

DATE SUBMITTED 12/27/2017
 SUBMITTED BY COMMUNITY DEVELOPMENT DIRECTOR
 DATE ACTION REQUIRED 1/3/2018

COUNCIL ACTION ES
 PUBLIC HEARING REQUIRED ES
 RESOLUTION
 ORDINANCE 1ST READING (X)
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS ab

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: AMENDMENT TO THE ZONING ORDINANCE RELATED TO CONDITIONAL USES IN COMMERCIAL ZONES 1. Introduction/ 1 st Reading by Title Only of Zoning Text Amendment to Section 24.05 of the Zoning Code with regard to All Commercial Zoning Districts.	
DEPARTMENT INVOLVED: COMMUNITY DEVELOPMENT	
BACKGROUND/SUMMARY: On July 10, 2017 the City Council gave direction to staff to initiate the reenactment of Chapter 15, Article XII in order to allow for "Medical Cannabis Dispensaries" within C-2 zones contingent upon the approval of a Conditional Use Permit within the City of Imperial. Changes to the conditionally permitted uses in commercial zones are necessary to promote the orderly and economic growth of the City's commercial areas. The proposed change includes "Medical Cannabis Dispensaries and Uses" to be added to the Commercial District Zoning Table, which are outlined in "Chapter 15, Article XII Medical Cannabis Dispensaries" of the Imperial Municipal Code. A Public Hearing was held by the Planning Commission on December 13, 2017 and the commission recommends adoption of the text amendment. Please see "Exhibit A"	
FISCAL IMPACT: NO FISCAL IMPACT	ADMIN SERVICES SIGN INITIALS _____
STAFF RECOMMENDATION: Staff recommends approval of Zoning Text Amendment.	DEPT. INITIALS <u>CM</u>
MANAGER'S RECOMMENDATION:	CITY MANAGER'S INITIALS _____
MOTION: SECONDED: AYES: NAYES: ABSENT:	
APPROVED () REJECTED () DISAPPROVED () DEFERRED () REFERRED TO:	

“EXHIBIT A”

SECTION 24.05.110 PURPOSES

In addition to the objectives outlined in Section 24.01 (Purposes and Scope), the Commercial Zones are included in the Zoning Regulations to achieve the following purposes:

- A. To provide appropriately located areas for office use, retail stores, service establishments, and wholesale businesses, offering commodities and services required by residents of the City and its surrounding market area.
- B. To encourage office and commercial uses to concentrate for the convenience of the public and for a more mutually beneficial relationship to each other.
- C. To provide adequate space to meet the needs of modern commercial development, including off-street parking and loading areas.
- D. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them.
- E. To protect commercial properties from noise, odor, smoke, unsightliness, and other objectionable influences incidental to industrial uses.
- F. To promote high standards of site planning, architecture and landscape design for office and commercial developments within the City of Imperial.

C-1 Commercial Neighborhood Zone

This zone is intended for professional, administrative offices, restaurant, theatre, health clubs, and for neighborhood shopping centers which provide limited retail business service and office facilities for the convenience of residents of the neighborhood. These stopping centers are intended to be compatible with residential environment as at locations indicated on the General Plan.

C-2 Commercial General Zone

This zone is intended as an area for the location of highway oriented retail service and wholesale commercial activities.

V-C Village Commercial Zone

The Village Commercial Zone is intended as the social and civic heart of the City of Imperial with attractive housing, small retail shops, outdoor dining, parks, and civic facilities in a vibrant, pedestrian friendly and family-oriented atmosphere.

SECTION 2: Section 24.05.120 of Chapter 24 of the Imperial Municipal Code is hereby amended to read as follows:

24.05.120 PERMITTED AND CONDITIONAL USES: C ZONES

The following uses shall be permitted uses where the symbol “P” appears and shall be permitted uses subject to a Conditional Use Permit where the symbol “C” appears in the column beneath each zone designation; where the symbol “X” appears the use is prohibited.

