

ORDINANCE NO. 686

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING TITLE 21 OF THE INDIAN WELLS MUNICIPAL CODE BY AMENDING SECTION 21.14.110 PERTAINING TO LAND USES IN PLANNING AREA 11 AND ZONING BOUNDARIES WITHIN THE VINTAGE CLUB FOR THE GOLF COURSE OVERLAY AND RESIDENTIAL-VERY LOW DENSITY (RVLD) ZONES

WHEREAS, on December 17, 2014, the Planning Commission held a duly noticed public hearing on Zoning Map Amendment No. 2014-02 in conformance with Government Code 65854 and Indian Wells Municipal Code Sections 21.06.020(c) and 21.06.100, and adopted Resolution No. PC 2014-07 recommending that the City Council adopt an Ordinance amending the City's Zoning Code by amending the Zoning Map; and

WHEREAS, notice of a public hearing of the City Council of the City of Indian Wells to consider the Zoning Map Amendment was given in accordance with applicable law; and

WHEREAS, on February 5, 2015, the City Council held a duly noticed public hearing on the Zoning Map Amendment; and

WHEREAS, after careful consideration of the staff report, public testimony and all of the information presented at the hearing, the City Council finds as follows:

Zoning Map Amendment Findings:

1. The proposed Zoning Map Amendment is consistent with the City of Indian Wells General Plan or any amendment approved concurrently with the Zone Change.

FACT: The proposed Zoning Map Amendment is consistent with the General Plan and concurrent amendment thereto in that it would adjust the Golf Course Overlay and Residential-Very Low Density zoning boundaries and the boundaries of Planning Subarea 11 to be consistent with General Plan Amendment No. 2014-01 approved concurrently with this action.

2. The proposed Zoning Map Amendment is consistent with the intent and objectives of this Zoning Code.

FACT: The proposed Zoning Map Amendment is consistent with the intent and objectives of Municipal Code Title 21 and Chapter 21.30, as this Amendment is deemed consistent in compatibility of use and intensity with adjacent and surrounding uses and promotes the quality, image and character of the City.

3. The proposed Zoning Map Amendment is consistent with any applicable area Master Development Plan or Specific Plan.

FACT: The proposed Zoning Map Amendment is consistent with any applicable area Master Development Plan or Specific Plan in that it would adjust the zoning boundaries to be consistent with the modified boundaries of General Plan Amendment No. 2014-01, approved concurrently with this action, and

4. The proposed Zoning Map Amendment is in the best interests of the health, safety and welfare of the community.

FACT: The proposed Zoning Map Amendment is in the best interests of the health, safety and welfare of the community as it would not adversely affect the public health, safety or welfare, or materially injure surrounding properties or improvements since it will enable development of certain property as currently proposed by a property owner. The Project will adhere to all applicable sections of the California Building Code, California Fire Code and Municipal Code thus precluding adverse impacts resulting from the proposed development. Furthermore, the Amendment and the Project are a logical extension of existing contiguous residential uses, and will preserve emergency access for local development in the event of an emergency and promote the orderly growth and development of the community which is consistent with the intent and objectives of Title 21 of the Indian Wells Municipal Zoning Code.

5. Adequate sewer and water lines, utilities, sewage treatment capacity, drainage facilities, police protection/emergency medical care, vehicular circulation and school facilities will be available to serve the area affected by the proposed Zone Change when development occurs.

FACT: Adequate utilities (sewer, water, etc.), drainage facilities, police and fire protection and vehicular circulation are available to serve the area affected by the Amendment when development occurs. No impact on school facilities will result.

