

ORDINANCE OF THE CITY OF OXNARD

ORDINANCE NO. 2770

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD ADDING  
SECTION 16-515 TO THE CITY CODE

The City Council of the City of Oxnard does ordain as follows:

Part 1. Section 16-515 is hereby added to the City Code to read as follows:

**SEC. 16-515. APPEAL OF DECISION REGARDING A NON-CONFORMING  
USE OR A NON-CONFORMING BUILDING.**

(A) When an application is received for any permit pursuant to this chapter or any building permit, the planning manager shall make a determination whether the proposed use of the land or structure pursuant to the application is consistent with the requirements of this chapter. If the planning manager's determination is that the proposed use of the land or the structure is inconsistent with this chapter because a non-conforming use or non-conforming structure may not be enlarged, increased, or extended or because of abandonment or cessation of the non-conforming use or non-conforming structure, the planning manger shall inform the applicant in writing of such determination and the facts that support such determination.

(B) If the applicant desires to appeal the planning manager's determination, the applicant must file a written appeal and the appeal fee with the director within fifteen days of the mailing date or ten days of personal delivery of such written determination, whichever occurs first. Such written appeal shall set forth the specific grounds for appeal, including a summary of the facts that are in dispute. The appeal hearing shall be scheduled within a reasonable period of time after receipt of the appeal, unless the applicant agrees to a different date.

(C) At the hearing, the director shall hear evidence on the disputed facts and exercise the director's independent judgment in rendering a decision. The director may continue the hearing for good cause. Within forty-five days of the close of the hearing, the director shall issue a written decision that sets forth the reasons for such decision. Such decision shall be mailed or personally delivered to the applicant.

(D) If the applicant desires to appeal the decision of the director, the applicant must file a written appeal and the appeal fee with the secretary to the commission within fifteen days of the mailing date of the director's decision or within ten days of receipt of the director's decision, whichever occurs first. Such written appeal must set forth the specific grounds for appeal, including a summary of the facts that are in dispute. The

appeal hearing shall be scheduled within a reasonable period of time after receipt of the appeal, unless the applicant agrees to a different date.

(E) At the appeal hearing, the commission shall review evidence on the disputed facts and exercise its independent judgment in rendering its decision. The commission may continue the hearing for good cause. The commission shall adopt a resolution setting forth its decision. The decision of the commission shall represent the final administrative process available within the city.

Part 2. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the city. Ordinance No. 2770 was first read on March 18, 2008 and finally adopted on \_\_\_\_\_, 20   to become effective thirty days thereafter.

AYES:

NOES:

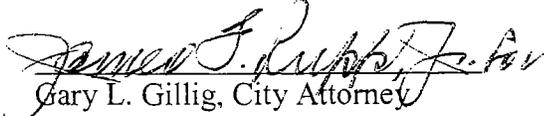
ABSENT:

\_\_\_\_\_  
Dr. Thomas E. Holden, Mayor

ATTEST:

\_\_\_\_\_  
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

  
Gary L. Gillig, City Attorney