

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELMONT AMENDING SECTION 12
(PLANNED UNIT DEVELOPMENT OR "PD" DISTRICT) OF THE BELMONT
ZONING ORDINANCE (APPL. NO. 2004-0042)

WHEREAS, on April 22, 2003, the City Council, in accordance with Section 16.2.1 of the Belmont Zoning Ordinance initiated a Zone Text Amendment to revise the findings for Detailed Development Plans in the Planned Unit Development or "PD" District; and

WHEREAS, on July 20, 2004, after conducting two study sessions, the Planning Commission of the City of Belmont, following notification in the prescribed manner, conducted a public hearing, at which hearing the Commission considered public testimony and a staff report on proposed revisions to the findings for Detailed Development Plans in the PD zone, and by adoption of Resolution 2004-37 recommended to the City Council certain revisions to Section 12 (Planned Unit Development or "PD" District) of the Belmont Zoning Ordinance; and,

WHEREAS, on August 10, 2004, the City Council, following notification in the prescribed manner, conducted a public hearing, at which hearing the Council considered public testimony and a staff report on the aforementioned amendments; and,

WHEREAS, the City Council did hear and use their independent judgment and considered all said reports, recommendations and testimony herein above set forth.

WHEREAS, the City Council hereby adopts the staff report (dated August 10, 2004) and the facts contained therein as its own findings of fact; and,

WHEREAS, the City Council has determined that amendments would provide improved protection of the environment by including findings of approval related to aesthetics, neighborhood compatibility, environmental conservation and landscape features, and therefore in accordance with the provisions of the California Environmental Quality Act (CEQA) determines the project is Categorical Exempt under Section 15308 of the State Guidelines for the Implementation of CEQA; and,

WHEREAS, the City Council after consideration of all testimony and reports hereby determines that the proposed amendments to Sections 12.4 and 12.9 of the Planned Unit Development or "PD" District of the Belmont Zoning Ordinance achieves the objectives of the Zoning Plan and the General Plan for the City. The amendments will allow for greater control over the appearance of private and public structures in the City's neighborhoods, and assure greater environmental protection of hillsides, trees and other environmental features, therefore protecting and promoting the comfort, convenience, and general welfare of the community, advancing the goal of providing a precise guide for physical development of the city, and fulfilling the General Community Goals and Policies of the Belmont General Plan.

SECTION 1: NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Belmont that Sections 12.4 and 12.9 the Belmont Zoning Ordinance are amended to read as follows:

12.4 APPROVAL OF USES AND DEVELOPMENT – A Conditional Use Permit shall be required for any and all uses in a PD District, and Design Review shall be required for any and all improvements, as determined below:

- A. For all commercial, institutional, multiple family residential, institutional and similar developments, the principles of Section 13.5.3 shall be followed.*
- B. For single family and duplex residential developments, the findings of Section 13A.5 shall be required.*
- C. In addition, the Planning Commission shall not grant a Use Permit for any use or uses in a PD District, unless it finds:
 - 1. Such use or uses substantially conform to the adopted General Plan of the City of Belmont.*
 - 2. Such use or uses are as shown on the approved Conceptual Development Plan for the particular PD District.**

A Detailed Development Plan, as described in Section 12.5 shall be submitted as part of any application for a Use Permit/Design Review.

12.9 AMENDMENT OF DETAILED DEVELOPMENT PLAN – Changes in any Detailed Development Plan shall be treated as amendments to the CUP and Design Review and considered per Section 12.4.

SECTION 2: Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Belmont hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

SECTION 3: Pursuant to Section 36937 of the Government Code of the State of California, this Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

SECTION 4: The City Clerk shall cause this Ordinance to be published and posted in accordance with the requirements of Section 36933 of the Government Code of the State of California.

INTRODUCED this _____ day of _____, 2004.

* * * * *

PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the _____ day of _____, 2004.

AYES,
COUNCIL MEMBERS: _____

NOES,
COUNCIL MEMBERS: _____

ABSENT,
COUNCIL MEMBERS: _____

ABSTAIN
COUNCIL MEMBERS: _____

RECUSED,
COUNCIL MEMBERS: _____

MAYOR, City of Belmont

ATTEST:

CITY CLERK, City of Belmont