

ORDINANCE NO. 07-344

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS AMENDING SECTION 9708.3 OF THE AGOURA HILLS MUNICIPAL CODE RELATING TO THE RECONSTRUCTION OF NON-CONFORMING DAMAGED BUILDINGS

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS ORDAINS AS FOLLOWS:

SECTION 1. Section 9708.3 of the Agoura Hills Municipal Code is amended in its entirety to read:

“9708.3. Reconstruction of damaged buildings

~~A nonconforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake or other calamity or act of God to the extent of not more than fifty (50) percent of its reconstruction value at the time of such damage, as determined by the building official, may be restored and the occupancy or use of such building, structure or part thereof which existed at the time of such deconstruction may be continued or resumed; provided, that the total cost of such reconstruction does not exceed fifty (50) percent of the reconstruction value of the building or structure at the time of such damage, that such restoration is started within a period of one (1) year of such damage, and that there is no increase in size of the building or structure or significant change in the architectural design of the building or structure, as determined by the director of planning and community development. Restoration and reconstruction of the building or structure shall be subject to review and approval by the director of planning and community development. In the event such damage or deconstruction exceeds fifty (50) percent of the reconstruction value of such building or structure, no repairs or reconstruction shall be made unless every portion of such building or structure is made to conform to all regulations of the district in which it is located.~~

A. Non-conforming residential structures:

Any non-conforming residential structure that is damaged or partially destroyed by fire, flood, wind, earthquake or other calamity or act of God may be rehabilitated or reconstructed up to one-hundred percent (100%) of the pre-damage size and floor area of the damaged structure provided that such restoration is started within one year after the date the damaging event occurred and is diligently pursued to completion thereafter. An extension beyond the one year commencement requirement may be approved by the Planning and Community Development Director, upon the property owner demonstrating good cause. There shall be no increase in the size or area of the structure or the number of dwelling units, and the acceptability of the architectural design of the structure shall be determined by the Director of Planning and

Community Development. Restoration and reconstruction of the structure shall be subject to review and approval by the Director of Planning and Community Development.

B. Non-conforming non-residential structures

Any non-conforming non-residential structure that is damaged or partially destroyed by fire, flood, wind, earthquake or other calamity or act of God may be restored or reconstructed up to one hundred percent (100%) of the size and area of the damaged structure, and the occupancy or use of such building, structure or part thereof that existed at the time of such damage may be continued, only if the total cost of such reconstruction or repair does not exceed fifty percent (50%) of the total reconstruction cost of the building or structure on the date the damaging event occurred, as determined by the Building Official. The restoration shall commence within one year after the date the damaging event occurred and shall be diligently pursued to completion thereafter. An extension beyond the one year commencement requirement may be approved by the Planning and Community Development Director, upon the property owner demonstrating good cause. There shall be no increase in the size or area of the structure, and the acceptability of the architectural design of the structure shall be determined by the Director of Planning and Community Development. Restoration and reconstruction of the structure shall be subject to review and approval by the Director of Planning and Community Development. In the event the cost to repair or reconstruct the structure exceeds fifty percent (50%) of the total reconstruction cost of such building or structure, no repairs or reconstruction shall be made unless every portion of such building or structure is made to conform to all regulations of the zone district in which it is located.”

C. Non-conforming non-residential historic structures:

The following structures located in Old Agoura and identified in Section 9552.2 are considered historic structures for the purposes of this ordinance: “Amazing Kate’s”, “Old Post Office”, “Stage Door Theatre” and the “Agoura Sign”. Historic structures that are damaged or partially destroyed by fire, flood, wind, earthquake or other calamity or act of God may be rehabilitated or reconstructed up to one-hundred percent (100%) of the pre-damage size and floor area of the damaged structure provided that such restoration is started within one year after the date the damaging event occurred and is diligently pursued to completion thereafter. An extension beyond the one year commencement requirement may be approved by the Planning and Community Development Director, upon the property owner demonstrating good cause. There shall be no increase in the size or area of the structure and the acceptability of the architectural design of the structure shall be determined by the Director of Planning and Community Development. Restoration and reconstruction of the structure shall be subject to review and approval by the Director of Planning and Community Development.”

SECTION 2. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end the provisions of this ordinance are declared to be severable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof even if one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof is declared invalid or unconstitutional.

SECTION 3. The adoption of this ordinance is exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061.

SECTION 4. Ordinance No. 040328U is hereby repealed.

SECTION 5. The City Clerk shall publish and cause notice of this Ordinance to be given according to law.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2007, by the following vote to wit:

AYES: ()
NOES: ()
ABSENT: ()
ABSTAIN: ()

Dan Kuperberg, Mayor

ATTEST:

Kimberly M. Rodrigues, CMC
City Clerk