ORDINANCE NO. 1342 C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARTINEZ AMENDING SECTIONS 22.04.442, 22.04.600, 22.36.080 (A)(8), AND ADDING SECTIONS 22.04.092, 22.04.362, 22.04.443, 22.04.630, 22.36.082, 22.36.084, 22.36.086, 22.36.220 OF THE MARTINEZ MUNICIPAL CODE RELATING TO YARD DEFINITIONS, COMMERCIAL AND RECREATIONAL VEHICLE PARKING, PARKING DESIGN CRITERIA, AND MOBILE STORAGE CONTAINERS

WHEREAS, one of the basic objectives of the City's Zoning regulations is to promote the public health, safety and welfare and to foster harmonious and workable relationships between land uses; and

WHEREAS, the one of the specific purposes of the City's zoning regulation of off-street parking is to ensure that off-street parking areas do not negatively impact their surroundings; and

WHEREAS, the proliferation in the number and size of recreational vehicles in the yards of residential properties has aggrieved some neighbors, who find such vehicles, in excessive numbers or size, out of character with their residential setting; and

WHEREAS, excessively large recreational vehicles parked within the front yard and immediately adjacent to the sidewalk may operate to impede sight distances which has the potential to result in a safety hazard to pedestrians and motorists; and

WHEREAS, the City wishes to balance the above concerns over safety and aesthetics, with the wishes of recreational vehicles owners who would desire to have and/or retain the ability to park such vehicles on their property; and

WHEREAS, with the adoption of limits as to the size, number and location of where recreational vehicles can be parked, impacts to pedestrian and motorist safety and neighborhood image can be ameliorated while providing reasonable accommodation to recreational vehicle owners; and

WHEREAS, the Planning Commission of the City of Martinez, held duly noticed public hearings on February 27, April 24, September

11, and October 9, 2007 to review drafts of the proposed regulations; and

WHEREAS, at the request of the Planning Commission, the City held an additional public outreach meeting on July 19, 2007, to provide the public with an additional forum to discuss the proposed regulations; and

WHEREAS, the Planning Commission of the City of Martinez, held a duly noticed public hearing on November 13, 2007 to review the final draft of the proposed regulations and found that the proposed ordinance was consistent with the Martinez General Plan, and applicable Specific Plans and recommended approval of the proposed ordinance to the City Council of the City of Martinez; and

WHEREAS, on December 5, 2007 the City Council of the City of Martinez held a duly noticed public hearing on the proposed ordinance; and

WHEREAS, the City Council finds that adoption of the proposed ordinance is consistent with the General Plan, the Downtown Specific Plan, Alhambra Hills Specific Plan, Central Martinez Specific Area Plan, (Old) Alhambra Hills Specific Area Plan, Hidden Lakes Specific Area Plan and John Muir Parkway Specific Are Plan and including, but not limited to the General Plan objective of preserving and enhancing the residential character of the City's neighborhood's; and

WHEREAS, the adoption of the proposed text amendments is categorically exempt from the requirements of CEQA, under Section 15305 of the CEQA Guidelines; and

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

SECTION 1. Section 22.04.092 of the Martinez Municipal Code is hereby added to read as follows:

22.04.092 Commercial Vehicle

"Commercial Vehicle" shall have the same meaning as set forth in the California Vehicle Code as the same may be amended from time to time, except that Commercial Vehicle shall not include a

Pickup Truck as defined in the California Vehicle Code as the same may be amended from time to time.

SECTION 2. Section 22.04.362 of the Martinez Municipal Code is hereby added to read as follows:

22.04.362 Mobile Storage Container

"Mobile Storage Container" means any enclosed or partially enclosed storage structure, including, but not limited to, cargo or shipping containers, "POD" units, and other pre-fabricated structures intended for the storage or transport of goods.

SECTION 3. Section 22.04.442 of the Martinez Municipal Code is hereby amended to read as follows:

22.04.442 Recreational Vehicle

A. "Recreational Vehicle" means each of the following as defined in the California Vehicle Code, as the same may be amended from time to time:

1) All Terrain Vehicle;
2) Bus;
3) Camp Trailer;
4) Camper;
5) Fifth-wheel Travel Trailer;
6) Golf Cart;
7) House Car;
8) Motor Truck;
9) Schoolbus;
10) Semitrailer;
11) Snowmobile;
12) Tow Truck;
13) Trailer;
14) Trailer Coach;
15) Trailer Bus;
16) Truck Tractor;
17) Utility Trailer;
18) Youth Bus

B. Recreational Vehicle shall also mean any of the following:

1) Horse Trailer;
2) Off road Motorcycle;
3) Boat;
4) Jet Ski or other Watercraft

SECTION 4. Section 22.04.443 of the Martinez Municipal Code is hereby added to read as follows:

22.04.443 Recreational Vehicle, Oversized

"Oversized Recreational Vehicle" means any Recreational Vehicle, as defined in section 22.04.442, that exceeds either: a) a height of twelve (12) feet; or b) a length of thirty five (35) feet.