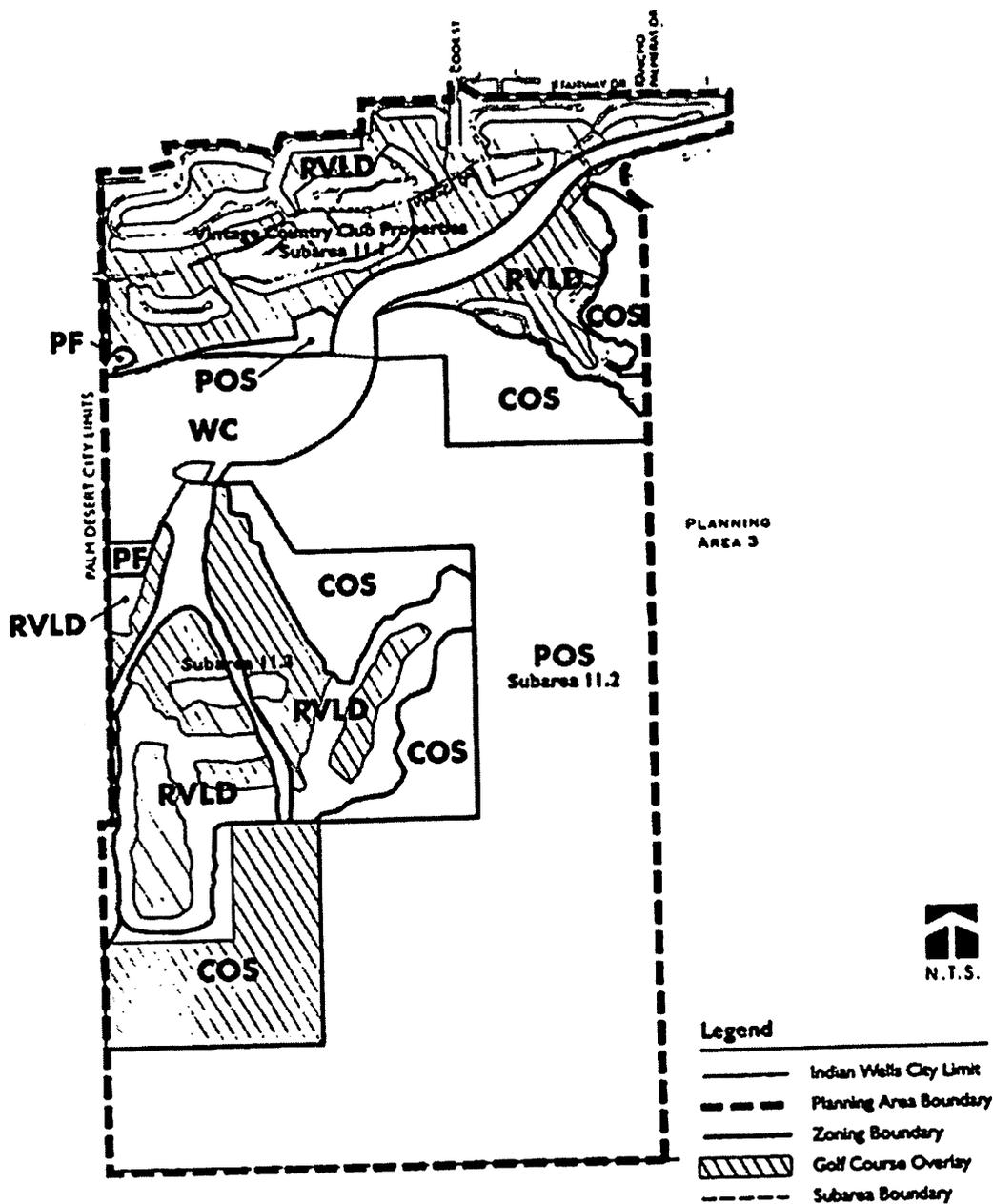
NOW, THEREFORE, the City Council of the City of Indian Wells **DOES ORDAIN AS FOLLOWS:**

SECTION 1. CEQA. The Amendment has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State and local CEQA Guidelines, and the environmental regulations of the City. The City has prepared an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to Title 14, California Code of Regulations (State CEQA Guidelines), Chapter 3, §15162 through §15164.

The City Council has reviewed the IS/MND and, consistent with the findings and recommendations of the Planning Commission, finds that the IS/MND confirms that the proposed Project and the Amendment will not result in any new significant effects or any substantial increase in the severity of previously identified significant effects and, as such, no further environmental review is required. Further, the Council readopts those mitigation measures identified in the County's original approvals that are relevant to the Project and the Amendment and as detailed specifically in the IS/MND.

SECTION 2. ZONING MAP PLANNING AREA MAP AMENDMENT. Indian Wells Municipal Code Section 21.14.110 is amended to re-designate the Project site from Golf Course Overlay to Residential-Very Low Density and to amend the Planning Area 11 land use set forth herein below.

