

BEFORE THE CITY COUNCIL OF THE CITY OF LAFAYETTE

IN THE MATTER OF:

An Ordinance of the City Council of the City of)
Lafayette Amending Chapter 6-23 of the)
Lafayette Municipal Code Entitled “Outdoor) Ordinance No. 586
Storage and Repairs” (ZT04-09))
_____)

THE CITY COUNCIL OF THE CITY OF LAFAYETTE DOES ORDAIN AS FOLLOWS:

Section 1. Amendments. Chapter 6-23 of Title 8 of the Lafayette Municipal Code entitled “Outdoor Storage and Repairs” is hereby amended to read as follows:

“Chapter 6-23

PARKING, VEHICLE STORAGE AND REPAIRS

6-2301 Applicability.

This chapter shall apply to any parcel of land which is legally used or zoned for residential purposes or is vacant and unimproved, irrespective of the zoning. (Ord. 560 § 6 (part), 2006)
This chapter shall apply to the parking, storage, and repair of vehicles. Use of property for outdoor storage or structures placed on property for storage of goods and materials is addressed elsewhere in this code.

6-2302 Definitions.

- (a) “Adjoining property” means a property which shares a common boundary with a subject property or a property that is directly across a public or private street or road from a subject property.
- (b) “Front yard area”, means an open area extending across the front of a lot, measured from the front property line or access easement, whichever is lesser, toward the rear of the lot to the nearest line of the primary residence.
- (c) “Public view” means the view from a public or private street or road which serves more than one property or from a public walkway or trail.
- (d) “Screened” means shielded, concealed and substantially hidden from public view or adjoining property, at an elevation at least six feet above ground level, by a fence, wall, lattice, hedge, berm, or similar structure, architectural or landscape feature, or combination thereof, as deemed appropriate by the planning services manager.
- (e) “Vehicle” means a device by which any person or property may be propelled, moved, or drawn upon a highway, street, road, avenue, lane, alley, court, place, square, curb or other similar

surface improved, designed or ordinarily used for vehicular traffic, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

6-2303 Permitted activities.

(1) Placing, parking, or keeping of a registered and fully operable car(s), van(s), truck(s), sport utility vehicle(s) (SUV) and motorcycle(s) is a permitted use on occupied lots, subject to the following conditions:

- (a) Said vehicle(s) is owned by or registered to the owner or occupant of the lot, or guest thereof;
- (b) Said vehicle(s) is not parked in the front yard area unless parked on a driveway that connects to covered parking or is parked on a paved or similarly surfaced area that is designed and intended for the purpose of parking vehicles, and that is connected to a driveway that has direct access from a public or private road or access easement;
- (c) Said vehicle(s) is not used for living or sleeping purposes; and
- (d) Said vehicle(s) is rated for a maximum payload of one ton or less.

(2) Placing, parking or keeping of registered and fully operable recreational vehicle(s), trailer(s) (e.g., for a boat, cargo, debris, horse, etc.), boat(s), or aircraft is a permitted use on occupied lots subject to the following conditions:

- (a) Said vehicle(s) is owned by or registered to the owner or occupant of the lot;
- (b) Said vehicle(s) is screened from public view and adjoining property;
- (c) Said vehicle(s) is not parked in the front yard area; and
- (d) Said vehicle(s) is not used for living or sleeping purposes.

6-2304 Prohibited activities.

(1) No person shall engage in any of the following activities, unless the activity is fully screened from public view or an adjoining property:

- (a) Place, park, keep, or allow to remain for more than 96 consecutive hours a disabled or inoperable vehicle or part(s) of a vehicle, or materials used in the repair, servicing, construction or assembly of vehicles;
- (b) Construct, repair, disassemble or service any vehicle more than eight days per year, or between the hours of 9:00 p.m. and 7:00 a.m. of any day; and/or
- (c) Place, park, keep, or allow to remain any recreational vehicle, boat, aircraft, trailer (e.g., for a boat, cargo, debris, horse, etc.) either for more than 36 consecutive hours, or intermittently for periods exceeding 72 hours total in any 30-day period.

(2) No person shall use any vehicle for living or sleeping purposes.

(3) No person shall place, park or keep a vehicle(s) on a vacant or unimproved lot unless a land use permit is obtained pursuant to section 6-2305.

6-2305 Parking on vacant or unimproved lot subject to use permit.

1. The purpose of this section is to prevent owners of vacant or unimproved lots from storing vehicles on those lots, and to implement the Lafayette general plan which envisions maintaining the semi-rural character of the city. This section is intended to:

(a) Protect the health and welfare of residential neighborhoods;

(b) Prevent nuisance situations that can change the nature of a residential neighborhood;

(c) Prevent potential safety hazards to pedestrians and other vehicles caused by the unexpected ingress and egress of vehicles from vacant or unimproved lots; and

(d) Minimize the aesthetic and visual impacts of storing vehicles on vacant or unimproved lots.

(2) A land use permit is required to place, park, or keep a vehicle(s) on a vacant or unimproved lot, irrespective of the land use district in which the land is located, as follows:

(a) An application for a land use permit shall be submitted to the zoning administrator accompanied by the required fee as established by resolution of the city council;

(b) If the zoning administrator finds that the vehicle(s) is owned by or registered to the owner of the lot; is not used for living purposes on the lot; is screened from public view; will not create a safety hazard as a result of the ingress and egress of the vehicle onto the lot; and that the proposed storage of the vehicle meets the findings required for a land use permit set forth in Section 6-215 of this code, the zoning administrator may issue a land use permit without the requirement for a public hearing.

(c) If the zoning administrator determines that a public hearing is necessary to address potential impacts of the permit, written notice of an application shall be provided as prescribed in section 6-211(b) of this code.

(d) The zoning administrator may refer the application to the planning commission for review and action.

(e) The hearing authority may approve, conditionally approve or deny the application based on its consideration of the factors outlined in section (2)(b) above, and the purposes and intent of this Section.

(f) The decision of the hearing authority is subject to the right of appeal in the manner as set forth in Chapter 6-2, Article 3

6-2306 Enforcement.

Engaging in any activity prohibited in this chapter shall be a violation of this chapter and may be subject to enforcement in accordance with Chapters 1-9 and/or 8-21 of this code, in addition to all other legal remedies, criminal or civil, available to the city to address a violation of this code.”

Section 2. CEQA. The City Council finds that adoption of this Ordinance is not a "project," as defined in the California Environmental Quality Act because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedure making.

Section 3. Notice of Exemption. The City Council directs staff to prepare and file a Notice of Exemption no more than five (5) working days after adoption of this Ordinance.

Section 4. Effective Date. This Ordinance becomes effective thirty (30) days after its adoption.

Section 5. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not effect 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 of this Ordinance irrespective of the fact that one or more sections, subsections, subdivision, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. To this end the provisions of this Ordinance are declared to be severable.

Section 6. Publication. The City Clerk shall either (a) have this Ordinance published in a newspaper of general circulation once within fifteen (15) days after its adoption, or (b) have a summary of this Ordinance published twice in a newspaper of general circulation, once five (5) days before its adoption and again within fifteen (15) days after adoption.

The foregoing Ordinance was introduced at a meeting of the City Council of the City of Lafayette held on September 14, 2009 and was adopted and ordered published at a meeting of the City Council held on September 28, 2009 by the following vote:

AYES: Tatzin, Andersson and Federighi

NOES: None

ABSTAIN: None

ABSENT: Anderson and Anduri

ATTEST:

APPROVED:

Joanne Robbins, City Clerk

Don Tatzin, Mayor