

ORDINANCE NO. 05-05

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
BUELLTON, CALIFORNIA, AMENDING TITLE 19 OF THE
BUELLTON MUNICIPAL CODE BY: (1) ADDING AND AMENDING
DEFINITIONS IN SECTION 19.16.012; (2) ADDING A NEW SECTION
19.16.013 ESTABLISHING AN AFFORDABLE HOUSING OVERLAY
ZONE (“AHOZ”), DESIGNATING SITES TO WHICH THE AHOZ
SHALL INITIALLY APPLY AND ADOPTING IMPLEMENTING
REGULATIONS RELATED THERETO; (3) ADDING A NEW SECTION
19.08.140 ESTABLISHING STANDARD CONDITIONS OF APPROVAL;
AND (4) REPEALING SECTION 19.08.150**

THE CITY COUNCIL OF THE CITY OF BUELLTON DOES ORDAIN AS FOLLOWS:

SECTION I. FINDINGS.

A. The City Council of the City of Buellton (“City Council”) approved and adopted an updated Housing Element on June 10, 2004, by Resolution No. 04-07. The Updated Housing Element calls for the establishment of an Affordable Housing Overlay Zone (“AHOZ”) as the principal means for accommodating the City’s regional share of housing needs for persons and families of low and moderate income (“RHNA Goals”).

B. Seventeen Key Development Sites were initially targeted for potential AHOZ designation. These sites, with the addition of two additional properties, were jointly reviewed by the Planning Commission and City Council at a workshop conducted on January 6, 2005. As a result of the workshop, the Commission and Council narrowed their consideration of the Key Development Sites to 11 candidates and subsequently reduced this list to nine sites through the public hearing process (“Candidate Sites”).

C. Pursuant to Program 1 of the updated Housing Element, the City has initiated amendment of the General Plan (“General Plan Amendment”) to: (i) evaluate and identify environmentally superior site and program alternatives; and (ii) ensure that adequate sites, suitably zoned, are available to accommodate the City’s RHNA goals for all target income groups (very low and low in particular).

D. Pursuant to Program 2 of the updated Housing Element, the City has initiated amendment of the Zoning Ordinance (“Zoning Ordinance Amendment”) to: (i) formally establish an AHOZ and adopt implementing regulations consistent with policies of the updated Housing Element and General Plan Amendment; (ii) identify Key Development Sites that will receive an AHOZ designation; and (iii) adopt a Variable Limit on the number of dwellings that may be produced under the AHOZ.

E. On August 11, August 25, September 8 and September 22, 2005, the City Council conducted a lawfully noticed public hearing to consider: (i) a report and recommendation from the Planning Commission on the General Plan Amendment and Zoning

Ordinance Amendment; (ii) certification of a Final Environmental Impact Report (“EIR”) under the California Environmental Quality Act of 1970, as amended (“CEQA”); and (iii) all evidence and testimony for and against the adoption of the General Plan Amendment and Zoning Ordinance Amendment.

F. Prior to rendering a decision on any aspect of the Zoning Ordinance Amendment, the City Council considered the following:

1. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the City Council on August 11, 2005, and subsequently continued to August 25, September 8 and September 22, 2005 (collectively the “Public Hearing”).

2. Companion General Plan Amendment consisting of revised Land Use and Circulation Elements adopted on August 11, 2005.

3. All oral, written and visual materials presented by City staff and consultants in conjunction with the Public Hearing including, but not limited to, the following documents incorporated herein by this reference.

a. Those certain written reports submitted to the City Council dated August 5, August 16, August 31, 2005, September 15 and September 22 (collectively the “Staff Report”).

b. The report and recommendation of the Planning Commission issued on August 4, 2005, and memorialized in Resolution No. 05-16.

