

ITEM 11.B.

ORDINANCE NO. 390

AN ORDINANCE OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT NO. 2009-01, A REQUEST TO AMEND CHAPTER 17.74 SPECIFIC PLAN NO. 2/SPECIFIC PLAN 95-2, MOORPARK HIGHLANDS SPECIFIC PLAN OF THE MOORPARK MUNICIPAL CODE, BY ADDING SUBSECTION 17.74.040.1.E. SINGLE-FAMILY RESIDENTIAL SITE DEVELOPMENT STANDARDS FOR PLANNING AREA NO. 7

WHEREAS, the Planning Commission held a duly noticed public hearing on June 15, 2010, to consider Zoning Ordinance Amendment No. 2009-01, a request to amend Chapter 17.74 of the Moorpark Municipal Code, adding site development standards for Planning Area No. 7 of Moorpark Highlands Specific Plan No. 2, and adopted Resolution No. PC-2010-555 recommending approval of this Zoning Ordinance Amendment to the City Council; and

WHEREAS, at a duly noticed public hearing held on July 7, 2010, the City Council considered the agenda report and any supplements thereto and any written public comments; opened the public hearing, took and considered public testimony, closed the public hearing, and reached a decision on this matter.

WHEREAS, the City Council, prior to making its decision on this project, has considered the Final EIR (SCH No. 96041030) prepared and certified for the Moorpark Highlands Specific Plan No. 2 project and Addendum No. 1 to this Final EIR, prepared for Amendment No. 2 to Moorpark Highlands Specific Plan No. 2 pursuant to the California Environmental Quality Act (CEQA) in accordance with Sections 15162 and 15164 of the California Code of Regulations (CEQA Guidelines). No new information or impacts that require preparation of a new or subsequent EIR have been identified as a result of the proposed amendments to the project.

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

SECTION 1. The City Council finds Zoning Ordinance Amendment No. 2009-01 to be consistent with the Moorpark General Plan and Moorpark Highlands Specific Plan No. 2, as amended.

SECTION 2. Section 17.74.040.1.E. is hereby added to the Moorpark Municipal Code as shown in Exhibit A, attached hereto and incorporated herein.

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 21st day of July, 2010.

Janice Parvin, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk

Attachment: Exhibit A: Zoning Ordinance Amendment No. 2009-01

EXHIBIT A

Zoning Ordinance Amendment No. 2009-01

Section 17.74.040.1

"E. Specific Plan No. 2 Residential Planned Development Single-Family (SP2-RPD-SF) 6.1 du/ac Zone. Planning Area (P.A.) 7.

1. Minimum lot area: three thousand five hundred (3,500) square feet.
2. Building Setbacks.
 - a. Front setback: Minimum landscaped setback of ten (10) feet and architectural facade projections of up to sixteen (16) inches are allowed for non-livable spaces; with a minimum driveway depth of twenty (20) feet, as measured from front property line across area leading to enclosed parking within a garage; any two (2) adjacent lots may have the same front setback; however the third consecutive lot should vary the front setback by one (1) or more feet, as appropriate to the street and lot configuration, and to provide for variety in the streetscape.
 - b. Side setback: Minimum for a single-family dwelling unit on an interior lot shall be five (5) feet. Minimum for a single-family dwelling unit adjacent to a street is ten (10) feet. Minimum for a single story enclosed patio, patio cover or detached accessory structure shall be five (5) feet.
 - c. Rear setback: Minimum for a single-family dwelling unit is fifteen (15) feet, and second story floors, and/or architectural projections, may cantilever a maximum of eighteen (18) inches into the minimum required fifteen (15) foot setback. For single story enclosed patios or open patio covers, or for detached accessory structures the minimum required rear setback is five (5) feet.
 - d. Mechanical equipment: Must be located in the rear yard with a minimum five foot setback from any side or rear property line and must be screened with a decorative masonry wall or landscaping.
3. Maximum building height:
 - a. Thirty-five (35) feet for dwelling units;
 - b. Fifteen (15) feet for a patio cover or accessory structures;
 - c. Second story decks or balconies are prohibited.
4. Fences and Walls. Fences and walls shall comply with the provisions of this code, with the exception that sound attenuation walls shall be constructed to a height as required by a city-approved noise study for the residential planned development permit.
5. Parking. Parking shall comply with Chapter 17.32 of the city of Moorpark Municipal Code.
6. Signage. Signage shall comply with Chapter 17.40 of the city of Moorpark Municipal Code.
7. Recreational Amenities. Residential planned development permit areas with single-family lots that have an average size of less than seven thousand (7,000) square feet shall include private recreational amenities

including but not limited to the following: restrooms, swimming pool and spa, play apparatus, picnic shelter, barbecue area with seating, and multipurpose play area field. The types of amenities shall be reviewed and approved with the required residential planned development permit.

8. Eaves and Window Treatments and Surrounds. The eaves and window treatments and surrounds on all sides of a structure shall complement the eaves, window treatments and surrounds on the front elevation.

9. Wrap-Around Front Elevation Treatment. The architectural style and treatment included along the front elevation of a unit shall continue along each side elevation until commencement of fencing or other architecturally feasible termination point as determined by the residential planned development permit approval body.”