

## REPORT TO CITY COUNCIL

**DATE: JANUARY 28, 2009**

**TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL**

**FROM: GREG RAMIREZ, CITY MANAGER**

**BY: MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT**

**SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 09-358; RESIDENTIAL NEIGHBORHOOD COMPATIBILITY ORDINANCE**

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On January 14, 2009, the City Council held a public hearing and introduced Ordinance No. 09-358, amending the following sections of the Zoning Ordinance to address residential neighborhood compatibility:

1) Section 9142.3 (Land Use Districts), Section 9120.18.S (Definitions), Section 9212.2 (RR Residential-Rural District-Conditional Uses), Sections 9223.3, 9223.4, and 9223.9 (RV Residential-Very Low Density District-Development Standards), Sections 9233.3, 9233.4, and 9233.9 (RL Residential-Low Density District-Development Standards), Sections 9241, 9242.4, and 9243.9 (RS – Residential Single Family District), Sections 9551 and 9553 - 9554 (OA Old Agoura Design Overlay District), Sections 9677.1, 9677.2, and 9677.7 (Site Plans/Architectural Review), Section 9605.1 (Yard Standards), Section 9804.4 (Public Hearing Procedures), and 9833 (Zoning Map); and 2) Approving a New Equestrian Overlay District Section 9590 – 9592 and an Amendment to the Zoning Map to place the Equestrian Overlay District on all residential properties zoned RR, RL, RV, RS, and OS in Old Agoura.

### RECOMMENDATION

Staff recommends the City Council waive the second reading in full and adopt Ordinance No. 09-358, amending sections of the Agoura Hills Municipal Code, as noted above, to address residential neighborhood compatibility.

Attachment: Ordinance No. 09-358

**ORDINANCE NO. 09-358**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING THE FOLLOWING SECTIONS OF THE ZONING ORDINANCE: 1) SECTION 9142.3 (LAND USE DISTRICTS), SECTION 9120.18.S (DEFINITIONS), SECTION 9212.2 (RR RESIDENTIAL-RURAL DISTRICT-CONDITIONAL USES), SECTIONS 9223.3, 9223.4, AND 9223.9 (RV RESIDENTIAL-VERY LOW DENSITY DISTRICT-DEVELOPMENT STANDARDS), SECTIONS 9233.3, 9233.4, AND 9233.9 (RL RESIDENTIAL-LOW DENSITY DISTRICT-DEVELOPMENT STANDARDS), SECTIONS 9241, 9242.4, AND 9243.9 (RS – RESIDENTIAL SINGLE FAMILY DISTRICT), SECTIONS 9551 AND 9553 - 9554 (OA OLD AGOURA DESIGN OVERLAY DISTRICT), SECTIONS 9677.1, 9677.2, AND 9677.7 (SITE PLANS/ARCHITECTURAL REVIEW), SECTION 9605.1 (YARD STANDARDS), SECTION 9804.4 (PUBLIC HEARING PROCEDURES), AND 9833 (ZONING MAP); AND 2) APPROVING A NEW EQUESTRIAN OVERLAY DISTRICT SECTION 9590 – 9592 AND AN AMENDMENT TO THE ZONING MAP TO PLACE THE EQUESTRIAN OVERLAY DISTRICT ON ALL RESIDENTIAL PROPERTIES ZONED RR, RL, RV, RS, AND OS IN OLD AGOURA**

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

Section 1. Section 9142.3 (Establishment of Districts) of Part 5 of Chapter 1 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

“H. Equestrian Overlay District (-EQ)”

Section 2. Section 9120.S (Definitions) of Part 3 of Chapter 1 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read and renumber subsequent sections:

“DD. Substantial remodel. “Substantial remodel” means the removal of fifty percent or more of the exterior walls or roof or removal of fifty percent or more of supporting members of a structure such as bearing walls, columns, beams or girders for any duration of time. This definition does not apply to the replacement and upgrading of residential roof coverings.”

Section 3. Section 9212.2 (Residential-Rural District-Conditional Uses) of Part 2 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

“F. Substantial Remodels.”

Section 4. Section 9223 (Residential-Very Low-Development Standards) of Part 3 of

Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

“9223.3. Main building, accessory building or structure.

Main buildings, accessory buildings or structures, and all impermeable surfaces including but not limited to driveways, patios, sports courts (such as tennis courts, basketball courts, racquetball courts), pools, spas, and gazebos shall conform to the following requirement: The combined maximum site coverage of main and all accessory buildings or structures shall not exceed twenty-five (25) percent. The Planning Commission shall have discretion in excluding all or portions of impermeable surface driveways for flag lots, Fire Department required turnaround areas or other special circumstances from the maximum site coverage. These driveways and turnaround areas must be designed consistent with the Old Agoura Residential Design Guidelines.

