

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE
24 OF THE HAYWARD MUNICIPAL CODE BY
INCLUDING TEXT WITH THE ADDITIONAL
PROVISION OF ALLOWING DENSITY
AVERAGING/TRANSFER IN THE TRANSECT ZONES
T4 URBAN GENERAL (17.5 DU/ACRE MIN; 35 DU/ACRE
MAX) AND T5 (35 DU/ACRE MIN; 55 DU/ACRE MAX)

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

Section 1. Text Amendment

Article 24 of Chapter 10 of the Hayward Municipal Code 10-24.240 Density Standards, a. is hereby amended to include allowing the averaging/transfer of residential density between and among adjacent parcel of the same zone in the T4 Urban General (17.5 DU/acre min; 35 DU/ac max) and T5 Urban General (35 DU/acre min; and 55 Du/acre max) transect zones, as follows:

- iv. Permissible residential density may be transferred or averaged over one or more parcels comprising a development site provided that all of the following conditions are met:
 - The properties/parcels are the same zoning;
 - The properties/parcels are contiguous, and
 - Appropriate notice and declarations of land use restrictions have been recorded on all of the affected parcels.

Section 2. Severance.

Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid or beyond authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided the remainder of the ordinance, absent the excised portion, can be reasonably interpreted to give effect to intentions of the City Council.

Section 3. Effective Date.

This ordinance shall become effective immediately upon adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held on the _____ day of _____ 2017, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the _____ day of 2017, by the following votes of members of said City Council.

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward