

ORDINANCE NO. 793

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS 1) AMENDING THE FOLLOWING CHAPTER OF THE DESERT HOT SPRINGS MUNICIPAL CODE: A) CHAPTER 17.12 COMMERCIAL DISTRICTS, AND 2) IN EFFECT TERMINATING THE URGENCY INTERIM ORDINANCES NUMBERS 771 AND 779 (MORATORIA) APPROVED BY THE CITY COUNCIL ON JANUARY 17, 2023 AND ON MAY 2, 2023, RESPECTIVELY, RESTRICTING USES IN THE DOWNTOWN AREA

WHEREAS, pursuant to the authority granted the City of Desert Hot Springs (“City”) by Article XI, Section 7 of the California Constitution, the City has the police power to regulate the use of land and property within the City in a manner designed to promote public convenience and general prosperity, as well as public health, welfare and safety; and

WHEREAS, adoption and enforcement of comprehensive zoning regulations and other land use regulations lies within the City’s police power; and

WHEREAS, the City is in the process drafting a comprehensive overhaul to Title 17, making substantive changes, as well as amending chapters for internal consistency; and

WHEREAS, this Ordinance is for the benefit of the public health, safety and welfare.

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. CHAPTER TO BE AMENDED

That the City Council hereby amends the following Chapter of the Desert Hot Springs Municipal Code as follows:

- 1) Chapter 17.12 “Commercial Districts”, which shall be amended as per Exhibit A, which is incorporated herein.**

Section 3. TERMINATION OF ORDINANCES 771 AND 779

Ordinances 771 and 779 were adopted by the City Council to place land use restrictions in certain portions of the Downtown Area. By operation of law, Ordinances 771 and 779 will automatically terminate and become null and void at the same time this Ordinance becomes effective, because this Ordinance covers the same areas and land uses that were covered in Ordinances 771 and 779.

Section 4. ENVIRONMENTAL FINDINGS

The City Council finds that adoption of this ordinance is exempt from the provisions of the California Environmental Quality Act pursuant to Title 14 California Code of Regulations section 15061, subsection (b)(3), in that the proposed ordinance involves a proactive measure to change certain uses within the Downtown Area and does not have the potential to significantly impact the environment.

Section 5. SEVERABILITY

The City Council declares 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 6. AMENDING OF BAIL SCHEDULE

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

This ordinance shall become effective 30 days after its second reading.

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs, California, at a regular meeting held on the 7th day of November, 2023, by the following vote:


AYES: 4 – Gardner; Nuñez; Pye; and Mayor Matas.

NOES: None.


ABSENT: None.

RECUSED: 1 – Betts.

ATTEST



Scott Matas (Dec 12, 2023 14:57 PST)

Scott Matas, Mayor



Jerryl Soriano, City Clerk

APPROVED AS TO FORM:


Jennifer Mizrahi (Dec 12, 2023 15:59 PST)

Jennifer Mizrahi, City Attorney

Chapter 17.12 COMMERCIAL DISTRICTS

Sections:

- 17.12.010 Purpose.**
- 17.12.020 Permitted uses.**
- 17.12.030 Land use district development standards.**
- 17.12.040 Land use district specific standards.**
- 17.12.050 Applicable regulations.**
- 17.12.060 Commercial development design guidelines.**
- 17.12.070 General design principles.**
- 17.12.080 Site Planning**
- 17.12.090 Parking and circulation.**
- 17.12.100 Landscaping.**
- 17.12.110 Walls and fences.**
- 17.12.120 Screening.**
- 17.12.130 Architectural design guidelines.**
- 17.12.140 Roofs.**
- 17.12.150 Awnings.**
- 17.12.160 Signs.**
- 17.12.170 Lighting**
- 17.12.180 Bonus height.**
- 17.12.190 Alcohol beverage control “ABC” license.**
- 17.12.200 Automobiles sales.**
- 17.12.210 Convenience stores.**
- 17.12.220 Day care centers.**
- 17.12.230 Drive-through restaurants.**
- 17.12.240 Indoor retail concession malls.**
- 17.12.250 Outdoor dining.**
- 17.12.260 Outdoor sales and display**
- 17.12.270 Mini-malls (strip malls).**
- 17.12.280 Multifamily housing.**
- 17.12.290 Household recycling facilities for reusable domestic containers.**
- 17.12.300 Supportive housing (Senior citizen/congregate care housing standards.)**
- 17.12.310 Service station (gasoline) standards.**
- 17.12.320 Service station conversions.**
- 17.12.330 Single-family housing, existing.**
- 17.12.340 Single-family/office conversions.**
- 17.12.350 Tattoo and body piercing establishments.**
- 17.12.360 Mobile food vending vehicle parks.**

17.12.010 Purpose.

- A. This chapter applies to all development in the commercial districts. The purpose of these zoning districts is to:

1. Allow a mixture of complementary land uses that may include retail, offices, commercial services, and civic uses, to create economic and social vitality;
2. Develop commercial areas that are safe, comfortable and attractive to pedestrians;
3. Protection of commercial and adjoining residential areas from excessive noise, illumination, unsightliness, odor, and smoke.
4. Provide flexibility in the location and design of new developments to anticipate changes in the market;
5. Reinforce streets as public places that encourage pedestrian and bicycle travel and connections to residential areas;
6. Provide both formal and informal community gathering places;
7. Provide employment opportunities for existing and future residents of the City and those of adjacent communities.
8. Provide visitor accommodations and tourism amenities.

B. The specific purpose of each individual commercial district is as follows:

1. C-N (Neighborhood Commercial). This district is intended to accommodate a limited range of neighborhood scale retail sales, business, dining, personal, and professional services conveniently located near residential areas.
2. C-G (General Commercial). This district is intended to accommodate a wide range of retail sales, business, dining, personal, and professional services, as well as entertainment and lodging.
3. C-D (Downtown Commercial). This district is intended to encourage the development of a concentration of pedestrian-oriented commercial, entertainment, personal service, and office uses in the central business area of the City, which will provide a focal point of activity for the City and the surrounding areas. Multi-family residential uses that compliment commercial uses are also encouraged to create a lively downtown area.
4. C-H (Highway Commercial). This district is intended to accommodate those business and retail uses which provide merchandise and services desired by motorists, directly from or for motor vehicles. The C-H district is intended to promote a unified grouping of travel-oriented uses, such as fueling stations, regional retail, entertainment, dining, and hotels.
5. C-BP (Business Park Commercial). This district is intended to facilitate a flexible administrative, medical, research, and office centers. The intent is to create, maintain, and support an environment for employment-generating businesses including administrative, professional office, limited industry, medical, research, and similar uses. It is also the intent to provide amenities, personal service, and convenient restaurant uses for people who work in the business park.

17.12.020 Permitted uses.

A. Table 17.12.01 lists the uses permitted in each of the commercial and visitor-serving districts utilizing the following key:

“P” Use is permitted by right. (A Development Permit may be required for a new use or structure or expansion of an existing use.)

“A” Use is accessory to an established primary use.

“AUP” Use requires an Administrative Use Permit.

“CUP” Use requires a Conditional Use Permit.

“TUP” Use requires a Temporary Use Permit.

“—” Use is prohibited.

B. Land uses listed in Table 17.12.01 use definitions from the North American Industry Classification System (NAICS) unless otherwise defined specifically by this title. The individual land uses permitted in each of the mixed-use districts are grouped in Table 17.14.01 using the major land use categories of Commercial, Industrial, Institutional, Residential and Other.

TABLE 17.12.01

PERMITTED USES – COMMERCIAL AND VISITOR SERVING DISTRICTS

USE	COMMERCIAL DISTRICTS					CODE SECTION
	C-N	C-G	C-D	C-H	C-BP	
BUSINESS, FINANCIAL, AND PROFESSIONAL OFFICE						
Automated Teller Machines (ATMs) – Drive-up	AUP	AUP	AUP	AUP	AUP	
Business Support Services	P	P	P	P	P	
Check Cashing and/or Payday Loans	—	CUP	—	—	—	
Financial Institutions and Related Services (without drive-through facilities)	P	P	P	P	P	
Financial Institutions and Related Services (with drive-through facilities)	AUP	P	-	P	P	

Office, Business and Professional	P	P	P	P	P	
EATING AND DRINKING ESTABLISHMENTS						
USE	C-N	C-G	C-D	C-H	C-BP	CODE SECTION
Bars, Lounges, Nightclubs, and Tasting Rooms*	—	CUP	CUP	CUP	CUP	17.12.190
Food Preparation/Catering (no on-site sales or service)	AUP	P	P	P	P	
Food Preparation/Catering (with on-site sales or service)	AUP	P	P	P	P	
Restaurant – Full or Limited Service, Serving Alcohol*	AUP	AUP	AUP	AUP	AUP	17.12.190
Restaurant – Full or Limited Service, No Alcohol Sales	P	P	P	P	P	
Restaurant with Drive-through Facilities*	P	P	—	P	P	17.12.1230
Snack Bar	A	A	A	A	A	
Mobile food vending vehicle parks	-	AUP	AUP	AUP	AUP	17.12.360 Mobile food vending vehicle parks.
Mobile food vending vehicle parks - Ancillary	-	AUP	AUP	AUP	AUP	17.12.360 Mobile food vending vehicle parks.
INDUSTRY, MANUFACTURING AND PROCESSING, AND WAREHOUSING						
USE	C-N	C-G	C-D	C-H	C-BP	CODE SECTION
Brewery, Winery, or Distillery	—	CUP	CUP	CUP	CUP	
Data Centers	—	—	—	—	P	
Hazardous Waste Facilities	—	—	—	—	—	
Food Processing	—	—	—	—	AUP	
Furniture and fixtures manufacturing, cabinet shops, and woodworking shops (wholesale sales only)	—	—	—	—	P	
Laboratory – Medical, Analytical, Research, Testing	—	—	—	—	AUP	
Laundries and Dry-Cleaning Plants	—	—	—	—	—	
Manufacturing – Heavy	—	—	—	—	—	

Manufacturing – Light	—	—	—	—	CUP	
Recycling						
Small Collection Facility*	—	AUP	—	AUP	AUP	17.12.290
Large Collection Facility*	—	CUP	—	CUP	CUP	17.12.209
Light Processing*	—	—	—	—	—	17.12.290
Heavy Processing*	—	—	—	—	—	17.12.290
Reverse Vending Machine	A	A	A	A	A	
Research and Development	—	—	—	—	P	
Storage – Outdoor	—	—	—	—	CUP	
Warehouse, Wholesaling and Distribution	—	—	—	—	CUP	
LODGING						
USE	C-N	C-G	C-D	C-H	C-BP	CODE SECTION
Hotel and Motel (without spa)	—	CUP	CUP	P	CUP	
Spa Resort	—	—	CUP	CUP	CUP	
Emergency Shelter/Low Barrier Navigation Center	—	—	—	—	CUP	
Camping/Glamping	-	-	-	-	-	
MARIJUANA/CANNABIS USES						
USE	C-N	C-G	C-D	C-H	C-BP	
Marijuana/Cannabis Nonstorefront Retail	—	—	—	—	CUP ^{1,2}	¹ In Industrial Cannabis Overlay Zone, marijuana use cannot be a stand-alone use and must in center with other retail/commercial uses.
Marijuana/Cannabis Distribution	—	—	—	—	CUP ^{1,2}	
Marijuana/Cannabis Cultivation	—	—	—	—	CUP ^{1,2}	
Marijuana/Cannabis Lounge	CUP	CUP	CUP	CUP	CUP	
Marijuana/Cannabis Hotel Facilities	CUP	CUP	—	CUP	CUP	
Marijuana/Cannabis Manufacturing	—	—	—	—	CUP ¹	² In Overlay Zone use Ch. 17.180 as default regulations.
Marijuana/Cannabis Storefront Retail	CUP	CUP	CUP	CUP	CUP	17.180.040
Marijuana/Cannabis Testing Facilities	P	P	P	P	P	17.180.070
MEDICAL-RELATED AND CARE USES						
USE	C-N	C-G	C-D	C-H	C-BP	CODE SECTION
Ambulance Fleet	—	AUP	AUP	—	AUP	
Clinic and Urgent Care	—	AUP	AUP	AUP	AUP	
Day Care Center*	CUP	CUP	—	—	—	17.12.220