G. Based on the evidence presented in the Staff Report, consultations with affected City Departments, testimony and comments received in connection with the Public Hearing, and recommendations of the Planning Commission, the City Council does hereby declare as follows:

1. Procedural Compliance.

a. Finding. All administrative procedures and public participation requirements concerning the proposed Zoning Ordinance Amendment have been lawfully satisfied.

b. Rationale. Notice of the Public Hearing was: (i) duly posted in conjunction with the regular agenda of the City Council; (ii) mailed by first class mail to the last known address of each property owner as shown on the last equalized assessment roll of the County of Santa Barbara for each Candidate Site a minimum of ten days prior to the date of the Public Hearing; and (iii) mailed by first class mail to the last known address of property owners within 300 feet of each Candidate Property a minimum of ten days prior to the date of the Public Hearing. A copy of the notice with affidavits of posting and mailing are on file with the

City Clerk of the City of Buellton. At the conclusion of the City Council meetings of August 11, August 25 and September 8, 2005, the Public Hearing was continued to a time and place certain and so declared at the close of the proceedings.

2. General Plan Consistency.

a. Finding. The proposed Zoning Ordinance Amendment fully conforms to the General Plan of the City of Buellton and the Planning Commission recommends approval by the City Council.

b. Rationale: The establishment of an AHOZ is expressly designed to implement Policy L-20 of the Land Use Element and Programs 1 and 2 of the Housing Element, as amended.

3. California Environmental Quality Act (“CEQA”) Compliance.

a. Finding: The proposed Zoning Ordinance amendment is a “project” within the meaning of the CEQA and appropriate environmental reviews have been completed before action was taken on this matter.

b. Rationale: An EIR has been prepared and certified by the City Council in connection with the General Plan Amendment, along with supporting findings and a Statement of Overriding Consideration. The establishment of an AHOZ is expressly included as part of the Project Description for which the General Plan Amendment EIR was prepared. The EIR was considered by the City Council before acting upon Zoning Ordinance Amendment and no further environmental review is required.

SECTION II. ADOPTION.

A. Title 19, Chapter 19.16 of the Buellton Municipal Code is hereby amended by adding the following definitions to Section 19.16.012:

“**AHOZ Sites**” means properties identified in Figure 1 and Table 6 of Section 19.16.013 of this Chapter.

“**Net Buildable Area**” means the gross area of the properties listed in Figure 1 and Table 5, less those portions of each site that cannot be developed due to physical features (e.g., topography and parcel configuration) or environmental constraints (e.g., flood hazards). Net Buildable Area shall be determined on the basis of field survey data, available GIS data, preliminary grading and drainage plans and similar supporting application materials and specialized studies submitted or performed in connection with applications for Entitlements.

“**Net RHNA Goals**” means the RHNA allocation for Target Households as of the start of the planning period (“Baseline Allocation”), less dwelling units completed between the start of the planning horizon (as determined by operation of State law) and the date of adoption of the

current Housing Element of the Buellton General Plan (“Pre-Adoption Adjustment”), adjusted annually on January 1st and thereafter based on actual construction occurring during the previous 12 months (“Post-Adoption Adjustment”). In no event shall the percentage of Very Low Income units be less than 40% of the total inclusionary units. For purposes of the Housing Element adopted on June 10, 2004, the numeric and proportional allocation of Net RHNA Goals (as of the date of adoption of the Housing Element) is set forth in Table 4 below.

Table 4: Net RHNA Goals					
Households by Income	Baseline Allocation	Pre-Adoption Adjustment	Post-Adoption Adjustment	Adjusted Total	
				No.	%
Target Households					
Very Low	129	-7	To be Determined	136	42%
Lower	91	-7	To be Determined	98	31%
Moderate	88	0	To be Determined	88	27%
Subtotal				322	100%
Above Moderate	228	113	To be Determined	115	
Total	536	99	To be Determined	437	
Note: Post-Adoption Adjustment will be effective as of January 1 st of each year based on actual construction occurring during the previous 12 months.					

