

ORDINANCE NO. 26-2010

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING THE CITY OF ELK GROVE ZONING MAP FROM AR-5 TO AR-2
FOR THE NJ WILSON ESTATES – REZONE
AND TENTATIVE SUBDIVISION MAP PROJECT (EG-10-016)
ASSESSOR’S PARCEL NUMBERS 127-0030-063 AND 127-0030-064**

WHEREAS, the Planning Department of the City of Elk Grove received an application from Nathaniel J. Wilson (hereinafter referred to as the Applicant) on March 4, 2010, for a Rezone and Tentative Subdivision Map; and

WHEREAS, the NJ Wilson Estates – Rezone and Tentative Subdivision Map Project (EG-10-016) (hereinafter referred to as the Project) is located on real property in the incorporated portions of the City of Elk Grove more particularly described as Assessor’s Parcel Numbers 127-0030-063-0000 and 127-0030-064-0000; and

WHEREAS, the Applicant is requesting to Rezone the site from AR-5 to AR-2; and

WHEREAS, the proposed Rezone of the site to AR-2 is consistent with the zoning designations and density range supported by the site’s underlying General Plan land use designation of Rural Residential; 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, the City Council of the City of Elk Grove finds the Project exempt from the provisions of the California Environmental Quality Act pursuant to §15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) and §15315 (Minor Land Divisions) of Title 14 of the California Code of Regulations; and

WHEREAS, the Planning Commission considered the Applicant’s request at a public hearing on October 7, 2010, and recommended the City Council approve the Project; and

WHEREAS, at the October 7, 2010 meeting, the Planning Commission adopted Resolution 2010-40, recommending approval of the project to the City Council; 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.

NOW, THEREFORE, BE IT RESOLVED THAT, 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 Assessor's Parcel Numbers 127-0030-063-0000 and 127-0030-064-0000, as shown on the attached Exhibit A, incorporated herein by this reference.

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: 26-2010
INTRODUCED: November 10, 2010
ADOPTED: December 8, 2010
EFFECTIVE: January 7, 2011



SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

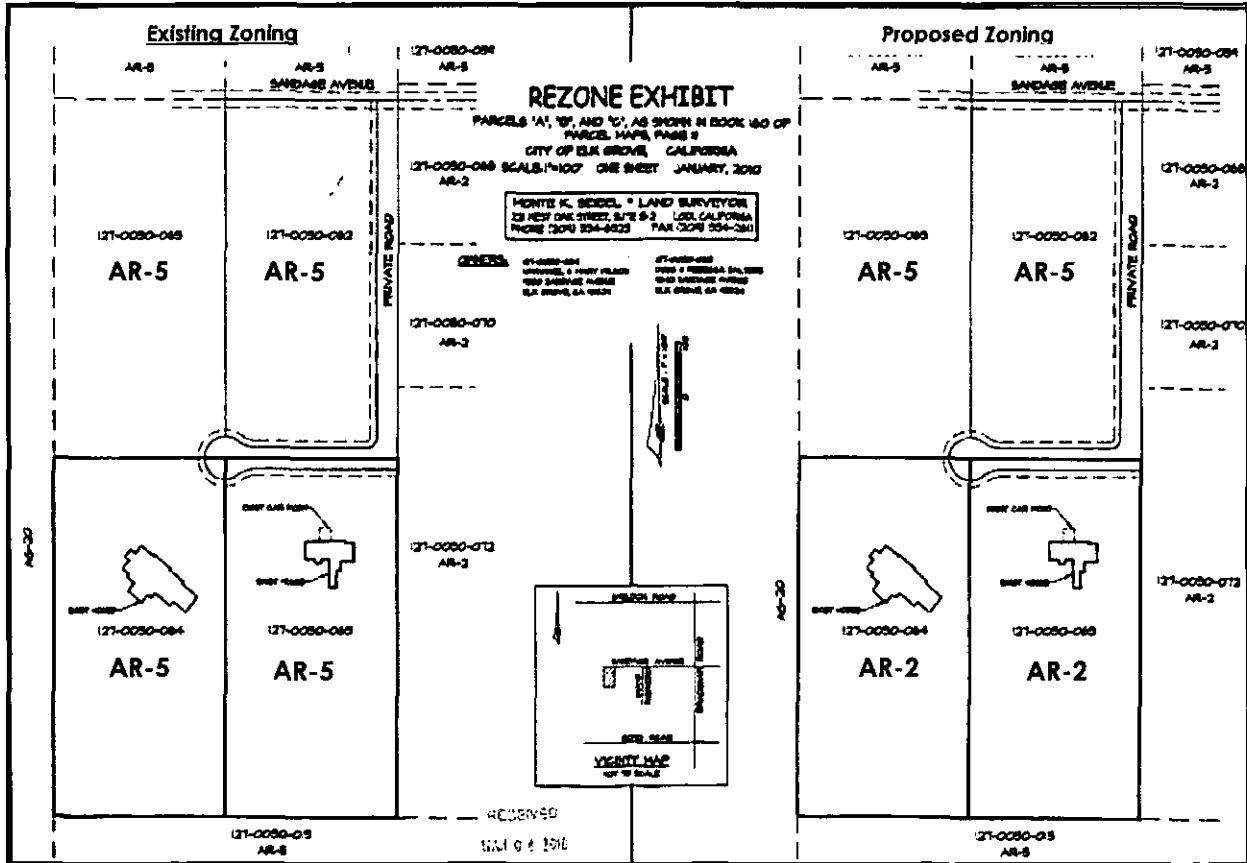
APPROVED AS TO FORM:



SUSAN COCHRAN, CITY ATTORNEY

Date signed: December 13, 2010

Exhibit A



**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 26-2010**

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 10, 2010 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on December 8, 2010 by the following vote:

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