

ORDINANCE NO. 1428

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANTECA,
CALIFORNIA AMENDING SECTION 17.15.100 OF TITLE 17 OF THE
MANTECA MUNICIPAL CODE PERTAINING TO PARKING AND STORAGE
OF MOBILE VEHICLES AND ACCESSORIES, FIELD OFFICES AND
OVERWEIGHT TRUCK OR TRUCK TRAILERS.

WHEREAS, the City of Manteca has a responsibility to maintain the public's health, safety and welfare; and

WHEREAS, residents of the City have expressed concerns about regulations related to the storage of recreational homes and mobile accessories on residential parcels; and

WHEREAS, it is imperative that the ability to park personal recreational vehicles, recreational homes and mobile transport vehicles on private residential property be considered with the right of neighboring property owners to enjoy their property without intrusive usage on adjoining parcels;

THE CITY COUNCIL OF THE CITY OF MANTECA ORDAINS AS FOLLOWS:

SECTION 1. Section 17.15.100 of Title 17 of the Manteca Municipal Code is hereby repealed in its entirety.

SECTION 2. A new Section 17.15.100 of Title 17 of the Manteca Municipal Code is hereby added to read as follows:

17.15.100 Parking and storage of mobile vehicles and accessories on post July 19, 1978 parcels

A. Definitions. The following words shall have the definitions assigned to them herein.

(1). Back yard – shall mean that portion of a parcel from the rear of the primary building structure to the back lot line.

(2). Front yard – shall mean that portion of a parcel from between the street and any building on the property

(3). Impervious surface - shall mean a solid and continuous ground covering that does not permit the seepage of liquid into the soil, including, but not limited to, concrete, asphalt, or brick.

(4). Mobile transport vehicle – shall mean a trailer, horse trailer, utility trailer or other mobile device licensed to be lawfully used on public streets and which attaches to and is pulled or pushed by a powered vehicle and used for-transporting or carrying a personal recreational vehicle, recreational home, watercraft, off-road vehicle or any other similar device, or any other types of items such as wood, dirt, building materials, etc.

(5). Municipal Code – shall mean the City of Manteca Municipal Code as it now exists or may hereafter be amended.

(6). Net rear yard – shall mean the portion of the total rear yard that is not covered by any form of structure including sheds, patios, courts, pools or other permanent or semi-permanent structure.

(7). Oversized boat – shall mean any boat which exceeds forty-two (42) feet in length measured from the two furthest points on the boat structure itself including any portion of the trailer; or exceeds one hundred and two inches in width, or one hundred and fifty-four (154) inches in height.

(8). Oversized vehicle – shall mean any vehicle which exceeds forty-two (42) feet in length; or exceeds one hundred and two inches (102") in width, exclusive of such projecting lights or devices as are expressly allowed pursuant to the California Vehicle Code as it now exists or hereafter may be amended.

(9). Permitted screening – shall mean a solid wall or fence made from wood, brick, block or other permitted material that is a minimum of six (6) feet in height above the adjoining grade. Chain link fencing with slat inserts is permitted only behind the front yard set back.

(10). Personal recreational vehicle – shall mean any motorized, human powered, electrical powered, or wind powered vehicle used primarily for recreational purposes, including, but not limited, to such items as boats, sailboats, canoes, kayaks, motor bikes, off-road vehicles, or jet skis.

(11). R district – shall mean any residential zone as shown on the official Zoning Map of the City as it now exists or as may hereafter be amended.

(12) Recreational home – shall mean any enclosed mobile structure that can be used as temporary living accommodations, and which contains either built-in cooking facilities or lavatory facilities, and is self-motorized, placed on another vehicle for transport, or towed by another vehicle, including, but not limited to, items such as motor coaches, motor homes, fifth-wheelers, recreational vehicle, campers, or camper trailers.

(13). Side street yard – shall mean the side yard of a corner lot that is along the secondary street side of the parcel.

(14). Side yard – shall mean that portion of a parcel between the primary building structure and the side lot line.

(15). Side yard appurtenances - shall mean any item, whether structural or stand-alone, that extends from or is adjacent to a building structure in the side yard such as fireplaces and air conditioning units.

B. General prohibition for properties built after July 19, 1978. No person shall place, keep, maintain or permit to be placed, kept or maintained, a personal recreational vehicle, recreational home, mobile transport vehicle, oversized boat, or oversized vehicle upon any lot or parcel of land within a residential zoned district on which a building permit for a main building was issued after July 19, 1978, except in a recreational vehicle park, properly approved storage or sales yard, or a recreational vehicle park, except as specifically provided for in these Sections 17.15.100 through 17.15.115.

C. Limitation on number of recreational vehicles. Under no condition shall more than one (1) recreational home, or one (1) oversized vehicle, or one (1) oversized boat be parked or stored on any property in a R district at any given time, except as provided for by Subsection J herein.

