

ORDINANCE NO. 339

AN ORDINANCE OF THE CITY OF MOORPARK, CALIFORNIA, ADDING CHAPTER 12.26, "STREET DEDICATION AND IMPROVEMENTS", TO TITLE 12, "STREETS, SIDEWALKS AND PUBLIC PLACES", OF THE MOORPARK MUNICIPAL CODE

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 any City adopted street standards or specifications.

B. Street dedication shall not be required as follows:

1. When a building permit is issued for an addition which increases the floor area of an existing structure by less 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 street right-of-

way or any future street right-of-way as indicated on the general plan circulation element, and for streets not identified in said Circulation Element, within the future street right-of-way as indicated in any City adopted street standards or specifications;

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 as indicated on the general plan circulation element, and for streets not identified in said Circulation Element, within the future street right-of-way as indicated in any City adopted street standards or specifications.

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 or when a second unit is constructed on the site. 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

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Section 6008 of the Government Code, for the City of Moorpark, and which is hereby designated for that purpose.

PASSED AND ADOPTED THIS 16th day of August, 2006.

Patrick Hunter, Mayor

ATTEST:

Deborah Traffenstedt, City Clerk

000265

STATE OF CALIFORNIA)
 COUNTY OF VENTURA) ss.
 CITY OF MOORPARK)

I, Deborah S. Traffenstedt, City Clerk of the City of Moorpark, California, do hereby certify under penalty of perjury that the foregoing Ordinance No. 339 was adopted by the City Council of the City of Moorpark at a regular meeting held on the 16th day of August, 2006, and that the same was adopted by the following vote:

- AYES: Councilmembers Harper, Mikos, Millhouse, Parvin, and Mayor Hunter
- NOES: None
- ABSENT: None
- ABSTAIN: None

WITNESS my hand and the official seal of said City this ____ day of _____, 2006.

 Deborah S. Traffenstedt, City Clerk
 (seal)