Therapy and Rehabilitation Facilities	P	CUP	P	AUP	P	
Hospital	—	CUP	CUP	CUP	CUP	
Office, Medical and Dental Office	P	P	P	P	P	
Residential Care Facilities (Commercial Assisted Living, Nursing Home)	CUP	CUP	CUP	—	—	
PUBLIC AND ASSEMBLY USES						
USE	C-N	C-G	C-D	C-H	C-BP	CODE SECTION
Cultural Institutions	AUP	P	P	P	P	
Event Facility, Event Center, Event Venue	-	P	AUP	AUP	AUP	
Public Assembly Facilities	—	CUP	CUP	CUP	CUP	
Religious Assembly Facilities	—	CUP	CUP	CUP	CUP	
Schools, Private	CUP	CUP	CUP	—	CUP	
Trade and Vocational Schools	—	CUP	CUP	P	P	
Tutoring and Education Centers	P	P	P	P	P	
RECREATION AND ENTERTAINMENT						
USE	C-N	C-G	C-D	C-H	C-BP	CODE SECTION
Art Gallery	P	P	P	P	P	
Arcade /Electronic Game Center	CUP	AUP	AUP	AUP	AUP	
Commercial Recreation – Indoors	CUP	P	P	P	P	
Commercial Recreation – Outdoors	CUP	CUP	CUP	CUP	CUP	
Entertainment, Indoor (motion picture theaters, performance theatres, dance halls and similar)	AUP	AUP	AUP	P	P	
Health/Fitness Facilities						
Health/Fitness Facilities – Small	AUP	P	P	P	P	
Health/Fitness Facilities – Large	CUP	AUP	CUP	AUP	AUP	
RESIDENTIAL USES						
USE	C-N	C-G	C-D	C-H	C-BP	CODE SECTION
Accessory Dwelling Unit	—	—	—	—	—	
Dwelling, Multifamily*	—	—	AUP	—	—	17.12.280
Dwelling, Single-Family*	—	—	—	—	—	17.12.330
Live/Work Unit*	-	-	P	-	-	17.12.340
Home Occupations	—	—	—	—	—	

Single Room Occupancy (SRO)*	—	—	—	—	—	17.08.210
Supportive Housing (Senior Citizens/Congregate Care Housing)*	CUP	AUP	CUP	—	—	17.12.300
Transitional Housing	—	—	—	—	—	
RETAIL USES						
USE	C-N	C-G	C-D	C-H	C-BP	CODE SECTION
Alcohol Beverage Sales						
For Off-Site Consumption*	CUP	CUP	CUP	CUP	CUP	17.12.190
For On-Site or Off-Site Consumption, in Conjunction with an Allowed Use*	—	CUP	CUP	CUP	CUP	17.12.190
Building Materials and Services, Indoor	—	P	P	P	P	
Building Materials and Services, Outdoor	—	CUP	—	P	AUP	
Convenience Store with Alcohol Sales*	CUP	CUP	CUP	CUP	CUP	17.12.190 17.12.210
Convenience Store, No Alcohol Sales*	AUP	P	AUP	P	P	17.12.210
Farmers' Market	TUP	TUP	TUP	TUP	TUP	
Grocery Store	P	P	P	P	P	
Indoor Retail Concessions*	-	P	P	P	P	17.12.240
Mini-mall (Strip mall)*	-	P	—	P	P	17.12.270
Nurseries and Garden Centers	—	P	AUP	P	P	
Outdoor Temporary and/or Seasonal Sales	TUP	TUP	TUP	TUP	TUP	
Recreational Equipment Rentals – Indoor Only	P	P	P	P	P	
Retail Sales – General	P	P	P	P	P	
Retail Sales – Restricted (firearm and ammunition stores, pawn shops, and jewelry/gold exchanges)	—	CUP	CUP	CUP	CUP	
Vehicle Sales and Rental*	—	CUP	—	CUP	CUP	17.12.200
Large Vehicle, Construction, and Heavy Equipment Sales, Service, and Rental	—	CUP	—	—	CUP	

SERVICE USES						
USE	C-N	C-G	C-D	C-H	C-BP	CODE SECTION
Animal Care, Services						
Animal Boarding/Kennels, Grooming	AUP	P	AUP	P	P	
Veterinary Services, Large Animal	—	P	-	P	P	
Veterinary Services, Small Animal	AUP	P	P	P	P	
Funeral Parlors and Internment Services	—	AUP	CUP	—	AUP	
Instructional Services	P	P	P	P	P	
Maintenance and Repair Services – Indoor	P	P	P	P	P	
Moving Companies, Storage Allowed	—	—	—	—	AUP	
Personal Services, General	P	P	P	P	P	
Personal Services, Restricted (massage establishments, day spa with massage)	CUP	CUP	CUP	CUP	CUP	
Recording Studio	—	AUP	AUP	AUP	P	
Social Service Facilities	—	P	—	P	P	
Storage						
Personal	—	CUP	—	—	CUP	17.16.060
Outdoor Recreational Vehicle Storage	—	-	—	—	CUP	
Vehicle Repair and Services						
Service/Fueling Station*	CUP	CUP	-	AUP	CUP	17.12.310
Vehicle Washing/Detailing	A	AUP	AUP	AUP	AUP	
Vehicle Service, Minor	—	AUP	—	P	P	
Vehicle Service, Major	—	—	—		CUP	
TRANSPORTATION, COMMUNICATION, AND INFRASTRUCTURE USES						
USE	C-N	C-G	C-D	C-H	C-BP	CODE SECTION
Car Sharing – Parking	AUP	AUP	AUP	AUP	AUP	
Parking Facility – Temporary	TUP	TUP	TUP	TUP	TUP	
Utility Facilities – Staffed	—	AUP	AUP	AUP	AUP	
Utility Facility – Unstaffed	AUP	AUP	—	AUP	AUP	
Vehicle Charging Stations – Commercial	AUP	P	P	P	P	
Vehicle Storage	—	—	—	—	CUP	
Wireless Communication Facilities – Minor	AUP	AUP	AUP	AUP	AUP	

Wireless Communication Facilities – Major	CUP	CUP	CUP	CUP	CUP	
Wireless Telecommunication Facilities, Satellite Dish Antenna	P	P	P	P	P	
OTHER USES						
Caretaker Quarters	—	A	—	—	A	
Donation Boxes – Outdoors	—	—	—	—	CUP	
Other Drive-Through or Drive-Up Facilities	AUP	AUP	—	AUP	AUP	
Vending Machine	A	A	A	A	A	

*Specific standards apply.

(Ord. 762 6-21-22; Ord. 728 1-19-21; ord. 727 1-19-21; Ord. 712 6-2-20; Ord. 610 5-2-17; Ord. 524 § 5,2010; prior code § 159.06.020)

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 from the Approval Authority.
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 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 three (3) sides by a solid wall six (6) feet in height and on the fourth side by a solid gate not less than five (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.
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 parapet 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 one (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.

TABLE 17.12.02

SITE DEVELOPMENT STANDARDS

DEVELOPMENT STANDARD	COMMERCIAL DISTRICTS				
	C-N	C-G	C-D	C-H	C-BP
Gross lot area					
Minimum	2.5 acres	2.5 acres	2.5 acres	10 acres	10 acres
Maximum	10 acres	10 acres	5 acres	20 acres	20 acres
Individual lot area	7,200 sq. ft. (min)	7,200 sq. ft. (min)	5,000 sq. ft. (min)	10,000 sq. ft. (min)	10,000 sq. ft.
Maximum floor-area ratio	0.30	.50	2	.30	.30
Distance between buildings	20 feet	20 feet	0	20 feet	20 feet
Maximum building height	35 feet	35 feet	35 feet	50 feet	50 feet
Front setbacks	25 feet	10 feet	0 feet	10 feet	10 feet
Rear setbacks	0 feet (except 10 feet adjacent to a street and 20 feet adjacent to residential)	0 feet (except 10 feet adjacent to a street and 20 feet adjacent to residential)	0 feet (except 10 feet adjacent to a street and 20 feet adjacent to residential)	0 feet (except 10 feet adjacent to a street and 20 feet adjacent to residential)	0 feet (except 10 feet adjacent to a street and 20 feet adjacent to residential)
Side setback	0 feet (except 10 feet adjacent to a street and 20 feet adjacent to residential)	0 feet (except 10 feet adjacent to a street and 20 feet adjacent to residential)	0 feet (except 10 feet adjacent to a street and 10 feet adjacent to residential)	0 feet (except 10 feet adjacent to a street and 20 feet adjacent to residential)	0 feet (except 10 feet adjacent to a street and 20 feet adjacent to residential)

Residential Density	-	-	30 du/ac	-	-
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(Ord. 716 9-1-20; prior code § 159.06.030(1))

17.12.040 Land use district specific standards.

In addition to the general development requirements contained in Chapter 17.40 (Property Development Standards), the following standards shall apply to specific commercial land use districts.

17.12.050 Applicable regulations.

All uses shall be subject to the applicable regulations of this Zoning Ordinance, including, but not limited to Chapters 17.64 through 17.140, Administration Provisions. (Prior code § 159.06.050)

17.12.060 Commercial development design guidelines.

A. General.

1. The following design guidelines in Sections 17.12.050 through 17.12.180 are intended as a reference framework to assist the designer in understanding the City’s goals and objectives for high quality development within the commercial land use districts. The guidelines complement the mandatory site development regulations contained in this chapter by providing good examples of appropriate design solutions and by providing design interpretations of the various mandatory regulations.
2. The design guidelines are general and may be interpreted with some flexibility in their application to specific projects. The guidelines will be utilized during the City’s design review process to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.
3. Unless there is a compelling reason, these design guidelines shall be followed.

B. Applicability. The provisions of this section shall apply to all commercial development within the City, except when the subject property is under the regulation of an approved specific plan, which is subject to the guidelines contained in Chapter 17.128. Any addition, remodeling, relocation, or construction requiring a building permit within any commercial land use district subject to review by the Development Review Committee shall adhere to these guidelines where applicable. (Prior code §159.06.060(1) and (2))

17.12.070 General design principles.

A. Desirable Elements of Project Design. The qualities and design elements for commercial structures that are most desirable include:

1. Richness of surface and texture;

2. Significant wall articulation (insets, canopies, wing walls, trellises);
3. Multi planed, pitched roofs;
4. Roof overhangs, arcades;
5. Regular or traditional window rhythm;
6. Articulated mass and bulk;
7. Significant landscape and hardscape elements;
8. Prominent access driveways;
9. Landscaped and screened parking;
10. Comprehensive sign program.

B. Undesirable Elements. The elements to avoid or minimize include:

1. Large blank, unarticulated stucco wall surfaces;
2. Unpainted concrete precision block walls;
3. Highly reflective surfaces;
4. Metal siding on the main façade;
5. Plastic siding;
6. Square “boxlike” structures;
7. Mix of unrelated styles (i.e. rustic wood shingles and polished chrome);
8. Large, out of scale signs with flashy colors;
9. Visible outdoor storage, loading, and equipment areas;
10. Disjointed parking areas and confusing circulation patterns. (Prior code § 159.06.060(3))

17.12.080 Site Planning

Placement of structures shall consider the existing built context of the commercial area, the location of incompatible land uses, the location of major traffic generators, and consideration of specific site characteristics and surrounding influences.

- A. Structures shall be sited in a manner that respects the orientation, privacy and access of adjacent structures.
- B. New structures shall be clustered unless site conditions prevent clustering, as determined by the responsible review authority. The purpose is to create plazas or pedestrian malls and prevent long “barracks like” rows of structures. When clustering is impractical, a visual link between separate structures shall be established. This link can be accomplished through the use of an arcade system, trellis, or other open structure.
- C. Structures and on-site circulation systems shall be placed and integrated to avoid pedestrian/vehicle conflicts. Textured paving, landscaping, and trellises shall be provided to physically and visually connect structures to the public sidewalk.
- D. The importance of spaces between structures as “outdoor rooms” on the site shall be emphasized

through use of clear, recognizable shapes that reflect careful planning and are not simply left-over areas between structures. Such spaces shall provide pedestrian amenities such as shade, benches, fountains, etc.

