



CITY COUNCIL STAFF REPORT

DATE: January 4, 2012 NEW BUSINESS

SUBJECT: DISCUSSION OF UPCOMING ZONE TEXT AMENDMENTS

FROM: David H. Ready, City Manager

BY: Planning Department

SUMMARY

Over the past few years, the Planning Commission and staff have reviewed several zone text amendments related to zoning definitions and development regulations. This memo is a summary of the Planning Commission's adopted recommendations on five pending zone text amendments:

- Land Use Permits and Religious Institutions
- Definition of "hillside area"
- Definition of "building height"
- Regulation of Canopies and Carports in Single Family (R-1) Zones
- Off-site Advertising Displays (Billboards)

The City Council will have an opportunity to provide any direction in advance of the public hearings it will hold in 2012.

RECOMMENDATION:

1. Receive and file.

BACKGROUND:

The Palm Springs Zoning Code provides standards and procedures by which the City regulates land use and development. It is the vehicle by which the community asserts its interest in the individual use of property, making the Code a reflection of cultural, social, economic, environmental and political forces. It covers a wide range of issues and is by any measure a complicated document. The Code is not a static set of rules, but it takes time to adjust it to changing values. Consequently, it is at constant risk of being obsolete or insufficient in its treatment of individual land use and development concerns. The Zone Text Amendment procedures of Section 94.07.01 provide the means by which the Code may be kept up to date.

ITEM NO. 5.B.

Zone Text Amendments are legislative (law-making) actions and therefore may only be completed by City Council action. The steps to an amendment may be summarized as follows:

- Initiation by motion of the Planning Commission or City Council
- Noticed public hearing by the Planning Commission, with adopted recommendation
- Noticed public hearing by the City Council, with introduction ("first reading") of draft ordinance
- Enactment of ordinance by the City Council ("second reading")
- Ordinance becomes effective thirty days after second reading

Over the past few years the Planning Department has worked on several Zone Text Amendments. Since 2008, the following amendments have been completed:

- Portable "Open" Signs in Commercial Zones (Ord. 1744, July 2008)
- Neighborhood Entry Signs (Ord. 1751, October 2008)
- Medical Marijuana (Ord. 1758, March 2009)
- Consolidation of Regulations for Specific Uses (Ord. 1799, October 2011)

Other amendments are still being reviewed by the Planning Commission with recommendations pending:

- Second Residential Unit Regulations
- Tattoo, Piercing, Fortune Telling and Tobacco in CBD Zone
- Substance Abuse Recovery Centers
- Temporary Banners, Digital Billboards, "For Lease" Signs
- Planning Director Referral of Minor Modifications, Land Use Permits and Architecture Review.

The Commission will continue to work on these amendments, leading to recommendations that would be forwarded for the Council's consideration.

Another group of Zone Text Amendments have been reviewed by the Planning Commission and recommendations have been adopted. They are ready for Council review and action. This memo provides a summary of each of these pending amendments and is a preview to the formal Council hearings that will be held later in the year.

DISCUSSION

The following Zone Text Amendments have been reviewed by the Planning Commission following a noticed public hearing, and the Commission has adopted a formal recommendation on each (see attached Planning Commission resolutions):

- Land Use Permits and Religious Institutions
- Definition of "hillside" lot
- Definition of "building height"
- Regulation of Canopies and Carports in Single Family (R-1) Zones
- Off-site Advertising Displays (Billboards)

Land Use Permits and Religious Institutions (Case No. 5.1211)

This Zone Text Amendment covers two separate, unrelated issues: A minor adjustment in the regulation of outdoor retail goods display, and the City's definition and treatment of churches and other religious institutions. The Council held a noticed public hearing on this draft amendment on July 6, 2011, and continued the matter. Since the Council has already received a detailed staff report on this item, only a brief discussion is presented here.

Land Use Permits

The Zoning Code allows merchants in the C-B-D, C-1 and C-2 zones to display a limited set of commercial products outside their shops, subject to approval of a Land Use Permit (LUP). The amendment proposes a minor change that would grant the Planning Commission greater flexibility over what could be displayed outside a merchant's store.

Religious Institutions

In the Zoning Code, the word "churches" is (incorrectly) used to identify all religious institutions. The City's associated definition focuses on a "building commonly used for religious worship...", yet smaller religious groups are operating in theaters and industrial complexes. Finally, the City must take account of the "Religious Land Use and Institutionalized Persons Act" (RLUIPA) of 2000, in which churches and other religious institutions are to be treated based on environmental effects and consistently with other assembly-type uses.

