

ORDINANCE NO: 07-2001

**AN ORDINANCE OF THE CITY OF ELK GROVE
AMENDING THE ELK GROVE ZONING CODE
TO ALLOW DEFERRAL OF PARK AND RECREATION FEES
FOR MULTI-FAMILY DEVELOPMENT**

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 Chapter 22.40 of the Elk Grove Municipal Code.

Section 2. Findings

1. In adopting this Ordinance, the City Council makes the following findings:
 - A. On June 13, 2001, the Elk Grove City Council considered the proposed amendment to the Elk Grove Municipal Code, at which time public comment was taken and duly considered.
 - B. The City Council finds that the deferral of park fees amendment to the Elk Grove Municipal Code is consistent with the Subdivision Map Act of the State of California. Specifically, Section 66477(a)(2)(B) permits the deferral of the payment of park fees by local ordinance.

Section 3. CEQA Findings

1. The proposed project is categorically exempt as a Class 5 Exemption (CEQA §15305).
2. The City Council finds that adoption of the Municipal Code amendment will not result in any significant effects on the environment.

Section 4. Amendments

Section 22.40.035(e) of the City of Elk Grove Municipal Code is hereby added and which shall read as shown below:

22.40.035(e) Unless a specific written request is made by the applicant, fees shall be payable at the time of the recording of the final map or parcel map. Upon the written request of the applicant, the Planning Commission may recommend and the City Council may add a condition to any map contemplated by section 22.40.035(d) for multi-family development, whether submitted as a parcel map or subdivision map, stating that required land or

Effective Date: July 20, 2001

dedication or improvements or the payment of an in-lieu fee may occur after the recordation of the final or parcel map and that required land or dedication or improvements or the payment of an in-lieu fee shall occur at some later time but not later than prior to the issuance of building permits. [Auth. Govt. C §66477(a)(2)(B).]

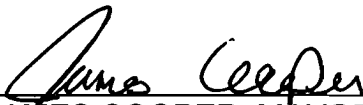
Section 5. Severability

If any provision or section of this Ordinance is determined to be unenforceable, invalid or unlawful, such determination shall not affect the enforceability of the remaining provisions of the Ordinance.

Section 6. Effective Date and Publication

This ordinance shall take effect 30 days after its adoption, and within 15 days following its passage, shall be published at least once in a paper of general circulation published and circulated in the City of Elk Grove.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 20th day of June 2001.



JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY JACKSON
CITY CLERK

APPROVED AS TO FORM:



ANTHONY MANZANETTI
CITY ATTORNEY

AYES: Briggs, Cooper, Leary,
Scherman, Soares
NOES: None
ABSTAIN: None
ABSENT: None

Effective Date: July 20, 2001