

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Barry K. Hogan, Community Development Director *BKH*
Prepared By: Laura Stringer, Administrative Services Manager *LS*

DATE: July 27, 2006 (CC Meeting of 08/02/06)

SUBJECT: Consider Ordinance to Amend Title 12 of the Moorpark Municipal Code by Adding Chapter 12.26, "Street Dedication and Improvements"

BACKGROUND/DISCUSSION

Title 12, "Street, Sidewalks and Public Places" of the Moorpark Municipal Code provides the requirements for use and construction within public rights-of-way and public places. The attached draft Ordinance adds Chapter 12.26, Street Dedication and Improvements. This Chapter will provide authority for the City to require dedication of street right-of-way along the frontage of a lot when a building permit is requested in any zone. The ordinance also provides that full street improvements be constructed along the frontage of a property where there are improvements to the site or structures are fifty percent (50%) or more of the valuation of the exiting site improvements. While the City has historically required street dedication and improvements in connection with planned development approvals, this Chapter will cover instances where there are improvements being proposed, a planned development permit is not required, and dedication and/or street improvements are considered necessary. Although this situation does not often occur, it is appropriate to provide the mechanism to allow the City to require dedication and full street improvements when necessary.

STAFF RECOMMENDATION

1. Introduce Ordinance No. _____ for first reading.
2. Schedule second reading and adoption for August 16, 2006.

Attachments: Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MOORPARK ADDING
CHAPTER 12.26 TO THE MOORPARK MUNICIPAL CODE
PERTAINING TO DEDICATION AND IMPROVEMENT OF
STREETS WITHIN THE CITY.

THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, DOES
ORDAIN AS FOLLOWS:

SECTION 1. Chapter 12.26 entitled "Street Dedication and Improvements" is
hereby added to Title 12 of the Moorpark Municipal Code to read as follows:

Chapter 12.26
STREET DEDICATION AND IMPROVEMENTS.

Sections:

12.26.010 Street dedication.
12.26.020 Street improvement.

12.26.010 Street dedication.

A. The applicant for a building permit in any zone district shall
provide an irrevocable offer of dedication for street right-of-way as follows:

1. To provide for sufficient street right-of-way in accordance with
the ultimate right-of-way shown in the city's general plan circulation
element; and

2. To provide for sufficient right-of-way not shown on the city's
general plan circulation element but in accordance with the street
improvement program.

B. Street dedication shall not be required as follows:

1. When a building permit is issued for an addition which does not
increase the floor area of an existing structure by more than ten percent
(10%) or when an addition, in the opinion of the community development
director, does not increase the intensity of the use of the property
involved; the decision of the director may be appealed to the planning
commission in accordance with Section 17.44.090 of the Municipal Code;

2. When a building permit is issued for the purpose of the
demolition of a structure;

3. When a building permit is issued for the construction of a wall, as
long as the wall is not to be constructed within an existing right-of-way or
any future right-of-way as indicated on the general plan circulation
element;

4. When a building permit is issued for the erection of a sign, as long as the location of the sign is not in the future street right-of-way.

12.26.020 Street improvement

The applicant for a building permit shall install street improvements when the building official determines that the proposed improvements to the site or structures on the site exceed the assessed valuation of its existing improvements by fifty percent (50%) or more. The building official shall base his/her determination using the Valuation Tables of the Building Code as adopted by City ordinance. The applicant for a building permit shall provide for the street improvements, including, but not limited to, curb, gutter, sidewalk, street lighting, and street paving consistent with the standards set forth in the Moorpark General Plan and any City adopted street standards or specifications. The applicant shall install the improvements abutting the lots desired to be built upon as determined by the community development director and the city engineer prior to building official clearance for final occupancy.

SECTION 2. Severability. If any section, subsection, subdivision, sentence, clause, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 3. Effective Date. This Ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 4. Publication. The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published once in the Moorpark Star a newspaper of general circulation, as defined in Section 6008 of the Government Code, for the City of Moorpark, and which is hereby designated for that purpose.

Ordinance No. ____

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PASSED AND ADOPTED THIS ____ day of August, 2006.

Patrick Hunter, Mayor

ATTEST:

Deborah Traffenstedt, City Clerk