

ORDINANCE NO. 2010- 016

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN BUENAVENTURA AMENDING DIVISION 24 [ZONING REGULATIONS] OF THE SAN BUENAVENTURA MUNICIPAL CODE TO REVISE AND CLARIFY VARIOUS PROVISIONS OF THE ZONING ORDINANCE

The Council of the City of San Buenaventura does ordain as follows:

Section 1. Findings. The City Council finds and determines that numerous sections of the City's Zoning Ordinance should be updated to, among other things, reflect interpretations made by the Director pursuant to his interpretive authority, correct certain typographical errors and update certain outdated provisions.

Section 2. Section 24.110.985 of the San Buenaventura Municipal Code [Definitions] is added to read as follows:

Sec. 24.110.985. - Landscaping, Dense.

Any plant material, living or dead, that restricts or prevents movement across a boundary and that provides the appearance and/or function of a fence and/or barrier. Individual plant material identified in Sunset's Western Garden Book as a tree and planted at a minimum spacing as recommended in the Western Garden Book shall not be construed as restricting movement across a boundary.

Section 3. Section 24.110.1110 of the San Buenaventura Municipal Code [Definitions] is amended to read as follows:

Sec. 24.110.1110. - Lot line, front.

The shortest boundary line of a lot that abuts a street to which the property has rights of vehicular access. For corner lots, the boundary line parallel to front of the structure that contains the main entrance.

Section 4. Section 24.110.1700 of the San Buenaventura Municipal Code [Definitions] is amended to read as follows:

Sec. 24.110.1700. - Story, half or "half-story".

A story whose floor area does not exceed 50 percent of the floor area immediately below.

Section 5. Section 24.115.330 of the San Buenaventura Municipal Code [General Use Types] is amended to read as follows:

Sec. 24.115.330. - Animal Sales and Services.

The Animal Sales and Services use type category consists of establishments primarily engaged in animal-related sales and services. The following are the three Animal Sales and Services use types:

1. *Animal Sales and Services: Grooming and Pet Stores.* Grooming or selling of animals. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores and shops.

2. *Animal Sales and Services: Veterinary.* Veterinary facilities which may provide veterinary services for small animals, including facilities where small animals may sometimes be kept overnight for medical purposes only. Typical uses include pet clinics, dog and cat hospitals, animal hospitals for domestic animals and offices for veterinarians who provide offsite veterinary services.

3. *Animal Boarding.* Overnight boarding and care of domestic animals within an enclosed facility. Such boarding may also include uses listed in 1 above.

Section 6. Section 24.115.3120 of the San Buenaventura Municipal Code [General Use Types] is amended to read as follows:

Sec. 24.115.3120. - Day Care Centers.

The Day Care Centers use type consists of day care centers as defined in Section 1596.76 of the Health and Safety Code where day care and supervision is provided for more than 14 children under 18 years of age for periods of less than 24 hours per day.

Section 7. Section 24.210.020 of the San Buenaventura Municipal Code [R-1 Single Family Zone] is amended to read as follows:

Sec. 24.210.020. – Uses - Permitted.

The following use types are permitted in the R-1 zone, subject to the provisions of this chapter:

1.

Residential.

Family Residential: Mobile Home

Family Residential: Single Family

Residential Care

Residential Second Unit

2.

General.

Government Services

Recreation Services: Public Parks and Playgrounds

Recycling Services: Consumer Recycling Collection Points

Wireless Telecommunications Facilities: Mini

Wireless Telecommunications Facilities: Minor

3.

Agricultural.

Animal Husbandry

Crop Production

Horticulture: Cultivation

(Code 1971, § 15.210.020; Ord. No. 2000-04, § 4,

Sec. 24.212.020. – Uses - Permitted.

The following use types are permitted subject to the provisions of this chapter:

1.

Residential.

Family Residential: Mobile Home

Family Residential: Single Family Residential Care

2.

