

ORDINANCE NO. 3018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING CHAPTER 10.40 TO TITLE 10 (VEHICLES AND TRAFFIC), AND AMENDING CHAPTER 18.10 AND CHAPTER 18.48 TO TITLE 18 (ZONING) OF THE WHITTIER MUNICIPAL CODE RELATING TO PROHIBITING PARKING OF COMMERCIAL VEHICLES ON RESIDENTIAL LOTS IN THE CITY (APPLICANT: CITY OF WHITTIER, ZONING CODE AMENDMENT NO. ZCA13-002)

WHEREAS, the City Council of the City of Whittier ("City Council") establishes a regulatory framework for controlling parking and development of land within the City; and,

WHEREAS, the City of Whittier ("City") currently has in existence prohibitions on commercial parking on public right-of-way, pursuant to Section 10.40.020 (Parking) of Chapter 10.40 (Commercial Vehicles) of the Whittier Municipal Code;

WHEREAS, the City Council of the City of Whittier finds that in order to further community preservation, protection of the health, safety and welfare of its citizens, property values, and aesthetic qualities, these regulations are intended to provide a just, equitable, and practical method for regulating and enforcing commercial parking prohibitions for certain vehicles within the City of Whittier;

WHEREAS, the Planning Commission, at its meeting of December 16, 2013, recommended approval of ZCA13-002, by a 5/0 vote;

WHEREAS, on February 11, 2014, the City Council conducted a duly noticed public hearing and continued ZCA13-002 to their meeting on March 11, 2014;

WHEREAS, on March 11, 2014, the City Council conducted a duly noticed public hearing and considered the staff analysis, public testimony and all information presented to the Council concerning ZCA13-002; and,

WHEREAS, the project has been deemed exempt pursuant to Section 15061 (b) (3) (General Rule) of the California Environmental Quality Act.

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

SECTION 1. Section 10.40.020 (Parking) of Title 10 (Vehicles and Traffic) of the Whittier Municipal Code is hereby amended to read as follows:

10.40.020 Parking.

- D. It shall be unlawful to park or store any commercial vehicle, of an unladen gross vehicle weight in excess of 14,000 pounds, tow trucks, trailers, or other related equipment on private property within residential zones within the City. A limit of one commercial vehicle 14,000 pounds or less is allowed per residential lot or residence, whichever is less, within residential zones. The provisions of this subparagraph do not apply to passenger vehicles, pickup trucks, passenger or cargo vans, recreational vehicles or utility trailers.
- E. For the purpose of this section, the phrases "commercial vehicle," "trailer," "semitrailer," "trailer coach," "special construction equipment", "special mobile equipment", and "tow truck" (including dismantlers' or reposessor's tow vehicles) shall be defined as set forth in the Vehicle Code of the State of California.

SECTION 2. Section 18.10.020 (Accessory Uses) of Title 18 (Zoning) of the Whittier Municipal Code is hereby amended to add a new subsection M (Parking of Commercial Vehicles) as follows:

- M. **Parking of Commercial Vehicles.** It shall be unlawful to park or store any commercial vehicle, of an unladen gross vehicle weight in excess of 14,000 pounds, tow trucks, trailers, or other related equipment within residential zones within the City. A limit of one commercial vehicle 14,000 pounds or less is allowed per residential lot or residence, whichever is less, within residential zones. The provisions of this subparagraph do not apply to passenger vehicles, pickup trucks, passenger or cargo vans, recreational vehicles or utility trailers. For additional definitions and restrictions, refer to Chapter 10.40 of the Whittier Municipal Code.
- N. The provisions of this section shall not apply to any vehicle owned by the city or a public utility or licensed contractor while necessary in use in the construction, installation or repair of any public utility, or to any commercial vehicle actually being used for the pickup or for the delivery of goods, wares and merchandise, or for the delivery of materials to be used in the repair, alteration, remodeling or construction of any building.

SECTION 3. Section 18.48 (Off-Street Parking) of Title 18 (Zoning) of the Whittier Municipal Code is hereby amended to add a new subsection 18.48.120 as follows:

18.48.120 Parking of Commercial Vehicles.

- A. It shall be unlawful to park or store any commercial vehicle, of an unladen gross vehicle weight in excess of 14,000 pounds, tow trucks (including dismantlers' or reposessor's tow vehicles), trailers, or other related equipment within residential zones within the City. A limit of one commercial vehicle 14,000 pounds or less is allowed per residential lot or residence, whichever is less, within residential zones. The provisions of this subparagraph do not apply to passenger vehicles, pickup trucks, passenger or cargo vans, recreational vehicles or utility trailers. For additional definitions and restrictions, refer to Chapter 10.40 of the Whittier Municipal Code.

- B. The provisions of this section shall not apply to any vehicle owned by the city or a public utility or licensed contractor while necessary in use in the construction, installation or repair of any public utility, or to any commercial vehicle actually being used for the pickup or for the delivery of goods, wares and merchandise, or for the delivery of materials to be used in the repair, alteration, remodeling or construction of any building.

SECTION 4. The City Council hereby establishes an 18-month amortization period from the effective date of this ordinance for the enforcement of the provisions contained within Zoning Code Amendment ZCA13-002.

SECTION 5. The City Council hereby ordains the adoption of the provisions contained within Zoning Code Amendment ZCA13-002 to be incorporated within the Whittier Municipal Code.

SECTION 6. If any section, subsection, sentence, clause, portion, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses, portions, or phrases of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, portion, or phrase without regard to whether any other section, subsection, sentence, clause, portion, or phrase of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 7. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause a display advertisement of at least one-quarter of a page to be published once in the official newspaper within 15 days after the adoption of the Ordinance, which advertisement indicates the general nature of the Ordinance and information about the Ordinance, including how to obtain copies of the complete text of the Ordinance. This Ordinance shall become effective thirty (30) days after its adoption.

APPROVED AND ADOPTED this 25th day of March 2014.

BOB HENDERSON, Mayor

ATTEST:

KATHRYN A. MARSHALL,
City Clerk–Treasurer

CITY OF WHITTIER)
) SS
 STATE OF CALIFORNIA)

I, Kathryn A. Marshall, City Clerk-Treasurer in and for the City of Whittier, California, hereby certify that the foregoing ordinance was duly introduced at a regular meeting of the City Council of the City of Whittier on the 11th day of March 2014, and adopted at a regular meeting of the City Council of the City of Whittier on the 25th day of March 2014, by the following roll call vote:

AYES: J.A. Vinatieri F. Dutra O. Newcomer
 C. Warner R.L. Henderson
 NOES: None
 ABSENT: None

WITNESS my hand and the official seal of the City of Whittier, California, this _____ day of _____ 2014.

 KATHRYN A. MARSHALL
 City Clerk-Treasurer