

ORDINANCE NO. 995

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING SECTIONS 16.08.190 AND 17.32.170.A. OF THE LANCASTER MUNICIPAL CODE, AND ADDING SECTION 17.32.175 TO THE LANCASTER MUNICIPAL CODE, RELATING TO THE EXPIRATION OF OTHER DISCRETIONARY APPROVALS IN CONJUNCTION WITH A TENTATIVE MAP

WHEREAS, Section 16.08.190 of the Lancaster Municipal Code (the “Municipal Code”) provides that any conditional use permit approved concurrently with a tentative map for a residential planned development shall have the same expiration date as the approved tentative map or any extension of the map, unless a specific expiration date is specified in the conditional use permit; and

WHEREAS, expiration dates and extension provisions contained in Section 17.32.170.A and elsewhere in Title 17 of the Lancaster Municipal Code create potential for conflicts when tentative maps and other discretionary actions are approved in conjunction with each other for specific development projects; and

WHEREAS, the City Council has determined that it is in the public interest and welfare to amend Section 16.08.190 of the Municipal Code in order to make it applicable to any development approval (not only a conditional use permit) and any development (not only a residential planned development), and make other amendments within Title 17 of the Municipal Code to provide for consistency in handling these types of development approvals; and

WHEREAS, the Planning Commission reviewed said ordinance at its regular meeting of October 21, 2013, and recommended to the City Council adoption of said ordinance as outlined in Planning Commission Resolution No. 13-16; and

WHEREAS, the City Council has held a duly noticed public hearing and received and considered public testimony and the Planning Commission recommendation;

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

Section 1. Section 16.08.190 of the Lancaster Municipal Code shall be and hereby is amended in its entirety to read as follows:

**“16.08.190 Expiration of other approvals in conjunction with a tentative map.**

Any discretionary land use entitlement (including, without limitation, a conditional use permit, site plan review, or director’s review) approved in conjunction with a tentative map shall have the same expiration date as the approved tentative map or any extension of the map, unless a specific expiration date is specified in the approval of such entitlement.”

Section 2. Section 17.32.170.A. of the Lancaster Municipal Code shall be and hereby is amended in its entirety to read as follows:

“A. Except as provided in section 17.32.175, an approved conditional use permit shall expire twenty-four (24) months from the date of planning commission or city council approval. Conditional use permits may be granted time extensions prior to the expiration of the project not to exceed three (3) one-year extensions. 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 planning commission's satisfaction that such compliance will impose an undue hardship on the project. The applicant is required to file for an extension sixty (60) days prior to such expiration date.”

Section 3. Section 17.32.175 is hereby added to the Lancaster Municipal Code to read as follows:

**“17.32.175 Exceptions to expiration dates.**

A conditional use permit approved in conjunction with a tentative map shall have the same expiration date as the approved tentative map or any extension of the map, unless a specific expiration date is specified in the approval of the conditional use permit.”

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held for any reason to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Lancaster hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 5. The adoption of the Ordinance is not subject to the California Environmental Quality Act pursuant to Section 15061(b)(3) of the State CEQA Guidelines, because there is no possibility that it may have a significant effect on the environment.

Section 5. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect 30 days after its final passage.

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 12<sup>th</sup> day of November, 2013, and placed upon its second reading and adopted at a regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2013, by the vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
GERI K. BRYAN, CMC  
City Clerk  
City of Lancaster

\_\_\_\_\_  
R. REX PERRIS  
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. 995, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_

(seal)