Staff believes that the City's treatment of religious institutions does not reflect how such institutions see themselves and may not be in conformance with federal law. Further, the Planning Commission's recommendation, presented to the City Council in July 2011, raised concerns within the local religious community and the Council continued the matter to allow further study. Meetings of local religious leaders have been held in the subsequent months and a response from these leaders is forthcoming. Staff will return to the City Council with this matter at an appropriate time.

Definition of "Hillside Area" (Case No. 5.1222)

In 2007, the City wrestled with a proposal for a new dwelling on a vacant parcel located on El Portal in the Mesa neighborhood. The lot had previously been graded to yield a small portion over 10% slope, which staff deemed sufficient to qualify the lot as "hillside" under the definition contained in Section 93.13.00.A:

For the purposes of this Zoning Code, the term "hillside area" is defined as any parcel of land within the city of Palm Springs which contains any portion thereof with a grade of ten (10) percent or more.

Under Section 93.13, hillside lots may be developed to a much greater height than standard residential lots. Consequently, property owners with parcels that technically qualify as 'hillside' under the above definition, but which otherwise are relatively flat, may take undue advantage of the additional height allowed in the hillside development standards.

The Planning Commission considered what alternative definitions might more accurately separate hillside and non-hillside lots. The Commission recognized that the current definition's flaw is the threshold of "any portion" that has a grade of ten percent or more. There is no minimum size to establish how small "any portion" could be, and there is no exclusion for previous grading activities. (The City does exclude certain vertical structures, such as exterior steps and garden walls.)

After reviewing several jurisdictions' approach to hillside definitions, the Planning Commission settled on a two-part definition: The definition first states that all parcels having any portion above a mean elevation of 500 feet would be considered 'hillside'. This would capture all parcels at higher elevations whose development could impact views of the mountains. The second part of the definition extends to lots with an "average grade" of ten (10) percent or more, as determined by a formula:

Average grade" shall be "S" as computed on the net area of a parcel, excluding yards required by the underlying zone, by the following formula:

$$S = \frac{100 * I * L}{A}$$

Where S = Average grade, in percent
I = Contour interval, in feet
L = Summation of length of all contours within A, in feet
A = Area, in square feet, of the parcel being considered, less the area of all required yards.

This second part captures lots at lower elevations (below 500 feet) which have significantly steep topography. The formula is commonly used in the planning world for hillsides, although the Planning Commission included a requirement that front, side and rear yard areas of any candidate parcel be subtracted from the lot area subject to the calculation. The Commission wanted to limit the calculation to the buildable portion of the site and eliminate parcels that were flat in the center and steep around the edges.

The Commission also determined that a more explicit purpose statement was needed to assure quality hillside development (new wording in **bold**):

*This section of the Zoning Code is intended to provide for the safe, orderly and aesthetically appealing development of hillside area. **The purpose of this section is not simply to allow additional building height, but to assure that, to the greatest degree practicable, new and expanded development of hillside properties minimizes grading and site disturbance, follows existing land contours ("stepping"), reduces the physical and esthetic impacts of construction, and enhances existing landscaping and terrain.***

Finally, the Commission proposed new architectural review guidelines to address the issues raised by grading and construction on sloping lands. Development would be reviewed for:

- i. *Grading and the exposure, movement and placement of rock and soils,*
- ii. *Placement of building pads in relationship to site features and surroundings,*
- iii. *Architecture and design considerations, such as building arrangement, form, massing, materials and colors, in relationship to existing land forms, contours ("stepping"), surrounding development and desert conditions,*
- iv. *Screening of parking and other impervious or disturbed areas,*
- v. *Landscaping plans in relationship to native flora and desert conditions,*
- vi. *Sensitivity of development to existing public views and view corridors;*

These changes provide a more focused and tailored approach to hillside development.

Definition of "building height" (Case 5.1225)

The current definition of "building height" contained in Section 91.01 is:

"Building height" means the vertical distance plus eighteen (18) inches measured from the average grade at the curb adjacent to the property or from the top of the crown of the roadway if there is no curb, exclusive of exceptions permitted in Section 93.03.00. In the event of hillside lots, lots in excess of twenty thousand (20,000) square feet or lots where the approved pad height is greater than eighteen (18) inches above or below the curb level, the planning director or planning commission may establish the point of measurement at a level higher or lower than the curb or crown of street. The building height for parcels in excess of thirty thousand (30,000) square feet shall be measured from adjacent natural grade unless otherwise established by the planning commission.

