

**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," AND 2) AMENDING SECTION 17.04.050 "DEFINITIONS" OF TITLE 17 "ZONING" OF THE DESERT HOT SPRINGS MUNICIPAL CODE TO ADD CAR WASH ESTABLISHMENT AS AN ALLOWED 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," and 2) amend Section 17.04.050 "Definitions," of the DHSMC to allow car wash establishments as an allowed use within the C-G Districts, subject to a development permit and design review application, 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 will help lessen the significant impact on the environment; 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 allowed in commercial districts, similar to other permitted and conditionally permitted uses; 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 April 18, 2107, the City Council held a public hearing on 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
<b><u>Car wash establishment</u></b>	<b><u>X</u></b>	<b><u>X</u></b>	<b><u>D***</u></b>	<b><u>X</u></b>	<b><u>X</u></b>	<b><u>X</u></b>	<b><u>X</u></b>	<b><u>X</u></b>	<b><u>X</u></b>
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

**\*\*\* Review authority shall be done by the Director.**

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## **Section 5. 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 6.      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 allowed in Commercial General districts, similar to other permitted and conditionally permitted uses.

**Section 7.      GENERAL FINDINGS**

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

**Section 8.      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 9.      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 10.    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 11.    EFFECTIVE DATE**

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

**PASSED AND ADOPTED** by the City Council of the City of Desert Hot Springs at a regular meeting held on the 2nd day of May, 2017, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ATTEST:**

**APPROVED:**

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Jerryl Soriano, CMC, City Clerk

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Scott Matas, Mayor

**APPROVED AS TO FORM:**

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Jennifer A. Mizrahi, City Attorney