ITEM 8.A.

MOORPARK CITY COUNCIL
AGENDA REPORT

TO: **Honorable City Council**

FROM: **David A. Bobardt, Community Development Director**
Prepared by: Joseph Fiss, Principal Planner

DATE: **February 19, 2010 (CC Meeting of 3/3/2010)**

SUBJECT: **Consider Zoning Ordinance Amendment 2009-03, to Amend Chapter 17.40 Sign Regulations, of Title 17, Zoning, of the Moorpark Municipal Code by Adding Section 17.40.095 to Allow Temporary Directional Signs for Special Events in the Old Town Commercial (C-OT), Planned Community (PC) and Institutional (I) Zones**

BACKGROUND/DISCUSSION

On October 7, 2009 the City Council adopted Resolution 2009-2856 directing the Planning Commission to study, hold a public hearing and provide a recommendation to the City Council on an amendment to the Zoning Ordinance related to directional signs for special events, such as festivals or farmers' markets. On January 26, 2010, the Planning Commission held a public hearing to consider an ordinance that would add a section to the City's sign regulations to allow for certain special event directional signs. The Planning Commission adopted a resolution recommending approval of the ordinance. A copy of the Planning Commission agenda report with analysis of this proposal is attached. The City Attorney has reviewed and approved the draft ordinance.

On February 17, 2010, the City Council opened the public hearing and continued the public hearing to the March 3, 2010 City Council meeting. No testimony was given.

FISCAL IMPACT

Additional costs related to the processing of new sign permits would be paid for by the applicant through sign permit fees.

STAFF RECOMMENDATION

1. Continue to accept public testimony and close the public hearing; and

2. Introduce Ordinance No. ____ approving Zoning Ordinance Amendment No. 2009-03 for first reading, waive full reading, and schedule second reading and adoption for March 17, 2010.

ATTACHMENTS:

1. January 26, 2010 Planning Commission Staff Report
2. Ordinance No._____

MOORPARK PLANNING COMMISSION
AGENDA REPORT

TO: Honorable Planning Commission

FROM: David A. Bobardt, Community Development Director
Prepared by Joseph Fiss, Principal Planner

DATE: January 21, 2010 (PC Meeting of January 26, 2010)

SUBJECT: Consider Zoning Ordinance Amendment 2009-03, to Amend Chapter 17.40 Sign Regulations, of Title 17, Zoning, of the Moorpark Municipal Code by Adding Section 17.40.095 to Allow Temporary Directional Signs for Special Events in the Old Town Commercial (C-OT), Planned Community (PC) and Institutional (I) Zones.

BACKGROUND/DISCUSSION

On October 7, 2009 the City Council adopted Resolution 2009-2856 directing the Planning Commission to study, hold a public hearing and provide a recommendation to the City Council on an Amendment to Chapter 17.40 Sign Regulations, of Title 17, Zoning, of the Moorpark Municipal Code related to Special Event Directional Signs

The City Council comprehensively amended the City's sign regulations in the Zoning Ordinance in 2005. The proprietor of the farmers' market on High Street, which was open in 2009, addressed the City Council a couple times during public comment, requesting the ability to post off-site directional signage for the market. The sign regulations in the Zoning Ordinance currently do not allow for off-site signage for temporary events, such as a farmers' market, with the exception of banners and signs for events sponsored by the City or by Moorpark nonprofit organizations. On September 2, 2009, the City Council directed staff to waive enforcement of the sign regulations through the end of the year related to directional signage for the farmers' market and other High Street special events on the day of the event, provided that such signage is removed within two hours of the end of the event. This time was to allow for study of potential amendments to the sign regulations in the Zoning Ordinance.

CC ATTACHMENT 1

Staff has drafted an amendment to Sign Ordinance that will allow the flexibility of permitting temporary directional signs for special events allowed by specific permits in Downtown Moorpark, the Civic Center, and at the Arroyo Vista Recreation Center, while at the same time providing clear standards for installation of such signs. Downtown Moorpark and the Arroyo Vista Recreation Center have distinctive characteristics and unique physical locations that warrant additional opportunities for signage, in particular for special events that benefit the community at large. By allowing these signage opportunities in the C-OT (High Street), PC (Arroyo Vista Recreation Center), and I (Civic Center) zones, special events at the City Hall, Library, Post Office Parking Lot, and Arroyo Vista Recreation Center would qualify for temporary directional signs for commercial activities that are temporary or recurring in nature, such as farmers' markets, street festivals, carnivals, and art walks. Such signs would not be exempt from the requirement to obtain a permit prior to installation.

