

ORDINANCE NO. 22-2012

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE CITY OF ELK GROVE ZONING MAP FROM
LIMITED COMMERCIAL (LC) TO GENERAL COMMERCIAL (GC)
FOR THE ELK PARK VILLAGE REZONE (EG-12-015)
ASSESSOR PARCEL NUMBERS 125-0030-032 AND 125-0030-033**

WHEREAS, the Planning Department of the City of Elk Grove received an application from Elk Park Associates, LLC (hereinafter referred to as the Applicant) on May 8, 2012 for a Rezone; and

WHEREAS, the Elk Park Village Rezone Project (EG-12-015) (the "Project") is located on real property in the incorporated portions of the City of Elk Grove more particularly described as Assessor Parcel Numbers: 125-0030-032 and 125-0030-033; and

WHEREAS, the Applicant is requesting to Rezone the site from Limited Commercial (LC) to General Commercial (GC); 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 staff report for the Project; and

WHEREAS, the Planning Commission considered the Applicant's request at a public hearing on October 4, 2012 and recommended the City Council approve the Elk Park Village Rezone project (EG 12-015); 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; and

WHEREAS, before considering approval of this Project, the City Council found that the Project is exempt from the California Environmental Quality Act, as set forth in Resolution No. 2012-207.

NOW, THEREFORE, 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: Enactment of New Zoning

The City Council hereby amends the City of Elk Grove Zoning Map for APN: 125-0030-032 and 125-0030-033, as shown on attached in Exhibit A, incorporated herein by this reference, on the basis of the following findings:

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 General Plan designates the Elk Park Village parcel as Commercial. General Plan policy LU-2 Action 1 identifies the consistency between the City's General Plan and Zoning Code. As identified in the table, rezoning the parcel from LC to 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.

Section 3: 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 4: 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 5: 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: 22-2012
INTRODUCED: November 14, 2012
ADOPTED: December 12, 2012
EFFECTIVE: January 11, 2013




GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

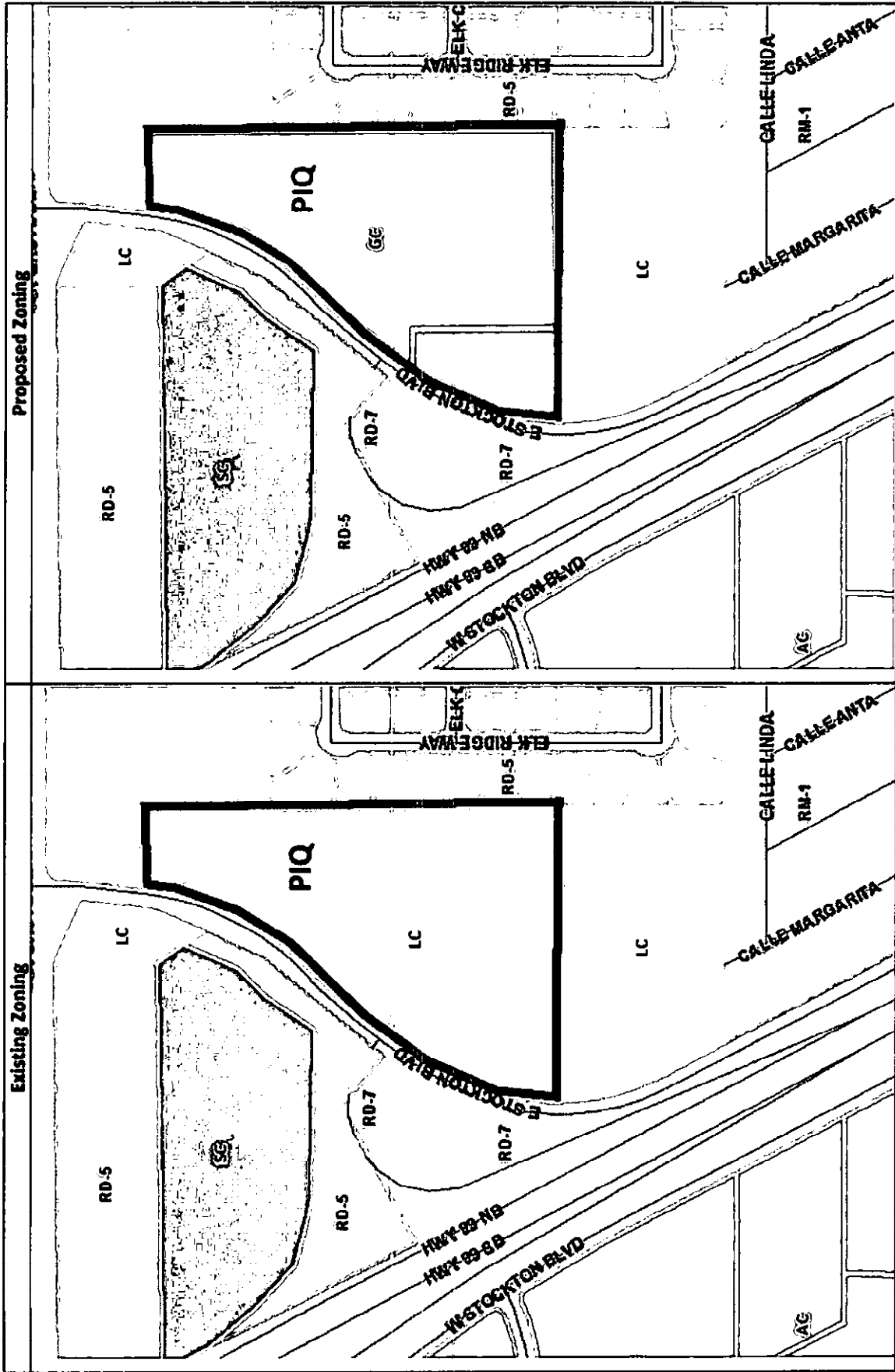
APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

Date Signed: December 14, 2012

Exhibit A
Zone Change



CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 22-2012

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 November 14, 2012 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on December 12, 2012 by the following vote:

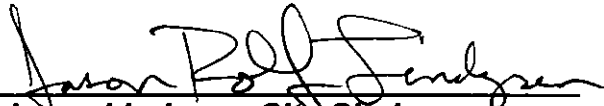
AYES : **COUNCILMEMBERS:** *Davis, Detrick, Cooper, Hume*

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