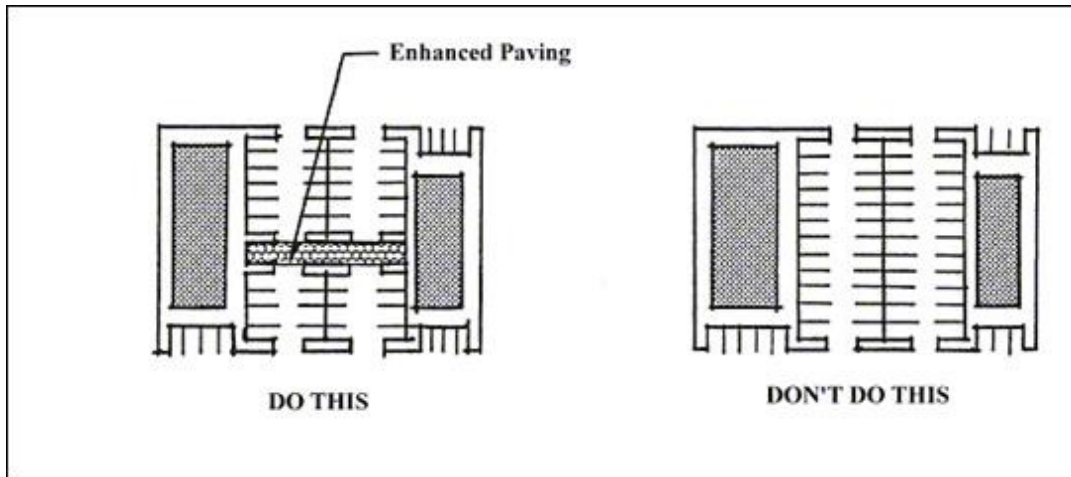
- E. Freestanding, singular commercial structures shall be oriented with their major entry toward the street where access is provided, as well as having their major façade parallel to the street.
- F. Loading facilities shall be located at the rear or side of structures and not visible from a public right-of-way.
- G. Open space areas shall be clustered into larger, predominant landscape areas rather than be equally distributed into areas of low impact such as at building peripheries, behind a structure, or areas of little impact to the public view, where they are not required as land use buffer or as a required yard setback.
- H. Downtown Commercial Site Planning Standards. Development within a Downtown Commercial (CD) district shall be designed to:
 - 1. Provide direct pedestrian linkages to adjacent public sidewalks and trails.
 - 2. Create enhanced pedestrian connections throughout the project between commercial buildings and parking areas.
 - 3. Provide enhanced pedestrian amenities throughout the project, including seating, pedestrian area lighting, special paving, public art, water features, common open space, directories, and similar items to create a pleasant pedestrian experience.
 - 4. Incorporate architectural design elements and materials that relate to a pedestrian scale.
 - 5. Locate uses in proximity to one another without large intervening parking lots so that it is convenient for people to walk between the various uses and park their vehicles only once.
 - 6. Create a pedestrian scale and character of development along the street by providing significant wall articulation and varying roof heights, incorporating pedestrian-scale elements (e.g., doors, windows, lighting, landscaping), and locating storefronts and common open space areas (e.g., plaza, courtyard, outdoor dining) near the public sidewalk to contribute to an active street environment.
 - 7. Provide a transition to adjacent lower-density residential uses by reducing building height and increasing building setbacks adjacent to the residential uses. (Ord. 712 6-2-20; prior code § 159.06.060(4))

17.12.090 Parking and circulation.

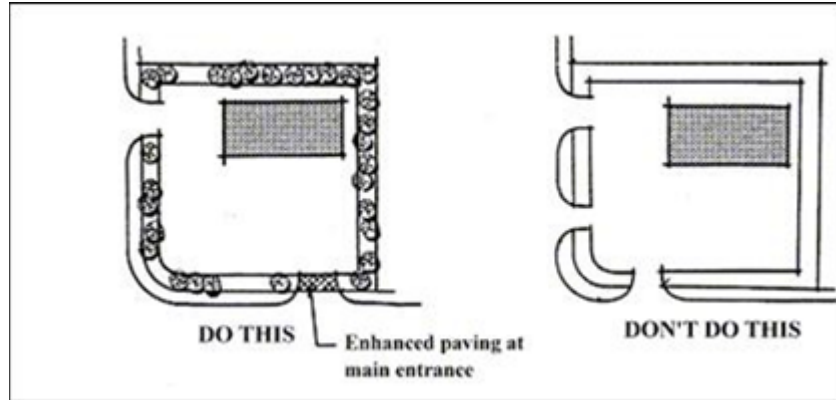
Parking lot design can be a critical factor in the success or failure of a commercial use. In considering the possibilities for developing a new parking area, a developer should analyze the following factors: ingress and egress with consideration to possible conflicts with street traffic; pedestrian and vehicular conflicts; on-site circulation and service vehicle zones; solar orientation, and the overall configuration

and appearance of the parking area.

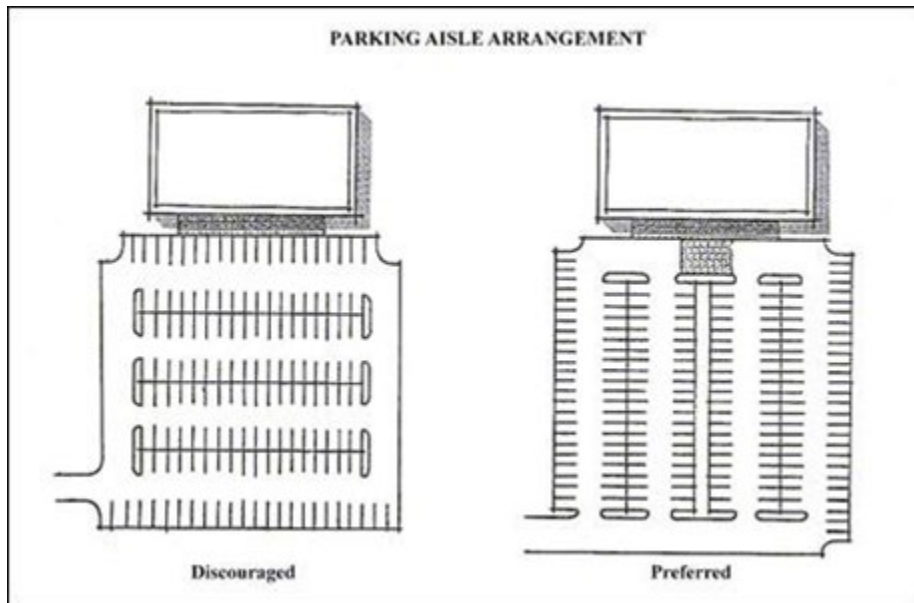
- A. Separate vehicular and pedestrian circulation systems should be provided. Pedestrian linkages between uses in commercial developments should be emphasized, including distinct pedestrian access from parking areas in large commercial developments, such as shopping centers.



- B. Parking aisles should be separated from vehicle circulation routes whenever possible.
- C. Common driveways which provide vehicular access to more than one (1) site are encouraged.
- D. Parking areas shall be landscaped, receiving interior as well as perimeter treatment in accordance with the requirements of this Zoning Ordinance.
- E. Parking areas should be separated from structures by either a raised concrete walkway or landscaped strip, preferably both. Situations where parking spaces directly abut the structures should be avoided.
- F. Shared parking between adjacent businesses and/or developments is highly encouraged whenever practical.
- G. Where parking areas are connected, interior circulation should allow for a similar direction of travel and parking bays in all areas to reduce conflict at points of connection.
- H. Whenever possible, locate site entries on side streets in order to minimize pedestrian/vehicular conflicts. When this is not possible, design the front site entry with appropriately patterned concrete or pavers to differentiate it from the sidewalks.
- I. Parking access points, whether located on front or side streets should be located as far as possible from street intersections so that adequate stacking room is provided. The number of access points should be limited to the minimum amount necessary to provide adequate circulation.

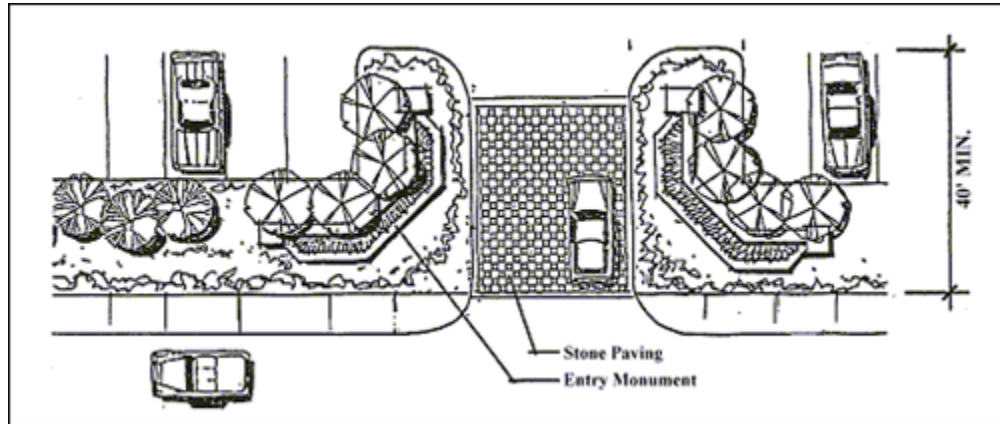


- J. Design parking areas to that pedestrians walk parallel to moving cars. Minimize the need for the pedestrian to cross parking aisles and landscape areas.

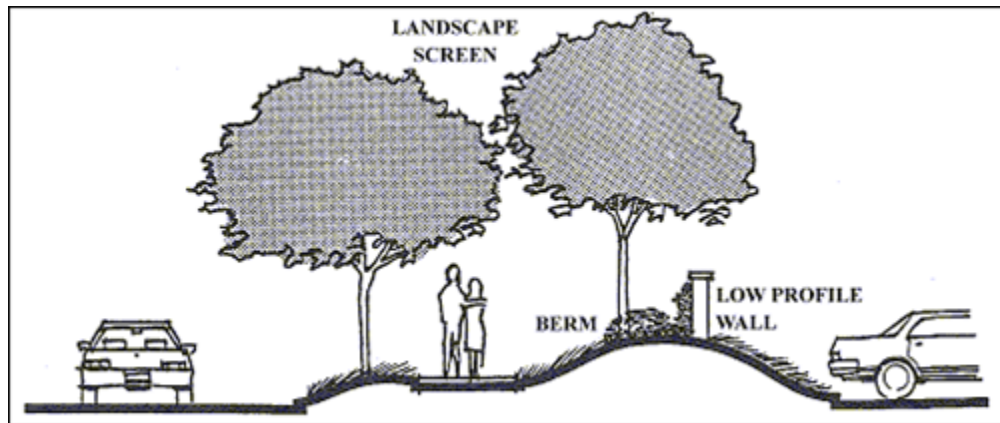


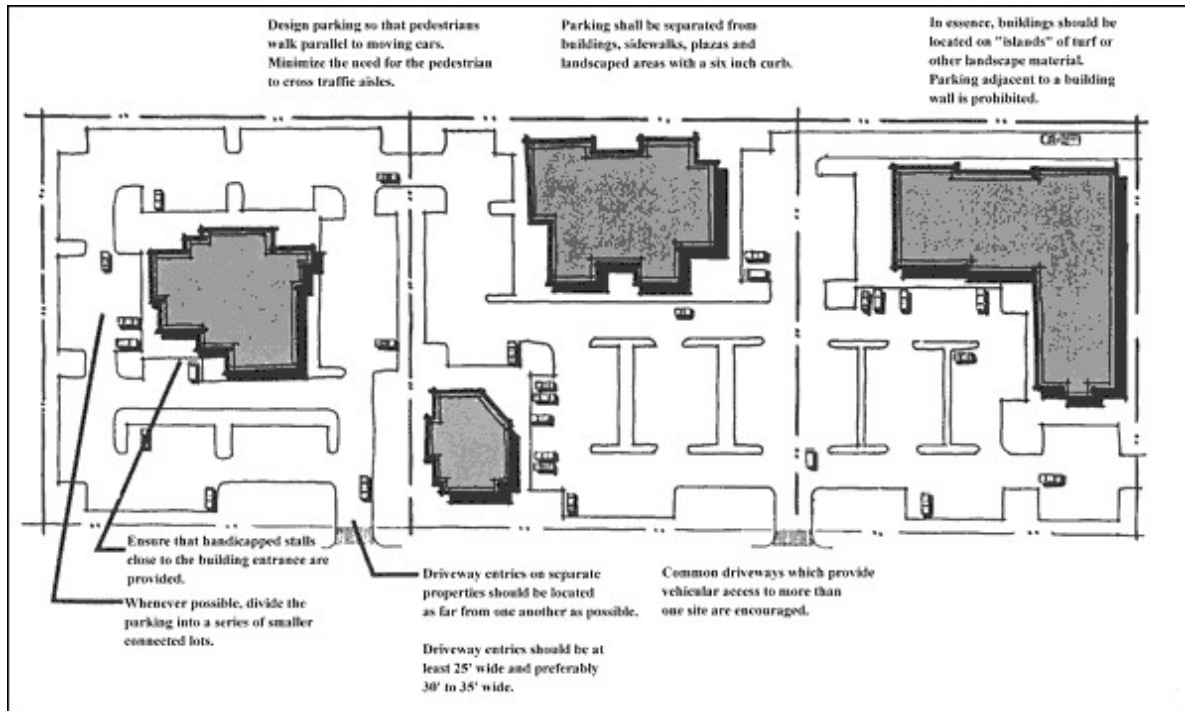
- K. Parking areas and pedestrian walkways should be visible form structures to the greatest degree possible.
- L. The parking area should be designed in a manner which links the structures to the street sidewalk system as an extension of the pedestrian environment. This can be accomplished by using design features such as walkways with enhanced paving, trellis structures, or a special landscaping treatment.
- M. Parking areas which accommodate a significant number of vehicles should be divided into a series of connected smaller lots. Landscaping and offsetting portions of the lot are effective in reducing the visual impact of large parking areas.

