Date signed: February 15, 2011

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 4-2011**

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

I, Jason Lindgren, 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 January 26, 2011 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 9, 2011 by the following vote:


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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*

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



**Jason Lindgren, City Clerk
City of Elk Grove, California**