

## ZONING

### APPENDIX 3

**ORDINANCE NO. 1287 OF THE CITY OF PALM SPRINGS, CALIFORNIA  
IDENTIFYING THE REGULATIONS FOR THE USE AND DEVELOPMENT OF  
REAL AND PERSONAL PROPERTY, INCLUDING WATER RIGHTS, SITUATED  
WITHIN THE EXTERIOR BOUNDARIES OF THE CITY OF PALM SPRINGS  
WHICH IS LEASED FROM, HELD OR USED UNDER AGREEMENT WITH,  
BELONGING TO OR HELD IN TRUST FOR THE AGUA CALIENTE BAND OF  
CAHUILLA INDIANS OR ANY MEMBER OF SAID BAND. WHICH ARE SEPARATE  
AND SPECIFIC FOR SUCH PROPERTY.**

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA DOES  
ORDAIN AS FOLLOWS:

#### **SECTION 1.**

This Ordinance shall be self-sustaining and separate from the Zoning Ordinance.

#### **SECTION 2. PURPOSE.**

The total lands circumscribed by the exterior boundaries of the City of Palm Springs is composed in part of major areas belonging to, and held in trust for or leased from members of the Agua Caliente Band of Cahuilla Indians, and hereinafter called and referred to as “Indian Land Agreements” entered into between the Agua Caliente Indians and the City of Palm Springs, and appended to the Zoning Ordinance, provide, among other things, for the enactment in ordinance form of land use and zoning regulations, including general plan and zoning maps, applicable to Indian Land, after consultation with the Tribal Council of said Band, and for the establishment of an Advisory Indian Planning Commission, hereafter called and referred to as the “Indian Planning Commission.” The City Council of the City of Palm Springs is advised that an Indian Planning Commission has been duly appointed to advise the Tribal Council of said Band. The City Council of the City of Palm Springs therefore and herewith establishes a beneficial procedure for the regulation of land use in said City, and for the integration of a planning program on Indian land and non-Indian land, and a framework of reference which will promote and encourage eventual uniformity in the land use and zoning regulations throughout the City, while recognizing that any inequities that may arise, may be solved in appropriate cases, by applicable provisions of the Palm Springs Municipal Code. In accordance with the foregoing references, It is the purpose of this Ordinance:

- 1) To define “Indian Land,”
- 2) To delete the application of certain existing provisions of The Zoning Ordinance Insofar as the same purport to control, regulate or provide for the permitted use of any parcel, lot or area of Indian Land,
- 3) To adopt new sections and provisions outside of said Division 9 applying only to Indian Land until such time as the same may apply to non-Indian land,
- 4) To provide for clear and appropriate designation of Indian Land, and the regulations applying thereto, in the text of any zoning regulations or on zoning maps relating to the City of Palm Springs or environs and,

## PALM SPRINGS CODE

- 5) To provide that Indian Land shall hereafter be Identified by the suffix “IL” on all zoning or other maps and official records of the City of Palm Springs, in order that all parties may perceive, understand, recognize and appreciate that the land use regulations applying generally throughout said City do not necessarily apply on Indian Land.

### **SECTION 3. DECLARATION.**

The laws, ordinances, codes, resolutions, rules or other regulations of the State of California and the City of Palm Springs, California now existing or that may be amended or enacted in the future, limiting, zoning or otherwise governing, regulating or controlling the use or development of property, either real or personal, including water rights, shall be applicable to Indian Land within the exterior boundaries of the City of Palm Springs, California. The exceptions to the Zoning Ordinance of Palm Springs, mentioned above, applying to Indian Land are contained in the following provisions.

