

ORDINANCE NO. 956

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING TITLE 17 OF THE MUNICIPAL CODE, (ZONING ORDINANCE) TO IMPLEMENT THE REQUIREMENT TO COMPLY WITH THE ADOPTED CITY OF LANCASTER DESIGN GUIDELINES

WHEREAS, the City Council of the City of Lancaster, finds that it is necessary to amend Title 17 of the Municipal Code (Zoning Ordinance) to ensure that the newly adopted Design Guidelines are put into place; and

WHEREAS, the amendment to Title 17 of the Lancaster Municipal Code will modify the various sections of the Zoning Ordinance; and

WHEREAS, The City Council hereby makes the following findings in support of the Ordinance:

1. The proposed Zoning Ordinance amendment is consistent with General Plan Policy No. 19.1.1 which states: "Develop and apply a comprehensive set of community design standards and guidelines in conformance with the goals, objectives, policies and action programs contained in the Community Design subsection of the Plan for Physical Development"; and
2. The proposed amendments to the Lancaster Municipal Code will not adversely affect the public health, peace, comfort or welfare, because amending the application process would not affect the existing land use; and
3. The modification to the Lancaster Municipal Code would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the proposed procedural modifications would not alter land use patterns; and
4. The Council hereby finds the environmental findings adopted by the City Council Resolution No. 09-52 on July 14, 2009, are valid for the amendment because the project is consistent with the General Plan. Therefore, no further environmental review is required pursuant to Section 15162 of the State CEQA Guidelines.

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

Section 1. Add Section: 17.08.060.AA to read as follows:

“Architectural Design Review for the development of single family residential dwelling units.”

Section 2. Amend Sections: 17.08.090 to read as follow to read as follows:

In the Medium Density Residential and High Density Residential Zones, a site plan (with vicinity map) and building elevations, drawn to scale and reflecting the accurate dimensions of the buildings and property, shall be required of any person seeking to erect new buildings or structures, make additions to any existing buildings or structures, or otherwise improve or develop any lot or portion thereof for a permitted use prior to the issuance of any building permit. The Director or the designated representative shall review the site plan for conformance with the provisions of this title. The site plan shall demonstrate conformance with height regulations, property development regulations, sign regulations, off-street parking requirements, the adopted City of Lancaster Design Guidelines, any other requirements established for the Medium Density Residential and High Density Residential Zones, and any other applicable City Ordinances, standards, or policies. In addition to the conditions and requirements imposed by this title and other City Ordinances, standards and policies, the Director may place conditions on the approval of the site plan only where the Director finds that such action is necessary to protect the public health, safety and general welfare. At such time the site plan complies with the requirements of this title and other City Ordinances, standards or policies, the site plan may be approved by the director or his designated representative. The site plan approval shall be valid for two (2) years from the date of approval. A site plan shall be considered “used” when the slab of a major building in the project is poured and inspected, although circumstances in each case may vary. Three (3) one-year extensions for the approval may be granted by the director provided such written request for an extension is received not less than sixty (60) days prior to expiration and any significant environmental changes which have occurred since the original approval have been addressed. Any extension granted shall be conditioned to comply with the City’s current Design Guidelines as adopted by the City Council, unless the applicant can demonstrate to the director’s satisfaction that such compliance will impose an undue hardship on the project. In the event the site plan is denied, the applicant may appeal the decision in accordance with Section 17.36.030. All projects constructed in accordance with an approved site plan shall be permanently maintained as approved. Any desired subsequent changes shall be submitted for approval as an amendment to the site plan.

Where the director determines that the requirements of this section surpass the City's need for project review of a particular development proposal, the director may exercise discretion and apply the provisions of Article VI of Chapter 17.32, Director's Review, in its place.

