

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

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



**DATE:** August 26, 2013 (CC Meeting of 9/4/2013)

**SUBJECT:** Consider Resolution Directing the Planning Commission to Study, Hold a Public Hearing, and Provide a Recommendation on an Amendment to Section 17.20.060 (Permitted Uses in Commercial and Industrial Zones) of Chapter 17.20 (Uses by Zone) of the Zoning Ordinance Related to Health Clubs, Gymnasiums, Fitness Centers, Spas, and Other Similar Uses

**BACKGROUND / DISCUSSION**

On September 15, 2004, the City Council adopted Ordinance 304, which was a comprehensive amendment of Chapter 17.20 (Uses by Zone) of the Moorpark Municipal Code. Table 17.20.060 describes the various land uses and entitlements required for those land uses.

Health clubs, gymnasiums, fitness centers, spas, martial arts studios, yoga and Pilates studios, and dance studios are permitted in the C-1, C-2, CPD, C-OT, and M-1 zones, subject to an Administrative Permit, except when within 100 feet of a residentially zoned property, when a conditional use permit (CUP) is required. Under the current regulations, smaller fitness facilities have been required to go through the same CUP process as larger facilities when near residential areas, even though they do not pose the same potential neighborhood impact. Staff has not seen impacts from the smaller uses that warrant a CUP review process, which requires a public hearing before the Planning Commission and a \$5,000 deposit to cover costs of this process.

Staff recommends an amendment to the list of permitted uses in Table 17.20.060 to allow for a tiered entitlement process, based on square footage of the fitness use. At this time, staff believes that such fitness uses under 2,500 square feet should be allowed by right in these zones with a Zoning Clearance, fitness uses between 2,501 and 10,000 square feet should be subject to an Administrative Permit (staff level) review

process, and fitness uses over 10,000 square feet should be subject to a Conditional Use Permit review process.

It should be noted that even if the smaller fitness uses (2,500 square feet or less) are allowed by right, they would still be subject to any conditions placed on the building or shopping center in which they would be located, including hours of operation, where applicable. For example, the Tuscany Square, Mountain Meadows Plaza and Rite-Aid centers are allowed to be open only from 6:00 a.m. to 10:00 p.m. Varsity Park Plaza is allowed to be open only from 7:00 a.m. to 11:00 p.m. The L.A./Spring Center, including the Starbucks/Sprint building, is allowed to be open only from 6:00 a.m. to midnight. Campus Park Plaza is allowed to be open only from 5:00 a.m. to midnight. Moorpark Plaza, Gateway Plaza, Moorpark Town Center, Mission Bell Plaza, and Park Lane Center do not have restrictions on hours of operation. Conditions restricting hours of operation beyond those already established for the center in which they are proposed could be placed on larger fitness uses (over 2,500 square feet) if determined necessary through the Administrative Permit/Conditional Use Permit process.

Amendments to the permit requirements for places of religious assembly are also proposed to ensure compliance with the Religious Land Use and Institutionalized Persons Act (RLUIPA), along with other minor clean-up amendments as shown in Attachment 1.

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 17.20.060. If the City Council adopts the attached resolution, staff intends to bring a proposed ordinance on this matter to the Planning Commission and City Council in the next couple months.

#### **STAFF RECOMMENDATION**

Adopt Resolution 2013-\_\_\_\_\_.

#### **ATTACHMENTS:**

1. Draft Section 17.20.060 Amendment
2. Draft Resolution

**Draft Amendment to Section E in Table 17.20.060 (Permitted Uses in Commercial and Industrial Zones) of Chapter 17.20 (Uses by Zone) of the Zoning Ordinance**

**Table 17.20.060**

**PERMITTED USES IN COMMERCIAL AND INDUSTRIAL ZONES**

[Blank] = Not permitted  
 AP = Administrative Permit  
 CUP = Conditional Use Permit  
 NZC = No Zoning Clearance required  
 TUP = Temporary Use Permit  
 ZC = Permitted by Zoning Clearance

Zones	C-O	C-1	CPD C-2	C- OT	M-1	M-2	I
<b>E. Public and Semi-Public Uses</b>							
<b>1. Amusement and recreational facilities as defined in Chapter 17.08</b>							
a. Arcades (video and computer) and cyber cafés		CUP	CUP	CUP			
b. Health club/gymnasium/fitness center/spa/martial arts/yoga/dance and similar uses		AP*	AP*	AP*	AP*		
i. up to 2,500 square feet		ZC	ZC	ZC	ZC		
ii. 2,501 to 10,000 square feet		AP	AP	AP	AP		
iii. over 10,000 square feet		CUP	CUP	CUP	CUP		
<del>(*if within one hundred [100] feet of a residentially zoned property a conditional use permit is required)</del>							
c. Auditoriums, community centers, dancehalls, and indoor motion picture theaters			CUP	CUP	CUP	CUP	CUP
d. Billiard and pool establishments, and bowling alleys, with or without alcohol			CUP	CUP			
<del>e. Golf driving ranges, golf putting greens and miniature golf, parks and playgrounds</del>			CUP		CUP		
<b>2. Care facilities, including adult day care facilities, Alzheimer's day care facilities, congregate living health facilities, child</b>	CUP	CUP	CUP				