“**RHNA**” means the Regional Housing Needs Allocation (“RHNA”) process that establishes goals for new residential dwellings to be attained during the planning horizon of the current adopted Housing Element of the Buellton General Plan.”

B. Title 19, Chapter 19.16 of the Buellton Municipal Code is hereby amended by modifying the definition of “Housing In-Lieu Fee” in Section 19.16.012 to read as follows:

““**Housing In-lieu Fee**” means a fee established pursuant to this Chapter as an alternative Equivalent Action for producing Affordable Units on-site as part of a Residential Project. The Housing In-Lieu Fee for Low and Very Low Income Affordable Units shall correspond to the sum used by the County of Santa Barbara in connection with its Inclusionary Affordable Housing Program and applicable to Santa Ynez Housing Market Area, as such sum is periodically adopted and amended from time to time by the County Board of Supervisors. As of August 1, 2005, the Housing In-Lieu Fee for Low and Very Low Income Affordable Units applicable to the Santa Ynez Housing Market Area is \$110,000 for each such unit. The Housing In-Lieu Fee for Moderate Income Affordable Units shall be computed as that sum which is 50 percent of the In-Lieu Fee for Low and Very Low Income Affordable Units. As of August 1, 2005, the Housing In-Lieu Fee for Moderate Income Affordable Units is computed as \$55,000 for each such unit.”

C. Title 19, Chapter 19.16 of the Buellton Municipal Code is hereby amended by adding a new Section 19.16.013 to read as follows:

“19.16.013 Affordable Housing Overlay Zone (“AHOZ”)

A. Applicability. The provisions of this Section apply to all AHOZ Sites identified in Figure 1 and Table 6 below. The list of properties set forth in Figure 1 and Table 6 may be modified from time to time by further amendment of this Code.

B. Basic Provisions. In addition to (and not as a limitation of) the uses allowed according to the underlying zone district of the properties listed in Figure 1 and Table 6, each such property may be developed as a Residential Project, wholly independent and not constrained by the underlying zone district, subject to the provisions set forth below.

1. Base Density. Except as otherwise provided in Section 19.16.013.B.8., AHOZ sites must be developed to a minimum density of 25 units per acre. The computation of the minimum required density shall be based on the Net Buildable Area of the properties identified in Figure 1 and Table 5. Where the computation of the minimum required density results in a fraction of a number, the minimum number of units required shall be rounded to the closest whole number.

2. Inclusionary Requirement. Not less than 20 percent of all new and Substantially Rehabilitated dwelling units in Residential Projects undertaken by a Developer (other than the Agency) shall be developed with Affordable Units, and not less than 30% of all new and Substantially Rehabilitated dwelling units undertaken by the Agency shall be developed with Affordable Units. Except as otherwise provided in Sections 19.16.013.B.7. and 19.16.013.B.8., all of the Affordable Units required by this Section 19.16.013.B.2. shall be developed on-site as part of each Residential Project.

3. Affordable Unit Distribution. Affordable Units required under this Section shall be allocated among the Target Households in proportion to Net RHNA Goals as set forth in Table 4 of Section 19.16.12, but in no event shall the percentage allocated to Very Low Income be less than 40 percent. In addition, at least 50 percent of all Affordable Units developed by the Agency shall be reserved for Very Low Income and the balance shall be allocated to Lower and Moderate Income in proportion to Net RHNA Goals.

4. Density Bonus. All Residential Projects to which this Section applies shall be granted a Density Bonus of two Non-Restricted Units for each Affordable Unit that is produced or required for a Lower or Very Low Income household, up to a maximum combined density of 50 percent above the base density.