General.

Government Services

Recreation Services: Public parks and Playgrounds

Wireless Telecommunications Facilities: Mini

Wireless Telecommunications Facilities: Minor

3.

Agricultural.

None

Section 8. Section 24.210.050 of the San Buenaventura Municipal Code is amended to read as follows:

Sec. 24.210.050. - Same—Special provisions.

Uses listed in Sections 24.210.020 through 24.210.040 must also comply with the following special provisions:

1. Accessory structures. Accessory structures, except garages as defined by Section 24.110.810 and/or structures containing less than 750 square feet, shall obtain a Director's Permit based on the provisions of Chapter 24.505. All applications for granting or amending a Director's Permit for a Detached Accessory Structure shall be considered at a noticed public hearing as prescribed by Chapter 24.560.

2. Design review. Design Review approval by the Design Review Committee must be obtained to the extent required by Chapter 24.545.

3. Temporary uses. Temporary uses may be conducted in the R-1 zone only to the extent permitted by Chapter 24.120.

4. Home occupations. Home Occupations may be conducted in the R-1 zone only to the extent permitted by Chapter 24.125.

5. Residential Second Units. Uses classified under the Residential Second Unit use type must comply with the provisions of Chapter 24.430.
6. Factory-built homes. Factory-built homes may be used for residential purposes in the same manner as conventional site-built housing subject to the provisions of this Chapter.
7. Group Care. All Group Care uses must comply with the provisions of Chapter 24.435.
8. Mobile homes. Uses classified as Family Residential: Mobile Home use types must be located on a permanent foundation system and must comply with the following architectural standards:
 - (a) Roofing and siding materials shall be non-reflective; and
 - (b) Roofs shall have a minimum roof overhang of 16 inches.
9. Domestic animals. Domestic animals, as defined in Chapter 24.110, are permitted, provided that, no more than six adult animals over the age of four months are permitted per dwelling unit, and further provided that, no more than three adult dogs shall be permitted per dwelling unit.
10. Livestock animals. Livestock animals are permitted in the R-1 zone only to the extent allowed by subsections 11. and 12. of this Section.
11. Livestock animal raising--Group-sponsored projects. Rabbits, sheep, goats, and fowl, other than roosters, may be raised, kept, or maintained as an incidental use of a site in the R-1 zone for 4-H or other organized group-sponsored projects only if a director's permit is approved pursuant to Chapter 24.505 to authorize the raising of such animals and only if the following provisions of this subsection are met:
 - (a) No such livestock animal or animals shall be raised, kept or maintained without a valid Director's Permit. All terms and conditions of the required Director's Permit shall be complied with at all times;
 - (b) No more than a total of four such livestock animals, including fowl, shall be raised, kept or maintained on any one lot;
 - (c) No such livestock animal, including fowl, shall be housed, stabled, lodged, confined, or otherwise maintained within 35 feet of any school, church, hospital, place of business, residence, dwelling unit, or other building used for human habitation other than any dwelling units on the subject site;
 - (d) Any lot used for the keeping of sheep or goats for this type of project must have a minimum lot area of 6,000 square feet;
 - (e) An application packet for a Director's Permit, including an application form, a neighbor consent form, and other related materials specified by the Director,

shall be filed with the Director so as to allow at least 30 days for processing prior to the proposed initiation of such incidental use; and

(f) If all the residents and property owners of properties abutting the subject site have signed a neighbor consent form, the Director shall review and consider the Director's Permit application to determine whether the requirements of this subsection are met. If one or more of the adjacent neighbors do not sign the neighbor consent form, the Director shall refer the Director's Permit application to the Planning Commission pursuant to Section 24.505.030. In such instance, the Planning Commission shall review and consider the application following a public hearing for which notice has been as provided pursuant to Chapter 24.560;

12. Animal Husbandry--Livestock animals. Animal Husbandry uses involving livestock animals are permitted in the R-1 zone only to the extent allowed by this subsection:

(a) Animal Husbandry uses carried out in the R-1 zone are limited to the raising of dogs, cats, horses, cows, oxen, sheep, goats, and fowl, not including roosters;

(b) No such livestock animals shall be raised, kept, or maintained on a lot having an area of less than one acre;

(c) The number of such livestock animals allowed shall not exceed two adult animals and their immature offspring per one acre;

(d) The total number of such livestock animals on any one site, regardless of its total acreage, shall not exceed four adult animals and their immature offspring; and

(e) No such livestock animal, including fowl, shall be housed, stabled, lodged, confined, or otherwise maintained within 35 feet of any dwelling unit or other building used for human habitation or within 100 feet of any public park, school, hospital, or similar institution.

13. Animal Husbandry--Domestic animals. Animal Husbandry uses involving domestic animals, as defined in Chapter 24.110, are permitted in the R-1 zone only to the extent allowed by this subsection:

(a) Animal Husbandry uses involving domestic animals in the R-1 zone are limited to the commercial raising, for purposes of sale, of domestic animals;

(b) No such domestic animals shall be kept or maintained on the site for purposes other than raising such animals for subsequent sale. Boarding, training or otherwise keeping any such domestic animal not owned by a person residing at the site is prohibited;

(c) No such domestic animals shall be raised, kept, or maintained on a lot having an area of less than 6,000 square feet;

(d) The number of such animals allowed shall not exceed two adult animals and their immature offspring per each 6,000 square feet of lot area;

(e) The total number of such domestic animals on any one site, regardless of its total acreage, shall not exceed four adult animals and their immature offspring; and

(f) No such domestic animal shall be housed, stabled, lodged, confined, or otherwise maintained within 35 feet of any dwelling unit, or other building used for human habitation, except for the dwelling unit on that site, or within 100 feet of any public park, school, hospital, or similar institution.

14. Recycling Services: Consumer Recycling Collection Points. Uses classified in the Recycling Services: Consumer Recycling Collection Points use type must comply with the provisions of Chapter 24.485.

15. Wild animals. Wild animals may be permitted in the R-1 zone only if all the following requirements of this subsection are met:

(a) The only wild animals that may be permitted are:

(1) Chipmunks or squirrels

(2) Turtles

(3) Raccoons

(4) Marmoset, spider or squirrel monkeys

(5) Non-poisonous snakes

(6) Hawks, falcons or other raptors;

(b) No such wild animal may be kept or maintained unless any and all permits required by the California Department of Fish and Game have been approved therefor; and

(c) No such wild animal shall be housed, stabled, lodged, confined, or otherwise maintained within 35 feet of any school, church, hospital, place of business, residence, dwelling unit, or other building used for human habitation other than the dwelling unit on the subject site.

(d) Such wild animals may only be kept and maintained for noncommercial purposes.

16. Wireless Telecommunications Facilities: Minor. Uses classified in the Wireless Telecommunications Facilities: Minor use type shall require a Director's Permit pursuant to Chapter 24.505.

Section 9. Section 24.510.010 of the San Buenaventura Municipal Code [Parking Approval Procedure] is amended to read as follows:

Chapter 24.510 - Parking Approval Procedure

Sec. 24.510.010. - Chapter description.

Chapter 24.510 establishes the parking approval procedure. This chapter provides the procedure for review and decisions regarding parking approvals. Parking approvals are required for certain land uses in the area of the city within the boundaries of the Downtown Parking Overlay Zone established pursuant to chapter 24.445 235, and as amended from time to time, before such land uses can be found to be in conformance with the off-street parking requirements of this zoning ordinance without providing parking spaces directly on the subject site. The provisions of this chapter shall apply and be deemed enacted and effective as of July 4, 1985.

Section 10. Section 24.525.040 of the San Buenaventura Municipal Code [Planned Development Permit Procedure] is amended to read as follows:

Sec. 24.525.040. - Applicability of planned development permits.

