

Chapter 16.200 - General Provisions

- 16.200.010 Purpose and Intent
- 16.200.020 Type of Review Procedures in Effect
- 16.200.030 Review Bodies Established
- 16.200.040 Purpose and Responsibilities of the Review Bodies

16.200.010 Purpose and Intent

This Chapters 16.200 through 16.236 (Administration of the Development Code) establishes the regulations for the effective and efficient implementation of the Santa Paula Development Code (Title 16 of the Municipal Code). Chapters 16.200 through 16.236 contain the procedures for discretionary review of development applications, criteria for acceptance of applications for discretionary actions, and general standards for processing of applications. The provisions of Chapters 16.200 through 16.236 provide for a system of development review that is open to the public and responsive to the needs of the community.

16.200.020 Type of Review Procedures in Effect

Table 200-1 outlines the types of review procedures in effect in Santa Paula.

16.200.030 Review Bodies Established

- A. The City Council and Planning Commission will serve as hearing bodies in the City of Santa Paula.
- B. The City Council will be established as set forth in Title III, Chapter 30 of the Santa Paula Municipal Code.
- C. The Planning Commission will be established as set forth in Title III, Chapter 32 of the Santa Paula Municipal Code.

**TABLE 200-1
Hearing Bodies And Responsibilities**

Type of Application	Planning Director (a)		Planning Commission (b)		City Council
	Authority to Approve or Deny	Advisory to Planning Comm. or City Council	Authority to Approve or Deny (c)	Advisory to City Council (c)	Final Authority (c)
Agricultural Preserves & Land Conserv. (See Ch. 16.214)		X			X
Annexation (See Ch. 16.236)		X		X	X (d)
Conditional Use Permit (See Ch. 16.218)		X	X		
Design Review (See Ch. 16.226)	X				
Development Agreement (See Ch. 16.234)		X		X	X
Development Code Text Amendment (See Ch. 16.208)		X		X	X
General Plan Amendment (See Ch. 16.212)		X		X	X
Home Occupation Permit (See Ch. 16.230)	X				
Lot Line Adjustment (See Ch. 16.80)	X				
Minor Modification (See Ch. 16.222)	X				
Parcel Map (See Ch. 16.80)	X				
No dedication of land					
Dedication or offer of dedication of land		X			X
Planned Development Permit (See Ch. 16.31)		X	X		
Reversion to Acreage (See Ch. 16.80)		X			X
Second Unit Permit (See Ch. 16.227)	X				
Specific Plan (See Ch. 16.216)		X		X	X
Temporary Use Permit (See Ch. 16.228)	X				
Tract Map (See Ch. 16.80)					
Tentative Map		X		X	X
Final Map		X			X
Tree Removal Permit (See Ch. 16.232)	X				
Variance (See Ch. 16.220)		X	X		
Zone Change (See Ch. 16.210)		X		X	X
Zoning Clearance (See Ch. 16.224)	X				

- Notes: (a) All decisions of the Planning Director are appealable to the Planning Commission.
 (b) All decisions of the Planning Commission are appealable to the City Council.
 (c) Public Hearing Required
 (d) Subject to approval by LAFCO

16.200.040 Purpose and Responsibilities of the Hearing Bodies

A. City Council

The City Council will act as the final arbiter to interpret and to ensure enforcement of the provisions of this Title 16, subject to the rules of conduct and responsibilities established by City ordinances. The City Council will be responsible for conducting the public hearings set forth in Table 200-1.

B. Planning Commission

1. The Planning Commission's responsibilities and duties with respect to the implementation and interpretation of this Title 16 will be as follows:
 - a. Those responsibilities and duties described in the state planning, zoning, and development laws contained in Section 65100 et seq. of the California Government Code.
 - b. Such duties as may be designated by the City Council.
2. The Planning Commission will be responsible for conducting the public hearings set forth in Table 200-1, pursuant to the provisions of Chapter 16.204 (Public Hearings) of this Title 16.

C. Planning Director

The Planning Director will have the authority to approve certain discretionary permits, as set forth in Table 200-1. The Director may designate a City staff member to act on his behalf. Thus, in this Chapter 16.200, the term Planning Director will mean the Director or his designee, where such reference is made to a review, discretionary action, or approval.

Chapter 16.202 - Applications, Processing, Filing, and Fees

16.202.010	Application Materials
16.202.020	Requirements for Complete Application
16.202.030	Application Review and Processing
16.202.040	Concurrent Applications
16.202.050	Environmental Review
16.202.060	Fees
16.202.070	Performance Security
16.202.080	Application Denial - Reapplication
16.202.090	Concurrent Expiration of Permits

16.202.010 Application Materials

- A. Any person or authorized representative desiring a permit or approval required by this Title 16 shall file an application with the Planning Director or the designee.
- B. The Planning Director shall prescribe the form in which applications shall be made permits and approvals pursuant to this Title 16. The Planning Director may prepare and provide blank forms for such purpose and may prescribe the type of information to be submitted in the application by the applicant.
- C. Information required as part of an application shall, at a minimum, include:
 - 1. The names, addresses, and telephone numbers of the property owner and applicant;
 - 2. Proof of ownership;
 - 3. A letter of authorization from the property owner, if the applicant is other than the owner; and
 - 4. Address and legal description of the properties involved.
- D. An application for a **variance, planned development permit, conditional use permit, or design review** approval shall be accompanied by a description of the proposed use or project and the information required on the submittal requirements list available in the Planning Department.
- E. For **applications requiring a public hearing** as a scheduled matter, the applicant shall submit a list of all persons or agents owning properties within a 300-foot radius from the exterior boundaries of the subject property, or as required by law. Such list shall be accompanied by copies of all Ventura County Assessor's maps used in preparing the list, and an affidavit certifying that the list is true and correct and has been obtained from the most recent assessment role of the Ventura County Assessor no longer than 90 day prior to the filing of the application.
- F. For applications for **projects involving the use of hazardous materials, the handling of solid waste, or alcohol sales and service**, the applicant shall submit a list of all persons or agents owning properties within a 1,000-foot radius from the exterior boundaries of the subject property. Such list shall be

accompanied by copies of all Ventura County Assessor's maps used in preparing the list and an affidavit certifying that the list is true and correct and has been obtained from the most recent assessment role of the Ventura County Assessor no longer than 90 day prior to the filing of the application.

- G. The Planning Director may waive the filing of one or more of the items listed in subparagraph D above or may require other pertinent information to be submitted.
- H. The accuracy of all information submitted shall be the responsibility of the applicant.
- I. In the event that delays are encountered in the processing of an application, the list of surrounding property owners shall be updated to be no older than 90 days prior to the scheduled hearing date.

16.202.020 Requirements for Complete Application

No application shall be processed until it has been deemed complete by the Planning Director or the designee. No application shall be deemed complete until all required information is provided in the required quantity and format.

16.202.030 Application Review and Processing

- A. Within 30 days after receiving an application for a development project, the Planning Director shall determine in writing whether an application is complete. Such a determination shall be transmitted immediately to the applicant at the address indicated on the application form.
- B. If an application is determined to be incomplete, the Planning Director shall specify those parts of the application that are incomplete, and shall indicate the manner in which they can be made complete.
- C. After the Planning Director has accepted an application as complete, the Planning Director shall not subsequently request of an applicant any new or additional information that was not required as part of the application originally determined to be complete.
- D. The Planning Director may in the course of processing an application, require the applicant to clarify, amplify, correct, or otherwise supplement the information required for the original application.
- E. Termination of Incomplete Application. Upon written notification to the applicant, processing of an incomplete application may be terminated if no reasonable effort has been made by the applicant to complete the application for a period of six months from the date of notification of incompleteness. All unused fees shall be refunded to the applicant. An extension to this six-month period may be granted by the Planning Director on written request by the applicant showing good cause.

16.202.040 Concurrent Applications

Whenever more than one permit or approval is required for a proposed development project or use, all applications shall be filed and processed concurrently. All such related applications shall be reviewed in accordance with the procedures set forth for the application requiring the highest level of review.

16.202.050 Environmental Review

All applications deemed complete in accordance with Title 16 of this Code and, if applicable, General Plan Sections III(F) or III(G), require environmental review in accordance with the requirements of the California Environmental Quality Act (Public Resources Code, §§ 21000 *et seq.*) and the regulations promulgated thereunder (14 Cal. Code of Regulations §§ 15000 *et seq.*).

16.202.060 Fees

- A. Each applicant for a land use action authorized by this Title 16 shall pay those fees and costs as established by resolution of the City Council.
- B. At any time prior to final action on any application filed pursuant to this Title 16, the applicant, by written request filed with the Planning Department or with the City Council, if action by the Planning Department has been completed thereon, may withdraw the application and terminate further consideration thereof.
- C. Where such written request has been filed and the application withdrawn, the applicant may file a proper claim for refund of any fee paid for the filing of such application. Upon approval of the claim by the Planning Director, the City Council may order the refund of such fee less any costs the Council may determine to have been incurred by the City incidental to action or proposed action on the application.
- D. Application for refund of fees shall be made in the manner and on the form prescribed for refund authorized by the California Government Code.

16.202.070 Performance Security

- A. Whenever a Variance, Planned Development Permit, or Conditional Use Permit is granted by the Planning Commission or the City Council upon any condition or limitation, or for a limited period of time, the Commission or Council may require the applicant to furnish security in the form of money or a surety bond in an amount fixed by the Commission or Council to ensure compliance with the conditions and limitations, including the limitation of time, upon which the Variance, Planned Development Permit, or Conditional Use Permit is granted.
- B. Every such bond shall be a penalty bond in a form satisfactory to the City Attorney, payable to the City of Santa Paula, and conditioned upon compliance with the conditions and limitations, including the limitation of time, upon which such Variance, Planned Development Permit, or Conditional Use Permit is granted.

- C. Upon the breach of any condition or limitation, including the limitation of time, upon which the Variance, Planned Development Permit, or Conditional Use Permit is granted, the money or the bond furnished as security shall be forfeited to the City, and such money or the money collected on any such bond shall be paid into the general fund of the City of Santa Paula.

16.202.080 Application Denial - Reapplication

- A. Whenever an application or portion of an application has been denied or revoked and the denial or revocation becomes final, no new application for the same or similar request may be accepted within one (1) year of the date of the denial, unless the Planning Director finds that the conditions surrounding the application have sufficiently changed to warrant a new application.
- B. For the purpose of this Section, "changed conditions" shall mean a substantial change in land use on properties in the vicinity, improved infrastructure in the vicinity, altered traffic patterns, or any such similar change resulting in a changed physical environment.

16.202.090 Concurrent Expiration of Permits

- A. The grantee of a permit or variance shall be given a time limit as specified in this Title 16 to establish a right to use the permit or variance. Failure to exercise the right within the specified time limit shall render the permit or variance null and void.
- B. Should a property be granted with more than one permit or variance, or combination thereof, failure to exercise the right of any permit or variance within the specified time limit shall cause the concurrent expiration of all permits or variances associated with the property.

Chapter 16.204 - Public Hearings

- 16.204.010 Noticing
- 16.204.020 Evidence of Notice
- 16.204.030 Failure to Send Notice
- 16.204.040 Hearing Procedures

16.204.010 Noticing

- A. For applications requiring a public hearing before the Planning Commission, such hearings shall be set by the Planning Director. For applications requiring a public hearing before the City Council, such hearings shall be set by the City Clerk.
- B. In all cases, the first hearing shall be held within 60 days of the date on which the application has been deemed as complete, unless a longer time is required to accommodate environmental review under the provisions of the California Environmental Quality Act.
- C. Notice of the time and place of public hearings shall be given at least 10 calendar days before the public hearing, as provided in this Chapter 16.204. Such notice shall include a general description of the matter to be considered and a general description of the area affected.
 - 1. Notice of any public hearing to consider any **proposed amendment to this Title 16 or any general plan amendment** shall be published at least once in a newspaper of general circulation, published and circulated in the City of Santa Paula.
 - 2. Notice of any public hearing to consider **an annexation, Planned Development permit, Variance, Conditional Use Permit, tentative map, specific plan or Development Agreement** shall be:
 - a. Mailed or delivered to all persons including businesses, corporations, or other public or private entities owning real property within a radius of 300 feet of the exterior boundaries of the property which is the subject of the proposed land use application as such owners and their addresses are shown on the current assessment roll of the Ventura County Assessor;
 - b. Published at least once in a newspaper of general circulation, published and circulated in the City; and
 - c. Posted in conspicuous places on the property affected, in accordance with City Council Resolution 3404.
 - 3. Notice of any public hearing to consider any use involving the **use of hazardous materials, the handling of solid waste, or off-site alcohol sales** must be:

- a. Mailed or delivered to all persons including businesses, corporations, or other public or private entities owning real property within a radius of 1,000 feet of the exterior boundaries of the property which is the subject of the proposed land use application as such owners and their addresses are shown on the current assessment roll of the Ventura County Assessor;
 - b. Published at least once in a newspaper of general circulation, published and circulated in the City; and
 - c. Posted in conspicuous places on and in the near vicinity of the property affected, in accordance with City Council Resolution 3404.
- D. Where application is made for a change of zone, the Planning Director or the Planning Commission shall have the discretion to include in the notice of hearing on such application, notice that the Planning Commission will consider classification of other than that for which application is made. (Ord. 1159, June 5, 2006)

16.204.020 Evidence of Noticing

When notice of a hearing is given pursuant to this Chapter 16.204, the following documentation shall be deemed sufficient to serve as proof that such notice was given:

- A. **Publication** - When notice is given by publication, an affidavit of publication by the newspaper in which the publication was made.
- B. **Mailing** - When notice is given by mail or other delivery, an affidavit or proof of mailing/delivery must be made, showing, at a minimum, the date or dates of mailing/delivery and the list of persons and groups to which the mailing/delivery was made. Failure to send notice to any property owner whose address is not on the most recent roll of the Ventura County Assessor shall not invalidate any of the proceedings.
- C. **Site Sign Posting** - When notice is posted on a property, an affidavit certifying that a notice of public hearing sign was posted on the project site must be completed at least eleven (11) days prior to the date of the public hearing. The affidavit must also include a picture of the sign with each date change.

