ORDINANCE NO. 785

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA, APPROVING THE PRE-ZONING OF THE IMPERIAL REGIONAL PARK AND EQUESTRIAN CENTER PROJECT AREA IN CONFORMANCE WITH THE LAND USE POLICIES OF THE IMPERIAL GENERAL PLAN AND IN PREPARATION OF AN APPLICATION FOR AN ANNEXATION INTO THE CITY OF IMPERIAL

WHEREAS, the City Council of the City of Imperial, California considered all of the evidence, including, but not limited to, the City Planning Commission Resolution, staff report and attachments, and public testimony at a duly notified public hearing on June 17, 2015; and

WHEREAS, the City Council finds that the Pre-zoning is consistent with the goals, objectives and policies of the City of Imperial General Plan and will not conflict with the General Plan; and

WHEREAS, the City Council finds that the Pre-zoning will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and

WHEREAS, the proposed action complies with the provisions of the California Environmental Quality Act (CEQA) and a Mitigated Negative Declaration was adopted for the project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL DOES ORDAIN AS FOLLOWS:

Section 1. In view of all the evidence and based on the foregoing findings and conclusions, the City Council hereby approves the Pre-zoning of the Imperial Regional Park and Equestrian Center Project Area as shown on the attached map (Exhibit A), for the purpose of establishing applicable zoning districts in accordance with the land use policies of the Imperial General Plan, in preparation for submission of an application to the Imperial County Local Area Formation Commission seeking annexation of the project area into the City of Imperial.

Section 2. Chapter 24 of the City of Imperial Municipal Code (Zoning Code) is hereby amended as follows:

Section 24.20.100 - O-S OPEN SPACE ZONE

24.20.110 - Intent and purpose. It is the intent of this chapter to provide for the preservation, maintenance and enhancement of valuable natural, environmental and recreational resources while permitting reasonable and compatible uses of land. In order to properly manage these resources, criteria and regulations must be formulated to guide uses in the following open space capacities as defined in the open space element: productive, protective, structural, recreational and scenic preservation. The purpose and intent of this chapter shall be the advancement of the following objectives:

1. To protect and preserve land areas for the managed production of natural resources;
2. To protect, maintain and enhance air quality;
3. To assure the continued availability of open space lands for the enjoyment of outdoor recreation;

4. To preserve and enhance areas of significant scenic amenity, unique natural features, and areas of educational and scientific research;
5. To implement the conservation and open space elements of the general plan;

24.20.120 - Uses permitted. Uses permitted within the open space zone are as follows:

1. Agricultural uses as follows:
    a. Trees for fruit, nut or timber;
    b. Bushes or vines for berries and grapes;
    c. Field, vegetable, and truck or row crops;
    d. Orchards, vineyards, and bushes for fruit or nuts;
    e. Drying of crops, hay, straw and seed;
    f. Storage and wholesaling of crops grown on the property;
    g. Animal breeding, pasturing or ranching;
    h. The growing and harvesting of flowers, ornamentals and turf;
    i. The keeping of farm animals and fowl for recreation, agricultural and school projects;
    j. Agricultural stand on forty or more acres of land is permitted for the sale of agricultural, horticultural, floricultural or farming products, grown or produced on the premises.

2. Parks and Recreational facilities owned by public agencies;
3. Nurseries and greenhouses without retail sales;
4. Commercial or private stables and riding academies; boarding and care of horses, including living quarters for grooms and caretakers located within the same building;
5. Year-round roadside produce stands and Certified Farmers Market.
6. Seasonal stands (including Christmas trees and pumpkins).
7. Eating Establishments as an accessory use
8. Equestrian Facilities
9. Outdoor Recreation Facilities
10. RV Parks
11. Campsites

24.20.130 - Uses subject to a conditional use permit. The following uses may be permitted if a conditional use permit is obtained in the manner provided in the zoning ordinance and such use conforms to every term and condition of the permit. A permit for any of these uses may be granted by the planning commission if the applicant produces sufficient proof that the use will not be injurious or detrimental to the public health, safety or welfare, or to the property in the vicinity or zone in which the use will be situated; that the effects can be prevented with the imposition of conditions, and that the permit is necessary for the owner of the property to make reasonable use of the property:

1. Radio and television towers and related facilities excluding studios;
2. Hotels and Motels
3. Retail Facilities

4. Eating Establishments as a primary use
5. Residential Structures

24.20.140 - Development standards.
The following development standards shall apply to all developments within the O-S open space zone and all buildings or structures hereinafter erected shall conform to the following:

1. **Lot Area.** No minimum required
2. **Setbacks.** All buildings shall be setback a minimum of twenty feet.
3. **Building Height.** Buildings and structures located within 50′ of any public right-of-way shall not exceed 25′ in height. There are no height limits when the building or structure is located more than 50′away from any public right-of-way.
4. **Utilities.** All utilities shall be placed underground. This requirement may be waived where the utility agency will not allow the installation of their facilities underground.
5. **Signs.** Signs shall specifically relate to the use of the parcel and shall be approved by the Planning Commission.
6. **Animals and Fowl Maintenance.** The keeping of animals and fowl shall be maintained in accordance with the following:

    a. The area where animals and fowl are maintained shall not create a nuisance in relation to adjoining property and shall be kept in a healthful manner.
    b. The animals and fowl shall be contained in such a manner to restrict their movement onto the public right-of-way or adjoining property.
    c. The area where animals or fowl are maintained shall be a minimum of fifty feet from any building used for human habitation excepting domestic pets such as dogs or cats.

Section 3. Effective Date: This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937 and shall supersede any conflicting provision of any City of Imperial ordinance.

PASSED, APPROVED AND ADOPTED this 15th day of July, 2015.

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Mayor

ATTEST:

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City Clerk