

ORDINANCE NO. 924

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING TITLE 17, OF THE LANCASTER MUNICIPAL CODE, (ZONING ORDINANCE) MODIFYING THE EXPIRATION DATE FOR CONDITIONAL USE PERMITS AND INCREASING THE NUMBER OF EXTENSIONS AVAILABLE FOR SITE PLAN REVIEWS AND CONDITIONAL USE PERMITS

WHEREAS, the City Council of the City of Lancaster finds that is necessary to amend Title 17 of the Municipal Code (Zoning Ordinance) based on the current economical crises by modifying the expiration date for Condition Use Permits and increasing the number of extensions for Site Plan Reviews and Condition Use Permits; and

WHEREAS, the amendments to Title 17 of the Lancaster Municipal Code will modify the expiration date for Conditional Use Permits by granting two years from the original approval date and increasing the number of extension on all Site Plan Reviews and Conditional Use Permits to three (one year) extensions; and

WHEREAS, the City Council believes that by modifying the current expiration date from one year to two years for Conditional Use Permit and increasing the number of extensions to three (one year) extensions for Site Plan Reviews and Conditional Use Permits, this would provide the property owner adequate time for development due to the current financial crises; and

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

1. The proposed amendments are consistent with the General Plan, because it will not result in changes to the land use or maps and affects only the process for approval of Condition Use Permits and Site Plan Review applications by modifying the expiration date for Condition Use Permits and number of extensions available for Site Plan Reviews and Condition Use Permits.
2. The proposed amendments to the Lancaster Municipal Code will not adversely affect the public health, peace, comfort or welfare, because amending the expiration date and number of extensions would not affect the existing land use maps.
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 modification would not alter the land. If development were to take place, an Initial Study would be prepared for the project and any environmental issues would be addressed prior to development.

4. The proposed amendments will not alter the land use patterns and requirements established by the General Plan, and will not alter the development standards contained in Title 17 (Zoning Ordinance) of the Lancaster Municipal Code, or any other adopted development requirements; therefore, this Commission hereby finds that the environmental findings adopted by the City Council under City Council Resolution No. 09-52 on July 14, 2009, are valid for these proposed amendments, and no further environmental review is required pursuant to Section 15162 of the State CEQA Guidelines.

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

Section 1. Title 17 of the Lancaster Municipal Code is hereby amended as provided in Exhibit "A", attached hereto.

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 11th day of August, 2009, and placed upon its second reading and adoption at a regular meeting of the City Council on the ____ day of _____, 2009, 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

**“EXHIBIT A”
OF ORDINANCE NO. 924**

Revise Sections below to read as follows:

1. Revise Section 17.08.090:

“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 his 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, design requirements, 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 he finds that such action is necessary to protect the public health, safety and general welfare. At such time as 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 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 one-year extensions of the approval may be granted by the Director provided such written request for an extension is received not less than 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.”

2. Revise Section 17.12.120.A:

“A. 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 a designated representative. The site plan approval shall be valid for 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 one-year extensions of the approval may be granted by the Director provided such written request for an extension is received not less than 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.

3. Revise Section 17.12.340:

“A site plan (with vicinity map) and building elevations, drawn to scale and reflecting the accurate dimensions of the building 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 grade, improve or develop any lot or portion thereof for a permitted use prior to the issuance of any grading or building permit. The Director or his 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, design requirements and any other requirements established for the Central Business District Zone, 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 only where he 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 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 one-year extensions of the approval may be granted by the Director provided such written request for an extension is received not less than 60 days prior to expiration and 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. 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.”

4. Revise Section 17.12.630:

“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 grade, improve or develop any lot or portion thereof for a permitted use prior to the issuance of any grading or building permit. The Director or his 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, design requirements, any other requirements as established for the Hospital Zone, 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 only where he finds that such action is necessary to protect the public health, safety and welfare. At such time as the site plan complies with the intent 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 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 one-year extensions of the approval may be granted by the Director or his designated representative provided such written request for an extension is received not less than 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.”

5. Revise Section 17.12.790.A

“A. 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 his designated representative shall review the site plan for conformance with the provisions of this title.

The site plan shall demonstrate conformance with property development regulations, sign regulations or a sign program required by the City for multiple-tenant projects, off-street parking requirements, design requirements, any other requirements established for the Office Professional Zone, 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 arrival of the site plan only where he 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 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 2 years from the date of approval. Three one-year extensions of the approval may be granted by the Director provided such written request for an extension is received not less than 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. A site plan shall be considered to remain valid after the expiration date when a building permit has been issued prior to expiration and the slab of a major building in the project has been inspected and poured prior to expiration; site plan approval shall then be considered to remain valid until the building permit issued, or any extension thereto, remains valid and in force. If the building permit expires prior to the completion of the project, a new site plan approval and building permit must be obtained. The new site plan shall be subject to any new conditions of approval as may be necessary to meet new requirements or changed circumstances affecting 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. 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."

6. Revise Section 17.12.970.A:

"A. 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 his designated representative, shall invite the participation of the chairman of the planning commission, or his designated representative, who shall be afforded the opportunity to provide comments on the review of the site plan. The site plan shall be reviewed 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, design requirements, any other requirements established for the Regional Commercial Zone, 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 only where he 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 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 one-year extensions of the approval may be granted by the Director provided such written request for an extension is received not less than 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."

7. Revise Section 17.16.120.A:

"A. 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 his 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, design requirements, any other requirements established for the Industrial Zones, 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 only where he 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 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 one year extensions of the approval may be granted by the Director provided such written request for an extension is received not less

than 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."

8. Revise Section 17.16.330.A:

"A. 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 his 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, design requirements, any other requirements established for the Business Park Zone, 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 only where he 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 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 one-year extensions of the approval may be granted by the Director provided such written request for an extension is received not less than 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.

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.”

9. Revise Section 17.32.170.A:

“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 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 60-days prior to such expiration date.”

10. Revise Section 17.32.170.C.1:

1. “Within two years of the date of such approval, either acquires the property involved or commences legal proceedings for its acquisition; and”