16.204.030 Failure to Send Notice

Failure to send notice to any property owner whose address is not on the most recent roll of the Ventura County Assessor shall not invalidate any of the proceedings.

16.204.040 Hearing Procedures

A. Hearing Body Review

1. At the public hearing, the authorized hearing body shall review the application and any pertinent materials submitted with the application, and any report prepared by the Planning Director, the City Engineer, or other City staff based on City staff's investigation of the application.
2. The hearing body shall cause such investigation of facts on an application set for hearing, including an analysis of precedent cases, to provide all necessary information to assure action on each case consistent with the purpose of this Title 16 and with previous similar applications. Investigations may be made by members of the City Council, the Planning Commission, or City staff.

B. Right of Persons to Comment

1. During any public hearing, the applicant for the subject application shall have the following rights:
 - a. The right to be represented;
 - b. The right to provide testimony; and
 - c. The right to present evidence.
2. All other persons shall have the right to comment on any relevant aspect of the application under consideration.

C. Action of Hearing Body and Continuance of Hearings

Following the completion of testimony at a public hearing, action shall be taken to approve, conditionally approve, deny, continue, or take under advisement the subject of the public hearing.

If the action is taken to continue or take the matter under advisement, before adjournment or recess the person presiding at such public hearing shall publicly announce the time and place to which the hearing will be continued. No further notice shall be required.

D. Effect of Action

The decision of the hearing body shall be considered final unless a decision is appealed pursuant to Division 1, Chapter 16.206 (Appeals and Revocations) of this Title 16. In all cases, the City Council shall represent the final authority.

Chapter 16.206 - Appeals and Revocations

Division 1. Appeals

- 16.206.010 Jurisdiction and Authorization
- 16.206.020 Time Limit for Filing an Appeal
- 16.206.030 Stay of Proceedings.
- 16.206.040 Form For Filing.
- 16.206.050 Processing of Appeals.
- 16.206.060 Review by City Council.
- 16.206.070 Findings.
- 16.206.080 Noticing Requirements

Division 2. Revocations

- 16.206.090 Right of Revocation
- 16.206.100 Procedures
- 16.206.110 Findings
- 16.206.120 Reserved

Division 1. Appeals

16.206.010 Jurisdiction and Authorization

- A.** Appeal of Planning Director actions. All actions and decisions of the Planning Director authorized by this Title 16 may be appealed to the Planning Commission. All such appeals must be filed in writing with the Planning Commission Secretary.
- B.** Appeal of City Engineer and Building Official Actions. All actions of the City Engineer and Building Official authorized by this Title 16 may be appealed to the Planning Commission. All such appeals must be filed in writing with the Planning Commission Secretary.
- C.** Appeal of Planning Commission Actions. All actions and decisions of the Planning Commission authorized by this Title 16 may be appealed to the City Council. All such appeals must be filed in writing with the City Clerk.
- D.** Persons Eligible to File an Appeal. Any person may appeal a decision or action of the Planning Director, City Engineer, Building Official, or Planning Commission in accordance with the terms of this Division 1 of Chapter 16.206.

16.206.020 Time Limit for Filing an Appeal

All appeals must be filed within 10 calendar days of the date of the rendering of the decision. If the tenth day occurs on a holiday or weekend, the appeal period is extended to the next City workday. No appeal can be accepted after the appeal period expires.

16.206.030 Stay of Proceedings.

The timely filing of an effective appeal or the timely adoption by the city council of an order of review stays a decision to which the appeal or order or review relates, pending a review of the matter.

16.206.040 Form for Filing

- A. All appeals must be submitted in writing on a form to be provided by the City. The appeal must specifically state the grounds for the appeal and specifically state instances in which the reviewing official or body erred in reaching the determination.
- B. An appeal fee must be paid concurrent with filing of the appeal in accordance with the fee schedule established by City Council resolution.

16.206.050 Processing of Appeals

Within 14 calendar days upon receipt of an appeal, the Planning Commission Secretary (in the case of an appeal of a Planning Director, City Engineer, or Building Official decision) or the City Clerk (in the case of an appeal of a decision by the Planning Commission) must set the matter for public hearing.

16.206.060 Review by City Council

Notwithstanding any other provision of this Division 1, the city council may, by majority vote of its total membership and at any time before a Planning Commission decision becomes final, issue an order for a de novo review of a planning commission decision. Such an order must be entitled an "order of review." The City Council may, by resolution, adopt policies and procedures for implementing this section.

16.206.070 Findings

All actions to affirm, reverse, or modify in whole or part any decision of the Planning Director, City Engineer, Building Official, or Planning Commission shall be made by resolution stating the findings for the affirmation, reversal, or modification.

16.206.080 Noticing Requirements

Notice of time and place of a public hearing for an appeal must be given pursuant to Chapter 16.204 of this Title 16.

Division 2. Revocations

16.206.070 Right of Revocation

Upon determination that there has been a violation of the terms or conditions of any permit or approval granted under this Title 16; or if a determination is made that a permit or approval was obtained by deception or fraud, or represents a public nuisance; or the use subject to the approval no longer exists; or the permit or approval has not been activated in accordance with the terms of this Title 16, the Planning Director shall have the authority to initiate revocation proceedings.

16.206.080 Procedures

- A. The Planning Director shall schedule a hearing before the Planning Commission for the purpose of considering revocation of the permit or approval. In the case where the Planning Commission's original action consisted of a recommendation to the City Council, the Planning Commission's action on the revocation shall also consist of a recommendation to the City Council, and the City Council shall have the authority to revoke the permit or approval.
- B. At least 30 days prior to the revocation hearing, the permittee subject to the revocation hearing shall be given written notice of the City's intent to conduct the hearing. The notice to the permittee shall be served either in person or by registered mail, return receipt requested.
- C. At least 10 calendar days prior to the revocation hearing, public notice of the hearing shall be given in the same manner as was required for the original permit or approval.
- D. At the hearing, the Planning Director shall present evidence supporting the motion for permit or approval revocation. The owner of the property, use, or business subject to the hearing shall be given the opportunity to present reasons why the permit or approval shall not be revoked.
- E. The public shall be given the opportunity for comment
- G. The Planning Commission or City Council shall make a decision regarding the revocation based upon the information presented at the hearing and shall within 20 days of the hearing make findings and report its decision in writing. A copy of the decision shall be mailed via certified mail, or similar method providing proof of delivery, to the party whose permit is being revoked.

16.206.090 Findings

Prior to revoking a permit or an approval adopted under this Development Code, the following findings must be made:

- A. The permit or approval was obtained by deception or fraud;

- B. The permit or approval represents a public nuisance;
- C. The use subject to the approval no longer exists; or
- D. The permit or approval has not been activated in accordance with the terms of this Title 16.

Chapter 16.208 - Development Code Amendments

- 16.208.010 Purpose and Intent
- 16.208.020 Initiation
- 16.208.030 Proceedings - Planning Commission
- 16.208.040 Proceedings - City Council
- 16.208.050 Findings Required

16.208.010 Purpose and Intent

In recognition of the fact that physical, economic, and other conditions in the City may change over time, provisions are hereby made to allow for amendments to the Development Code text in accord with the procedures outlined in this Chapter 16.208. All such Development Code text amendments shall be adopted in the manner in which other City ordinances are adopted.

16.208.020 Initiation

Amendments to this Development Code may be initiated by:

- A. An application by an owner or agent of such owner seeking an amendment, supplement to, or change of the regulations prescribed for his property or the reclassification of his property;
- B. The application of a person authorized to exercise the power of eminent domain;
- C. The Planning Director;
- D. The Planning Commission; or
- E. The City Council;

16.208.030 Proceedings - Planning Commission

- A. A public hearing before the Planning Commission shall be noticed and conducted pursuant to the provisions of Chapter 16.204 (Public Hearings).
- B. At the public hearing, the Planning Commission shall review the application and proposal and receive evidence as to how or why the proposed Development Code text amendment is consistent with the objectives of this Title 16, the General Plan, and development policies of the City.
- C. The Planning Commission shall act by resolution to recommend to the City Council approval, approval with modifications, or denial of the proposed application.

- D. The Commission's resolution shall include its recommendation and shall be transmitted to the City Clerk for scheduling the matter for consideration by the City Council.
- E. A proposed amendment to the Development Code that is not consistent with the General Plan may not be recommended or adopted until the General Plan is amended to eliminate such inconsistency. Such a General Plan amendment and any development proposal relying on the amendment shall be considered concurrently.

16.208.040 Proceedings - City Council

- A. Upon receipt of a Planning Commission resolution recommending ***approval or denial of a Development Code text amendment***, the City Clerk shall set the matter for hearing before the City Council, notice of which shall be given as prescribed in Chapter 16.204 (Public Hearings) of this Title 16.
- B. At the hearing, the City Council shall review the Commission's recommendation and receive evidence as to how or why the proposed Development Code text amendment is consistent with the objectives of this Title 16, the General Plan, and development policies of the City.
- C. If the Council proposes any substantial modification to the application not previously considered by the Planning Commission, the Council shall refer the matter back to the Commission for consideration. No public hearing shall be required. Failure of the Commission to act within 40 days of receiving the Council's request shall provide the Council with authority to act without the Commission's recommendation.
- D. The Council shall order the amendment of this Title 16 or deny the application or recommendation for the amendment by a majority vote of the City Council.
- E. Following the decision of the City Council ordering amendment of this Title or denying the application or recommendation for the amendment, the City shall give notice of said decision in writing to the applicant at the address shown on the application and to the Planning Commission.

16.208.050 Findings Required

The City Council shall be required to make the following findings of fact before approving a Development Code text amendment:

- A. That the proposed Development Code text amendment is consistent with the goals, policies, and objectives of the General Plan; and
- B. That the proposed Development Code text amendment will not adversely affect surrounding properties; and
- C. That the proposed Development Code text amendment promotes public health, safety, and general welfare and serves the goals and purposes of this Title 16.

Chapter 16.210 - Zone Change

- 16.210.010 Purpose and Intent
- 16.210.020 Initiation
- 16.210.030 Proceedings - Planning Commission
- 16.210.040 Proceedings - City Council
- 16.210.050 Findings Required

16.210.010 Purpose and Intent

In recognition of that fact that physical, economic, and other conditions in the City may change over time, provisions are hereby made to allow for amendments to the zoning map in accord with the procedures outlined in this Chapter 16.210. All such zone changes shall be adopted in the manner in which other City ordinances are adopted.

16.210.020 Initiation

Amendments to the zoning map may be initiated by:

- A. An application by an owner or agent of such owner seeking an amendment, supplement to, or change of, the regulations prescribed for his property or the reclassification of his property;
- B. The application of a person authorized to exercise the power of eminent domain;
- C. The Planning Director;
- D. The Planning Commission; or
- E. The City Council

16.210.030 Proceedings - Planning Commission

- A. A public hearing before the Planning Commission shall be noticed and conducted pursuant to the provisions of Chapter 16.204 (Public Hearings).
- B. At the public hearing, the Planning Commission shall review the application and proposal and receive evidence as to how or why the proposed zone change is consistent with the objectives of this Title 16, the General Plan, and development policies of the City.
- C. The Planning Commission shall act by resolution to recommend to the City Council approval, approval with modifications, or denial of the proposed application.
- D. The Commission's resolution shall include its recommendation and shall be transmitted to the City Clerk for scheduling the matter for consideration by the City Council.

- E. A proposed zone change that is not consistent with the General Plan may not be recommended or adopted until the General Plan is amended to eliminate such inconsistency. Such a General Plan amendment and any development proposal relying on the amendment shall be considered concurrently.

16.210.040 Proceedings - City Council

A. Denial of a Zone Change

Upon receipt of a Planning Commission resolution recommending **denial of a zone change**, the City Clerk shall place the Commission's resolution on the City Council agenda as a receive-and-file item. The Commission's decision shall be considered final and no further action by the Council will be required unless an appeal is filed within 10 calendar days of the Commission's decision in accordance with the provisions of Chapter 16.206 (Appeals and Revocations) of this Title 16, or unless the Council chooses to set the matter for hearing.

B. Approval of a Zone Change

1. Upon receipt of a Planning Commission resolution recommending **approval of a zone change**, the City Clerk shall set the matter for hearing before the City Council, notice of which shall be given as prescribed in Chapter 16.204 (Public Hearings) of this Title 16.
2. At the hearing, the City Council shall review the Commission's recommendation and receive evidence as to how or why the proposed zone change is consistent with the objectives of this Title 16, the General Plan, and development policies of the City.
3. If the Council proposes any substantial modification to the application not previously considered by the Planning Commission, the Council shall refer the matter back to the Commission for consideration. No public hearing shall be required. Failure of the Commission to act within 40 days of receiving the Council's request shall provide the Council with authority to act without the Commission's recommendation.
4. The Council shall order the zone change to be enacted or deny the application or recommendation for the zone change by a majority vote of the City Council.

5. Following the decision of the City Council ordering enactment of the zone change requested by this application or recommendation by the Planning Commission for denial of the zone change, the City shall give notice of the decision to the applicant in writing at the address shown on the application and to the Planning Commission.

16.210.050 Findings Required

The City Council shall be required to make the following findings of fact before approving a of zone change:

- A. That the proposed zone change is consistent with the goals, policies, and objectives of the General Plan; and
- B. That the proposed zone change will not adversely or significantly impact surrounding properties; and
- C. That the proposed zone change promotes public health, safety, and general welfare and serves the goals and purposes of this Title 16.

Chapter 16.212 - General Plan Amendments

- 16.212.010 Purpose and Intent
- 16.212.020 Initiation
- 16.212.030 Proceedings - Planning Commission
- 16.212.040 Proceedings - City Council
- 16.212.050 Findings Required

16.212.010 Purpose and Intent

This Chapter 16.212 is established pursuant to Section 65358 of the California Government Code to allow for amendment from time-to-time of the City's General Plan.