PROCESSING TIME LIMITS

Since this ordinance amendment was initiated by the City, the processing time limits under the Permit Streamlining Act (Government Code Title 7, Division 1, Chapter 4.5), the Subdivision Map Act (Government Code Title 7, Division 2), and the California Environmental Quality Act Statutes and Guidelines (Public Resources Code Division 13, and California Code of Regulations, Title 14, Chapter 3) are not applicable.

ENVIRONMENTAL DETERMINATION

In accordance with the city's environmental review procedures adopted by resolution, the Planning 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

1. Open the public hearing, accept public testimony and close the public hearing.

2. Adopt Resolution No. PC-2010-____ recommending to the City Council approval of ZOA 2009-03.

ATTACHMENT:

1. Resolution No. PC 2010-____

RESOLUTION NO. PC-2010-___

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MOORPARK, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONING ORDINANCE AMENDMENT NO. 2009-03, AMENDING CHAPTER 17.40 SIGN REGULATIONS, OF TITLE 17, ZONING, OF THE MOORPARK MUNICIPAL CODE BY ADDING SECTION 17.40.095 TO ALLOW TEMPORARY DIRECTIONAL SIGNS FOR SPECIAL EVENTS IN THE OLD TOWN COMMERCIAL (C-OT), PLANNED COMMUNITY (PC) AND INSTITUTIONAL (I) ZONES.

WHEREAS, at its meeting of January 26, 2010, the Planning Commission conducted a duly-noticed public hearing on Zoning Ordinance Amendment No. 2009-03, amending Chapter 17.40 Sign Regulations, of Title 17, Zoning, of the Moorpark Municipal Code by Adding Section 17.40.095 to Allow Temporary Directional Signs for Special Events in the Old Town Commercial (C-OT), Planned Community (PC) and Institutional (I) zones, 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, at its meeting of January 26, 2010 the Planning Commission considered the agenda report and any supplements thereto and written public comments; opened the public hearing and took and considered public testimony both for and against the proposal; and reached a decision on this matter; and

WHEREAS, the Planning Commission concurs with the Planning 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 PLANNING COMMISSION OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. GENERAL PLAN AND SPECIFIC PLAN CONSISTENCY: The Planning Commission finds Zoning Ordinance Amendment No. 2009-02 to be consistent with the City of Moorpark General Plan and all adopted Specific Plans.

SECTION 2. RECOMMENDATION: The Planning Commission recommends to the City Council approval of Zoning Ordinance Amendment No. 2009-03, amending Chapter 17.40 Sign Regulations, of Title 17, Zoning, of the Moorpark Municipal Code by Adding Section 17.40.095 to Allow Temporary Directional Signs for Special Events in the Old Town Commercial (C-OT), Planned Community (PC) and Institutional (I) zones as recommended by staff and shown in Exhibit A, attached.

PC ATTACHMENT 1

SECTION 3. FILING OF RESOLUTION: The Planning Director shall cause a certified resolution to be filed in the book of original resolutions.

The action of the foregoing direction was approved by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

PASSED AND ADOPTED THIS 26th DAY OF January, 2010.

_____
_____, Chair

_____
David A. Bobardt, Planning Director

Exhibit A: Section 17.40.095 Temporary directional signs for special events in the Old Town Commercial (C-OT), Planned Community (PC) and Institutional (I) zones.

EXHIBIT A

"17.40.095 Temporary directional signs for special events in the old town commercial (C-OT), planned community (PC), and institutional (I) Zones.

