

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS 1) AMENDING TABLE 17.12.01 "PERMITTED, DEVELOPMENT PERMITTED, AND CONDITIONALLY PERMITTED USES" AS FOUND IN SECTION 17.12.020 "DEVELOPMENT PERMITTED AND CONDITIONALLY PERMITTED USES," 2) AMENDING SECTION 17.04.050 "DEFINITIONS," AND 3) ADDING CHAPTER 17.12.390 "CAR WASH ESTABLISHMENTS" TO TITLE 17 "ZONING" OF THE DESERT HOT SPRINGS MUNICIPAL CODE TO ADD CAR WASH ESTABLISHMENT AS A CONDITIONALLY PERMISSIBLE USE IN COMMERCIAL-GENERAL DISTRICTS

WHEREAS, the City of Desert Hot Springs ("City") has a responsibility to plan and regulate the use of property within the City; and

WHEREAS, currently Section 17.12.020 Desert Hot Springs Municipal Code ("DHSMC") does not specifically allow car wash establishments within the Commercial-General ("C-G") Districts; and

WHEREAS, the City Council desires to 1) amend Table 17.12.01 "Permitted, Development Permitted, and Conditionally Permitted Uses" as found in Section 17.12.020 "Development Permitted and Conditionally Permitted Uses," 2) amend Section 17.04.050 "Definitions," add Chapter 17.12.390 "Car wash establishments" to the DHSMC to allow car wash establishments within the C-G Districts, subject to reasonable regulations and obtaining a Conditional Use Permit, while at the same time ensuring that such uses do not conflict with the General Plan, are not inconsistent with surrounding uses, and not detrimental to the public health, safety and welfare; and

WHEREAS, the City Council finds that the adoption of this ordinance is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and

WHEREAS, the City Council finds this ordinance is not detrimental to the public interest, health, safety, convenience, or welfare of the City and is for the convenience and general welfare of the City; and

WHEREAS, this amendment is compatible with the general objectives of the General Plan and any applicable specific plan, in that the subject uses would be conditionally permitted in commercial districts, similar to other permitted and conditionally permitted uses, and in that the use will be subject to strict review and conditions; and

WHEREAS, on April 11, 2017, the City's Planning Commission held a public hearing, considered this Ordinance, and made a recommendation to the City Council; and

WHEREAS, on __, 2017, the City Council concluded the public hearings and considered this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS DOES ORDAIN AS FOLLOWS:

Section 1. RECITALS.

The Recitals are true and correct and are hereby incorporated by this reference.

Section 2. EVIDENCE

That the City Council has considered all of the evidence submitted into the administrative record, which includes, but is not limited to, the following:

- (a) The City's General Plan, including updates;
- (b) The Planning Commission's recommendation; and
- (c) Public comments, both written and oral, received and/or submitted at, or prior to the City Council's consideration of this ordinance.

Section 3. AMENDING SECTION 17.04.050 "DEFINITIONS" OF TITLE 17 "ZONING" OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Section 17.04.050 of the DHSMC is hereby amended to add the definition of "Car wash establishment" as follows:

...

"Car wash establishment" means any permanent, self-service, and/or attended car washing or car detailing establishment, including conveyor or mechanized facilities."

...

Section 4. AMENDING TABLE 17.12.01 "PERMITTED, DEVELOPMENT PERMITTED, AND CONDITIONALLY PERMITTED USES" AS FOUND IN SECTION 17.12.020 "DEVELOPMENT PERMITTED AND CONDITIONALLY PERMITTED USES" OF TITLE 17 "ZONING" OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Table 17.12.020, in relevant part, shall be amended to read as follows:

Services	C-N	C-C	C-G	I-L	I-M	I-E	VS	VSV	VSC
Automatic teller machine (ATM), not at a bank	P	P	P	X	X	X	P	P	P
Banks and financial establishments/services	P	P	P	X	X	X	X	X	X

