

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

**FROM:** David A. Bobardt, Community Development Director 

**DATE:** April 5, 2012 (CC Meeting of 4/18/2012)

**SUBJECT:** Consider Resolution Directing the Planning Commission to Study, Hold a Public Hearing, and Provide a Recommendation on an Amendment to Section 17.44.030 (Zoning Clearance) of Chapter 17.44 (Application Review Procedures) of the Zoning Ordinance Related to Changes in Color on Existing Buildings

**BACKGROUND / DISCUSSION**

On March 18, 2009, the City Council adopted Resolution No. 2009-2799, adopting Standard Conditions of Approval to be used for development projects. Standard Condition No. 55(d) for Planned Development Permits calls for:

*“Final exterior building materials and paint colors consistent with the approved plans under this permit. Any changes to the building materials and paint colors are subject to the review and approval of the Community Development Director.”*

Some projects approved prior to the adoption of these standard conditions did not give discretion to the Community Development Director on final building materials and colors, while other projects did. On March 21, 2012, the City Council considered a change in trim color on a building where staff did not have discretion to approve the change. Staff was directed to come back with a process that would allow staff discretion on color changes so these types of requests would not need to be subject to City Council review. To provide clarity on this matter, staff recommends an amendment to the application review procedures in Chapter 17.44 to allow the issuance of a Zoning Clearance by the Community Development Director for changes in building colors.

The Municipal Code calls for a resolution of City Council to initiate an amendment to the Zoning Ordinance. The attached draft resolution, if adopted by City Council, would direct staff and the Planning Commission to study and provide a recommendation to the City Council on the attached draft amendment to Section 17.44.030.

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**STAFF RECOMMENDATION**

Adopt Resolution 2012- \_\_\_\_.

**ATTACHMENTS:**

1. Draft Section 17.44.030 Amendment
2. Draft Resolution

**Draft Amendment to Section 17.44.030 (Zoning clearance) of Chapter 17.44  
(Application Review Procedures) of the Zoning Ordinance**

**17.44.030 Zoning clearance.**

A. Purpose. A zoning clearance is a permit that is granted on the basis of a ministerial decision by the community development director or designee without a hearing. A zoning clearance certifies that a proposed use of land or structures meets all requirements of this title and the applicable conditions of any previously approved discretionary planned development permit, administrative permit and/or conditional use permit.

B. Applicability. Except as provided in Chapter 17.20 of this title, a zoning clearance is required prior to the implementation of uses of land or structures, construction requiring building permits and the commencement of any activity authorized by a permit or subdivision granted in accordance with the zoning and subdivision ordinances of the city. A zoning clearance shall be issued if the proposed uses of land or structures:

1. Are permissible under the present zoning on the land and the city's zoning and subdivision ordinances, planned development permit or conditional use permit;

2. Are compatible with the policies and land use designations specified in the general plan, and any applicable specific plan;

3. Comply with the applicable terms and conditions of any applicable permit or other entitlement;

4. Are not located on the same site where a violation of this code exists or are not in violation of the terms of an existing permit covering the site or structure, unless the zoning clearance is necessary to abate the violation;

5. Are not being requested by or on a site where there are outstanding entitlement, processing or condition compliance fees owed to the city; and

6. Are consistent with the portions of the county hazardous waste management plan that identify specific sites or siting criteria for hazardous waste facilities.

C. Zoning clearance for changes to building colors. A zoning clearance may be issued for changes in color to an existing building with entitlement approval prior to March 18, 2009, provided that the community development director finds that the new

colors are compatible with the architectural design of the building and consistent with the original findings and conditions of approval.

GD. Expiration. Zoning clearances shall expire one hundred eighty (180) days after issuance, unless otherwise indicated by the community development director on the clearance or unless the use of land or structures or building construction has commenced and is being diligently pursued, as evidenced by current inspections and/or valid building permits.

RESOLUTION NO. 2012-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, DIRECTING THE PLANNING COMMISSION TO STUDY, HOLD A PUBLIC HEARING, AND PROVIDE A RECOMMENDATION TO THE CITY COUNCIL ON AN AMENDMENT TO SECTION 17.44.030 (ZONING CLEARANCE) OF CHAPTER 17.44 (APPLICATION REVIEW PROCEDURES) OF THE ZONING ORDINANCE RELATED TO CHANGES IN COLOR ON EXISTING BUILDINGS

WHEREAS, Section 17.44.050 of the Municipal Code provides that the City Council may initiate proceedings to consider amendments to the Zoning Ordinance by the adoption of a resolution of intent; and

WHEREAS, the City Council wishes to initiate proceedings to consider a Zoning Ordinance Amendment that would amend Section 17.44.030 (Zoning Clearance) of Chapter 17.44 (Application Review Procedures) of the Zoning Ordinance related to changes in color on existing buildings.

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

SECTION 1. INITIATION OF PROCEEDINGS: The City Council hereby authorizes the initiation of proceedings to consider a Zoning Ordinance Amendment that would amend Section 17.44.030 (Zoning Clearance) of Chapter 17.44 (Application Review Procedures) of the Zoning Ordinance related to changes in color on existing buildings.

SECTION 2. DIRECTION TO PLANNING COMMISSION: The Planning Commission is hereby directed to study, hold a public hearing, and provide a recommendation to the City Council on this matter.

SECTION 3. CITY CLERK CERTIFICATION AND FILING: The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 18th day of April, 2012.

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Janice S. Parvin, Mayor

ATTEST:

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Maureen Benson, City Clerk