

ORDINANCE 568-AC

AMENDED

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
NEEDLES AMENDING THE NEEDLES MUNICIPAL CODE (NMC)
SECTION 99.02 "BUILDING MATERIALS" AND SECTION 99.06.05 "FRONT, SIDE,
REAR YARDS" TO INCLUDE SETBACKS FOR ACCESSORY USES AND STANDARDS
FOR SHIPPING CONTAINERS AS ACCESSORY USES**

WHEREAS, the City's Zoning Code is vague in defining development standards for accessory uses; and

WHEREAS, the City desires to amend the applicable provisions of the Zoning Code to provide standards for accessory uses, including shipping containers as accessory uses within the City; and

WHEREAS, a public hearing notice for the Needles Planning Commission meeting was published in the Needles Desert Star on February 4, 2015; and

WHEREAS, on February 18, 2015, the Needles Planning Commission held a duly noticed and advertised public hearing to receive oral and written testimony relative to the amendment of the Needles Municipal Code (NMC); and

WHEREAS, a public hearing notice for the needles City Council meeting was published in the Needles Desert Star on February 4, 2015, 10 days prior to said meeting; and

WHEREAS, on February 24, 2015 the Needles City Council held a duly noticed and advertised public hearing to receive oral and written testimony relative to the amendment to the Needles Municipal Code (NMC); and

WHEREAS, the Needles City Council has sufficiently considered all testimony and any documentary evidence presented to them in order to make the following determination:

SECTION 1. The City Council HEREBY FINDS AND DETERMINES that this activity is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Section 15060(c)(2), the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment..

SECTION 2. The City Council HEREBY FINDS AND DETERMINES that facts do exist to approve an amendment to the Needles Municipal Code (NMC).

SECTION 3. The City Council HEREBY APPROVES Ordinance 568-AC for an amendment to the Needles Municipal code (NMC) as follows:

Amend Section 99.02 "Building materials. "

Section 99.02 Building materials. (a) No building, fence, or device shall have a metallic exterior surface such as, but not limited to, galvanized, corrugated or interlocking metal sheets (excluding chain link), unless the use of such metallic surface material is approved under the site plan review procedure for the purpose of enhancing the architectural quality of the building while preserving architectural harmony and compatibility with surrounding area, except as follows:

- (1) Shipping Containers
 - a. Zoning Permit (see also Section 99.06.05(b))
- (2) Fencing:
 - a. Special Use Permit
- (3) Construction Projects
 - a. Special Use Permit for residential zones (R1, R2, R3)
 - b. Conditional Use Permit for all other zones (CRR, C1, C2, C3, M1, M2, P).

(b) The following structures shall be exempt from the provisions of this section

- (1) Storage sheds not requiring building permits
- (2) Screening fences or devices, not utilizing galvanized, corrugated or interlocking metal sheets, except chain link, and which meet all applicable standards established by or pursuant to this part;

Amend Section 99.06.05(a) Front, side, rear yards. Each lot shall have front, side and rear lot setbacks not less than the amounts shown in the following tables for primary and accessory buildings:

YARDS REQUIRED-RESIDENTIAL USES
PRIMARY BUILDING

<u>Zone</u>	<u>Front Yard</u>	<u>Side Yard</u>		<u>Rear Yard</u>	
		<u>Abutting a Street</u>	<u>Not Abutting a Street</u>	<u>Abutting a Street</u>	<u>Not Abutting a Street</u>
R-1	20'	15'	5'	20'	20'
R-2	15'	15'	5'	15'	10'
R-3	15'	15'	5'	15'	10'

YARDS REQUIRED-RESIDENTIAL USES
ACCESSORY BUILDING

<u>Zone</u>	<u>Front Yard</u>	<u>Side Yard</u>		<u>Rear Yard</u>	
		<u>Abutting a Street</u>	<u>Not Abutting a Street</u>	<u>Abutting a Street</u>	<u>Not Abutting a Street</u>
R-1	20'	5'	5'	20'	5'

R-2	15'	5'	5'	15'	5'
R-3	15'	5'	5'	15'	5'

