

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS
AMENDING SECTION 17.12.030 "LAND USE DISTRICT DEVELOPMENT
STANDARDS" OF THE DESERT HOT SPRINGS MUNICIPAL CODE TO REFLECT
DEVELOPMENT STANDARDS FOR ITS NEW ZONING DESIGNATIONS PURSUANT
TO THE NEW GENERAL PLAN UPDATE.**

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

WHEREAS, after a duly noticed public hearing, on May 26, 2020, the City adopted and approved a General Plan Update and an amendment to the General Plan Land Use Map to update the General Plan and re-designate several properties in the City, GPA 20-1 (the "General Plan Amendment"); and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), Pubic Resources Code Sections 21000, *et seq.*, and its implementing regulations, California Code of Regulations Section 15000, *et seq.*, ("CEQA Guidelines"), the City, acting as Lead Agency, reviewed and certified a draft Environmental Impact Report (State Clearinghouse number 2019080101) prepared for the proposed General Plan Amendment and determined that, following the implementation of certain mitigated measures; and

WHEREAS, the City adopted and approved, pursuant to the CEQA Guidelines Section 15093, the Statement of Overriding Considerations; and

WHEREAS, the General Plan Amendment included changes to certain commercial land use district designations which now must be incorporated into the Zoning Code to ensure compliance with the General Plan Amendment; and

WHEREAS, therefore, CEQA analysis has already been performed for this Ordinance; and

WHEREAS, pursuant to Section 15162(a) of the CEQA Guidelines, once an EIR has been certified, no subsequent environmental review needs to be completed unless there are substantial changes in the project that warrant additional review; and

WHEREAS, for this Ordinance, there are no substantial changes in the environmental impacts; and

WHEREAS, on June 9, 2020, after a duly noticed public hearing, the Planning Commission recommended to the City Council to adopt this Ordinance; and

WHEREAS, this proposed Ordinance is best for the public health, safety and welfare to ensure compliance with the General Plan Amendment.

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 SECTION 17.12.030 "LAND USE DISTRICT DEVELOPMENT STANDARDS" OF CHAPTER 17.08 "COMMERCIAL DISTRICTS" OF TITLE 17 "ZONING" OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Section 17.12.030 ("Land Use District Development Standards") of Chapter 17.12 ("Commercial Districts") of Title 17 ("Zoning") is hereby amended to read in its entirety as follows:

17.12.030 Land use district development standards.

A. General Standards. The following standards are minimum unless stated as maximum. The following standards shall apply to development in all commercial districts, except as otherwise provided for in this Zoning Ordinance:

1. All indoor uses shall be conducted within a completely enclosed structure. Limited outside uses (e.g. patio dining areas and nursery sales limited to plants and trees) shall be approved with a Development Permit **approved by the Planning Commission.**
2. There shall be no visible storage of motor vehicles (except display area for sale or rent of motor vehicles), trailers, airplanes, boats, recreational vehicles, or their composite parts; loose rubbish, garbage, junk, or their receptacles; tents; equipment; or building materials in any portion of a lot. No storage shall occur on any vacant parcel. Building materials for use on the same premises may be stored on the parcel during the time that a valid building permit is in effect for construction.
3. Every parcel with a structure shall have a trash **and recycling** receptacle on the premises. The trash **and recycling** receptacle shall comply with adopted ~~Public Works Department~~ standards and be of sufficient size to accommodate the trash **and recycling** 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.

4. All roof-mounted air conditioning or heating equipment, vents or ducts shall not be visible from any abutting lot, or any public street or right-of-way. This shall be accomplished through the extension of the main structure or roof or screened in a manner which is architecturally integrated with the main structure(s).

5. Elevations of all structures shall be architecturally treated to ensure compatibility with or enhancing of neighboring structures.

6. An intensity bonus of up to 12 square feet for each 1 square foot of permanent space for properly designed and administered day care facilities may be approved by the review authority.

B. Site Development Standards.

1. C-N (Neighborhood Commercial) District.

Gross lot area	8 to 10 acres (min. to max.)
Individual lot area	7,200 sq. ft. (min.)
Maximum building coverage	35%
<u>Maximum floor-area ratio</u>	<u>0.30</u>
Distance between buildings	20 feet
Maximum building height	35 feet
Front setbacks	25
Rear setback	Zero (except 10 feet adjacent to a street and 20 feet adjacent to residential)
Side setbacks	Zero (except 10 feet adjacent to a street and 20 feet adjacent to residential)

~~2. C-C (Community Commercial) District.~~

Gross lot area	- 10 to 20 acres (min. to max.)
Individual lot area	- 10,000 sq. ft. (min.)
Maximum building coverage	- 35%
Distance between buildings	- 20 feet
Maximum building height	- 35 feet
Front setbacks	- 25
Rear setback	- Zero (except 10 feet adjacent to a street and 20 feet adjacent to residential)
Side setbacks	- Zero (except 10 feet adjacent to a street and 20 feet adjacent to residential)

~~3.~~ 2. C-G (General Commercial) District.

