

RESOLUTION NO. 55067

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE INITIATING PROCEEDINGS ON ITS OWN MOTION TO ADOPT AN ORDINANCE WHICH WILL AMEND SECTION 20.40.180 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO ALLOW THE PLANNING COMMISSION AND CITY COUNCIL TO INITIATE PROCEEDINGS TO ZONE OR REZONE PROPERTY TO A COMBINED BASE DISTRICT AND (PD) DISTRICT

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE;

SECTION 1. Pursuant to the provisions of Chapter 20.40 of Title 20 of the San Jose Municipal Code, the Council of the City of San Jose, on its own motion, does hereby initiate proceedings to adopt that certain proposed ordinance entitled, "AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 20.40.180 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO ALLOW THE PLANNING COMMISSION AND CITY COUNCIL TO INITIATE PROCEEDINGS TO ZONE OR REZONE PROPERTY TO A COMBINED BASE DISTRICT AND (PD) DISTRICT"

form dated November 18, 1981, a copy of which is hereto attached, said ordinance being hereby incorporated herein by reference the same as if fully set forth herein.

SECTION 2. The above-mentioned ordinance is hereby referred to the Planning Commission for its report and comments, and the City Clerk is hereby directed to send a copy of this resolution and attached ordinance to said Planning Commission.

SECTION 3. Tuesday, _____, January 19, _____, 19 82, at the hour of 7:00 p.m. in the Council Chambers of the Council of the City of San Jose in the City Hall of said City is the time and place for hearing on the proposal to adopt the above-mentioned ordinance. The


City Clerk is hereby directed to publish notice thereof as required by Chapter 20.36 of Title 20 of the San Jose Municipal Code.

ADOPTED this 24th day of November, 1981, by
the following vote:

AYES: ALVARADO, ESTRUTH, FLETCHER, IANNI, LEWIS, McENERY, RYDEN,
SAUSED0, WILLIAMS AND HAYES

NOES: NONE

ABSENT: BEALL



JANET GRAY HAYES MAYOR

ATTEST: Helen E. Jackson



Helen E. Jackson CITY CLERK

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 20.40.180 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE TO ALLOW THE PLANNING COMMISSION AND CITY COUNCIL TO INITIATE PROCEEDINGS TO ZONE OR REZONE PROPERTY TO A COMBINED BASE DISTRICT AND (PD) DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Section 20.40.180 of Title 20 of the San Jose Municipal Code is hereby amended to read as follows:

20.40.180 Combined Base District and (PD) District

Proceedings to zone or rezone certain territory to a Combined Base District and (PD) District (hereinafter "combined district") may be initiated by the City Council, by the Planning Commission, or by petition joined in by all of the owners of the territory covered by the petition.

A. Within a reasonable time after its hearing on such proceedings, the Planning Commission shall submit to the City Council a written report of its recommendations on the matter. The commission may:

1. Recommend that the territory involved in the proceedings (hereinafter "subject territory") be zoned or rezoned to the combined district as proposed.

2. Recommend that the subject territory not be zoned or rezoned to the combined district as proposed.

3. Recommend such changes to the proposed zoning or rezoning as it deems appropriate. Without limiting the generality of the proceeding sentence, the Commission may recommend modifications respecting (a) the boundaries of the proposed combined district and what portions of the subject territory should be excluded from such combined district, (b) the base district zoning for that portion of the subject territory included in the proposed combined district, (c) the (PD) District zoning for that portion of the subject territory included in the proposed combined district, and (d) the zoning or rezoning of all parts of the subject territory excluded from the proposed combined district. The Commission shall set forth the reasons for whatever recommendations it makes. The recommendations of the Commission shall be advisory only and shall not be binding upon the City Council in any way whatsoever.

B. Within a reasonable time after the conclusion of its hearing on the matter, the City Council shall take action thereon. The Council may:

1. Approve the proposed zoning or rezoning to the combined district.
2. Deny the proposed zoning or rezoning to the combined district.
3. Adopt an ordinance changing the proposed zoning or rezoning in whatever way it deems appropriate regardless of how substantially this may differ from the proposed zoning or rezoning. Without limiting the generality of the preceding sentence, such ordinance may (a) zone or rezone all or only part of the subject territory to the combined district, (b) provide base district zoning which differs substantially from the proposed base district zoning for that portion of the subject territory included in the combined district, (c) provide (PD) district zoning which differs substantially from the proposed (PD) district zoning for that portion of the subject territory included in the combined district, and (d) zone or rezone that portion of the subject territory excluded from the combined district to zoning which may differ substantially from the existing or the proposed base district zoning for such portion of the subject territory; provided, however, that no part of the subject territory included in the combined district shall be zoned or rezoned to a less restrictive base district zoning than the proposed base district zoning for such part of the subject territory, nor shall any part of the subject territory excluded from the combined district be zoned or rezoned to a less restrictive zoning than the existing or the proposed base district zoning for such part of the subject territory. Failure of the City Council to take any action within sixty (60) days from and after its hearing on the matter shall constitute a denial of any such zoning or rezoning for the subject territory.

For the purposes of this section, the order of restrictiveness of zoning districts is as set forth in Section 20.08.010.

The provisions of this Chapter, including this section, shall be applicable to Combined Base Districts and (PD) Districts; provided, however, that if there is any conflict between the provisions of any

other section in this Chapter, the provisions of this section shall govern and control excluding, however, the provisions of Section 20.40.060 relating to conforming zonings.

PASSED FOR PUBLICATION OF TITLE this _____ day of _____, 1981, by the following vote:

AYES:

NOES:

ABSENT:

MAYOR

ATTEST:

CITY CLERK