- A. *When required.* A planned development permit or an Amendment to a previously approved planned development permit, must be approved in accordance with the provisions of this chapter, in any instance where the applicable zoning district regulations or overlay zone regulations so require.
- B. *Concurrent minor variances.* A minor variance may be processed, reviewed and considered as a component of a planned development permit, provided that the decision-making authority makes the findings required by section 24.535.120 in addition to the findings required by this chapter for the approval of planned development permits before approving any such minor variance as a component of the planned development permit.

Section 11. Section 24.260.020 of the San Buenaventura Municipal Code [M-1 Limited Industrial Zone] is amended to read as follows:

Sec. 24.260.020. Uses--Permitted.

The following use types are permitted subject to the provisions of this chapter:

1. Residential.
None
2. General.
Administrative, Business, and Professional Services
Animal Sales and Services: Grooming and Pet Stores
Animal Sales and Services: Veterinary
Animal Boarding
Automotive and Accessories: Automotive Rentals
Automotive and Accessories: Automotive Repairs, Bodies

Automotive and Accessories: Automotive Repairs, Systems
 Automotive and Accessories: Automotive Sales, Retail
 Automotive and Accessories: Automotive Sales, Wholesale
 Automotive and Accessories: Operable Vehicle Storage
 Automotive and Accessories: Parking
 Boating and Harbor Activities: Boat Building or Repair
 Boating and Harbor Activities: Boat Sales and Services
 Business and Professional Support
 Construction Sales and Services: Building Contractor Yards
 Construction Sales and Services: Building Supply Stores
 Construction Sales and Services: Lumber Yards
 Cultural and Library Services
 Dining Establishments: Ancillary Service
 Dining Establishments: Fast Counter Service
 Dining Establishments: Full Service
 Dining Establishments: Take Out
 Drinking Establishments
 Education Services: Commercial
 Equipment Rentals, Sales, and Services: Heavy
 Equipment Rentals, Sales, and Services: Light
 Food and Beverage Retail Sales
 Food and Fish Processing: Fish and Meat Processing
 Food and Fish Processing: Food Processing
 Funeral and Interment Services
 Government Services
 Laundry Services
 Light Industrial
 Medical Services: Consulting
 Medical Services: Mobile Equipment
 Nursery Sales
 Oil Equipment Services: Light
 Personal Services
 Personal Storage
 Property Maintenance Services
 Recreation Services: Public Parks and Playgrounds
 Recycling Services: Consumer Recycling Collection Points
 Repair Services
 Research or Laboratory Services
 Retail Sales
 Safety Services
 Shopping Center: Small
 Wholesaling and Distribution
 Wireless Telecommunications Facilities: Mini
 Wireless Telecommunications Facilities: Minor
 3. Agricultural.
 Horticulture: Cultivation

Horticulture: Storage
Indoor Production

Section 12. Section 24.260.050 of the San Buenaventura Municipal Code [M-1 Limited Industrial Zone] is amended to read as follows:

Sec. 24.260.050. Same--Special provisions.

Uses listed in sections 24.260.020 through 24.260.040 must also comply with the following special provisions:

1. Design review. Design review approval must be obtained to the extent required by chapter 24.545.
2. Temporary uses. Temporary uses may be conducted in the M-1 zone only to the extent permitted by chapter 24.120.
3. Family Residential: Caretaker. Caretaker's residences must comply with the provisions of chapter 24.435.
4. Group Care. All Group Care uses must comply with the provisions of chapter 24.435.
5. Dining Establishments: Fast Service, Drive-Up. Dining Establishments: Fast Service, Drive-Up uses must comply with the provisions of chapter 24.475.
6. Assembly uses. All assembly uses must comply with chapter 24.480.
7. Recycling Services use types. Uses classified in the Recycling Services use type category must comply with the provisions of chapter 24.485.
8. Hazardous Waste Facility. All uses classified within the Hazardous Waste Facility use type must comply with the provisions of chapter 24.495.
9. Wireless Telecommunications Facilities: Minor. Uses classified in the Wireless Telecommunications Facilities: Minor use type shall require a director's permit pursuant to chapter 24.505.
10. Animal Boarding. All animal boarding related activities must occur within an enclosed building, except for transporting animals to and from vehicles. An operational plan to address storage of food and disposal of waste products must be submitted with the Business License Application.

