

**ORDINANCE NO. 472**

**AN ORDINANCE OF THE CITY OF LA QUINTA, CALIFORNIA, AMENDING TITLE 9 OF THE LA QUINTA MUNICIPAL CODE, 1) TO PERMIT USED VEHICLE SALES NOT ASSOCIATED WITH A NEW VEHICLE SALES FACILITY WITHIN THE REGIONAL COMMERCIAL ZONING DISTRICT WITH APPROVAL OF A CONDITIONAL USE PERMIT (9.80.040), 2) TO ESTABLISH PROVISIONS FOR THE DEVELOPMENT OF USED CAR SALES FACILITIES (9.100.300), AND 3) DELETION OF ERRONEOUS TEXT IDENTIFIED WITH THE AUTOMOTIVE USES PORTION OF THE NON-RESIDENTIAL TABLE OF PERMITTED USES (9.80.040)**

**WHEREAS**, the City has found that changes in policies, procedures, and issues with permitting have arisen as staff implements the Zoning Ordinance; and

**WHEREAS**, the City has, from time to time, made amendments to the Zoning Ordinance to address similar changes in circumstances; and

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

**WHEREAS**, automobile sales and service related uses are identified in the La Quinta General Plan as an appropriate land use in the Regional Commercial land use designation; and

**WHEREAS**, the Planning Commission of the City of La Quinta, California, did on the 9<sup>th</sup> of June, 2009, hold a duly noticed Public Hearing for review of a Zoning Ordinance Amendment to 1) Permit used vehicle sales not associated with a new vehicle sales facility within the Regional Commercial Zoning District with approval of a Conditional Use Permit (9.80.040), 2) to establish provisions for the development of used car sales facilities (9.100.300), and 3) delete erroneous text identified with the automotive uses portion of the non-residential table of permitted uses (9.80.040); and recommended approval of the proposed Amendments to the City Council; and

**WHEREAS**, the City Council held a duly noticed public hearing on the 7<sup>th</sup> day of July, 2009, and considered the evidence, written and oral, presented at the hearing.

**NOW THEREFORE, BE IT RESOLVED,** that the City Council of the City of La Quinta does ordain as follows:

**SECTION 1.** Title 9, the Zoning Ordinance of the La Quinta Municipal Code, is amended as identified on Exhibits "A" and "B," on file in the Planning Department.

**SECTION 2. 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 3. ENVIRONMENTAL.** The Planning Director has determined said Zoning Ordinance Amendment has complied with the requirements of "The Rules to Implement the California Environmental Quality Act of 1970" (CEQA) as amended (Resolution 83-63) in that the La Quinta Planning Department has reviewed the Amendment under the provisions of CEQA, and has determined that the Amendment is exempt pursuant to Section 15061(B)(3), Review for Exemptions of the CEQA Guidelines.

**SECTION 4. SEVERABILITY.** The provisions of this Ordinance shall be severable, and if any clause, sentence, paragraph, subdivision, section, or part of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 5. LEGAL CONSTRUCTION.** The provisions of this Ordinance shall be construed as necessary to effectively carry out its purposes, which are hereby found and declared to be in furtherance of the public health, safety and welfare.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall take full force and effect and be in force 30 days after passage.

**SECTION 7. POSTING.** The City Clerk shall, within 15 days after passage of this Ordinance, cause it to be posted in at least three public places designated by resolution of the City Council, shall certify to the adoption and posting of this Ordinance; and shall cause this Ordinance and its certification, together with proof of posting to be entered into the Book of Ordinances of the City of La Quinta.


**PASSED, APPROVED and ADOPTED** by the City Council of the City of La Quinta at a regular meeting thereof held on the 21<sup>st</sup> day of July 2009, by the following vote:

**AYES:** Council Members Evans, Franklin, Sniff, Mayor Pro Tem Henderson

**NOES:** None

**ABSENT:** Mayor Adolph

**ABSTAIN:** None

  
Terry Henderson, Mayor Pro Tem  
City of La Quinta California

**ATTEST:**

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

(CITY SEAL)

