



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of August 23, 2022

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Forrest Ebbs, Community Development Director *FE by ch*

SUBJECT: Second Reading of Proposed Ordinance Amending the Antioch Municipal Code Regarding the Parking of Motor Vehicles, including Recreational Vehicles, on Residential Property

RECOMMENDED ACTION

It is recommended that the City Council adopt an ordinance amending the Antioch Municipal Code regarding the parking of motor vehicles, including Recreational Vehicles.

FISCAL IMPACT

The proposed ordinance will consolidate and simplify enforcement efforts and will not have a fiscal impact.

DISCUSSION

The City Council introduced this ordinance with amendments at its meeting on July 26, 2022. The passage of an ordinance requires two separate readings. This second reading will finalize the adoption of the ordinance with an effective date thirty days later, which will be September 22, 2022.

Permitting System

The City Council included an amendment to the ordinance to require a permitting system for the storage of recreational vehicles in front yards. Staff has amended the ordinance to include a permitting system for the issuance of Residential Recreational Vehicle Storage Permits (RV Permit) that would be administered by the Code Enforcement Division of the Community Development Department. Applicants will have to demonstrate compliance with the standards to receive a RV Permit, which will run with the property. A RV Permit will be revocable for noncompliance with the standards.

The City Council also requested a maximum of 200 RV Permits to be issued. Staff has amended the ordinance to allow the City Council to establish by resolution a total or annual total of RV Permits that could be issued. Staff has provided a resolution that imposes an annual cap of 200 RV Permits to be issued each fiscal year. The 946 existing

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permits from the current RV Registration System will be carried over into the new system and will not count towards the 200 annual cap. Staff will also develop a convenient online and in person system for residents to apply for RV Permits and will use Code Enforcement contacts to educate impacted residents. No fee is proposed for this process, though the ordinance enables the City Council to establish a fee by resolution in the future if desired.

Three-Foot Front Setback

The City Council included an amendment to the ordinance to require a three-foot setback from the sidewalk to address visibility concerns when an oversized parked vehicle obstructs the view of a neighboring vehicle backing out of a driveway. Staff has modified Section 9-5.3830(A)(1) to read as follows:

- (A) All Locations: The parking of a motor vehicle on any parcel used for residential purposes is subject to the following standards:
- (1) The motor vehicle, if taller than 8 feet, shall not be parked closer than 3 feet from an adjoining parcel or sidewalk. Trailer hitches, bumpers, or other vehicle components less than 3 feet in height may be allowed within this setback area.

Residency and Registration

The City Council included an amendment to require that a stored motor vehicle be registered to a resident of the subject property. Staff has added Section 9-5.3830(B)(10), which reads as follows:

- (10) Any motor vehicle stored in the front yard shall be registered to a resident of the subject residence. The resident shall provide evidence of residency and/or registration upon request of City staff.

This requirement would apply to all motor vehicles, including cars, trucks and recreational vehicles. Vehicles stored in the side or rear yards would not be subject to this requirement.

ENVIRONMENTAL REVIEW

The parking of motor vehicles or recreational vehicles on existing, developed property does not have the potential to create an environmental impact. As such, the proposed Zoning Code amendments are exempt from CEQA pursuant to Section 15061 (b) (3).

- (3) "The activity is covered by the common sense exemption 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 in question may have a significant effect on the environment, the activity is not subject to CEQA."

ATTACHMENTS

- A. Ordinance

ATTACHMENT A

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
AMENDING THE ANTIOCH MUNICIPAL CODE REGARDING THE PARKING OF
MOTOR VEHICLES, INCLUDING RECREATIONAL VEHICLES, ON RESIDENTIAL
PROPERTY**

The City Council of the City of Antioch ordains as follows:

SECTION 1:

The Antioch Municipal Code regulates the parking of motor vehicles, including recreational vehicles, on residentially used property through in Title 5, Chapter 1, Property Maintenance, and in Title 9, Chapter 5, Zoning.

SECTION 2:

The City Council finds that current regulations do not adequately and equitably regulate the parking of motor vehicles, including recreational vehicles, as they rely on a registration process that is not available to new residents and offer differing standards for automobiles and recreational vehicles.

SECTION 3:

The City Council finds that it is in the public interest to expand opportunities for parking motor vehicles, including recreational vehicles, on residentially used property subject to clear and fair standards and regulations.

SECTION 4:

Section 5-1.201.1, "When Storage of a Recreational Vehicle is a Public Nuisance.", is hereby repealed.

Section 5-1.202(D), Parking and Storage of Vehicles and Equipment, is hereby amended to read as follows:

(D) ~~Parking and storage of vehicles and equipment.~~

~~(1) Any outdoor parking or storage of any inoperable, wrecked, dismantled, salvaged, abandoned vehicle, or parts thereof, including watercraft so that it is within the view from the public right of way:~~

~~—(a) Any vehicle that is not currently registered with the California Department of Motor Vehicles to operate legally on a public street is deemed inoperable for purposes of this section.~~

~~(b) Lawfully operating junk yards are exempt from § 5-1.201(A) provided such businesses are located within a zone permitting such business and conducted in accordance with all regulations applicable thereto.~~

~~(2) Parking or storage of motor vehicles or other mobile equipment in any area not designated as a parking space on the approved site plan or on any~~

~~unpaved surface including, but not limited to, dirt, grass or any other surface that is not concrete or a similar paving material.~~

(13) Parking or storage of construction equipment or machinery or other industrial or commercial equipment or machinery in any area zoned for residential uses so that it is within the view from the public right-of-way, except while excavation, construction or demolition operations covered by an active building or demolition permit are in progress on the property.