This is a complicated and convoluted definition that sets the height four different ways:

- Measured from the average grade of the street curb OR
- If no curb, measured from the top of the roadway crown OR
- If hillside and over 20,000 square feet of lot area OR where the pad height is more than 18 inches above or below curb level, determined by the Planning Director or Commission OR
- If over 30,000 square feet of lot area, measured from adjacent natural grade or determined by the Planning Commission

It is somewhat remarkable that we do not have more problems applying this definition. However, a new home in the Deep Well neighborhood constructed in 2006 brought to light some deficiencies in the definition:

- No consideration of the grade of the lot prior to start of project construction;
- An assumption that the relationship of the proposed structure to the lot boundaries is paramount (as opposed relating the structure to the immediately adjacent ground level);
- A need to expand the definition to all "structures" not merely "buildings"; and
- The inclusion (or exclusion) of retaining walls in the measurement of structure height.

The Commission reviewed the definitions for about a dozen cities and concluded that the following definition would resolve these matters in most cases:

"Height, Structure", means the vertical distance from the lowest point where the perimeter of the structure touches the ground plane, as established prior to any grading associated with the project, to the highest point of the structure. Exceptions to the maximum structure height are allowed as provided in this Code.

This definition would avoid the problem of new structures being built taller than surrounding structures due to grading issues, such as happened in Deep Well. In addition, sloping building sites would be assured of having a simple height limit to regulate "stepped" building layouts. Most standard, flat building sites would not be significantly affected by the proposed definition (except to assure the new grading does not establish an artificially high pad).

Regulation of Canopies and Carports in Single Family (R-1) Zones (Case No. 5.1235)

Based on concerns raised by Code Enforcement regarding at least 200 non-permitted canopies and carport in the City, the Planning Commission initiated a Zone Text Amendment in October 2009 to address these structures. The Commission initially focused on an 'amnesty' for existing non-permitted structures. An amnesty would give owners of existing structures an opportunity to legalize them within a limited period of time and under limited conditions. New canopies / carports would not be allowed.

In April 2010, staff conducted a "windshield" survey to gain a sense of the extent and nature of non-permitted canopies and carports in the community. In four of the City's single family residential neighborhoods, 1716 lots were surveyed and 155 non-permitted canopies / carports were found:

- More were found in southerly neighborhoods
- Most had a fabric cover over a metal or wood frame
- Most were located within front or interior side yard setbacks (rear yard canopies were not identified)
- Most had an area (roof coverage) at either 100 to 225 sf (one car parking) or 375 to 450 sf (two car parking)
- Most were about 8 to 11 feet in height
- About half were poorly installed or in a deteriorated / dilapidated condition.

Subsequently, members of the Planning Commission drove through these same neighborhoods to visualize the issue.

After reviewing the staff's survey and discussing their own tour, the Planning Commission changed course and directed staff to develop procedures and regulations that would allow any owner of a single family dwelling to petition for a canopy or carport located in the front or street-side yard. The Commission ultimately settled on the following provisions:

- Only one such structure per lot.
- Maximum area (roof coverage) is 425 sf
- Maximum height of 13 feet, maximum average 12 feet (for gables)
- Required to be open on three sides; the closed side must be furthest from street view.
- Maximum column width is 18 inches
- Planning Commission approval required through Minor Modification process

One advantage of this approach is that existing structures would not need to be legalized within a set period of time. Further, there will be no need for a significant outreach campaign to make people aware of an amnesty's deadlines. Under the Commission's recommendation, the City would only investigate a non-permitted canopy or carport after we received a site-specific complaint, as is our standard practice.

It is important to remember that the Planning Commission's recommendation only provides relief from the zoning code's setback requirements. The City's building codes will have a different set of standards regarding structural safety, and many existing canopies and carports may need to be replaced to meet the building codes.