Gross lot area	2.5 to 5 acres (min. to max.)
----------------	-------------------------------

Individual lot area	5,000 sq. ft. (min.)
Maximum building coverage	- 35%
<u>Maximum floor-area ratio</u>	<u>0.30</u>
Distance between buildings	20 feet
Maximum building height	35 feet
Front setbacks	10 feet
Rear setback	Zero (except 10 feet adjacent to a street and 20 feet adjacent to residential)
Side setbacks	Zero (except 10 feet adjacent to a street and 20 feet adjacent to residential)

3. C-D (Downtown Commercial) District.

<u>Gross lot area</u>	<u>2.5 to 5 acres (min. to max.)</u>
<u>Individual lot area</u>	<u>5,000 sq. ft. (min.)</u>
<u>Maximum floor-area ratio</u>	<u>0.30</u>
<u>Distance between buildings</u>	<u>20 feet</u>
<u>Maximum building height</u>	<u>35 feet</u>
<u>Front setbacks</u>	<u>10</u>
<u>Rear setback</u>	<u>Zero (except 10 feet adjacent to a street and 20 feet adjacent to residential)</u>

4. C-H (Highway Commercial) District.

<u>Gross lot area</u>	<u>10 to 20 acres (min. to max.)</u>
<u>Individual lot area</u>	<u>10,000 sq. ft. (min.)</u>
<u>Maximum floor-area ratio</u>	<u>0.30</u>
<u>Distance between buildings</u>	<u>20 feet</u>
<u>Maximum building height</u>	<u>50 feet</u>
<u>Front setbacks</u>	<u>10 feet</u>
<u>Rear setback</u>	<u>Zero (except 10 feet adjacent to a street and 20 feet adjacent to residential)</u>
<u>Side setbacks</u>	<u>Zero (except 10 feet adjacent to a street and 20 feet adjacent to residential)</u>

5. C-BP (Business Park) District.

<u>Gross lot area</u>	<u>10 to 20 acres (min. to max.)</u>
<u>Individual lot area</u>	<u>10,000 sq. ft. (min.)</u>
<u>Maximum floor-area ratio</u>	<u>0.30</u>
<u>Distance between buildings</u>	<u>20 feet</u>
<u>Maximum building height</u>	<u>50 feet</u>

<u>Front setbacks</u>	- <u>10 feet</u>
<u>Rear setback</u>	- <u>Zero (except 10 feet adjacent to a street and 20 feet adjacent to residential)</u>
<u>Side setbacks</u>	- <u>Zero (except 10 feet adjacent to a street and 20 feet adjacent to residential)</u>

64. VS-C (Visitor Serving Commercial) District.

Gross lot area	Varies <u>2.5 to 5 acres (min. to max.)</u>
Individual lot area	Varies <u>5,000 sq. ft. (min.)</u>
Maximum building coverage	- Varies
<u>Maximum floor-area ratio</u>	0.30
Distance between buildings	10 feet
Maximum stories	3
Maximum building height	35 feet
Front setback	20 feet
Street side setback	15 feet
Rear setback	10 feet and 20 feet if adjacent to residential
Side setbacks	10 feet and 20 feet if adjacent to residential

5. ~~V-S-V (Visitor Serving Village) District.~~

Gross lot area	- Varies
Individual lot area	- Varies
Maximum building coverage	- Varies
Distance between buildings	- 10 feet
Maximum stories	- 2
Maximum building height	- 24 feet
Front setback	- 20 feet
Street side setback	- 15 feet
Rear setback	- 10 feet and 20 feet if adjacent to residential
Side setbacks	- 10 feet and 20 feet if adjacent to residential

6. ~~V-S-C (Visitor Serving Corridor) District.~~

Gross lot area	- Varies
Individual lot area	- Varies
Maximum building coverage	- Varies
Distance between buildings	- 10 feet
Maximum Stories	- 4
Maximum building height	- 20 feet
Front setback	- 20 feet
Street side setback	- 15 feet
Rear setback	- 10 feet and 20 feet if adjacent to residential
Side setbacks	- 10 feet and 20 feet if adjacent to residential

Section 3. **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 4. **GENERAL PLAN CONSISTENCY FINDINGS**

The City Council finds this amendment is consistent and compatible with the General Plan.

Section 5. **GENERAL FINDINGS**

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

Section 6. **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 7. **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 8. **EFFECTIVE DATE**

That this ordinance shall be effective thirty days after the second reading of the ordinance.

Section 9. **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