D. Limitation on number of mobile transport vehicles or personal recreational vehicles. There shall be no limit on the number of mobile transport vehicles and/or personal recreational vehicles parked or stored in the side yard or rear yard if all of the requirements of Subsections C, F and G are complied with at all times.

E. Prohibition in front yard. No recreational home, mobile transport vehicle, personal recreational vehicle, or oversized vehicle or oversized boat shall be parked or stored in the front yard of any residence or on any public roadway, except as follows:

(1) A recreational home, mobile transport vehicle, personal recreational vehicle, oversized boat or oversized vehicle may be placed in the front yard the owner's residence or public roadway directly in front of the owner's residence for the sole purposes of loading or unloading the vehicle, or washing the vehicle. In no case shall the vehicle be in the front yard or public roadway in front of the owner's residence for more than twenty-four (24) hours within any consecutive seventy-two (72) hour period unless they have obtained a permit from the Police Department.

(2) No vehicle permitted in the front yard pursuant to Subsection E(1) shall be permitted to block a sidewalk or obstruct the view of street traffic from any adjoining property.

F. Parking and storage in side yard. No recreational home, mobile transport vehicle, personal recreational vehicle, oversized vehicle, or oversized boat shall be parked or stored in a side yard unless:

(1) Said recreational home, mobile transport vehicle, personal recreational vehicle, oversized vehicle, or oversized boat maintains not less than three (3) feet from all buildings or side yard appurtenances on the property. Said clearances shall be kept clear of all obstacles at all time for the protection of public health, safety and welfare; and

(2) Said recreational home, mobile transport vehicle, personal recreational vehicle, oversized vehicle, or oversized boat is behind a permitted screening along all adjoining property lines.

G. Parking and storage in rear yard. No recreational home, mobile transport vehicle, personal recreational vehicle, oversized vehicle or oversized boat shall be parked or stored in a rear yard except as provided for herein:

(1) Such recreational home, mobile transport vehicle, personal recreational vehicle, oversized vehicle, or oversized boat may be kept wholly enclosed within a structure lawfully existing on the premises; or

(2) Such recreational home, mobile transport vehicle, personal recreational vehicle, oversized vehicle, or oversized boat is parked or stored on an approved impervious surface. The impervious surface shall not exceed twenty-five percent (25%) of the net rear yard area, and shall be located at least three (3) feet from any property line.

(a). Prior to any parking or storage pursuant to this Section 17.15.100(G)(2), the property owner shall submit to the City a site plan showing the proposed area of impervious surface and all other structures in the year yard; and an indication of the type of impervious materials proposed.

(b). All necessary permits that may be required shall be obtained for the construction of the impervious surface.

H. Prohibition on permanent occupancy. Except as provided for in Section 17.15.100 (I) of this chapter, no recreational home covered under this Section 17.15.100 shall be occupied for human habitation while parked at the residential property.

I. Permitted temporary occupancy. A recreational home may be located in the rear yard or side yard, if it meets the requirements of Sections 17.15.100(F) and (G), for the purpose of temporary accommodation of occupants or visitors of the premises provided that a permit for such use has first been obtained from the City Police Department in the manner provided for in Sections 10.46.090 through 10.46.100 of the Municipal Code, and the recreational vehicle is removed from the premises at the end of seven (7) consecutive days. One (1) extension not exceeding four (4) consecutive days may be allowed upon obtaining a permit extension from the Police Department. The temporary occupancy permitted by this Subsection I shall be allowed only once in any consecutive six (6) month period.

Under no condition shall the recreational vehicle be located in the front yard or the street side yard of a corner lot.

J. Temporary parking of second recreational home. A second recreational home, not used for a permitted temporary occupancy, may be parked on a property providing that all of the following conditions are met:

- (1). The recreational home is parked in the side yard or rear yard as required by Subsection F and Section G herein; and
- (2). The recreational home is not owned or leased by the owner of any other recreational home that is parked or stored on the property; and
- (3). The recreational home shall not be parked on the property for more than fourteen (14) consecutive days in any calendar year; and
- (4). A permit shall have been first obtained from the Police Department in the same manner as required by Sections 10.46.090 through 10.46.100 of the Municipal Code; and
- (5) Not more than one (1) such permit shall be issued for any parcel in any calendar year.

K. Prohibition of driving or parking on sidewalks. No recreational home, mobile transport vehicle, personal recreational vehicle, oversized boat, or oversized vehicle shall be parked on, stored or driven over any public sidewalk at any time, except as such sidewalk has been integrated in an approved driveway.