- (A) Notwithstanding any other provisions of this ordinance or the Palm Springs Zoning Ordinance to the contrary, any and all lots, parcels or areas of Indian Land shall be clearly identified by the symbol “IL” following the general and effective zoning designation, on all zoning maps and related land use records in the City of Palm Springs;
- (B) The provisions of this Ordinance governing the use of land, buildings and structures, the size of yards abutting buildings and structures, the height and bulk of buildings, the density of population, standards of performance and other provisions are hereby declared to be in effect on Indian Land, included within the boundaries of each and every zone established by this Ordinance.
- (C) Section 9205.03C.1. of the Palm Springs Zoning Ordinance shall not apply to Indian Land, but is hereby augmented to apply only to Indian Land as follows:
  1. Hotel.

There shall be a minimum of five hundred (500) sq. ft. of net lot area for each dwelling unit of a hotel or resort.
- (D) Section 9205.03G. of the Palm Springs Zoning Ordinance shall not apply to Indian Land, but is hereby augmented to apply only to Indian Land as follows:

COVERAGE:

The building coverage shall not exceed forty (40) percent of the net lot area.
- (E) Section 9213.04 of the Palm Springs Zoning Ordinance shall not apply to Indian Land, but is hereby augmented to apply only to Indian Land as follows:

PERFORMANCE STANDARDS:

Ten (10) percent of the area of any building site shall be landscaped.
- (F) Sections 9204.03D., 9205.03D., and 9304.00 of the Palm Springs Zoning Ordinance shall not apply to Indian Land, but are hereby augmented to apply only to Indian Land as follows:

HIGH-RISE BUILDINGS:

## ZONING

For the purpose of this Section, a high-rise building is defined as a building or structure which exceeds thirty-five (35) feet in height.

- A. All parking areas shall be landscaped and improved in accordance with Section 9306.00.
- B. A minimum of fifty (50) percent of the site area of the high-rise building, excluding off-street automobile parking areas and required landscaping in connection therewith, shall be developed and maintained as open space for the preservation of view, outdoor living and recreation. At least twenty-five (25) percent of such open space shall be landscaped and maintained in plant material.
- C. Maximum height of high-rise buildings shall be one hundred (100) feet. This shall include all appurtenances on such buildings, and this maximum height shall be measured from any point of the natural elevation of the ground at the building line, before grading, up to the maximum projection on the top of the building at the same point.
- D. A high-rise building shall observe a minimum setback of one (1) foot of horizontal setback distance for each one (1) foot of vertical across the short dimension of the lot and one and one-half (1/2) feet of horizontal setback to one (1) foot of vertical rise across the long dimension of the lot. All setbacks shall be measured from property lines.
- E. High-rise buildings shall be designed by a licensed architect, and such designs be reviewed by the Planning Commission and other qualified persons as appointed by said Planning Commission to insure that such buildings shall fit into the resort character of the community, and comply with all the provisions of this Section.

### **SECTION 4.**

The City of Palm Springs shall furnish the Tribal Council of the Agua Caliente Band of Cahuilla Indians and the Indian Planning Commission, and/or their authorized representative, with notices of all public hearings, staff reports and recommendations, memoranda of all special City Planning Commission meetings and committee meetings, the agendas and minutes of all meetings of the said City Planning Commission, copies of preliminary subdivision maps, and proposed resolutions and ordinances involving the use and development of land within the exterior boundaries of the City of Palm Springs. Further, the City of Palm Springs will provide copies of all applications, plans and elevations of proposed buildings and any other information submitted by the applicant.

### **SECTION 5. EFFECTIVE DATE.**

This Ordinance shall be in full force and effect thirty (30) days after passage.

### **SECTION 6. PUBLICATION.**

The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance, and to cause the same or a summary thereof or a display advertisement, duly prepared according to law, to be published in accordance with law.

PALM SPRINGS CODE

ADOPTED this 15th day of July, 1987.

AYES: Council members Apfelbaum, Birer, Foster, Smith and Mayor Bogert

NOES: None

ABSENT: None

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

By:

Judith Sumich, City Clerk

Frank Bogert, Mayor

REVIEWED & APPROVED: