

ORDINANCE NO. 758

AN ORDINANCE OF THE CITY OF IMPERIAL AMENDING THE ZONING CODE RELATED TO DEVELOPMENT STANDARDS FOR ACCESSORY STRUCTURES IN RESIDENTIAL ZONES

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

SECTION 1: Section 24.03.110 A. of Chapter 24 of the Imperial Municipal Code is hereby amended to read as follows:

PERMITTED AND CONDITIONAL USES: R ZONES

A.	Residential Uses	RR	RL	R-1	RC	RA
8.	Accessory structures, less than 12' high	P	P	P	P	P
9.	Accessory structures, 12' high or greater	P	P	C	C	C

SECTION 1: Section 24.03.140 of Chapter 24 of the Imperial Municipal Code is hereby amended to read as follows:

ACCESSORY STRUCTURES: R ZONES

- A. Accessory Building and Structures. Accessory buildings and structures, attached or detached, used either wholly or in part for living purposes, shall meet all of the requirements for location of the main structure, except as herein provided.
1. Accessory structures seven feet or less in height and seventy-five (75) square feet or less in size may be located anywhere within the required rear yard.
 2. Accessory buildings or structures that are attached to the main building shall be allowed to encroach into the required rear yard setback up to one-half (1/2) of the distance.
 3. A detached accessory structure shall meet the setback requirements of the main building for the front and street side yard areas.
 4. A detached accessory structure may be located within an interior side yard or rear yard; provided, that such structure is located no closer than five (5) feet to an interior side or rear lot line and is at least ten (10) feet from the main structure.
 5. The maximum allowable height for any accessory structure is twelve feet, except that a Conditional Use Permit (subject to the procedures outlined in Section 24.19.300) may be issued in R-1, RC and RA zones, provided that the accessory structure will be located on a minimum 10,000 square foot lot. Structure height is measured vertically from the lowest point of the natural grade at the base of the structure to the highest point at top.

6. Accessory structures shall be constructed to be consistent with the architectural design of the principal structure.
 7. No accessory structures, with the exception of entry features such as arbors, arches and trellises shall be allowed in the front yard.
 8. Accessory structures shall be nonhabitable. No accessory structures shall be built with restrooms containing bathing facilities (showers or bathtubs).
- B. Canopies, Patios and Breezeways. Canopies, patios and breezeways that are attached to the main building or connecting the main building with a detached accessory building, may extend into a required rear or interior side yard provided that portions of such structures extending into the yard:
1. Shall not exceed fifteen (15) feet in height or project closer than five (5) feet to an interior side yard or rear lot line.
 2. Shall be entirely open on at least three sides for patios and canopies except for necessary supporting columns. A roof connecting main building and an accessory building shall be open on two sides.
- C. Other Structures. Front porches, steps, architectural features such as eaves, awnings, chimneys, balconies, stairways, wing walls or bay windows may project not more than four (4) feet into any required front or rear yard area, nor into any required side yard area more than one-half of said required side yard.

SECTION 3: Effective Date. This ordinance shall take effect and shall be in force thirty (30) days after the date of adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published at least once in a newspaper of general circulation printed and published in the County of Imperial, together with the names of the members of the City Council voting for and against the same.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this 15th day of July 2009.



MAYOR OF THE CITY OF IMPERIAL

ATTEST:



CITY CLERK

**MINUTES FOR A
REGULAR MEETING OF THE CITY COUNCIL
AND
REDEVELOPMENT AGENCY
CITY OF IMPERIAL
200 WEST 9TH STREET
IMPERIAL, CA 92251-1637
JULY 15, 2009**

CITY COUNCIL CONVENED TO OPEN SESSION

COUNCIL MEMBERS PRESENT: BRELAND, DALE, GRAN, AND SAMPSON

COUNCIL MEMBERS ABSENT: SAMPSON AND COX

OTHER OFFICIALS PRESENT: CITY MANAGER BEST, POLICE CHIEF COLON, COMMUNITY DEVELOPMENT DIRECTOR LOPER, PARKS & RECREATION DIRECTOR ARMSTRONG, LIBRARY ADMINISTRATOR CARTER, CITY ATTORNEY MORITA, AND CITY CLERK JACKSON

The meeting was called to order by MAYOR PRO-TEM BRELAND at 7:00 P.M. and those present were led in the Pledge of Allegiance.

Motion by GRAN, second by DALE to add an item to the agenda as the need to take action arose subsequent to the posting of the agenda.

MOTION CARRIED 3-0

Item number D-5 – Letter of endorsement for the Transportation Investment Generating Economic Recovery Application.

A. PUBLIC APPEARANCES:

MARIO BUSTAMANTE YELLOW CAB COMPANY requested that the city look into increasing the taxi fares for riders of the taxi cabs. He would like to see increased fares due to the upkeep of vehicles and increases for personnel, etc.

B. CONSENT AGENDA:

B-1. Approval of claims/warrants report.