- N. The first parking stall which is perpendicular to a driveway or first aisle juncture, should be at least 10 feet back from the curb. With larger centers, significantly more setback area may be required.



- O. Utilize a 36-inch-high opaque wall or landscaping to screen any parking at the street periphery. A combination of walls, berms, and landscape material is highly recommended. Where practical, lowering the grade of the parking lot from existing street elevations may aid in obscuring views of automobiles while promoting views of architectural elements of the structures beyond.
- P. Bicycle parking shall be provided per the California Building Code but shall include a minimum of one bicycle rack to secure bicycles.





(Prior code § 159.06.060(5))

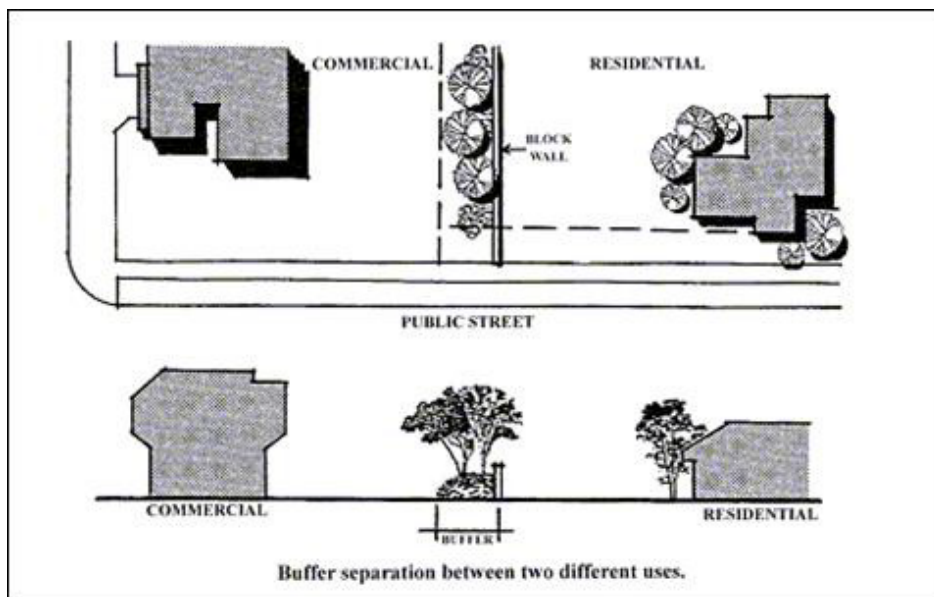
17.12.100 Landscaping.

- A. Landscaping for commercial uses should be used to define specific areas by helping to focus on entrances to buildings and parking lots, define the edges of various land uses, provide transition between neighboring properties (buffering), and provide screening for loading and equipment areas.
- B. Landscaping should be in scale with adjacent structures and be of appropriate size at maturity to accomplish its intended purpose.
- C. Landscaping around the entire base of structures is recommended to soften the edge between the parking lot and the structure. This should be accented at entrances to provide focus.
- D. Trees should be located throughout the parking lot and not simply at the ends of parking aisles. In order to be considered within the parking lot, trees should be located in planters that are bounded on at least three (3) sides by parking area paving.
- E. Landscaping should be protected from vehicular and pedestrian encroachment by raised planting surfaces, raised walks, or the use of curbs. Concrete mow stripes separating turf and shrub areas are required per the development regulations.

- F. Vines and climbing plants integrated upon buildings, trellises, and perimeter garden walls are strongly encouraged.
- G. Use boxed and tubbed plants in clay or wood containers, especially for enhancement of sidewalk shops, plazas, and courtyards.
- H. At maturity, trees should be able to be trimmed 10 feet above ground and shrubs should be maintained at a height of approximately three (3) feet to provide adequate visibility. (Prior code § 159.06.060(6))

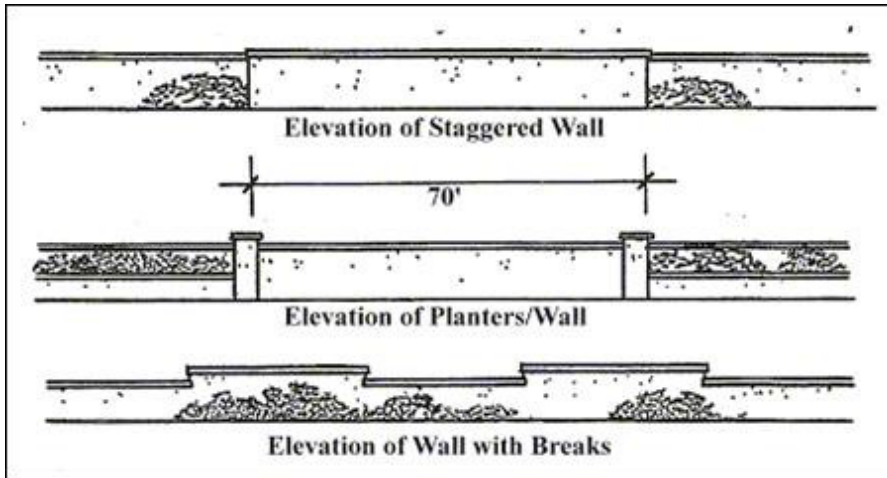
17.12.110 Walls and fences.

- A. If not required for a specific screening or security purpose, walls should not be utilized within commercial areas. The intent is to keep the walls as low as possible while performing their screening and security functions.
- B. Where walls are used at property frontages, or screen walls are used to conceal storage and equipment areas, they should be designed to blend with the site’s architecture. Both sides of all perimeter walls or fences should be architecturally treated. Landscaping should be used in combination with such walls whenever possible.



- C. When security fencing is required, it should be a combination of solid walls with pillars and decorative view ports or short solid wall segments and wrought iron/tubular steel grill work.

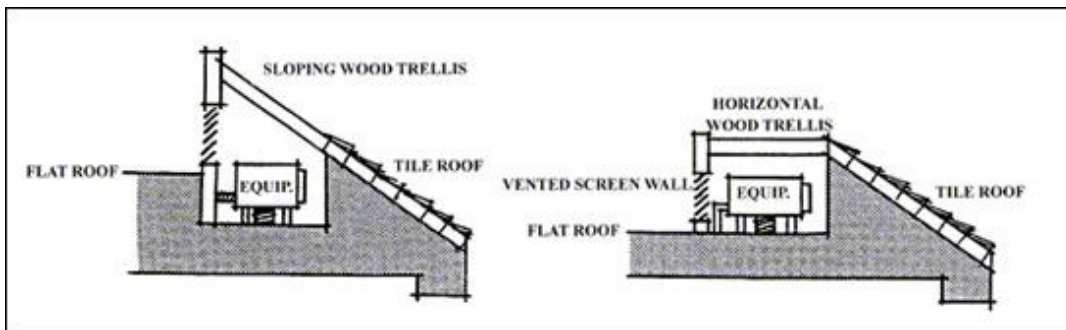
D. Long expanses of fence or wall surfaces should be offset and architecturally designed to prevent monotony. Landscape pockets should be provided.



(Prior code § 159.06.060(7))

17.12.120 Screening.

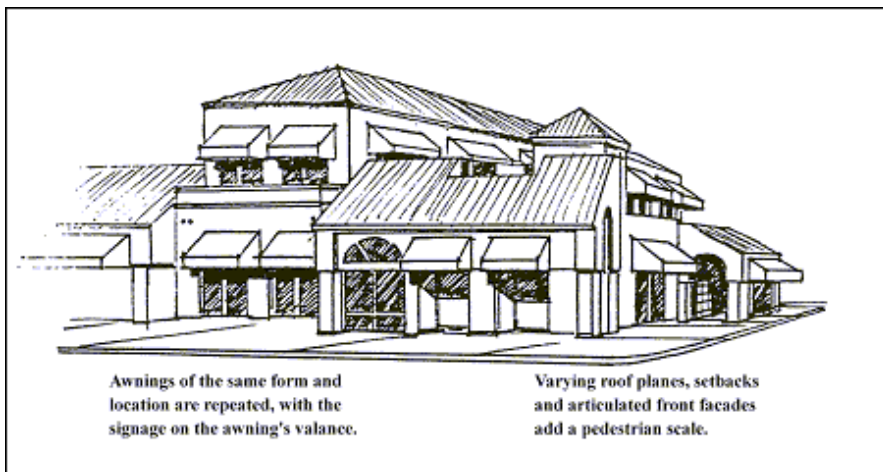
- A. Screening for outdoor storage should be a minimum of six (6) feet and a maximum of 10 feet high. The height should be determined by the height of the material or equipment being screened. Exterior storage should be confined to portions of the site least visible to public view.
- B. Where screening is required, a combination of elements should be used including solid masonry walls, berms, and landscaping.
- C. Any outdoor equipment, whether on a roof, side of a structure, or on the ground, shall be appropriately screened from view. The method of screening shall be architecturally integrated with the adjacent structure in terms of materials, color, shape, and size. Where individual equipment is provided, a continuous screen is desirable.

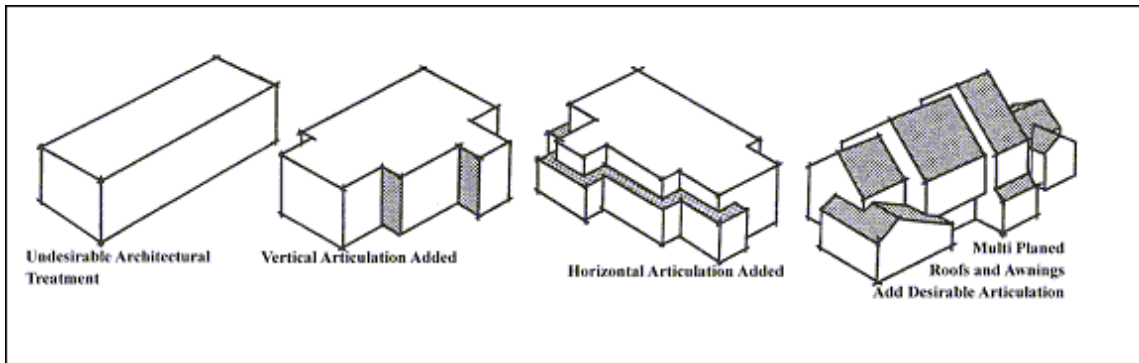


(Prior code § 159.06.060(8))

17.12.130 Architectural design guidelines.

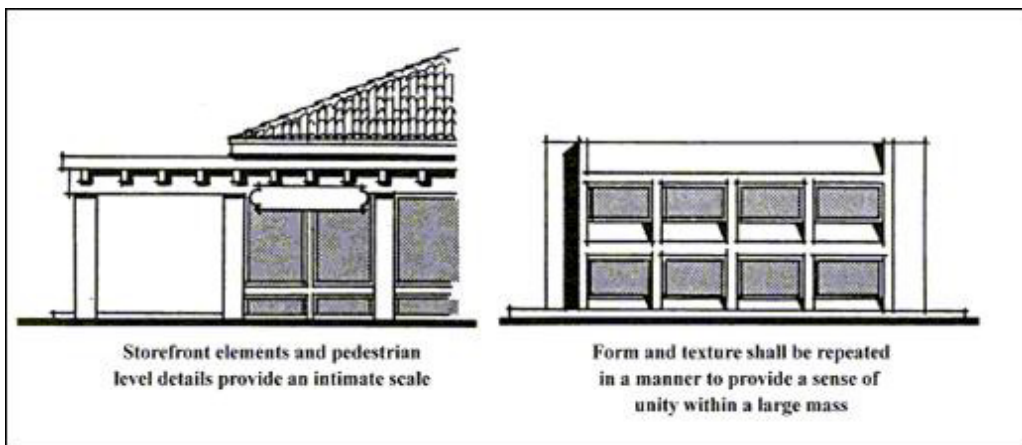
- A. Heights of structures should relate to adjacent open spaces to allow maximum sunlight and ventilation, protection from prevailing winds, enhance public views of surrounding mountains and minimize obstruction of view from adjoining structures.
- B. Height and scale of new development should be compatible with that of surrounding development. New development height should “transition” from the height of adjacent development to the maximum height of the proposed structure.
- C. Large buildings which give the appearance of “box-like” structures are generally unattractive and detract from the overall scale of most buildings. There are several ways to reduce the appearance of large scale, bulky structures.
 - 1. Vary the planes of the exterior walls in depth and/or direction. Wall planes should not run in 1 continuous direction for more than 50 feet without an offset.
 - 2. Vary the height of the buildings so that it appears to be divided into distinct massing elements.
 - 3. Articulate the different parts of a building’s facade by use of color, arrangement of facade elements, or a change in materials.
 - 4. Use landscaping and architectural detailing at the ground level to lessen the impact of an otherwise bulky building.
 - 5. Avoid blank walls at the ground floor levels. Utilize windows, trellises, wall articulation, arcades, change in materials, or other features.
 - 6. All structure elevations should be architecturally treated.





