

## REPORT TO THE PLANNING COMMISSION



**DATE:** July 17, 2014  
Continued from July 10, 2014

**TITLE:** Zoning Ordinance Review

- Driveway Coverage
- RV Parking in Residential Areas
- Fences

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### RECOMMENDATION

Review, discuss, and possibly provide direction regarding Zoning Ordinance modifications.

### DISCUSSION

As a supplement to the PowerPoint being distributed with this packet, staff has drafted Ordinances which address the issues in the staff report, but may need modification after the Planning Commission has given direction. Many of the items that we will be discussing will take a few years before any noticeable impact. One thing to keep in mind is the balance between the cost to the citizen and overall community improvement. The following codes are a first attempt to solve these issues, but could be different depending on the direction that the Commission provides to staff. Yellow is new material and the strike-outs are being deleted or replaced. Regarding the proposals for fencing, staff has provided the current code and proposed code in its entirety since the changes were substantial.

#### Parking in Residential Areas:

##### **10.16.300 Recreational vehicle parking restricted—Exemptions.**

- A. Recreational Vehicle Parking. It is unlawful to park or store any recreational vehicle; semitrailer, trailer or boat of any kind within the City except as follows:
1. The vehicle or boat is parked or stored in an approved storage space in a mobile home park or designated for a mobile home park or recreation park; or
  2. The vehicle or boat is temporarily parked for a period of time not to exceed 48 consecutive hours and more than 72 hours shall have elapsed since the vehicle was so temporarily parked or stored **on any City street.**
- B. Exemptions. Motor trucks less than six and one-half feet in height or 20 feet in length and motor trucks used during pick up and delivery or during construction or repair work while in service are exempt from the provisions of this section. (Prior code § 72.30)

##### **10.16.310 Living in vehicle prohibited.**

- A. It is unlawful to use any vehicle or boat for living, sleeping, or housekeeping purposes in the City unless such a vehicle or boat is parked or stored in a space intended for such use in a mobile home park or recreational vehicle park. (Prior code § 72.31)

- B. It is unlawful to connect any utility including but not limited to electricity, gas, water, or sewer.

**17.48.030 General regulations.**

- I. All parking, including recreational vehicle parking in residential land use districts, shall occur on paved areas such as asphalt, cement, concrete pavers or other solid surfaces approved by the Community Development Director.

1. The paved area shall not allow any oils from the vehicle to permeate the ground surface.

- K. Parking in residential land use districts, shall occur as follows:

1. Motor vehicles including recreational vehicles are to be parked in areas constructed for vehicles (i.e., garage, carport or paved driveway) and shall not be parked or stored in other portions of the front or side street yard, particularly not on what is commonly referred to as the front lawn (yard).

2. There shall be no more than two motor vehicles in the driveway at any given time.

3. Two additional motor Vehicles including Recreational Vehicles may be stored in any area outside the required front yard or street side yard if properly screened by materials such landscaping, block wall, or other material approved by the the Community Development Director.

4. Any vehicle not capable of its own movement such as trailers, toy-boxes, boats, jet skis, and other such vehicles must be stored in the garage or screened in the street side yard, side yard, or rear yard.

4. ~~Limitation on Amount of Paved Surface. It shall be unlawful for any person to pave with asphalt, cement or any other impervious surface on portions of the front or side street yard, particularly on what is commonly referred to as the front lawn (yard), in excess of the minimum driveway requirements as specified in Section 17.48.060(E) for providing primary access to the required number of parking spaces as specified in Section 17.48.040.~~

All driveways must meet the minimum standards as specified in Section 17.48.060(E) and not cover more than 40 percent of the required front yard. Any residence on a major corridor shall be exempt from this requirement so that they be able to have a hammerhead or circular driveway to enter the street safely.

5. Parking or storing of commercial vehicles (including trailers) in residential districts for any length of time is prohibited except for pickups and deliveries. Any truck which has a length of 20 feet or less and which is used primarily as the owner's personal means of transportation and which is licensed for a gross weight of not more than 12,000 pounds shall be excluded from the aforementioned restriction.