<i>A. Administrative and Professional Services</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
Including, but not limited to administrative offices; financial institutions, accounting and auditing services; clerical and legal services; counseling services; public utility company offices; medical dental, and related health services.	P	P	P

<i>B. General Commercial Uses</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
1. Adult Businesses (see Section 24.11.800)	X	C	X
2. Antique shops (sale of previously owned goods)	X	P	X
3. Apparel stores	P	P	P
4. Art, music, and photographic studios and supply stores	P	P	P
5. Appliance stores and repair	C	P	P

<i>B. General Commercial Uses (cont.)</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
6. Arcades and electronic games (see Section 24.11.600)	C	C	X
7. Athletic and Health Club	P	P	P
8. Automobile and or truck services, including, but not limited to, sales, rental agencies, body repair, painting, and car washes.	C	P	X
9. Bakeries – retail only	P	P	P
10. Barber and beauty shops	P	P	P
11. Bicycle shops, non-motorized	P	P	P
12. Blueprint and photocopy services when operated in conjunction with a professional office of engineering, planning, surveying, architecture, drafting.	P	P	P
13. Boat and camper sales and services	X	C	X
14. Book, gift, and stationery stores	P	P	P
15. Candy stores and confectioneries	P	P	P
16. Carpet and flooring stores	P	P	P
17. Catering establishments	P	P	X
18. Cleaners including dry cleaning with or without cleaning machinery on-site	P	P	P
19. Commercial Recreation Facilities not otherwise listed	C	C	C
20. Eating and drinking establishments			
a. Bars (no entertainment)	X	C	C
b. Night Clubs, cabarets, restaurants, coffee shops, delicatessens:			
1. With alcoholic beverages and/or entertainment	C	C	C

<i>B. General Commercial Uses (cont.)</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
2. Without alcoholic beverage but including entertainment	C	C	C
3. Without alcoholic beverage	P	P	P
c. Snack bars, take-out only, refreshment stands contained within a building	P	P	P
d. Fast food restaurants with drive-in or drive through	C	C	X
e. Fast food restaurants with drive through in conjunction with a shopping center development	C	C	C
21. Equipment rental yards including, but not limited to, trucks, trailers, hitches, service thereof	C	C	X
22. Feed and tack stores (outdoor storage shall be consistent with Section 24.05.140)	C	P	C
23. Florist shops	P	P	P
24. Furniture stores, with or without repair and upholster	C	P	P
25. Hardware stores	P	P	C
26. Hobby shops	P	P	P
27. Hotels and motels with meeting rooms	C	P	P
28. Janitorial services and supplies	C	P	X
29. Jewelry stores	P	P	P
30. Junior department, department stores, discount department stores and membership stores	C	P	P
31. Food stores and supermarkets, drug stores with and/or without pharmacies, variety stores, sporting goods store, shoe stores (sales and/or repair), toy stores	P	P	P

<i>B. General Commercial Uses (cont.)</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
32. Kiosks, including, but not limited to photo sales located in parking lots	C	C	C
33. Charity drop off, recycling drop off located in the parking lot or other suitable area with property owners' permission.	C	C	X
34. Liquor stores	C	C	C
35. Medical Cannabis Dispensaries and uses outlined in Chapter 15, Article XII "Medical Cannabis Dispensaries" of the City of Imperials' Municipal Code.	X	C	X
36. Mortuaries	C	P	X
37. Motorcycle sales and services including motorized vehicles	C	C	X
38. Newspaper and magazine stores, including printing and publishing	P	P	P
39. Nurseries and garden supply stores; provided, all equipment and supplies shall be kept within an enclosed area	P	P	P
40. Parking facilities (commercial) where fees are charged	C	P	C
41. Pharmacies	P	P	P
42. Printing shop	C	P	X
43. Gasoline dispensing and/or automotive service stations	C	C	C
44. Sign painting shop within a completely enclosed building	C	P	X
45. Stamp and coin shops	P	P	P
46. Swap Meet (See City Code Chap. 12 Art. V)	X	P	C
47. Swimming pool supplies (outdoor storage shall comply with Section 24.05.140J)	P	P	P
48. Television, radio sales and repair	P	P	P
49. Theatres (motion picture and playhouse)	C	C	C
50. Tire sales and service	C	C	X

51. Travel agencies	P	P	P
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<i>B. General Commercial Uses (cont.)</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
52. Animal hospitals or veterinary offices			
a. Small animal	C	C	X
b. Large animal	X	C	X
53. Vehicle storage yard	X	C	X

<i>C. Public and Semi-Public Uses</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
1. Day nurseries, day care schools	C	C	C
2. Convalescent homes and hospitals on sites two net acres or greater in size	X	C	X
3. Clubs and lodges including YMCA, YWCA, and similar youth group uses	C	C	C
4. Educational institutions, public or private, including vocational schools	C	C	C
5. Post office branch	P	P	P
6. Churches, convents, monasteries, and other religious institutions	C	C	C
7. Group care facilities and residential retirement hotels	X	C	C
8. Public facilities including, but not limited to City headquarters, libraries, public offices, sub-stations, reservoirs, pumping plants, and similar installations.	C	C	C