SECTION 5. Section 22.04.600 of the Martinez Municipal Code is hereby amended to read as follows:

22.04.600 Yard, Front.

"Front yard" means a yard extending across the full width of a site, the depth of which contains all areas between the front property line back to the wall(s) of the building which are parallel or generally face the front property line. The minimum required front yard is an area extending across the full width of the lot between the front property line and the minimum required setback distance, as required by the applicable zoning district standards.

SECTION 6. Section 22.04.630 of the Martinez Municipal Code is hereby added to read as follows:

22.04.630 Yard, Street-Side Side

"Street-side side yard" means a yard extending from the front yard to the rear property line, the depth of which contains all areas between the side property line of a corner lot back to the wall(s) of the building which are parallel or generally face the side property line. The minimum required side yard on the street side of a corner lot is an area extending across the full

length of the lot between the street side property line and the minimum required street side yard setback distance, as required by the applicable zoning district standards.

SECTION 7. Section 22.36.080 (A) (8) of the Martinez Municipal Code is hereby amended to read as follows:

22.36.080 Parking--Design Criteria.

8. Parking areas shall be restricted as set forth in a and b below:

   a. Restrictions for non-residential properties: For properties in all Zoning Districts, other than R- and RR- Residential Districts, no parking area may be located in a minimum required Front Yard or minimum required Street-Side Side Yard.

   b. Restrictions for residential properties: For properties within R- and RR- Residential Districts, and for any property not in a R- and RR- District with residential use, no parking area may be located within a Front Yard, or Street-Side Yard, with the following exceptions and restrictions:

      i. Driveways. A residential driveway conforming to the requirements of Section 22.36.090, which prescribes a maximum driveway width of 24' width and that a driveway is not to exceed 30% of the width of any lot; and subject to the limitations prescribed in Section 22.36.082.

      ii. Parking pads. A paved area or "pad" parallel to a driveway; and subject to the limitations prescribed in Section 22.36.082. A Front yard parking pad may only be located between the driveway and the nearest interior side property line. A parking pad may not be located between the driveway and the secondary street of a corner lot, or between the driveway and the

farther of the two interior side property lines; and may not exceed a width of 12'.

iii. Street-side side yards. A paved area or "pad" may be permitted within street-side side yard of a lot, subject to the screening requirements and limitations of Section 22.36.082.C.1.c

iv. Deep front yards. Notwithstanding the limitation prescribed for parking pads in subsection ii above, a parking area or "pad" may be located in front yards areas that are 50', or more, behind the property line.

v. Paving Surfaces. For parking areas and pads other than driveways, permitted surfaces may include gravel and/or decomposed granite in addition to concrete and asphalt surfaces.

SECTION 8. Section 22.36.082 of the Martinez Municipal Code is hereby added to read as follows:

22.36.082 Parking—Where Permitted on Residential Property

A. Parking of Licensed and Operable Vehicles Permitted. Except as limited in Section 22.36.082 B-C below, licensed and operable motor vehicles may be parked in the following areas:

1. Driveways. On any approved residential driveway.

2. Parking pads. On a paved area or "pad" parallel to a driveway. Vehicles on such a pad must be parked perpendicular to the street, and such vehicles may not block access to garage.

3. Street-side side yards. On a paved area or "pad" within street-side side yard of a lot, subject to the screening requirements and limitations of Section 22.36.082.C.1.c

4. Deep front yards. On a paved area or "pad" in front yards areas that are 50', or more, behind the property line.

B. Parking on non-paved surfaces is prohibited. Notwithstanding any provision hereof, the parking of vehicles on-unpaved surfaces is prohibited.

C. Limitations on Parking of Recreational and Commercial Vehicles.

1. Front yards and street-side side yards. No Recreational Vehicle or Commercial Vehicle shall be parked within the front yard or street-side yard of any property zoned R or RR or upon any property with a residential use for more than a 72-hour period, with the following exceptions and restrictions:

a. Parking pads. A single Recreational Vehicle as defined in section 22.04.442, may be parked adjacent to the driveway on a permitted paved area or pad provided that the Recreational Vehicle is parked a minimum of five (5) feet behind the back of sidewalk, or five (5) feet behind the front property line in cases where there is no sidewalk.

b. Parking in R-1.5, R-2.5 and R-3.5 Zoning Districts. In addition to parking on parking pads, a single Recreational Vehicle may be parked on the driveway of a two-car garage of a residence in the R-1.5, R-2.5 and R-3.5 Zoning District, provided that: a) such a Recreational Vehicle does not block access to the one required covered parking spaces within the garage and b) the vehicles meets the setback requirements prescribed above for parking pad use

c. Street-side side yards. Recreational Vehicles may be parked within a Street-side side yard provided such vehicles are behind a 6 feet tall solid fence, in locations where such required screening is permitted by Section 22.34.090; Fences, Walls and Hedges.

d. Deep front yards. Notwithstanding the limitations set forth herein, Recreational Vehicles and Commercial Vehicles may be parked on paved surfaces in front yards areas that are fifty (50) feet, or more, behind the front property line.