9223.4. Building height.

The maximum building height shall be two (2) stories or thirty-five (35) feet, whichever is less. Vertical design projections may not exceed a height of thirty-five (35) feet as measured vertically from the finished grade to the top of said projection.

9223.9. Substantial Remodels

All substantial remodels shall require review by the Planning Commission. Substantial remodels on lots with an average slope of ten (10) percent or less shall require a Site Plan Review. Substantial remodels on lots with an average slope of ten (10) percent or greater shall require a Conditional Use Permit.”

Section 5. Section 9233 (Residential Low-Development Standards) of Part 4 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

“9233.3. Main building, accessory building or structure.

Main buildings, accessory buildings or structures, and all impermeable surfaces including but not limited to driveways, patios, sports courts (such as tennis courts, basketball courts, racquetball courts), pools, spas, and gazebos shall conform to the following requirement: The combined maximum site coverage of main and all accessory structures shall not exceed thirty-five (35) percent. The Planning Commission shall have discretion in excluding all or portions of impermeable surface driveways for flag lots, Fire Department required turnaround areas and other special circumstances from the maximum site coverage. These driveways and turnaround areas must be designed consistent with the Old Agoura Design Guidelines.

9233.4. Building height.

The maximum building height shall be thirty (30) feet, or two (2) stories, whichever is less. ~~Turrets, widows walks, cupolas, finials, and other v~~ Vertical design projections may not exceed a height of thirty-five (35) feet as measured vertically from the finished grade to the top of said projection.

9233.9. Substantial Remodels

All substantial remodels shall require review by the Planning Commission. Substantial remodels on lots with an average slope of ten (10) percent or less shall require a Site Plan Review. Substantial remodels on lots with an average slope of ten (10) percent or greater shall require a Conditional Use Permit."

Section 6. Sections 9241, 9242.4 and 9243.9 (Residential Single Family) of Part 5 of Chapter 2 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

“9241. Purpose.

The RS district is intended to encourage the development of conventional single-family detached residential development, with related compatible uses and full community levels of service and public improvements.

The regulations are also intended to ensure that new homes or additions to an existing home in established residential neighborhoods are designed in a manner that is compatible with the neighborhood character.

9242.4 Conditional uses.

The following uses may be permitted subject to the granting of a conditional use permit:

E. Development of property, including substantial remodels, with an average slope of ten (10) percent or greater, subject to the provisions of section 9652 et seq.;

9243.9. Site plan review.

A. All uses not requiring any other discretionary approvals shall not be permitted unless a site plan review is obtained pursuant to the provisions of chapter 6.

B. The reviewing authority for all site plan review requests for new single family homes and additions shall be as set forth below:

1. The Director of Planning and Community Development shall be the reviewing

authority for administrative site plan reviews for the projects listed below. The Director may refer any project to the Planning Commission.

a) One-story additions greater than 30% of the original gross floor area.

b) Additions to existing second story that do not result in the second story exceeding 75% of the existing first story.

2. The Planning Commission shall be the reviewing authority for site plan reviews for the projects listed below.

a) A new single-family dwelling on a vacant lot.

b) A new single-family dwelling that is proposed to replace an existing residence.

c) A substantial remodel to an existing single-family dwelling.

c) Any second story addition to an existing one-story single-family dwelling.

d) Additions to an existing second story that result in the second story exceeding 75% of the existing first story.

C. Exemptions. The following shall be exempt from the site plan review process unless the Director determines that the addition has the potential to be incompatible with the predominant adjacent structures and the surrounding neighborhood character and should be referred to the Planning Commission.

(a) First story additions to a single-family residence that are less than thirty percent of the original gross floor area.

D. Findings for Project Approval. The reviewing authority shall make the following findings, in addition to the findings listed in 9677.5, for additions to existing single family dwellings and new single family dwellings proposed in existing neighborhoods.

1. The mass and bulk of the design is reasonably compatible with the predominant adjacent structures and the surrounding neighborhood character.

2. The proposed buildings and structures are designed with quality architectural details.

3. New buildings and structures or substantial remodels are not disproportionately larger than, or out of scale with, the neighborhood character.

4. The project is consistent with the Neighborhood Compatibility Guidelines found in the City’s Architectural Design Standards and Guidelines.”