5. Illustrative Calculation. By way of example, for illustrative purposes only, where a proposed AHOZ site consists of one acre of land and is proposed to be developed with a total of 20 dwelling units (and the project is to be undertaken by a private Developer without the Agency’s involvement), the base density, inclusionary requirement, affordable unit distribution and density bonus would be calculated as follows:

- a. **Base Density.** 20 units/1 acre = 20 units/acre.
- b. **Inclusionary Requirement.** 20% as determined by Table 5.
- c. **Computation of Affordable Units.** 20% x 20 total units = 4 Affordable Units.
- d. **Distribution of Affordable Units.**
 - (1) **Very Low Income.** 4 total Affordable Units x 42% per Table 4 = 1.68 Very Low Income Affordable Units.
 - (2) **Lower Income.** 4 total Affordable Units x 31% per Table 4 = 1.24 Lower Income Affordable Units.
 - (3) **Moderate Income.** 4 total Affordable Units x 27% per Table 4 = 1.08 Moderate Income Affordable Units.
- e. **Density Bonus.** (1.68 Very Low Income Affordable Units + 1.24 Lower Income Units) x 2 = 5.84 Non-Restricted Units. Rounding to the next whole number = 6 units.
- f. **Adjusted Unit Total.** Base Density (20 units) + Density Bonus (6 units) = 26 total units.

6. Production Requirement. Except as otherwise provided in Sections 19.16.013.B.7. and 19.16.013.B.8., the Affordable Units required under this Section shall be constructed concurrent with the Non-Restricted Units developed as part of the Residential Project. For fractions of Affordable Units, including fractions resulting from construction of less than ten dwellings and fractions of Affordable Units allocated among the Target Households, the Developer may elect, at his or her option, to construct the next higher whole number of Affordable Units or pay a Housing In-Lieu Fee for the fractional amount.

7. Equivalent Action. Subject to the provisions of Section 19.16.013.B.10., the City Council (at its sole discretion) may allow a Developer to dedicate vacant land in lieu of constructing Affordable Units on-site as part of a Residential Project otherwise required by Sections 19.16.013.B.2. and 19.16.013.B.6. All of the units developed on land donated pursuant to this section shall be Affordable Units distributed among the Target Households pursuant to Section 19.16.013.B.3.

8. Exceptions.

a. **Minimum Allowable Density.** Subject to the provisions of Section 19.16.013.B.10., the minimum required density may be reduced by the City Council (at its sole discretion) when: (i) the findings required in Sections 19.08.100.D. (Zoning Clearance),

19.08.110.D. (Conditional Uses), or 19.08.120.F. (Development Plans), as applicable, cannot otherwise be made; or (ii) the Developer requests relief and compensates for the difference between the minimum number of Affordable Units computed pursuant to Sections 19.16.013.B.1. compared to the number of Affordable Units computed pursuant to Section 19.16.013.B.2. (hereinafter referred to as the “Affordable Unit Differential”).

(1) Illustrative Calculation. By way of example, and for illustrative purposes only, where the Net Buildable Area is 10 acres, the minimum required density is computed as 250 units and the inclusionary requirement is computed as 50 dwellings (i.e., 10 acres X 25 du/acre X 20% = 50 Affordable Units). If a Developer requests that the minimum required density be reduced to 200 units, then the resulting inclusionary requirement is computed as 40 dwellings (i.e., 200 units X 20% = 40 Affordable Units). The Affordable Unit Differential is computed as 10 dwellings (i.e., 50 units – 40 units = 10 Affordable Units). Except as provided in Section 19.10.013.B.8.(a)(2), the Affordable Unit Differential shall be satisfied by construction on-site as part of, and concurrent with development of, a Residential Project.