SECTION 3. A new Section 17.15.105 of Title 17 of the Manteca Municipal Code is hereby added to read as follows:

17.15.105 **Parking and storage of mobile vehicles and accessories on pre July 19, 1978 parcels**

A. Limitation on parking in front yard. No recreational home, mobile transport vehicle, personal recreational vehicle, oversized boat, or oversized vehicle shall be parked or stored in the front yard of a property on which a building permit for a main building was issued prior to July 19, 1978 unless:

- (1) It is parked or stored on an impervious surface; and
- (2) It does not extend into any sidewalk; and
- (3) It does not obstruct the view of street traffic from any adjoining property

B. Parking and storage in side yard. No recreational home, mobile transport vehicle, personal recreational vehicle, oversized boat, or oversized vehicle shall be parked or stored in a side yard unless:

- (1) Said recreational home, mobile transport vehicle, personal recreational vehicle, oversized vehicle, or oversized boat maintains not less than three (3) feet from all buildings or side yard appurtenances on the property. Said clearances shall be kept clear of all obstacles at all time for the protection of public health, safety and welfare; and
- (2) Said recreational home, mobile transport vehicle, personal recreational vehicle, oversized vehicle, or oversized boat is behind a permitted screening along all adjoining property lines.

C. Parking and storage in rear yard. No recreational home, mobile transport vehicle, personal recreational vehicle, oversized vehicle, or oversized boat shall be parked or stored in a rear yard except as provided for herein:

- (1) Such recreational home, mobile transport vehicle, personal recreational vehicle, oversized vehicle, or oversized boat may be kept wholly enclosed within a structure lawfully existing on the premises; or
- (2) Such recreational home, mobile transport vehicle, personal recreational vehicle, oversized vehicle, or oversized boat is parked or stored on an approved impervious surface. The impervious surface shall not exceed twenty-five percent (25%) of the net rear yard area, and shall be located at least three (3) feet from any property line.
 - (a). Prior to any parking or storage pursuant to this Section 17.15.105(C)(2), the property owner shall submit to the City a site plan showing the proposed area of impervious surface and all other structures in the rear yard; and an indication of the type of impervious materials proposed.
 - (b). All necessary permits that may be required shall be obtained for the construction of the impervious surface.

D. Requirement for permitted screening. If any recreational home, mobile transport vehicle, or personal recreational vehicle is parked or stored in the side yard or rear yard, the property shall be screened with permitted screening.

E. Ban on inoperative vehicle in front yard or side street yard. No inoperative vehicle, as defined in Section 8.20.010 of the Municipal Code, shall be parked or stored in the front yard or side street yard for a period of more than five (5) calendar days.

SECTION 4. A new Section 17.15.110 of Title 17 of the Manteca Municipal Code is hereby added to read as follows:

17.15.110 Construction or on-site field office

No person shall place, keep or maintain, or permit to be placed, kept or maintained, any mobile office or recreational home upon any lot or parcel of land within any nonresidential zone in the city, other than in a recreational vehicle park or in a properly approved storage or sale yard, except as follows:

A. A use permit may be granted for a mobile office (designed solely for such purposes) to be used as a temporary office for a period not exceeding one year. Thirty (30) days prior to the expiration time the applicant may request and be granted one extension of time of one (1) additional year. Thirty (30) days after the expiration of the use permit, or any extension thereof, such use shall be removed from the premises

B. A recreational home may be used on the site for occupancy by a night watchman or security guard for not more than ninety (90) days in total.

C. A trailer used as a construction shack or as an on-site field office at a construction site within a developing subdivision.

SECTION 5. A new Section 17.15.115 of Title 17 of the Manteca Municipal Code is hereby added to read as follows:

17.15.115 Overweight truck or truck trailer

No person shall place or permit to be placed any "commercial" truck, tractor cab or truck trailers with a weight limit over eight thousand pounds in any R district in the city, except for pickup or delivery service, or to carry out a service function or as part of the operation of a legally existing nonconforming use, provided that in no case shall such truck or truck trailer be parked at any location in any R district longer than required for such pickup or delivery service or service function, other than within the grounds of a legally existing nonconforming use located within the R district and off which operation of the truck or truck trailer is a part. For the purpose of this section, "Commercial" shall not include passenger cars or pick-ups designed an intended for personal use.

SECTION 6. Effective Date.

This Ordinance shall become effective thirty (30) days after adoption.

SECTION 7. Publication .

Within fifteen days of the adoption of this Ordinance, the City Clerk shall cause a copy of this Ordinance to be published once in the Manteca Bulletin, a newspaper of general circulation, along with a notice setting forth the date of adoption and the title of this Ordinance.

DATED: January 20, 2009

ROLL CALL:

AYES: Councilmembers Harris, Hernandez, Moorhead and Weatherford

NOES: None

ABSENT: Councilmember DeBrum

ABSTAIN: None



WILLIE W. WEATHERFORD
MAYOR

ATTEST:



JOANN TILTON, MMC
CITY CLERK

CERTIFICATE

I, JOANN TILTON, City Clerk of the City of Manteca, do hereby certify that Ordinance No. 1428 was INTRODUCED at the regular meeting of the Manteca City Council held the 6th day of January, 2009, and was thereafter PASSED, ADOPTED AND ORDERED TO PRINT at the adjourned regular meeting of the Manteca City Council held the 20th day of January, 2009.



JOANN TILTON, MMC
CITY CLERK