Off-site Advertising Displays (Billboards) (Case No. 5.1272)

One of the most recent zone text amendment cases was initiated by the City Council in June 2011 to consider allowing off-site advertising (billboards), including digital changeable-copy units. Currently, billboards are prohibited under the following provisions:

3. *Signs Advertising the Use, Name of the Owner, Products or Service Not Available on the Premises. Any sign which advertises a use not being made on the premises, the name of the owner or user, or which identifies a product, an interest, service or entertainment not available on the premises shall be prohibited for any business without street frontage unless otherwise authorized in conjunction with a public transportation facility;*

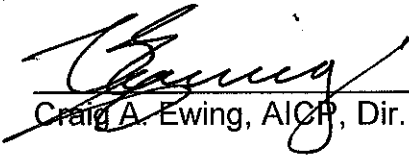
The Commission considered the request by Lamar Outdoor, which originally petitioned the City Council to initiate the zone text amendment, and took other testimony at its hearing in September 2011. The Commission ultimately recommended against amending the Zoning Code to allow new billboards.

The Commission also considered what guidelines it believed should be addressed in a future review should the City Council amend the Code to allow billboards:

- Specific locations within the City where billboards would be allowed,
- The type or types of allowed billboards,
- The maximum number of allowed billboards,
- The maximum size (overall height / width / sign area)
- Lighting and materials (paper, plastic, digital sign surface)
- The public benefit for each sign.
- A review process to including the Architectural Advisory Committee, Planning Commission and City Council

The Planning Commission also specifically recommended against approval of changeable copy signs, digital signs and backlit signage of any type.

As previously noted, no action is required at this time. The Council may offer comment, at its option.



Craig A. Ewing, AICP, Dir. of Plng Svcs



David H. Ready, City Manager

Attachments:

1. Planning Commission Resolution Nos. 7216 (old series), 6204, 6205, 6224 and 6234

RESOLUTION NO. 7216

OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND SECTION 91.00.01 TO DELETE THE DEFINITION "BUILDING HEIGHT" ADD THE DEFINITION "HEIGHT, STRUCTURE"

WHEREAS, Section 93.20.00 of the Palm Springs Zoning Ordinance establishes regulations for the design, placement and use of signs; and

WHEREAS, on March 11, 2009, the Planning Commission voted to direct staff to initiate a Zoning Ordinance Text Amendment (Case No. 5.1225) to address the definition of building height; and

WHEREAS, on June 10, 2009, the Planning Commission conducted a duly noticed public hearing on the proposed amendment, at which hearing the Commission carefully reviewed and considered all of the evidence presented in connection with the project, including but not limited to the staff report and all written and oral testimony presented, and

WHEREAS, the Planning Commission hereby determines that the proposed Zoning Ordinance text amendment is Categorically Exempt under Section 15305 – Minor Alterations in Land Use Limitations – of the Guidelines for the Implementation of the California Environmental Quality Act and that the proposed amendment does not result in any changes in land use or density.

THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS;

Section 1: The Planning Commission hereby finds that adoption of the proposed Zoning Text Amendment would:

- a. Provide for a more comprehensive term for the calculation of heights, which would now include all structures and not just buildings; and
- b. Provide a means for calculating height that would require project grading to be included in the calculation of structure height, thereby assuring that structures conform to the height limits of the pre-project condition.

Section 2: The adoption of the proposed Zone Text Amendment would be consistent with the intent of the Zoning Ordinance and the City's General Plan because it provides:

- A. Assurance that development in each zone does not inadvertently exceed the overall bulk or scale of the zone due to grading.

- B. Protection of views of hillside properties by reducing the possibility of excessive height or bulk.

Section 3: Based upon the foregoing, the Planning Commission does hereby recommend to the City Council amendment of the Palm Springs Zoning Code to delete the definition "Building Height" and add the definition "Height, Structure" as follows:

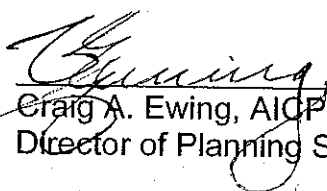
"Height, Structure", means the vertical distance from the lowest point where the perimeter of the structure touches the ground plane, as established prior to any grading associated with the project, to the highest point of the structure. Exceptions to the maximum structure height are allowed as provided in this Code.

ADOPTED this 10th day of June, 2009.

AYES: 5, Scott, Donenfeld, Hochanadel, Cohen and Conrad
NOES: None.
ABSENT: 1, Caffery
ABSTAIN: None.

