

ORDINANCE NO. 770

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN
CITY, CALIFORNIA, REPEALING AND REPLACING SECTION 18.36.070
OF TITLE 18 OF THE SUISUN CITY CODE AND AMENDING THE
WATERFRONT DISTRICT SPECIFIC PLAN, RELATING TO
REGULATIONS FOR FRONT, REAR, AND SIDE YARD AREAS OF
RESIDENTIAL PROPERTIES**

WHEREAS, This Ordinance is intended to preserve the residential character of streetscapes in the city's neighborhoods and minimize excess storm water runoff from residential properties; and

WHEREAS, the unregulated expansion of paved parking areas in front, rear, and side yards interferes with the pattern of building and open areas within neighborhoods, and can increase vehicle clutter by creating small parking lots in yard areas which are intended to remain as open and/or landscaped areas; and

WHEREAS, excessive paving of front, rear, and side yard areas have a negative impact upon the character and appearance of the City's neighborhoods; and

WHEREAS, the paving of front, rear, and side yard areas to add additional parking will potentially have impacts upon the walkability of the City's neighborhoods, because of the likely proliferation of curb cuts which reduce the number of available on-street parking spaces in the City's neighborhoods; and

WHEREAS, paving of front, rear, and side yards would potentially result in hazardous conditions on a residential property in that it could negatively impact the City's storm water management system such that a much higher amount of water runoff from such properties would negatively affect the City's storm water management system; and

WHEREAS, paving of front, rear, and side yards could result in potentially high amounts of runoff from such a property where such runoff could cause harm to adjoining properties; and

WHEREAS, paving of front, rear, and side yards would create visual blight by eliminating green space in the City's neighborhoods; and

WHEREAS, paving of front, rear, and side yards would create substantial aesthetic conflicts that may result in decreased property values for adjoining properties; and

WHEREAS, paving of front, rear, and side yards would result in potentially changing the use of residential properties, and it would result in less green space within the City; and

WHEREAS, the Planning Commission of the City of Suisun City did hold a duly noticed public hearing on December 18, 2018 and, following discussion, consideration and public comment, decided to form an Ad Hoc Committee and have a new Public Hearing noticed for a future date; and

WHEREAS, the Planning Commission of the City of Suisun City did hold a duly noticed public hearing on January 29, 2019 and, following discussion, consideration and public comment, voted in favor of recommending that the City Council adopt this Ordinance; and

1 **WHEREAS**, the City Council of the City of Suisun City did hold a duly noticed
public hearing on March 19, 2019 and subsequently continued to April 2, 2019; and

2 **WHEREAS**, an Ad Hoc Committee of both the Planning Commission and City
3 Council was held on April 24, 2019 and at the conclusion recommendations were made to the
City Council; and

4 **WHEREAS**, the City Council held a Public Hearing on May 14 and at the conclusion
5 directed the item back to the Planning Commission to work through the draft ordinance; and

6 **WHEREAS**, the City Council held a Public Hearing on May 14 to adopt an Urgency
Interim Ordinance on front yard paving which was subsequently extended by the City Council
7 at a Public Hearing on June 18; and

8 **WHEREAS**, the Planning Commission of the City of Suisun City did hold two public
workshops on June 11 and July 9, 2019; and

9 **WHEREAS**, the Planning Commission of the City of Suisun City did hold a duly
10 noticed public hearing on September 24, 2019 and, following discussion, consideration and
public comment, voted in favor of recommending that the City Council adopt this Ordinance;
11 and

12 **WHEREAS**, the Suisun City Council did hold a duly noticed public hearing on
February 4, February 18 and March 17, 2020, and took comments from all interested parties
13 on the subject; and

14 **WHEREAS**, all legal pre-requisites to adopt this Ordinance have occurred; and

15 **WHEREAS**, as provided in this Ordinance, the City Council now desires to repeal
and replace Section 18.36.070 of Title 18 of the Suisun City Municipal Code and the
16 Waterfront District Specific Plan as provided in this Ordinance.

17 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE**
18 **CITY OF SUISUN CITY AS FOLLOWS:**

19 **SECTION 1. RECITALS.**

The recitals set forth above are all true and correct and are incorporated herein.