Section 4. Amend Sections 17.12.120.A, 17.12.630, 17.12.790.A and 17.16.120.A to read as follows:

A site plan (with vicinity map) and building elevations, drawn to scale and reflecting the accurate dimensions of the buildings and property, shall be required of any person seeking to erect new buildings or structures, make additions to any existing buildings or structures, site temporary commercial coaches, or otherwise grade, improve or develop any lot or portion thereof for a permitted use prior to the issuance of any grading or building permit. The site plan shall be accompanied by an appropriate development application and both shall be filed with the Planning Department. The Director or the designated representative shall review the site plan for conformance with the provisions of this title. The site plan shall demonstrate conformance with height regulations, property development regulations, sign regulations or a sign program required by the city for multiple-tenant projects, off-street parking requirements, the adopted City of Lancaster Design Guidelines, any other requirements established for the adopted zoning designation in which the property (ies) is (are) located, and any other applicable city ordinances, standards, guidelines or policies. In addition to the conditions and requirements imposed by the ordinance codified in this title and other city ordinances, standards, guidelines and policies, the director may place conditions on the approval of the site plan where the director finds that such action is necessary to protect the public health, safety and welfare. At such time as the site plan complies with the requirements of the ordinance codified in this title and other city ordinances, standards, guidelines or policies, the site plan shall be approved by the director or his designated representative. The site plan approval shall be valid for two (2) years from the date of approval. A site plan shall be considered "used" when the slab of a major building in the project is poured and inspected, although circumstances in each case may vary and the final determination as to "use" of a site plan review shall be made by the director. Three (3) one-year extensions of the approval may be granted by the director provided such written request for an extension is received not less than sixty (60) days prior to expiration, and any significant environmental changes which have occurred since the original approval have been addressed. Any extension granted shall be conditioned to comply with the city's current design guidelines as adopted by the city council, unless the applicant can demonstrate to the director's satisfaction that such compliance will impose an undue hardship on the project. In the event the site plan or an extension thereof is denied, the applicant may appeal the decision in accordance with Section 17.36.030. All projects constructed in accordance with an approved site plan shall be permanently maintained as approved. Any desired subsequent changes shall be submitted for approval as an amendment to the site plan. Prior to occupancy the site shall be inspected for

compliance with the site plan. All improvements shall be installed and functioning before occupancy will be allowed.

Where the director determines that the requirements of this section surpass the city's need for project review of a particular development proposal, the director may exercise discretion and apply the provisions of Article VI of Chapter 17.32, Director's Review, in its place.

Section 5. 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 ____ day of _____, 2010, and placed upon its second reading and adoption at a regular meeting of the City Council on the ____ day of _____, 2011, 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

PLANNING COMMISSION ACTION:

APPROVED (7-0-0-0)

AGENDA ITEM: 5.

DATE: 11-15-10

STAFF REPORT

AMENDMENT TO TITLE 17 OF THE LANCASTER MUNICIPAL CODE (ZONING ORDINANCE)

DATE: November 15, 2010

TO: Lancaster Planning Commission

FROM: Planning Department

APPLICANT: City of Lancaster

LOCATION: City-wide

REQUEST: Amendment to Title 17 (Zoning Ordinance) of the Municipal Code modifying various sections to implement requirements for development projects to meet the requirements of the adopted City of Lancaster Design Guidelines



RECOMMENDATION: Adopt Resolution No. 10-51 recommending to the City Council approval of an amendment to the Zoning Ordinance, Title 17 of the Lancaster Municipal Code.

- Add Section: 17.08.060.AA;
- Amend Sections: 17.08.090, 17.12.120.A, 17.12.630, 17.12.790.A, and 17.16.120.A.

BACKGROUND: On December 8, 2009, the City Council approved Design Guidelines for the City of Lancaster.

ENVIRONMENTAL REVIEW: The potential effects of the proposed ordinance are adequately discussed in the final EIR adopted for the City's General Plan, and certified under City Council Resolution No. 95-52 on July 14, 2009. Pursuant to Section 15162 of the State CEQA Guidelines no further environmental review is required.

LEGAL NOTICE: Notice of Public Hearing was posted in three places, and noticed in a newspaper of general circulation per prescribed procedures.