D. Scale, for purposes here, is the relationship between the size of the new structure and the size of adjoining permanent structures. It is also how the proposed building's size relates to the size of a human being (human scale). Large scale building elements will appear imposing if they are situated in a visual environment which is predominantly smaller in scale.

1. Building scale can be reduced through the proper use of window patterns, structural bays, roof overhangs, siding, awnings, moldings, fixtures, and other details.
2. The scale of buildings should be carefully related to adjacent pedestrian areas (i.e., plazas, courtyards) and other structures.
3. Large dominating structures should be broken up by:
 - a. Creating horizontal emphasis through the use of trim;
 - b. Adding awnings, eaves, windows, or other architectural ornamentation;
 - c. Use of combinations of complementary colors;
 - d. Landscape materials.

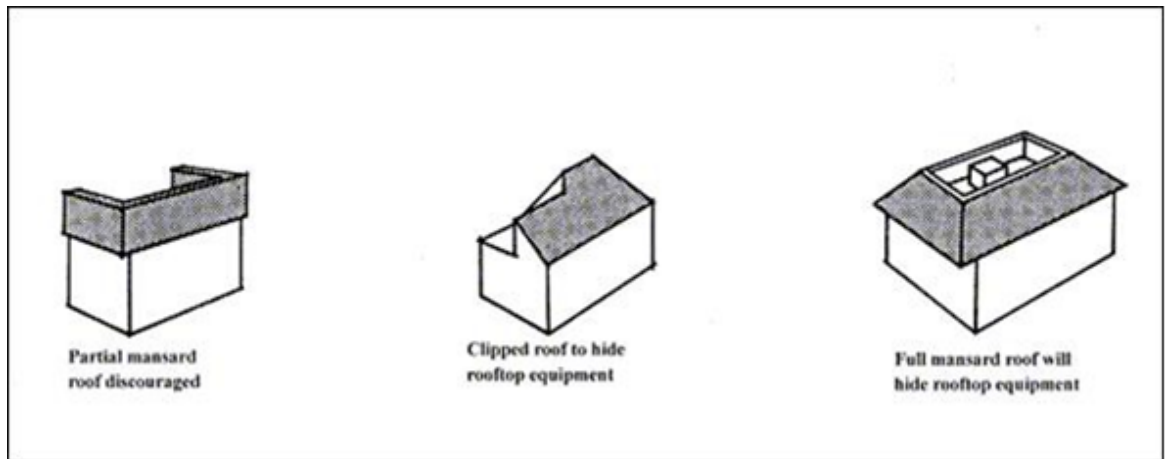


E. The use of standardized “corporate” architectural styles associated with chain-type restaurants is strongly discouraged.

F. Much of the existing color in the City is derived from the primary building's finish materials such

as brick, wood, stucco, and terra cotta tile. Also dominant are earth tones that match these natural materials.

1. Large areas of intense white color should be avoided. While subdued colors usually work best as a dominant overall color, a bright trim color can be appropriate.
2. The color palette chosen for new structures should be compatible with the colors of adjacent structures. An exception is where the colors of adjacent structures strongly diverge from these design guidelines.
3. Whenever possible, minimize the number of colors appearing on the structure's exterior. Small commercial structures should use no more than three (3) colors.
4. Primary colors should only be used to accent elements, such as door and window frames and architectural details.
5. Architectural detailing should be painted to complement the facade and tie in with adjacent structures.



(Prior code § 159.06.060(9))

17.12.140 Roofs.

- A. The roofline at the top of the structure should not run in continuous plane for more than 50 feet without offsetting or jogging the roof plane.
- B. All roof-top equipment shall be screened from public view by screening materials of the same nature as the structure's basic materials. Mechanical equipment should be located below the highest vertical element of the building or parapet.
- C. The following roof materials should not be used:
 1. Corrugated metal (standing rib metal roofs are permitted);
 2. Highly reflective surfaces (copper roofs may be considered);

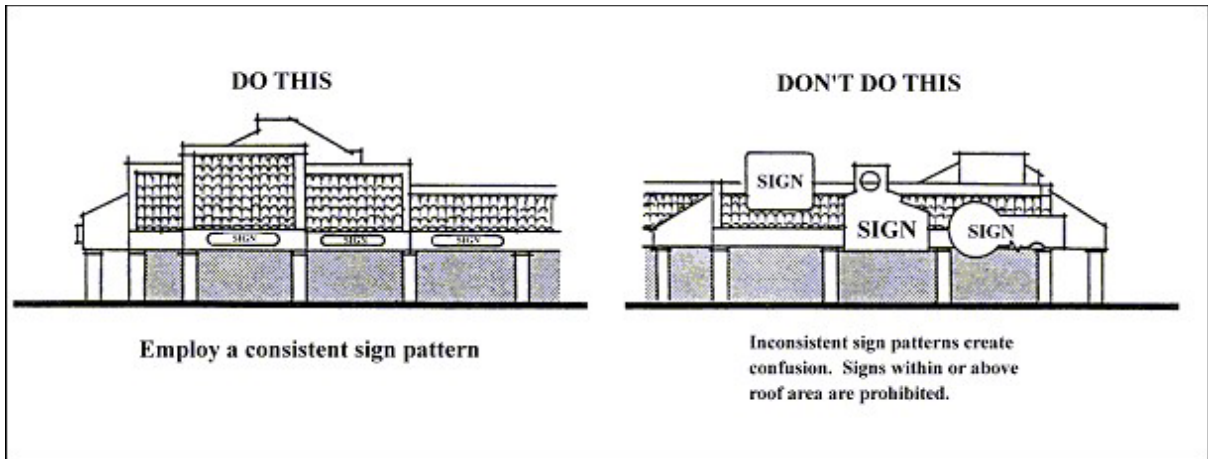
3. Illuminated roofing. (Prior code § 159.06.060(10))

17.12.150 Awnings.

- A. The use of awnings along a row of contiguous structures should be restricted to awnings of the same form and location. Color of the awnings should be consistent, and a minimum of eight (8)-foot vertical clearance should be maintained.
- B. Signs on awnings should be printed on and be limited to the awning's flap (valance) or to the end panels of angled, curved or box awnings.
- C. Plexiglas, metal, and glossy vinyl illuminated awnings are strongly discouraged. Canvas, treated canvas, matte finish vinyl, and fabric awnings are encouraged.
- D. Internally lit awnings should not be used. (Prior code § 159.06.060(11))

17.12.160 Signs.

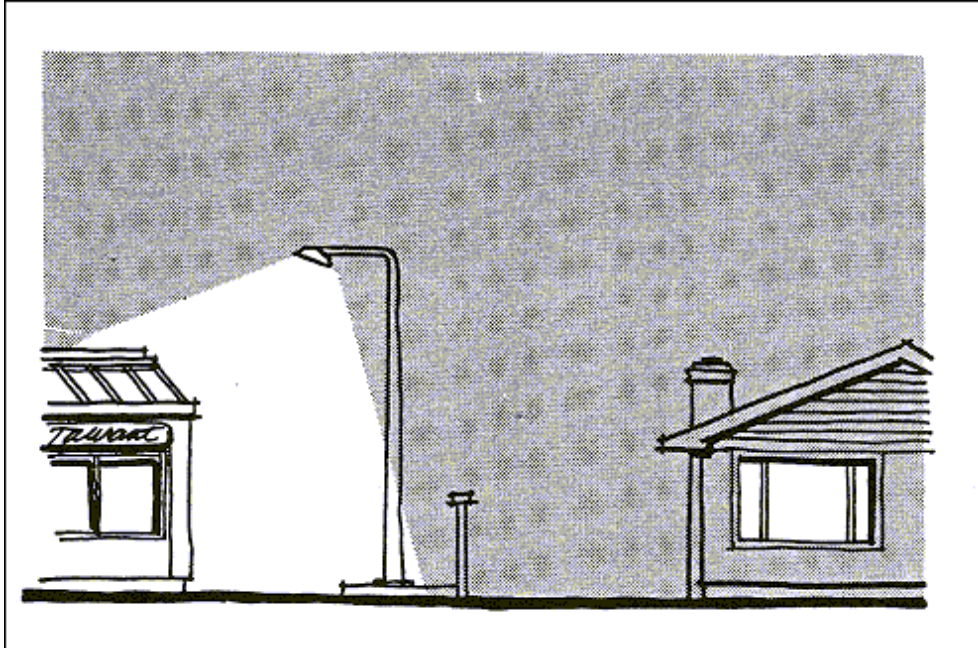
- A. Every structure and commercial complex should be designed with a precise concept for adequate signing. Provisions for sign placement, sign scale in relationship with the building, and sign readability should be considered in developing the signing concept. All signing should be highly compatible with the building and site design relative to color, material, and placement.
- B. Monument-type and wall signs are the preferred alternative for business identification whenever possible. Where several tenants occupy the same site, individual wall mounted signs are appropriate in combination with a monument sign identifying the development and address.
- C. The use of backlit individually cut letter signs (channel letter sign) is strongly encouraged.
- D. Each development site should be appropriately signed to give directions to loading and receiving areas, visitor parking and other special areas.



(Prior code § 159.06.060(12))

17.12.170 Lighting.

- A. Lighting should be used to provide illumination for the security and safety of on-site areas such as parking, loading, shipping, and receiving, pathways, and working areas.
- B. The design of light fixtures and their structural support should be architecturally compatible with the main structures on-site. Illuminators should be integrated within the architectural design of the structures.
- C. As a security device, lighting should be adequate but not overly bright. All building entrances should be well lighted.
- D. All lighting fixtures must be shielded to confine light spread within the site boundaries.



(Prior code § 159.06.060(13))

17.12.180 Bonus height.

Proposed structures shall not exceed the maximum height limit of the district. This section provides a special incentive to increase the maximum allowable height limit through a program which encourages such additional amenities as deemed desirable by the Planning Commission. These amenities may include, but are not limited to the following:

- A. Mixed use developments (i.e., residential above commercial office and retail uses, restaurants, theaters, etc.);
- B. Enhanced pedestrian activities;
- C. Improved signage and additional landscaping;
- D. Additional parking;
- E. Ground level and second floor plazas;
- F. Outdoor cafes;
- G. Artistic sculptures and aquatic amenities; and

H. Day care centers. (Prior code § 159.06.030(2)(C))

17.12.190 Alcohol beverage control “ABC” license.

A business or establishment requiring issuance of an “ABC” license is subject to a Conditional Use Permit, and shall comply with the following standard(s), in addition to conditions imposed by the Commission:

- A. Establishments subject to an off-site “ABC” license shall not be located within 500 feet, or as allowed by State law whichever is more restrictive, of any religious institution, school, or public park within the City. The license application shall be reviewed by the Police Department prior to City approval.
- B. Sit down restaurants whose predominant function is the service of food where the on-site sale of alcoholic beverages is incidental or secondary are exempt from the requirement for a Conditional Use Permit; an incidental bar or lounge shall be allowed for the convenience of dining patrons. (Establishments which are primarily a bar or lounge or have a bar or lounge area as a principal or independent activity are not included in this exemption.) (Prior code § 159.06.030(2)(A))

17.12.200 Automobiles sales.

Automobile sales dealerships, new and/or used, in the City must conform to the intent of this Zoning Ordinance and shall enhance and promote the image of the City. A Conditional Use Permit shall be required, and all dealerships must be constructed in the following manner:

- A. The minimum site area shall be 15,000 square feet, except where a larger minimum area is required.
- B. All parts, accessories, etc., shall be stored within a fully enclosed building.
- C. Service and associated car storage areas shall be screened from public view.
- D. All on-site lighting shall be stationary and directed away from and sensitive to adjoining properties and public rights-of-way.
- E. All landscaping shall be installed and permanently maintained pursuant to the provisions of Chapter 17.56 (Landscaping Standards).