<i>D. Mixed Uses</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
1. The mixing of residential uses with office and/or commercial uses is encouraged within the Village Commercial Zone. On any parcel within the Village Commercial Zone, the mixing of residential and nonresidential uses as outlined above under “Permitted Uses” shall be permitted by right subject to the following requirements: <ul style="list-style-type: none"> a. All residential components of a mixed use project shall be located either above at least one story of a nonresidential use or to the rear of a nonresidential use building; residential uses shall not be permitted on the ground floor unless they are located behind a nonresidential use. 	X	X	P

<i>E. Accessory Uses</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
1. Accessory structures and uses located on the same site as a permitted use.	P	P	P
2. Accessory structures and uses located on the same site as a Conditional Use	C	C	C

<i>F. Temporary Uses</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
2. Temporary uses as prescribed in Section 24.11.120	P	P	P

SECTION 3: Section 24.05.130 of Chapter 24 of the Imperial Municipal Code is hereby amended to read as follows:

24.05.130 PROPERTY DEVELOPMENT STANDARDS: C ZONES

Prior to the construction of any building or structure on any lot within the C Zones a Site Plan Review is required, pursuant to Section 24.19.500. The following property development standards shall apply to all land and building permitted in their respective commercial zones. Any legal lot/parcel may be used as a building site, except no building permit shall be issues for

any lot having lot size of less than 3,000 square feet. Each building site shall have a minimum 20-foot wide vehicular access to a public street.

The following requirements are minimums unless otherwise stated.

<i>A. General Requirements</i>	<i>C-1</i>	<i>C-2</i>	<i>VC</i>
1. Lot area, sq. ft. or acres	N/A	N/A	N/A
2. Lot width, in feet	50	60	25
3. Lot depth, in feet	135	100	100
4. Front yard setback, in feet	12	12	0
5. Side yard setback each side, in feet. Total of combined side yard setbacks must equal 10 feet.	0/10	0/10	0
6. Side yard setback, street side, in feet	20	12	0
7. Rear yard, in feet	0	0	0
8. Side and rear yards abutting any residential zones	20	20	0
9. Lot coverage, maximum	60%	60%	40%
10. Building height	35 feet maximum or three stories whichever is less		
11. Off-street parking	In all C-1 and C-2 Zones, all provisions of Section 24.13 shall apply. Within the VC Zones, 50% percent of the required parking for the same use under Section 24.13 shall apply. On-street parking and off-site parking may be counted towards the parking requirement for all uses within the VC Zone.		
12. Signs	In all C-1 and C-2 Zones, all provisions of Section 24.16 shall apply. Within the VC Zones, Section 24.16 shall also apply, except that projecting signs and hanging signs are permitted for ground floor uses. The size and location of projecting and hanging signs shall be reviewed by the Downtown Review Committee.		

SECTION 4: Section 24.05.140 of Chapter 24 of the Imperial Municipal Code is hereby created to read as follows:

24.05.140 SPECIAL REQUIREMENTS FOR THE VILLAGE COMMERCIAL ZONE

The City recognizes that architectural design and treatment of buildings and structures, integrity of design, orientation and configuration of buildings and structures upon a site, compatibility of development with adjacent development, traffic circulation and parking, and landscaping and open areas are all factors which should be addressed with respect to development of any property within the City’s downtown village area. The City's objective is to create attractive, desirable and healthy neighborhoods for work and residence by encouraging and to promoting development which is not only functional and attractive, but is also functionally and aesthetically compatible with surrounding development and enhancing to the area in which it is located.

- A. **Downtown Imperial Redevelopment Master Plan.** The Downtown Imperial Redevelopment Master Plan is hereby incorporated as reference.

- B. **Downtown Review Committee.** There is created a Downtown Review Committee consisting of members appointed by the Mayor; the City Manager; the Public Works Director; and the Planning Director; or their designated representatives. The purpose of the Downtown Review Committee is to promote and implement the Downtown Imperial Redevelopment Master Plan and to ensure diverse and high quality architecture in the Village Commercial Zone. The Committee shall meet regularly in open meetings at a time to be determined by the Downtown Review Committee. The decision of the Downtown Review Committee may be appealed to the City Council.

- C. **Review Required.** No person shall construct any building or structure, or relocate, rebuild, alter, enlarge or modify any existing building or structure, until a development plan has been reviewed and approved by the Downtown Review Committee, and no building permit, relocation permit or business license shall be issued until the requirements of this chapter are met. In furtherance of the Downtown Imperial Master Plan, this Zoning Ordinance and other regulations of the City, the Downtown Review Committee may impose such conditions as the Committee deems necessary.