16.212.020 Initiation

- A. Applications to amend the General Plan text or maps may be initiated by any person who is able to demonstrate a legal vested interest in the proposed application. The authorized agent of any person with a legal vested interest may also initiate an application. The Planning Director may request proof of ownership or authorization to apply prior to the acceptance of any application.
- B. In the case of a proposed amendment to the General Plan land use policy map, if the property for which the amendment is proposed is in more than one ownership, the majority of owners or their authorized agents shall be required to sign the application.
- C. The City Council or the Planning Commission may initiate an application to amend the General Plan.
- D. No more than four General Plan amendments may be initiated in any one calendar year. Applications by members of the public for such amendments will be considered by the City Council in March, June, September and December of each calendar year. All applications will be processed individually until being forwarded to the City Council. Applications may be combined as necessary to comply with the limited number of times amendments may be considered under state law. The Planning Commission or City Council may initiate an amendment at any time provided the number of amendments to any element of the general plan shall not exceed that allowed by state law.

16.212.030 Proceedings - Planning Commission

- A. A public hearing before the Planning Commission shall be noticed and conducted pursuant to the provisions of Chapter 16.204 (Public Hearings).
- B. At the public hearing, the Planning Commission shall review the application and proposal and receive evidence as to how or why the proposed General Plan amendment is consistent with the objectives of this Title 16, the balance of the General Plan, and development policies of the City.
- C. The Planning Commission shall act by resolution to recommend to the City Council approval, approval with modifications, or denial of the proposed application. A majority vote of the entire Planning Commission is required to recommend approval or approval with modifications.

- D. The Commission's resolution shall include its recommendation and shall be transmitted to the City Clerk for scheduling the matter for public hearing before the City Council.

16.212.040 Proceedings - City Council

- A. Upon receipt of a Planning Commission resolution, the City Clerk shall set the matter for hearing before the City Council as provided for in Chapter 16.204 (Public Hearings) of this Title 16.
- B. At the hearing, the City Council shall review the Commission's recommendation and may receive evidence as to how or why the proposed General Plan amendment is consistent with the objectives of this Title 16, the balance of the General Plan, and development policies of the City.
- C. The City Council shall act to approve or deny the application. A majority vote of the entire Council is required to amend the General Plan. The Council's action to amend the General Plan shall be by formal resolution.
- D. If the City Council proposes any substantial modification to the application not previously considered by the Planning Commission, the Council shall refer the matter back to the Commission for consideration. No public hearing shall be required. Failure of the Commission to act within 45 days of receiving the Council's request shall provide the Council with authority to act without the Commission's recommendation.

16.212.050 Findings Required

Before approving or conditionally approving, a General Plan amendment, the City Council must make the following findings:

- A. That the proposed amendment is in the public interest, and that there will be a community benefit resulting from the amendment;
- B. That the proposed amendment is consistent with the other goals, policies, and objectives of the General Plan;
- C. That the proposed amendment does not conflict with provisions of this Code;
- D. In the event that the proposed amendment is a change to the land use policy map, that the amendment will not adversely affect surrounding properties; and
- E. Whether the amendment requires voter approval in accordance with either General Plan Section III(F) (the SOAR Initiative) or General Plan Section III(G) (the 81 Acre Initiative), Amendments requiring voter approval cannot become effective without an affirmative vote from a majority of registered voters at a regular or special election.

Chapter 16.214 – Agricultural Preserve and Land Conservation Contracts

16.214.010	Purpose
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16.214.030	Relationship to Other Laws
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16.214.010 PURPOSE.

This chapter is adopted pursuant to the city’s police powers, as set forth in the California Constitution, and in accordance with the California Land Conservation Act of 1965 for the purpose of establishing the procedural and substantive requirements to implement the Act.

16.214.020 DEFINITIONS

Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this chapter. Words and phrases not defined by this chapter have the meanings stated in the Act.

- A. “Act” means the California Land Conservation Act of 1965, also known as the Williamson Act, set forth at Government Code §§ 51200, *et seq.*
- B. “Agricultural Commodity” has the same meaning as Government Code § 51201(a): any and all plant and animal products produced in California for commercial purposes.
- C. “Agricultural Use” has the same meaning as Government Code § 51201(b): the use of the land for the purpose of producing an agricultural commodity for commercial purposes.

- D. “Compatible Use” means any use determined by the city to be compatible with the agricultural, recreational, or open-space use of land within the preserve and subject to contract. Compatible use includes agricultural use, recreational use or open-space use unless Council finds after notice and hearing that the use is not compatible with the agricultural, recreational or open-space use to which the land is restricted by contract pursuant to this chapter or the Act.
- E. “Contracted Land” means real property restricted by a land conservation contract pursuant to the Act and this chapter.
- F. “Incidental” means related to or supporting the primary agricultural, open space or recreational use of the land.
- G. “Nonprime Agricultural Land” means any land capable of sustaining a commercial agricultural use that is not prime agricultural land.
- H. “Open-Space Use” has the same meaning as Government Code § 51201(o).
- I. “Prime Agricultural Land” has the same meaning as Government Code § 51201 (c).
- J. “Recreational Use” has the same meaning as Government Code § 51201(n).

16.214.030 RELATIONSHIP TO OTHER LAWS.

If there is any irreconcilable conflict between any provisions of this chapter and any federal or state law, the federal or state law prevails. Any provision of this chapter that is more stringent than federal or state law is intended to supplement, not conflict with, federal or state law and to apply unless a court of law conclusively determines that the provision is preempted.

16.214.040 CRITERIA FOR ESTABLISHING, DISESTABLISHING OR ALTERING AGRICULTURAL PRESERVES.

All of the following criteria apply to the establishment, disestablishment or alteration of an agricultural preserve, whether initiated by the City or a land owner:

- A. Each agricultural preserve must contain at least 100 contiguous acres of land unless the city council finds that a smaller preserve is necessary due to the unique characteristics of the agricultural enterprises in the area and that such preserve is consistent with the city’s general plan and zoning regulations.
- B. The use of any land within an agricultural preserve that is subject to a land conservation contract must be restricted by zoning that is compatible with the agricultural, open space or recreational use. Such zoning restrictions include appropriate minimum parcel sizes consistent with the Act and this chapter.
- C. All agricultural preserves must comply with the city’s general plan and zoning regulations.

16.214.050 LAND OWNER PROPOSALS TO ESTABLISH, DISESTABLISH OR ALTER AN AGRICULTURAL PRESERVE.

- A. A landowner whose property is devoted to agricultural, open space or recreational use, but is not within an established agricultural preserve, may apply to have the property included in a new or existing agricultural preserve. To initiate this process, the land owner must file an application with the city clerk on a form prepared by the city manager, or designee.
- B. A landowner whose property is included in an agricultural preserve and who wishes to have that property excluded from an agricultural preserve may apply to disestablish or alter the boundaries of the agricultural preserve in which the property is located to exclude the property. To initiate this process, the land owner must file an application prepared by the city manager, or designee, with the city clerk.
- C. Any application submitted pursuant to this section must be accompanied by a payment of all applicable fees prescribed by city council resolution.
- D. Within thirty (30) days of receiving a complete application, the planning director, or designee, will prepare a report for city council consideration regarding whether the landowner's proposal meets the Act's requirements. The city council will consider the report during a public hearing held in accordance with this chapter.
- E. No application submitted pursuant to this section will be approved by the city council unless it meets all of the criteria in this chapter and the Act.

16.214.060 NOTICE AND HEARING REQUIREMENTS

- A. A noticed public hearing will be held before any final action is taken to establish, disestablish or alter the boundary of any agricultural preserve.
- B. Notice of the public hearing to establish or alter an agricultural preserve must be provided as follows:
 - 1. By publication pursuant to Government Code § 6061;
 - 2. By written, mailed notice at least two (2) weeks before the hearing to the Ventura County Local Agency Formation Commission;
 - 3. By written, mailed notice at least two (2) weeks before the hearing to any city within one mile of the exterior boundaries of the agricultural preserve proposed to be established, disestablished or altered;
 - 4. By written, mailed notice to the applicant; and
 - 5. If land under contract is to be removed from an agricultural preserve or a preserve disestablished that contains land under contract, notice must be given in compliance with Government Code § 51232.

16.214.070 RECORDING REVISED AGRICULTURAL PRESERVE MAP

Whenever an agricultural preserve is established, disestablished or altered, the city clerk will file the adopted resolution and a map showing all of the city agricultural preserves, as revised, with the county recorder.

16.214.080 APPLICATION PROCESS AND FEES – CONSERVATION CONTRACTS

- A. A land owner whose property is devoted to agricultural, open space or recreational use and is within an agricultural preserve may file an application with the city clerk on a form prepared by the planning director, or designee, to restrict the owner's land by a land conservation contract. An application must be accompanied by all of the following:
 - 1. All applicable fees as prescribed by city council resolution; and
 - 2. A land conservation contract in a form prepared by the city attorney and approved by the city council for the particular use (agricultural, open space or recreational) with notarized signatures of all land owners.
- B. The city may request additional information from the land owner during the application review process to facilitate a thorough and timely review of the application.
- C. Applications to simultaneously rescind a land conservation contract and reenter into a new contract restricting the use of the land pursuant to the Act or any other state law will be considered where authorized by state law.

16.214.090 REPORT TO CITY COUNCIL

- A. Upon receipt of an application for a land conservation contract, the city clerk will transmit a copy of the completed application to the planning director.
- B. The planning director, or designee, will prepare a report for city council consideration regarding whether the land subject to the proposed land conservation contract meets the criteria in the Act and this chapter for such a contract.

16.214.100 CRITERIA FOR EVALUATING LAND CONSERVATION CONTRACT APPLICATIONS

- A. No application for a land conservation contract will be approved unless all of the following criteria are met:
 - 1. Each parcel affected by the proposed contract is at least 10 acres in size in the case of prime agricultural land and 40 acres in size in the case of nonprime agricultural land or land in open space or recreational use;
 - 2. All parcels affected by the proposed contract are currently being used primarily for agricultural, open space or recreational use; and

3. There are no other existing or permitted uses or development on the land that would significantly displace or interfere with the agricultural, open space or recreational use of the land.
- B. Even if all of the above criteria are met, the city council may, in its discretion, choose not to approve the application.

16.214.110 RECORDING OF CONTRACTS

The city clerk must record any executed land conservation contract with the county recorder within twenty (20) days after it is fully executed.

16.214.120 GENERAL

The use and development of all land affected by a land conservation contract must at all times comply with the Act, this chapter, the terms of the land conservation contract, and any other applicable state or local law, regulation or ordinance.

16.214.130 COMPATIBLE USES - AGRICULTURAL USE CONTRACTS

- A. All use or development of any contracted land for agricultural use must comply with the following criteria:
1. The proposed use or development must be compatible with and not significantly compromise the long-term productive agricultural capability of any contracted land within the agricultural preserve, including the land upon which the use or development is proposed to occur;
 2. The proposed use of development will not significantly displace or impair current or reasonably foreseeable agricultural operations on the land upon which the use or development is proposed to occur. A use or development that significantly displaces agricultural operations on the land upon which the use or development is proposed to occur may, in the city's discretion, be deemed compatible if the uses or development relate directly to the production of commercial agricultural products on that parcel or nearby parcels (e.g., harvesting, processing or shipping of locally produced commercial agricultural products).
 3. The proposed use or development will not substantially interfere with the agricultural use of the land upon which the use or development is proposed to occur;
 4. The portion of the parcel to remain in agricultural use must be capable of sustaining a commercially viable agricultural use. For prime agricultural land, at least ten (10) acres must remain devoted to agricultural use. For nonprime agricultural land, at least forty (40) acres must remain devoted to agricultural use;

5. The proposed use or development will not hinder or impair agricultural operations in the area by significantly increasing the permanent or temporary human population in the area;
 6. The proposed use or development does not constitute a residential subdivision; and
 7. The proposed use or development complies with all other federal, state and local laws, regulations and ordinances, including the city's general plan and this code.
- B. An agricultural preserve may contain land other than agricultural land, but within two (2) years of the effective date of any contract on land within the preserve, the use of any land within the preserve and not under contract must be restricted by zoning (including minimum parcel sizes that are consistent with the Act) in such a way as not to be incompatible with the agricultural use of the lands limited by contract within the preserve.
- C. All permitted uses set forth in this code for the agricultural zone (A-1) are deemed compatible with agricultural use if all of the criteria in this section are also met.

16.214.140 COMPATIBLE USES - OPEN SPACE USE CONTRACTS

- A. All use or development of any contracted land for open space use must comply with all of the following criteria:
1. The proposed use or development must be compatible with and not significantly compromise the agricultural, open space or recreational value of any contracted land within the agricultural preserve, including the land upon which the use or development is proposed to occur;
 2. The portion of the parcel to remain in open space must be at least 40 acres;
 3. The proposed use or development does not constitute a residential subdivision;
 4. The proposed use or development complies with all other federal, state and local laws, regulations and ordinances, including the City general plan and municipal code.
- B. All permitted uses set forth in this code for the open space zone (O) are deemed compatible with open space use if all of the criteria in this section are also met.

16.214.150 COMPATIBLE USES - COMPATIBLE USE DETERMINATION

- A. Before undertaking any development or use on contracted land that is not the primary use (agricultural or open space) for which the land conservation contract for the property was approved, the land owner must apply for and obtain a compatible use determination. The land owner must file an application with the

planning director on a form prepared for this purpose, accompanied by a fee in an amount prescribed by resolution of the city council.

- B. The planning director will determine whether the proposed use or development is compatible with the land conservation contract for the property, using the criteria established in Government Code § 51238.1 and any applicable provisions of this code.
- C. The planning director's decision may be appealed to the planning commission by any interested person. Any appeal must be filed within fifteen (15) days of the decision and must be accompanied by payment of an appeal fee in an amount prescribed by city council resolution.

16.214.160 GENERAL PROVISIONS

A land conservation contract may only be terminated in a manner consistent with state law and this chapter.

16.214.170 NOTICE OF NONRENEWAL

- A. If either the landowner or the city desires in any year not to renew a land conservation contract, the nonrenewing party must serve written notice of nonrenewal of the contract upon the other party before the annual nonrenewal date of the contract. A notice of nonrenewal served by the land owner must be addressed to the city clerk and be filed or postmarked at least ninety (90) days before the annual renewal date of the contract, and must be accompanied by a fee in an amount established by city council resolution. A notice of nonrenewal served by the city will be mailed to the address shown on the latest assessment roll for the property, and must be postmarked at least sixty (60) days before the annual renewal date of the contract.
- B. If no notice of nonrenewal is filed in compliance with these deadlines, the contract will be automatically renewed for another year.
- C. If a notice of nonrenewal is filed after the application deadline, the notice will be deemed to apply to the next annual renewal period.
- D. If a land owner objects to a contract nonrenewal initiated by the city applicable to the owner's land, the owner may file a written protest with the city clerk. The city council may, in its discretion, withdraw the notice of nonrenewal at any time before the contract's annual renewal date.
- E. During November of each calendar year, the city clerk will provide a report to the city council identifying all nonrenewal requests received pursuant to this section.
- F. The city clerk will record all notices of nonrenewal with the county recorder within twenty (20) days after serving or receiving a notice of nonrenewal.