2. Side and Rear Yards. Recreational Vehicles and Commercial Vehicles may be parked on an approved paved surface or "pad" within side and rear yards.

3. Oversized Recreational Vehicles. Notwithstanding any provision hereof to the contrary, Oversized Recreational Vehicle, as defined in Section 22.04.443, may be not be parked within any front yard, or any minimum required side or street-side side yard, nor may an Oversized Recreational Vehicle be parked within 5' of a rear property line.

4. Un-mounted Camper Shells. Notwithstanding any provision hereof to the contrary, un-mounted camper shells, including but not limited to cab-over campers not mounted within Pickup Truck bed, may be not be parked within any front yard, or any minimum required, side or street-side side yard.

5. Vehicles for the Transportation of Horses. Notwithstanding any provision hereof to the contrary, Recreational Vehicles used for the transportation of horses may be parked on any portion of a residential property in the RR- Rural Residential Zoning Districts, provided however, that they shall not be parked in such a manner as to result in a safety hazard or which impedes the site distance of vehicles traveling on public or private streets.

6. Occupancy of Recreational Vehicle. No Recreational Vehicle may be occupied for living, sleeping or any other purposes while parked per the limitations listed above; other than a visitors' Recreational Vehicle which may be used for the guest's accommodations for not more than one week

SECTION 9. Section 22.36.084 of the Martinez Municipal Code is hereby added to read as follows:

22.36.084 Parking - 72 Hour time limit

For the purposes of Chapter 22.36; "Off Street Parking and Loading Facilities", a "72 hour time period" shall mean a distinct 72 hour time period, separated by not less than 10 calendar days, in which a recreation vehicle that otherwise could not be parked within a front yard, may be parked within such yard for the purpose of loading and unloading and similar staging activities before or after use of such vehicle.

SECTION 10. Section 22.36.086 of the Martinez Municipal Code is hereby added to read as follows:

22.36.86 Amortization of Legal Non-Conforming Uses

A. In cases where a lawfully issued parking pad permit was issued by the City of Martinez prior to May 2003, the parking of a Recreational Vehicle regulated under the provisions of this chapter, pursuant to that lawfully issued parking pad permit shall be considered a legal non conforming use, subject to the amortization provisions of subsection B below.

B. Any parking of a Recreational Vehicle regulated under the provisions of this chapter, which is a legal non-conforming use, pursuant to subsection A above, shall be subject to an amortization period expiring upon the occurrence of either of the following:

1. The original permit holder sells, transfers, or vacates the subject property; or

2. The original permit holder increases the size (length or height) of the originally permitted recreational vehicle.

Upon the occurrence of 1 or 2 above, any Recreational Vehicle parked upon the property shall fully comply with all of the parking regulations of this chapter.

SECTION 11. Section 22.36.220 of the Martinez Municipal Code is hereby added to read as follows:

22.36.220 Parking– Mobile Storage Containers

A. Except as provided in subsection b, below, no Mobile Storage Container shall be placed or parked on any property located in an R or RR zoning district or upon property upon which is located a residential use for more than a 72-hour period. A Mobile Storage Container may be not be placed upon or parked on a residential property more than four (4) times in a calendar year.

B. Storage may be permitted within side and rear yards, subject limitations prescribed in Section 22.12.265; Accessory Structures.

SECTION 12. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

SECTION 13. Effective date. This ordinance shall become effective 30 days after the date of adoption.

SECTION 14. Posting. At least five (5) days prior to its final adoption, a certified copy of the full text of this ordinance shall be posted in the office of the City Clerk.

Within 15 days after adoption the City Council shall publish a summary of this ordinance with the names of those City Council members voting for and against the ordinance in a newspaper of general circulation published and circulated in the City of Martinez.

The City Clerk shall post in the office of the City Clerk a certified copy of the full text of the adopted ordinance with the names of those City Council members voting for and against the ordinance.

APPROVED: _____
Rob Schroder, Mayor

ATTEST: _____
Deputy City Clerk

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I HEREBY CERTIFY that the foregoing ordinance was duly and regularly introduced at an Adjourned Regular Meeting of the City Council of the City of Martinez, held on the 9th day of January, 2008, and duly passed and adopted at a Regular Meeting of said City Council held on the 16th day of January, 2008, by the following vote:

AYES: Councilmembers Lara DeLaney, Janet Kennedy, Vice Mayor Mark Ross, and Mayor Rob Schroder

NOES: None

ABSENT: Councilmember Michael Menesini

ABSTAIN: None

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

I HEREBY CERTIFY that this instrument is a true and correct copy of the original on file in this office.
RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ
_____
Deputy