Section 13. Section 24.262.020 of the San Buenaventura Municipal Code [M-2 General Industrial Zone] is amended to read as follows:

Sec. 24.262.020. Uses--Permitted.

The following use types are permitted subject to the provisions of this chapter:

1. Residential.
None
2. General.
Administrative, Business, and Professional Services
Animal Boarding
Animal Sales and Services: Grooming and Pet Stores
Animal Sales and Services: Veterinary

Automotive and Accessories: Automotive Rentals
Automotive and Accessories: Automotive Repairs, Bodies
Automotive and Accessories: Automotive Repairs, Systems
Automotive and Accessories: Automotive Sales, Retail
Automotive and Accessories: Automotive Sales, Wholesale
Automotive and Accessories: Operable Vehicle Storage
Automotive and Accessories: Parking
Boating Harbor Activities: Boat Building or Repair
Boating Harbor Activities: Boat Sales and Services
Business and Professional Support
Construction Sales and Services: Building Contractor Yards
Construction Sales and Services: Building Supply Stores
Construction Sales and Services: Lumber Yards
Cultural and Library Services
Dining Establishments: Ancillary Service
Dining Establishments: Fast Counter Service
Dining Establishments: Full Service
Dining Establishments: Take Out
Drinking Establishments
Education Services: Commercial
Equipment Rentals, Sales, and Services: Heavy
Equipment Rentals, Sales, and Services: Light
Food and Beverage Retail Sales
Food and Fish Processing: Fish and Meat Processing
Food and Fish Processing: Food Processing
Funeral and Interment Services
General Industrial
Government Services
Laundry Services
Light Industrial
Medical Services: Consulting
Medical Services: Mobile Equipment
Nursery Sales
Oil Equipment Services: Heavy
Oil Equipment Services: Light
Personal Services
Personal Storage
Property Maintenance Services
Recreation Services: Public Parks and Playgrounds
Recycling Services: Consumer Recycling Collection Points
Repair Services
Research or Laboratory Services
Retail Sales
Safety Services
Shopping Center: Small
Wholesaling and Distribution

Wireless Telecommunications Facilities: Major

- 3. Agricultural.
Horticulture: Storage
Indoor Production

Section 14. Section 24.262.050 of the San Buenaventura Municipal Code [M-2 General Industrial Zone] is amended to read as follows:

Sec. 24.262.050. Uses--Special provisions.

Uses listed in sections 24.262.020 through 24.262.040 must also comply with the following provisions:

1. Design review. Design review approval must be obtained to the extent required by chapter 24.545.
2. Temporary uses. Temporary uses may be conducted to the extent permitted by chapter 24.120.
3. Family Residential: Caretaker. Caretaker's residences must comply with the provisions of chapter 24.435.
4. Group Care. All Group Care uses must comply with the provisions of chapter 24.435.
5. Dining Establishments: Fast Service, Drive-Up. All Dining Establishments: Fast Service, Drive-Up uses must comply with the provisions of chapter 24.675.
6. Assembly uses. All assembly uses must comply with the provisions of chapter 24.480.
7. Recycling Services. All uses within the Recycling Services use type category must comply with the provisions of chapter 24.485.
8. Hazardous Waste Facility. All use classified within the Hazardous Waste Facility use type must comply with the provisions of chapter 24.495.
9. Wireless Telecommunications Facilities: Minor. Uses classified in the Wireless Telecommunications Facilities: Minor use type shall require a director's permit pursuant to chapter 24.505.
10. Animal Boarding. All animal boarding related activities must occur within an enclosed building, except for transporting animals to and from vehicles. An operational plan to address storage of food and disposal of waste products must be submitted with the Business License Application.

