ORDINANCE NO. _____

ORDINANCE AMENDING SECTIONS 4.2.3 (a) & (c) (SITE AREA, DIMENSION, AND DENSITY LIMITATIONS) OF BELMONT ZONING ORDINANCE NUMBER 360 TO ESTABLISH A SLOPE/DENSITY REQUIREMENT FOR NEW SUBDIVISIONS IN THE R-1A, R-1B, AND R-1C SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS

WHEREAS, on August 16, 2006, the City Council directed staff to evaluate establishment of a slope/density requirement for new subdivisions in the R-1A, R-1B, and R-1C Single Family Residential Zoning Districts for Commission consideration of possible amendments to Sections 4.2.3 (a) and (c) (Site Area, Dimension, and Density Limitations) of the Belmont Zoning Ordinance; and,

WHEREAS, on September 5, 2006, 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 for the Zoning Code amendments, and recommended amendments to Sections 4.2.3 (a) and (c) (Site Area, Dimension, and Density Limitations) of the Zoning Ordinance; and,

WHEREAS, on September 12, 2006 and September 20, 2006, the City Council, following notification in the prescribed manner, conducted public hearings, at which hearings the Council considered public testimony and staff reports 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 reports (dated September 12, 2006 and September 20, 2006) and the facts contained therein as its own findings of fact; and,

WHEREAS, the City Council finds the proposed amendments to be Exempt pursuant to CEQA Section 15183 – *Residential Projects Consistent with a Community Plan, General Plan, or Zoning*, and 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 Sections 4.2.3 (a) and (c) (Site Area, Dimension, and Density Limitations) of the Belmont Zoning Ordinance to establish a slope/density requirement for new subdivisions in the R-1A, R-1B, and R-1C Single Family Residential Zoning Districts achieves the objectives of the Zoning Plan and the General Plan for the City. These amendments would provide for more current and comprehensive development standards for single family subdivision 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.

WHEREAS, the City Council hereby mandates that the aforementioned Belmont Zoning Ordinance amendments regarding slope/density requirements for the R-1A, R-1B, and R-1C single family residential zoning districts, shall be effective for any project submitted after September 12, 2006.

SECTION 1: NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Belmont that Section 4.2.3 (a) & (c) of the Belmont Zoning Code be hereby amended to read as follows:

Section 4.2.3 (Site Area, Dimension and Density Limitations)

(a) SITE AREA. The minimum site area shall be as follows: R-1E - one acre; R-1H - 20,000 square feet; R-1A - 9,600 square feet; R-1B - 6,000 square feet; R-1C - 5,000 square feet; provided, however, that each R-1A, R-1B, and R-1C district lot proposed for new land division shall comply with the maximum allowed residential dwelling unit density and minimum lot sizes computed in accordance with the applicable provisions of the Slope/Density Tables in this Section. The maximum allowable densities and the minimum allowable lot sizes shall be based upon net land area (after subtracting public street rights of way and vehicular access easements). Lot slope shall be calculated using the formula from the definitions section of Ordinance 360 and lot slopes ending in ½% or more shall be rounded to the next highest whole number. Each lot created by subdivision, or any remainder parcel associated with a subdivision, shall individually meet the minimum lot size standard based upon that lot's particular slope. The allowable density indicated, however, does not preclude the hearing body from determining that a lower density, or larger lots, from that indicated is required to meet the purpose of this ordinance and the goals and policies of the General Plan.

(c) SITE FRONTAGE. All R-1A, R-1B, and R-1C district lots created by new land division shall maintain a minimum street frontage of not less than 50 feet. R-1A, R-1B, and R-1C district cul-de-sac lots created by new land division shall comply with minimum street frontage standards established in the City's Subdivision Ordinance (Ordinance 530).

TABLE 1 – SLOPE/DENSITY

R-1A DENSITY AND MINIMUM LOT SIZE STANDARDS – NEW SUBDIVISIONS

AVERAGE LOT SLOPE	DWELLINGS PER NEW ACRE	MINIMUM LOT SIZE
0-10%	4.356	10000
11%	4.250	10250
12%	4.149	10500
13%	4.052	10750
14%	3.960	11000
15%	3.788	11500
16%	3.630	12000
17%	3.485	12500

18%	3.351	13000
19%	3.227	13500
20%	3.111	14000
21%	2.904	15000
22%	2.723	16000
23%	2.562	17000
24%	2.420	18000
25%	2.293	19000
26%	2.074	21000
27%	1.894	23000
28%	1.742	25000
29%	1.584	27500
30%	1.452	30000
31%	1.320	33000
32%	1.210	36000
33%	1.117	39000
34%	1.037	42000
35% AND ABOVE	0.968	45000

TABLE 2 – SLOPE/DENSITY

R-1B DENSITY AND MINIMUM LOT SIZE STANDARDS – NEW SUBDIVISIONS

AVERAGE LOT SLOPE	DWELLINGS PER NEW ACRE	MINIMUM LOT SIZE
0-10%	5.808	7500
11%	5.296	8225
12%	5.155	8450
13%	5.021	8675
14%	4.894	8900
15%	4.585	9500
16%	4.356	10000
17%	4.149	10500
18%	3.960	11000
19%	3.788	11500
20%	3.630	12000
21%	3.351	13000
22%	3.111	14000
23%	2.904	15000
24%	2.723	16000
25%	2.489	17500
26%	2.178	20000
27%	1.936	22500
28%	1.778	24500

29%	1.584	27500
30%	1.452	30000
31%	1.320	33000
32%	1.210	36000
33%	1.117	39000
34%	1.037	42000
35% AND ABOVE	0.968	45000

TABLE 3 – SLOPE/DENSITY

R-1C DENSITY AND MINIMUM LOT SIZE STANDARDS – NEW SUBDIVISIONS

AVERAGE LOT SLOPE	DWELLINGS PER NEW ACRE	MINIMUM LOT SIZE
0-10%	7.260	6000
11%	7.026	6200
12%	6.806	6400
13%	6.600	6600
14%	6.406	6800
15%	5.808	7500
16%	5.445	8000
17%	5.125	8500
18%	4.840	9000
19%	4.585	9500
20%	4.356	10000
21%	3.960	11000
22%	3.630	12000
23%	3.351	13000
24%	3.111	14000
25%	2.723	16000
26%	2.293	19000
27%	1.980	22000
28%	1.815	24000
29%	1.584	27500
30%	1.452	30000
31%	1.320	33000
32%	1.210	36000
33%	1.117	39000
34%	1.037	42000
35% AND ABOVE	0.968	45000

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.

* * * * * * * * * * * * * *

PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the _____ day of _____, 2006.

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS:_____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS:_____

RECUSED, COUNCILMEMBERS:_____

_____
MAYOR of the City of Belmont

ATTEST:

_____
CLERK of the City of Belmont