- F. All on-site signage shall comply with the provisions of Chapter 17.44 (Sign Regulations)
- G. All loading and unloading of vehicles shall occur on-site and not in adjoining streets or alleys.
- H. All vehicles associated with the business shall be parked or stored on-site and not in adjoining streets and alleys.
- I. An adequate on-site queuing area for service customers shall be provided. Required parking spaces may not be counted as queuing spaces.
- J. No vehicle service or repair work shall occur except within a fully enclosed structure. Service bays with individual access from the exterior of the structure shall not directly face or front on a public right-of-way.
- K. All on-site parking shall comply with provisions of Chapter 17.48 (Off-Street Parking Standards). A parking plan shall be developed as part of the permit review process.
- L. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with applicable City standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least three (3) sides by a solid wall six (6) feet in height and on the fourth side by a solid gate not less than five (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. (Prior code § 159.06.030(2)(B))

17.12.210 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 (1) 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 Planning Commission.

- D. All on-site lighting shall be energy efficient, stationary, and directed away from adjoining properties and public rights-of-way.
- E. All on-site signage shall comply with the provisions of Chapter 17.44 (Sign Regulations).
- F. All landscaping shall be installed and permanently maintained pursuant to the provisions of Chapter 17.56 (Landscaping Standards).
- G. All on-site parking shall comply with the provisions of Chapter 17.48 (Off-Street Parking Standards). A parking plan shall be part of the permit review process.
- H. The premises shall be kept in a neat and orderly condition at all times.
- I. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted City standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least three (3) sides by a solid wall six (6) feet in height and on the fourth side by a solid gate not less than five (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.
- J. 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.
- K. A bicycle rack shall be installed in a convenient location visible from the inside of the store.
- L. Each convenience store shall provide a public restroom located within the store.
- M. On-site video games may not be installed or operated on the premises.
- N. A convenience store adjacent to any residentially designated district shall have a six (6)-foot-high decorative masonry wall along property lines adjacent to such districts.
- O. All parking, loading, circulation aisles, and pump island bay areas shall be constructed with (PCC) concrete. (Ord. 711 5-19-20; prior code § 159.06.030(2)(D))

17.12.220 Day care centers.

Refer to Section 17.08.060. (Prior code § 159.06.030(2)(E))

17.12.230 Drive-through restaurants.

This section contains standards for drive-through restaurants as well as prohibition of same in specified land use districts. Drive-through restaurants are subject to Development Permit review.

- A. Establishments providing drive-through facilities may be permitted in the C-N, C-H, C-G, and C-BP zoning districts.
- B. Pedestrian walkways should not intersect the drive-through aisles if avoidable, but where they do, they shall have clear visibility, and they must be emphasized by delineated paving or striping.
- C. Drive-through aisles shall have a minimum 12-foot width on curves and a minimum 11-foot width on straight sections.
- D. Drive-through aisles shall provide sufficient stacking area behind menu boards to accommodate a minimum of four (4) cars.
- E. All service areas, restrooms and ground-mounted and roof-mounted mechanical equipment shall be screened from view.
- F. Landscaping shall screen drive-through or drive-in aisles from the public right-of-way and shall be used to minimize the visual impact of menu board signs and directional signs.
- G. Drive-through aisles shall be constructed with (PCC) concrete.
- H. The drive-through aisle and structure shall be set back from the ultimate curbface a minimum of 25 feet.
- I. Menu boards shall be a maximum of 30 square feet, with a maximum height of seven (7) feet and shall face away from the street.
- J. Drive-through restaurants within an integrated shopping center shall have an architectural style consistent with the theme established in the center. The architecture of any drive-through restaurant must provide compatibility with surrounding uses in form, materials, colors, scale, etc. Structure plans shall have variation in depth and angle to create variety and interest in its basic form and silhouette. Articulation of structure surface shall be encouraged through the use of openings and recesses which create texture and shadow patterns. Structure entrances shall be well

articulated and project a formal entrance through variation of architectural plane, pavement surface treatment, and landscape plaza.

- K. No drive-through aisles shall exit directly onto a public right-of-way. (Prior code § 159.06.030(2)(F))

17.12.240 Indoor retail concession malls.

Indoor retail concession malls are subject to a Conditional Use Permit and shall comply with the following standards:

- A. Additional refuse containers may be required.
- B. A centralized loading area is required.
- C. A parking study may be required which addresses available off-street parking for establishments which are proposed for tenant suites within existing multi-tenant, commercial centers.
- D. Indoor retail concession malls shall be considered to be one (1) tenant for purposes of Zoning Ordinance sign standards. (Prior code § 159.06.030(2)(G))

17.12.250 Outdoor dining.

Outdoor dining shall require be a development permitted use (Development Permit required) in all zoning districts in which restaurant uses are permitted or conditionally permitted within the City. In addition to meeting all standards necessary for the approval of a Development Permit, such use shall further comply with all of the following standards and conditions:

- A. Parking shall be provided pursuant to the off-street parking standards set forth in Chapter 17.48 of this code unless off-street is exempt within the zoning district.
- B. No area used for open air dining shall be located in the public right-of-way except as provided in this section.
- C. Any lighting in outdoor dining areas shall comply with all applicable City ordinances regulating outdoor lighting and shall be of a design that is directed away from and avoids disruptions to nearby properties and uses. Flame lighting such as Tiki torches shall only be permitted if encased in a design that eliminates fire safety hazards in a manner satisfactory to the City's Fire Department.

D. Reviewing Authority.

1. Unless otherwise specified herein, the reviewing authority for a Development Permit for outdoor dining shall be the Director of Community Development. If, in the opinion of the Director, an application merits review by the Planning Commission, the Director may refer such application to the Planning Commission, and the Commission shall serve as the reviewing authority and shall conduct a noticed public hearing regarding the request consistent with Chapter 17.104.
2. Notwithstanding the provisions of subsection (D)(1) of this section, if the application for a Development Permit for outdoor dining accompanies an application for any other type of discretionary approval from the Planning Commission or City Council for the same site area, the Planning Commission or City Council, as appropriate, shall be the reviewing authority for the application for a Development Permit for outdoor dining and shall conduct a noticed public hearing regarding the request.

E. Outdoor Dining in the Public Rights-of-Way. No outdoor dining use shall be established in the public right-of-way without further complying with the following conditions:

1. A minimum distance of not less than a five (5)-foot-wide wheelchair accessible path of travel pedestrian aisle shall be maintained on the public right-of-way at all times: to assure the required pedestrian travel aisle, all outdoor dining areas shall be set back a minimum of five (5) feet from the edge of the curb and any fixed sidewalk obstruction including, without limitation, curblines, tree wells, street trees, parking meters, water hydrants, light poles, utility equipment boxes, newspaper racks and bus benches.
2. Umbrellas located in the outdoor dining area shall have a minimum seven (7)-foot clearance from the ground to the lowest element of the umbrella and shall be located completely within the outdoor dining area's permitted boundaries.
3. Portable heaters shall be located a minimum of three (3) feet from any combustible material and shall be located completely within the outdoor dining area's permitted boundaries.
4. Unless a permanent structure is approved pursuant to the Development Permit, all fixtures and furniture used in an outdoor dining area shall be removed from the public right-of-way and stored out of public view during non-business hours. At the discretion of the reviewing authority, outdoor dining areas with more than eight (8) chairs that present increased safety risks due to their configuration may be required to provide a permanent barrier delineating the usable open air dining area from the public right-of-way.
5. The outdoor dining area must be immediately adjacent to and abutting the associated restaurant space. Areas used for outdoor dining shall not extend beyond the building frontage for the associated restaurant space.
6. The material and design of the furniture (including umbrellas) and barrier, if any, shall be reviewed and approved by the reviewing authority prior to installation. The reviewing authority

shall consider whether the design of the furniture and barrier are integrated and compatible in terms of color, shape and size with the adjacent restaurant and shall further ensure that all outdoor furniture and other permitted structures are of a size, shape and weight that can resist being moved in severe wind conditions.

7. An encroachment permit allowing establishment of an outdoor dining area shall be issued by the Public Works Department in a form satisfactory to the City Engineer. Such permit shall be conditioned in a manner acceptable to the City Engineer to protect the health, safety and welfare of the City and its citizens, and shall include, without limitation, reasonable insurance requirements and indemnification provisions acceptable to the City Engineer to protect persons and the City from injury and risks associated with the outdoor dining use.
8. Areas used for outdoor dining in the public right-of-way shall comply with all applicable provisions of the City's building codes, including, but not limited to, maintaining proper building egress and ingress at all times, observing maximum seating capacities, providing proper circulation, and providing appropriate handicap access.
9. An annual rental fee payable to the City shall be imposed on the use or operation of outdoor dining areas located in the public right-of-way. The rental fee schedule shall be set by resolution of the City Council. In the event that a permit is suspended pursuant to this section, rental fees shall not be required to be paid during the period of suspension.
10. Areas used for outdoor dining in the public right-of-way shall at all times be maintained in a neat and orderly manner free from any visible signs of disrepair.
11. Music, whether live or prerecorded, and any other form of live or prerecorded entertainment, shall not be broadcast or performed within outdoor dining areas occupying the public right-of-way. Electronic sound amplification equipment (e.g., speakers, microphones, amplifiers, sound receivers) is prohibited within outdoor dining areas occupying the public right-of-way.
12. Alcohol served in outdoor dining areas in the public right-of-way shall only be served in its original container or in nondisposable drinkware. A permittee serving alcohol within a sidewalk dining area shall place a notation on the menus provided to patrons that states in bold lettering of a size that is no smaller than 1/4 of an inch in height:

“People consuming alcohol on the public sidewalk or other public place outside of this outdoor dining area are subject to arrest. DHSMC Section 9.08.040.”

Any outdoor dining area located in the public right-of-way that intends to serve alcohol shall be required to have a barrier satisfactory to the reviewing body cordoning off the entire outdoor dining area from the public sidewalk or other public areas.

13. All outdoor dining areas located in the public right-of-way shall remain free of litter at all times.
14. There shall be no modification of the texture of the surface of the public right-of-way to accommodate the outdoor dining facilities.
15. Outdoor dining areas located in the public right-of-way shall not interfere with visibility, vehicular or pedestrian mobility.

16. Use, occupation, and obstruction of the public right-of-way for outdoor dining purposes is a revocable privilege. As such, a Development Permit may be suspended or revoked according to procedures of this chapter when, in the discretion of the Director of Community Development, the Police Chief, the Fire Chief, the City Engineer, the Public Works Director, or the City Manager, any such use, occupation or obstruction may interfere with public safety efforts or programs, street improvement activities, construction activities, public utility installations, cleaning efforts or other similar activities or with the health, welfare or safety of the citizens of the City.
- F. In addition to any other noticing requirements provided in this Zoning Ordinance, the following noticing requirements shall apply to Development Permit applications for outdoor dining uses:
1. A notice of intended decision regarding an application for an outdoor dining permit shall be mailed at least 10 days prior to any decision rendered by the Director of Community Development to all property owners and residential occupants within 300 feet of the exterior boundaries of a project site.
- G. All outdoor dining areas shall comply with the City's noise ordinances, including, without limitation, Section 17.40.180 (Noise) of this code.
- H. In approving a Development Permit for outdoor dining, the reviewing authority may impose such conditions as may be reasonably necessary to protect the public health, safety, and general welfare, and to ensure that the proposed outdoor dining use is established and conducted in a manner that is consistent with this section and the development standards for the underlying commercial zone. The conditions imposed by the reviewing authority may include, but shall not be limited to:
1. The appropriate setback for the proposed outdoor dining use;
 2. Pedestrian access and safety;
 3. Barrier requirements surrounding the proposed outdoor dining use;
 4. The time limit on the permit;
 5. Restrictions governing the hours of operation of the proposed outdoor dining use may operate;
 6. Design restrictions to ensure neighboring properties and uses are not negatively impacted by noise, light or other attributes of the outdoor dining use.
- I. Revocation or suspension of a Development Permit for outdoor dining shall occur pursuant to the standards and procedures set forth in applicable sections of Chapter 4.36 of the Desert Hot Springs Municipal Code.
- J. Any violation of subsection A, B, C, D, E, or G of this section shall constitute a public nuisance and an infraction, subject to all remedies available by law. (Ord. 695 10-15-19; prior code § 159.06.030(2)(G-1))

17.12.260 Outdoor sales and display

The intent of this Section is to provide for the appropriate location and design of outdoor sales and display areas and to mitigate any adverse impacts that such uses may have on adjacent properties and rights-of-way.

