

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA AMENDING DESERT HOT SPRINGS MUNICIPAL CODE SECTIONS:

1. 17.04.050 “DEFINITIONS”
2. 17.74.070 ADMINISTRATIVE CONDITIONAL USE PERMIT APPROVAL EXPIRATION.
3. 17.76.070 “CONDITIONAL USE PERMIT EXPIRATION”
4. 17.76.090 “TIME EXTENSION” FOR CONDITIONAL USE PERMIT
5. 17.92.070 “DEVELOPMENT PERMIT EXPIRATION”
6. 17.92.100 “TIME EXTENSION” FOR DEVELOPMENT PERMIT

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

WHEREAS, the City of Desert Hot Springs Municipal Code (“DHSMC”) regulates conditional use permits (Chapter 17.76) and development permits (Chapter 17.92); and

WHEREAS, the current code sections proposed to be amended by this ordinance are housekeeping in nature, and are made to ensure internal consistency; and

WHEREAS, the proposed Ordinance clarifies the amount of time an applicant has to exercise certain permits, including a conditional use permit; and

WHEREAS, on July 28, 2020, the Planning Commission held a public hearing on this Ordinance; and

WHEREAS, the Planning Commission recommended that the City Council adopt this Ordinance; and

WHEREAS, the Planning Commission and 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 Council deems this ordinance necessary for the public health, safety and welfare.

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 17.04.050 “DEFINITIONS” OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Section 17.04.050 of the Desert Hot Springs Municipal Code shall be amended only as to the following definition, to read as follows:

“Construction commencement” means the date the City issues a building permit, or the date the City issues a grading permit, whichever date is earlier in time. ~~the start of construction of substantial site and structural improvements after a building permit has been issued, subject to determination by the Director.~~

Section 3. ADDITION OF SECTION 17.74.070 “ADMINISTRATIVE CONDITIONAL USE PERMIT APPROVAL EXPIRATION” OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Section 17.74.070 of the Desert Hot Springs Municipal Code shall be added to read as follows:

17.74.070 Administrative Conditional Use Permit approval expiration.

A. Administrative Conditional Use Permits which are not exercised by the commencement of construction within two years from the date of approval shall become null and void. In addition, if after issuance of a building permit, work is discontinued for a period of one year, the Administrative Conditional Use Permit shall become null and void, unless extended.

Further, if after issuance of a grading permit, work is discontinued for a period of six months, then the Administrative Conditional Use Permit shall become null and void, unless extended. Projects may be built in phases if pre-approved by the review authority. If a project is built in pre-approved phases, each subsequent phase shall have two years from the previous phase’s date of construction commencement to the next phase’s date of construction commencement to have occurred, or the Administrative Conditional Use Permit shall become null and void.

B. For any Administrative Conditional Use Permit not requiring issuance of a building permit or grading permit, exercise of the approval shall be issuance of a business license.

Section 4. AMENDMENT OF SECTION 17.76.070 “CONDITIONAL USE PERMIT EXPIRATION” OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Section 17.76.070 of the Desert Hot Springs Municipal Code shall be amended to read as follows:

17.76.070 Conditional Use Permit expiration.

Conditional Use Permits **which are not** shall be exercised by the commencement of construction within 2 years from the date of approval or the Conditional Use Permit shall become null and void. In addition, if after **issuance of building permit** commencement of construction, work is discontinued for a period of 1 year, then the Conditional Use Permit shall become null and void, **unless extended**.

Further, if after issuance of grading permit, work is discontinued for a period of six months, then the Conditional Use Permit shall become null and void, unless extended. Projects may be built in phases if pre-approved by the review authority. If a project is built in pre-approved phases, each subsequent phase shall have ~~2~~**1** years from the previous phase’s date of construction commencement ~~or~~ **first certificate of occupancy is issued** to the next phase’s date of construction commencement to have occurred, or the Conditional Use Permit shall become null and void. **If no building permit is required for the conditional use permit, the conditional use permit shall expire if it is not exercised within two years of the approval.**

Section 5. AMENDMENT OF SECTION 17.76.090 “TIME EXTENSION” FOR CONDITIONAL USE PERMITS OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Section 17.76.090 of the Desert Hot Springs Municipal Code shall be amended to read as follows:

17.76.090 Time extension.

The Commission may, upon an application being filed **and fees paid** ~~30 days~~ prior to expiration and for good cause, grant a time extension not to exceed 12 months. Upon granting of an extension, the Commission shall ensure that the Conditional Use Permit complies with all current Zoning Ordinance provisions. **Unless otherwise permitted by law, the maximum number of extensions shall be limited to three (3), for a total maximum term of five (5) years, inclusive of any phasing.**

Section 6. AMENDMENT OF SECTION 17.92.070 “DEVELOPMENT PERMIT EXPIRATION” OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Section 17.92.070 of the Desert Hot Springs Municipal Code shall be amended to read as follows:

17.92.070 Development Permit expiration.

Commencement of construction shall have occurred within 2_4 years of Development Permit approval, or the permit shall become null and void. In addition, if after issuance of building permit, ~~commencement of construction,~~ work is discontinued for a period of 2_4 years, then the Development Permit shall become null and void. **Further, if after issuance of grading permit, work is discontinued for a period of six months, then the Development Permit shall become null and void, unless extended.** Projects may be built in phases if so pre-approved by the review authority. If a project is built in pre-approved phases, each subsequent phase shall have 2_4 years from the previous phase's date of ~~construction commencement~~ **completion or first Certificate of Occupancy** to the next phase's date of construction commencement to have occurred, or the Development Permit shall become null and void. **If no building permit is required for the development permit, the development permit shall expire if it is not exercised within two years of the approval.**

Section 7.

**AMENDMENT OF SECTION 17.92.100 "TIME EXTENSION"
FOR DEVELOPMENT PERMITS OF THE DESERT HOT
SPRINGS MUNICIPAL CODE**

Section 17.92.100 of the Desert Hot Springs Municipal Code shall be amended to read as follows:

17.92.100 Time extension.

The review authority may, upon an application being filed and associated fees paid prior to expiration and for good cause, grant a time extension not to exceed 12 months. Upon granting the extension, the review authority shall ensure that the Development Permit complies with all current Zoning Ordinance provisions. The maximum number of extensions shall be limited to three (3), for a total maximum term of five (5) years.

~~The review authority may, upon an application being filed 30 days prior to expiration and for good cause, grant a time extension not to exceed 12 months. Upon granting the extension, the review authority shall ensure that the Development Permit complies with all current Zoning Ordinance provisions. (Prior code § 159.44.100)~~

Section 8.

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 9. **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 10. **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 11. **EFFECTIVE DATE**

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

Section 12. **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