

**REGULAR**

**NUMBER: 38.773**

**TITLE: AN ORDINANCE OF THE CITY OF MILPITAS  
AMENDING CHAPTER 10, TITLE XI OF THE MILPITAS  
MUNICIPAL CODE (ZONE CHANGE ZC2006-2)**

**HISTORY:** This Ordinance was introduced (first reading) by the City Council at its meeting of October 2, 2007, upon motion by Vice Mayor Livengood, and was adopted (second reading) by the City Council at its meeting of \_\_\_\_\_, upon a motion of \_\_\_\_\_. Said 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 Ogaz, City Attorney

ORDAINING CLAUSE:

THE CITY COUNCIL OF THE CITY OF MILPITAS DOES ORDAIN AS FOLLOWS:

### SECTION 1.

The Zoning Map of the City of Milpitas, which said map was adopted as part of Ordinance No. 38, enacted as Chapter XI-10 (Zoning, Planning, and Annexation) of the Milpitas Municipal Code of the City, is hereby amended by rezoning approximately 2.72 acres for APN# 086-16-100 located on the corner of South Main & Abel Streets from General Commercial with transit oriented development overlay to multi-family, very high density with "S"-Zone overlay district "R4-S." The City Council finds the amendment is required by good zoning practice, public necessity, convenience and welfare.

### SECTION 2.

Publication and Effective Date. This ordinance shall take effect 30 days following its passage, and prior to the expiration of 15 days of the passage thereof shall be published at least once in a newspaper of general circulation, published and circulated in the City of Milpitas, County of Santa Clara, thenceforth and thereafter the same shall be in full force and effect.

### SECTION 3.

Severability. In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other section or portions hereof shall remain in full force and effect.

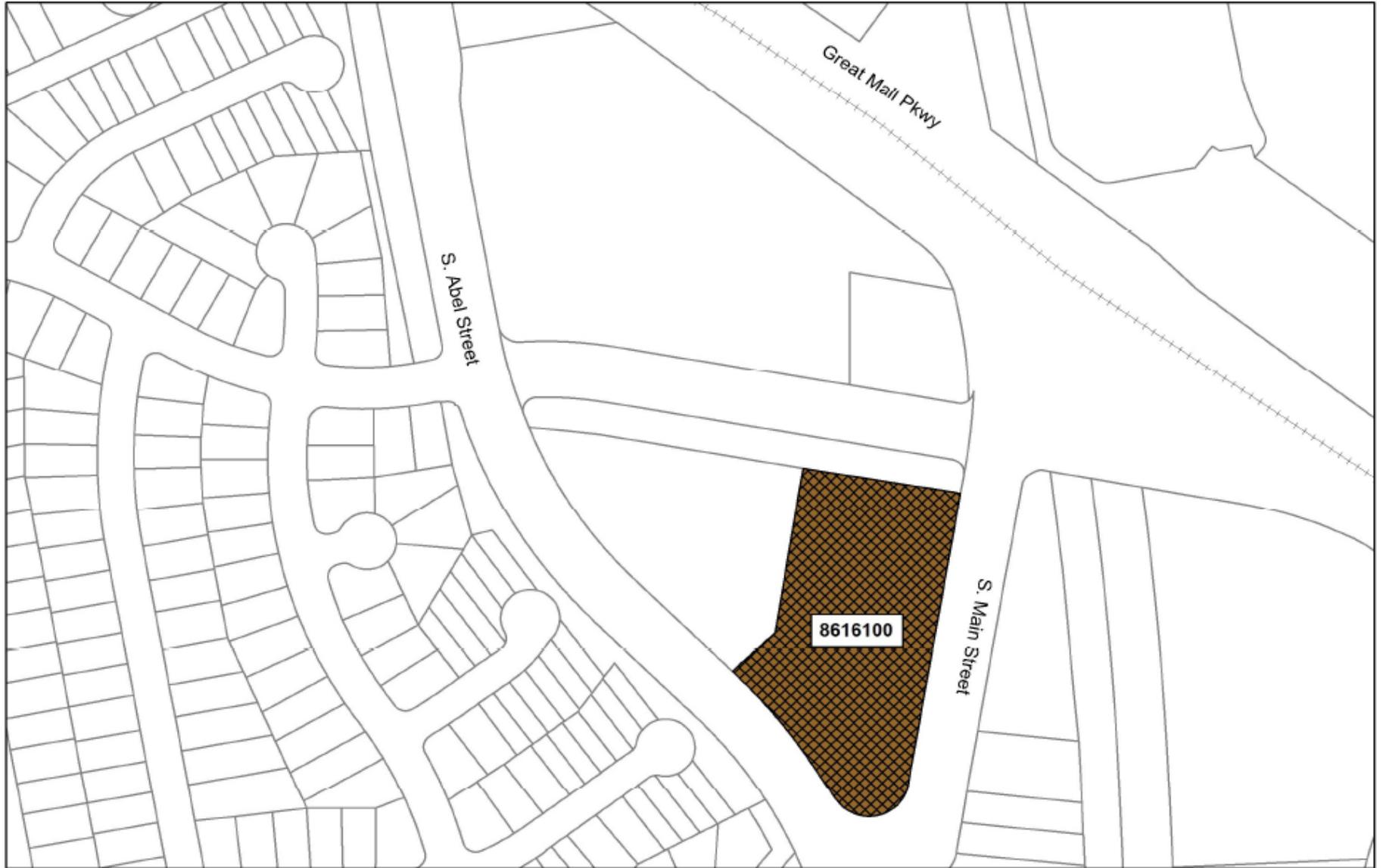
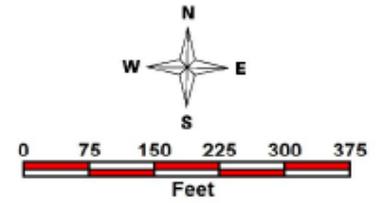


City of Milpitas  
 New Zoning Designation  
 Sectional District Map No. 568  
 Exhibit A

Planning Commission Approval on July 11, 2007  
 City Council - September 2007

Legend

-  TOD OVERLAY
-  R4 - MULTI-FAMILY, VERY HIGH DENSITY
-  VTA LRT



Ordinance No. 38.773

Resolution No. \_\_\_\_\_

Application No. GP2006-2, ZC2006-2, SZ2006-7, MA2006-3, and EA2006-5

Map prepared by the GIS Staff of the City of Milpitas