Temporary directional signs for special events, such as festivals, farmers' markets, and other events held in the old town commercial (C-OT), planned community (PC) and institutional (I) zones, for which a temporary use permit or administrative permit has been granted, are permitted on commercial and industrial-zoned property with written permission of the property owner. The signs must be A-frame or other portable type, designed in a professional manner, and must not exceed four (4) square feet in area and three (3) feet in height. Signs may be double-faced. Directional signs must be located at least fifty (50) feet from the end of a curb return at a street corner and may not be located in the public right-of-way. A maximum of one (1) sign per property and a total of ten (10) signs are allowed per event. Signs may only be installed during the day of the event and must be removed within one (1) hour of the end of the event. For a multi-day event, the temporary directional signs must be removed daily, within one (1) hour of the end of the event for that day."

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT NO. 2009-03, TO AMEND CHAPTER 17.40 SIGN REGULATIONS, OF TITLE 17, ZONING, OF THE MOORPARK MUNICIPAL CODE BY ADDING SECTION 17.40.095 TO ALLOW TEMPORARY DIRECTIONAL SIGNS FOR SPECIAL EVENTS IN THE OLD TOWN COMMERCIAL (C-OT), PLANNED COMMUNITY (PC) AND INSTITUTIONAL (I) ZONES.

WHEREAS, on November 4, 2009, the City Council adopted Resolution No. 2009-2856, directing the Planning Commission to study, hold a public hearing, and provide a recommendation to the City Council on an amendment to Chapter 17.40 Sign Regulations, of Title 17, Zoning, of the Moorpark Municipal Code related to temporary event directional signs.

WHEREAS, at its meeting of January 26, 2010, the Planning Commission conducted a duly-noticed public hearing on Zoning Ordinance Amendment No. 2009-03, to amend Chapter 17.40 Sign Regulations, of Title 17, Zoning, of the Moorpark Municipal Code by adding Section 17.40.095 to allow temporary directional signs for special events in the Old Town Commercial (C-OT, Planned Community (PC), and Institutional (I) zones, received public testimony on the proposed amendments, and after receiving oral and written public testimony, closed the public hearing and recommended approval of Zoning Ordinance Amendment No. 2009-03 to the City Council; and

WHEREAS, at its meetings of February 17, 2010 and March 3, 2010, the City Council conducted a duly-noticed public hearing on Zoning Ordinance Amendment No. 2009-03, to amend Chapter 17.40 Sign Regulations, of Title 17, Zoning, of the Moorpark Municipal Code by adding Section 17.40.095 to allow temporary directional signs for special events in the Old Town Commercial (C-OT, Planned Community (PC), and Institutional (I) zones, 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 HEREBY ORDAIN AS FOLLOWS:

CC ATTACHMENT 2

SECTION 1. GENERAL PLAN AND SPECIFIC PLAN CONSISTENCY: The City Council finds Zoning Ordinance Amendment No. 2009-03 to be consistent with the City of Moorpark General Plan and all adopted Specific Plans.

SECTION 2. APPROVAL OF ZONING ORDINANCE AMENDMENT NO. 2009-03: Section 17.40.095 related to temporary directional signs for special events in the Old Town Commercial (C-OT), Planned Community (PC), and Institutional (I) zones is hereby added to Chapter 17.40, Sign Regulations of Title 17, Zoning, of the Moorpark Municipal Code as shown in Exhibit A.

SECTION 3. 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 4. This Ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 5. 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 ___, 2010.

_____
Janice S. Parvin, Mayor

_____
Deborah S. Traffenstedt, City Clerk

Exhibit A: Zoning Ordinance Amendment No. 2009-03

EXHIBIT A

"17.40.095 Temporary directional signs for special events in the old town commercial (C-OT), planned community (PC), and institutional (I) Zones.

Temporary directional signs for special events, such as festivals, farmers' markets, and other events held in the old town commercial (C-OT), planned community (PC) and institutional (I) zones, for which a temporary use permit or administrative permit has been granted, are permitted on commercial and industrial-zoned property with written permission of the property owner. The signs must be A-frame or other portable type, designed in a professional manner, and must not exceed four (4) square feet in area and three (3) feet in height. Signs may be double-faced. Directional signs must be located at least fifty (50) feet from the end of a curb return at a street corner and may not be located in the public right-of-way. A maximum of one (1) sign per property and a total of ten (10) signs are allowed per event. Signs may only be installed during the day of the event and must be removed within one (1) hour following the end of the event. For a multi-day event, the temporary directional signs must be removed daily within one (1) hour following the end of the event."