

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 2.16 (DEFINITIONS – BEDROOM)
OF BELMONT ZONING ORDINANCE NUMBER 360

WHEREAS, on May 1, 2007, the Planning Commission, following notification in the prescribed manner, conducted a public hearing, at which hearing the Commission considered public testimony and a staff report on amendments to Section 2.16 (Definitions - Bedroom), 8.1.4 (Parking - Scope of Regulations), 9.6.3 (Additions and Alterations to Nonconforming Structures), and 23.5.4 (Special Provisions – Residential Districts – Permitted Signage) of the Belmont Zoning Ordinance; and,

WHEREAS, on July 10, 2007, 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 July 10, 2007) 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 reports, hereby determines that the proposed amendment to Section 2.16 (Definitions – Bedroom) of the Belmont Zoning Code achieves the objectives of the Zoning Plan and the General Plan for the City. This amendment would provide for more current and comprehensive development standards for residential addition projects and residentially zoned uses, 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 General Community Goals and Policies of the General Plan.

WHEREAS, the City Council hereby mandates that the aforementioned Belmont Zoning Ordinance amendment regarding the definition of “bedroom” shall be effective for any project submitted after July 10, 2007; and,

WHEREAS, the City Council hereby directs staff to prepare a one-year status report (July 2008) documenting the performance and effectiveness of the aforementioned Belmont Zoning Ordinance amendment.

SECTION 1: NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Belmont that Section 2.16 (Definitions – Bedroom) of the Belmont Zoning Code be hereby amended to read as follows:

2.16 BEDROOM - Any room at least seventy square feet or more in area in a residential structure which is not a kitchen, dining room, living room, or bathroom. Within such residential structure, any second living or dining room, or any den, study, or other similar room which is capable of being used for sleeping quarters that contains a closet, or to which a closet could be added, shall also be considered a bedroom.

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 _____, 2007.

* * * * *

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