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA



Craig A. Ewing, AICP
Director of Planning Services

file

RESOLUTION NO. 6204

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND SECTION 93.13.00 OF THE PALM SPRINGS ZONING CODE RELATING TO HILLSIDE DEVELOPMENT

WHEREAS, Section 93.20.00 of the Palm Springs Zoning Ordinance establishes regulations for the design, placement and use of signs; and

WHEREAS, on February 11, 2009, the Planning Commission voted to direct staff to initiate a Zoning Ordinance Text Amendment (Case No. 5.1222) to address the definition of "hillside area; and

WHEREAS, the Planning Commission conducted study sessions on the matter on April 7, October 6, and November 9, 2010 at which public meetings, the Commission considered staff reports on the options for defining a "hillside lot" under the Palm Springs Zoning Code; and

WHEREAS, on January 26, March 23, and June 8, 2011, the Planning Commission conducted duly noticed public hearings on the proposed amendment, at which hearings the Commission carefully reviewed and considered all of the evidence presented in connection with the project, including but not limited to the staff report and all written and oral testimony presented, and

WHEREAS, the Planning Commission hereby determines that the proposed Zoning Ordinance text amendment is Categorically Exempt under Section 15305 – Minor Alterations in Land Use Limitations – of the Guidelines for the Implementation of the California Environmental Quality Act and that the proposed amendment does not result in any changes in land use or density.

THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS;

Section 1: The Planning Commission hereby finds that adoption of the proposed Zoning Text Amendment would:

- a. Provide for a more comprehensive basis for the determining which lots within the City should be subject to review under Section 93.13 ("Hillside Developments"); and
- b. Provide a means for assuring that development on the sloping lots and higher elevations will be appropriately evaluated and reviewed.

Section 2: The adoption of the proposed Zone Text Amendment would be consistent with the intent of the Zoning Ordinance and the City's General Plan because it provides:

- A. Assurance that development in hillside areas does not cause adverse environmental or visual impacts.
- B. Protection of neighborhood character and public views of hillside properties by allowing for review of new development for excessive height or bulk.

Section 3: Based upon the foregoing, the Planning Commission does hereby recommend to the City Council amendment of the Palm Springs Zoning Code to revise Section 93.13.00 as contained on the draft Ordinance attached hereto as Exhibit A.

ADOPTED this 8th day of June 2011.

AYES: 6, Chair Caffery, Hudson, Conrad, Munger, Klatchko and Roberts
NOES: None
ABSENT: None
ABSTAIN: 1, Donenfeld

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA



Craig A. Ewing, AICP
Director of Planning Services

DRAFT

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 93.13.00 OF THE PALM SPRINGS ZONING CODE RELATING TO THE DEFINITION OF "HILLSIDE AREA".

City Attorney's Summary

This Ordinance adopts revised purpose statement, definition and review criteria for the City's Zoning Code Section 93.13.00 by which the City would determine and review Hillside Development.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDAINS:

Section 1. Section 93.13.00 shall be amended to read as follows:

This section of the Zoning Code is intended to provide for the safe, orderly and aesthetically appealing development of hillside area. The purpose of this section is not simply to allow additional building height, but to assure that, to the greatest degree practicable, new and expanded development of hillside properties minimizes grading and site disturbance, follows existing land contours ("stepping"), reduces the physical and esthetic impacts of construction, and enhances existing landscaping and terrain.

Section 2. Sub-section 93.13.00.A shall be amended to read as follows:

For the purposes of this Zoning Code, the term "hillside area" is defined as any parcel of land within the city of Palm Springs which has any portion of the lot above the mean elevation of 500 feet or has an average grade of ten (10) percent or more, as calculated on the entire parcel excluding required yard areas. "Average grade" shall be "S" as computed on the net area of a parcel, excluding yards required by the underlying zone, by the following formula:

$$S = \frac{100 * I * L}{A}$$

Where S = Average grade, in percent
I = Contour interval, in feet
L = Summation of length of all contours within A, in feet
A = Area, in square feet, of the parcel being considered, less the area of all required yards.

Section 3. Sub-section 93.13.B.4.a. shall be amended to read as follows:

- a. Architectural approval as governed by Section 94.04.00 of the Zoning Code. Such architectural approval shall consider, but shall not be limited to, the following:
 - i. Grading and the exposure, movement and placement of rock and soils,
 - ii. Placement of building pads in relationship to site features and surroundings,
 - iii. Architecture and design considerations, such as building arrangement, form, massing, materials and colors, in relationship to existing land forms, contours ("stepping"), surrounding development and desert conditions,
 - iv. Screening of parking and other impervious or disturbed areas,
 - v. Landscaping plans in relationship to native flora and desert conditions,
 - vi. Sensitivity of development to existing public views and view corridors;

Section 4. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2011.

MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

APPROVED AS TO FORM:

DOUGLAS HOLLAND, CITY ATTORNEY

RESOLUTION NO. 6205

OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND SECTIONS 92.09.01, 92.12.01, 92.13.01 AND 92.14.01 OF THE PALM SPRINGS ZONING CODE RELATING TO OUTDOOR USES, AND 91.00.10, AND CERTAIN OTHER SECTIONS OF THE PALM SPRINGS ZONING CODE RELATING TO CHURCHES AND RELIGIOUS INSTITUTION

WHEREAS, Section 93.20.00 of the Palm Springs Zoning Ordinance establishes regulations for the design, placement and use of signs; and

WHEREAS, on September 3, 2008, the Planning Commission voted to direct staff to initiate a Zoning Ordinance Text Amendment (Case No. 5.1211) to address certain outdoor commercial activities, as well as the definition and regulation of "churches"; and

WHEREAS, on October 22, 2008 and on June 8, 2011 the Planning Commission conducted duly noticed public hearings on the proposed amendment, at which hearings the Commission carefully reviewed and considered all of the evidence presented in connection with the project, including but not limited to the staff report and all written and oral testimony presented, and

WHEREAS, the Planning Commission hereby determines that the proposed Zoning Ordinance text amendment is Categorically Exempt under Section 15305 – Minor Alterations in Land Use Limitations – of the Guidelines for the Implementation of the California Environmental Quality Act and that the proposed amendment does not result in any changes in land use or density.

THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS;

Section 1: The Planning Commission hereby finds that adoption of the proposed Zoning Text Amendment would:

- a. Provide for additional flexibility in the establishment of outdoor commercial activities, while preserving the Commission's oversight role of such uses; and
- b. Provide a definition for religious institutions that is more consistent with current zoning practices and the Religious Land Use and Institutionalized Persons Act of 2000; and
- c. Allow for the establishment of religious institutions in a wider variety of zones, subject to the approval of a conditional use permit.

Section 2: The adoption of the proposed Zone Text Amendment would be consistent with the intent of the Zoning Ordinance and the City's General Plan because it provides:

- A. Flexibility for merchants in the C-B-D, C-1, C-1AA and C-2 zones, while assuring that outdoor uses will contribute positively to the overall character of the City's retail commercial areas.
- B. Adequate and uniform provisions for the treatment of religious institutions within the City.

Section 3: Based upon the foregoing, the Planning Commission does hereby recommend to the City Council amendment of the Palm Springs Zoning Code to establish standards and regulations for "outdoor uses" and "religious institutions", as attached hereto and made a part of this resolution as Exhibit A.

ADOPTED this 8th day of June 2011.

AYES: 6, Vice Chair Donenfeld, Hudson, Conrad, Munger, Klatchko and Roberts
NOES: 1, Chair Caffery
ABSENT: None
ABSTAIN: None

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA



Craig A. Ewing, ACP
Director of Planning Services

DRAFT

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 92.09.01, 92.12.01, 92.13.01 AND 92.14.01 OF THE PALM SPRINGS ZONING CODE RELATING TO OUTDOOR USES, AND 91.00.10, AND ALL OTHER SECTIONS OF THE PALM SPRINGS ZONING CODE RELATING TO CHURCHES AND RELIGIOUS INSTITUTIONS.

City Attorney's Summary

This Ordinance modifies "outdoor uses" may be allowed by the Planning Commission in certain commercial zones, establishes a definition for "religious institutions" and allows "religious institutions" to be established in most zones, subject to a Conditional Use Permit.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDAINS:

Section 1. The following Sections shall be revised to allow "outdoor uses" to include "Other uses as determined by the planning commission" and deleted from "vending carts dispensing the following": Sections 92.09.01.C.2, 92.09.01.C.3, 92.09.1.C.4 (C-B-D Zone), 92.12.01.C.2, 92.12.01.C.3, 91.12.01.C.4 (C-1 Zone), 92.13.01.C.2, 92.13.01.C.3, 92.13.01.C.4 (C-1AA Zone), 92.14.01.C.2, 92.14.01.C.3 and 92.14.01.C.4 (C-2 Zone).