(2) Equivalent Actions. Subject to review and approval by the City Council (at its sole discretion), and provided the Mandatory Findings of Section 19.16.013.B.10 can be made, the Affordable Unit Differential may be satisfied by dedication of vacant land or payment of a Housing In-Lieu Fee. Except for fractional units for which an Housing In-Lieu Fee may be paid as provided in Section 19.16.013.B.6., or the dedication of vacant land as provided in Section 19.16.013.B.7., in no event shall the number of Affordable Units that must be developed on-site be less than 20% of the total units within a Residential Project.

b. Inclusionary Requirement. At the discretion of the Developer, the overall inclusionary requirement specified in Section 19.16.013.B.2. may be reduced in exchange for a higher percentage of Lower and Very Low Income Affordable Units. The reduction may be achieved by exchanging Moderate Income Affordable Units for Low and Very Low Income Affordable Units at the following rate of exchange: (i) one and one-half Moderate Income Affordable Units for one Low Income Affordable Unit; and (ii) two Moderate Income Units for one Very Low Income Affordable Unit. Fractions of Affordable Units resulting from such an exchange shall be governed by the provisions of Section 19.16.013.B.6.

9. Retention Period. Except to the extent a longer period of time may be required by other provisions of law, all Affordable Units required under this Section shall remain available at affordable Housing Costs to, and occupied by, the Target Households for the longest feasible time, but for not less than the following: (i) 55 years for renter-occupied dwelling units; and (ii) 45 years for owner-occupied dwelling units. Under terms and conditions of the Affordable Housing Agreement, the City may permit sale of owner-occupied Affordable Units prior to the expiration of the 45-year period pursuant to an adopted program which protects the City’s investment of moneys from the Housing Trust Fund, including, but not limited to, equity sharing that permits retention by the seller of a portion of sales proceeds based on the length of

occupancy. The remainder of the excess proceeds of the sale shall be allocated to the City and deposited in the Housing Trust Fund.

19.16.013.B.10. Mandatory Findings. Equivalent actions and exceptions provided in Sections 19.16.013.B.7. and 19.16.013.B.8. shall be considered on a case-by-case basis and may only be approved if the City Council determines that: (i) the land offered for dedication or the payment of an Housing In-Lieu Fee shall result in production of an equivalent number of required Affordable Units (“Equivalent Action Finding”); (ii) the production of an equivalent number of required Affordable Units is reasonably expected to occur within the planning period of the current adopted Housing Element (“Timely Production Finding”); and (iii) the remaining inventory of AHOZ Sites is sufficient to meet Net RHNA Goals in combination with policy decisions regarding base density, percent of inclusionary housing, distribution of affordable units among target income groups and other housing production programs identified in the Housing Element (“Sufficient Sites Finding”). The Equivalent Action and Timely Production Findings shall only apply when land is offered for dedication or payment of a Housing In-Lieu Fee is proposed as an alternative to constructing required Affordable Units on-site as part of a Residential Project; the Sufficient Sites Finding shall apply in all cases. In the event that the required findings cannot be made, the City Council shall take one of the following actions: (i) not approve the Residential Project; (ii) not grant the equivalent action or exception; or (iii) designate additional AHOZ Sites as necessary such that the potential number of dwellings that may be developed for all property with an AHOZ designation, in combination with other housing production programs identified in the Housing Element, is sufficient to meet Net RHNA Goals for target income groups.

C. Development Standards. Residential Projects developed under the provisions of this Section shall be designed and processed in the time and manner set forth below.

1. General Guidelines. The Affordable Units required under this Section: (i) may either be rental or for-sale dwellings; (ii) should be comparable in number of bedrooms, exterior appearance and overall quality of construction to Non-Restricted Units; (iii) may have less square footage and interior amenities to those of Non-Restricted Units in the same Residential Project, so long as they are of good quality and are consistent with contemporary standards for new housing; and (iv) may be clustered or disbursed within the Residential Project.

2. Commercial Priority. AHOZ Sites with frontage upon Avenue of Flags or Highway 246 are expressly subject to General Plan Land Use Element policies that give commercial uses priority over residential. In compliance with these policies, AHOZ Sites with frontage upon Avenue of Flags or Highway 246 are subject to the following development parameters: (i) the Maximum Residential Density may be computed on the basis of the gross area of the AHOZ site; (ii) the minimum required density, for purposes of Section 19.16.013.B.1. and computing inclusionary requirements pursuant to Section 19.16.013.B.2., shall be based on Net Buildable Area of the AHOZ Site, exclusive of the portion of property devoted to or supporting commercial uses (e.g., building space, parking areas, and drive aisles); and (iii) new development shall conform to the development standards prescribed in Land Use Policy L-23 of the General Plan. Exceptions to the development standards set forth in Land Use Policy L-23 of

the General Plan may be considered on a case-by-case basis and may only be approved by majority vote of the City Council when all of the findings set forth in Land Use Policy L-23 can be made.

3. Development Review. All Residential Projects shall comply with adopted Design Guidelines of the City, provided such Guidelines are not unreasonably imposed as to render a project infeasible. Furthermore, discretionary authority under a Development Plan or Conditional Use Permit shall not be unreasonably exercised to impose standards or criteria for the purpose of rendering infeasible the development of housing for any and all economic segments of the community as prohibited in Section 65913.2 of the California Government Code.

4. Environmental Review. All Residential Projects shall be subject to the requirements of the California Environmental Quality Act (California Public Resources Code Section 21000 et.seq. and its implementing regulations), if applicable, and shall adhere to mitigation measures prescribed in the Buellton General Plan and companion Environmental Impact Report, as updated and amended from time to time.

5. Application Processing. Applications for development of AHOZ sites under the provisions of this Section shall be processed as follows:

a. Zoning Clearance. Residential Projects conforming to the following criteria shall be allowed by Zoning Clearance under the jurisdiction of the Planning Director as provided in Sections 19.02.110 and 19.08.100 of this Code: (i) the Residential Project consists of no more than 25 units per acre (inclusive of density bonus units) on sites with an underlying zone district of General Commercial (CR) or Residential Multifamily (RM); and (ii) the physical attributes of design conform to the development standards of the underlying zone district (i.e. building height, lot coverage, setbacks, etc.) and adopted Design Guidelines of the City.

b. Development Plan Approval. Residential Projects greater than 25 units per acre (or do not otherwise qualify for a Zoning Clearance) on AHOZ Sites with an underlying zone district of CR or RM may be allowed by Development Plan approval under the jurisdiction of the Planning Commission as provided in Sections 19.02.110 and 19.08.120 of the Buellton Municipal Code. The physical attributes of design shall conform to the development standards of the underlying zone district (i.e. building height, lot coverage, setbacks, etc.) and adopted Design Guidelines of the City except or unless a modification is granted under the provisions of Section 19.08.120.G.1. of this Code.

c. Conditional Use Permit. Residential Projects on AHOZ sites zoned Single Family Residential (RS), Commercial Service (CS), Open Space (OS) or Industrial (M) may be allowed by Conditional Use Permit approval under the jurisdiction of the Planning Commission as provided in Sections 19.02.110 and 19.08.110 of the Buellton Municipal Code. The physical attributes of design shall conform to the development standards of the underlying zone district (i.e. building height, lot coverage, setbacks, etc.) and adopted Design Guidelines of

the City except or unless a Development Plan is processed concurrent with the Conditional Use Permit and a modification is granted under the provisions of Section 19.08.120.G.1. of this Code.

D. Miscellaneous Provisions.

1. Affordable Housing Agreement. An Affordable Housing Agreement shall be made a condition of land use permit approval for all Residential Projects pursuant to this Section. The Affordable Housing Agreement shall: (i) be recorded as a restriction on the parcel or parcels on which the Affordable Units will be constructed; and (ii) be consistent with Section 19.16.022.B. of this Chapter.

2. Project Entitlements. Every Entitlement for a Residential Project that is granted under the provisions of this Section shall contain a condition detailing the method of compliance with this Section, as applicable. Every final and parcel map shall bear a note indicating whether compliance with the requirements of this Section must be met prior to issuance of a building permit for each lot created by such map.

