

## ORDINANCE NO. 39-2005

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING THE CITY AR-10 TO RD-4 FIELDSTONE SOUTH PROJECT NO. EG-04-709

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 attached Exhibit A.

#### Section 2: Findings

##### CEQA

Finding: The proposal will not have a significant adverse impact on the environment and a Mitigated Negative Declaration has been prepared and completed in accordance with the California Environmental Quality Act (CEQA).

Evidence: An Initial Environmental Study was prepared for the proposed project and mitigation measures have been developed that will reduce potential environmental impacts to less than significant levels. On the basis of the Mitigated Negative Declaration, comments received, and the entire administrative record, there is no substantial evidence that the project will have a significant adverse impact on the environment.

##### Rezone

Finding: The proposed rezone is in the public interest (Section 65358(a) of the Government Code and the Plan Administration Element of the Elk Grove General Plan and East Elk Grove Specific Plan.

Evidence: The Planning Commission has reviewed the proposed rezone, staff report, and has received public testimony at a duly noticed public hearing regarding the matter. The Applicant's proposal is consistent with the allowed density ranges and uses in the Elk Grove General Plan, East Elk Grove Specific Plan and Zoning Code. The proposed project is consistent with the Plan's objectives of orderly and systematic development and responds to opportunities and constraints in the local community area.

#### Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Map for APN 134-0110-019 & 032 as shown on attached Exhibit A 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.

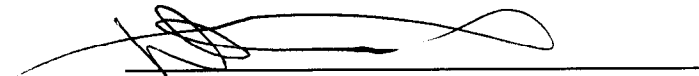
Section 5: Severability.

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 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 9<sup>th</sup> day of November 2005.



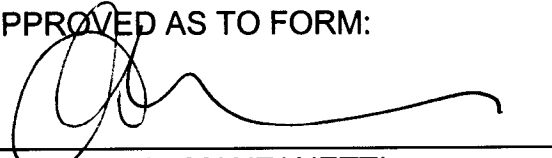
DANIEL BRIGGS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON,  
CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,  
CITY ATTORNEY

**Effective Date:** December 9, 2005

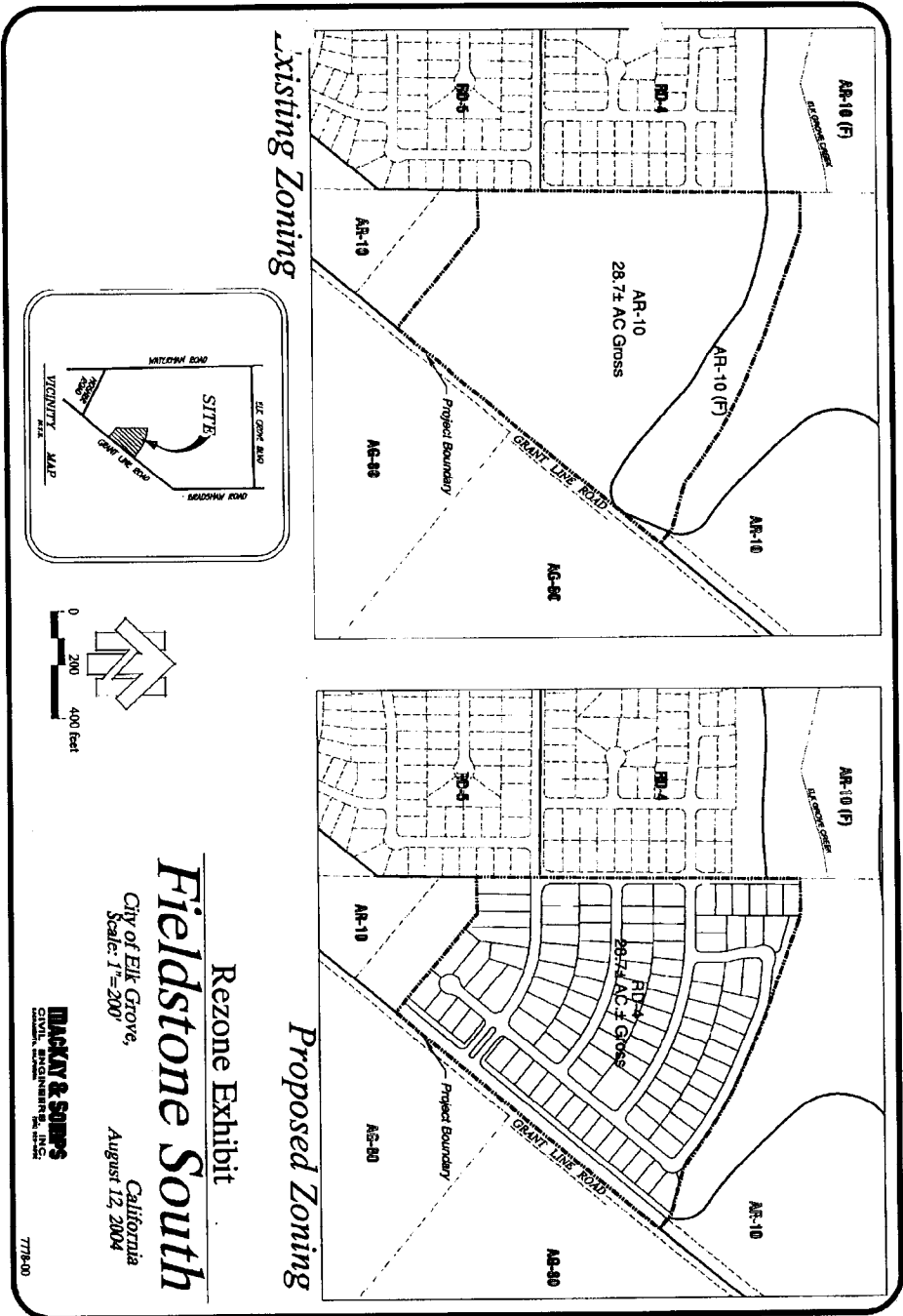
**AYES:** Scherman, Soares, Briggs, Cooper, Leary

**NOES:** None

**ABSTAIN:** None

**ABSENT:** NONE

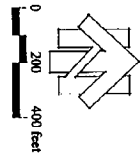
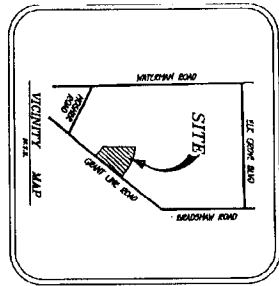
**EXHIBIT A**



8-19-2004 08:29:22 C:\Users\7778\Fol-Figures\Project\City\04\7778-00-0000.dwg  
 There are no underlines in this drawing.

*Existing Zoning*

*Proposed Zoning*



**Rezoned Exhibit**  
**Fieldstone South**  
 City of Elk Grove,  
 California  
 Scale: 1"=200'  
 August 12, 2004

**DAWKIN & SOBERS**  
 CIVIL ENGINEERS, INC.

7778-00