3. ~~No motor vehicles other than those recreational vehicles expressly specified and allowed under this subsection shall be kept, stored or parked in any other portions of the rear or side yard area of any residential land use district, particularly not on what is commonly referred to as the back yard.~~

- a. ~~No more than 2 recreational vehicles (boats, trailers, campers, etc.) per dwelling unit may be parked or stored anywhere outside on any residential district or containing a residential use. Parking of any recreational vehicles shall be in conformance to parking standards set forth in this subsection.~~

- b. ~~As a condition of approval of a tentative tract map, recreational vehicle parking (as regulated by this Zoning Ordinance) shall be prohibited in the driveway of private residences. (Prior code § 159.24.030) (only cars and work vehicles)~~

#### **4.16.010 Unlawful acts—Public nuisances.**

6. **Vehicle Parking.** All motor vehicle parking shall be consistent with Chapters 10.16 and 17.48 of the Desert Hot Springs Municipal Code.

~~6. Vehicle Parking. It is unlawful and it shall be a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises or property in the City to permit on such premises or property any operable vehicle, recreational vehicle, motor home, trailer, camper, camper shell and boat to be parked or stored outside of a garage or carport on an unimproved surface.~~

~~7. Occupied Vehicles. It is unlawful and it shall be a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises or property in the City to permit on such premises or property any parked operable vehicle, recreational vehicle, motor home, trailer, camper, camper shell and boat to be occupied by any person or persons overnight.~~

## **Fencing Code Existing**

### **17.40.110 Fences, walls and hedges.**

The following standards shall apply to the installation of all fences, walls and hedges:

#### **A. Height and Type Limits.**

1. Perimeter fences, walls, and hedges located on property lines shall conform to the limitations outlined in Table 17.40.01.
2. Required perimeter fences and walls shall be constructed at the top of slope, adjacent property lines.
3. Solid masonry fencing (i.e., block rock, brick—with and without stucco covering) is permitted in any location on the lot provided the color of the masonry or stucco matches or compliments the adjacent walls or structures. Gray precision concrete block shall not be used unless all exterior surface visible from the outside has been texture coated or other comparable coating approved by the Director.

Other fence or wall materials may be approved by the Planning Commission through the design review process if it can be demonstrated that said materials will survive the extreme desert conditions and maintain an acceptable finished appearance.

4. Nonconforming Fences. Any fence which does not meet the standards of this section but which was legally established prior to the adoption of these standards may be maintained provided such fence which is destroyed or damaged to the extent of more than fifty percent of its total replacement value shall not be repaired, rebuilt, or reconstructed except in conformance with these standards.
5. Measurement of Fence Height. Fence heights shall be measured from finish grade at the base of the fence to the highest point of the fence on the interior or exterior side, whichever is higher.
6. Prohibited materials for perimeter walls and fences include chain-link and exposed wood unless specifically approved or exempted under another section of this chapter.

**TABLE 17.40.01****FENCES, WALLS, AND HEDGES HEIGHT AND TYPE LIMITS**

<b>Districts</b>	<b>Max. Permitted Height *</b>	<b>Comments</b>
<b>Residential</b>		
Front or side of street yard setback	4 feet	Solid structures or plants
	4 feet	Open work structures or plants (must permit the passage of a minimum of 90% of light)
Corner lot (street side setback)	5 feet	Solid structures **
Other yard area	6 feet	Solid structures include:
Outside of required yard area	6 feet	Solid, decorative masonry wall,
Abutting a nonresidential district	6 feet	wood framed with stucco exterior and wrought iron fence with pilasters
<b>Commercial, Industrial</b>		
Front yard or side of street yard	4 feet	Solid structures or plants
	6 feet	Open work structures or plants
Abutting residential district	8 feet	Solid, decorative masonry wall
Other yard area	6 feet	
Outdoor storage areas visible from public rights-of-way (located behind required yards)	8 feet	Commercial
	8 feet	Industrial
<b>All districts traffic safety site area</b>	30 inches	
<b>Public right-of-way</b>	6 feet	
<b>Retaining walls</b>	6 feet	

\* The limitations shall not apply in the following instances:

- Where a greater height is required by any other provision of the municipal code; or
- Where a greater height or type of fence, wall or hedge is required by a condition of approval.
- Refer to Section 17.40.100(E) regarding residential fencing and wall standards.

\*\* Solid structures to include: decorative masonry wall constructed of slumpstone, split faced or other similar materials as approved by the Planning Director.

