

ORDINANCE NO. 12-2014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING AND ADDING SECTIONS OF ELK GROVE MUNICIPAL CODE CHAPTER 23.16 RELATIVE TO SPECIAL PLANNING AREAS AND COMMUNITY PLANS

WHEREAS, staff identified a series of amendments to the Elk Grove Municipal Code that needed to be made; and

WHEREAS, the proposed amendments focus on the Special Planning Area procedures and establish a Community Plan process.

NOW, THEREFORE, the City Council of the City of Elk Grove does hereby ordain as follows:

Section 1: Purpose

The purpose of this Ordinance is to amend Chapter 23.16 of Title 23 (Zoning) of the Elk Grove Municipal Code relative to Special Planning Areas and Community Plans.

Section 2: Findings

California Environmental Quality Act (CEQA)

Finding: The proposed amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to the California Code of Regulations, Title 14, Section 15061(b)(3)(State CEQA Guidelines).

Evidence: CEQA requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." Section 15061 (b)(3), Title 14 of the California Code of Regulations (the CEQA Guidelines) describes the General Rule that CEQA only applies to projects which "have the potential for causing a significant effect on the environment; where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

The approval of these amendments does not approve any development project. Rather, they clarify the requirements for special planning areas and establish a community plan process consistent with the General Plan. Each of these components, individually and cumulatively, does not result in the possibility of creating significant or cumulative effects on the environment. Future development under the proposed changes would be subject to CEQA at that time, as those actions would be classified as "projects" under CEQA. Therefore, these changes are not subject to CEQA under the General Rule and no further environmental review is necessary.

General Plan Consistency

Finding: The proposed amendments to Title 23 are consistent with the General Plan goals, policies, and implementation programs.

Evidence: The proposed text amendments to Title 23 implement the goals, policies, and actions items of the General Plan by updating the requirements and findings for special planning areas and establish a community plan process, allowing for efficient and effective master planning of the City.

Section 3: Action to amend / add sections to EGMC Chapter 23.16

Title 23 of the Elk Grove Municipal Code shall be amended as follows:

A. EGMC Section 23.16.100(D) shall be amended to remove the requirement for legal descriptions in SPAs.

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- D. **Mandatory Contents of SPA Ordinance.** An SPA zone shall be established by ordinance, and each SPA ordinance shall set forth in text, maps, and diagrams the following items, at the level of detail appropriate for the SPA submittal:
- 1. A list of permitted, conditionally permitted, and prohibited uses.
 - 2. Performance and development requirements relating to yards, lot area, intensity of development on each lot, parking, landscaping, and signs.
 - 3. Other design standards appropriate for the specific site and development.
 - 4. Reasons for establishment of the SPA land use zone on the particular property.

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B. EGMC Section 23.16.100(F) shall be amended as follows.

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- F. **Findings.** Prior to adopting an SPA ordinance, the City Council shall make the following findings_:
- 1. That the proposed special planning area is consistent with the goals, policies, and objectives of the General Plan; and
 - 2. That the proposed special planning area meets the requirements set forth in this title; and
 - 3. That the proposed special planning area is needed because the project is not possible under the existing zoning requirements.

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C. EGMC Section 23.16.115 shall be added to include Community Plans as follows:

23.16.115 Community Plan (establishment and amendment)

- A. **Purpose.** The City Council may establish one or more community plans, which provide policies and standards for a particular geographic area of the City.
- B. **Format and Content.** A community plan shall be adopted by resolution as part of the City's General Plan. Each community plan shall include, in text and/or graphics, the following subject matters:

1. The general distribution, location, and extent of uses of land for housing, business, industry, open space, and other categories of public and private uses of land.
 2. The general location and extent of major thoroughfares, transportation routes, terminals, and other local public utilities and facilities as warranted.
 3. Policies for the provision of housing as determined necessary by the City.
 4. Policies for the conservation, development, and utilization of natural resources and open spaces, as determined necessary by the City.
 5. Policies addressing noise and safety, as determined necessary by the City.
- C. Approving Authority. The designated approving authority for community plans, and amendments thereto, is the City Council. The Planning Director and Planning Commission provide recommendations and the City Council approves or denies the Community Plan amendment in accordance with the requirements of this title.
- D. Initiation of Community Plan or Amendment Thereto. A community plan, or an amendment to an existing community plan, may be initiated by motion of the Planning Commission or City Council, by application by property owner(s) of parcel(s) to be affected by community plan, or by recommendation of the Planning Director
- E. Findings
1. In adopting a new community plan, the City Council shall make the following finding:
 - a. The community plan is consistent with the General Plan goals, policies, and implementation programs.
 2. In adopting an amendment to an existing community plan, the City Council shall make all of the following findings:
 - a. The amendment to the community plan is consistent with the General Plan goals, policies, and implementation programs; and
 - b. The amendment to the community plan is internally consistent to the community plan.

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: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take affect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 7: 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: 12-2014
INTRODUCED: May 28, 2014
ADOPTED: June 11, 2014
EFFECTIVE: July 11, 2014



GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: June 18, 2014

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 12-2014**

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 May 28, 2014 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on June 11, 2014 by the following vote:


AYES : **COUNCILMEMBERS:** *Davis, Cooper, Detrick, Hume, Trigg*

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**