

ORDINANCE NO. 10-2003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE REGARDING NOTICING STANDARDS FOR PUBLIC HEARINGS ESTABLISHING TITLE I, CHAPTER 15, ARTICLE 2.5 OF THE CITY OF ELK GROVE ZONING CODE; AMENDING TITLE I, CHAPTER 15, ARTICLE 2 OF THE CITY OF ELK GROVE ZONING CODE; AND AMENDING TITLE 22, CHAPTER 22.20.020 OF THE CITY OF ELK GROVE MUNICIPAL CODE

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 establish Title I, Chapter 15, Article 2.5 of the City of Elk Grove Zoning Code, establishing noticing standards for public hearings (adding new §§115-25, 115-26 and 115-27 "Public Notice Requirements"); amend Title I, Chapter 15, Article 2 (deleting §115-14 "Hearing and Notice"); and amend Title 22, Chapter 22.20.020 ("Notice and Public Hearing"). This Ordinance is authorized by Article 11, Section 7 of the California Constitution.

Section 2: Findings

1. In adopting this Ordinance, the City Council makes the following findings:
 - A. On July 25, 2002, the Elk Grove Planning Commission held public hearings on the proposed amendment to the City Code, and recommended that the City Council approve the proposed amendment.
 - B. On April 16, 2003, the City Council held a public hearing on the proposed amendment to the City Code, at which time public testimony was taken and duly considered.
 - C. The City Council finds that the revised Code is consistent with the goals, policies, implementation programs and land use designations specified in the City's General Plan, as required by Government Code Section 65860.

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 Zoning Ordinance will not result in any significant effects on the environment.

Section 4. Amendments to Title I, Chapter 15 of the Zoning Code of the City of Elk Grove

A. Title I, Chapter 15, Article 2.5 of the Zoning Code of the City of Elk Grove is hereby amended to establish sections 115-25, 115-26 and 115-27 and Title I, Chapter 15, Article 2.0 of the Zoning Code of the City of Elk Grove is hereby amended to delete section 115-14, in its entirety, as shown:

ARTICLE 2.5 – PUBLIC NOTICE REQUIREMENTS

115-25 Purpose

The City of Elk Grove desires to increase its notification standards for public hearings beyond the minimum requirements established by §65090 through §65095, California Government Code, in order to ensure sufficient public participation in decisions affecting land use in the City.

115-26 Notification Requirements

In addition to the minimum notification standards established by §65090 through §65095, California Government Code, applicants shall also comply with the notification requirements listed below.

- A. For all properties designated as “Rural Residential”, “Estate Residential”, or “Elk Grove Triangle” on the City’s General Plan Land Use Policy Map, notices shall be mailed to owners of property and residents/occupants, as applicable, within 1,000 feet of the boundary of the property that is the subject of the application.
- B. For properties designated other than “Rural Residential”, “Estate Residential”, or “Elk Grove Triangle” on the City’s General Plan Land Use Policy Map, notices shall be mailed to owners of property and residents/occupants, as applicable, within 500 feet of the boundary of the property that is the subject of the application.
- C. For regional projects, notices shall be mailed to owners of property and residents/occupants, as applicable, within 2,000 feet of the boundary of the property that is the subject of the application. A regional project shall include a new Specific Plan, a new Special Planning Area, any project for which an Environmental Impact Report is required pursuant to the California Environmental Quality Act, or any other project determined by the Planning Manager to be a regional project.
- D. For properties within all zoning districts, a minimum of 30 parcels shall be notified. If this minimum standard is not met, the notification

distance shall be increased in 100-foot intervals until the standard is achieved.

- E. The president or chairperson of all neighborhood associations or community groups in the City's Neighborhood Association Index which have boundaries that overlap any of the noticing radius defined by "A" through "C" above shall also receive a notice of all public hearings. Mailings to such organizations shall not be counted toward the 30 parcel minimum defined by "D" above.

115-27. Hearing and Notice

The Secretary of the Planning Commission and the Clerk of the City Council shall cause a notice of the time and place of said hearing to be given as provided in Title I, Chapter 15, Article 2.5 of the Zoning Code of the City of Elk Grove. Any failure by the Secretary or Clerk to give such additional notice shall not invalidate any proceeding for amendment of this Code. Any public hearing before the Planning Commission or City Council may be continued from time to time.

- B. Title I, Chapter 15, Article 2, §115-14 of the City of Elk Grove Zoning Code is hereby deleted in its entirety.

Section 5. Amendments to Title 22, Chapter 22.20.020 the City of Elk Grove Municipal Code

- A. Title 22, Chapter 22.20.020 of the City of Elk Grove Municipal Code is hereby amended to read as shown below.

22.20.020: NOTICE AND PUBLIC HEARING

- (a) Tentative Subdivision Maps. The advisory agency shall hold a public hearing on each application for a tentative subdivision map and notice thereof shall be given as provided in Section 66451.3 of the Government Code. Any person may appear at such hearing and shall be heard. In addition to the notice required by Section 66451.3, notice shall also be given at least ten days in advance of the public hearing as required and authorized in Section 66451.4, except that notices shall be given to owners of property in accordance with Title I, Chapter 15, Article 2.5 of the Zoning Code of the City of Elk Grove.
- (b) Vesting Tentative Subdivision Maps. The City Council and the Planning Commission shall hold public hearings on each application for a vesting map and notice thereof shall be given as provided in Section 66451.3 of the Government Code. Any person may appear at such hearings and shall be heard. In addition to the notice required by Section 66451.3, notice shall also be given at least ten days in advance of the public hearings as required

or authorized in Section 66451.5, except that notice shall be given to owners of property in accordance with Title I, Chapter 15, Article 2.5 of the Zoning Code of the City of Elk Grove.

Section 6: 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.

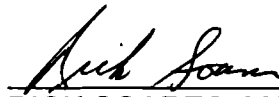
Section 7: Severability

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 8: Effective Date and Publication

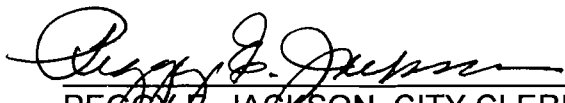
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 21st day of May 2003.



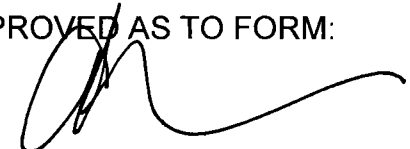
RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

Effective Date June 20, 2003

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