16.214.180 CONTRACT CANCELLATION

Any petition to cancel a land conservation contract must be filed with the city clerk. The petition will be processed in accordance with the Act.

16.214.190 CONTRACT COMPLIANCE MONITORING

The city manager, or designee, is authorized to investigate any potential land conservation contract violations. If an investigation concludes that a likely contract violation exists, the city attorney may prosecute such violations in accordance with Government Code §§ 15250 or 51251, and this code.

16.214.200 CONTRACT VIOLATIONS

Land conservation contract violations include, without limitation, the following:

- A. Construction of a commercial, industrial or residential building that is not allowed by this chapter or the contract;
- B. Construction of a commercial, industrial or residential building that is not related to an agricultural or compatible use where the total area of all of the building or buildings exceeds 2,500 square feet for all property subject to any contract or all contiguous property subject to a contract or contracts owned by the same landowner or landowners.

16.214.210 JUDICIAL RELIEF

- A. In addition to any other remedies provided by state law or this chapter, if the city determines that a land conservation contract has or is being violated, the city attorney is authorized to bring an action on the city's behalf for an appropriate remedy.
- B. An owner of contracted land may bring an action to enforce a land conservation contract covering any land within one mile of the owner's contracted land.
- C. Nothing in this chapter is intended to limit a court's ability to grant any relief or issue any order that it deems appropriate in its discretion, including without limitation specific performance or injunctive or equitable relief."

Chapter 16.216 - Specific Plans

- 16.216.010 Purpose and Intent
- 16.216.020 Initiation
- 16.216.030 Pre-application Conference Required
- 16.216.040 Preparation and Content
- 16.216.050 Proceedings - Planning Commission
- 16.216.060 Proceedings - City Council
- 16.216.070 Findings Required
- 16.216.080 Amendments to an Approved Specific Plan

16.216.010 Purpose and Intent

The City recognizes that certain parcels in Santa Paula may benefit from focused planning efforts whereby infrastructure, land use relationships, land use intensities, and public service needs can be carefully examined and planned in a comprehensive manner. The Specific Plan provides a mechanism to carry out such planning efforts. The purpose of this Chapter 16.216 is to establish uniform procedures and guidelines for Specific Plans prepared pursuant to Title 7, Division 1, Chapter 3, Article 8 of the California Government Code.

16.216.020 Initiation

- A. A Specific Plan application may be initiated by a majority of the property owners in the area of a proposed Specific Plan.
- B. The City Council or Planning Commission may initiate an application for a Specific Plan. (Ord. 1159, June 5, 2006)

16.216.030 Pre-application Conference Required

A pre-application conference with the Planning Director is required prior to the formal submission of a Specific Plan application. The purpose of the meeting is to review with the applicant the City's requirements for specific plan content, applicable policies, infrastructure needs, and other information as determined by the Planning Director.

16.216.040 Preparation and Content

In addition to a formal application completed pursuant to Chapter 16.202 (Applications, Processing, Filing, and Fees), the applicant shall:

- A. Submit a draft Specific Plan containing text and diagrams that specify the following in detail:
 - 1. A boundary survey map of the property. A tentative subdivision map may be substituted if the applicant proposes to subdivide the property.

2. Topography of the property and the preliminary proposed finished grade shown at contour intervals of 5 feet or less.
 3. The gross land area of the proposed development, the present zoning classification of the proposed development, and the zoning classification and land use of the area surrounding the proposed development, including the location of structures and other improvements.
 4. A general land use map setting forth the proposed uses of all sections or areas within the subject property and the approximate acreage of each.
 5. An accompanying report setting forth the land use regulations that constitute the standards of development designed to govern those sections or areas specified in the Specific Plan. These standards shall contain definitions and information concerning the requirements for building site coverage, building heights, building setbacks, off-street parking, vehicular access, signing, lighting, storage, screening, landscaping, conservation, utilization of natural resources, and other information which the Planning Director shall require to insure compliance with the purposes of this Development Code.
 6. The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.
- B. Include a statement in the Specific Plan indicating that the Plan is either:
1. Consistent with the Santa Paula General Plan; or
 2. Will be consistent with the Santa Paula General Plan if amended to provide for this particular plan. A statement as to how the proposed zone change and General Plan amendment will further the goals and objectives of the City's General Plan shall be included.
- C. Include any other information as may be required by the Planning Director to permit complete analysis and appraisal of the proposed Specific Plan.

16.216.050 Proceedings - Planning Commission

- A. A public hearing before the Planning Commission shall be noticed and conducted pursuant to the provisions of Chapter 16.204 (Public Hearings).
- B. At the public hearing, the Planning Commission shall review the application and proposal and receive evidence as to how or why the proposed Specific Plan is consistent with the objectives of this Title 16, the General Plan, and development policies of the City.

- C. The Planning Commission shall act by resolution to recommend to the City Council approval, approval with modifications, or denial of the proposed application. A majority vote of the entire Planning Commission is required to recommend approval or approval with modifications.
- D. The Commission's resolution shall include its recommendation and shall be transmitted to the City Clerk for scheduling the matter for public hearing before the City Council.

16.216.060 Proceedings - City Council

- A. Upon receipt of a Planning Commission resolution, the City Clerk shall set the matter for hearing before the City Council as provided for in Chapter 16.204 (Public Hearings) of this Title 16.
- B. At the hearing, the City Council shall review the Commission's recommendation and may receive evidence as to how or why the proposed Specific Plan is consistent with the objectives of this Title 16, the General Plan, and development policies of the City.
- C. The City Council shall act to approve or deny the application. A majority vote of the entire Council is required to approve a Specific Plan. The Council's action to approve a Specific Plan shall be by ordinance.
- D. If the City Council proposes any substantial modification to the application not previously considered by the Planning Commission, the Council shall refer the matter back to the Commission for consideration. No public hearing shall be required. Failure of the Commission to act within 45 days of receiving the Council's request shall provide the Council with authority to act without the Commission's recommendation.

16.216.070 Findings Required

Prior to approving a Specific Plan, the City Council shall make the findings:

- A. That the proposed Specific Plan or amendment promotes public health, safety, and general welfare, and serves the goals and purposes of this Title 16;
- B. That the proposed Specific Plan or amendment is consistent with the goals, policies, and objectives of the General Plan; and
- C. That the proposed Specific Plan or amendment will not adversely affect surrounding properties.

16.216.080 Amendments to an Approved Specific Plan

- A. An approved Specific Plan may be amended in the same manner required for initial applications for a Specific Plan, as set forth in this Chapter 16.216.

- B. No application for a Specific Plan amendment will be accepted unless accompanied by a development proposal for all or a portion of the area included within the proposed amendment area.
- C. The City may initiate amendments to any portion of a Specific Plan. In the case of such a City-initiated amendment, no associated project is required.
- D. The following changes to a Specific Plan shall require a Specific Plan amendment:
 - 1. Changes to the text or maps other than the addition of information that does not change the effect of any regulation.
 - 2. Changes in any Specific Plan boundary.
 - 3. Increase or decrease in the specified density for any area.
 - 4. Changes in standards or regulations, including landscaping and design standards.

Chapter 16.218 - Conditional Use Permits

16.218.010	Purpose and Intent
16.218.020	Initiation
16.218.030	Proceedings
16.218.040	Required Findings
16.218.050	Additional Findings for Specified Uses
16.218.060	Conditions of Approval
16.218.070	Conditional Use Permit Attached to the Property
16.218.080	Suspension and Revocation
16.218.090	Time Limit for Implementing Conditional Use Permit

16.218.010 Purpose and Intent

- A. The City recognizes that certain uses, due to the nature of use, intensity, or size, require special review to determine if the use proposed, or the location of that use, is compatible with surrounding uses, or through the imposition of development and use conditions, can be made compatible with surrounding uses. The Conditional Use Permit is provided for this purpose.
- B. To ensure consistency with land use regulations and compatibility with surrounding properties, conditional uses require special consideration. The Planning Commission is empowered to grant and deny applications for Conditional Use Permits and to impose reasonable conditions upon the granting of such permit.
- C. Applications for Conditional Use Permits may be submitted only for those uses specified as allowable conditional uses in the applicable zone district, unless the Planning Director makes a preliminary finding that the proposed uses are similar to a listed use. A Conditional Use Permit is not a substitute for a zone change or Development Code text amendment.

16.218.020 Initiation

- A. An application for a Conditional Use Permit may be initiated by any person who is able to demonstrate a legal vested interest in the proposed application. The authorized agent of any person with a legal vested interest may also initiate an application. The Planning Director may request proof of ownership or authorization to apply prior to the acceptance of any application.
- B. An application shall be filed pursuant to the provisions of Chapter 16.202 (Applications, Processing, Filing, and Fees) of this Title 16.

16.218.030 Proceedings

A. Planning Director Investigation

The Planning Director or the designee shall investigate the application and proposal, and shall prepare a report outlining facts and a recommendation relating to the application. The report shall be provided to the Planning Commission prior to any scheduled public hearing on the application.

B. Planning Commission Proceedings

1. A public hearing before the Planning Commission shall be noticed and conducted pursuant to the provisions of Chapter 16.204 (Public Hearings) of this Title 16.
2. At the public hearing, the Planning Commission shall review the application and proposal and receive evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 16.218.040 (Required Findings).
3. The Planning Commission shall act to approve, conditionally approve, or deny the application.
4. The decision of the Planning Commission shall become effective immediately upon its rendering, unless an appeal is filed pursuant to the provisions of Chapter 16.206 (Appeals and Revocations) of this Title 16.

16.218.040 Required Findings

- A. The Planning Commission may approve and/or modify a Conditional Use Permit in whole or in part, with or without conditions, provided that all of the following findings of fact are made:
 1. The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general convenience or welfare of the neighborhood or the community;
 2. The characteristics of the proposed use are not unreasonably incompatible with the types of use permitted in the surrounding areas;
 3. The proposed use is consistent with the objectives, policies, general land uses, and programs of the Santa Paula General Plan; and
 4. The proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

- B. Additional findings shall be made for specific uses as required by Chapters 16.54 through 16.76 (Standards for Specific Land Uses) of this Title 16.
- C. In determining the presence of conditions specified in subsection 16.218.040(A) above, the Planning Commission or, on appeal, the City Council, shall consider the following factors:
 - 1. Possible damage or nuisance from noise, glare, smoke, odor, fumes, dust, or vibration;
 - 2. Possible hazard to persons or property from explosion, contamination, or fire; and
 - 3. Possible hazard or inconvenience caused by unusual volume or character of traffic.

16.218.050 Additional Findings for Specified Uses

- A. This Section shall apply only to the uses identified in this Section. This Section shall not invalidate any Conditional Use Permit for an operating facility, but shall be complied with prior to issuance of a building permit for all projects for which no building permit has been issued upon the effective date of this provision.
- B. In addition to findings required in subsection 16.218.040(A), the Planning Commission shall find that the proposed use does not have a disproportionately high and adverse human health or environmental effect on minority and low-income populations. Such findings must be made for the following uses:
 - 1. Solid waste facilities, as defined in Public Resources Code 40194.
 - 2. Auto wrecking or salvage yards.
 - 3. Yards for the disposal and/or salvage of demolition or construction waste.
 - 4. Recycling facilities.
 - 5. Incinerators of any type.

16.218.060 Conditions of Approval

- A. In granting a Conditional Use Permit, the Planning Commission may impose such conditions as it deems necessary to ensure that the public health, safety, and general welfare are protected and that the proposed operation is not a detriment to the community.

- B. All conditions shall be binding upon the applicant, heirs, successors, or assignees and shall restrict the construction, location, maintenance, and use of all land within the development.
- C. A deed restriction may be recorded with the County Recorder of Ventura County, as approved by the City Attorney, regarding the conditions of this Section and other requirements of the Conditional Use Permit.

16.218.070 Conditional Use Permit Attached to the Property

A Conditional Use Permit that is valid and in effect and granted pursuant to the provisions of this Title 16 shall be valid only on the property for which it was granted and shall continue to be valid upon change of ownership of the property or any lawfully existing building or structure on the property.

16.218.080 Suspension and Revocation

The Planning Director shall have the authority to initiate proceedings to suspend or revoke a Conditional Use Permit pursuant to provisions set forth in Division 2 of Chapter 16.206 (Appeals and Revocations) of this Title 16.

16.218.090 Time Limit for Implementing Conditional Use Permit

- A. The grantee of a Conditional Use Permit shall have one (1) year from the effective date of the permit to establish a right to use the permit; otherwise, the Conditional Use Permit shall lapse and become void. For the purposes of this Section, such a right shall be established if either:
 - 1. A building permit has been issued and construction commenced and diligently pursued toward completion on the site for which the Conditional Use Permit was approved; or
 - 2. In the event no building permit is required, a certificate of occupancy has been issued for the structure for which the Conditional Use Permit was approved; or
 - 3. In the event no building permit or certificate of occupancy is required, the site for which the Conditional Use Permit was approved is occupied and used for the permitted purpose; or
 - 4. Prior to the date on which the Conditional Use Permit will elapse, the grantee files an application to renew the permit pursuant to subsection B below.
- B. A Conditional Use Permit subject to lapse may be renewed for a single one-year period, provided that the application for renewal is filed with the Planning Department prior to the expiration date, pursuant to the provisions of Chapter 16.222 (Minor Modifications) of this Title 16. Additional renewals shall require a public hearing before the Planning Commission.

- C. The Planning Commission may grant or deny an application for renewal of a Conditional Use Permit. As part of its action, the Commission may also modify existing conditions of approval or add new conditions to reflect any change in circumstances related to the Conditional Use Permit and surrounding properties.
- D. If any Conditional Use Permit fails to be actively exercised for a continuous 180-day period, the permit shall lapse and become void.