B-2. Adoption/Passage of Ord. No. 758, amending Section 24.03.140 of the Imperial Municipal Code related to the development standards of accessory structures in Residential zones.

Motion by GRAN, second by DALE to approve the Consent Agenda as presented.

MOTION CARRIED 3-0

C. PUBLIC HEARINGS:

**C-1. SUBJECT: CONTINUED PUBLIC HEARING: APPEAL OF PLANNING COMMISSION
(GALVAN) ACTION RELATED TO APPROVAL OF CONDITIONAL USE PERMIT #08C04
(CELLULAR TOWER AT BARIONI BLVD & M STREET).**

(WITHDRAWN BY APPLICANT)

D. NEW BUSINESS:

**D-1. SUBJECT: DISCUSSION/ACTION: RESOLUTION – ESTABLISHING AVIATION DAY IN THE CITY OF IMPERIAL.
(BEST)**

1. APPROVAL/DISAPPROVAL OF RES. NO. 2009-43, ESTABLISHING AVIATION DAY IN THE CITY OF IMPERIAL.

Motion by DALE, second by GRAN to approve Resolution No. 2009-43.

MOTION CARRIED 3-0

**D-2. SUBJECT: DISCUSSION/ACTION: RESOLUTION – PARTNERSHIP WITH IMPERIAL IRRIGATION DISTRICT IN SUPPORT OF AB 811.
(BEST)**

1. APPROVAL/DISAPPROVAL OF RES. NO. 2009-44, ESTABLISHING PARTNERSHIP WITH IID TO HELP APPLY, ADMINISTER AND ASSIST IN THE IMPLEMENTATION OF AB 811 PRACTICES.

Motion by GRAN, second by DALE to approve Resolution No. 2009-44.

MOTION CARRIED 3-0

**D-3. SUBJECT: DISCUSSION/ACTION: JOINT USE AGREEMENT – LIBRARY FACILITY AT IMPERIAL HIGH SCHOOL.
(CARTER)**

1. APPROVAL/DISAPPROVAL OF JOINT USE AGREEMENT FOR THE JOINT USE, MAINTENANCE AND OPERATION OF THE LIBRARY FACILITY AT THE IMPERIAL HIGH SCHOOL BETWEEN THE CITY OF IMPERIAL AND IMPERIAL UNIFIED SCHOOL DISTRICT.

Item pulled from the agenda.

**D-4. SUBJECT: DISCUSSION/UPDATE: RESULTS OF STRATEGIC BRANDING MEETING.
(BEST)**

It was suggested that a joint meeting with the City Council and the Planning Commission be held in order to consider the development of a slogan and logo.

D-5. SUBJECT: DISCUSSION/ACTION APPROVE THE SUBMITTAL OF A LETTER OF ENDORSEMENT FOR THE ARRA TRANSPORTATION INVESTMENT GENERATING ECONOMIC RECOVERY APPLICATION FOR THE CALEXICO EAST PASSENGER PORT OF ENTRY EXPANSION. APPLICATION DUE DATE IS JULY 22, 2009.

Motion by GRAN, second by BRELAND, to authorize the submittal of a support letter.

AYES: GRAN, AND BRELAND

NOES: DALE

ABSENT: SAMPSON AND COX

ABSTAIN: NONE

MOTION CARRIED 2-1

E-1. SUBJECT: MAYOR AND COUNCIL MEMBER REPORTS.

GRAN reported on the Board of Supervisors meeting in which they took action to not participate in the Neighborhood Stabilization Program (NSP). City Attorney will research to see if Council needs to take similar action since this was to be a joint effort.

DALE reported on the recently held Luau and felt it was a fantastic event.

E-2. SUBJECT: CITY MANAGER REPORT.

Is working with staff on animal control issues; thanked staff for the work in organizing the luau; updated council on the latest news regarding the state budget in which the borrowing of Prop 1A funds, taking of HUTA and RDA funds will amount to 4.75 billion dollars being taken from cities.

E-3. SUBJECT: POLICE CHIEF REPORT.

Commented on the negative impact that the proposed release of prisoners from the state prisons could possibly have on local communities.

E-4. SUBJECT: ADMINISTRATIVE SERVICES DIRECTOR REPORT.

Not present.

E-5. SUBJECT: COMMUNITY DEVELOPMENT DIRECTOR REPORT.

Seeking direction from council on changing the street sweeping schedule from twice a month to once a month and presented size options for the "In God We Trust" display.

E-6. SUBJECT: PLANNING MANAGER REPORT.

Not present.

E-7. SUBJECT: PARKS AND RECREATION DIRECTOR REPORT.

None.

E-8. SUBJECT: FIRE CHIEF REPORT.

The amendment to the HRET agreement will be going to the Board of Supervisors for approval on August 11, 2009.

E-9. SUBJECT: LIBRARY ADMINISTRATOR REPORT.

Updated council on the summer reading program activities.

E-10. SUBJECT: GIS ANALYST REPORT.

None.

CITY COUNCIL MEETING ADJOURNED AT 8:10 P.M. UNTIL THE NEXT REGULARLY SCHEDULED MEETING, WEDNESDAY, AUGUST 5, 2009, AT 7:00 P.M.



**AFFIDAVIT OF PUBLICATION
(2015.5 C.C.P.)**

STATE OF CALIFORNIA

County of Imperial

I am a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk* of the printer of the

IMPERIAL VALLEY PRESS

a newspaper of general circulation, printed and published daily in the City of El Centro, County of Imperial and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Imperial, State of California, under the date of October 9, 1951, Case Number 26775; that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

July 28

all in the year 2009.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

[Signature]
SIGNATURE

* Printer, Foreman of the Printer, or Principal Clerk of the Printer

Date 7-28 2009
at El Centro, California.

This space is for the County Clerk's Filing Stamp:

Proof of Publication of:

ORDINANCE NO. 758

AN ORDINANCE OF THE CITY OF IMPERIAL AMENDING THE ZONING CODE RELATED TO DEVELOPMENT STANDARDS FOR ACCESSORY STRUCTURES IN RESIDENTIAL ZONES

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

SECTION 1: Section 24.03.110 A. of Chapter 24 of the Imperial Municipal Code is hereby amended to read as follows:

PERMITTED AND CONDITIONAL USES: R ZONES

A.	Residential Uses	RR	RL	R-1	RC	RA
8.	Accessory structures, less than 12' high	P	P	P	P	P
9.	Accessory structures, 12' high or greater	P	P	C	C	C

SECTION 1: Section 24.03.140 of Chapter 24 of the Imperial Municipal Code is hereby amended to read as follows:

ACCESSORY STRUCTURES: R ZONES

- A. Accessory Building and Structures. Accessory buildings and structures, attached or detached, used either wholly or in part for living purposes, shall meet all of the requirements for location of the main structure, except as herein provided.
- Accessory structures seven feet or less in height and seventy-five (75) square feet or less in size may be located anywhere within the required rear yard.
 - Accessory buildings or structures that are attached to the main building shall be allowed to encroach into the required rear yard setback up to one-half (1/2) of the distance.
 - A detached accessory structure shall meet the setback requirements of the main building for the front and street side yard areas.
 - A detached accessory structure may be located within an interior side yard or rear yard; provided, that such structure is located no closer than five (5) feet to an interior side or rear lot line and is at least ten (10) feet from the main structure.
 - The maximum allowable height for any accessory structure is twelve feet, except that a Conditional Use Permit (subject to the procedures outlined in Section 24.19.300) may be issued in R-1, RC and RA zones, provided that the accessory structure will be located on a minimum 10,000 square foot lot. Structure height is measured vertically from the lowest point of the natural grade at the base of the structure to the highest point at top.
 - Accessory structures shall be constructed to be consistent with the architectural design of the principal structure.
 - No accessory structures, with the exception of entry features such as arbors, arches and trellises shall be allowed in the front yard.
 - Accessory structures shall be nonhabitable. No accessory structures shall be built with restrooms containing bathing facilities (showers or bathtubs).
- B. Canopies, Patios and Breezeways. Canopies, patios and breezeways that are attached to the main building or connecting the main building with a detached accessory building, may extend into a required rear or interior side yard provided that portions of such structures extending into the yard:
- Shall not exceed fifteen (15) feet in height or project closer than five (5) feet to an interior side yard or rear lot line.
 - Shall be entirely open on at least three sides for patios and canopies except for necessary supporting columns. A roof connecting main building and an accessory building shall be open on two sides.

... chimneys, balconies, stairways, wing walls or bay windows may project not more than four (4) feet into any required front or rear yard area, nor into any required side yard area more than one-half of said required side yard.

SECTION 3: Effective Date. This ordinance shall take effect and shall be in force thirty (30) days after the date of adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published at least once in a newspaper of general circulation printed and published in the County of Imperial, together with the names of the members of the City Council voting for and against the same.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this 15th day of July 2009.

Doug Cox
MAYOR OF THE CITY OF IMPERIAL

ATTEST:

Debra Jackson
CITY CLERK

STATE OF CALIFORNIA
I, Debra Jackson, City Clerk of the City of Imperial, do hereby certify that the foregoing Ordinance No. 758 had its 1st reading on July 1, 2009, and was passed by the following roll call vote:

AYES: BRELAND, DALE, GRAN, SAMPSON, AND COX
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

MOTION CARRIED 5-0

I, Debra Jackson, City Clerk of the City of Imperial, do hereby certify that the foregoing Ordinance No. 758 had its 2nd reading on July 15, 2009, and was passed by the following vote:

AYES: BRELAND, DALE, AND GRAN
NOES: NONE
ABSENT: SAMPSON, AND COX
ABSTAIN: NONE

MOTION CARRIED 3-2

DEBRA JACKSON, CITY CLERK
CITY OF IMPERIAL, CALIFORNIA
Jy28