- A. Accessory Outdoor Sales and Display Permitted. Outdoor sales and display shall be permitted as an accessory use only in commercial and industrial land use districts, subject to the following requirements:
1. Outdoor sales and display shall only be accessory to a principal nonresidential use where such use conducts its activities within a completely enclosed building or group of buildings on the same property, shall be conducted by employees of the principal use, and shall be owned by the owner of the principal use and not a consignment operation or arrangement.
 2. Outdoor sales and display shall only be permitted in an area not greater than 500 square feet or 10 percent of the gross floor area of the ground floor of the building, whichever is less.
 3. No outdoor sales and display shall be allowed in areas set aside, required or designated for driving aisles, driveways, maneuvering areas, emergency access ways, off-street parking or unloading/loading.
 4. No outdoor sales, storage or display areas shall be located in the clear sight triangle as defined by this Code, or located in any manner that would restrict or limit adequate sight distances for interior or exterior vehicular movements.
 5. Outdoor sales and display items shall be located at least 50 feet away from any residentially zoned property and display shall be completely screened from view from any abutting residentially zoned property.
 6. No material or display items shall be located within three (3) feet of any building entry.
 7. Items may be located on sidewalks in the public right-of-way only if a continuous path with a minimum five (5) foot width is maintained along the property. Outdoor sales and display items shall be permitted on privately owned walks or other areas intended for pedestrian movement provided an unobstructed, continuous path with a minimum five (5)-foot width is maintained.
 8. Items shall be located on a permanent durable surface.
 9. All items shall be safely displayed against displacement by the wind.
 10. Stacked items shall not exceed six (6) feet in height.
 11. All items shall be brought indoors at the end of each business day. No overnight sales and display are permitted.
 12. Vending machines and accessory outdoor sales and display may be permitted outside of the building and within a required setback when located against and parallel to the building facade, extending up to four (4) feet in depth from the building in a manner that does not impede pedestrian and ADA access. These items shall count toward the total outdoor sales and display area permitted

by this Section.

17.12.270 Mini-malls (strip malls).

Mini-malls (small scale, up to 30,000 square feet, multi-tenant shopping centers) are subject to a Development Permit and shall comply with the following standards.

- A. All development and operational standards outlined in Section 17.12.080 (Convenience Stores), except for items in subsections D and Q, shall apply.
- B. The development shall provide internal continuity, uniformity, and compatibility relating to architectural design, vehicular and pedestrian access, and on-site provisions for landscaping, loading, parking and signage.
- C. To the extent feasible, the on-site vehicular circulation system shall provide continuity with adjacent and similar commercial developments.
- D. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted City standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least three (3) sides by a solid wall six (6) feet in height and on the fourth side by a solid gate not less than five (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. (Prior code § 159.06.030(2)(H))

17.12.280 Multifamily housing.

Refer to Section 17.08.140. (Prior code § 159.06.030(2)(I))

17.12.290 Household recycling facilities for reusable domestic containers.

- A. Household recycling facilities are subject to permit review in all commercial and industrial land use districts according to the following schedule:

Type of Facility	Districts Permitted	Permit Required
Reverse vending machine(s) and machine(s) vending	All commercial and all industrial	Development Permit up to 5 reverse vending machines
Small collection	C-G, C-N, C-D	Development Permit

Large collection	C-N, C-D and all industrial	Conditional Use Permit
Light processing	All industrial	Conditional Use Permit
Heavy processing	All industrial	Conditional Use Permit

B. For the purposes of this section, the following definitions shall apply:

“Collection facility” means a center for the acceptance by donation, redemption, or purchase of recyclable materials from the public, which may include the following:

1. Reverse vending machine(s).
2. Small collection facilities which occupy an area of less than 500 square feet and may include:
 - a. A mobile unit;
 - b. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet; and
 - c. Kiosk-type units which may include permanent structures.
3. Large collection facilities which may occupy an area of more than 500 square feet and may include permanent structures.

“Convenience zones” means an area within a 1/2 mile radius of a supermarket.

“Mobile recycling unit” means an automobile, truck, trailer, or van, licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials, including bins, boxes, or containers transported by trucks, vans or trailers, and used for the collection of recyclable materials.

“Processing facility” means a building or enclosed space used for the collection and processing of recyclable materials to prepare for either efficient shipment or to an end user’s specifications by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing. Processing facilities include the following:

1. Light processing facility occupies an area of under 45,000 square feet of collection, processing and storage area, and averages two (2) outbound truck shipments per day. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source separated recyclable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.
2. A heavy processing facility is any processing facility other than a light processing facility.

“Recycling facility” means a center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers located on

a residential, commercial or manufacturing designated parcel used solely for the recycling of material generated on the parcel. “Recycling or recyclable material” means reusable domestic containers, including, but not limited to, metals, glass, plastic and paper which are intended for reuse, remanufacture, or reconstitution for the purpose of using in altered form. Recyclable material does not include refuse or hazardous materials.

“Reverse vending machine” means an automated mechanical device which accepts at least one (1) or more types of empty beverage containers, including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container’s redemption value as determined by the State. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept more than 1 container at a time and will pay by weight instead of by container.

“Supermarket” means a full-service, self-service retail store with gross annual sales of \$2,000,000 or more, and which sells a line of grocery, canned goods, or non-food items and some perishable items.

C. The standards for recycling facilities are as follows:

1. Reverse vending machine(s) located within a commercial structure shall require a Development Permit, shall not require additional parking spaces for recycling customers, and may be permitted in all commercial and industrial land use districts subject to compliance with the following standards:
 - a. Shall be installed as an accessory use to a commercial use which is in full compliance with all applicable provisions of this Zoning Ordinance and the municipal code;
 - b. Shall be located within 30 feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation;
 - c. Shall not occupy parking spaces required by the primary use;
 - d. Shall occupy no more than 50 square feet of floor space per installation, including any protective enclosure, and shall be no more than eight (8) feet in height;
 - e. Shall be constructed and maintained with durable waterproof and rustproof material;
 - f. Shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative;
 - g. Shall have a sign area of a maximum of four (4) square feet per machine, exclusive of

- operating instructions;
 - h. Shall be maintained in a clean, sanitary, and litter-free condition on a daily basis;
 - i. Shall have operating hours consistent with the operating hours of the primary use;
 - j. Shall be illuminated to insure comfortable and safe operation if operating hours are between dusk and dawn; and
 - k. Shall maintain an adequate on-site refuse container for disposal of nonhazardous waste.
2. Small collection facilities located within applicable commercial and industrial land use districts shall be subject to a Development Permit, and comply with the following standards:
- a. Shall be installed as an accessory use to an existing commercial use which is in full compliance with all applicable provisions of this Zoning Ordinance and the municipal code;
 - b. Shall be no larger than 500 square feet and occupy no more than five (5) parking spaces not including space that will be periodically needed for removal of materials or exchange of containers;
 - c. Shall be set back at least 10 feet from any public right-of-way, and not obstruct pedestrian or vehicular circulation;
 - d. Shall accept only glass, metals, plastic containers, papers and reusable items;
 - e. Shall use no power-driven processing equipment except for reverse vending machines;
 - f. Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule;
 - g. Shall store all recyclable material in the mobile unit vehicle and shall not leave materials outside of the unit when attendant is not present;
 - h. Shall be maintained in a clean and sanitary manner free of litter and any other undesirable materials, including mobile facilities;
 - i. Shall not exceed noise levels of 65 dBA as measured at the property line of adjacent residential land use districts;
 - j. Attended facilities shall not be located within 100 feet of any residential land use district;
 - k. Collection containers, site fencing, and signage shall be of such color and design so as to be compatible with and to harmonize with the surrounding uses and neighborhood;
 - l. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation and display a notice stating that no material shall be left outside the recycling enclosure of containers;
 - m. Signs may be provided as follows:
 - i. Recycling facilities may have identification signs with a maximum of 15% per side of a structure or 16 square feet, whichever is greater. In the case of a wheeled facility, the side will be measured from the ground to the top of the container,
 - ii. Signs shall be consistent with the character of their location, and

- iii. Directional signs, consistent with Chapter 17.44 (Sign Standards), bearing no advertising message may be installed with the approval of the Director if found necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way;
 - n. Shall not impair the landscaping required by Chapter 17.56 (Landscaping Standards) for any concurrent use;
 - o. No additional parking space shall be required for customers of a small collection facility located at the established parking lot of the primary use. One space will be provided for the attendant, if needed;
 - p. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;
 - q. Occupation of parking spaces by the facility and by the attendant shall not reduce available parking spaces below the minimum number required for the primary use unless all of the following conditions exist:
 - i. A parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site, and
 - ii. The permit shall be reviewed at the end of 18 months;
 - r. Shall not be 24-hour operations;
 - s. May be subject to landscaping and/or screening as determined by the review authority; and
 - t. Shall maintain adequate refuse containers for the disposal of nonhazardous waste.
3. A large collection facility which is larger than 500 square feet, or on a separate parcel not accessory to a “primary” use, which has a permanent structure is permitted in the commercial, and industrial land use districts, subject to a Conditional Use Permit, and the following standards:
- a. The facility does not abut a parcel designated or planned for residential use;
 - b. The facility shall be screened from the public right-of-way, within an enclosed structure;
 - c. Structure setbacks and landscape requirements shall be those provided for the land use district in which the facility is located;
 - d. All exterior storage of material shall be in sturdy containers which are covered, secured, and maintained in good condition. Outdoor storage shall be screened by a six (6)-foot, solid decorative masonry wall. No storage, excluding truck trailers shall be visible above the height of the wall. No outdoor storage shall be permitted in the land use districts, which do not permit outdoor storage;
 - e. The site shall be maintained clean, sanitary and free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis;
 - f. Space shall be provided on-site for six (6) vehicles to circulate and to deposit recyclable materials;
 - g. Four parking spaces for employees plus one (1) parking space for each commercial vehicle operated by the recycling facility shall be provided on-site;
 - h. Noise levels shall not exceed 65 dBA as measured at the property line of adjacent residential land use districts;
 - i. If the facility is located within 500 feet of property designated, or planned for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m.;
 - j. Any containers provided for after hours donation of recyclable materials shall be at least 50 feet from any residential land use district permanently located, of sturdy rustproof construction, and shall have sufficient capacity to accommodate materials

- collected and be secure from unauthorized entry or removal of materials;
 - k. Donation areas shall be kept free of litter and any other undesirable material and the containers will be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers;
 - l. The facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation; identification and informational signs shall meet the standards of the land use district; and directional signs bearing no advertising message may be installed with the approval of the Director, if necessary to facilitate traffic circulation; and
 - m. Adequate refuse containers for the disposal of non-hazardous waste shall be permanently maintained on-site.
4. Light processing facilities and large processors shall be permitted in all industrial land use districts subject to a Conditional Use Permit, and shall comply with the following standards:
- a. The facility shall not abut a residentially designated parcel;
 - b. In the I-L land use district, processors shall operate within a completely enclosed structure;
 - c. Power-driven processing shall be permitted provided all noise level requirements are met. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding, and sorting of source-separated recyclable materials and repairing of reusable materials;
 - d. A light processing facility shall be no larger than 45,000 square feet and shall have no more than an average of two (2) outbound truck shipments of material per day and shall not shred, compact or bale ferrous metals other than food and beverage containers;
 - e. Structure setbacks and landscaping requirements shall be those provided for the land use district in which the facility is located;
 - f. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured and maintained in good condition. Storage containers for flammable materials shall be constructed of nonflammable material. No storage excluding truck trailers shall be visible above the height of the required walls;
 - g. The site shall be maintained in a clean manner and free of litter and any other undesirable material(s). Loose debris shall be collected on a daily basis and the site shall be secured from unauthorized entry and removal of materials when attendants are not present;
 - h. Space shall be provided on-site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, a parking area shall be provided for a minimum of 10 customers at any one (1) time;
 - i. One employee space shall be provided for each commercial vehicle operated by the processing center;
 - j. Noise levels shall not exceed 65 dBA as measured at the property line of residential land use districts;
 - k. If the facility is located within 500 feet of property designated or planned for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m. The facility shall be administered by on-site personnel during the hours the facility is open;
 - l. Any containers provided for after-hours donation of recyclable materials shall be at least 100 feet from any residential land use district parcel, and shall be sturdy, rustproof construction, with sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials;
 - m. Donation areas shall be kept free of litter and any other undesirable material. The

containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers;

- n. Signs shall be installed pursuant to Chapter 17.44 (Sign Standards). Additionally, the facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation;
- o. No dust, fumes, smoke, vibration or odor above ambient level shall be detectable from adjacent residentially designated parcels; and
- p. The facility shall maintain adequate on-site refuse containers for the disposal of nonhazardous waste. (Prior code § 159.06.030(2)(J))

17.12.300 Senior citizen/congregate care housing standards.

Refer to Section 17.08.180. (Prior code § 159.06.030(2)(K))

17.12.310 Service station (gasoline) standards.

Service stations are subject to a Development Permit and shall comply with the following standards:

- A. New service stations shall be permitted only at the intersections of major and secondary arterials, their intersections with freeway off-ramps, and as tenants of multi-tenant shopping centers, provided that they are integrated into the design of the shopping centers. A maximum of 2 service stations shall be permitted at each intersection. The use shall not adjoin a residential land use district.
- B. The minimum parcel size shall be 15,000 square feet, with a minimum frontage of 100 feet on each street.
- C. All activities and operations shall be conducted entirely within an enclosed structure, except as follows:
 - 1. The dispensing of petroleum products, water and air from pump islands;
 - 2. The provision of emergency service of a minor nature;
 - 3. The sale of items via vending machines which shall be placed next to the main structure in a designated area not to exceed 32 square feet, and which must be screened from public view.
 - 4. Outdoor sale and display as provided for in this chapter._
- D. Pump islands shall be located a minimum of 20 feet from a street property line, however, a canopy or roof structure over a pump island may encroach up to 10 feet within this distance. Additionally, the cashier location shall provide direct visual access to the pump islands and the vehicles parked adjacent to the islands.
- E. The maximum number of points of ingress/egress to any one (1) street shall be two (2).

