

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 4.2.10.E OF BELMONT ZONING ORDINANCE
NUMBER 360 REGARDING ADMINISTRATIVE FLOOR AREA EXCEPTIONS
IN THE R-1A, R-1B, R-1C, R-1E, AND R-1H
SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS

WHEREAS, on August 8, 2006, the City Council provided direction to staff to evaluate zone text amendments to Section 4.2.10.E (Administrative Floor Exceptions – R-1 Single Family Residential Districts) of the Belmont Zoning Ordinance for Planning Commission consideration; and,

WHEREAS, on November 21, 2006 and December 5, 2006, the Planning Commission, following notification in the prescribed manner, conducted public hearings, at which hearings the Commission considered public testimony and staff reports on amendments to Section 4.2.10.E (Administrative Floor Exceptions – R-1 Single Family Residential Districts) of the Zoning Ordinance; and,

WHEREAS, on December 12, 2006, 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 Zoning Code 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; and,

WHEREAS, the City Council hereby adopts the staff report (dated December 12, 2006) and the facts contained therein as its own findings of fact; and,

WHEREAS, the City Council finds the proposed amendments to be Categorically Exempt pursuant to CEQA Section 15308 – *Actions of Regulatory Agencies for the Protection of the Environment*; and,

WHEREAS, the City Council after consideration of all testimony and staff reports hereby determines that the proposed amendments to Section 4.2.10.E (Administrative Floor Exceptions – R-1 Single Family Residential Districts) of the Belmont Zoning Ordinance achieves the objectives of the Zoning Plan and the General Plan for the City. The amendments would assist in maintaining local control over the size, scope, and character of residential addition projects. These amendments would also provide for more current and comprehensive development standards for single family residential projects in the aforementioned zoning districts, and support 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 Goals and Policies of the General Plan.

SECTION 1: NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Belmont that Section 4.2.10.E (Administrative Floor Area Exceptions – R-1 Single Family Residential Districts) of the Belmont Zoning Code be hereby amended to read as follows:

- E. ADMINISTRATIVE EXCEPTIONS: The Director of Community Development may administratively approve exceptions to floor area standards for single family

homes provided the Director finds that the findings listed below are met for the respective application type. All Floor Area Exception applications for lots below 5,000 sq. ft. in area shall be subject to Planning Commission review and approval in accordance with the provisions of Section 4.2.10.D (1-4).

Any qualifying property for an Administrative Floor Area Exception Application which is not found to meet the criteria and findings listed below shall not be administratively approved and shall be subject to the same procedures requiring Planning Commission review.

1. Findings for a garage addition of 450 sq. ft. or less:
 - a. The addition will not adversely affect the views or privacy of adjacent property.
 - b. The addition is compatible with the existing residence and neighboring properties.
 - c. The addition would not result in the removal of any protected trees or require excessive grading as described below:
 - 300 or more cubic yards of combined cut/fill, or
 - 2,000 or more square feet of disturbed site area
 - d. The addition complies with required front, rear, and side yard setbacks for the applicable R-1 zoning district. Any garage addition that continues a non-conforming yard setback for the dwelling or the property shall be subject to variance review and approval by the Planning Commission pursuant Section 14 (Variances), as set forth herein.
 - e. The amount of exception requested would be used entirely for the construction of garage parking spaces for an existing residence which currently does not have a full (20 ft. x 20 ft.) two car garage.
 - f. The exception requested will not be used for constructing or enlarging a garage (beyond a 20 ft. x 20 ft. interior clear dimension) to have more than two parking spaces, nor will the exception be used to construct storage or work areas within the garage.
 - g. The granting of the exception will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity.
 - h. The exception, if granted and built, will not cause the home to be larger than the maximum permitted home size allowed within the applicable R-1 zoning district.

- i. No floor area exception for the dwelling for a garage addition/expansion has previously been approved and built on the subject property.
 - j. Any administrative exception previously approved for a garage addition/expansion which has not yet been built, will be null and void upon approval of the current request.
2. Findings for interior additions of 350 sq. ft. or less:
- a. All added floor area will be located entirely within the confines of the exterior walls of the main structure, and will not result in the moving, extending, or addition of any exterior walls, or modifications to any roofline of the dwelling.
 - b. The addition will not be used for construction of a secondary dwelling unit.
 - c. The addition will not adversely affect the privacy of adjacent property.
 - d. The exception, if granted and built, will not cause the home to be larger than the maximum permitted home size allowed within the applicable R-1 zoning district.
 - e. The granting of the exception will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity.
 - f. The addition is compatible with the existing residence and neighboring properties.
 - g. No floor area exception for the dwelling for an interior addition has previously been approved and built on the subject property.
 - h. Any administrative exception previously approved for an interior addition which has not yet been built, will be null and void upon approval of the current request.
 - i. The addition would not result in the removal of any protected trees or require excessive grading as described below:
 - 300 or more cubic yards of combined cut/fill, or
 - 2,000 or more square feet of disturbed site area

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 _____, 2006.

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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 _____, 2007.

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

RECUSED, COUNCILMEMBERS: _____

MAYOR of the City of Belmont

ATTEST:

CLERK of the City of Belmont