Chapter 16.220 - Variances

16.220.010	Purpose and Intent
16.220.020	Initiation
16.220.030	Proceedings
16.220.040	Required Findings
16.220.050	Variance Attached to the Property
16.220.060	Revocation
16.220.070	Time Limit for Implementing Variance
16.220.080	Reserved

16.220.010 Purpose and Intent

- A. The Variance procedure is provided pursuant to Section 65906 of the California Government Code to grant relief from Development Code provisions when, because of special circumstances applicable to a property, including size, shape, topography, location, or surroundings, the strict application of this Development Code deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification. In such case, a Variance may be granted to allow the following:
1. A reduction or variance in setback regulations; parking; and/or loading requirements; front, side, or rear yard regulations; height regulations; or commercial screening wall requirements;
 2. A change in the required location of accessory buildings and uses;
 3. A reduction or variation in area regulations including limitations in the area covered by accessory buildings; or
 4. A modification or elimination of the utility service under grounding requirements.
- B. Variances shall not be granted to authorize a use or activity on a property that is not otherwise expressly authorized by the provisions of this Development Code governing that property. A Variance is not a substitute for a zone change, Development Code text amendment, or Conditional Use Permit.
- C. Financial hardship in and of itself does not represent grounds on which to file a Variance application to gain relief from Development Code provisions.

16.220.020 Initiation

- A. An application for a Variance may be initiated by any person who is able to demonstrate a legal vested interest in the proposed application. The authorized agent of any person with a legal vested interest may also initiate an application. The Planning Director may request proof of ownership or authorization to apply prior to the acceptance of any application.
- B. An application shall be filed pursuant to the provisions of Chapter 16.202 (Applications, Processing, Filing, and Fees) of this Title 16.
- C. In addition to the application filing requirements established in Chapter 16.202, the applicant shall file a statement of the precise nature of the Variance requested and the practical difficulty or unnecessary physical hardship that would result from the strict or literal interpretation of this ordinance, together with any other data pertinent to the application and the making of requisite findings.

16.220.030 Proceedings

A. Planning Director Investigation

The Planning Director shall investigate the application and proposal, including the analysis of precedent cases as appropriate, and shall prepare a report outlining facts and a recommendation relating to the application. The report shall be provided to the Planning Commission prior to any scheduled public hearing on the application.

B. Planning Commission Proceedings

- 1. A public hearing before the Planning Commission shall be noticed and conducted pursuant to the provisions of Chapter 16.204 (Public Hearings) of this Title 16.
- 2. At the public hearing, the Planning Commission shall review the application and proposal and receive evidence concerning the proposed Variance and the conditions that make compliance with specific provisions of this Development Code difficult.
- 3. The Planning Commission shall act to approve, conditionally approve, or deny the application.
- 4. The decision of the Planning Commission shall become effective immediately upon its rendering, unless an appeal is filed pursuant to the provisions of Chapter 16.206 (Appeals and Revocations) of this Title 16.

16.220.040 Required Findings

In granting a Variance, the Planning Commission must make all of the following findings:

1. That the strict or literal interpretation and application of this Title 16 would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Title 16, or would deprive applicants of privileges granted to others in similar circumstances; and
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or the intended development of the property that do not apply generally to other property in the same zone; and
3. That the granting of such Variance will not constitute the granting of a special privilege inconsistent with the limitations on other properties in the vicinity classified in the same zone; and
4. That the granting of such Variance will not be materially detrimental to the public health, safety, or general welfare nor injurious to property or improvements in the zone or neighborhood in which the property is located; and
5. That the granting of such Variance will not create any inconsistency with any objective contained in the General Plan.

16.220.050 Variance Attached to the Property

A Variance that is valid and in effect and granted pursuant to the provisions of this Title 16 shall be valid only on the property for which it was granted and only for the improvements for which it is granted and further, shall continue to be valid upon change of ownership of the property or any lawfully existing building or structure on the property.

16.220.060 Revocation

The Planning Director shall have the authority to initiate proceedings to suspend or revoke a Variance pursuant to provisions set forth in Division 1, Chapter 16.206 (Appeals and Revocations) of this Title 16.

16.220.070 Time Limit for Implementing a Variance

- A. The grantee of a Variance shall have one (1) year from the effective date of the approval to establish a right to use the approval; otherwise, the Variance shall lapse and become void. For the purposes of this section, such a right shall be established if either:
 1. A building permit has been issued and construction commenced and diligently pursued toward completion on the site for which the Variance was approved; or

2. In the event no building permit is required, a certificate of occupancy has been issued for the structure for which the Variance was approved; or
 3. In the event no building permit or certificate of occupancy is required, the site for which the Variance was approved is occupied in accordance with the Variance; or
 4. Prior to the date on which the Variance will elapse, the grantee files an application to renew the permit pursuant to subsection B below.
- B. A Variance subject to lapse may be renewed for a single one-year period, pursuant to the provisions of Chapter 16.222 (Minor Modifications) of this Title 16, and provided that the application for renewal is filed with the Planning Department prior to the expiration date. Additional renewals shall require a public hearing before the Planning Commission.
- C. The Planning Commission may approve or deny an application for renewal of a Variance. As part of its action, the Commission may also modify existing conditions of approval or add new conditions to reflect any change in circumstances related to the Variance and surrounding properties.

Chapter 16.222 - Minor Modifications

16.222.010	Purpose and Intent
16.222.020	Initiation
16.222.030	Proceedings
16.222.040	Findings
16.222.050	Approval Attached to the Property
16.222.060	Revocation
16.222.070	Time Limit for Using Minor Modification Approval

16.222.010 Purpose and Intent

A. Intent

The Minor Modification procedure is established to grant minor relief from development standards, under limited circumstances, when the granting of such relief will provide for better design and function of the structure, or addition to a structure, proposed.

B. Applicability

1. For the purposes of this Chapter 16.222, a Minor Modification application shall be filed whenever any one of the following deviations from the provisions of this Title 16 is proposed to allow:
 - a. A modification of distance or area regulations **not exceeding**:
 - i. 20 percent of the required front, side, rear, or courtyard distances or other open space requirements;
 - ii. 20 percent of the height limitations for antennas; or
 - iii. 10 percent of the lot coverage requirement.
 - b. A modification of automobile parking space requirements, whereby a reduction of not more than 10 percent of the required spaces is proposed.
 - c. In compliance with Section 16.46.040, when it can be demonstrated that the parking demand will be reduced by one or more methods, including, but not limited to carpools/vanpools, varied work shifts, company owned buses, etc, parking may be reduced by not more than 50%.
 - d. A modification of private usable open space requirements.
 - e. Additions to structures that are nonconforming as to side yard, rear yard, or lot coverage, provided that the additions meet the requirements of this Title 16.
 - f. Walls, hedges, or fences to exceed the height limits established in Chapter 16.44 (Fences, Walls, and Hedges) of this Title 16 and to permit them to be located within setback areas where consistent with safety and neighborhood appearance.

- g. To allow a single extension of time not to exceed one year of a current permit or variance where the use is not in conflict with the adopted general plan, has not been prohibited by the Planning Commission, and is not of a controversial nature.
2. Modifications in excess of those cited in subparagraph 1 above shall require a Variance pursuant to Chapter 16.220 (Variances) of this Title 16. (Ord. 1159, June 5, 2006)

16.222.020 Initiation

- A. An application for a Minor Modification may be initiated by any person who is able to demonstrate a legal vested interest in the proposed application. The authorized agent of any person with a legal vested interest may also initiate an application. The Planning Director may request proof of ownership or authorization to apply prior to the acceptance of any application.
- B. In addition to the application filing requirements established in Chapter 16.202 (Applications, Processing, Filing, and Fees), the applicant shall file a statement of the precise nature of the Minor Modification requested and reasons for the request.

16.222.030 Proceedings

A. Planning Director Investigation

The Planning Director or his designee shall investigate the application and proposal, including the analysis of precedent cases as appropriate.

B. Notice of Receipt of Application and Comment Period

Upon 5 days of deeming the application complete pursuant to the provisions of Section 16.202.030 of this Title 16, the Planning Director shall mail or deliver notice of the application to all persons, including businesses, corporation, or other people or private entities owning real property within a radius of 300 feet of the exterior boundaries of the property which is the subject of the application. Said notice shall describe the proposed application and invite persons to comment in writing on the application. The notice shall provide for a 10-day comment period, commencing upon the delivery or mailing of said notice.

C. Planning Director Action

1. Following the 10-day public comment period, and upon considering all communications received, the Planning Director may:
 - a. Render a decision to approve, approve with conditions, or deny the Minor Modification application;
 - b. Continue the matter for a specified time to allow for further investigation; or

- c. Decline to make a decision on the basis that the matter requires consideration by the Planning Commission.
2. The Planning Director shall notify the applicant and appropriate public officials of the decision.
3. Any applicant, interested person, or public official may appeal any decision of the Planning Director regarding a Minor Modification to the Planning Commission in accord with the procedures set forth in Chapter 16.206 (Appeals and Revocations) of this Title 16.

16.222.040 Findings

A Minor Modification application shall not be granted unless all of the following findings can be made:

- A. Modification is needed to allow property to be used in a more beneficial manner; and
- B. Modification would not be detrimental to public health, safety, or general welfare or to surrounding property owners or the community; and
- C. The granting of the application is compatible with the surrounding neighborhood and would not impair the character of the neighborhood in which it is located.
- D. The Minor Modification is consistent with the objectives, goals, and policies of the Santa Paula General Plan and intent of the zoning regulations. (Ord. 1159, June 5, 2006)

16.222.050 Approval Attached to the Property

A Minor Modification that is valid and in effect and granted pursuant to the provisions of this Title 16 shall be valid only on the property for which it was granted and only for the improvements for which it is granted and further, shall continue to be valid upon change of ownership of the property or any lawfully existing building or structure on the property.

16.222.060 Revocation

The Planning Director shall have the authority to initiate proceedings to suspend or revoke a Minor Modification pursuant to provisions set forth in Chapter 16.206 (Appeals and Revocations) of this Title 16.

16.222.070 Time Limit for Using Minor Modification Approval

- A. The grantee of a Minor Modification shall have one (1) year from the effective date of the approval to establish a right to use the approval; otherwise, the approval shall lapse and shall become void. For the purposes of this section, such a right shall be established if either:

1. A building permit has been issued and construction commenced and diligently pursued toward completion on the site for which the Minor Modification was approved; or
 2. In the event no building permit is required, a certificate of occupancy has been issued for the structure for which the Minor Modification was approved; or
 3. In the event no building permit or occupancy is required, the site for which the Minor Modification was approved is occupied; or
 4. Prior to the date on which the Minor Modification will elapse, the grantee files an application to renew the permit pursuant to subsection B below.
- B. A Minor Modification approval subject to lapse may be renewed for a single one-year period, provided that the application for renewal is filed with the Planning Department prior to the expiration date. Minor Modifications granted for time extensions (Section 16.222.010 (B)(f)) shall not be eligible for Minor Modification renewal.
- C. The Planning Director may approve or deny an application for renewal of a Minor Modification. As part of the action, the Director may also modify existing conditions of approval or add new conditions to reflect any change in circumstances related to the Minor Modification and surrounding properties.

Chapter 16.224 - Zoning Clearance

16.224.010	Purpose and Intent
16.224.020	Applicability
15.224.030	Proceedings
16.224.030	Record of Decision

16.224.010 Purpose and Intent

The Zoning Clearance procedure is established as a mechanism to verify that a proposed land use complies with the use regulations applicable to the zoning district in which the subject property is located.

16.224.020 Applicability

Prior to the issuance of a business license or a building, grading, or other construction permit for a proposed use for which no discretionary land use permit is required by this Title 16, the applicant must obtain a Zoning Clearance from the Planning Department and any other City department with jurisdiction over the subject use.

16.224.030 Proceedings

- A. The Planning Director or designee shall determine whether the proposed use complies with the land use regulations of this Title 16. Written findings and recommendations shall be provided to City staff responsible for permit issuance. Where the Planning Director or designee determines that the proposed use fails to comply with the regulations of this Title 16, no permit shall be issued.
- B. Other City departments with jurisdiction over the subject use shall review the subject application for compliance with applicable regulations. Written findings and recommendations shall be provided to City staff responsible for permit issuance.

16.224.030 Record of Decision

Where no other authorization is required, a request for Zoning Clearance shall be filed on the forms provided by the Planning Department.

Chapter 16.226 - Design Review

- 16.226.010 Purpose and Intent
- 16.226.020 Applicability
- 16.226.030 Design Review Committee
- 16.226.040 Plans and Drawings to be Submitted
- 16.226.050 Proceedings
- 16.226.060 Effective Date of Decision
- 16.226.070 Time Limit for Implementing Design Review Approval

16.226.010 Purpose and Intent

The design review process is established to:

- A. Promote orderly, attractive, and harmonious development throughout Santa Paula;
- B. Recognize neighborhood character and environmental limitations in development;
- C. Ensure that the design and exterior architectural treatment of proposed structures complement the design or exterior architectural treatment of existing structures in the immediate neighborhood and do not conflict with existing development in any manner that would cause a substantial depreciation of property values in the neighborhood; and
- D. Promote the general welfare by preventing establishment of uses or erection of structures having qualities which would not meet the specific intent clauses or performance standards of this Title 16, or which are not properly related to their sites, surroundings, traffic circulation, or environmental setting.
- E. Assure conformance with the provisions of this Title 16 and in particular, for conformance with the design, land use regulations and development standards set forth in Chapters 16.07 through 16.76 and the Design Review Guidelines set forth in City Council Resolution 5298.

16.226.020 Applicability

- A. The provisions of this Chapter shall apply to all development requiring a building permit, including:
 - 1. Any commercial or industrial development.
 - 2. Multi-family residential projects.
 - 3. Second units (a.k.a. granny flats)
 - 4. Single-family homes that are reviewed concurrently with a tentative subdivision map.
 - 5. Single-family homes including manufactured homes being moved onto an existing lot.
 - 6. Carports.
 - 7. Signs, pursuant to Chapter 16.48.