- F. There shall be a minimum distance of 30 feet between curb cuts along a street frontage.
- G. No driveway may be located closer than 35 feet to the curb return.
- H. The width of a driveway may not exceed 36 feet at the sidewalk.
- I. On-site parking shall be provided at one (1) space for each pump island, plus one (1) space for each service bay.
- J. Outside storage of motor vehicles is prohibited.
- K. No vehicles may be parked on sidewalks, parkways, driveways or alleys.
- L. No vehicle may be parked on the premises for the purpose of offering it for sale.
- M. Landscaping shall comprise a minimum of 15% of the service station-site area, exclusive of required setbacks, and shall be provided and permanently maintained according to the following regulations, as well as those contained in Chapter 17.56 (Landscaping Standards).
 - 1. A minimum five (5)-foot-wide (inside dimension), six (6)-inch-high planter area shall be provided along interior property lines, except for openings to facilitate vehicular circulation to adjacent properties. Where adjacent to a periphery wall, trees planted not more than 16 feet apart shall be included in the planter areas.
 - 2. A planter area of not less than 200 square feet shall be provided at the corner of two (2) intersecting streets. Landscaping shall not exceed a height of 30 inches.
 - 3. A minimum of 50 square feet of planter area shall be located along those portions of the main structure fronting on a public street.
 - 4. Additional landscaping may be required to screen the service station from adjacent properties.
- N. All on-site signage shall comply with the provisions of Chapter 17.44 (Sign Standards).
- O. Openings of service bays shall not face the public right-of-way and shall be designed to minimize the visual intrusion onto adjoining properties.
- P. No used or discarded automotive parts or equipment, or disabled, junked or wrecked vehicles may be located in any open area outside the main structure.
- Q. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted City standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least three (3) sides by a

solid wall six (6) feet in height and on the fourth side by a solid gate not less than five (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.

- R. All light sources, including canopy, perimeter, and flood shall be energy efficient, stationary and shielded or recessed within the roof canopy so that the service station shall be indirectly visible, and light is deflected away from adjacent properties and public rights-of-way. Lighting shall not be of such a high intensity as to cause a traffic hazard or adversely affect adjoining properties. No luminary shall be higher than 15 feet above finished grade.
- S. Where an existing service station adjoins property in a residential land use district, a six (6)-foot-high decorative masonry wall shall be constructed at the time the station requires a permit for the on-site improvement/modification. Materials, textures, colors and design of the wall shall be compatible with on-site development and adjoining properties. When the wall reaches the established front yard setback line of a residentially designated lot abutting or directly across an alley from the service station, it shall decrease to a height of 30 inches.
- T. Restroom entrances viewable from adjacent properties or public rights-of-way shall be concealed from view by planters or decorative screening.
- U. Noise from bells or loudspeakers shall not be audible beyond the property line at any time.
- V. All parking, loading, circulation aisles, and pump island bay areas shall be constructed with (PCC) concrete. (Prior code § 159.06.030(2)(L))

17.12.320 Service station conversions.

A structure originally constructed as a service station and which is proposed for conversion to another allowable use shall require upgrading and remodeling for such items as, but not limited to, removal of all gasoline appurtenances, removal of pump islands, removal of gas tanks, additional street improvements or modification of existing improvements to conform to access regulations, exterior remodeling, and any additional standards as required by this Zoning Ordinance. (Prior code § 159.06.030(2)(M))

17.12.330 Single-family housing, existing.

Additions, alterations and expansion to single-family units which legally existed in the commercial and industrial districts prior to October 2000, shall comply with the R-L District Standards. (Prior code

§159.06.030(2)(N))

17.12.340 Single-family/office conversions.

A structure originally constructed as a family residence which is proposed for conversion to a low intensity office use shall require the following:

- A. The building elevations and the landscaping between the front property line and the building front shall be maintained in their residential character.
- B. Parking shall be provided to the rear of the structure. Access may be permitted from the original driveway if there is a minimum width of 10 feet.
- C. Any trees with a trunk diameter greater than six (6) inches shall be preserved. If it becomes necessary to remove a tree with a trunk diameter greater than six (6) inches, each tree removed shall be replaced on a 2:1 ratio with 36-inch box trees.
- D. If the rear property line abuts an alley, access to parking shall be provided from the alley whenever possible.
- E. Where two (2) or more single-family residences adjacent to one another are converted to office uses, reciprocal access and parking may be required.
- F. Parking spaces shall be provided as determined at project review. To the greatest extent possible professional office parking requirements shall be met.
- G. Unattended tandem parking will be permitted if it is determined such parking would be appropriate for the use.
- H. Parking lot landscaping may be reduced to 5% of the parking area (plus setbacks) if it is deemed necessary in order to provide adequate parking spaces.
- I. Loading spaces are not required.
- J. A monument sign shall be permitted in accordance with Chapter 17.44 Sign Regulations.
- K. The structure shall be made to conform to the provisions of the California Building Code for commercial structures.
- L. Trash receptacles should be placed to the rear of the structure and screened from view. Location

and size of receptacles will be determined at project review. Recycling facilities and programs shall be incorporated into refuse storage/disposal areas for all new development projects and all new construction in existing projects. (Prior code § 159.06.030(2)(O))

17.12.350 Tattoo and body piercing establishments.

A. Applicability. The standards and criteria established in this section apply to any business enterprise in the City of Desert Hot Springs that engages in tattooing and/or body piercing.

B. Definitions.

1. The following words and phrases shall have the same meanings as set forth in California Health and Safety Code Section 119300 et seq., as the same may be amended from time to time, and whenever used in this section shall be construed as defined in this section:

“Body piercing” means the creation of an opening in the body of a human being for the purpose of inserting jewelry or other decoration. This includes, but is not limited to, piercing of an ear, lip, tongue, nose, or eyebrow. “Body piercing” does not include piercing an ear with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

“Permanent cosmetics” means the application of pigments to or under the skin of a human being for the purpose of permanently changing the color or appearance of the skin. This includes, but is not limited to, permanent eyeliner, eye shadow, or lip color.

“Tattooing” means to insert pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, to produce an indelible mark or figure visible through the skin.

2. Other Defined Terms. The following terms and phrases, whenever used in this section shall be construed as defined in this section:

“Body piercing establishment” or “parlor” means any establishment where body piercing is conducted.

“Branding” means any method, including, but not limited to, the use of heat, cold, chemical compound, or cauterizing to apply a scar to the body for the purpose of creating a permanent mark or design on the skin.

“Extreme body modification” means the practice of modifying the physical body using the techniques of branding and scarification.

“Scarification” means any method used to alter skin texture by cutting the skin and controlling the body’s healing process in order to produce wounds which result in permanently raised welts

or bumps, or any other technique that changes the contour, or level plane of the skin and/or results in a scar on the skin.

“Tattoo establishment” or “parlor” means any establishment where tattooing is conducted.

- C. **Extreme Body Modification Services Prohibited.** Business enterprises which engage in the performance of extreme body modification services, as defined in this section, are prohibited in all zones throughout the City of Desert Hot Springs. No permit or any other applicable license or entitlement for use, including but not limited to the issuance of a business license, shall be approved or issued for the establishment, maintenance or operation of any business enterprise that engages in the performance of extreme body modification services within the City limits of the City of Desert Hot Springs. The establishment, maintenance or operation of any business enterprise which conducts extreme body modification services within the City limits is declared to be a public nuisance and may be abated by the City either pursuant to Chapter 4.16 of the Desert Hot Springs Municipal Code or any available legal remedies, including but not limited to, Title 4 (Code Enforcement) of the Desert Hot Springs Municipal Code and/or civil injunctions.
- D. **Business License Required.** A business license, pursuant to the provisions in Chapter 5.04 of the City’s Municipal Code, shall be required prior to operating a tattoo establishment and/or body piercing establishment. A business license shall not be authorized unless sufficient evidence is provided that proprietors of tattoo and/or body piercing establishments have registered with Riverside County Health Department pursuant to Section 119303 of the California Health and Safety Code.
- E. **Location Criteria.** A proposed tattoo establishment and/or body piercing establishment shall be located in compliance with the following requirements:
 - 1. The use shall not be located within a 300-foot radius of any other tattoo establishment and/or body piercing establishment.
 - 2. For the purposes of separation requirements, the distance measured shall be from the main entrance of the tattoo establishment and/or body piercing establishment to the main entrance of any other tattoo establishment and/or body piercing establishment.
- F. **Enforcement.** The establishment, maintenance or operation of a tattoo establishment and/or body piercing establishment in violation of this section, is declared to be a public nuisance and may be abated by the City either pursuant to Chapter 4.16 of the Desert Hot Springs Municipal Code or any available legal remedies, including, but not limited to, Title 4 (Code Enforcement) of the Desert Hot Springs Municipal Code and/or civil injunctions. In addition, in the event the tattoo establishment or body piercing establishment operates or is maintained in violation of and/or in noncompliance with the City’s regulations, as set forth in this section, Health and Safety Code Section 119300 et seq., Chapter 6.1 of the California Health and Safety Code, also

known as the Medical Waste Management Act (MWMA) of 1991, or the conditions of approval, the City may commence conditional use permit revocation proceedings, as provided in Chapter 17.76 of the City's Municipal Code. (Ord. 524 § 3, 2010)

17.12.360 Mobile food vending vehicle parks.

For purposes of this section, "mobile food vending vehicle park" means a commercial private property, allowing vendors to vend on its premises on an ongoing basis with approval of an Administrative Use Permit.

- A. Mobile food vending vehicle parks may be established within the City and shall comply with the following additional requirements:
 - 1. All mobile food vendors shall obtain a mobile food vending vehicle permit and abide by all regulations in Desert Hot Springs Municipal Code Chapter 5.52.
 - 2. All mobile food vending vehicles will be parked on a paved surface.
 - 3. Maintain permanent restroom facilities with ADA access.
 - 4. Provide at least three (3) paved parking spaces per mobile food vending vehicle.
 - 5. Maintain sufficient trash receptacles and trash removal services.
 - 6. Tables, chairs, carts, shade structures, or other vending-related installations may be erected.
 - 7. Sufficient lighting shall be required if the vendor remains open for business after dusk.
 - 8. Shall comply with all requirements of Title 17 of the Desert Hot Springs Municipal Code. (Ord. 690 9-3-19)








Ordinance 793 Title 17 Commercial Districts and Moratoria

Final Audit Report

2023-12-12

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Transaction ID:	CBJCHBCAABAA_xMDhc_RZPq1mg4NoUHajWxLR7o66evC

"Ordinance 793 Title 17 Commercial Districts and Moratoria" History

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2023-12-12 - 10:28:30 PM GMT
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2023-12-12 - 10:38:25 PM GMT- IP address: 47.176.24.242
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