

REGULAR

NUMBER: 38.778

TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS, CALIFORNIA, CHANGING THE ZONING OF A 1.17 ACRE PARCEL LOCATED AT THE END OF HANSON COURT

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of _____, 2008, upon motion by Councilmember _____ and was adopted (second reading) by the City Council at its meeting of _____, 2008 upon motion by Councilmember _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney

ORDAINING CLAUSE:

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

SECTION 1. RECITALS AND FINDINGS

WHEREAS, the property owner has initiated a rezoning of their property from Agricultural to Industrial Park; and

WHEREAS, the Planning Commission held a duly noticed public hearing on June 11, 2008 and heard evidence prepared by staff and comments by the public and recommends approval of the amendments; and

WHEREAS, the City Council finds that the amendment is consistent with the General Plan in that the Industrial Park Zoning is consistent with the underlying Industrial Park General Plan land use designation; and

WHEREAS, the City Council finds that proposed amendment will not adversely affect the public health, safety and welfare in that the project contemplates a vision that includes the harmonious development of new housing, retail, infrastructure and ensures compatibility with existing uses that may not transition to the new vision in the immediate future; and

WHEREAS, the City Council finds that with the inclusion of this zoning map amendment the Zoning Ordinance remains internally consistent.

SECTION 1. The Zoning Map of the City of Milpitas, which was adopted as part of Ordinance No. 38, enacted as Chapter XI-10 (Zoning, Planning and Annexation) of the Milpitas Municipal Code of said City, is hereby amended by adding a new Section District No. 571, a copy of which is attached hereto and incorporated herein.

SECTION 2. The exterior boundaries of the Zoning Map of the City of Milpitas as shown on the map entitled "Index Map to Section District Maps, Zoning Map of the City of Milpitas," which Index Map was adopted as a part of Ordinance No. 38 of the City of Milpitas, and which is referred to in Section 3.03 of Ordinance No. 38, are hereby amended by adding Sectional District No. 571, referred to in Section 1 of this Ordinance.

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 sections or portions hereof shall remain in full force and effect.

SECTION 4. PUBLICATION AND EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after adoption, and thereafter the same shall be in full force and effect. Prior to the expiration of 15 days from the passage thereof, this Ordinance shall be published at least once in a newspaper of general circulation, published and circulated in the City of Milpitas, County of Santa Clara. At the election of the City, this Ordinance may be published in summary form if prior to adoption the complete text is posted in the City Clerk's Office pursuant to Government Code Section 36933(c).



City of Milpitas
Hanson Court
New Zoning Designation
Sectional District Map No. 571
Zone Change No. ZA08-003



Legend

 Industrial Park