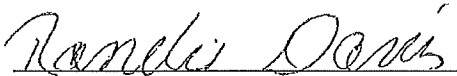
ANALYSIS: In 2009, the planning staff worked diligently with the Architectural and Design Commission to create design guidelines for future development projects in the City of Lancaster. On December 8, 2009, the City Council adopted the Design Guidelines.

PC Staff Report – Amendment to Title 17 (Zoning Ordinance)
Resolution No. 10-51
November 15, 2010
Page 2

The current Zoning Ordinance does not have a provision for reviewing the design of single family residences. The addition of Section 17.08.060.AA would require design review for the development of single family residences. The Director's Review process is an administrative approval, and would expedite the review and approval process. In addition, Section 17.08.090 (Site Plan Review) would be amended by requiring all projects in the medium density and high density residential zones to adhere to the Design Guideline requirements.

Staff is also is proposing to amend Sections 17.12.120.A, 17.12.630, and 17.12.790.A, for Commercial Zones, and Section 17.16.120.A for Industrial Zones. This amendment would require that new commercial and industrial development meet the requirements of the adopted Design Guidelines.

Respectfully submitted,



Randie Davis, Assistant Planner

RESOLUTION NO. 10-51

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AMENDMENTS TO TITLE 17 OF THE LANCASTER MUNICIPAL CODE, THE ZONING ORDINANCE

WHEREAS, staff is recommending amendments to Title 17 of the Lancaster Municipal Code, the Zoning Ordinance, by adopting standards and guidelines for the adopted Design Guidelines; and,

WHEREAS, notice of intention to consider the amendments to Title 17 of the Lancaster Municipal Code has been given in accordance with Section 65090 of the Government Code of the State of California; and

WHEREAS, staff has prepared a written report recommending approval of the amendments; and

WHEREAS, a public hearing on the petition was held on November 15, 2010; and

WHEREAS, this Commission hereby adopts the following findings in support of approval of these amendments:

1. The proposed Zoning Ordinance amendment is consistent with General Plan Policy No. 19.1.1 which states: "Develop and apply a comprehensive set of community design standards and guidelines in conformance with the goals, objectives, policies and action programs contained in the Community Design subsection of the Plan for Physical Development"; and
2. The proposed amendments to the Lancaster Municipal Code will not adversely affect the public health, peace, comfort or welfare, because amending the application process would not affect the existing land use; and
3. The modification to the Lancaster Municipal Code would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, because the proposed procedural modifications would not alter land use patterns; and
4. The environmental findings adopted by the City Council Resolution No. 09-52 on July 14, 2009, are valid for the amendment because the project is consistent with the General Plan. Therefore, no further environmental review is required pursuant to Section 15162 of the State CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED:

This Commission hereby recommends that the City Council approve the Ordinance to amend Title 17 of the Lancaster Municipal Code as attached to this Resolution.

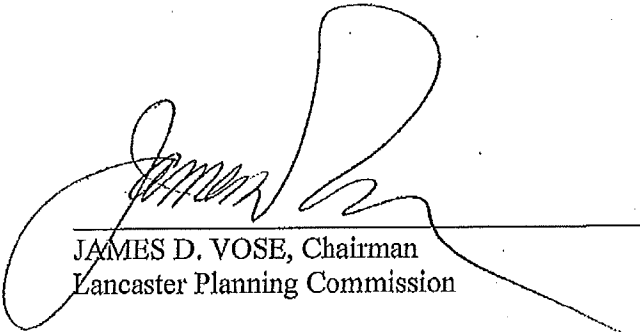
PASSED, APPROVED and ADOPTED this 15th day of November 2010, by the following vote:

AYES: Commissioners Hall, Harvey, Malhi, Terracciano, Wheeler, Vice Chairman Jacobs, and Chairman Vose.

NOES: None.

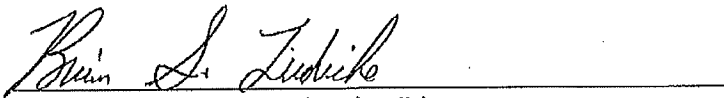
ABSTAIN: None.

ABSENT: None.



JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:



BRIAN S. LUDICKE, Planning Director
City of Lancaster