

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELMONT AMENDING SECTIONS 4.2.10.J, 4.7.11(g), 10.5.2, 11.7.1, 12.12.D, AND 13.5 OF THE BELMONT ZONING ORDINANCE (APPL. NO. 2004-0042)

WHEREAS, on June 22, 2004, the City Council, in accordance with Section 16.2.1 of the Belmont Zoning Ordinance initiated a Zone Text Amendment to revise the noticing requirements for administrative exceptions to single family floor area standards (Section 4.2.10) of the Belmont Zoning Ordinance; and

WHEREAS, on December 7, 2004, 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 noticing requirements for all administrative decisions, including Sections 4.2.10.J, 4.7.11(g), 10.5.2, 11.7.1, 12.12.D, and 13.5 of the Belmont Zoning Ordinance; and,

WHEREAS, the Planning Commission adopted Resolution No. 2004-, recommending amendment of Sections 4.2.10.J, 4.7.11(g), 10.5.2, 11.7.1, 12.12.D, and 13.5 of the Belmont Zoning Ordinance, including allowing the use of e-mail to provide notice to the Planning Commission and City Council; and

WHEREAS, the City Council hereby adopts the staff report (dated January 11, 2005) and the facts contained therein as its own findings of fact; and,

WHEREAS, the City Council has determined that the proposed amendment is not a project, as defined by Section 15378 of the State Guidelines for the Implementation of CEQA, that the California Environmental Quality Act does not apply to this proposal.

Section 1: **NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Belmont that Sections 4.2.10.J, 4.7.11(g), 10.5.2, 11.7.1, 12.12.D, and 13.5 of the Belmont Zoning Ordinance are amended to read as follows:

4.2.10.J NOTICE OF ADMINISTRATIVE ACTIONS – Notice of administrative approvals shall be mailed to the Planning Commission and City Council, and to all property owners within 300 feet of the property which is subject to the approval, stating the opportunity to file a written appeal. Notice to the Council and Commission may be provided by e-mail.

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4.7.11(g)(1) Notice of the action shall be sent to the Planning Commission, the City Council and the applicant via U. S. mail stating the opportunity to file a written appeal. Notice to the Council and Commission may be provided by e-mail.

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10.5.2 ADMINISTRATIVE EXTENSION OF TIME – The Planning and Community Development Director may grant up to two 1-year extensions of the expiration dates for variance, conditional use, design review, and exception permits originally granted by the Director upon making the findings of Section 10.5.1. Notice of the decision shall be provided to the City Council and Planning Commission stating the opportunity to file a written appeal. Notice to the Council and Commission may be provided by e-mail.

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11.7.1(a) Notice of the intent to approve the conditional use permit and stating the opportunity to file a written appeal shall be sent to the City Council, Planning Commission, the applicant and adjacent property owners via U.S. mail at least 10 days prior to such action. Notice to the Council and Commission may be provided by e-mail.

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12.12.D.1 Notice of the intent to approve the conditional use permit and stating the opportunity to file a written appeal shall be sent to the City Council, Planning Commission and the applicant and property owners with the distance of 300 feet from the exterior boundaries of the subject property via U.S. mail at least 10 days prior to such action. Notice to the Council and Commission may be provided by e-mail.

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13.5 ADMINISTRATIVE APPROVALS: The Planning Commission may pre-approve colors combinations for use on signs and awnings and repainting of existing buildings. The Director of Planning may administratively approve the use of the pre-approved colors provided that the Director of Planning finds that the colors are 1) compatible with buildings on adjacent properties; and 2) consistent with the applicable design guidelines of the City of Belmont. In addition, the director of Planning may administratively approve replacement, relocation, and/or additional windows, doors, awnings and minor modifications not adding floor area, provided that the application is consistent with Section 13.5.3. Notice of the administrative approval shall be provided to the City Council and Planning Commission stating the opportunity to file a written appeal. Notice to the Council and Commission may be provided by e-mail. Applications which are found not to meet these criteria and findings shall not be administratively approved and shall be subject to the same procedures requiring Planning Commission review.

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 _____, 2005.

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PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the _____ day of _____, 2005.

AYES,
COUNCIL MEMBERS: _____
NOES,
COUNCIL MEMBERS: _____
ABSENT,
COUNCIL MEMBERS: _____
ABSTAIN
COUNCIL MEMBERS: _____

MAYOR, City of Belmont

ATTEST:

CITY CLERK, City of Belmont