8. Fences or walls on commercially or industrially zoned property.
9. Development of any structures intended for educational (as allowed by State law), institutional, or similar purposes.
10. Habitable accessory structures.

B. Exceptions to the application of this Chapter 16.226 include:

1. Single-family homes on existing residentially zoned legal lots.
2. Additions to single-family homes on residentially zoned legal lots.
3. Non-habitable accessory structures other than carports on single-family residential lots.
4. Interior modifications to a building or structure that do not result in a change to the exterior appearance of the building or structure.

C. For any development proposal requiring a discretionary permit, design review shall be conducted in conjunction with the discretionary permit application.

(Ord. 1159, 2006; Ord. 1172, 2007)

16.226.030 Design Review Committee

A. A Design Review Committee, comprised of the Planning Director or designee, City Engineer or designee, and representatives from the City Building and Safety, Fire and Police Departments, is hereby established for the purpose of conducting design review.

B. The Design Review Committee shall be responsible for reviewing relevant applications for conformance with the provisions of this Title 16 and in particular, for conformance with the design, land use regulations and development standards set forth in Chapters 16.07 through 16.76 and the Design Review Guidelines set forth in City Council Resolution 5298.

C. In performing design review, the Committee shall be guided by the statement of purpose set forth in Section 16.226.010 (Intent and Purpose) above. Further, the Committee shall work to bar the unsightly, the inharmonious, the monotonous, and the hazardous to ensure that proposed improvements will not impair the desirability of investment or occupancy nearby. However, originality in site planning, architecture, landscaping, and graphic design shall not be suppressed.

D. Review by the Committee shall include exterior design, materials, textures, colors, means of illumination, landscaping, grading, signs, ingress/egress, parking, and other improvements to ensure that adverse aesthetic and environmental impacts on and surrounding the site are minimized.

16.226.040 Plans and Drawings to be Submitted

In addition to meeting of the other application requirements of this Development Code, projects subject to design review shall be required to have the following materials submitted to the Planning Department:

- A. A site plan, drawn to scale, showing the proposed location of structures and other improvements, including, where appropriate, driveways, pedestrian walkways, off-street parking areas, landscaped areas, fences, and walls. The site plan shall indicate the locations of off-street parking areas, including entrances and exits, and the direction of traffic flow into and out of off-street parking areas.
- B. A landscaped plan, drawn to scale, showing the locations of existing trees proposed to be removed and proposed to be retained on the site; the location and design of landscaped areas and the varieties and sizes of plant materials to be planted therein; and other landscape features, including irrigation system.
- C. Architectural drawings or sketches, drawn to scale, including floor plans in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures as they will appear upon completion. All exterior surface materials and colors shall be specified.
- D. Accurate scale drawings of all signs indicating sign size, material, color, and illumination, if any.
- E. Grading and drainage plans may be required by the City Engineer.
- F. Such other data required on the Planning Department Instructions for Submitting Applications for the Design Review Committee to ensure that the purposes of this section are satisfied.

16.226.050 Proceedings

- A. Within 30 days of the date the application is submitted and deemed complete by the Planning Director, the Design Review Committee shall act to approve, conditionally approve, or disapprove the plans and drawings, or shall request the applicant to make revisions. Failure of the Committee to act within 30 days shall be deemed approval of the application, unless the applicant consents in writing to an extension of time.
- B. The Planning Director or designee shall notify the applicant of the decision in writing.
- C. In the event that the Design Review Committee requires revisions to plans and drawings, and the applicant chooses not to revise plans as directed by the Committee, and further provided that the Committee chooses neither to approve, conditionally approve, nor disapprove the plans, the applicant may appeal the Committee's decision not to take action to the Planning Commission.

16.226.060 Effective Date of Decision

The effective date of the Committee's decision shall be the date indicated on the City document delivered to the applicant informing the applicant of the Committee's decision.

16.226.070 Time Limit for Implementing Design Review Approval

- A. A Design Review approval shall be implemented within one year from the effective date of the approval to establish a right to use the approval. The approval shall lapse and become void after that one year unless either:
 - 1. A building permit has been issued and construction commenced and diligently pursued toward completion on the site for which Design Review approval was granted; or
 - 2. Prior to the date on which Design Review approval will lapse, the permittee files a written request to renew the Design Review permit pursuant to subsection B below; or
 - 3. Associated Planning permits that have a longer expiration period are obtained at the same time as Design Review approval, in which case the later expiration date shall be observed.
- B. A Design Review approval subject to lapse may be renewed for a maximum one-year period, provided that a written request for renewal is filed with the Planning Department prior to the expiration date, pursuant to the provisions of Chapter 16.222 (Minor Modifications).
- C. The Planning Director may approve or deny an application for renewal of a Design Review approval. As part of the action, the Director may also modify existing conditions of approval or add new conditions to reflect any change in circumstances related to the project and surrounding properties.

Chapter 16.227 – Second Unit Permit

16.227.010	Purpose and Intent
16.227.020	Initiation
16.227.030	Proceedings
16.227.040	Condition of Approval
16.227.050	Time Limit for Implementing Permit

16.227.010 Purpose and Intent

A. Intent and Purpose

The intent and purpose of this subchapter is to provide a means by which the city's existing, under-utilized housing resources and infrastructure may be utilized more effectively to produce affordable housing through the creation of new secondary dwellings on lots with single-family homes. Other benefits of the creation of second units include the provision of lower cost housing without public subsidy, providing a means for purchasers of new or existing homes to meet mortgage payments and providing security for homeowners who fear criminal intrusion and personal accidents while alone.

B. Applicability

1. For the purposes of this Chapter 16.227, a Second Unit Permit application shall be filed for the construction of a Second Unit, also known as dependent housing or granny flats.
2. Second units shall comply with the development standards identified within Section 16.13.190 (Development Standards for Second Dwelling Units) of this Title 16.

16.227.020 Initiation

- A. An application for a Second Unit permit may be initiated by any person who is able to demonstrate a legal vested interest in the proposed application. The authorized agent of any person with a legal vested interest may also initiate an application. The Planning Director may request proof of ownership or authorization to apply prior to the acceptance of any application.
- B. The application for a Second Unit permit shall be filed in accordance with the application filing requirements established in Chapter 16.202 (Applications, Processing, Filing, and Fees).

16.227.030 Proceedings

A. Permit Required

No second units shall be constructed unless a second unit permit has been issued by the city. The Planning Director shall establish the format and information required for a second unit permit consistent with this subchapter.

C. Planning Director Action

1. Within 30 days of the date the application is submitted and deemed complete by the Planning Director, the Director shall act to approve, conditionally approve, or disapprove the plans and drawings, or shall request the applicant to make revisions. Failure of the Director to act within 30 days shall be deemed approval of the application, unless the applicant consents in writing to an extension of time.
2. Applications for second unit permits shall be approved by the Planning Director if the proposal conforms to all requirements of this Chapter 16.227, and all development standards identified within Section 16.13.190 (Development Standards for Second Dwelling Units) of this Title 16.
3. The Planning Director or designee shall notify the applicant of the decision in writing.
4. Any applicant, interested person, or public official may appeal any decision of the Planning Director regarding a Second Unit Permit to the Planning Commission in accord with the procedures set forth in Chapter 16.206 (Appeals and Revocations) of this Title 16. Decisions made by the Planning Commission may be appealed to the City Council.

16.227.040 Conditions of Approval

The following conditions of approval shall be established for approved Second Unit permits.

1. The second dwelling unit shall comply with all applicable building, health and safety, and other City codes and ordinances, including all development standards identified within Section 16.13.190 (Development Standards for Second Dwelling Units) of this Title 16.
2. A code compliance investigation by the Building Department at the applicant's expense shall be required as part of the application. Any unpermitted or nonconforming features of the property shall be corrected to the satisfaction of the Building Official prior to the issuance of the second unit permit.

3. All terms of the approval shall be recorded in a notice of land use restriction on the property title.

16.227.050 Time Limit for Implementing The Second Unit Permit

- A. A Second Unit permit shall be implemented within one year from the effective date of the approval to establish a right to use the approval. The approval shall lapse and become void after that one year unless either:
 1. A building permit has been issued and construction commenced and diligently pursued toward completion on the site for which Second Unit permit was granted; or
 2. Prior to the date on which Second Unit permit will lapse, the permittee files a written request to renew the Second Unit permit pursuant to subsection B below; or
 3. Associated Planning permits that have a longer expiration period are obtained at the same time as the Second Unit permit, in which case the later expiration date shall be observed.
- B. A Second Unit permit subject to lapse may be renewed for a maximum one-year period, provided that a written request for renewal is filed with the Planning Department prior to the expiration date, pursuant to the provisions of Chapter 16.222 (Minor Modifications).
- C. The Planning Director may approve or deny an application for renewal of the Second Unit permit. As part of the action, the Director may also modify existing conditions of approval or add new conditions to reflect any change in circumstances related to the project and surrounding properties.

Chapter 16.228 - Temporary Use Permit

- 16.228.010 Purpose and Intent
- 16.228.020 Initiation
- 16.228.030 Proceedings
- 16.228.040 Conditions of Approval
- 16.228.050 Bonds May be Required
- 16.228.060 Specific Conditions for Specific Uses
- 16.228.070 Signage for Temporary Events

16.228.010 Purpose and Intent

- A. The Temporary Use Permit is established to allow certain uses to operate for limited, defined periods at locations on private property throughout the City, provided the uses are regulated so as to avoid adverse impacts on the neighborhoods in which they occur.
- B. Temporary Use Permit applications may only be considered for properties located within zoning districts where such temporary uses are permitted. The land use regulations contained in Chapters 16.07 through 16.33 (Zones, Land Use Regulations, and Development Standards) of this Title 16 indicate where such conditions apply.

16.228.020 Initiation

An application for a Temporary Use Permit may be initiated by any person who is able to demonstrate a legal vested interest in the proposed application. The authorized agent of any person with a legal vested interest may also initiate an application. The Planning Director may request proof of ownership or authorization to apply prior to the acceptance of any application.

16.228.030 Proceedings

- A. An application for a Temporary Use Permit shall be submitted no less than 14 days prior to the proposed first day of the event.
- B. Upon acceptance of a Temporary Use Permit application as complete, the Planning Director or the designee shall review the application for conformance with the provisions of this Title 16. No public hearing shall be required, unless determined appropriate by the Planning Director, in accordance with Section D below. Based on this review, the Director shall act to approve, conditionally approve, or deny the application.
- C. Within 10 days of receiving a completed application, the Planning Director or designee shall issue a statement of decisions and findings. The statement shall recite, among other things, the facts and reasons for granting or denying the application.
- D. The Planning Director shall have the option to refer the application to the Planning Commission for disposition of the request.

16.228.040 Conditions of Approval

- A. In granting a Temporary Use Permit, the Planning Director may impose conditions on a use to include, but not be limited to:
1. Number of days the event can occur;
 2. Hours of operation;
 3. Location or placement of temporary walls or fences;
 4. Type, size and number of signs;
 5. Lighting;
 6. Noise, including live entertainment, music or use of amplifying equipment
 7. Traffic circulation, ingress, and egress; or
 8. Other conditions deemed necessary to protect the public health, safety, and general welfare.
- B. Specific uses and activities listed in Section 16.228.060 below shall be subject to the conditions specified for that use or activity.

16.228.050 Bonds May be Required

Prior to the issuance of a Temporary Use Permit, the City may require a cash bond to be deposited with the City for the purpose of defraying the costs of enforcement and property damage repair or cleanup by the City, in the event the permittee fails to do so. The amount of cash bond shall be established by the Planning Director or Planning Commission in the permit conditions of approval.

16.228.060 Specific Conditions for Specific Uses

A. General

Each site occupied by a temporary use shall be left free of debris, litter, or any other evidence of the temporary use and shall thereafter be used only in accordance with the requirements of the zone district in which the site is located.

B. Temporary Structures and Enclosures

Temporary structures and enclosures, including camping tents and framed vehicle covers, are prohibited except as part of a festival, party or event for duration not to exceed 10 consecutive days.

C. Art and Craft Shows and Exhibits

A Temporary Use Permit for outdoor art and craft shows and exhibits, or any similar use is subject to the following condition:

1. Outdoor art and craft shows and exhibits shall be limited to 15 days of operation or exhibition at any one location within any 90-day period.

2. The applicant shall agree to register the City of Santa Paula as the point-of-sale for every sales transaction at the event, and all sales taxes collected for such sales shall be registered as having been collected in the City.
3. A written report of all sales proceeds and the taxes collected thereon shall be furnished to the Finance Department within one week after the sales event.

D. Construction Office, Real Estate Office or Caretaker Mobile Home

A Temporary Use Permit for a Construction Office, Real Estate Office, Temporary Caretaker Mobile Home, or any similar use is subject to the following condition:

1. Such office or residence shall only be permitted on the site of an active construction project.
2. Only one (1) of construction office, one (1) real estate office or one (1) temporary caretaker residence shall be permitted on a site.
2. A building permit is required to install such structures.
3. Such office or residence shall be removed upon issuance of an occupancy permit for the primary permitted use.

E. Carnivals, Circuses, Fairs, and Similar Uses

A Temporary Use Permit for a carnival, circus, fair, or any similar use is subject to the following conditions:

1. Adequate vehicular and pedestrian access shall be provided.
2. Adequate off-street parking shall be provided.
3. All noise, dust, and other objectionable elements shall be abated.
4. Animals that cause excessive noise, odor, or disturbing elements shall not be permitted on the premises.
5. The site shall be cleaned and restored within one week of termination of the use.
6. The applicant shall agree to register the City of Santa Paula as the point-of-sale for every sales transaction at the event, and all sales taxes collected for such sales shall be registered as having been collected in the City.
7. A written report of all sales proceeds and the taxes collected thereon shall be furnished to the Finance Department within one week after the sales event.