Zones	C-O	C-1	CPD C-2	C- OT	M-1	M-2	I
day care centers, community treatment facilities, foster family and adoption agencies, hospices, long-term health care facilities, residential care facilities for the elderly, residential care facilities for persons with chronic life-threatening illness, skilled nursing and intermediate care facilities, social rehabilitation facilities, and therapeutic day services facilities							
3. Emergency shelters in compliance with the requirements of Chapter 17.28 (*allowed in C-2 zone only, not permitted in CPD zone; emergency shelters are also allowed in conjunction with permitted places of religious assembly)			ZC*				
4. Single room occupancy unit development in compliance with the requirements of Chapter 17.28 (*allowed in C-2 zone only, not permitted in CPD zone)			ZC*				
5. Clubhouses, social clubs, service clubs with or without alcohol					CUP		CUP
6. Energy production from renewable resources						CUP	CUP
7. Governmental uses including, but not limited to, city offices, community rooms, fire stations, human service centers, libraries, police stations, public utility facilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP
8. Hospitals including urgent care (*if within one hundred [100] feet of a residentially zoned property a conditional use permit is required)	CUP		AP*		AP*		AP*

Zones	C-O	C-1	CPD C-2	C- OT	M-1	M-2	I
9. Places of religious assembly, with or without schools and/or social services, including emergency shelters	CUP	AP*	AP*	AP*	AP*	CUP	CUP
<u>i. up to 2,500 square feet</u>		<u>ZC</u>	<u>ZC</u>	<u>ZC</u>	<u>ZC</u>		
<u>ii. 2,501 to 10,000 square feet</u>		<u>AP</u>	<u>AP</u>	<u>AP</u>	<u>AP</u>		
<u>iii. over 10,000 square feet</u>		<u>AP*</u>	<u>AP*</u>	<u>AP*</u>	<u>AP*</u>		
(*if within one hundred [100] feet of a residentially zoned property a conditional use permit is required)							
10. Private education facilities including, but not limited to, colleges and universities, elementary, middle and high schools							CUP
11. Private training facilities including, but not limited to, professional and vocational schools, art and craft schools, music schools not part of a music store, and driver training schools (*if within one hundred [100] feet of a residentially zoned property a conditional use permit is required)	CUP	CUP	AP*	AP*	AP*		
12. Recreational facilities (private), <u>indoor or outdoor</u> , with or without food services, including, but not limited to, <u>batting cages</u> , bicycle and skate <del>parks</del> <u>facilities</u> , golf courses ( <u>including miniature golf and driving ranges</u> ), <u>gymnasiums</u> , <u>fitness</u> , <u>health spas</u> , <u>martial arts</u> , <u>raequetball</u> , <u>yoga</u> and <u>sports fields</u> . Bicycles and skate parks shall be in compliance with Chapter 17.28 (*if within one hundred [100] feet of a residentially zoned property a conditional use permit is required)		AP*	AP*	AP*	AP*		CUP
13. Utility structures (electrical boxes, transformers and valve apparatus that have no covered floor area and are attached to the ground by poles, columns or pedestals shall not require a zone clearance)	AP	AP	AP	AP	AP	AP	AP

Zones	C-O	C-1	CPD C-2	C- OT	M-1	M-2	I
14. Wireless communications facilities, in accordance with the requirements of Chapter 17.42							
a. Major wireless communications facilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP
b. Minor wireless communications facilities	AP	AP	AP	AP	AP	AP	AP
c. Collocation wireless communications facilities (consistent with definition of "collocation facility" in Section 17.42.020)	ZC	ZC	ZC	ZC	ZC	ZC	ZC

(Ord. 415 § 2, 2012; Ord. 398 § 4, 2011; Ord. 396 § 2, 2011; Ord. 361 § 1 Exh. A, 2007; Ord. 360 § 2 Exh. A, 2007; Ord. 304 § 2, Exh. A, 2004; Ord. 297 Exh. A, 2003)

RESOLUTION NO. 2013-\_\_\_\_\_

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 17.20.060 (PERMITTED USES IN COMMERCIAL AND INDUSTRIAL ZONES) OF CHAPTER 17.20 (USES BY ZONE) OF THE ZONING ORDINANCE RELATED TO HEALTH CLUBS, GYMNASIUMS, FITNESS CENTERS, SPAS, AND OTHER SIMILAR USES

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 17.20.060 (Permitted Uses in Commercial and Industrial Zones) of Chapter 17.20 (Uses by Zone) of the Zoning Ordinance Related to Health Clubs, Gymsnasiums, Fitness Centers, Spas, and Other Similar Uses.

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 17.20.060 (Permitted Uses in Commercial and Industrial Zones) of Chapter 17.20 (Uses by Zone) of the Zoning Ordinance Related to Health Clubs, Gymsnasiums, Fitness Centers, Spas, and Other Similar Uses.

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 4<sup>th</sup> day of September, 2013.

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Janice S. Parvin, Mayor

ATTEST:

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Maureen Benson, City Clerk

**CC ATTACHMENT 2**