

## ORDINANCE NO. 3-2008

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING ARTICLE II, SECTION 23.14.040 OF THE CITY'S ZONING CODE TO ESTABLISH A MANDATORY ONSITE NOTICING REQUIREMENT FOR PENDING DEVELOPMENT PROJECTS

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 a requirement for on-site noticing of a pending development application. It is the City's intent to foster and support public interest of the development process by noticing pending development applications on the project site. This requirement shall apply to those development applications listed herein and to other entitlement application as deemed necessary and appropriate by the Planning Director, Planning Commission, or City Council in meeting the intent of this ordinance.

#### Section 2: Findings

##### **California Environmental Quality Act (CEQA)**

**Finding:** The proposed Zoning Code amendments are exempt for the California Environmental Quality Act.

**Evidence.** These amendments to the City's Zoning Code are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(2) (General Rule Exemption) of the CEQA Guidelines. The General Rule Exemption applies to activities which can be seen with certainty to have no possible significant effects on the environment. This amendment to the Zoning Code would provide for additional public noticing of pending development applications. The purpose of these regulations is to foster and support public interest of the development process by noticing pending development applications on the project site. It would not entitle or otherwise allow for development. Therefore, the proposed amendment would not create any effects on the environment and it therefore qualifies for the General Rule exemption.

##### **Zoning Code Amendments**

**Finding:** The proposed Zoning amendments are consistent with the General Plan goals, policies, and implementation programs.

**Evidence:** These proposed text amendments to the City's Zoning Code implement the goals, policies, and action items of the General Plan. Specifically, it supports the vision for Elk Grove that includes "a high level of public services...that meet the needs of an expanding population" and provides a process for "residents and citizens seeking to understand the future of Elk Grove and the type of development which may occur in the

future.” By noticing a pending development application on the project site, residents, citizens, and others in the community will be provided with an opportunity to know what development is planned in the City and where they can get more information. It expands the opportunity for public participation by reaching as many people as possible.

### Section 3: Action

The City Council hereby amends the City of Elk Grove Zoning Code as set forth below.

*The following change adds a new subsection (2) to Section 23.14.040 of Article II of the Zoning Code. All subsequent subsections shall be renumbered as appropriate.*

**(2) Project Application Noticing On-Site.** Within thirty days of submittal of a development application, the City shall post the project site with a sign identifying the existence of the application. Said sign shall remain on site until the project is decided or withdrawn as outlined in this Article. The method, size, and message of the notice shall be as determined by the Planning Director so as to reach the largest reasonable audience without impacting public safety. The fees for developing and establishing the on-site notice shall be established by Resolution of the City Council. On-site signs identifying a current development application shall be posted for the following requests:

- (A) General Plan Amendment;
- (B) Rezone;
- (C) Specific Plan Amendment;
- (D) Special Planning Area Amendment;
- (E) Non-administrative Design Review;
- (F) Tentative Subdivision Map;
- (G) Conditional Use Permit; or
- (H) Any other entitlement application as deemed necessary and appropriate by the Planning Director, Planning Commission, or City Council.

### 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

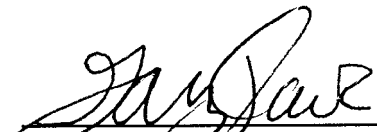
This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified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

ORDINANCE NO. 3-2008


INTRODUCED: January 23, 2008

ADOPTED: February 13, 2008

EFFECTIVE: March 14, 2008

  
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GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
SUSAN COCHRAN, CITY ATTORNEY

Date signed: February 25, 2008

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL ORDINANCE NO. 3-2008**

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

***I, Peggy E. Jackson, 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 23 2008 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on February 13, 2008 by the following vote:***

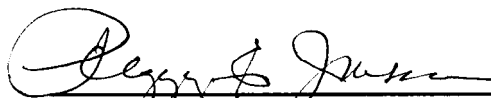
**AYES :        COUNCILMEMBERS:        Davis, Leary, Scherman**

**NOES:        COUNCILMEMBERS:        None**

**ABSTAIN:    COUNCILMEMBERS:        None**

**ABSENT:     COUNCILMEMBERS:        Cooper, Hume**

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

  
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**Peggy E. Jackson, City Clerk**  
**City of Elk Grove, California**