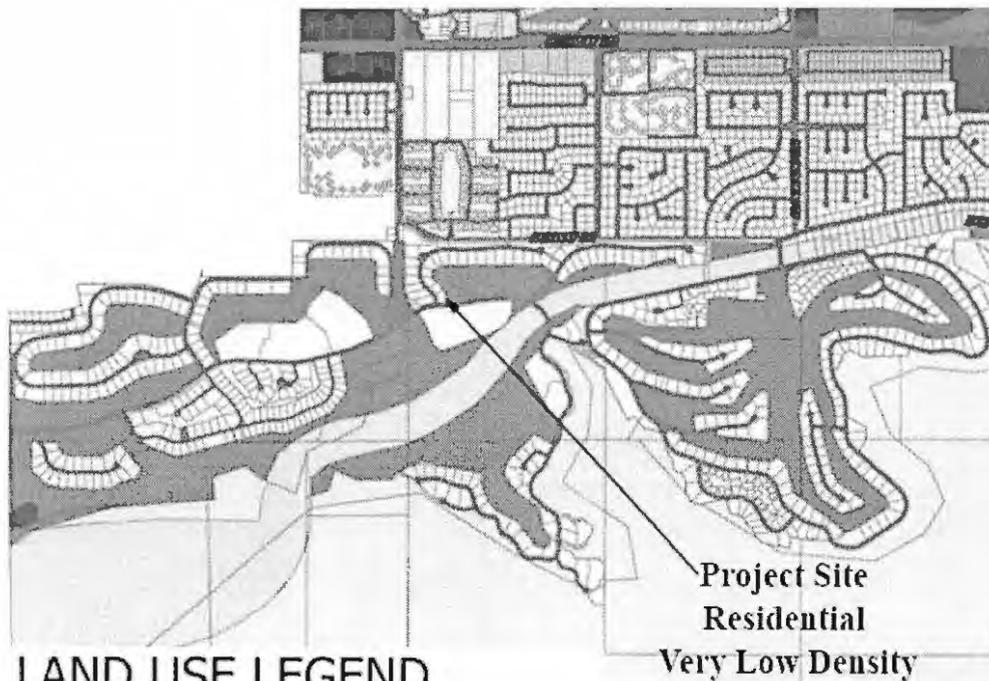
PLANNING AREA 11 (THE VINTAGE CLUB) – MAP



**PLANNING AREA 11
 VINTAGE / LIVING DESERT / HIDDEN VALLEY AREA**

SECTION 3. ZONING MAP AMENDMENT. The Indian Wells Land Use and Zoning Map is amended to adjust the boundaries of the Golf Course Overlay and Residential-Very Low Density within The Vintage Club as follows:

Land Use/Zoning Exhibit (Proposed Plan)



LAND USE LEGEND

RESIDENTIAL		VERY LOW DENSITY (3.0 DU/AC)	COMMERCIAL		PROFESSIONAL OFFICE
		LOW DENSITY (4.5 DU/AC)			COMMUNITY COMMERCIAL
		MEDIUM DENSITY (7.0 DU/AC)			RESORT COMMERCIAL
		MEDIUM HIGH DENSITY (12 DU/AC)			SPORTS COMPLEX
OPEN SPACE		GOLF AND RECREATION	CIVIC		PUBLIC FACILITY
		NATURAL PRESERVE (1.0 DU/40AC)			
		PUBLIC PARK			
		WATERCOURSE			
		OPEN SPACE			

SECTION 4. SEVERABILITY. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance, which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable. This Ordinance amends, adds to and deletes (as applicable) sections of the Indian Wells Municipal Code.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect and be in force 30 days after passage.

SECTION 6. PUBLICATION. The City Clerk is directed to publish this Ordinance within the manner and in the time prescribed by law.

PASSED APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on the 19th day of February, 2015.



**TY PEABODY
MAYOR**

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)ss.
CITY OF INDIAN WELLS)

CERTIFICATION FOR ORDINANCE NO. 686

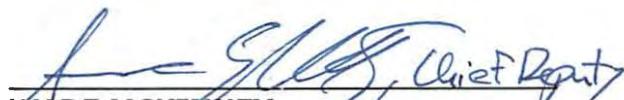
I, Wade McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance No. 686, having been regularly introduced at the meeting of February 5, 2015, was again introduced, the reading in full thereafter unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the day of February 19, 2015, and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES: Balocco, Hanson, Mertens, Peabody, Reed
NOES: None

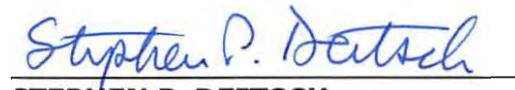
and was thereafter on said day signed by the Mayor of the City of Indian Wells.

ATTEST:

APPROVED AS TO FORM:



**WADE MCKINNEY
CITY MANAGER/CITY CLERK**



**STEPHEN P. DEITSCH
CITY ATTORNEY**