

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS AMENDING SECTION 17.40.200 “PROJECTIONS/CONSTRUCTION AND EQUIPMENT PERMITTED INTO SETBACKS” OF TITLE 17 “ZONING” OF THE DESERT HOT SPRINGS MUNICIPAL CODE TO CLARIFY WHAT PROJECTIONS CAN ENCROACH INTO SETBACK AREAS**

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

**WHEREAS**, currently Section 17.40.200 appears to be somewhat unclear; and

**WHEREAS**, the proposed Ordinance will clarify Section 17.40.200 regarding projections that are allowed within setbacks; and

**WHEREAS**, on June 9, 2020, Planning Commission held a public hearing on this Ordinance; 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 SECTION 17.40.200 “200 “PROJECTIONS/CONSTRUCTION AND EQUIPMENT PERMITTED INTO SETBACKS” OF TITLE 17 “ZONING” OF THE DESERT HOT SPRINGS MUNICIPAL CODE**

Section 17.40.200 “Projections/Construction and Equipment Permitted Into Setbacks” of Title 17 (“Zoning”) shall be amended to read as follows:

**17.40.200 Projections/construction and equipment permitted into setbacks.**

A. The following list represents the only projections, construction, or equipment that shall be permitted within the required setbacks:

1. Front Setback. Roof overhangs, fireplace chimney, and awnings may project up to three (3) feet into the required setback, ~~and canopies.~~
2. Rear Setback. Roof overhangs, ~~pools,~~ patio covers, tennis courts, gazebos, awnings and canopies, and other structures that are not enclosed, provided there is no projection within 10 feet of the property line. ~~Accessory structures may be built to the side or rear property lines provided that such structures are not closer than 10 feet to any other structures.~~  Pools and equipment shall be no closer than 5 feet from the property line.
3. Side Setback. Roof overhangs, fireplace chimney, awnings, and air conditioning or pool equipment, may project up to three (3) feet into the required setback, provided that such structures are not closer than three (3) feet to the property line, ~~and canopies.~~

B. Building code requirements may further restrict the distance required to be maintained from the property lines and other structures.

**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, 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 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:

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Scott Matas, Mayor

**ATTEST:**

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Jerryl Soriano, City Clerk

**APPROVED AS TO FORM:**

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Jennifer A. Mizrahi, City Attorney