Section 7. Section 9551 and 9553-9554 (Old Agoura Overlay) of Part 6 of Chapter 5 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

“9551. Purpose.

Old Agoura is a rural equestrian community. The residential streets meander around the natural terrain with no curb and gutters and no street lights. The visual ambiance is rural, rustic and country. The purpose of the OA overlay district shall be to preserve and enhance the unique character of Old Agoura through the establishment of special public improvement standards and design guidelines.

9553. Special development standards area.

Within the special area described in section 9552, the following standards shall apply;

9553.1. Building coverage.

The maximum building coverage shall be as approved as a part of any discretionary review. ~~With the exception of the provisions contained in section 9233.3, it is intended that~~ The maximum building coverage shall not exceed fifty (50) percent of the lot unless the proposed development consists of a commercial use encompassing more than one (1) lot.

9553.2. Building height.

With the exception of the provisions contained in section 9233.4, the maximum building height shall be thirty-five (35) feet, or two (2) stories, whichever is less.

9553.3. Yards.

With the exception of the provisions contained in section 9233.2., required yards shall be as approved as a part of any discretionary review and may not be required at all.

9553.4. Off-street parking and loading requirements.

Off-street parking and loading shall be provided as required by chapter 6, but if approved as a part of any discretionary review, may be located off the subject lot. Joint use provisions for off-street parking and loading shall be utilized wherever feasible.

9553.5. Signs.

All signs shall be consistent with the provisions in chapter 6, and shall conform to the following criteria:

A. Monument and/or directory signs are permitted for parcels with businesses whose signs are not visible from the street with a sign permit subject to design review. All other monument signs are permitted subject to a sign program. Monument signs may only be externally illuminated.

B. No sign shall be internally illuminated, however; halo illuminated wall signs are permitted, subject to design review.

C. Signs shall be made of materials such as wood, stone or materials that mimic wood or stone or non-reflective or patinated metals that enhance the rural appearance of the neighborhood. Other sign materials may be considered as part of a sign program.

D. Signs located in the geographic area shown on the following exhibit shall be turned off at close of business or 9:30 p.m., whichever occurs later. In addition, this provision shall apply to signs oriented towards Dorothy Road on parcels located on the north side of Dorothy Road between Lewis Road and Palo Comado Canyon Road.

GRAPHIC Old Agoura Sign Lighting District

9553.6. Required architectural style and building materials.

Project design and development shall perpetuate and reinforce the natural character of Old Agoura. Building materials such as natural rock, stucco, slate, tile, brick, and wood are encouraged.

9553.7. Required landscaping and walls.

Required landscaping and walls shall be limited to the amount necessary to provide for adequate open space and security. With regard to landscaping, the emphasis shall be to provide appropriate pedestrian areas to encourage retail trade, but in no event shall less than fifteen (15) percent be provided.

9554 3. Commercial and residential development standards.

These standards are designed to promote a natural environment that is country like while allowing architecturally sensitive developments which perpetuate Old Agoura's unique rural character. In addition to all development standards provided for in the underlying district, the following shall be applicable in the OA Overlay District.

9553-1.4. General design standards, commercial/residential.

While encouraging the broadest possible range of individual and creative design, the planning commission or the director, where authorized, may grant site plan approval if the proposed development substantially conforms to all of the following standards:

A. *Commercial.*

1. Proposed signage is an integral architectural feature which does not overwhelm or dominate the structure or object to which it is attached.
2. Mechanical equipment, storage and trash areas, and utilities are architecturally screened from public view.
3. The proposed plans provide for adequate and safe on-site vehicular and pedestrian circulation.
4. The main entrance to any commercial or business building provides for independent access for the physically impaired.
5. All fences and walls shall be finished on both sides.
6. No outdoor display or storage shall be permitted except for nurseries.

B. *Residential.*

1. Six-foot-high fences shall be permitted in any required front or street side yard when it can be demonstrated that it will be sufficiently open to preserve adequate visibility of vehicles entering and leaving said property. Solid walls are prohibited in the front yard setback areas.
2. Residential development in Old Agoura shall embrace an eclectic, rural style that preserves the equestrian nature of the area and shall be consistent with the Old Agoura Design Guidelines found in the City's Architectural Design Standards and Guidelines and the Equestrian Overlay.
3. Residential development shall not render property untenable for horses and other farm animals.  
~~The total area of lot coverage of main buildings, accessory buildings or structures, sports courts (such as tennis courts, basketball courts, and racquetball courts), pools, and spas on residential lots shall not be so extensive that such lots are rendered untenable for horses and other farm animals~~



C. *Commercial/Residential.*

1. The proposed design is in character with existing development in the Old Agoura District, in terms of height, materials, colors, roof pitch, roof eaves, and the preservation of privacy.
2. The proposed plans indicate proper consideration for the relationship between the existing and finished grades of the site to be improved and adjacent properties.
3. Lighting is stationary and is deflected away from adjacent properties.
4. All building elevations have been architecturally treated in a compatible manner including the incorporation within the side and rear building elevations of some or all of the design elements used for the primary facades.
5. Fences or walls constructed of grape stake, plywood, sheet metal, corrugated aluminum, corrugated fiberglass, barbed wire, rubber, PVC (excluding plastic corrals designed for equestrian use), or razor ribbon are prohibited, except where allowed by a temporary use permit for an approved construction project. Rural ranching and farm materials designed consistent with the architecture of the house will be considered as part of a site plan review.

Exterior materials and colors shall harmonize with, and complement the surrounding natural and man-made environment. Where appropriate, dominant exterior colors shall reflect a natural earthtone theme using warm and rich colors. Exterior treatments characterized by an overly bright, shiny, reflective or artificial appearance shall not be permitted.

6. To the greatest extent possible, the architectural design and location of the building shall discourage grading on a hillside. If grading is required, building shall be integrated into existing terrain such that grading is minimized, taking care to preserve the viewshed, natural ridgelines, and oak trees.
7. Native, drought resistant plants are recommended for project landscaping. Such plants are required and shall be used extensively on manufactured slopes. Refer to the City of Agoura Hills Plant Guide for lists of appropriate vegetation.

~~9554. Special development standards area.~~

~~Within the special area described in section 9552, the following standards shall apply.~~

~~9554.1. Building coverage.~~

~~The maximum building coverage shall be as approved as a part of any discretionary review. With the exception of the provisions contained in section 9233.3, it is intended that the maximum building coverage shall not exceed fifty (50) percent unless the proposed development consist of a commercial use encompassing more than one (1) lot.~~

~~9554.2. Building height.~~

~~With the exception of the provisions contained in section 9233.4, the maximum building height shall be thirty-five (35) feet, or two (2) stories, whichever is less.~~

~~9554.3. Yards.~~

~~With the exception of the provisions contained in section 9233.2., required yards shall be as approved as a part of any discretionary review and may not be required at all.~~

~~9554.4. Off-street parking and loading requirements.~~

~~Off street parking and loading shall be provided as required by chapter 6, but if approved as a part of any discretionary review, may be located off the subject lot. Joint use provisions for off-street parking and loading shall be utilized wherever feasible.~~

~~9554.5. Signs.~~

~~All signs shall be as required by chapter 6, except any sign shall conform to the following criteria:~~

~~A. — Monument and/or directory signs are permitted for parcels with businesses whose signs are not visible from the street with a sign permit subject to design review. All other monument signs are permitted subject to a sign program. Monument signs may only be externally illuminated.~~

~~B. — No sign shall be internally illuminated, however; halo illuminated wall signs are permitted, subject to design review.~~

~~C. — Signs shall be made of materials such as wood, stone or materials that mimic wood or stone or non-reflective or patinated metals that enhance the rural appearance of the neighborhood. Other sign materials may be considered as part of a sign program.~~

~~D. — Signs located in the geographic area shown on the following exhibit shall be turned off at close of business or 9:30 p.m., whichever occurs last. In addition, this provision shall apply to signs oriented towards Dorothy Road on parcels located on the north side of Dorothy Road between Lewis Road and Palo Comado Canyon Road.~~

~~GRAPHIC — Old Agoura Sign Lighting District~~

~~9554.6. Required architectural style and building materials.~~

~~Project design and development shall perpetuate and reinforce the natural character of Old Agoura. Building materials such as natural rock, stucco, slate, tile, brick, and wood are encouraged.~~

~~9554.7. Required landscaping and walls.~~

~~Required landscaping and walls shall be limited to the amount necessary to provide for adequate open space and security. With regard to landscaping, the emphasis shall be to provide appropriate pedestrian areas to encourage retail trade, but in no event shall less than fifteen (15 percent) be provided."~~

Section 8. Section 9590-9592 of Part 10 of Chapter 5 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby added to read:

"Part 10 – EQUESTRIAN OVERLAY DISTRICT

9590. Purpose.

The purpose of the EQ - Equestrian Overlay District is to create, enhance, and protect the equestrian and rural atmosphere within the overlay area.