Section 2. Sections 91.00.10 shall be amended to include the following definition:

Religious Institution - Facilities operated by religious organizations for worship, or the promotion of religious activities, including churches, mosques, synagogues, temples, etc., and religious schools; and ancillary uses on the same site, such as living quarters for ministers and staff, and child day care facilities accessory to the religious facility itself. Other establishments maintained by religious organizations, including full-time educational institutions, hospitals, and other potentially related operations (for example, a recreational camp) are classified according to their respective activities.

Section 3. Sections 92.00.01.C (G-R-5 Zone), 92.01.01.D (R-1 Zone), 92.02.01.C (R-G-A Zone), 92.03.01C (R-2 Zone), 92.04.01.D (R-3 Zone), 92.05.01.D (R-4 Zone),

92.11.01.D (C-S-C Zone), 92.12.01.C (C-1 Zone), 92.14.01.A (C-2 Zone) shall be amended to delete the word "churches" and renumbered accordingly.

Section 4. Section 94.02.00.A.1 shall be amended to read, as follows:

1. The following uses may be permitted subject to the provisions of this section. The commission shall review and approve or disapprove the use. The commission's action shall be final unless appealed to the council.
 - a. Uses listed in the zones as "Uses Permitted by Conditional Use Permit".
 - b. High-rise buildings permitted by a zone's development standards, and pursuant to Section 93.04.00.
 - c. Religious institutions in any zone, except in the "A" (Airport) "N" (Noise Impact and Nonsuit Covenant Combining Zone), and W (Watercourse) zones

Section 5. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2011.

MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

APPROVED AS TO FORM:

DOUGLAS HOLLAND, CITY ATTORNEY

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RESOLUTION NO. 6224

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL AMEND SECTIONS 91.00.10, 93.23.xx AND 94.06.01.A OF THE PALM SPRINGS ZONING CODE RELATING TO CANOPIES AND CARPORTS

WHEREAS, Sections 94.07.01.A.1 of the Palm Springs Zoning Ordinance allows the Planning Commission to initiate zone text amendments; and

WHEREAS, on January 13, 2010, the Planning Commission directed staff to initiate a Zoning Ordinance Text Amendment (Case No. 5.1235) to consider options for addressing non-permitted canopies and carports located in required yard areas; and

WHEREAS, the Commission subsequently met on February 3, April 7, June 2, July 7, October 6 and November 3, 2010 as well as on March 30 and April 6, 2011 at which meetings, the Commission considered several options for addressing non-permitted canopies and carports, including enforcement of existing ordinances, an amnesty program, and amendments to allow such structures under specific conditions; and

WHEREAS, on July 27, 2011, the Planning Commission conducted duly noticed public hearings on a proposed amendment, at which hearings the Commission carefully reviewed and considered all of the evidence presented in connection with the project, including but not limited to the staff report and all written and oral testimony presented, and

WHEREAS, the Planning Commission hereby determines that the proposed Zoning Ordinance text amendment is Categorically Exempt under Section 15305 – Minor Alterations in Land Use Limitations – of the Guidelines for the Implementation of the California Environmental Quality Act and that the proposed amendment does not result in any changes in land use or density.

THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS;

Section 1: The Planning Commission hereby finds that adoption of the proposed Zoning Text Amendment would:

- a. Provide a means by which property owners may seek approval of existing non-permitted canopies and carports; and
- b. Assure that future canopies and carports are designed and constructed to be compatible with surrounding development.

Section 2: The adoption of the proposed Zone Text Amendment would be consistent with the intent of the Zoning Ordinance and the City's General Plan because it provides:

- a. An effective means by which the low-density character of single family neighborhoods may be preserved while allowing for additional covered parking in fronts and street side setbacks.

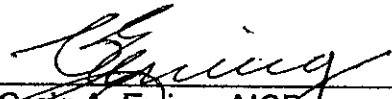
Section 3: Based upon the foregoing, the Planning Commission does hereby recommend to the City Council amendment of the Palm Springs Zoning Code to revise Sections 91.00.10, 93.23.xx and 94.06.01.A as contained on the draft Ordinance attached hereto as Exhibit A.

ADOPTED this 27th day of July 2011.

