ITEM 8. B.

MOORPARK CITY COUNCIL
AGENDA REPORT

TO: **Honorable City Council**

FROM: **Barry K. Hogan, Community Development Director**

DATE: **September 28, 2006 (CC Meeting of 10/4/06)**

SUBJECT: **Consider Zoning Ordinance Amendment No. 2005-03 – Amendments to Chapter 17.24: Lot Area and Coverage, Setbacks, Height and Related Provisions; Chapter 17.32: Parking, Access and Landscaping Requirements; and Chapter 17.72: Downtown Specific Plan Overlay Zone (SP-D), and Repealing Ordinance No. 331, a Temporary Moratorium in the Downtown Specific Plan Overlay Zone**

DISCUSSION

The City Council continued this item from its September 20, 2006 meeting, to an adjourned meeting and the regular meeting of October 4, 2006, with the public hearing open, in order to allow more time for review of the proposed changes. Please refer to the adjourned meeting agenda packet for the September 20, 2006 City Council report.

PROCESSING TIME LIMITS

Time limits have been established for the processing of these amendments through the adoption of the extension of the downtown moratorium which will expire on December 7, 2006. The following timelines have been established for action on this project:

Planning Commission Action Deadline:	**September 26, 2006**
City Council Action Deadline First Reading:	**October 18, 2006**
City Council Action Deadline Second Reading:	**November 1, 2006**

If the Council approves first reading on October 4, 2006 and second reading on October 18, 2006 the ordinance would be effective on November 18, 2006 and the moratorium would be lifted on that same date. For this Should the City Council wish more time for the review of this Amendment it should take testimony and continue the public hearing open to a special Council meeting or regular Council meeting in October. Second reading of the ordinance must occur by no later than its November 1 Council meeting in order to have the amendments effective prior to the expiration of the moratorium.

ENVIRONMENTAL DETERMINATION

In accordance with the City's environmental review procedures adopted by resolution, the Community Development Director determines the level of review necessary for a project to comply with the California Environmental Quality Act (CEQA). Some projects may be exempt from review based upon a specific category listed in CEQA. Other projects may be exempt under a general rule that environmental review is not necessary where it can be determined that there would be no possibility of significant effect upon the environment. A project which does not qualify for an exemption requires the preparation of an Initial Study to assess the level of potential environmental impacts.

The Director has reviewed this project and found it to qualify for a General Rule Exemption in accordance with Section 15061 of California Code of Regulations (CEQA Guidelines). No further environmental documentation is required.

STAFF RECOMMENDATION

Take testimony and direct staff as appropriate. Should the Council wish to approve the amendments:

1. Introduce Ordinance No. _____ for first reading, approving Zoning Ordinance Amendment No. 2005-03. Schedule second reading and adoption for October 18, 2005.

ATTACHMENT:

Ordinance No. ____.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT NO. 2005-03 TO AMEND CHAPTER 17.24: LOT AREA AND COVERAGE, SETBACKS, HEIGHT AND RELATED PROVISIONS, CHAPTER 17.32: PARKING, ACCESS AND LANDSCAPING REQUIREMENTS (SECTIONS 17.32.025: DOWNTOWN PARKING REQUIREMENTS AND 17.32.060: GENERAL REQUIREMENTS OF PARKING SPACES), AND CHAPTER 17.72: DOWNTOWN SPECIFIC PLAN OVERLAY ZONE (SP-D) OF THE MOORPARK MUNICIPAL CODE AND REPEALING ORDINANCE NO. 331, A TEMPORARY MORATORIUM IN THE DOWNTOWN SPECIFIC PLAN OVERLAY ZONE

WHEREAS, on December 7, 2005, the City Council adopted Ordinance No. 331, establishing a moratorium on development in non-residential zones of the Downtown Specific Plan Overlay Zone and on decreased parking requirements in the Downtown area which expires on December 7, 2006; and

WHEREAS, on July 2, 1996, the City Council adopted Resolution No. 96-1209 directing the Planning Commission to study, set a public hearing, and provide a recommendation pertaining to the examination of setbacks in the commercial, industrial and special purpose zones; and

WHEREAS, at its meeting of June 27, 2006 and July 25, 2006, the Planning Commission conducted a duly-noticed public hearing on Zoning Ordinance Amendment No. 2005-03, proposed amendments to Chapter 17.24: Lot Area and Coverage, Setbacks, Height and Related Provisions, Chapter 17.32: Parking, Access and Landscaping Requirements (Sections 17.32.025: Downtown Parking Requirements and 17.32.060: General Requirements of Parking Spaces), and Chapter 17.72: Downtown Specific Plan Overlay Zone (SP-D) of the Moorpark Municipal Code, received public testimony on the proposed amendments, and after receiving oral and written public testimony, closed the public hearing and reached a decision, recommending to the City Council approval of the amendments as revised; and

WHEREAS, at its meeting of September 20, 2006 and adjourned and regular meeting of October 4, 2006, the City Council conducted a duly-noticed public hearing on Zoning Ordinance Amendment No. 2005-03, proposed amendments to Chapter 17.24: Lot Area and Coverage, Setbacks, Height and Related Provisions, Chapter 17.32: Parking, Access and Landscaping Requirements (Sections 17.32.025: Downtown Parking Requirements and 17.32.060: General Requirements of Parking Spaces), and Chapter 17.72: Downtown Specific Plan Overlay Zone (SP-D) of the Moorpark Municipal Code, received public testimony on the proposed amendments, and after receiving oral and written public testimony, closed the public hearing and reached a decision; and

WHEREAS, the City Council concurs with the Community Development Director's determination that this project is exempt from the provisions of the California Environmental Quality Act by the general rule that CEQA only applies to projects that may have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds Zoning Ordinance Amendment No. 2005-03 is consistent with the City of Moorpark General Plan.