9591. Permitted uses

All uses permitted and conditionally permitted in the underlying district shall be permitted in this district.

9592. Development standards.

In addition to the development standards governing development in the underlying district, the following development standards shall apply:

A. Minimum Horse Keeping Area. A minimum horse keeping area for the stabling and servicing of horses consisting of one thousand five hundred (1,500) square feet of useable area shall be designated as part of a Conditional Use Permit or Site Plan Review for development of a house on a residential lot within the "EQ" Overlay District. A site plan identifying the location, dimensions, and slope of the one thousand five hundred (1,500) square foot area shall be provided to the city and retained in the city's files. At the discretion of the Planning Commission, the minimum horse keeping area shall be optional for lots under 10,890 square feet (¼ acre) or lots with an average slope over twenty-five (25) percent.

B. Useable Area for Horse Keeping. Useable area for horse keeping areas shall be defined as an area with an average slope no greater than 10%. Proposed development projects shall demonstrate that the horse keeping area is able to viably site, at a minimum, the following horse facilities:

- 1) Stall: 12 feet by 12 feet or a minimum 144 square feet per horse with a minimum 10 foot interior clearance.
- 2) Paddock (corral): A 24 feet x 48 feet (1,152 square feet) paddock area with length for running should be provided. Paddocks refer to pens, exercise areas, or pasture often adjacent to horse stalls.
- 3) Access for feed delivery, manure management and veterinary access.
- 4) A minimum area of 150 square feet for hay and tack storage.

If it cannot be demonstrated that these facilities can be practically accommodated within 1,500 square feet, the Planning Commission may require additional square footage be dedicated to the horse keeping area.

C. Uses Permitted in Horse Keeping Area. The dedicated horse keeping area, if not actually supporting horses, may be developed to the extent that any activity (such as landscaping) or structures may be easily removed without any loss of value to the entire property. Site improvements consisting of landscaping and irrigation; detached trellises, patio covers or gazebos; above-grade/portable spas; barbeques and fire pits; temporary (as defined by the building code) non-habitable accessory structures that are no more than one hundred twenty (120) square feet in size and private sewage disposal systems shall be permitted within the 1,500-square-foot area. Orchards, vineyards and specimen trees are not considered landscaping for the purposes of this section and would be prohibited within the horse keeping area. Any improvements in the horse keeping area shall have a permeable foundation.

D. Setbacks for Horse Facilities. Barns and other similar roofed structures for stabling or servicing horses shall be permitted to encroach up to 30% into the required front yard setback of the underlying district.

E. Equestrian Trails. All lots adjacent to a proposed equestrian trail shall provide public equestrian trails in accordance with City plans and policies.”

Section 9. Section 9605.1 (Side and Rear Yards) of Part 1 of Chapter 6 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

“D. On any lot located in the RR, RV, RL, RS, and RM zones, the minimum side yard requirement for second-story development additions shall be the existing distance of the first-story structure. The total combined side yard setback prescribed for the district shall be maintained. The combined side yard setback may be situated on any one side of the property, or any combination of distances. ~~Second stories, in excess of fifty (50) percent of the total square footage of the first story of the residence, shall be subject to~~

~~approval by the director of planning and community development. In considering the request, the director shall consider architectural compatibility with the surrounding residences and properties relative to preserving light, air, and privacy. No second-story cantilever is permitted into required side yards and all second-story development additions shall not encroach into the front and rear yards prescribed for the district. An application for site plan review shall be required for all second-story additions which do not conform with the required yards prescribed for the district and shall be subject to the provisions this Chapter. approval by the director of planning and community development~~ This provision shall not apply to new construction or substantial remodels which include the removal and reconstruction of square footage, as determined by the director of planning and community development.”

Section 10. Section 9677.1, 9677.2 and 9677.7 (Site Plans/Architectural Review) of Part 3 of Chapter 6 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

“9677.1. Application.

All uses involving new construction that require building permits but not any discretionary approvals under this article shall not be permitted unless a site plan is approved pursuant to the provisions of this section. ~~Notwithstanding the foregoing, such section shall not be applicable to addition to existing single family residences.~~

9677.2. Reviewing authority.

A. The director of planning and community development shall be the reviewing authority for all administrative site plan requests ~~for new construction of one (1) dwelling unit on one (1) lot in all residential (RR, RL, RVL, and RS) land use districts and all additions to existing structures, if less than three thousand five hundred (3,500) square feet. All other new construction shall be subject to the approval of the planning commission.~~

B. The planning commission shall be the reviewing authority for all other site plan review requests. Any determination by the director or the planning commission is subject to appeal pursuant to the provisions of this article.