- D. **Submission of Development Plan.** Application for any development activity in the Village Commercial Zone shall be filed with the Planning Director on a form prescribed by the Downtown Review Committee and shall include the following information:
 - 1. Parcel or lot dimensions;
 - 2. Walls and Fences: Location, height, materials and colors;

3. Off-Street Parking and Loading: Location, number of spaces, dimensions of parking area and loading facilities, internal circulation pattern;
4. Access and Circulation: Pedestrian, vehicular, service; points of ingress and egress, internal circulation;
5. Buildings and Structures: Location, floor plans, elevations, size, height, proposed use; type and pitch of roofs; size and spacing of windows, doors and other openings; materials, colors and architectural treatment;
6. Spaces Between Buildings: Location, size and dimension; yards and setbacks;
7. Open spaces, recreation areas or greenbelts; location, size and facilities;
8. Public improvements; street dedications and improvements; public utilities installations including poles, transformers, vaults and meters; design and location;
9. Signs: Location, size, color, design and materials;
10. Lighting: Location and general nature; hooding devices;
11. Towers, chimneys, roof structures, flagpoles, radio and television masts, all mechanical equipment external to main or accessory structures; location, design, size, height, materials, colors and architectural treatment;
12. Such other data as the planning staff or Committee may require to make necessary findings.

E. Architectural Design Standards. New construction and reconstruction or rehabilitation of existing buildings and/or sites shall be reflective of high quality in design. One or more of the following architectural styles shall be utilized: Mission, Spanish, Monterey, Western, and Traditional Downtown. Contemporary styles may be used where local materials are incorporated and design elements from surrounding structures are likewise incorporated. Creative interpretations of traditional design elements will be reviewed on a case-by-case basis. All development activity within the Village Commercial Zone shall adhere to the design guidelines outlined in the Downtown Imperial Redevelopment Master Plan as it relates to the following:

1. Site planning;
2. Architecture;
3. Architectural form and composition;
4. Compatibility;
5. Roof articulation;
6. Storefronts;
7. Porticos, colonnades, arcades, and awnings;
8. Rear entrances;
9. Lighting;
10. Building materials;

11. Building color; and
12. Landscaping and public spaces.

F. Sidewalk Cafes, Porticos and Other Structures Located in the Public Right-of-Way

1. The Downtown Review Committee may approve a sidewalk permit for sidewalk cafes and other structures located in the public right-of-way provided they are in compliance with the regulations of this Section. A sidewalk permit shall be a license to use the sidewalk and shall not grant nor shall it be construed or considered to grant any person any property right or interest in the sidewalk.
2. Sidewalk cafes and other structures located in the public right-of-way shall be located in a manner that promotes efficient and direct pedestrian movement. A minimum of one unobstructed pedestrian path at least five feet wide shall be maintained at all times. In areas of congested pedestrian activity, the Downtown Review Committee may require a wider pedestrian path.
3. The perimeter around the sidewalk cafe or permanent outdoor display area may be delineated using nonpermanent fixtures such as railings, potted plants, decorative chains, or other approved fixtures. Tables, chairs, umbrellas, canopies, awnings and any other fixtures shall be of uniform design and shall be made of quality materials and workmanship to ensure the safety and convenience of users and to enhance the visual quality of the urban environment.
4. By use of any permit granted hereunder, the permittee agrees to indemnify, defend, save, and hold harmless any government agency and its agents and employees from any and all claims, liability, lawsuits, damages and causes of action which may arise out of this permit or the permittee's activity regarding the sidewalk. The permittee shall enter into a written agreement with the City to evidence this indemnification.
5. Tables, chairs, and other fixtures located within the sidewalk must be secured or anchored to one another or removed from the sidewalk at the close of business to ensure that the fixtures will be stable during inclement weather conditions and to deter theft. No tables, chairs, or any other fixtures used in connection with a sidewalk permit shall be attached, chained, or in any manner affixed to any tree, post, sign, or other public fixture.
6. The sidewalk cafe or permanent outdoor display area including the area extending from the sidewalk cafe area to the street and five feet beyond either end, shall be maintained by the permittee in a neat and orderly appearance at all times and shall be cleared of all debris on a periodic basis during the day and at the close of each business day.
7. The permittee is responsible for repair of any damage to the sidewalk caused by the sidewalk cafe or permanent outdoor display.