SECTION 2. Chapter 17.24: Lot Area and Coverage, Setbacks, Height and Related Provisions, Chapter 17.32: Parking, Access and Landscaping Requirements (Sections 17.32.025: Downtown Parking Requirements and 17.32.060: General Requirements of Parking Spaces), and Chapter 17.72: Downtown Specific Plan Overlay Zone (SP-D) of the Moorpark Municipal Code are hereby amended in its entirety as shown in Exhibits A, B and C.

SECTION 3. Ordinance No. 331, a moratorium on development in non-residential zones of the Downtown Specific Plan Overlay Zone and on decreased parking requirements in the Downtown area, is hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 5. This Ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 6. 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.

PASSED AND ADOPTED this ___ day of _____, 2006.

_____
Patrick Hunter, Mayor

ATTEST:

_____
Deborah S. Traffenstedt, City Clerk

Exhibit A: Amendments to Moorpark Municipal Code Chapter 17.24: Lot Area and Coverage, Setbacks, Height and Related Provisions

Exhibit B: Amendments to Moorpark Municipal Code Chapter 17.32: Parking, Access and Landscaping Requirements (Sections 17.32.025: Downtown Parking Requirements and 17.32.060: General Requirements of Parking Spaces)

Exhibit C: Amendments to Moorpark Municipal Code Chapter 17.72: Downtown Specific Plan Overlay Zone (SP-D)

EXHIBIT A

AMENDMENTS TO MOORPARK MUNICIPAL CODE CHAPTER 17.24: LOT AREA AND COVERAGE, SETBACKS, HEIGHT AND RELATED PROVISIONS

Chapter 17.24 is hereby amended in its entirety to read as follows:

Chapter 17.24

DEVELOPMENT REQUIREMENTS

Sections:

17.24.010 Purpose.
17.24.020 Open space, agriculture and residential zone development requirements.
17.24.025 Open Space, Agriculture and Residential Property development standards – Additional requirements.
17.24.030 Open Space, Agricultural and Residential Zones walls and fences.
17.24.035 Commercial, industrial and special purpose zone development requirements.
17.24.040 Commercial, Industrial and Special Purpose Zones Property development standards – Additional requirements.
17.24.045 Accessory structures in commercial, industrial, and special purpose zones.
17.24.050 Walls and fences in commercial, industrial and special purpose zones.

17.24.010 Purpose.

The purpose of this chapter is to set forth specific development requirements for all zones in the city in order to provide adequate separation for light, air, safety, and open space as well as to provide an aesthetically pleasing environment in which to live, work and recreate.

17.24.020 Open space, agriculture and residential zone development requirements.

Table 1 below indicates the minimum development requirements for buildings and accessory structures in the open space, agricultural and residential zones with respect to lot area, setback, height and building coverage unless indicated otherwise. Maximum density and minimum lot dimensions (A – D) only apply to the creation of new lots by subdivision or the amendment of existing lots by lot line adjustment and do not otherwise restrict the use of the lot. Lot areas and dimensions (B – D) do not apply

to lots created for public or public utility uses. All setbacks shall be landscaped except for required walkways and driveways. No parking shall be permitted in any setback area except when on a driveway or as allowed by Chapter 17.32 Parking. Additional development requirements are given in the sections following Table 1. Development in any of the zones shall follow the requirements of this Title including but not limited to parking, lighting, landscaping, signing, operation and entitlement. All construction must be performed within the hours allowed by Chapter 15.26 and Chapter 17.53.

Table 1

DEVELOPMENT REQUIREMENTS FOR O-S, A-E AND R-ZONES

General Requirements	O-S	A-E	R-A	R-O	R-E	R-1	R-2	SP, RPD, TPD
A. Density – Maximum dwelling units per gross acre [1]	1 du/10 acres	1 du/40 acres	1.0	2.0	4.0	7.0	15.0	By permit
B. Net lot area (in square feet unless noted) [1]	10 acres	40 acres	1 acre	20,000	10,000	6,225	6500	By permit
C. 1. Lot width (in feet)	110	110	100	80	80	60	60	By permit
C. 2. Cul-de-sac or odd-shaped lot width (in feet)	30	30	30	30	30	30	30	By permit
C. 3. Flag lot "pole" front setback (in feet)	20	20	20	20	20	20	20	By permit
D. Lot depth (in feet)	150	150	100	100	100	100	100	By permit
E. Front yard setback, (in feet) [2]	20	20	20	20	20	20	20	By permit
F. Side yard setback, interior side (in feet) [3]	10	10	5	5	5	5	5	By permit
G. Side yard setback, street side (in feet) [3]	10	10	10	10	10	10	10	By permit
H. Rear yard setback (in feet) [3]	15	15	15	15	15	15	15	By permit
I. Lot coverage, maximum (in percentage)	20	10	35	35	35	50	50	By permit
J. Building and structure height, maximum (in feet)	35, with no limitation as to the number of stories so long as the height is not exceeded							By permit
K. Parking shall meet the requirements of Chapter 17.32								

L. Signage shall meet the requirements of Chapter 17.40
M. Lighting shall meet the requirements of Chapter 17.30

Notes: 1. Zone suffix may establish different minimum lot area.
2. See Section 17.24.025D.6 for exception.
3. Two (2) story residences with windows facing the adjacent property shall have a minimum ten (10') foot side-yard setback (second story only) and a twenty (20') foot rear yard setback (second story only) from the adjacent property line.

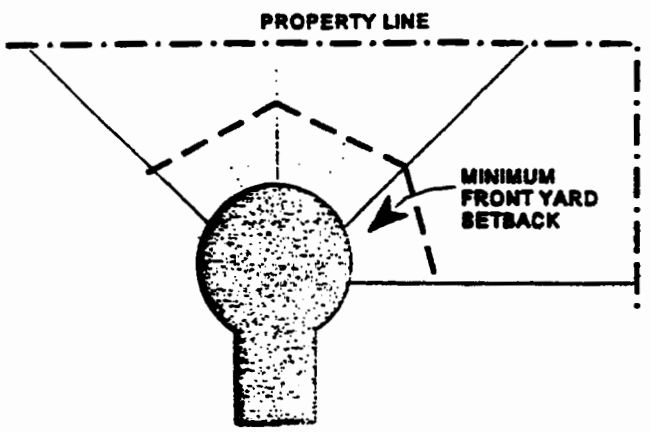
17.24.025 Open Space, Agriculture and Residential Property development standards – Additional requirements.

In addition to the standards of Chapter 17.36 the following standards shall apply.

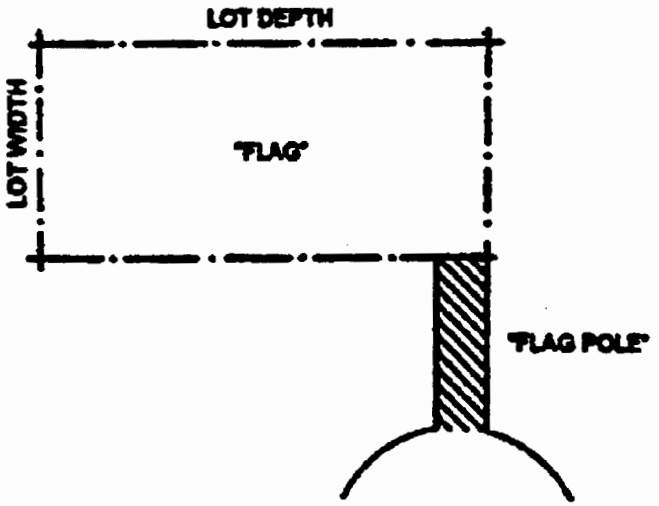
A. Required Setbacks.

1. Street Setbacks. Street setbacks shall be measured from the ultimate street right-of-way or the maximum required street width if said street is proposed to be private or is now a private street.

2. Curved Street Setbacks. Each lot or parcel on a cul-de-sac, curved street or dead-end street shall meet the minimum lot width requirement at the required front setback of the zone. The setback is measured along the perpendicular taken from the front radiused property line (see example below)



3. Flag Lots. Flag lots shall meet the minimum setback and lot dimension requirements in the "flag" portion of the lot. The flag "pole" portion of a flag lot shall not be counted toward the minimum lot area requirement.



4. Existing Setbacks. Where a portion of a residential building is nonconforming in terms of current rear yard and/or side yard setbacks, the existing distance from the side or rear lot line established by the nonconforming portion of the building shall be used as the required setback distance for any additions to that building in the side yard and rear yard areas.

5. Irregularly Shaped Lots. In situations where a single-family residential lot is so irregular, as to prohibit or unduly restrict the construction of a single-family home, within the required setbacks noted in this title, the Community Development Director shall have the authority to alter the setback locations, i.e., front, side and rear yards, to enable the property owner to enjoy the same privileges as those enjoyed by other property owners in the same area.

6. Side Entry Carports and Garages. In the R-1 and R-2 zones, front setbacks for side entry carports or garages shall be a minimum of fifteen (15') feet from the front property line.

