

ORDINANCE NO. 1165

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS BANOS AMENDING AND REORGANIZING ARTICLE 20 CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO OFF STREET PARKING; AMENDING AND REORGANIZING ARTICLE 32 CHAPTER 3 OF TITLE 9 OF THE LOS BANOS MUNICIPAL CODE RELATING TO RECREATIONAL VEHICLES

WHEREAS, the City Council of the City of Los Banos finds and declares that Title 9 of the Los Banos Municipal Code, relating to off street parking and parking of recreational vehicles requires updating and revision; and

WHEREAS, the subject Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3). The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; the activity is not a project as defined in Section 15378, and the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, the Planning Commission held a public hearing on September 18, 2018 and recommended approval of the Zoning Ordinance amendment with findings of General Plan consistency, and

WHEREAS, the City Council conducted a duly noticed public hearing on the recommended changes to the Zoning Code pertaining to off street parking and parking of recreational vehicles on October 17, 2018, November 7, 2018, and December 5, 2018 at which time all individuals desiring to comment on the proposed amendments were heard; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS BANOS DOES ORDAIN AS FOLLOWS:

Section 1. **“Part 1. General Provisions”** is hereby added to Article 20 of Title 9 Chapter 3 incorporating Sections 9-3.2001 through 9-3.2012.

Section 2. Section 9-3.2013 is hereby added to Article 20 of Title 9 Chapter 3 Part 1 to read as follows:

Sec. 9-3.2013. Parking or Storage of Vehicles Prohibited on Unpaved Surfaces.

Subject to the provisions of Section 9-3.2017(b) no vehicle, including, but not limited to, automobiles, trucks, motorcycles, recreational vehicles, and campers, nor any trailer, camper shell, watercraft, or other similar equipment, nor any other mode of transportation, whether or not motorized or operational, shall be parked or stored upon any lawn, landscaped, or other unpaved surface in any zoning district within the City.

Section 3. **“Part 2. On-Site Parking and Storage of Vehicles, in the R-1 and R-2 Residential Zoning Districts”** is hereby added to Article 20 of Title 9 Chapter 3 to read as follows:

**Part 2. On-Site Parking and Storage of Vehicles,
in the R-1 and R-2 Residential Zoning Districts**

Sec. 9-3.2014. Purpose and Applicability.

The purpose of this Article is to establish standards to regulate on-site parking and storage of vehicles, in the R-1 and R-2 residential zoning districts within the City, to ensure that the on-site parking and storage of vehicles: (i) does not create public safety or public nuisance issues; (ii) does not create an adverse aesthetic from street rights-of-way or adjacent/neighborhood properties; and (iii) does not create an adverse impact to adjacent parcels or the surrounding neighborhood.

Sec. 9-3.2015. Definitions.

(a) For the purposes of this Article, "paved driveway" shall mean a surface area improved by means of application of concrete, cement, asphalt, blacktop, bricks, interlocking pavers, or other all-weather impermeable material which provides direct access to a garage or carport from a public street or private street, with a City-approved driveway approach or curb cut for access.

(b) For the purposes of this Article, "paved driveway extension" shall mean that area of the front yard adjacent to the public right-of-way, and between the paved driveway and its nearest side property line, that is improved for use in a manner substantially similar to the paved driveway.

(c) For the purposes of this Article, "improved parking area" shall mean a surface area improved by means of application of concrete, cement, asphalt, blacktop, bricks, interlocking pavers, or other all-weather impermeable material accessed from a public or private street, with a City-approved driveway approach or curb cut for access.

Sec. 9-3.2016. Zoning Clearance Certificate and Encroachment Permits.

(a) All paved driveways, paved driveway extensions, and or improved parking areas in the R-1 and R-2 residential zoning districts within the City require a zoning clearance certificate issued by the Community and Economic Development Director verifying that the improvement complies with the requirements of this Article and/or other applicable provisions of the Los Banos Municipal Codes whether or not a building permit is required.

(b) Paved driveways, paved driveway extensions, and or improved parking areas in the R-1 and R-2 residential zoning districts approved as part of a discretionary approval such as a site plan, conditional use permit, or variance shall not require a zoning clearance certificate.

(c) Access other than from a City-approved driveway approach or curb cut shall require an encroachment permit issued by the Public Works Director. The Director may grant relief from the requirements of this subsection in order to address practical hardships that would result from the application of this subsection, subject to reasonable conditions. In evaluating the hardship and imposing reasonable conditions the Director shall consider the degree and nature of the hardship as against the stated purpose of this Article.

(d) Use of a handicap sidewalk curb ramp or return or landing for required driveway approach and access is strictly prohibited.

Sec. 9-3.2017. Parking or Storage of Vehicles Prohibited on Unpaved Surfaces in the R-1 and R-2 Residential Zoning Districts.

(a) No vehicle, including, but not limited to, automobiles, trucks, motorcycles, recreational vehicles, and campers, nor any utility trailer, camper shell, watercraft, or other similar equipment, nor any other mode of transportation, whether or not motorized or operational, shall be parked or stored upon any lawn, landscaped, or other unpaved surface in the R-1 and R-2 Residential Zoning Districts.

(b) Parking on a graveled driveway in existence on January 1, 2019 that otherwise meets the requirements of this Article shall be permitted as a non-conforming use. Non-conforming driveways may continue to be utilized as long as they are maintained in

good operational condition as determined by the Chief Building Official and do not create a hazard or a public nuisance, except as follows:

(1) If a residential property is redeveloped, and the costs exceed more than 50 percent of the value of the property, the parking and paving requirements must be brought up to current development requirements and shall no longer be considered a non-conforming condition.

(2) If the use of a residential property is changed to a non-residential use, the parking and paving standards for the new use must comply with current paving and parking requirements specified for the new use.

(c) Existing non-conforming gravel driveways shall be maintained with compressed gravel or compacted crushed stone within a distinct border and shall be maintained with a minimum surface to base depth of four inches (4").

Sec. 9-3.2018. On-Site Vehicle Parking and Vehicle Storage - Front Yard – Lot Coverage.

(a) No vehicle, including, but not limited to, automobiles, trucks, motorcycles, recreational vehicles, and campers, nor any utility trailer, camper shell, watercraft, or other similar equipment, nor any other mode of transportation, whether or not motorized or operational, shall be parked or stored in a residential front yard except on a paved driveway or paved driveway extension or improved parking area specifically and properly designed for the purpose of parking vehicles as defined in Sec. 9-3.2015.

(b) No more than fifty percent (50%) of the residential front yard may be improved with a paved driveway, paved driveway extension, and or improved parking area or any combination thereof.

(c) No more than fifty percent (50%) of the residential front yard may be used for on-site vehicle parking.

(d) No vehicle, in excess of twelve feet (12') six inches (6") in height including, but not limited to, automobiles, trucks, motorcycles, recreational vehicles, and campers, nor any utility trailer, camper shell, watercraft, or other similar equipment, nor any other mode of transportation, whether or not motorized or operational, shall be parked or stored in a residential front yard.

(e) No semi truck or tractor or semi truck or tractor trailer shall be parked or stored in a residential front yard.

(f) Recreation vehicles and utility trailers are subject to the regulations set forth in Part 3 of this Article in addition to the provisions of this Part 2.

Sec. 9-3.2019. On-Site Vehicle Parking and Vehicle Storage – Side Yard

(a) No vehicle, including, but not limited to, automobiles, trucks, motorcycles, recreational vehicles, and campers, nor any trailer, camper shell, watercraft, or other similar equipment, nor any other mode of transportation, whether or not motorized or operational, shall be parked or stored in a residential side yard except on a paved driveway or paved driveway extension or improved parking area specifically and properly designed for the purpose of parking vehicles as defined in Sec. 9-3.2015.

(b) No vehicle, in excess of twelve feet (12') six inches (6") in height including, but not limited to, automobiles, trucks, motorcycles, recreational vehicles, and campers, nor any trailer, camper shell, watercraft, or other similar equipment, nor any other mode of transportation, whether or not motorized or operational, shall be parked or stored in a residential side yard.

(c) No semi truck or tractor or semi truck or tractor trailer shall be parked or stored in a residential side yard.