B. Traffic Safety Site Area. On a corner lot, no fence, wall, hedge, sign or other structure, shrubbery, mounds of earth, or other visual obstruction over 30 inches in height above the nearest street curb elevation shall be erected, placed, planted, or allowed to grow within a Traffic Safety Sight Area. The foregoing provision shall not apply to public utility poles; trees trimmed (to the trunk) to a line at least 6 feet above the level of the intersection; saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave at all seasons a clear and unobstructed cross view; supporting members of appurtenances to permanent structures existing on the date this Zoning Ordinance becomes effective; and official warning signs or signals.

C. Prohibited Fence Materials/Chain Link Fencing.

1. The use of barbed wire, electrified fence or razor wire fence in conjunction with any fence, wall, roof, hedge, or by itself within any land use district, is prohibited unless required by any law or regulation of the City, the State of California, Federal Government, or agency thereof. Agricultural uses may use electrical fences if approved by the Director.

2. Chain link fencing in residential districts within the City shall only be permitted on lots that are an acre or more. Chain link fencing is permitted in the I-L, I-M and I-E districts, excepting industrial lands fronting on a major public street which shall use decorative block or other appropriate design approved by the Director. The fence in such districts may only be located on side and rear property lines behind the front yard setback, and further provided the fence would not be readily visible from a public right-of-way. However, such fence with neutral screening may be readily visible from a public right-of-way. Landscaped planting of sufficient density and height may be used to screen the fence from public view.

Notwithstanding any provision to the contrary, chain link fencing may be used with tennis courts, private and commercial, temporarily at construction-sites, as approved by the Director, and where it is required by any law or regulation of the City, the State of California, Federal Government, or agency thereof. Any chain link fencing authorized within the City shall have a top rail, bottom wire and caps on the poles, and shall be properly maintained, free from holes, tears, or bent or otherwise disfigured surfaces or materials caused by damage to the fence. Any violation of this subsection shall constitute a public nuisance and an infraction, subject to the remedies set forth in Title 4 of the City's municipal code.

3. The above limitations shall not apply where the prohibited fence material is required as a condition of approval.

D. Wall Design Standards. Perimeter walls may be required to have articulated planes by providing at a minimum for every 100 feet of continuous wall an 18-inch deep by 8-foot long landscaped recession. Walls shall be constructed with pilasters provided at every change in direction, every 5 feet difference in elevation and at a minimum of every 25 feet of continuous wall.

E. Residential Fencing/Wall Requirement. Fencing or walls are required between individual residential units, and residential developments if adjacent to parks, open spaces, and/or major rights-of-way. All fencing and walls are to be provided by each developer at the time of construction. (Prior code § 159.20.030(8))

## Fencing Code Proposed

### 17.40.110 Fences, walls and hedges.

- A. For purposes of this code a “Wall” or “Fence” are interchangeable and will mean any structure or device not including landscape features, forming a physical barrier. This shall include concrete, concrete block, wood, metal, wire, or other materials that are so assembled as to form a physical barrier.
- B. The following standards shall apply to the installation of all fences, walls and hedges within the City of Desert Hot Springs:

#### 1. Required Locations

- a. All walls in the front yard shall be masonry block or wrought iron fences.
- b. Solid masonry walls are required on all side and rear yard residential property lines with the exception of street side yards and easements that prohibit such barriers. In the case of easements the location of the required wall shall be evaluated by the Community Development Director or their designee.
- c. Walls are required between adjacent residential developments. Residential developments adjacent to parks, open spaces, and/or major rights-of-way shall install masonry walls provided by each developer at the time of construction of the first phase of the development.
- d. Required perimeter walls shall be constructed at the top of slope, adjacent property lines.
- e. Required Screening Walls shall be of sufficient height in for air conditioning compressor, swimming pool or therapy pool equipment, or any exposed equipment and/or tanks to effectively screen such equipment from view off-site.

#### 2. Required Materials

- a. Front yard walls shall be masonry block or wrought iron fences
- b. Solid masonry walls shall be decorative and constructed of slump stone, split face, brick, stucco, or other similar materials as approved by the Community Development Director or their designee.
- c. The color of solid masonry or stucco walls shall match or compliment the adjacent walls and/or structures.
- d. All block walls shall include a “cap” to overhang the wall face as well as a “cap” on top of pilasters or pillars to add variety.