7. Accessory Structures. Accessory buildings and/or structures shall meet all of the requirements for location of the main structure as constructed or required by the zone, whichever is less restrictive; except as provided in this subsection:

a. A detached accessory structure shall meet the setback requirements of the main building for the front and street side yard areas.

b. A detached accessory structure may be located within an interior side yard or rear yard provided that such structure is located no closer than three (3') feet to an interior side or rear lot line and is at least six (6') feet from the main structure unless additional fire resistive construction is provided in accordance with Chapter 15.04, Building Code. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected roof area does not exceed 120 square feet may be located anywhere on a single-family residential lot, except

within the front and street side yard areas, provided the eaves do not over-hang adjacent property.

c. Swimming pools and spas, including diving boards and slides and similar devices, shall be located a minimum of three (3') feet from the main structure, within five (5') feet of the rear and side property lines and shall comply with all fencing requirements of Chapter 15.04, Building Code and Section 17.24.030. In no instance shall swimming pools and spas be permitted within the required front yard setback.

d. Canopies, patios and breezeways attached to the main building or connecting the main building with a detached accessory building, may extend into a required rear or interior side yard; provided, that portions of such structures extending into the yard:

i. Shall not exceed fifteen (15') feet in height or project closer than five (5') feet to an interior side yard or closer than ten (10') feet at the rear lot line;

ii. Shall be entirely open on at least three sides for patios and canopies except for necessary supporting columns. A roof connecting a main building and an accessory building shall be open on two sides.

e. Architectural features, including but not limited to covered porches, steps, eaves, awnings, chimneys, balconies, stairways, wing walls and bay windows, may project not more than two and one-half (2 ½') feet into any required front yard area, not more than four (4') feet into any required rear yard area, and not more than two (2') feet into any required side yard setback area.

f. Outdoor fireplaces must be at least ten (10') feet from the main structure and three (3') feet from interior side and rear property lines.

g. Heating and cooling and other mechanical equipment, including pool equipment and necessary appurtenances shall be a minimum of three (3') feet from any side or rear lot line, not be visible from the street, and be enclosed by a minimum four (4') foot high masonry wall except on the side where access is provided or abuts a structure.

h. Uncovered porches, platforms, or landings that do not extend above the floor level of the first floor of the main structure may extend into required setback areas not more than six (6') feet.

i. Safety guard railings required for stairs, landings, porches, and depressed ramps may encroach into front, side or rear setback areas, provided they are open and do not exceed forty-two (42") inches in height.

j. Decks on the second floor of a home shall be at least ten (10') feet from the rear and side property lines. The color and the materials of the second story deck shall complement those of the main structure.

k. A flagpole not exceeding twenty-five (25') feet in height may be located in the front or rear yard setback area so long as it is at least ten (10') feet from the front or rear property line and does not encroach into the required side yard or street side yard setback area. Flag size restrictions shall comply with the requirements of Section 17.40.020 under the definition of "signs" item "i".

B. Lot Coverage. Lot coverage shall include all buildings, carports, structures and accessory buildings, except that patios, patio covers that are open on no less than three sides, pools, spas, and freestanding open air gazebos shall not be counted as lot coverage.

C. Miscellaneous.

1. Utility Connections. All utility connections shall be designed to coordinate with the architectural elements of the site so as not to be exposed except where necessary. Pad-mounted transformers and/or meter box locations shall be included in the site plan with screening treatment approved by the Director.

2. Floodplain. All development in the floodplain shall be in accordance with the National Flood Insurance requirements and Chapter 15.24 of the Moorpark Municipal Code.

3. Architectural Appurtenances. Steeples, institutional symbols, bell towers, clock towers or other similar architectural appurtenances on institutional buildings in the agricultural, open space, and residential zones may exceed the maximum height of thirty-five (35') feet. Proposals for such appurtenances, however, shall be evaluated on a case-by-case basis in conjunction with the required permit for the proposed use so that architectural compatibility and appropriate building scale for the neighborhood is achieved and maintained.

4. Garage Conversions. Conversions of existing garages into habitable space is permitted only when replaced with the equivalent covered parking as required by Chapter 17.32 Parking, Access and Landscaping Requirements or such that was provided at the time the dwelling was constructed, whichever is less.

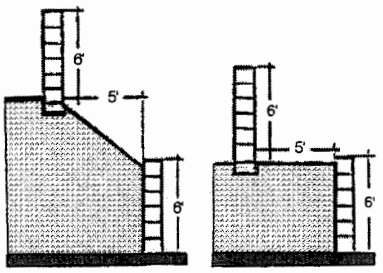
5. Antennas, Ground-Mounted. Ground-mounted citizens' band and amateur radio transmitting and receiving antennas, intended for private, noncommercial use accessory to a dwelling, may be erected up to a maximum height of forty (40') feet. Ground-mounted antennas may be erected above the height limit of forty (40') feet, under the permit prescribed by this Title, provided that no antenna or mast shall exceed seventy-five (75') feet in height, and the design of such antennas shall be in accordance with Section 17.28.020(A).

6. Street Improvements. No development shall occur on any property unless all street frontages that the property abuts or is adjacent to are fully improved according to adopted City standards and consistent with the Moorpark General Plan.

17.24.030 Open Space, Agricultural and Residential Zones walls and fences.

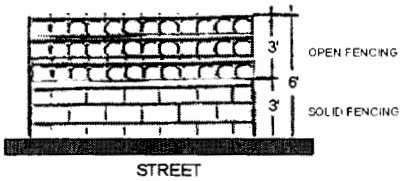
Requirements for walls and fences in open space, agricultural and residential zones shall be as follows:

A. A wall, fence, retaining wall or any combination thereof, shall not exceed six (6') feet in height except as herein provided. When a retaining wall is used to increase usable lot area, the sum total of any combination of fence or wall and retaining wall shall not exceed six (6') feet in height, unless a five (5') foot landscape area is provided between the retaining wall and the fence or wall. When the five (5') foot landscape area is provided, each individual fence or wall or retaining wall shall not exceed six (6') feet in height (see below).