(d) Recreation vehicles and utility trailers are subject to the regulations set forth in Part 3 of this Article in addition to the provisions of this Part 2.

Sec. 9-3.2020. On-Site Vehicle Parking and Vehicle Storage – Back Yard

(a) No vehicle, including, but not limited to, automobiles, trucks, motorcycles, recreational vehicles, and campers, nor any trailer, camper shell, watercraft, or other similar equipment, nor any other mode of transportation, whether or not motorized or operational, shall be parked or stored in a residential back yard except on a paved driveway or paved driveway extension or improved parking area specifically and properly designed for the purpose of parking vehicles as defined in Sec. 9-3.2015.

(b) No vehicle, in excess of twelve feet (12') six inches (6") in height including, but not limited to, automobiles, trucks, motorcycles, recreational vehicles, and campers, nor any trailer, camper shell, watercraft, or other similar equipment, nor any other mode of transportation, whether or not motorized or operational, shall be parked or stored in a residential back yard.

(c) No semi truck or tractor or semi truck or tractor trailer shall be parked or stored in a residential back yard.

(d) No more than three (3) vehicles, including, but not limited to, automobiles, trucks, motorcycles, recreational vehicles, and campers, nor any trailer, camper shell, watercraft, or other similar equipment, nor any other mode of transportation, whether or not motorized or operational, shall be parked or stored in a residential back yard with the following limitations:

(1) No more than one (1) vehicle parked or stored in a residential back yard may exceed the height of the fence line to a maximum of twelve feet (12') six inches (6").

(2) Except as set forth above in subsection (1) vehicles parked or stored in a residential back yard shall not exceed the height of the fence line.

(e) Recreation vehicles and utility trailers are subject to the regulations set forth in Part 3 of this Article in addition to the provisions of this Part 2.

Section 4. Section 9-3.3207 is hereby repealed in its entirety.

Section 5. Article 32 of Title 9 Chapter 3 is hereby retitled as "**Part 3. Regulating the Use, Storage, and Parking of Recreational Vehicles, Recreational Trailers, and Utility Trailers**" and added to Article 20 of Title 9 Chapter 3 incorporating Sections 9-3.3201 through 9-3.3206 which shall be renumbered as Sections 9-3.2021 through 9-3.2026 respectively.

Section 6. Existing Section 9-3.3204 (New Section 9-2024) is hereby amended to read as follows:

Sec. 9-3.2024. Storage and parking.

(a) It is unlawful for any person to store or park heavy equipment on any lot or piece or parcel of land within an area zoned for residential purposes unless it is wholly enclosed within a structure.

(b) It is unlawful for any person to store or park a recreational vehicle, utility trailer or camper shell not securely fastened to a vehicle, upon any lot or piece or parcel of land within an area zoned for residential purposes, including multiple-family areas in the City, except:

(1) In a licensed trailer park or licensed public storage facility;

(2) Within the side or rear yard of the lot, provided that the recreational vehicle or utility trailer be located no closer than three (3') feet to any exit from a building used for human habitation, that its wheels are properly blocked or locked, that it does not encroach

on a public right-of-way, and that it is not stored or parked in a clear vision zone of a corner lot, that it is no closer than five (5') feet to any abutting side yard or five (5') feet to any abutting rear yard, and provided further that it is screened from adjacent lots by a solid nontransparent fence six (6') feet in height, unless a waiver is granted by the Planning Director; or

(3) Within the front yard of the lot, provided that the recreational vehicle or utility trailer is located entirely within a paved driveway, paved driveway extension, or an improved parking area, that its wheels are properly blocked or locked, that it does not encroach on a public right-of-way, that it is no closer than five (5') feet to any abutting side or front yard, and that it is not parked or stored in a clear vision zone on a corner lot. Additional improved parking areas may be provided in the front yard of a residential lot for the purpose of storing recreational vehicles, provided further that the paved area including the driveway does not exceed fifty (50%) percent of the front yard area. The provisions of this subsection allowing the storage or parking of recreational vehicles and utility trailers within the front yard shall be limited to one such vehicle.