3. Requirements for Certificate of Occupancy/Final Inspection. No temporary or permanent Certificate of Occupancy shall be issued, final inspection approved or release of utilities authorized for any new dwelling unit in a Residential Project until the Developer has satisfactorily completed the requirements of this Section and conditions of approval.

E. Variable Limit. The provisions of this Section shall apply to all development permit applications which are filed with the City on or after the effective date of Ordinance No. 05-05 or subsequently amended for applications filed before the effective data, and shall continue thereafter until: (i) the Net RHNA Goals are achieved; or (iii) approval of Residential Projects on AHOZ sites reaches a total of 1,529 total dwelling units inclusive of density bonuses. The list of properties set forth in Figure 1 and Table 6, as well as the variable limit set forth in this paragraph, is anticipated to be modified from time to time by further amendment of this Code.

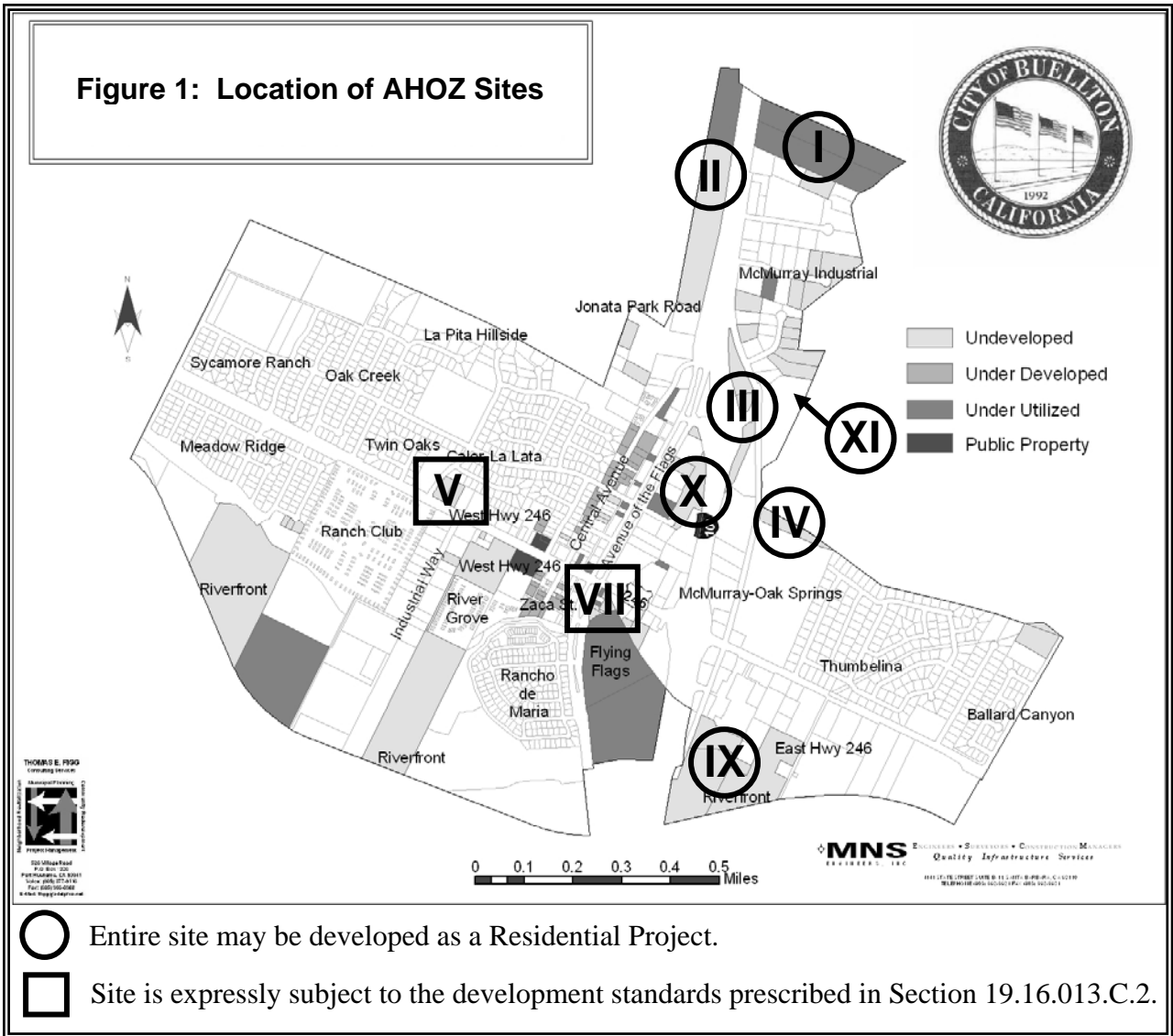


Table 5: List of AHOZ Sites

Map No.	General Location (All Within The City Of Buellton)	No. of Parcels	Site Area (Acres)		Assessor Parcel Numbers
			Gross	Net	
I	Northeasterly of the northerly terminus of McMurray Road adjacent to the McMurray Industrial Park.	2	17.95	17.10	137-090-006 137-090-007
II	Along the west side of Jonata Park Road, north of the intersection of Avenue of Flags and Central Avenue.	2	18.17	15.00	099-400-064 099-400-065
III	Northwest and southwest of the intersection of Damassa Road and McMurray Road.	2	3.39	3.20	137-170-059 137-170-060
IV	East of McMurray Road and north of the easterly prolongation of Glennora Way.	1	2.16	1.60	137-090-046
V	Northeast corner of La Lata Drive and Hwy 246.	2	1.57	0.80	099-590-042 099-590-043
VII	Southeast of the intersection of Hwy 246 and Avenue of Flags.	6	2.5	1.15	137-190-013 137-190-017 137-190-024 137-190-026 137-190-032 137-190-033
IX	Southeasterly of the southerly terminus of McMurray Road behind and adjacent to the Buellton Town Center.	4	6.72	6.00	137-200-077 137-200-078 137-200-087 137-200-094