AYES: 5, Donenfeld, Chair Caffery, Hudson, Munger and Roberts
NOES: 1, Conrad
ABSENT: 1, Klatchko
ABSTAIN: None

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA



Craig A. Ewing, AICP
Director of Planning Services

DRAFT

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF PALM SPRINGS,
CALIFORNIA, AMENDING SECTION 91.00.10, 93.2300XX
AND 94.06.01.A OF THE PALM SPRINGS ZONING CODE
RELATING TO CANOPIES AND CARPORTS .**

City Attorney's Summary

This Ordinance adopts a **DRAFT** definition and standards for canopies and carports within the Palm Springs Zoning Code Sections 93.23 and 94.06.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDAINS:

Section 1. Section 91.00.10 shall be amended to include the following definition:
"Canopy" means a permanent roofed structure open on at least three sides used or intended to be used by the occupants of the premises for storage or permitted accessory uses.

Section 2. Section 94.06.01.A shall be amended to add:
94.06.01.A.9 Canopies and Carports
Front yard and street side yards may be reduced to zero (0) for a canopy or carport, subject to the provisions of Section 93.23.xx

Section 3. Section 93.23.xx, "Conditions for Specific Uses" shall be amended to add:
93.23.xx.xx. Canopies and Carports
Canopies and carports within a front or street front side yard may be allowed as an accessory structure to a single family dwelling, subject to the following provisions:

1. No more than one canopy per lot may be allowed to encroach into any required yard.
2. The perimeter of the canopy or carport, including all roof members, eaves and projections may not encompass a total area greater than 425 square feet.
3. The average height of the canopy or carports shall not exceed twelve (12) feet; the maximum height of any point or ridge shall not exceed fourteen (14) feet.
4. The canopy or carport must be open on at least three sides; the enclosed side, if any, must be located on the side which is most opposite or farthest from the street.
5. Columns supporting the canopy or carport roof structure may not exceed eighteen (18) inches of width in any direction.
6. Planning Commission approval under Section 94.06.01 (Minor Modification) and Section 94.04 (Architectural Review) shall be required.

Section 4. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2011.

MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

APPROVED AS TO FORM:

DOUGLAS HOLLAND, CITY ATTORNEY

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RESOLUTION NO. 6234

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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL NOT ALLOW OFF-SITE ADVERTISING DISPLAYS (BILLBOARDS) AND FURTHER RECOMMENDING CERTAIN CRITERIA FOR ANY AMENDMENT OF THE PALM SPRINGS ZONING CODE TO ALLOW SUCH SIGNS (CASE NO. 5.1272)

WHEREAS, Sections 93.20.00 of the Palm Springs Zoning Ordinance establishes regulations for the design, placement and use of signs; and

WHEREAS, on July 20, 2011, the City Council voted to initiate a Zone Text Amendment (Case No. 5.1272) to direct the Planning Commission to consider and adopt a recommendation regarding allowing off-site advertising displays (billboards); and

WHEREAS, on September 28, 2011, the Planning Commission conducted duly noticed public hearings on the proposed amendment, at which hearings the Commission carefully reviewed and considered all of the evidence presented in connection with the project, including but not limited to the staff report and all written and oral testimony presented.

THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS;

Section 1: The Planning Commission hereby finds that adoption of the proposed Zoning Text Amendment would not benefit the community.

Section 2: Based upon the foregoing, the Planning Commission does hereby recommend to the City Council that the Palm Springs Zoning Code not be amended to allow off-site advertising signs (billboards) of any type.

Section 3: Further, should the City Council seek to allow such signs, the Planning Commission recommends that the following issues be addressed through appropriate standards and procedures:

- A. Specific locations within the City where billboards would be allowed,
- B. The type or types of allowed billboards,
- C. The maximum number of allowed billboards,
- D. The maximum size (overall height / width / sign area)
- E. Media (including lighting) and materials (paper, plastic, digital sign surface)
- F. The public benefit for each sign.
- G. A review process to including the Architectural Advisory Committee, Planning Commission and City Council

H. Under any circumstances, the Planning Commission specifically recommends against approval of changeable copy signs, digital signs and backlit signage of any type.

ADOPTED this 12th day of October 2011.

AYES: 5, Roberts, Munger, Conrad, Vice Chair Hudson and Chair Donenfeld
NOES: None
ABSENT: 1, Klatchko
ABSTAIN: None

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA



Craig A. Ewing, AICP
Director of Planning Services