F. Christmas Tree, Pumpkin, Flower and Similar Seasonal Outdoor Sales

A Temporary Use Permit for a seasonal outdoor sale is subject to the following conditions:

1. A temporary seasonal sales facility shall not be open for business more than a total of 40 days during any one calendar year.
2. A permitted temporary seasonal sales facility shall not engage in the sale of any merchandise not directly associated with the specific holiday for which the sale is being held.
3. After the holiday, the facility shall be removed and the premises cleared of all debris and restored to at least as good a condition as existed prior to the establishment of the facility.
4. A permitted temporary seasonal sales facility shall not be located within the public right of way, within the required handicapped access way, or on required parking for a property.
5. The applicant shall agree to register the City of Santa Paula as the point-of-sale for every sales transaction at the event, and all sales taxes collected for such sales shall be registered as having been collected in the City.
6. A written report of all sales proceeds and the taxes collected thereon shall be furnished to the Finance Department within one week after the sales event.
7. The Planning Director may impose any other conditions deemed necessary to protect general health, welfare, and peace of the surrounding area.

G. Parking Lot and Other Outdoor Sales

1. Parking lot and sidewalk sales, not to include automotive sales events as outlined under H below, shall be limited to one (1) sale per calendar quarter and not more than four (4) sales events per year are permitted outright on commercially zoned property, subject to the following conditions:
 - a. Sponsored by an established, fixed business on the same property.
 - b. The merchandise is normally sold by the business
 - c. Such events shall be limited to three (3) consecutive days of operation for a regular weekend, or four (4) consecutive days for any weekend that includes a national holiday.
 - d. A Temporary Use Permit shall be required for more than four (4) such events in a calendar year on a single property.

2. A Temporary Use Permit for outdoor rummage sales, outdoor auctions and other outdoor sales, not to include parking lot and sidewalk sales as discussed above, is subject to the following conditions:
 - a. Sponsored and operated by a local nonprofit organization or a business on the same property.
 - b. Such events shall be limited to one (1) sales event every six (6) months.
 - c. Such events shall be limited to three (3) consecutive days of operation for a regular weekend, or four (4) consecutive days for any weekend that includes a national holiday.
 - d. The applicant shall agree to register the City of Santa Paula as the point-of-sale for every sales transaction at the event, and all sales taxes collected for such sales shall be registered as having been collected in the City.
 - e. A written report of all sales proceeds and the taxes collected thereon shall be furnished to the Finance Department within one week after the sales event.
 - f. The Planning Director may impose any other conditions deemed necessary to protect general health, welfare, and peace of the surrounding area.

H. Automotive Sales Events

A Temporary Use Permit for an Automotive Sales event, to include a "tent" event for the sale of automobiles, trucks, motorcycles, trailers, recreational vehicles or boats, is subject to the following conditions:

1. Automotive Sales events shall be permitted only on sites that meet all of the following criteria:
 - a. Commercially zoned property; and
 - b. Site exceeds one acre in size; and
 - c. Site has excess parking spaces available above the number of parking spaces required for the existing uses on the property, in accordance with Chapter 16.46 of this Title 16. The event shall not be located on any of the required parking spaces for the existing uses on the property, unless such use is not operating at the same time as the event.
2. Automotive sales events shall be limited to no more than ten (10) events in a calendar year on a single property, with a maximum of two (2) such events on a single property within the same 30 day period.

3. Such events shall be limited to three (3) consecutive days of operation for a regular weekend, or four (4) consecutive days for any weekend that includes a national holiday.
4. A Conditional Use Permit shall be required for more than ten (10) automotive sales events in a calendar year on a single property.
5. The site layout for the event shall comply with current building and fire codes for the State of California and the City of Santa Paula, and shall be reviewed by the Building & Safety Department and Fire Department accordingly.
6. The applicant shall agree to register the City of Santa Paula as the point-of-sale for every sales transaction at the event, and all sales taxes collected for such sales shall be registered as having been collected in the City.
7. A written report of all sales proceeds and the taxes collected thereon shall be furnished to the Finance Department within one week after the sales event.

16.228.070 Signage for Temporary Events

- A. Signage for temporary uses is permitted, provided such signage complies with regulations set forth in Chapter 16.48 (Signs) of this Title 16.
- B. All signage for a temporary use shall be removed within 2 days of the termination of the use.

Chapter 16.230 - Home Occupation Permit

- 16.230.010 Purpose and Intent
- 16.230.020 Initiation
- 16.230.030 Proceedings
- 16.230.040 Prohibited Home Occupations
- 16.230.050 Conditions of Approval
- 16.230.060 Home Occupation Performance Standards
- 16.230.070 Revocation
- 16.230.080 Fines and Penalties

16.230.010 Purpose and Intent

- A. The City recognizes that an occupant of a residential property has a limited right to conduct non-obtrusive business from a residence, and that the average neighbor generally will prefer to have that business conducted in such a fashion that neighbors are unaware of its existence. This Chapter is established to allow such home occupations to exist, provided the residential character of residential neighborhoods is maintained and further provided safeguards are established to prevent the use of home occupations from transforming the use of a residence into a commercial use or a residential neighborhood into a commercial one.
- B. Home occupations encourage and promote efforts to reduce traffic congestion and the generation of pollutants by allowing and recognizing changing work environments, including telecommuting and work-at-home options. Such businesses are allowed in the City subject to the regulations of this Chapter.

16.230.020 Initiation

- A. An application for a Home Occupation permit may be initiated by any occupant of the residence. For rental property, written authorization for the proposed use must be given by the property owner or the property owner's representative.
- B. An application must be filed pursuant to the provisions of Chapter 16.202 (Applications, Processing, Filing, and Fees) of this Title 16.
- C. A business license tax must be paid pursuant to Chapter 110 of the Municipal Code.

16.230.030 Proceedings

- A. The establishment of a home occupation within any residential dwelling unit will be regulated by a one-time application and fee.
- B. An application for a Home Occupation permit must be submitted to the Planning Department on forms supplied by the Department. The applicant must provide information required by the application and any additional information requested by the Planning Department to assist in the review of the permit request.

- C. The application must be referred to the Planning Director or appointed designee for review and to determine compliance with the provisions of this Chapter. The Planning Director or designee will have the authority to consult with other City departments regarding the proposed application. As part of the application review an inspection by the Building and Safety Department will be conducted.
- D. Within 10 days of receiving a completed application, the Planning Director will act to approve, approve with conditions, or deny the application. Any decision of the Director may be appealed to the Planning Commission pursuant to Chapter 16.206 (Appeals and Revocations) of this Title 16.
- E. The dwelling in which the home occupation is being conducted shall be open for inspection to City personnel, at reasonable times during normal business hours, for the purpose of inspecting to determine whether or not the conditions of this section are being complied with.

16.230.040 Prohibited Home Occupations

The following uses, either by operation or nature, are not incidental to or compatible with residential activities and shall not be permitted as home occupations:

- a. Adult businesses including escort services, massage parlors and the making of adult movies.
- b. Animal boarding, breeding or grooming facilities.
- c. Automotive and other vehicle repair (body or mechanical) upholstery, painting or storage.
- d. Barber or beauty shop.
- e. Carpentry or cabinet making.
- f. Firearms/weapons dealerships.
- g. Retail sales.
- h. Welding or machine operation.
- i. Any other use, as determined by the Director not to be incidental to or compatible with residential activities.

16.230.050 Conditions of Approval

The Planning Director or appointed designee will have the authority to impose conditions on a Home Occupation permit to ensure compliance with the intent of this Title 16, including compliance with the performance standards contained in Section 16.230.060 below.

16.230.060 Home Occupation Performance Standards

- A. Home occupations, as defined in Chapter 16.05 (Definitions) of this Title 16, are uses that generally do not interrupt or interfere with the general nature or residential character of the residential neighborhood in which they are located.

- B. All permitted home occupations must comply with the following performance standards:
1. A home occupation business must be clearly incidental to the residential use of the property, and the dwelling unit must be the principal residence of the home occupation business owner.
 2. Home occupations cannot generate pedestrian or vehicular traffic beyond that considered normal within the surrounding residential district.
 3. A home occupation must be conducted within a dwelling unit, or within an approved accessory structure. Accessory buildings used for home occupations must comply with the provisions of this Code, cannot contain kitchen facilities, and may only be located within single-family residential zones.
 4. Not more than 25% of the existing square footage of a dwelling unit up to a maximum of 500 square feet may be used for the home occupation business.
 5. The operation of a home occupation cannot interfere with the maintenance of any required parking spaces, including spaces required to be provided within a garage.
 6. The appearance of the dwelling or accessory structure within which the home occupation is conducted cannot be altered (for example, but without limitation, by using color, materials, construction, lighting, signs, sounds, noises, vibrations, or equipment displays) to make it recognizable as serving a nonresidential use.
 7. The home occupation permit applicant and other persons who use the dwelling as their primary residence may be involved in the home occupation use. All residents involved in the home occupation use must be listed on the application. In addition, one (1) nonresident employee or independent contractor, whether paid or not for his or her services, may be involved in the home occupation use on the property between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday. Off-street parking must be available on the site for the nonresident employee. Home occupations conducted within an accessory structure on the site are limited to resident employees only.
 8. If the business employs other persons whose work activities are performed off the premises, such individuals are not allowed to gather or congregate on the premises in connection with a home occupation.
 9. The home occupation permit is valid only for the person to whom it is issued and is void when that person moves from the dwelling unit or discontinues or alters the business so that the information provided on the application is no longer valid. Property owners are required to sign the Home Occupation Permit Application. Home Occupation Permits must be renewed every five (5) years.

10. A maximum of two (2) home occupation permits may be issued for any residence. However, the limitations set forth in the performance standards are applied singularly not cumulatively.
11. No direct retail or wholesale sales may be conducted on the premises of any home occupation.
12. Up to four (4) customers or visitors related to the home occupation are allowed daily, between the hours of 8:00 and 8:00 p.m., provided that the home occupation does not generate vehicle traffic beyond that considered characteristic of the surrounding residential district. Personal service uses involving the instruction or tutoring of an individual may be allowed subject to approval by the Planning Director, if the use is in keeping with the stated intent of the section and not determined to be potentially detrimental to the residential character of the neighborhood.
13. Deliveries or pick ups made by a courier or delivery service as part of a home occupation are limited to two (2) a day.
14. Only one vehicle with a capacity not exceeding three-quarter ton may be used by the resident directly or indirectly in connection with a home occupation. No commercial vehicles may be used as part of the home occupation. Off-street parking must be provided for any vehicle used in connection with the home occupation.
15. No signs identifying or advertising the home occupation business may be posted on the property, on other nearby residential properties, or on the public right of way.
16. No merchandise or products can be visible from the outside the residence or accessory structure.
17. No newspaper or other advertising is allowed, which identifies the address of the residence as a place of business.
18. Outdoor storage, display of merchandise, products, materials, supplies or operations are prohibited on the premises.
19. Activities conducted and equipment or material used cannot change the fire safety or occupancy classification of the premises. The use cannot employ the storage of pesticides, explosives, flammable, or hazardous materials, or waste of any kind brought onto the property as part of the occupation.
20. No use of utilities or community facilities is permitted beyond that normal to the use of the property for residential purposes.

21. No refuse or trash can be generated in quantities or types not normally associated with residential uses.
22. No equipment or process can be used that creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the premises. In the case of electrical interference, no equipment or process can be used that creates visual or audible interference upon any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

16.230.080 Fines and Penalties

A permittee who violates any of the performance standards listed in Sections 16.230.050 and 16.230.060 above or any permit conditions may be subject to fines as established by resolution of the City Council and/or permit revocation pursuant to the provisions of Chapter 16.206 of this Title 16.

Chapter 16.234 - Development Agreements

16.234.010	Purpose and Intent
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16.234.030	Applicability
16.234.040	Contents of Development Agreement
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16.234.100	Periodic Review
16.234.110	Separate Procedure
16.234.120	Effect of Development Agreement
16.234.130	Construction

16.234.010 Purpose and Intent

A. Purpose

The purpose of a Development Agreement is to ensure to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with clearly stated policies, rules and regulations, and subject to specified conditions of approval. Development Agreements also ensure that all conditions of approval, including the construction of off-site improvements made necessary by such land developments, will proceed in an orderly and economical manner to the benefit of the City.

B. Intent

This Chapter 16.234 is enacted to achieve the maximum utilization of public and private resources in the development process, and ensure, to the extent feasible, that appropriate measures to enhance and protect the environment of the City are reached.

16.234.020 Initiation

Pursuant to Section 65865 of the California Government Code, any person having a legal or equitable interest in real property for the development of such property, or any person acting as the authorized agent for such property owner, may apply to the City for a Development Agreement. Applications must be filed pursuant to the provisions of Chapter 16.202 (Applications, Processing, Filing, and Fees) of this Title 16.

16.234.030 Applicability

The City Council finds that it may be in the City's best interest to enter into a Development Agreement when a project is to:

- A. Be phased over a period of years;
- B. Receive a density bonus;
- C. Consist of 20 residential units or more;
- D. Occupy more than 2 acres;
- E. Be a project subject to development approval pursuant to this Title 16;
- F. Involve the amendment of the General Plan of the City;
- G. Involve the formation of any assessment, benefit, maintenance, or special benefit district, or for the installation of required or necessary on-site or off-site improvements or infrastructure;
- H. Involve mitigation measures imposed upon a development project as a consequence of the approval of an environmental impact report in which such mitigation measures are a condition as a mechanism for eliminating or reducing environmental impacts; or
- I. Proceed upon a determination by the City Council to be in the best interests of the City.

16.234.040 Contents of Development Agreement

- A. All draft and final Development Agreements must contain the following information:
 - 1. The duration of the Agreement;
 - 2. The permitted uses of the property;
 - 3. The density or intensity of permitted uses;
 - 4. The maximum height and size of proposed buildings; and
 - 5. Provisions for reservation or dedication of lands for public purposes.
- B. The Development Agreement may also contain the following information:
 - 1. Conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided such conditions, terms, provisions, and requirements do not prevent development of land for the purposes and level of use set forth in the Agreement.
 - 2. Requirements that construction be commenced within a specified time period, and that the project or any phase thereof be completed within a specified time frame.

