

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, AMENDING SECTION 4.16.010(a)(6) (“VEHICLE PARKING”) OF SECTION 4.16.010 (“UNLAWFUL ACTS — PUBLIC NUISANCES”); AND AMENDING SECTION 17.48.030 “GENERAL REGULATIONS” OF CHAPTER 17.48 “OFFSTREET PARKING STANDARDS” OF TITLE 17 “ZONING” OF THE DESERT HOT SPRINGS MUNICIPAL CODE TO REVISE RESTRICTIONS ON PARKING ON UNPAVED SURFACES

WHEREAS, the City of Desert Hot Springs (“City”) is a charter city and a political subdivision of the State of California; and

WHEREAS, Section 4.16.010 of the Desert Hot Springs Municipal Code (“DHSMC”) regulates public nuisances, including unlawful vehicle parking on unimproved surfaces; and

WHEREAS, Section 17.48.030 of the DHSMC also regulates unlawful vehicle parking on unimproved or unpaved surfaces in residential districts; and

WHEREAS, Section 15.84.080 of the DHSMC allows businesses, under certain circumstances, to maintain unpaved parking lots or temporary unpaved parking lots; and

WHEREAS, there is a need to ensure consistent regulations regarding unlawful vehicle parking in residential districts; 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 adoption of this Ordinance in question may have a significant effect on the environment; and

WHEREAS, the City desires to amend DHSMC Section 4.16.010(a)(6) and Section 17.48.030 to promote clarity in interpreting and enforcing the DHSMC, and to eliminate the possibility of conflicting regulations from the DHSMC.

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

Section 1. RECITALS

That the above recitals are true and correct and are incorporated as though fully set forth herein.

Section 2. AMENDMENT OF SECTION 4.16.010 (a)(6) (“VEHICLE PARKING”) OF SECTION 4.16.010 “UNLAWFUL ACTS — PUBLIC NUISANCES” OF CHAPTER 4.16 “PUBLIC NUISANCES” OF TITLE 4 “CODE ENFORCEMENT” TO THE MUNICIPAL CODE

Section 4.16.010(a)(6) (“Vehicle Parking” of Section 4.16.010 (“Unlawful Acts—Public Nuisances”) of Chapter 4.16 (“Public Nuisances”) of Title 4 (“Code Enforcement”) of the Desert Hot Springs Municipal Code is hereby amended to read as follows:

4.16.010 Unlawful acts—Public nuisances.

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 ***residential*** premises or ***residential*** 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 unpaved*** surface. ***“Paved” means covered by concrete, asphalt, brick, pavers, or a similar impervious material.***

Section 3. AMENDMENT TO SECTION 17.48.030 “GENERAL REGULATIONS” OF CHAPTER 17.48 “OFFSTREET PARKING STANDARDS” OF TITLE 17 “ZONING”

Section 17.48.030 (“General Regulations”) of Chapter 17.48 (“Offstreet Parking Standards”) of Title 17 (“Zoning”) of the Desert Hot Springs Municipal Code is hereby amended to read as follows:

17.48.030 General regulations.

A. No structure or use shall be permitted or constructed unless off-street parking spaces are provided in accordance with the provisions of this chapter.

B. The word “use” shall mean both the type and intensity of the use, and that a change in use shall be subject to all of the requirements of this chapter.

C. When a structure is enlarged or increased in excess of 25% of the floor area, or when a change in use creates an increase in the required amount of parking, additional parking spaces shall be provided in accordance with the provisions of this chapter. A parking study may be prepared examining the proposed use in light of available public off-street parking facilities which may result in a City-approved parking reduction program. If a study is not prepared, the required parking shall be provided.

D. Within the Palm Drive Commercial District, parking required by this chapter may be provided on-site or off-site within an established parking district lot or structure. Required parking within this area may be reduced by up to 20% by the review authority provided that off-site parking districts have been established and developed.

E. Requirements for uses not specifically listed herein shall be determined by the Director based upon the requirements for comparable uses and upon the particular characteristics of the use, pursuant to Section 17.04.070(C) (Similar Uses Permitted).

F. In any residential land use district, a garage with a garage door shall be provided, and permanently maintained. Exceptions to the garage requirement shall be for apartments and affordable housing as determined by the Director.

G. Fractional space requirements shall be rounded up to the next whole space.

H. Required guest parking in residential land use districts shall be designated as such and restricted to the use of guests.

I. All parking, including recreational vehicle parking in residential land use districts, shall occur on paved areas. **“Paved” means covered by concrete, asphalt, brick, pavers, or a similar impervious material.**

J. Senior citizen apartments/congregate care parking requirements may be adjusted on an individual project basis, subject to a parking study based on project location and proximity to services for senior citizens including, but not limited to, medical offices, shopping areas, bus stops, etc.

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

1. Motor 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).

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. **“Paved” means covered by concrete, asphalt, brick, pavers, or a similar impervious material.**

2. 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.

Section 4. SEVERABILITY

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 5. REPEAL OF CONFLICTING PROVISIONS

That all the provisions of the Municipal Code as heretofore adopted by the City of Desert Hot Springs that are in conflict with the provisions of this Ordinance are hereby repealed.

Section 6. 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 7. EFFECTIVE DATE

That this Ordinance shall take effect thirty (30) days after its adoption.

Section 8. CERTIFICATION

That the City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published according to law.

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting held on the 16th day of October, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Jerryl Soriano, City Clerk

APPROVED:

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer A. Mizrahi, City Attorney