9677.7. Architectural review procedure.

Except as otherwise provided in this article, no building permit shall be issued with respect to any new construction or sign on property located in any district unless an architectural review application is approved for the proposed construction in accordance with the provisions of this section. In those cases where a site plan review application is also required by this chapter, architectural review shall be combined with said application. Notwithstanding the foregoing, architectural review shall not be required for the alteration or repair of the interior only of an existing building or

structure.

A. *Director's duties.* The director shall review all architectural review applications and, where subject to approval of the planning commission, shall make recommendations thereon to the planning commission. The purpose of such review is to ensure that all proposed developments shall preserve or enhance the physical environment and aesthetic characteristics of the city. The director's architectural review of the following applications shall be final:

- ~~1. Single dwelling units on single lots;~~
- ~~1. Exterior additions, a~~Alterations and repairs to existing buildings, structures or other improvements; and
2. New signs related to existing buildings.

All other applications for architectural review shall be subject to the approval of the planning commission.”

Section 11. Section 9804.4 (Public Hearing Procedures) of Part 1 of Chapter 8 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

“D. [For] all other requests requiring a public hearing, [notice] shall be given by the city not less than ten (10) days nor more than thirty (30) days prior to the date of the hearing in at least three (3) public places within the city, including the location of the subject property. Notices shall be given by publication in a newspaper circulated in the city, and by mailing notices to the owner of the subject real property, the project applicant, all affected public agencies, known official homeowners' associations' representatives in the city, and any individual who has requested notice in writing. Notice shall also be given for all public hearing requests, except modification requests, to all persons whose names appear on the latest equalized assessment roll of Los Angeles County as owning property within seven hundred fifty (750) feet of the exterior boundaries of the property that is the subject of the hearing. Notices of requests for modifications shall be given to all persons whose names appear on the latest equalized assessment roll of Los Angeles County as owning property within three hundred (300) feet of the exterior boundaries of the property that is the subject of the hearing. Hearings may be continued from time to time even though the continued hearing may extend beyond the time limits described in this section.

Notices for all site plan/architectural review requests that are reviewed by the planning commission and/or city council, and requests for single-family residences reviewed by the director of planning and community development, shall be given by the city not less than ten (10) days, nor more than thirty (30) days, prior to the date of the hearing, in at least three (3) public places within the city, including the location of the subject property. Notices shall be given to the owner of the subject real property, the project applicant, all affected public agencies, known official homeowners' associations' representatives in the city, and any individual who has requested notice in writing. Notice shall also be given to

all persons whose names appear on the latest equalized assessment roll of Los Angeles County as owning property ~~abutting the exterior boundaries~~ within seven hundred fifty (750) feet of the subject real property.”

Section 12. Section 9833 (Zoning Map) of Part 4 of Chapter 8 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to add at the end of the list:

“EQ Equestrian”

Section 13. The City Council hereby approves placing the EQ Equestrian Overlay on all properties zoned OS (Open Space), RR (Residential-Rural), RV (Residential-Very Low), RL (Residential-Low), and RS (Residential Single Family) in Old Agoura, as shown on Exhibit A. The Official Zoning Map of the City shall be amended consistent with Exhibit A.

Section 14. If any provision of this ordinance, or the application thereof, to any person or circumstances is held invalid or unconstitutional by any court or 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 15. This ordinance shall apply to any new projects submitted to the City after adoption of the ordinance.

Section 16. The City Council hereby adopts the Planning Commission’s recommendations as follows that: (1) the Residential Neighborhood Compatibility Ordinance and Guidelines be reviewed by the Planning Commission two years after its adoption to ensure that the ordinance amendments and guidelines are working as intended, (2) the City’s administrative process be modified to include a requirement for the posting of an early notification sign advising of application submittal to allow greater public participation in the planning review process, and (3) the application submittal requirements be modified to provide discretion to the Director of Planning and Community Development or the Planning Commission to require story poles on a case-by-case basis to provide a visualization tool to assist the Commission and public in understanding what the project will look like when built.

**PASSED, APPROVED, and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by the following vote to wit:

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

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Denis Weber, Mayor

ATTEST:

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Kimberly M. Rodrigues, City Clerk

APPROVED AS TO FORM:

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Craig A. Steele, City Attorney



EXHIBIT A  
EQ – EQUESTRIAN OVERLAY ZONE