**APPROVED AS TO FORM:**

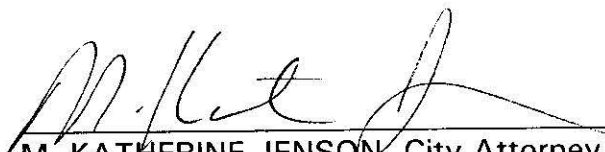
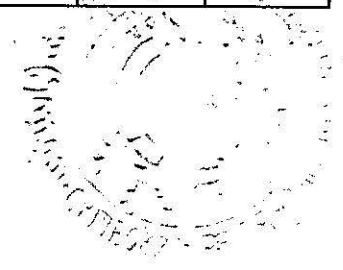
  
M. KATHERINE JENSON, City Attorney  
City of La Quinta, California

EXHIBIT A

9.80.040 Table of permitted uses, Automotive Uses

Table 9-5 Permitted Uses In Nonresidential Districts							
P = Principal use  A = Accessory use  C = Conditional use permit  M = Minor use permit  T = Temporary use permit  X = Prohibited use	District						
	Regional Commercial	Commercial Park	Community Commercial	Neighborhood Commercial	Tourist Commercial	Office Commercial	Major Community Facilities
Land Use	CR	CP	CC	CN	CT	CO	MC
<b>Automotive Uses</b>  (Subject to Section 9.100.120, Outdoor storage and display)							
* If part of a mixed use project per Section 9.80.020 or 9.80.030							
<u>Used vehicle sales, not associated with a new vehicle sales facility, as per Section 9.100.300</u>	<u>X</u> C	C	X	X	X	X	X



## EXHIBIT B

### 9.100.300 Used Vehicle Sales Not Associated with a New Vehicle Sales Facility

A. Use Permit Required. Used vehicle sales not associated with a new vehicle sales facility may be permitted in the CR district subject to approval of a conditional use permit when consistent with a Specific Plan. Used vehicle sales facilities are subject to the use and design standards herein.

B. Signs. Used vehicle sales facility signage shall be approved through a sign program in accord with Section 9.160.090. Balloons, streamers, spinning or animated signs and devices, strobe lights, spotlights, lasers, and inflatable devices shall be prohibited.

C. Hazardous Materials. All used vehicle sales facilities shall comply with the requirements of Section 9.100.230 pertaining to hazardous materials, underground storage tanks, product lines, dispensing equipment, etc.

D. Standards for Used Vehicle Sales Facilities.

1. Types of Used Vehicles Defined. Permitted principal use shall consist of the sale of used motorized vehicles to include motorcycles, cars, trucks, and commercial vehicles.

2. Accessory Uses. Permitted accessory uses shall include: vehicle service and repair, sales and installation of automotive parts, electronics, and accessories, car washing, and auto detailing. All accessory uses must be specifically included in the conditional use permit approval.

3. Screening. A block wall of at least six feet in height and a 20 foot wide landscaping buffer shall be installed along all site boundaries which abut residentially zoned properties. All screening shall comply with the height standards in Section 9.100.030 (Walls and Fences).

4. Storage and Display. All retail, service, repair, and storage uses shall occur wholly within an enclosed building and in a specific location designated in the approved conditional use permit. Focal display areas elevated more than one foot above the average finish grade of the overall outdoor parking lot or display area shall be prohibited. Hoods, trunks, and doors of all vehicles displayed outdoors shall remain closed at all times. Vehicles must be parked on a paved surface and are prohibited from being displayed from sidewalks or within landscaped areas.

5. Orientation of Service Bays. Service bays and garage doors shall not be visible from perimeter arterial streets.

6. Property Standards. Used vehicle sales facilities shall not be permitted on parcels less than four acres in size.

7. Outdoor Speakers. The use of outdoor loudspeakers and intercoms shall be prohibited on projects located within 300 feet of existing residences. In all other instances, outdoor loudspeakers and intercoms shall be subject to the provisions of Section 9.100.210 (Noise Control).

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. 472 which was introduced at a regular meeting on the 7<sup>th</sup> day of July, 2009, and was adopted at a regular meeting held on the 21<sup>st</sup> day of July 2009, not being less than five days after the date of introduction thereof.

I further certify that the foregoing Ordinance was posted in three places within the City of La Quinta as specified in City Council Resolution No. 2006-115.

  
VERONICA J. 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 ordinance was posted on July 22, 2009, pursuant to Council Resolution.

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