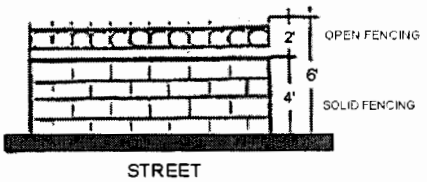


B. Where there is a grade difference between two (2) properties that share a common property line fence/wall, the fence/wall height shall be measured from the highest finish grade, provided that the distance from the lower grade to the top of the fence shall not exceed ten (10') feet. Where the height of ten (10') feet would be exceeded, the requirements of section 17.24.030A shall be met.

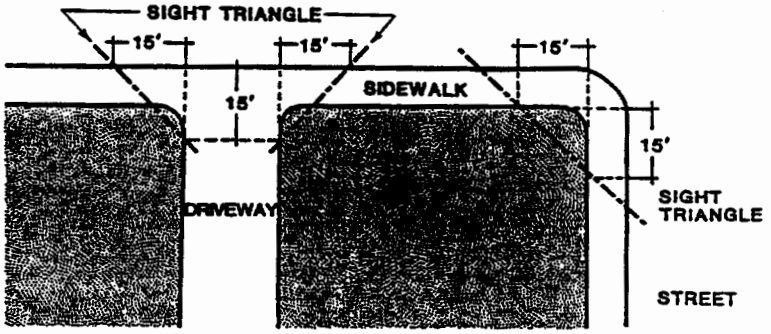
C. Fences and walls may be allowed in required front yard area up to six (6') feet in height; however, the last two (3') feet of the fence or wall shall be constructed of visually open and decorative fencing (at least 75% open, see below), unless the wall is a retaining wall or additional height is approved for noise attenuation purposes.



D. Within the R-1 and R-2 areas of the Downtown Specific Plan and in the area north of Los Angeles Avenue between Moorpark Avenue and Spring Road south of High Street, fences and walls may be allowed in the required front yard setback area up to six (6') feet in height; however, the last two (2') feet of the fence or wall shall be constructed of visually open and decorative fencing (at least 75% open, see below), unless the wall is a retaining wall or additional height is approved for noise attenuation purposes.



E. A solid wall or fence not more than six (6') feet in height may be maintained along the interior side or rear lot lines, provided, that such wall or fence does not extend into a required front yard except for noise attenuation as required by the City and as provided in this Chapter.
F. A wall or fence adjacent to a driveway or street providing vehicular access to an abutting lot or street shall not exceed three (3') feet in height within fifteen (15') feet of the intersection of the driveway and the street right-of-way and/or shall comply with Caltrans design standards for site visibility as adopted by the City. Final determination shall be by the Community Development Director. Corner cut-offs may be required for safety and visibility (see example below).



G. Walls and fences in street yard frontages or visible from the street shall be constructed out of durable, substantial, and decorative matierials. Fiberglass sheeting, bamboo sheeting and other similar non-durable materials are not permitted for fencing in street yard frontages. Plain concrete materials are also not permitted for walls in street yard frontages or visible from the street.
H. A wall or fence up to ten (10') feet in height may be allowed by the Community Development Director where necessary for noise attenuation from arterial streets or other noise sources. Chainlink or similar material fencing up to twelve (12') feet high,

with windscreening shall be permitted for tennis/recreation courts so long as such fencing is located outside the required front, side and rear setbacks of the zone in which it is located.

I. Use of barbed wire strands, razor wire, or concertina wire (coiled barbed wire) is prohibited in the Open Space, Agricultural, and Residential zones.

J. With the approval of an Administrative Permit, walls or fences located along the rear or street side property lines, which are adjacent to an arterial or collector road, may be allowed to increase the visual wall/fence height up to an additional two (2') feet through the construction of a durable metal open trellis, so that vines may be planted throughout the trellis. The trellis construction must meet city standards for construction.

K. All fences and walls (including retaining walls) shall be constructed of new or good used material and in accordance with the methods of construction which conform to the requirements of Chapter 15.08, Building Code. Additionally, they shall be maintained in a state of good repair. Any dilapidated, dangerous or unsightly fences or retaining walls shall be repaired or removed.

17.24.035 Commercial, industrial and special purpose zone development requirements.

Table 1 below indicates the minimum development requirements for buildings and accessory structures in the commercial, industrial and special purpose zones with respect to lot area, setback, height and building coverage unless indicated otherwise. Minimum lot area (B) only applies to the creation of new lots by subdivision or the amendment of existing lots by lot line adjustment and does not otherwise restrict the use of the lot. Minimum lot area (B) also does not apply to lots created for public or public utility uses. All setbacks shall be landscaped except for required walkways and driveways. No parking shall be permitted in any setback area except when on a driveway. Additional development requirements are given in the sections following the Table 1. Development in any of the zones shall follow the requirements of this Title including, but not limited to parking, lighting, landscaping, signing, operation and entitlement. All construction must be performed within the hours allowed by Chapter 15.26 and Chapter 17.53.

