

CITY COUNCIL ORDINANCE 13-05

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE ESTABLISHING A MORATORIUM ON THE ISSUANCE OF PERMITS FOR BATTING CAGES ON RESIDENTIAL LOTS CITYWIDE, AND THE ALLOWANCE OF CHAIN LINK FENCING AND ACCESSORY STRUCTURES OVER 250 SQAURE FEET IN PLANNING AREA 4, LOWER PETERS CANYON, PENDING THE REVIEW OF CONTEMPLATED AMENDMENTS TO THE CITY'S ZONING ORDINANCE

WHEREAS, the City of Irvine wishes to protect and preserve the quality of life throughout the City through effective land use and planning regulations; and,

WHEREAS, the City's Zoning Ordinance establishes standards, consistent with the City's General Plan, that regulate land uses and development throughout the City to ensure compatibility of land uses and to avoid issues associated with incompatibility; and,

WHEREAS, the City has no standards in place to regulate batting cages on residential lots citywide; and,

WHEREAS, the zoning regulations specifically adopted for Planning Area 4, Lower Peters Canyon, were as a result of an Annexation and Development Agreement between the City of Irvine and the Irvine Company. As a result of this agreement, some of the zoning standards in Planning Area 4, are substantially different than zoning standards found elsewhere in the City, particularly as they relate to chain link fencing and accessory structures in residential areas; and,

WHEREAS, the City is concerned that these inconsistencies in standards could significantly and adversely affect the visual and physical character of the residential areas within Planning Area 4, Lower Peters Canyon; and,

WHEREAS, the City, pursuant to Irvine City Charter Section 407 and Government Code Section 65858, may adopt an urgency ordinance to impose a moratorium as an interim measure for the immediate preservation of the public health, safety, and welfare, to prohibit any uses or use of zoning standards that may be in conflict with a contemplated zoning proposal that the legislative body is considering or intends to study within a reasonable time.

NOW, THEREFORE, the City Council of the City of Irvine DOES HEREBY ORDAIN as follows:

SECTION 1. The adoption of the proposed Interim Urgency Ordinance to establish the moratorium is exempt from the California Environmental Quality Act (CEQA), under state CEQA Guidelines Section 15060(c)(2), in that the proposed

Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment, and is further and independently exempt from CEQA under state CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty there is no possibility the proposed Ordinance will have a significant effect on the environment.

SECTION 2. the City Council of the City of Irvine hereby directs that, during the period that this Interim Urgency Ordinance is valid, the City will not process, review or approve any applications and/or permits for: 1) batting cages citywide; 2) the use of chain link as an allowable fencing material in residential areas in Planning Area 4, Lower Peters Canyon; 3) allow Accessory Structures in excess of 250 square feet; and, 4) allow Accessory Structures in required setback areas in residential areas in Planning Area 4, Lower Peters Canyon, pending the City's review of amendments to the Zoning Ordinance which the City Council believes will rectify the detrimental public health, safety, and welfare impacts associated with these improvements.

SECTION 3. That the City Council hereby finds that the adoption of this Interim Urgency Ordinance is necessary as the City currently does not have standards to regulate batting cages on residential lots. Batting cages, by their very nature, may have an adverse affect on both the visual and physical character of a residential area, including noise and aesthetic impacts that could disrupt residential uses. Furthermore, the inconsistent provisions in the City Zoning Ordinance in Planning Area 4, Lower Peters Canyon, relative to chain link fencing and Accessory Structures in comparison to the rest of the City leaves the potential for issues of aesthetics and land uses on residential lots which the City does not want to encourage.

SECTION 4. This interim urgency ordinance shall take effect immediately upon adoption and shall be effective for forty-five (45) days thereafter unless extended pursuant to the provisions of Government Code Section 65858.

SECTION 6. The City Clerk shall certify to the passage of this Ordinance and this Ordinance shall be published as required by law and shall take effect as provided by law.

PASSED AND ADOPTED by the City Council of the City of Irvine at a regular meeting held on the 24th day of September 2013.


MAYOR OF THE CITY OF IRVINE

ATTEST:


INTERIM CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF IRVINE)

I, MARIE MACIAS, Interim City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing Ordinance was duly adopted at a regular meeting of the City Council of the City of Irvine held on the 24th day of September 2013.

AYES: 4 COUNCILMEMBERS: Agran, Krom, Shea and Choi

NOES: 0 COUNCILMEMBERS: None

ABSENT: 0 COUNCILMEMBERS: None

ABSTAIN: 1 COUNCILMEMBERS: Lalloway



INTERIM CITY CLERK OF THE CITY OF IRVINE