- e. Gray precision concrete block shall not be used unless all exterior surface visible from the outside has been texture coated or other comparable coating approved by the Community Development Director or their designee.
- f. Corrugated Metal Fences may be used on all side, rear, and front property lines subject to the approval of the Community Development Director.
- g. Any other wall materials not mentioned may be approved by the Administrative Development Permit Process if it can be demonstrated that said materials will survive the extreme desert conditions and maintain an acceptable finished appearance.
- h. Prohibited materials for perimeter walls and fences include all types of wire fences including barbed wire, serpentine wire, plastic, vinyl, and razor wire. In addition, electrified, chain-link, vinyl, used materials, and wood fences are prohibited unless specifically approved or exempted under another section of the DHSMC or required by any law or regulation of the City, the State of California, Federal Government, or agency thereof.



3. Height of Walls. The Height of walls shall be regulated by the Table 17.40.01:

**TABLE 17.40.01**  
**FENCES, WALLS, AND HEDGES HEIGHT AND TYPE LIMITS**

<b>Districts</b>	<b>Max. Permitted Height *</b>	<b>Comments</b>
<b>Residential</b>		
Required Front .	4 feet maximum height including any combination solid wall and wrought iron with pilasters every 10 feet	Solid masonry wall and/or wrought iron fence combination with 2 feet of each type of material
Corner lot (street side setback)	5 feet	Solid Masonry Wall
All areas outside the required front yard and not visible from the public right-of-way	6 feet	Solid masonry wall
Abutting a nonresidential district	6 feet	Solid perimeter wall or wrought iron fence
<b>Commercial, Industrial</b>		
Front yard or side of street yard	4 feet	Solid structures or plants
Abutting residential district	6 feet	Open work structures or plants
Other yard area	8 feet	Solid perimeter wall
Outdoor storage areas visible from public rights-of-way (located behind required yards)	6 feet	Commercial
	8 feet	Industrial
<b>All districts traffic safety site area</b>	30 inches	
<b>Public right-of-way</b>	6 feet	
<b>Retaining walls</b>	6 feet	

4. Measurement of Fence Height shall be based on the following:
- Fence heights shall be measured from finish grade at the base of the fence to the highest point of the fence on the interior or exterior side, whichever is higher.
  - Up to 30 percent of the length of a fence may exceed the height limits specified in this chapter up to 6 inches.
  - Measurement of all fencing height shall be made from the ground or from the top of a retaining wall, if fence is placed on such a wall.

5. Exemptions. The limitations shall not apply in the following instances:
  - a. Where a greater height is required by any other provision of the municipal code;
  - b. Where a greater height or type of fence, wall or hedge is required by a condition of approval from the Planning Commission and/or City Council;
  - c. Chain link fencing may be approved by the Community Development Director for construction sites as required by the South Coast Air Quality Management District or for tennis courts (16 foot) which have no visibility from the street. Any chain link fencing authorized within the City shall have a top rail, bottom wire and caps on the poles, and shall be properly maintained, free from holes, tears, or bent or otherwise disfigured surfaces or materials caused by damage to the fence. Any violation of this subsection shall constitute a public nuisance and an infraction, subject to the remedies set forth in Title 4 of the City's municipal code.
6. Traffic Safety Site Area. on a corner lot, no fence, wall, hedge, sign or other structure, shrubbery, mounds of earth, or other visual obstruction over 30 inches in height above the nearest street curb elevation shall be erected, placed, planted, or allowed to grow within a Traffic Safety Sight Area. The foregoing provision shall not apply to public utility poles; trees trimmed (to the trunk) to a line at least 6 feet above the level of the intersection; saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave at all seasons a clear and unobstructed cross view; supporting members of appurtenances to permanent structures existing on the date this Zoning Ordinance becomes effective; and official warning signs or signals.
7. Nonconforming Fences. Any fence which does not meet the standards of this section but which was legally established prior to the adoption of these standards may be maintained provided such fence which is destroyed or damaged to the extent of more than twenty-five percent of its total linear length of that segment shall not be repaired, rebuilt, or reconstructed except in conformance with these standards.