20 **SECTION 2. SECTION 18.36.070, “PROHIBITED ACTIVITIES IN FRONT**
21 **AND STREET SIDE YARDS,” OF CHAPTER 18.36 OF TITLE 18 OF THE SUISUN**
CITY CODE IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

22 “Section 18.36.070 - Prohibited activities in front, rear, and side yards of residential
23 properties.

24 **A. Definitions.** For the purposes of this Section, words shall have the same definitions
as provided in Chapter 18.04 of Title 18 of the Suisun City Municipal Code, except as
25 follows:

- 26 1. “Landscaped area” means a water-permeable area maintained to
27 present an attractive, well-kept appearance. A “landscaped area” may
28 consist of any combination of living plants (shrubbery, grass, trees,
etc.) with or without a layer at least two inches deep of materials such
as decorative bark or decorative stones with a permeable subterranean

weed barrier. However, a “landscaped area,” does not include dead plants, bare soil without plants, or bare soil with cut weeds. Further, “landscaped area” does not include asphalt or hardscape materials (such as pavers, bricks, and other hard surfaces), regardless of permeability.

2. “Hardscaped area” means an area covered with semi-permeable or impermeable materials such as brick, pavers, or concrete. “Hardscaped area” does not include asphalt paving (asphalt, decomposed granite, and gravel are not permitted).

3. “Weeds” means a valueless plant growing wild.

4. “Recreational vehicles” mean recreational vehicles (RVs), including but not limited to motor homes, truck campers, travel trailers, fifth-wheel and pull-behind trailers, all-terrain vehicles, snowmobiles, jet skis, boats, and boat trailers.

5. “Chain link fencing” means a fence, usually made of metal, which consists of wire loops interconnected into a series of joined links.

6. “Driveway” means a paved portion of a private street providing an unobstructed passage from the roadway to an off-street area used for driving, servicing, parking, or otherwise accommodating motor vehicles.

7. “Legal nonconforming use” means a use, structure, or condition that was legal and appropriately permitted at the time that it came into existence but no longer meets existing code.

8. “Inoperative,” in the context of vehicles, shall include all vehicles, including but not limited to recreational vehicles and boats, that are either (a) abandoned, wrecked, dismantled, or not in working order, or (b) lacking a current and valid Department of Motor Vehicles registration. A vehicle that is not in working order means that it cannot be started and/or cannot move on its own power. A vehicle that has a current and valid Planned Non-Operation registration shall not be considered inoperative for the purposes of this ordinance.

9. “Grandfathering” means to allow a legal nonconforming use to continue.

10. “Minor repairs” consist of repairs that reasonably would require five hours of less to complete per established generally accepted industry published Flat Rate Labor Times.

B. Purpose and Applicability.

1. The requirements specified in this Section are intended to preserve the residential character of streetscapes in the city's neighborhoods and to minimize excess storm water runoff as follows:

i. The unregulated expansion of paved parking areas in front, rear, and side yards interfere with the pattern of building and open areas within neighborhoods and can increase vehicle clutter by

1 creating small parking lots in yard areas which are intended to
2 remain as open areas and green spaces. Excessive paving of
3 yard areas can negatively impact the character and appearance
4 of residential areas. Paving yard areas to add additional parking
can result in the proliferation of curb cuts that can have the
effect of reducing the number of on-street parking spaces
available this also impacts the walkability of a neighborhood.

5 ii. The paving of front, rear, and side yards would potentially
6 result in hazardous conditions on a residential property in that it
7 could negatively impact the City's storm water management
8 system such that a much higher amount of water runoff from
such properties would negatively affect the City's storm water
management system.

9 iii. The paving of front, rear, and side yards would result in
10 potentially high amounts of runoff from such a property where
such runoff could cause harm to adjoining properties.

11 iv. The paving of front, rear, and side yards would create visual
12 blight by eliminating green space in the City's neighborhoods.

13 v. The paving of front, rear, and side yards would provide
14 substantial aesthetic conflicts that may possibly result in
decreased property values for adjoining properties,

15 vi. The paving would result in potentially changing the use of
16 residential properties, and it would result in less green space
within the City.