Section 7. "Part 4. "Minor Adjustments, Appeals, and Enforcement" is hereby added to Article 20 of Title 9 Chapter 3 to read as follows:

**"Part 4. Minor Adjustments,
Appeals, and Enforcement**

Sec. 9-3.2027. Minor Adjustments.

(a) The Director may grant minor adjustments to provide for minor exceptions from the site standards established by this Article in order to address practical hardships that would result from the strict application of site standards or to accommodate a superior design that is also compatible with the neighborhood. In evaluating the hardship the Director shall consider the degree and nature of the hardship as against the stated purpose of the Article.

(b) Minor adjustments shall be limited to the following exceptions from site standards:

(1) Lot Coverage: Up to a 15% increase of the allowable front yard lot coverage.

(2) Height: Up to fifteen feet (15') in height.

(3) Number of Vehicles: Up to a maximum of two (2) additional motorcycles, small watercraft or other similar equipment stored in a residential back yard.

(c) When the Director approves a minor adjustment, property owners existing at the time, located within three hundred feet (300') shall be notified of the decision in compliance with Section 9-3.2323 of this title (Administrative Permit) and Chapter 3 Part 4 of this title (Use Permits). The notice shall identify the proposed adjustment and the available appeal process. The decision shall not take effect until the appeal period ends in compliance with Section 9-3.2330 of this title (Appeals).

Sec. 9-3.2028. Appeal. The decision of the Community and Economic Development Director or designee may be appealed as provided by the appeal procedure provided in Part 6 of Article 23 of this Chapter.

Sec. 9-3.2029. Enforcement.

(a) It is unlawful and a public nuisance to intentionally violate any of the provisions of this Article. Violation of this Article may be charged as either an infraction or a misdemeanor. Upon conviction of a misdemeanor, a person shall be subject to payment of a fine, or imprisonment, or both, not to exceed the limits set forth in California Government Code Section 36901.

(b) In addition to any other remedy or penalty set forth in this Article or this Code, administrative penalties may be imposed pursuant to applicable provisions of Chapter 11

Title 4 of this Code against any responsible party, in violation of any of the provisions of this Article. Imposition, enforcement, collection and administrative review of administrative penalties imposed shall be conducted pursuant to Chapter 11 Title 4 of this Code.

(c) Remedies under this Article are in addition to, and do not supersede or limit, any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

Section 8. Chapter 5.1 of Title 4 is hereby repealed in its entirety.

Section 9. To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, motions, resolutions, rules or regulations are hereby repealed.

Section 10. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

Section 11. The proposed amendments to the Los Banos Municipal Code do not propose any changes to City policies or regulations that would result in a direct or indirect physical environmental impact; therefore it has been determined that this ordinance amendment is covered by the general rule that the California Environmental Quality Act applies only to projects which have the potential for causing a significant effect on the environment pursuant to CEQA guidelines section 15601(b)(3) and is not subject to environmental review.

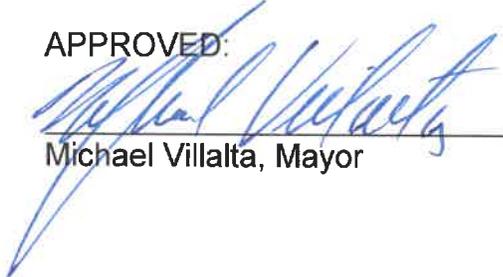
Section 12. This Ordinance shall go into effect and be in full force and operation thirty (30) days after its final passage and adoption. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted and published once within fifteen days after passage and adoption as may be required by law; or, in the alternative the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within fifteen days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

Introduced by Council Member Lewis and seconded by Council Member Faria on the 7th day of November, 2018.

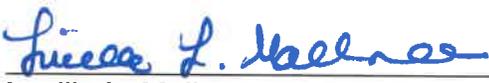
Passed on the 5th day of December, 2018 by the following vote:

AYES: Council Members Faria, Johnson-Santos, Jones, Lewis,
Mayor Villalta
NOES: None
ABSENT: None

APPROVED:


Michael Villalta, Mayor

ATTEST:


Lucille L. Mallonee, City Clerk