Section 9-5.3830, Recreational Vehicles, is hereby repealed and replaced with the following:

9-5.3830 PARKING AND STORAGE OF MOTOR VEHICLES ON RESIDENTIAL PARCELS.

It shall be unlawful for any person to keep or maintain or to permit to be placed, kept, or maintained any motor vehicle on any lot, piece, or parcel of land used for residential purposes, except as follows:

(A) **All Locations:** The parking of a motor vehicle on any parcel used for residential purposes is subject to the following standards:

- (1) Recreational vehicles shall not be parked within 3 feet of an adjoining parcel or sidewalk. Elements of the recreational vehicle that are less than 3 feet in height, such as a trailer tongue, may encroach into this 3-foot setback area.
- (2) A motor vehicle, including recreational vehicles, shall not be inhabited for any duration, as prohibited by Section 9-5.3830.
- (3) The motor vehicle shall not be parked within 3 feet of a bedroom window or other required emergency egress window, or within 3 feet of an electrical panel or gas meter.
- (4) Except for recreational vehicles, only vehicles with payload classifications of Class 1, Class 2, and/or Class 3, as defined by the U.S. Department of Transportation, may be parked on any parcel used for residential purposes.
- (5) Storm water drainage from paved surfaces shall be contained wholly on the subject site and shall not be conveyed to a neighboring property.
- (6) The parking of vehicles or associated improvements are subject to the provisions of any underlying easement. Any improvements within or impacting the public right-of-way are subject to the prior issuance of an Encroachment Permit.

(B) **Front Yard:** When parked in the front yard, the motor vehicle shall be subject to the following standards:

- (1) The motor vehicle may be parked on the driveway to the existing garage or on an attached extension.
- (2) The motor vehicle may be parked on an attached extension of the existing driveway apron, subject to the following standards:
 - (a) The extension shall be paved with concrete or other material similar to the existing paved driveway.

- (b) The extension shall only be located within the area between the existing driveway and the nearest interior property line.
 - (c) The extension may extend inward to the center of the front yard no more than three feet.
 - (d) A maximum of 50% of the front yard may be paved for parking purposes.
 - (3) The motor vehicle, including recreational vehicles and motor vehicles stored on trailers, shall be operational and registered with the Department of Motor Vehicles as required by Section 5-1.202(D). Non-operational registration is permitted, though the vehicle must remain functionally operational.
 - (a) Vehicle under repair may be permitted as regulated by Section 9-5.902.
 - (4) Utility trailers may not be stored containing garbage, debris or other waste.
 - (5) The motor vehicle shall not be parked in such a manner as to overhang a public or private sidewalk.
 - (6) The motor vehicle, including any associated cover, shall be maintained in good repair with all exterior finishes in operable, watertight condition.
 - (7) A maximum of one recreational vehicle may be stored in a single front yard.
 - (8) The motor vehicle shall not be parked in such a manner as to present a site obstruction as described by Section 9-5.1101.
 - (9) A Residential Recreational Vehicle Storage Permit (RV Permit) is required for the storage or parking of a Recreational Vehicle in the front yard.
 - (a) Applications for an RV Permit shall be made available by the Community Development Department.
 - (b) An applicant shall demonstrate compliance with the standards contained herein to receive a RV Permit.
 - (c) An RV Permit shall be assigned to a property and shall convey to future property owners or tenants.
 - (d) RV Permits are subject to revocation by the Zoning Administrator for noncompliance.
 - (e) The City Council may establish by resolution a maximum total or maximum annual total of RV Permits that will be issued.
 - (f) The City Council may establish by resolution a fee for the administration of the RV Permit process.
 - (10) Any motor vehicle stored in the front yard shall be owned by and registered to an inhabitant of the residence where the motor vehicle is parked. The resident shall provide evidence of residency and/or registration upon request of City staff.
- (C) **Rear Yard:** When parked in the rear yard, the motor vehicle shall be subject to the following standards:
- (1) The motor vehicle shall be stored behind a solid fence or gate at least 6 feet tall.
 - (2) The motor vehicle shall be parked on a surface paved with brick, concrete, asphalt, or similar material, or on pervious gravel.

Section 9-5.203, Definitions, is hereby amended to include the following definitions:

RECREATIONAL VEHICLE. A personal vehicle, including but not limited to, a camping trailer, motorhome, tent trailer, fifth-wheel trailer, unmounted camper shell, boat, personal watercraft, utility trailer, or other mobile recreational equipment or watercraft, or any empty trailer intended for or capable of carrying any of the above.

MOTOR VEHICLE. Any automobile, truck, trailer, Recreational Vehicle, or other vehicle or equipment that is required to be registered with the California Department of Motor Vehicles.

SECTION 5: Severability:

If any section, subsection, provision or part of this ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this ordinance, and the application of such provision to other person or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this ordinance are severable.

SECTION 6. CEQA.

(3) "The activity is covered by the common sense exemption 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 in question may have a significant effect on the environment, the activity is not subject to CEQA."

SECTION 7:

This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption and shall be published once within fifteen (15) days upon passage and adoption in a newspaper of general circulation printed and published in the City of Antioch.

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I HEREBY CERTIFY that the forgoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Antioch, held on the ____ of ____ 2022, and passed and adopted at a regular meeting thereof, held on the ____ day of ____ 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lamar Thorpe, Mayor of the City of Antioch

ATTEST:

**Elizabeth Householder
City Clerk of the City of Antioch**