17 2. The requirements in this Section shall apply to all residential properties
18 and lots.

19 **C. Regulations and Standards**

20 **1. Front Yard.**

21 i. Walkways and other Hardscaped Areas. The amount of paved
22 walkways and hardscaped area, including but not limited to
23 driveways, shall not exceed sixty percent of the front yard area.

24 ii. Landscaping. For all residential properties, the front yard area
25 other than paved walkways and hardscape shall consist of a
26 landscaped area.

27 iii. Property owners must maintain trees at a minimum of 7 feet
28 over the walkways, 10 feet over the roadway, and hedges
trimmed to the back edge of the walkway.

iv. Landscaped areas must be consistent with Chapters 8.12 and
8.13, as applicable, of the Suisun City Code.

v. Chain link fencing shall not be constructed and located such
that such fencing is visible from public roads or alleyways. All

- 1 chain link fencing constructed before the effective date of this
2 Section are considered legal non-conforming. Chain link
3 fencing that is damaged shall be replaced with conforming
4 fencing pursuant to Title 18 of the Suisun City Code.
- 5 vi. No front yard driveway will be permitted without the approval
6 and issuance of an encroachment permit from the Public Works
7 Director of Suisun City (if applicable) and design review and
8 approval from the Planning Division. In no case shall an ADA
9 curb ramp be used as a driveway.
- 10 vii. One tree shall be required for each residential property, on all
11 new developments constructed after the effective date of this
12 section. Plantings must be consistent with the approved
13 landscape plan.
- 14 viii. An accessory building shall only be located on the rear fifty
15 percent of a residential lot and must be consistent with Table
16 18.31.01 Development Standards in Residential Zones, as
17 applicable, of the Suisun City Code.
- 18 2. Rear / Side Yard.
- 19 i. Walkways and other Hardscaped Areas. For all residential
20 properties and lots, the amount of paved walkways and
21 hardscape in rear and side yard areas of a property that are
22 visible from public spaces shall not exceed sixty percent of the
23 combined visible rear and side yard area. "Public spaces"
24 includes, but is not limited to, streets, alleyways, public utility
25 and access easements, and parks.
- 26 ii. Landscaping. All parts of rear and side yards that are not paved
27 walkways or hardscape and that are visible from public spaces
28 shall consist of landscaped area.
- 29 iii. Property owners must maintain trees at a minimum of 7' over
30 the walkways, 10 feet over the roadway, and hedges trimmed to
31 the back edge of the walkway.
- 32 iv. Landscaped areas must be consistent with Chapters 8.12 and
33 8.13, as applicable, of the Suisun City Code.
- 34 v. No side yard or rear yard driveway will be permitted without
35 the approval and issuance of an encroachment permit from the
36 Public Works Director of Suisun City (if applicable) and design
37 review approval from the Planning Division. In no case shall an
38 ADA curb ramp be used as a driveway.
- 39 3. Vehicle Storage.
- 40 i. Driveway location and width shall be in accordance with the
41 latest edition of the City of Suisun City Engineering Standards
42 specifications.

- 1 ii. All vehicles, including recreational vehicles, shall be parked,
2 stored or kept on a driveway being consistent with Chapter
3 8.12, as applicable, of the Suisun City Code.
- 4 iii. If a recreational vehicle is parked or stored on a residential
5 property, recreational vehicles must be parked on an approved
6 driveway, and meet the following requirements if parked on a
7 front or side yard visible to the public:
- 8 (1) Recreational vehicles shall not impede the public right
9 of way;
- 10 (2) If recreational vehicle is covered it must be with a snug
11 fitting material free of damage and the covering must be
12 secured so as to not come off in a storm;
- 13 (3) In no case shall power cords or other connection(s) to
14 the property cross a sidewalk or public right of way to
15 prevent any tripping hazards, as to comply with the
16 Americans with Disabilities Act.
- 17 iv. The following activities are prohibited on any driveway
18 governed by this Section:
- 19 (1) The parking, storing, or keeping for a period of time
20 greater than seventy-two consecutive hours of any
21 household appliance, equipment, furniture, construction
22 equipment, machinery, airplane or aircraft, and materials
23 other than that temporarily used or stored during the
24 improvement of the lot and any associated structures or
25 facilities;
- 26 (2) The parking, storing or keeping in any such area, for a
27 period of time in excess of seventy-two consecutive
28 hours, of any inoperative motor vehicles. Parking,
 storing, or keeping of operative vehicles with a valid and
 current Planned Non-Operation registration is permitted.
- (3) The parking, storing or keeping of a motor vehicle not
 registered with the Department of Motor Vehicles in any
 such area of the driveway, or is visible to the public;
- (4) The wrecking, dismantling, disassembling,
 manufacturing, fabricating, building, remodeling,
 assembling, repairing, or painting, in any such area of
 any motor vehicle, boat, trailer, recreational vehicle,
 airplane or aircraft, machinery, equipment, appliance or
 appliances, furniture or other personal property.
 Exception to C.3.iv(4) to include minor repairs by an
 owner, lessee, or occupant of the lot, for a period not to
 exceed 48 hours.”

