

ORDINANCE NO. 471

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, PERMITTING USED CAR SALES IN REGIONAL COMMERCIAL ZONING DISTRICT OF THE CITY ON AN INTERIM BASIS, SUBJECT TO A CONDITIONAL USE PERMIT, AND DECLARING THE URGENCY THEREOF

WHEREAS, the La Quinta Zoning Ordinance regulates the location of new and used car sales within the regional commercial zones of the City; and

WHEREAS, the bankruptcy of the Chrysler Corporation is causing one of the City's auto dealers, Dodge City, to lose its franchise, which will result in the dealership being prohibited from selling any new Dodge, Chrysler or Jeep vehicles after June 8, 2009, which will lead to the closure of the business if the City does not take immediate action on this matter; and

WHEREAS, the City finds that the allowance of used car sales in regional commercial zones of the City on an interim basis, subject to a conditional use permit, is desirable; and

WHEREAS, the La Quinta Municipal Code Section 9.80.040 (Table 9-5) currently prohibits used car sales that are not in conjunction with a new vehicle sales facility in the Regional Commercial District of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA QUINTA DOES ORDAIN AS FOLLOWS:

SECTION 1. DECLARATION OF FACTS CONSTITUTING URGENCY. The City of La Quinta hereby finds that this Ordinance is required to prevent a current and immediate threat to the business operations of the Dodge City dealership. Forcing that dealership to close would have negative impacts on the City and the public welfare, including increasing the unemployment in the area, creating vacancies along the City's busiest commercial corridor, and eliminating the sales tax that the dealership currently collects which helps to fund State and City operations.

SECTION 2. APPROVAL OF USED CAR SALES WITHIN REGIONAL COMMERCIAL ZONES OF THE CITY ON AN INTERIM BASIS, SUBJECT TO A CONDITIONAL USE PERMIT. The City Council hereby finds that during the time this Ordinance is in effect, the City hereby declares that on an interim basis, La Quinta Municipal Code Section 9.80.040 (Table 9-5), under the heading "Automotive Uses – Used Vehicle Sales, Not Associated with a New Vehicle Sales Facility" for Regional Commercial District shall be changed from "X" to "C*." The following note shall be added to Table 9-5: *Any Conditional Use Permit issued under this interim provision shall be for a limited time only, which time shall be determined by the decision making body."

This interim provision shall only apply to existing new vehicle sales facilities in operation at the effective date of this Ordinance. Filing of a complete conditional use permit application within 15 days of the effective date of this Ordinance shall allow the owner of Dodge City to operate a used vehicle sales facility while said application is being processed.

SECTION 3. CONSISTENCY WITH THE GENERAL PLAN. The City Council hereby finds that this Ordinance is consistent with the La Quinta General Plan, which authorizes automobile sales in the Regional Commercial District and does not prohibit used automobile sales.

SECTION 4. URGENCY. The City Council hereby declares this Ordinance to be an urgency measure in accordance with Government Code Section 65858.

SECTION 5. SEVERABILITY. It is the intention of the City Council that the sections, subsections, clauses and phrases of this Ordinance are severable, and if any portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of the Ordinance, and the City Council would have enacted such remainder without the portion found to be invalid or unconstitutional.

SECTION 6. PUBLICATION. The City Clerk of the City of La Quinta shall certify to the passage and adoption of this Ordinance, and shall cause the same to be posted in the manner required by law.


PASSED, APPROVED, and ADOPTED at a regular meeting of the La Quinta City Council held on this 2nd day of June, 2009, by the following vote:

AYES: Council Members Evans, Franklin, Henderson, Sniff, Mayor Adolph

NOES: None

ABSENT: None

ABSTAIN: None

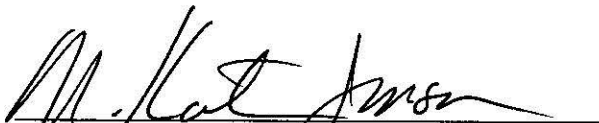


DON ADOLPH, Mayor
City of La Quinta, California

ATTEST:


VERONICA MONTECINO, CMC, City Clerk
City of La Quinta, California
(City Seal)

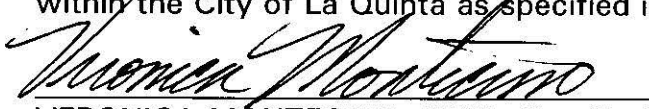
APPROVED AS TO FORM:


M. KATHERINE JENSON, City Attorney
City of La Quinta, California

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LA QUINTA)


I, VERONICA MONTECINO, City Clerk of the City of La Quinta, California, do hereby certify the foregoing to be a full, true, and correct copy of Ordinance No. 471 which was introduced and adopted at a regular meeting on the 2nd day of June, 2009.

I further certify that the foregoing Urgency Ordinance was posted in three places within the City of La Quinta as specified in City Council Resolution 98-109.


VERONICA MONTECINO, CMC, City Clerk
City of La Quinta, California

DECLARATION OF POSTING

I, VERONICA MONTECINO, City Clerk of the City of La Quinta, California, do hereby certify that the foregoing urgency ordinance was posted on June ____, 2009 pursuant to Council Resolution.


VERONICA MONTECINO, CMC, City Clerk
City of La Quinta, California