Table 1

DEVELOPMENT REQUIREMENTS FOR COMMERCIAL,
INDUSTRIAL AND SPECIAL PURPOSE ZONES

General Requirements[1]	**C-O**	**C-1**	**C-OT**	**C2, CPD**	**M-1**	**M-2**	**P-C**	**I**
A. Floor Area Ratio, maximum (the ratio of gross floor area to the gross project site)	0.50	0.25	0.38	0.25[2]	0.38	0.38	By permit	By permit

B. Lot area (in square feet)	None	None	None	None	10,000	10,000.	100 acres	By permit
C. Front yard setback (in feet) [1]	20 except when next to a 4 or 6 lane road, then 30	20 except when next to a 4 or 6 lane road, then 30	0	20 except when next to a 4 or 6 lane road, then 30	20, except when next to or across the street from R zone, then 30	20, except when next to or across the street from R zone, then 30	By permit	By permit
D. Interior side yard setback (in feet)	5	5	0	5	5 except when next to R zone, then by permit	5 except when next to R zone, then by permit	By permit	By permit
E. Street side yard setback (in feet)	5 except when next to a 4 or 6 lane road, then 10	5 except when next to a 4 or 6 lane road, then 10	5	5 except when next to a 4 or 6 lane road, then 10	5 except when next to R zone, then by permit	5 except when next to R zone, then by permit	By permit	By permit
F. Rear yard setback (in feet)	10 unless next to C or M zone, then 0	10 unless next to C or M zone, then 0	10 unless next to C or M zone, then 0	10 unless next to C or M zone, then 0	10 unless next to C or M zone, then 0	10 unless next to C or M zone, then 0	By permit	By permit
G. Building and structure height, maximum[3] (in feet)	25	35	35	By permit	30	30	By permit	By permit
H. Parking shall meet the requirements of Chapter 17.32								
I. Signage shall meet the requirements of Chapter 17.40								
J. Lighting shall meet the requirements of Chapter 17.30								

Notes

1. Measurement of setbacks shall be from the ultimate right-of-way of streets as shown on the adopted Circulation Element Map of the Moorpark General Plan or in the case of a roadway not shown on the Circulation Element Map, the measurement shall be from the edge of the right-of-way required by the City. Public or private alleys shall not be counted as part of the required setback.
2. Sites greater than eight (8) acres that are adjacent to both a freeway interchange and an arterial roadway as identified in the Circulation Element and that are not adjacent to planned residential uses may be developed with retail furniture or appliance stores with attached distribution/warehouse facilities at a maximum 0.38 FAR when all other standards of the Zoning Ordinance are met.
3. Height may be increased (to maximum 60') with approval of a conditional use permit.

17.24.040 Commercial, Industrial and Special Purpose Zones Property development standards – Additional requirements.

In addition to the standards of Chapter 17.36 the following standards shall apply.

A. Vehicular Access. Each building site shall have a minimum twenty-five (25') foot wide vehicular access to a public street.

B. Setbacks Adjacent to R Zone. Wherever a lot in the commercial or industrial zone abuts a lot in any residential zone, the minimum setback may be increased by the approving authority in situations where, in the opinion of the approving authority, additional distance would help to mitigate or alleviate potential problems or hazards.

C. Floodplain. All development in the floodplain shall be in accordance with the National Flood Insurance requirements and Chapter 15.24 of the Moorpark Municipal Code.
D. Architectural Appurtenances. Clocks, tower elements, and similar ornamental design elements on structures, may exceed the maximum height of thirty-five (35') feet, provided the additional height does not create additional floor area. Proposals for such appurtenances, however, shall be evaluated through the entitlement review application process on a case-by-case basis so that architectural compatibility and appropriate building scale are achieved and maintained.
E. Landscaping. All planting and irrigation shall be in accordance with the City's Landscape Manual. All required landscaping shall be permanently maintained in a healthy and thriving condition, free from weeds, trash and debris.
F. Masonry Walls and Landscape Screens. Where a commercial or industrial development abuts property in any residential zone, a masonry wall or equivalent noise attenuation structure, a minimum of eight (8') feet in height from the highest finished grade at the property line shall be erected and maintained between such uses and the residential zone. In addition, 15-gallon or larger trees, no less than twenty (20') feet on-center, and shrubbery shall be installed and maintained along the project side of the wall in a minimum five (5') foot wide, raised landscaped planter to provide a dense landscape screen.
G. Mechanical Equipment – Screening. All mechanical equipment shall be architecturally screened from view. When ground-mounted mechanical equipment is used including, but not limited to heating and air conditioning units, such equipment shall be completely screened from surrounding properties by use of a wall or fence or shall be enclosed within a building. Structural and design plans for any required screening under the provisions of this section shall be approved by the Community Development Director and Building Official.
H. Roof Appurtenances – Screening. All roof appurtenances including, but not limited to, air conditioning units, roof access ladders, and mechanical equipment shall be -- located below the lowest roof parapet that exists on the building to ensure that it is fully screened from view from on-site parking areas, adjacent public streets and adjacent residentially zoned property.
I. Reciprocal Ingress, Egress, Parking and Drainage. Reciprocal ingress, egress, circulation, parking and drainage arrangements shall be required to facilitate the ease of vehicular movement between adjoining properties as well as drainage.
J. Testing. Whenever there is a question of conformance with a performance standard of this section or a condition of approval of the project, the Community Development Director shall require the property owner or operator to engage the services of a City approved testing firm. Copies of all such tests shall be furnished to the Community Development Director.
K. In all commercial and industrial zones the conversion of the project to condominium ownership shall meet all requirements of the zone to the maximum extent possible within the constraints of the existing development. In no case shall the requirements of the Fire Code, sign ordinance, and screening standards of Section 17.24.040 be waived.