16.234.050 Proceedings - Planning Commission

- A. Upon receiving a Development Agreement application, the Planning Director will make a determination as to whether the application is complete. If deemed incomplete, the application will be returned to the applicant for further information. If deemed complete, the Director will review the application and determine the additional requirements necessary to complete the Agreement.
- B. The Director will prepare a report outlining facts and recommendations relative to the application. The report will be provided to the Planning Commission prior to any scheduled public hearing on the application.
- C. A public hearing before the Planning Commission will be noticed and conducted pursuant to the provisions of Chapter 16.204 (Public Hearings).
- D. The Planning Commission will make a recommendation to the City Council to approve, approve with modifications, or deny the Development Agreement application.
- E. As part of its recommendation to the City Council, the Planning Commission may recommend use of a Development Agreement as a method of implementing or providing standards and criteria for any development approval so long as the development meets the applicability requirements set forth in this Chapter 16.234.

16.234.060 Proceedings - City Council

- A. A public hearing before the City Council will be noticed and conducted pursuant to the provisions of Chapter 16.204 (Public Hearings) of this Table 16.
- B. At the hearing, the City Council will consider the Planning Commission's recommendation together with any additional public testimony, and may approve, disapprove, or modify any recommendation of the Planning Commission. If public testimony is presented on an issue that was not considered by the Planning Commission, the City Council may refer the issue back to the Planning Commission for further hearings and recommendations.

16.234.070 Findings and Adoption

A. Findings Required

When acting to approve a Development Agreement application, or approve in modified form, the City Council will be required to make the following findings on the Agreement:

1. The proposed Agreement is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plans;
2. The proposed Agreement is compatible with the uses authorized in, and the regulations prescribed for, the zone in which the real property is or will be located;
3. The proposed Agreement will promote public convenience, general welfare, and good land use practice;
4. The proposed Agreement will not adversely affect the orderly development of property or the preservation of property values; and
5. The proposed Agreement will promote and encourage the development of the proposed project.

B. Adoption by Ordinance

If the City Council approves the Development Agreement, it will do so by adoption of an ordinance. The City may enter into the Agreement after the ordinance approving the Development Agreement takes effect.

16.234.080 Recordation

Within 10 calendar days after the City enters into the Development Agreement, the City Clerk will record the Agreement with the Ventura County Recorder. If the parties to the Agreement or their successors in interest amend or cancel the Agreement as provided in Section 16.234.090 of this Chapter 16.234, or if the City terminates or modifies the Agreement as provided in Section 234.090 of this Chapter 16.234 for failure of the applicant to comply in good faith with the terms or conditions of the Agreement, the City Clerk will record notice of such action with the County Recorder.

16.234.090 Amendment or Cancellation

A. Initiation of Amendment or Cancellation

Any Development Agreement may be canceled or amended by mutual consent of the parties.

B. Procedures

1. Cancellation or Modification by Mutual Consent

Any proposal to cancel or modify a Development Agreement will be heard and determined in accordance with the procedures specified by this Chapter 16.234 for approval of a Development Agreement.

2. Cancellation by City

If, at any time during the term of a Development Agreement, it is found that the party to the Agreement has not complied with the terms and conditions of the Development Agreement, a public hearing will be held by the City Council at which time the party to the Agreement will be given the opportunity to demonstrate otherwise. The burden of proof will be upon the party to the Agreement to show compliance by substantial evidence. If such compliance is not shown, the City Council may either cancel the Development Agreement, or continue the Agreement on such terms and conditions as it may consider appropriate under the circumstances.

C. Rights of the Parties After Cancellation or Termination.

1. In the event that a Development Agreement is canceled or otherwise terminated, unless otherwise agreed, all rights of the party to the Agreement or successors in interest under the Development Agreement will terminate.
2. Any and all benefits, including money or land, received by the City will be retained by the City.
3. Notwithstanding the above provisions, any termination of a Development Agreement will not revoke a valid building permit previously issued by the City for any improvement authorized by the Development Agreement. All such completed or completing uses will, to the extent possible, be deemed nonconforming uses, and will be subject to the nonconforming use provisions of this Title 16.

16.234.100 Periodic Review

A. Time for and Initiation of Review

The City will review all Development Agreements once every 12 months after the City enters into such Agreements.

B. Applicant's Submission

Between 45 and 60 days prior to the yearly anniversary of the date a Development Agreement was entered into, the party to the Agreement or successors in interest will submit evidence to the Planning Director of good-faith compliance with the Agreement and will notify the Director in writing that such evidence is being submitted to the City pursuant to the periodic review requirements of this Section. Said notification will be accompanied by a processing fee as specified in the City's fee schedule.

C. Findings of Compliance

If the party to the Agreement or successors in interest has complied with the terms of the Development Agreement, a finding of compliance will be issued, which may be recorded by the Party to the Agreement or successors in interest with the Ventura County Recorder.

D. Finding of Noncompliance

If, on the basis of substantial evidence, it is found that the party to the Agreement or successor in interest has not complied with the terms of the Development Agreement, the party to the Agreement or successor in interest will be notified in writing of the grounds of noncompliance. A reasonable time period will be specified in which the party to the Agreement or successor in interest must comply. If the party to the Agreement or successor in interest does not comply within the time limits prescribed, the Development Agreement will be subject to cancellation pursuant to Section 16.234.090 of this Chapter 16.234.

E. Appeal of Determination

Upon the payment of the required fee, any interested person may file an appeal of the issuance of a finding of compliance, or notice of noncompliance, to the City Council within 10 calendar days after the date of issuance or notice.

16.234.110 Separate Procedure

The Development Agreement process set forth in this Chapter 16.234 will be separate from other land use planning procedures. If so specified in the Development Agreement, it will constitute an approval pursuant to such planning procedures as if separately enacted under City planning ordinances or resolutions.

16.234.120 Effect of Development Agreement

When approved, the Development Agreement and any development control maps and all notations, references, and regulations that are a part of the Development Agreement will be part of the Development Agreement ordinance. Development control maps include, but are not limited to, regulations intended to carry out any plan respecting location or type of activities; height, bulk, siding, or design of structures; location or design of open areas; and landscaping and other comparable regulations.

16.234.130 Construction

This Chapter 16.234 and any subsequent Development Agreement will be read together. With respect to any Development Agreement enacted under this Chapter 16.234, any provision of such a Development Agreement that is in conflict with this Chapter 16.234 will be void. Unless otherwise provided by the Development Agreement, the City's rules, regulations, and official policies governing permitted uses of land, governing density, and governing design, improvement construction standards and specifications applicable to development of the property subject to a Development Agreement will be those City rules, regulations, and official policies in force at the time of the approval, or modification, of the Development Agreement by the City Council; provided, however, that the party to the Agreement or successor in

interest is subject to all increases in City-imposed fees, dedication requirements, and charges with respect to subsequent applications for development and construction within the property subject to a Development Agreement.

Chapter 16.236 - Annexations

- 16.236.010. Purpose and Intent
- 16.236.020. Relationship to Other Laws
- 16.236.030. Definitions
- 16.236.040. Initiation
- 16.236.050. Annexation Procedures
- 16.236.060. Pre-application Conference Required
- 16.236.070. Preparation and Content
- 16.236.080. School Agreement.
- 16.236.090. Infrastructure Improvement Description.
- 16.236.100. Planning Commission Review and Action
- 16.236.110. City Council Review and Action
- 16.236.120. City Council Findings Required
- 16.236.130. Proceed to LAFCO

16.236.010. Purpose and Intent

This Chapter is established in accordance with the Cortese-Knox Local Government Reorganization Act of 2000 (Government Code §§ 56000 *et seq.*) to address annexations, reorganizations, consolidations and similar procedures of the City.

16.236.020. Relationship to Other Laws

Any provision of this chapter that is more stringent than federal or state law is intended to supplement, not conflict with, federal or state law and to apply unless a court of law conclusively determines that the provision is preempted. Nothing in this section precludes the city from establishing the time limits for completion of the annexation proceedings and initiation of project requiring such approvals, provided such time limits are authorized by law.

16.236.030. Definitions

- A. "Act" means the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §§ 56000 *et seq.*), and any subsequently adopted amendments or successor statutes. Unless specified otherwise, all citations in this article to an unspecified code are to the Government Code;
- B. "CEQA" means, collectively, the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*) the regulations promulgated there under (14 Cal. Code of Regulations §§ 15000, *et seq.*, the "CEQA Guidelines"), and the City's Environmental Guidelines;
- C. "LAFCO" means the Ventura Local Agency Formation Commission.

- D. "LCA contract" means a contract entered into pursuant to the California Land Conservation Act (Government Code §§ 51200 *et seq.*)
- E. "CURB boundary" means a City Urban Restriction Boundary established in accordance with the Santa Paula General Plan.

16.236.040. Initiation

- A. Annexation applications with the City may be initiated by:
 - 1. An application by an owner or agent of such owner seeking an annexation of property to the city of Santa Paula's jurisdiction;
 - 2. The application of a public agency authorized to exercise the power of eminent domain;
 - 3. The City Council
- B. An application must be filed in accordance with this Code.

16.236.050. Annexation Procedures

Annexations, reorganizations, consolidations and similar procedures must be processed in accordance with the provisions of the Act.

16.236.060. Pre-application Conference Required

A pre-application conference with the Planning Director, or designee, is required before the formal submission of an annexation application. During the pre-application conference, the Planning Director, or designee, will review with the applicant the City's requirements for application content; anticipated plans, reports, and studies required for the annexation application; applicable policies; infrastructure needs; and other information determined by the Planning Director. In addition, the Planning Director will inform the applicant whether a Specific Plan, Development Agreement, or other, similar, discretionary approval is required for a proposed annexation.

16.236.070. Preparation and Content

As part of an annexation application, the applicant must provide the following:

- A. An application for pre-zoning;
- B. If applicable, an application for a zone change;
- C. Proof of ownership, legal description, and proof of consent or dissent to the application of all persons with an ownership interest in the real property proposed for annexation;

- D. An identification of LCA contracts; CURB boundary amendments; Sphere of Influence boundary adjustments; or other applicable property restrictions that may be required for annexation;
- E. Boundary Map, prepared by a civil engineer or licensed surveyor, in accordance with the requirements of the Ventura County Surveyor's Office. At a minimum, a boundary map submitted to the City must contain the following information:
 - 1. A sufficient legal description of the land to define the boundaries of the proposed annexation of land.
 - 2. The date, north arrow, and scale.
 - 3. The name and address of the property owner(s), and the civil engineer or licensed surveyor under whose direction the map was prepared, including the registration number of the engineer or surveyor and the names and addresses of all operators of the utility systems of the subdivision.
 - 4. The existing topography of land proposed to be annexed using contour intervals as follows: One (1) foot when the slope of the ground is less than 5%; Two (2) feet when the slope of the ground is between 5% and 10%; Five (5) feet when the slope of the ground is between 10% and 25%; and Ten (10) feet when the slope of the ground is greater than 25%.
 - 5. The approximate location and outline to scale of each building or structure on each property proposed for annexation. Each building shown must be identified by street address or other identifying feature, and include a notation on whether each building, structure, fence, wall, or land use will be retained.
 - 6. The locations of any existing water wells and septic tanks, and descriptions of the proposed source of water supply and the proposed method of sewage disposal.
 - 7. The width, purpose, and approximate location of all easements or rights-of-way, whether public or private, within and adjacent to the annexation.
 - 8. The approximate location of all areas subject to inundation or storm water overflow and the location, width, and direction of flow of each watercourse and existing flood control district channels within 1/2 mile of the exterior boundaries of the proposed annexation.
 - 9. Through the application review process, the City Engineer or Planning Director may require that additional information be included on the map to provide important or necessary disclosures or other information.

- F. A fiscal impact analysis unless the annexation application is for public facilities, public open space and parkland, and island annexations under five (5) acres;
- G. Any memorandum of understanding with public school districts ("School Agreement") affected by the proposed annexation as required by this chapter unless the proposed annexation includes public facilities, public open space and parkland, and island annexations under five (5) acres;
- H. Identification of any geologic hazards.
- I. A written commitment to transfer or otherwise dedicate to the City, at an appropriate time following the effective date of the annexation, all water rights associated with the property;
- J. If required, a Specific Plan in conformance with this Code;
- K. All applicable LAFCO fees.

16.236.080. School Agreement.

Before applying for annexation, an applicant must enter into a School Agreement with each impacted public school district that addresses all issues associated with a proposed project including, without limitation, any capital costs associated with new or expanded school facilities.

16.236.090. Infrastructure Improvement Description.

The annexation application must include a complete description of the proposed source, distribution, location, extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the annexation and needed to support the land uses. Such information may be provided on a tentative map if a subdivision is proposed.

16.236.100. Planning Commission Review and Action

- A. A complete annexation application will be considered by the Planning Commission at a public hearing.
- B. By resolution, the Planning Commission may recommend that the City Council approve, approve with modifications, or deny a proposed annexation application.

- C. A proposed annexation inconsistent with the General Plan may not be recommended or adopted until the General Plan is amended to eliminate such inconsistency. Such a General Plan amendment and any development proposal relying on the amendment must be considered concurrently with the annexation application.

16.236.110. City Council Review and Action

- A. After receiving a Planning Commission resolution, the City Clerk will set the matter for a public hearing before the City Council.
- B. Following the public hearing, the City Council will, by resolution, approve, conditionally approve, or deny the proposed annexation application along with any other discretionary approvals required for a proposed annexation.
- C. If an application is approved, the City Council will direct the City Manager or designee to forward the annexation application to LAFCO for approval.

16.236.120. City Council Findings Required

The City Council must make the following findings before approving an annexation:

- A. That the proposed annexation is consistent with the goals, policies, and objectives of the General Plan;
- B. That the proposed annexation will not adversely or significantly impact surrounding properties;
- C. That the proposed annexation promotes public health, safety, or general welfare and serves the goals and purposes of this Code;
- D. That the City has sufficient capacity and ability for providing all city services upon annexation, or within a reasonable time of annexation; and
- E. That the proposed annexation will pay for itself and will not bring any fiscal or economic burden onto the City of Santa Paula. The City Council may deny annexation applications for projects which fail to demonstrate in the fiscal impact analysis that projected annual total revenues generated by the project will equal or exceed the projected annual aggregate costs for municipal services.

16.236.130. Proceed to LAFCO

- A. Upon City Council approval of the proposed annexation, the City Manager or designee will file a certified copy of the City Council resolution and application for reorganization with LAFCO, in accordance with the provisions of the Act and LAFCO rules.
- B. The City will oppose any annexation application filed with LAFCO that did not obtain approval in conformance with this Chapter.