PRIMARY AND ACCESSORY BUILDING

CRR If there is an established "high water" mark delineated through a state or federal jurisdictional agency, then that "high water mark" controls for purposes of measuring the beginning point for the front yard or rear yard setback measurement. If no delineation has been made the setbacks shall be measured beginning from the top of the natural bank. R-1 uses are permitted in the CRR Zone and the R-1 setbacks apply. All other uses in the CRR Zone require a Conditional Use Permit. If the use is approved (whether residential, commercial or mixed use), the Conditional Use Permit will specify the setbacks in accordance with the use being approved. These tables shall be used as a guideline in the CRR zone when determining setbacks for commercial, high density residential uses or mixed uses, but stricter standards may be applied for reasons of health, safety, welfare, aesthetics, or compatibility.

**YARDS REQUIRED-NON-RESIDENTIAL USES
PRIMARY BUILDING**

Zone	Front Yard	Side Yard or Rear Yard		
		Abutting a Street	Abutting Property in Residential Zone	Abutting Property in Non-residential zone
C-1	0'	5'	10'	0'
C-2	0'	5'	10'	0'
C-3	0'	5'	10'	0'
M-1	0'	5'	25'	0'
M-2	0'	5'	25'	0'

**YARDS REQUIRED-NON-RESIDENTIAL USES
ACCESSORY BUILDING**

Zone	Front Yard	Side Yard or Rear Yard		
		Abutting a Street	Abutting Property in Residential Zone	Abutting Property in Non-residential zone
C-1	0'	5'	10'	0'
C-2	0'	5'	10'	0'
C-3	0'	5'	10'	0'
M-1	0'	5'	25'	0'
M-2	0'	5'	25'	0'

PRIMARY AND ACCESSORY BUILDING

CRR If there is an established "high water" mark delineated through a state or federal jurisdictional agency, then that "high water mark" controls for purposes of measuring the

beginning point for the front yard or rear yard setback measurement. If no delineation has been made the setbacks shall be measured beginning from the top of the natural bank. R-1 uses are permitted in the CRR Zone and the R-1 setbacks apply. All other uses in the CRR Zone require a Conditional Use Permit. If the use is approved (whether residential, commercial or mixed use), the Conditional Use Permit will specify the setbacks in accordance with the use being approved. These tables shall be used as a guideline in the CRR zone when determining setbacks for commercial, high density residential uses or mixed uses, but stricter standards may be applied for reasons of health, safety, welfare, aesthetics, or compatibility.

"Section 99.06.05(b) Shipping Containers"

- (1) Permitted in all zones, provided setbacks are met.
- (2) Units must be located or screened so as not to be in public view.
- (3) Units to be painted in a color that blends with the existing structures and surrounding area.
- (4) Containers may not be placed in a required parking area. Stacking of containers is not permitted.
- (5) Containers may not be placed between the primary structure and the immediately adjacent road or access easement (front of property).
- (6) Under no circumstances shall a shipping container be used for human or animal habitation.

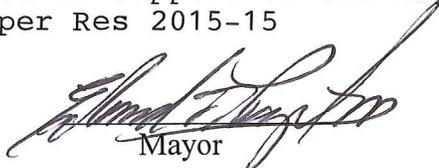
SECTION 4. This action shall become final and effective 30 days after this decision by the City Council as provided by the Needles City Code.

SECTION 5. The City Clerk shall certify to the adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Needles, California, approves an amendment to the City Code.

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the City Council of the City of Needles, California, held on the 24th day of February 2015, by the following roll call vote:

AYES:	Council Members Gudmundson, Frazier, Williams, Darcy,	
NOES	None	Richardson and Evans abstention vote
ABSENT	None	was counted in support of the majority
ABSTAIN	See above	per Res 2015-15


Mayor

Attest:

Dale Jones
City Clerk

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 10th day of March, 2015.

AYES: Councilmembers Gudmundson, Evans, Frazier, Williams,
NOES: None Darcy and Richardson
ABSENT: None
ABSTAIN: None

Edward J. Dwyer
Mayor

(Seal)

Attest:

Dale Jones
City Clerk

Approved as to form:

[Signature]
City Attorney