X	North of the easterly terminus of Second Street.	1	3.63	3.00	137-170-053
XI	Along the easterly side of McMurray Road at the intersection of Damassa Road.	1	4.04	4.20	137-170-650

Notes:

1. Numeric listing of AHOZ Sites above excludes potential candidates identified in the General Plan Land Use and Housing Elements that have not been designated for purposes of this Section. The gap in numbering is intentional.
2. Net Acres is based on the definition of "Net Buildable Area" and is derived from Table 2-8B of the Final EIR for the General Plan Update – Land Use and Circulation Elements, August 4, 2005. Figures shown are estimated; actual "Net Buildable Area" will be determined at the time of Entitlements. In addition, the Net Acres for AHOZ Sites V and VII have been further reduced by 50% to account for the Commercial Priority provisions of Section 19.16.013.C.2."

D. Title 19, Chapter 19.08 of the Buellton Municipal Code is hereby amended by adding a new Section 19.08.150 to read as follows:

“19.08.015 Standard Conditions of Approval

All zoning clearances, including Residential Projects approved under Section 19.16.013.C.5.a., shall comply with standard conditions of approval imposed by the resolution of the city council, as may be adopted and amended from time to time. All land use permits, other than zoning clearances, shall be subject to standard conditions of approval imposed by the resolution of the city council and may be modified or expanded in connection with the discretionary approval process applicable to each such land use permit.”

SECTION III. ADMINISTRATION.

A. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance irrespective of the fact that any one or more sections, subsections, subdivision, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

B. Section 19.08.150 of the Buellton Municipal Code is hereby repealed.

A. The City Clerk shall certify as to the passage of this Ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED AND ADOPTED THIS ___ DAY OF _____, _____.

Russ Hicks
Mayor

ATTEST:

Birgit Hansen Cripe, CMC
City Clerk

APPROVED AS TO FORM:

Don G. Kircher
City Attorney