L. No outdoor paging systems or telephone bells or similar devices shall be used on commercial or industrial properties which abut or are across the street from residentially zoned properties.
M. Street Improvements. No development shall occur on any property unless all street frontages that the property abuts or is adjacent to are fully improved according to adopted City street standards and consistent with the Moorpark General Plan.

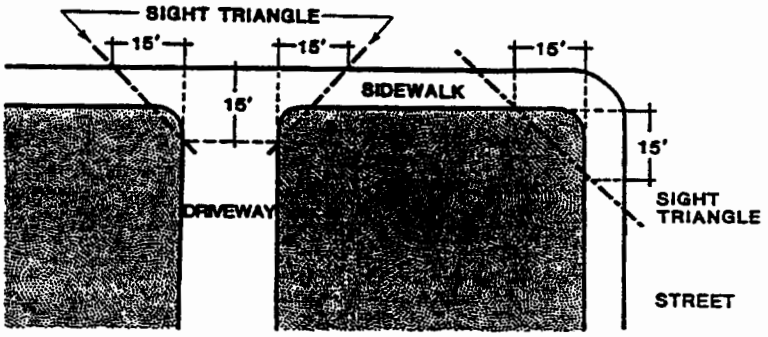
17.24.045 Accessory structures in commercial, industrial, and special purpose zones.

Accessory structures in commercial, industrial and special purpose zones shall be as follows:
A. Accessory structures shall not be located in front of or on the street side of the main building(s).
B. Accessory structures shall meet all of the setback requirements for main buildings.
C. Porches, steps, architectural features such as canopies or eaves, and chimneys, balconies or stairways may project not more than two and one-half (2 ½') feet into any required front yard area, not more than four (4') feet into any required rear yard area, and not more than two (2') feet into any required side yard setback area.
D. Outdoor swimming pools and spas shall be located a minimum of three (3') feet from the main structure. Exterior or interior walls and shall comply with all fencing requirements of Chapter 15.08, Building Code and the requirements of Section 17.24.050.

17.24.050 Walls and fences in commercial, industrial and special purpose zones.

Wall and fence requirements in commercial, industrial and special purpose zones shall be as follows:
A. In any required front or street side yard area, a wall or fence shall not exceed three (3') feet in height. In the required front or exterior side yard, where a retaining wall is used to increase usable lot area, a fence or wall not exceeding three (3') feet in height may also be erected; provided, that the fence or wall is set back a minimum of five (5') feet from the retaining wall.
B. In any required rear or interior side yard area, a wall or fence shall not exceed eight (8') feet in height except in those instances where there is a grade difference or a noise attenuation requirement. When a retaining wall is used to increase usable lot area, the sum total of any combination of fence or wall and retaining wall shall not exceed ten (10') feet in height, unless a five (5') foot landscape area is provided between the retaining wall and the fence or wall.
C. A wall or fence adjacent to a driveway or street providing vehicular access to an abutting lot or street shall not exceed three (3') feet in height within fifteen (15') feet of the intersection of the driveway and the street right-of-way and/or shall comply with Caltrans's design standards for site visibility. Final height determination shall be by the

Community Development Director. Corner cut-offs may be required for safety and visibility (see example below).



D. Walls and fences in street yard frontages or visible from the street shall be constructed out of durable, substantial, and decorative matierials. Fiberglass sheeting, bamboo sheeting or other similar non-durable materials are not permitted for fencing in street yard frontages. Plain concrete materials are also not permitted for walls in street yard frontagesor visible from the street.

E. Where there is a grade difference between two (2) properties the fence/wall height shall be measured from the highest finish grade, provided that the distance from the lower grade to the top of the fence shall not exceed ten (10') feet. Where the height of ten (10') feet would be exceeded the requirements of section 17.24.050A shall be met.

F. All fences and walls (including retaining walls) shall be constructed of new or good used material and in accordance with the methods of construction which conform to the requirements of Chapter 15.08, Building Code. Additionally, they shall be maintained in a state of good repair. Any dilapidated, dangerous or unsightly fences or retaining walls shall be repaired or removed.

G. Barbed Wire Strands, Razor Wire or Concertina Wire (coiled barbed wire). Use of barbed wire strands, razor wire or concertina wire shall not be visible from a public street and shall meet the following requirements:

1. Such fencing shall only be permitted on industrially zoned property that is not adjacent to or across the street from R zoned property, or a school, and where a finding can be made that use of such fencing material is required to protect the public health, safety and welfare.

2. If approved, such fencing material shall be placed at the top of a wall or fence, shall have a minimum vertical clearance of six (6') feet above grade, and shall be maintained in a safe condition.

3. In no case shall such fencing be permitted along Los Angeles Avenue, Gabbert Road and Poindexter Avenue.

4. Barbed wire or any other type of wire fencing shall not be kept in an unsafe, abandoned or materially dangerous condition. Unmaintained wire fencing, including but not limited to, barbed wire, razor wire and concertina wire (coiled barbed wire), is declared to be a public nuisance and shall be subject to the nuisance abatement procedure, Chapter 17.56.

5. Razor wire or concertina wire shall not be placed on the rooftop of any building.

EXHIBIT B

AMENDMENTS TO MOORPARK MUNICIPAL CODE CHAPTER 17.32: PARKING, ACCESS AND LANDSCAPING REQUIREMENTS

Sections 17.32.025 and 17.32.060(D) and (E) are hereby amended in their entirety to read as follows:

17.32.025 High street area parking requirements.

Commercial development on High Street is unique within the city and its parking must be addressed in a manner different than parking for other commercial development. The Downtown Specific Plan establishes standards for development which are unique to the downtown and High Street in particular. Parking in the High Street area (from Moorpark Avenue on the east to Spring Road on the west and Walnut Street from High Street to Charles Street) shall meet three-quarters of the required parking pursuant to Section 17.32.010 of this chapter. In-lieu of meeting the required parking, the applicant may pay a fee to reduce the required on-site parking to one-half of the required parking pursuant to Section 17.32.010. The fee shall be established by city council resolution and shall be used to offset a portion of the cost required to construct public parking facilities in the downtown area.

17.32.060 General requirements of parking spaces.

(Amendments to Subsections D and E only)

D. Parking in residential setbacks. Parking within setback areas in open space, agricultural and residential zones shall meet the requirements of Section 17.32.010 and the following:

1. Operable Motor Vehicles. Motor vehicles parked within any required front, rear or side setback must be fully operative, licensed and registered vehicles. Such vehicles may only be parked within the driveway access to the required parking or on a paved area (asphalt, concrete, or other hardscape materials) adjacent to the driveway, as an accessory use to a dwelling. Any additional paved area for parking purposes may not exceed fifty percent (50%) of the area covered by the existing driveway and not exceed thirty (30') feet in total width. The vehicle parking or driveway area must be connected to a city approved access and driveway.

2. Recreation Vehicle Parking.

a. If a recreation vehicle is used for everyday transportation of the resident, it shall meet the requirements of Section 17.32.060D.1.

b. Parking of a trailer, boat or other similar recreational vehicle is only allowed when parked on a paved surface in the side yard or rear yard, but not in a street side yard or street rear yard.

c. Parking of such vehicles shall be adjacent to the dwelling or garage and shall be at least ten (10') feet from the face of curb.

d. If the vehicle is parked in the rear yard, it shall be at least ten (10') feet from the rear property line and at least three (3') from the side property lines.

e. In all cases, the vehicle(s) shall be screened from view from the street by a six (6') foot high opaque decorative gate.

f. Additional limitations for on-street parking are required by Section 10.04.220.

3. Commercial Vehicles in Residential Areas. Parking of commercial vehicles in residential areas shall meet the requirements of Section 10.04.300.

4. Accessory Parking and Storage of Large Vehicles. Residential, agricultural or open space zoned lots shall not be used for the accessory parking or storage of vehicles which are designed to carry more than a three-quarter ton load and which are used for shipping or the delivery of freight and products.

E. Residential Access. Access to parking spaces for dwellings shall be at least ten (10') feet wide throughout and paved with a minimum of two and one-half (2½") inches of asphalt or concrete, except that a center strip over which the wheels of a vehicle will not normally pass need not be paved, provided that the access complies with the requirements of the Ventura County fire protection district. Driveways serving more than two (2) dwelling units shall be at least eighteen (18') feet wide.

EXHIBIT C

AMENDMENTS TO MOORPARK MUNICIPAL CODE CHAPTER 17.72: DOWNTOWN SPECIFIC PLAN OVERLAY ZONE (SP-D)

Chapter 17.72 is hereby amended in its entirety to read as follows:

Chapter 17.72

DOWNTOWN SPECIFIC PLAN OVERLAY ZONE (SP-D)

Sections:

17.72.010 Purpose.
17.72.020 General provisions.
17.72.030 Entitlement process and procedures.
17.72.040 Development standards and guidelines.

17.72.010 Purpose.

The purpose of this overlay zone is to identify properties which are part of the Downtown Specific Plan and set forth development standards and guidelines for public and private development and redevelopment of existing and new residential, commercial and industrial development in downtown Moorpark.

17.72.020 General provisions.

All provisions of the Downtown Specific Plan shall apply to the development and use of the properties within the Downtown Specific Plan Overlay Zone. Those provisions shall be supplemental to the regulations of the underlying zone. In such cases where the specific plan development standards and the standards for the underlying zone conflict, the specific plan development standards shall apply.

17.72.030 Entitlement process and procedures.

Requirements for development within the Downtown Specific Plan Overlay Zone shall comply with the requirements of Chapter 17.44, Entitlement – Process and Procedures and with the Development Standards and Guidelines of the Downtown Specific Plan as adopted by City Council Resolution.

17.72.040 Development standards and guidelines.

The development standards and guidelines for the construction, reconstruction, renovation and remodeling of existing and/or proposed buildings in the Downtown Specific Plan Overlay Zone shall adhere to the requirements and guidelines contained in the Downtown Specific Plan as adopted by the City Council.

- End -