

ORDINANCE NO. 942

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING CHAPTER 2.34 OF THE LANCASTER MUNICIPAL CODE TO ESTABLISH THE PLANNING COMMISSION AS THE HEARING BODY TO HEAR INITIAL APPEALS OF DECISIONS AND DETERMINATIONS MADE BY THE ARCHITECTURAL AND DESIGN PLANNING COMMISSION

WHEREAS, the City Council of the City of Lancaster has established an Architectural and Design Planning Commission with the adoption of Chapter 2.34 of the Lancaster Municipal Code in 2008; and

WHEREAS, one of the duties of the Architectural and Design Planning Commission is to hear “appeals from interpretations and/or decision of City staff related to residential, commercial, and/or industrial design standards”; and

WHEREAS, currently Chapter 2.34 establishes the City Council as the hearing body for appeals of decisions or determinations made by the Architectural and Design Planning Commission; and

WHEREAS, the City Council finds that this procedure could result in the Council hearing appeals on design issues related to projects that have not yet been reviewed and decided upon by the City’s Planning Commission; and

WHEREAS, the City Council finds that such a procedure does not reflect proper due process, in that its decisions on an appeal could unfairly influence subsequent hearings and determinations by the Planning Commission;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY ORDAIN, AS FOLLOWS:

Section 1. Section 2.34.020 of the Lancaster Municipal Code is hereby amended to read as follows:

“Section 2.34.020 Power and scope of authority

The power and authority of the Architectural and Design Planning Commission established by this chapter shall be limited to the following: (i) development and recommendation to the City Council of new residential, commercial, and/or industrial design standards, or the revision and/or modification of existing residential, commercial and/or industrial design standards; and (ii) hearing appeals from interpretations and/or decision of City staff related to residential, commercial, and/or industrial design standards; provided, however, that any final decision or determination made by the Architectural and Design Planning Commission may be appealed, as follows:

- A. All appeals shall be heard by the Planning Commission. Procedure and notice shall be given as provided in Chapter 2.44 of this code or, if the appeal is to be heard by the Planning Commission in conjunction with the consideration of a development application, notice shall be given in conjunction with the development application notice.
- B. The final decision or determination made by the Planning Commission may be appealed to the City Council pursuant to the procedure set forth in Chapter 2.44 of this code.”

Section 2. That the City Clerk shall certify to the passage of this Ordinance and will see that it is published and posted in the manner required by law.

I, Geri K. Bryan, CMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the 26th day of January, 2010, and placed upon its second reading and adoption at a regular meeting of the City Council on the ____ day of _____, 2010, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
 City Clerk
 City of Lancaster

R. REX PARRIS
 Mayor
 City of Lancaster

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF LANCASTER)

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. 942, for which the original is on file in my office.

WITNESS MY HAND AND SEAL OF THE CITY OF LANCASTER, on this _____ day of the _____.

(seal)
