

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT  
HOT SPRINGS AMENDING SECTIONS 17.12.080 (CONVENIENCE  
STORES - COMMERCIAL DISTRICTS) AND 17.16.060 (CONVENIENCE  
STORES- INDUSTRIAL DISTRICTS) OF THE DESERT HOT SPRINGS  
MUNICIPAL CODE REGARDING CONVENIENCE STORES**

**WHEREAS**, the City of Desert Hot Springs ("City") is a charter city organized pursuant to Article XI of the California Constitution; and

**WHEREAS**, under California Constitution Article XI, Section 7, the City's police power allows it to regulate zoning in accordance with the health, safety, and welfare of the general public; and

**WHEREAS**, currently, the City regulates convenience stores in Commercial Districts in Section 17.12.080 of the Desert Hot Springs Municipal Code ("DHSMC"); and

**WHEREAS**, currently, the City regulates convenience stores in Industrial Districts in Section 17.16.060 of the DHSMC, and collectively "Subject Sections"; and

**WHEREAS**, several of the development standards and regulations within these Subject Sections are outdated; and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.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Desert Hot Springs as follows:

**Section 1.                      RECITALS**

That the foregoing recitals are true and correct and are herein adopted by this reference.

**Section 2.                      AMENDMENT OF SECTIONS 17.12.080 (CONVENIENCE  
STORES - COMMERCIAL DISTRICTS)**

Section 17.12.080 "Convenience Stores" in Commercial Districts shall be amended to read as follows:

### **17.12.080 Convenience stores.**

The retail sale of groceries, staples, sundry items and/or alcoholic beverages where the gross floor area is less than 5,000 square feet is subject to Development Permit review, and shall be constructed and operated in the following manner:

- A. The minimum site area shall be 10,000 square feet.
- B. The site shall have direct frontage along a major or secondary street. The site shall not have primary access on a local residential street.
- C. One access drive may be permitted for each street frontage. The design and location of the access drive(s) shall be subject to the approval of the City Engineer and the Commission. Access drives may not be permitted on limited access roadways (including Mission Lakes Boulevard, Pierson Boulevard, Two Bunch Palm Trail, Indian Avenue, Little Morongo and Palm Drive).
- ~~D. No convenience store shall be located less than 1,000 feet from an existing or previously approved convenience store, or an existing elementary, junior high school, or high school, as measured from one property line to another.~~
- E. All on-site lighting shall be energy efficient, stationary and directed away from adjoining properties and public rights-of-way.
- F. All on-site signage shall comply with the provisions of Chapter 17.44 (Sign Standards).
- G. All landscaping shall be installed and permanently maintained pursuant to the provisions of Chapter 17.56 (Landscaping Standards).
- H. All on-site parking shall comply with the provisions of Chapter 17.48 (Off-Street Parking Standards). A parking plan shall be ~~developed as~~ part of the permit review process.
- I. The premises shall be kept in a neat and orderly condition at all times.
- J. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted ~~Public Works Department~~ **City** standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least 3 sides by a solid wall 6 feet in height and on the fourth side by a solid gate not less than 5 feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures. Recycling facilities and programs shall be incorporated into refuse storage/disposal areas for all new development projects and all new construction in existing projects.
- K. If on-site dispensing of automotive fuels is provided, the design, location and operation of these facilities shall be consistent with the provisions of Section 17.12.170 (Service stations standards). Additionally, the cashier location shall be provided with direct visual access to the pump islands and the vehicles parked adjacent to the islands.

- L. A bicycle rack shall be installed in a convenient location visible from the inside of the store.
- M. Each convenience store shall provide a public restroom located within the store.
- ~~N. Public pay telephones provided on-site shall not be set up for incoming calls. Public telephones shall be featured with call out service only.~~
- O. On-site video games may not be installed or operated on the premises.
- P. A convenience store adjacent to any residentially designated district shall have a 6-foot-high decorative masonry wall along property lines adjacent to such districts.
- Q. All parking, loading, circulation aisles, and pump island bay areas shall be constructed with (PCC) concrete.

### **Section 3.**

### **AMENDMENT OF SECTIONS 17.16.060 (CONVENIENCE STORES - INDUSTRIAL DISTRICTS)**

Section 17.16.060 "Convenience Stores" in Industrial Districts shall be amended to read as follows:

#### **17.16.060 Convenience stores.**

The retail sale of groceries, staples, sundry items and/or alcoholic beverages where the gross floor area is less than 5,000 square feet is subject to Development Permit review in the I-L Zoning District, and shall be constructed and operated in the following manner:

- A. The minimum site area shall be 10,000 square feet.
- B. The site shall have direct frontage along a major or secondary street. The site shall not have primary access on a local residential street.
- C. One access drive may be permitted for each street frontage. The design and location of the access drive(s) shall be subject to the approval of the City Engineer and the Commission. Access drives may not be permitted on limited access roadways (including Mission Lakes Boulevard, Pierson Boulevard, Two Bunch Palm Trail, Indian Avenue, Little Morongo and Palm Drive).
- ~~D. No convenience store shall be located less than 1,000 feet from an existing or previously approved convenience store, or an existing elementary, junior high school, or high school, as measured from 1 property line to another.~~
- E. All on-site lighting shall be energy efficient, stationary and directed away from adjoining properties and public rights-of-way.
- F. All on-site signage shall comply with the provisions of Chapter 17.44 (Sign Standards).
- G. All landscaping shall be installed and permanently maintained pursuant to the provisions of Chapter 17.56 (Landscaping Standards).

H. All on-site parking shall comply with the provisions of Chapter 17.48 (Off-Street Parking Standards). A parking plan shall be developed as part of the permit review process.

I. The premises shall be kept in a neat and orderly condition at all times.

J. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted ~~Public Works Department~~ **City** standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least 3 sides by a solid wall 6 feet in height and on the fourth side by solid gate not less than 5 feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures. Recycling facilities and programs shall be incorporated into refuse storage/disposal areas for all new development project and all new construction in existing projects.

K. If on-site dispensing of automotive fuels is provided, the design, location and operation of these facilities shall be consistent with the provisions of Section 17.12.170 (Service stations standards). Additionally, the cashier location shall be provided with direct visual access to the pump islands and the vehicles parked adjacent to the islands.

L. A bicycle rack shall be installed in a convenient location visible from the inside of the store.

M. Each convenience store shall provide a public restroom located within the store.

~~N. Public pay telephones provided on-site shall not be set up for incoming calls. Public telephones shall be featured with call out service only.~~

O. On-site video games may not be installed or operated on the premises.

P. A convenience store adjacent to any residentially designated district shall have a 6-foot-high decorative masonry wall along property lines adjacent to such districts.

Q. All parking, loading, circulation aisles, and pump island bay areas shall be constructed with (PCC) concrete.

#### **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, including Title 6 of the County Code, as adopted by the City, 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 be effective thirty days after the second reading of the ordinance.

**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.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

**PASSED AND ADOPTED** by the City Council of the City of Desert Hot Springs at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2020 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

\_\_\_\_\_  
Scott Matas, Mayor

**ATTEST:**

\_\_\_\_\_  
Jerryl Soriano, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jennifer A. Mizrahi, City Attorney