Bed and breakfast establishments	X	X	C	X	X	X	C	C	C
Body piercing establishments	C	C	C	X	X	X	X	X	X
Business support/secretarial services	P	P	P	C	X	X	X	X	X
<u>Car wash establishment</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Cemeteries, columbariums and mortuaries	C	C	C	D	D	X	X	X	X
Construction storage (indoor and/or outdoor)	X	X	X	D	D	C	X	X	X
Drive-in and drive-through services	X	X	X	D	D	X	X	X	X
Extreme body modification establishments	X	X	X	X	X	X	X	X	X
Hotels/motels, with or without spas	X	D	D	X	X	X	C**	C**	C**
Medical services, clinics and labs	C	C	C	C	X	X	X	X	X
Motor vehicle fueling/service stations	D	D	D	D	X	X	X	X	X
Offices, permanent	P	P	P	D	X	X	X	X	X
Offices, temporary	T	T	T	T	T	T	T	T	T
Personal services	D	D	D	X	X	X	C	C	X
Pet grooming (no boarding)	P	P	P	P	X	X	X	X	X
Public and quasi-public uses	D	D	D	D	D	D	C	C	C
Public utility and safety facilities	D	D	D	D	D	D	D	D	D
Repair and maintenance of consumer products	X	X	D	D	X	X	X	X	X
Repair and maintenance of motor vehicles	X	C	C	C	D	X	X	X	X
Research and development facilities	X	C	C	D	D	X	X	X	X
Storage, accessory, including self-storage	X	X	X	D	D	C	X	X	X
Tattoo establishments	C	C	C	X	X	X	X	X	X
Veterinary clinics, animal hospitals	C	C	C	C	X	X	X	X	X

**Section 5. ADDING CHAPTER 17.12.390 “CAR WASH ESTABLISHMENTS” TO
TITLE 17 “ZONING”**

Chapter 17.12.390 “Car wash establishments” is hereby added to Title 17 “Zoning” of the DHSMC as follows:

12.390 Car wash establishments.

- A. Conditional Use Permit Required. Car wash establishments shall be conditionally permitted in Commercial-General (C-G) District, pursuant to Chapter 17.76 of this Code and all of the requirements of this Section.**
- B. Prohibited Vehicles. Car wash establishments washing vehicles over 22 feet and 5200 pounds shall be prohibited.**
- C. Parking. Car Wash Establishments shall comply at a minimum with the parking requirements and restrictions for off-street parking as set forth in Section 17.48.040 “Number of Parking Spaces Required.”**
- D. Queueing lanes. Queueing lanes shall be provided to accommodate a minimum of 5 vehicles per lane. No vehicle that will be or has been serviced may be parked on public streets, sidewalks, parkways, driveways, or alleys.**
- E. Lighting. All lighting shall comply with the provisions of Section 17.12.370 “Lighting.”**
- F. Waste, Storage and Disposal. Waste, storage, and disposal of all products shall meet all applicable state and local health regulations.**
- G. Air Quality. All ventilating equipment shall be done using best practices in the industry. Required exhaust systems shall be equipped with appropriate and reasonably available control technology to minimize or eliminate noxious smoke or pollutants which would otherwise be emitted.**
- H. Water Usage. Car wash establishments must use recirculating water systems to wash the vehicles. Car wash establishments shall not install non-recirculating water systems to wash the vehicles.**

Section 6. ENVIRONMENTAL FINDINGS

The City Council finds that the adoption of this ordinance is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Section 7. GENERAL PLAN CONSISTENCY FINDINGS

The City Council finds this amendment is compatible with the general objectives of the General Plan and any applicable specific plan, in that the subject uses would be

conditionally permitted in Commercial General districts, similar to other permitted and conditionally permitted uses, and in that the use will be subject to strict review and conditions.

Section 8. GENERAL FINDINGS

The City Council finds this ordinance is not detrimental to the public interest, health, safety, convenience, or welfare of the City.

Section 9. SEVERABILITY

That the City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 10. AMENDING OF BAIL SCHEDULE

That the City Attorney's Office is hereby directed to determine whether this ordinance necessitates amendment of the City's Bail Schedule and to cause such necessary amendments to be made and filed with the local branches of the Superior Court of the County of Riverside.

Section 11. EXECUTION AND CERTIFICATION

That the City Clerk is directed to do all things necessary to cause the execution of this ordinance immediately upon its adoption and shall thereafter certify to the passage of this ordinance and cause the same to be published according to law.

Section 12. EFFECTIVE DATE

That this ordinance shall take effect thirty (30) days after its second reading by the City Council.

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on _____, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Scott Mattas, Mayor

ATTEST:

Jerryl Soriano, City Clerk

APPROVED AS TO FORM:

**Jennifer A. Mizrahi,
City Attorney**

DRAFT