

REGULAR

NUMBER: 38.010

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING SECTION 53 OF CHAPTER 10 OF TITLE XI OF THE MILPITAS MUNICIPAL CODE RELATING TO DESIGN STANDARDS FOR PARKING STRUCTURES AND CLARIFYING PARKING REQUIREMENTS FOR RESIDENTIAL USES

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of _____, upon motion by _____ and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, Table 53.13-1 of the Milpitas Zoning Code sets forth the parking stall and drive aisle dimensions for vehicular parking spaces in the City of Milpitas; and

WHEREAS, the Milpitas Zoning Code is amended to create flexibility for parking stall and drive aisle dimensions in parking structures with an approval of a Conditional Use Permit; and

WHEREAS, Section XI-10-53.13 of the Milpitas Zoning sets forth the standards for location of parking spaces for various uses in the City of Milpitas; and

WHEREAS, Section XI-10-53.13 is amended to clarify that residential uses shall not be authorized to meet the number of parking spaces requirement with on-street parking.

NOW, THEREFORE, the City Council of the City of Milpitas does ordain as follows:

SECTION 1. RECORD AND BASIS FOR ACTION

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. AMENDMENT OF MILPITAS MUNICIPAL CODE _____

Section XI-10-53.13.A.1 entitled “Parking Stall and Drive Aisle Dimensions” of the Milpitas Municipal Code is hereby amended with the text below to read as follows:

- 1. Location of Parking in Relationship to a Use. Parking required for all residential uses shall be (i) located within the same site as the use; (ii) less than three hundred (300) feet away from the residential use it serves; and (iii) shall not be located on any public street, public right-of-way or in any other public area.

Deleted: in no case shall parking for a residential use be more

Required parking for all other uses shall be located within three hundred (300) feet of the use for which the parking is required, as provided for in Table 14.09-1, Number of Parking Spaces Required or Section 13, Special Uses, if applicable, of this Chapter.

Exception: Greater distance may be allowed through the approval of a Conditional Use Permit.

Section XI-10-53.13.H entitled “Angles and Dimensions” of the Milpitas Municipal Code is hereby amended to add the following provision to read as follows:

- 4. Parking Structures. The parking stall and drive aisle dimensions for Parking Structures, as defined in this Chapter, may be modified with the approval of a Conditional Use Permit in accordance with Section 57 of this Chapter.

Table XI-10-57.04-1 of the Milpitas Municipal Code is hereby amended with the text below to read as follows:

Table XI-10-57.04-1

| Use/Modifications | As provided for in: | Notes |
|--|--|----------------|
| Height | | |
| Height. For buildings that exceed three (3) stories or thirty-five (35) feet within the MP and TC districts. | Table XI-10-7.03-1, Industrial Zone Development Standards and Table XI-10-5.03-1 Commercial Zone Development Standards | |
| Height. For buildings that exceed six (6) stories or eight-five (85) feet within the -OO overlay district up to a maximum of eight (8) stories or one hundred fifteen (115) feet in height. | Section XI-10-12.02, Gateway Office (-OO) Overlay District | |
| Height. Permit in R2 and R3 districts, schools, hospitals, sanitariums, institutions, churches and other similar uses allowed under the use regulations of this Chapter, to be erected to a height not exceeding six (6) stories or seventy-five (75) feet, provided, that the front and side yard requirements for such buildings in the "R3" District are complied with. | | |
| Non-conforming | | |
| Nonconforming buildings and structures | Section XI-10-56.02(C), Additions to,—enlargements and—Moving of nonconforming buildings and structures | See footnote 1 |
| Nonconforming uses, change of use | Section XI-10-56.03, Nonconforming use of buildings and structures | |
| Parking | | |

| | | |
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| Parking location | Section XI-10-53.13(A), Location of Parking | |
| Tandem parking | Section XI-10-53.07(D), Tandem Parking Spaces and Section XI- 10-53.13(B), Parking Space Size | |
| <u>Parking Structures</u> | <u>Section XI-10-53.13(H)(4), Parking Structures</u> | |
| Temporary Uses and Structures | | |
| Special event and activity | Section XI-10-13.11(I), Special events and activities | |
| Temporary buildings and structures | Section XI-10-13.11(H), Temporary Uses and Structures. | |
| Other | | |
| Certain industrial uses within commercial districts | Table XI-10-5.02-1, Commercial Zone Uses. | |
| Exceptions to performance standards | See the zoning districts use standards in XI-10-05, Residential Zones, XI-10-06, Mixed Use Zones, and XI-10-07, Industrial Zones. | |
| Lot width reduction | | |
| Wireless telecommunications facilities | Section XI-10-13.09, Wireless Telecommunications Facilities, of this Chapter, for specific standards and exempted | |

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| | facilities. | |
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¹ In addition, the cumulative floor area included in all such additions or enlargements since the adoption of Ord. No. 38.760 (September 17, 2002) shall not exceed thirty (30%) percent of the floor area contained in said building or structure. Floor area, for the purposes of this Subsection, shall include all habitable space associated with a residential use and shall mean gross floor area associated with any non-residential use. These criteria are established so as not to prolong the life of the original building or structure.

SECTION 3. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

SECTION 4. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.