1 D. Grandfathering of Existing Uses.

- 2 1. All legal nonconforming paving of front, side, or rear yards is
3 grandfathered and shall not need to be brought up to code until the
4 property owner conducts remodeling, alterations, or renovations of the
5 property, at which time all yards must conform to the ordinance current
6 at the time of the remodeling, alteration, or renovation.
- 7 2. Grandfathering shall not apply to any use, structure, or condition that
8 was illegal at the time of installation.

9 **SECTION 3. THE WATERFRONT DISTRICT SPECIFIC PLAN IS HEREBY**
10 **AMENDED AS FOLLOWS:**

11 **Section 6.2.3.C. Landscaping**

12 6. All residential yards shall be subject to the standards set forth in Section 18.36.070 of the
13 Suisun City Code, at a minimum. Additional standards may be adopted by the Suisun City
14 Council for specific unique neighborhoods that require special care and regulation.

15 **Section 6.2.3.D Maintenance of Structures and Premises**

16 All property owners in a residential district shall have an obligation to maintain structures and
17 premises in good repair. Structures and premises in good repair shall present no material
18 deviation in apparent condition from neighboring structures in compliance with the provisions
19 of this Plan. Good repair includes and is defined as the level of maintenance that ensures the
20 continued availability of the structure and premises for a lawfully permitted use and prevents
21 deterioration, dilapidation, and decay of the exterior portions of the structure and premises,
22 such as lack of paint, peeling, chipping, crumbling, breakage, accumulation of dirt and/or
23 similar evidence. This is not intended to preclude normal construction activities in
24 conjunction with a valid building permit, provided that the completion of such activities is
25 diligently pursued in accordance with the standards of the Building Code.

26 **SECTION 4. SEVERABILITY.** If any section, subsection, sentence, clause, phrase,
27 or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the
28 decision of any court of competent jurisdiction, such decision shall not affect the validity of
the remaining portions of this ordinance. The City Council hereby declares that it would have
adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion
thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses,
phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect
thirty (30) days after its passage.

SECTION 5. CERTIFICATION. The City Clerk shall certify to the adoption of this
ordinance, and shall cause the same to be posted and codified in the manner required by law.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council
of the City of Suisun City, California, on this 7th day of April 2020.

Lori D. Wilson, Mayor

ATTEST:

Donna Pock, CMC
Deputy City Clerk

APPROVED AS TO FORM
AND LEGAL CONTENT:

Aleshire & Wynder, LLP

CERTIFICATION

I, Donna Pock, Deputy City Clerk of the City of Suisun City and ex-officio Clerk of the City Council of said City, do hereby certify that the above and foregoing ordinance was introduced at a regular meeting of the said City Council held on Tuesday, March 17, 2020 and passed and adopted at a regular meeting of said City Council held on Tuesday, April 7, 2020, by the following vote:

AYES:	Councilmembers:	Adams, Segala, Williams, Mayor Wilson
NOES:	Councilmembers:	Day
ABSENT:	Councilmembers:	None
ABSTAIN:	Councilmembers:	None

WITNESS my hand and the seal of said City this 7th day of April 2020.

Donna Pock, CMC
Deputy City Clerk