Section 15. Section 24.264.020 of the San Buenaventura Municipal Code [M-P-D Manufacturing Planned Development Zone] is amended to read as follows:

Sec. 24.264.020. - Uses—Permitted.

The following use types are permitted subject to the provisions of this chapter:

1.

Residential.

None

2.

General.

Administrative, Business, and Professional Services

Animal Sales and Services: Veterinary

Automotive and Accessories: Automotive Sales, Wholesale

Automotive and Accessories: Parking

Boating and Harbor Activities: Boat Building or Repair

Business and Professional Support

Construction Sales and Services: Building Contractor Yards

Cultural and Library Services

Dining Establishments: Ancillary Service

Dining Establishments: Fast Counter Service

Dining Establishments: Full Service

Dining Establishments: Take Out

Education Services: Commercial

Food and Fish Processing: Fish and Meat Processing

Food and Fish Processing: Food Processing

Government Services

Laundry Services

Light Industrial

Medical Services: Consulting

Medical Services: Mobile Equipment

Personal Storage

Property Maintenance Services

Recreation Services: Public Park and Playgrounds

Recycling Services: Consumer Recycling Collection Points

Repair Services, appliance and electronics

Research or Laboratory Services

Retail Sales

Safety Services

Utility or Equipment Substations

Wholesaling and Distribution

Wireless Telecommunications Facilities: Mini

Wireless Telecommunications Facilities: Minor

3.

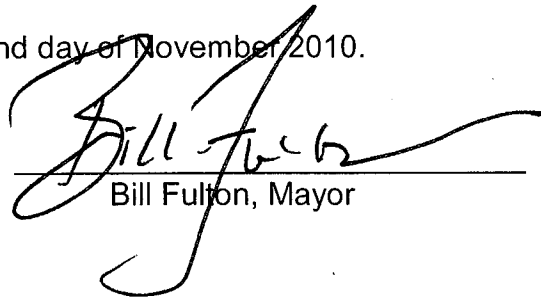
Agricultural.

None

Section 16. CEQA Findings.


EXEMPTION FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT.
The City Council further finds that this Ordinance is exempt under Section 15061(b)3 of the of Title 14 of the California Code of Regulations (the "State CEQA Guidelines") in that the enactment of this Ordinance merely implements an administrative process that will not foreseeably result in construction activities or other physical activities, either directly or indirectly. Accordingly, it can be seen with certainty that the enactment of this Ordinance does not have the potential to result in significant effects on the environment.

PASSED and ADOPTED this 22nd day of November 2010.



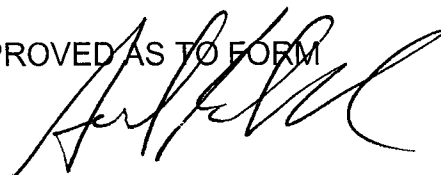
Bill Fulton, Mayor

ATTEST:



Mabi Covarrubias Plisky
City Clerk

APPROVED AS TO FORM

By: 

Ariel Pierre Calonne
City Attorney

STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss
CITY OF SAN BUENAVENTURA)

I, ROXANNE FIORILLO, Deputy City Clerk of the City of San Buenaventura, California, certify that the foregoing Ordinance was passed and adopted by the City Council of the City of San Buenaventura, at a regular meeting on November 22, 2010, by the following vote:

AYES: Councilmembers Brennan, Weir, Morehouse, Andrews,
 Deputy Mayor Tracy and Mayor Fulton.

NOES: Councilmember Monahan.

ABSENT: None.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on November 23, 2010.

Roxanne Fiorillo
Deputy City Clerk

