



STAFF REPORT

Date: Tuesday, April 8, 2014
To: Bryan H. Montgomery, City Manager
From: Joshua McMurray, Senior Planner
Subject: **Parking of Commercial Vehicles Municipal Code Text Amendment**

Approved and Forwarded to City Council:


Bryan H. Montgomery, City Manager

Background and Analysis

This is a City initiated project to consider an ordinance amending Section 204 of Chapter 1 of Title 6 of the Oakley Municipal Code regulating the Parking of Commercial Vehicles. Adoption of this ordinance will amend the code language to further clarify what a "Commercial Vehicle" is and where they are prohibited to park in residentially zoned areas of the City, both on public and private property. This will further enhance the ability of the City Code Enforcement Officer to cite the illegal parking of commercial vehicles on residentially zoned property.

Oakley's current code only restricts commercial vehicles with a Gross Vehicle Weight Rating of 10,000 pounds or more from parking or driving on streets or highways that are in or abut residentially zoned areas. What the code doesn't state is whether or not these commercial vehicles are allowed to be parked on private property. An interpretation of the current code could be made that because the vehicles aren't allowed to be driven on streets in residentially zoned areas then there wouldn't be a way to store them on properties in these areas as well. However; the current code only states that these vehicles are restricted from the streets in residentially zoned areas. Staff has researched other municipalities in the area and is common to include a provision restricting not only the parking of these vehicles on public streets but to also restrict the parking of these vehicles on private property. This code amendment makes it very clear to interpret. In addition to the modifications shown in the attached resolution, Staff has also added a provision that allows commercial vehicles used in conjunction with an approved Home Based Businesses permit to be allowed in order for the code sections to be internally consistent.

Fiscal Impact

There is no ongoing negative fiscal impact created by amending the municipal code to further clarify the parking of commercial vehicles.

Recommendation

Staff recommends that the City Council waive the first reading and introduce an ordinance amending Oakley Municipal Code Section 6.1.204 (Parking of Commercial Vehicles).

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Attachments

1. Proposed Ordinance
2. Strikeout Underline of Proposed Ordinance

ORDINANCE NO. XX-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY AMENDING SECTION 204 OF CHAPTER 1 OF TITLE 6 OF THE OAKLEY MUNICIPAL CODE DEALING WITH THE PARKING OF COMMERCIAL VEHICLES

The City Council of the City of Oakley does ordain as follows:

SECTION 1. Findings.

The City Council hereby finds and determines as follows:

- A. The proposed amendments to Section 204 Chapter 1 of Title 6 of the Oakley Municipal Code will not only clean up internal inconsistencies, but provide further clarification and more enforceable regulations dealing with the parking of commercial vehicles in residential zoned except as otherwise allowed by the code.

SECTION 2. Code Amendments.

Section 6.1.204 of the Oakley Municipal Code is hereby amended to read as follows:

“a. Prohibition. No person shall stand or park a Commercial Vehicle on public or private property in any residential district as defined by subsection (b) herein unless such vehicle is permitted through a Home Based Business Permit or exempted per subsection (c) below. For the purpose of this subsection a Commercial Vehicle means any vehicle defined by California Motor Vehicle Code Section 15210.

b. Residential District. For the purposes of this section, "residential district" shall be defined as any residential zoning district listed in the City of Oakley Zoning Ordinance, including any area zoned P-1 that has residential uses, or any area designated for residential uses in the City of Oakley General Plan. This definition includes any highway or street that abuts a residential district.

c. Exemptions. This section does not apply to any commercial vehicle actively making any delivery or pick-up of goods, wares, building materials and merchandise to any dwelling or structure located in a residential district. The term “commercial vehicle” does not include recreational vehicles, such as camping trailers, motor homes, and recreational boats on trailers. The term “commercial vehicle” also does not include any pickup truck, whether having commercial license plates or not. The term “commercial vehicle” also does not include a moving truck being used for the purposes of moving.

d. Punishment. Any person violating this section shall be punished as provided in Vehicle Code Section 42001.”

SECTION 3. California Environmental Quality Act (CEQA) Finding.

This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), Review for Exemption, because it can be seen with certainty that the project will not have a significant effect on the environment; therefore the project is not subject to CEQA.

SECTION 4. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be held unconstitutional, invalid or unenforceable.

SECTION 5. Effective Date and Posting.

This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the City Clerk's Office at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council Members voting for and against the ordinance.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on _____, 2014 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Randy Pope, Mayor

Date

ATTEST:

Libby Vreonis, City Clerk

Date

6.1.204 Parking of Commercial Vehicles.

a. Prohibition. No person ~~driving or in control or charge of any commercial vehicle, having a manufacturer's gross vehicle weight rating of 10,000 pounds or more, shall stand or park it on any street or highway, or portion thereof, located~~ shall stand or park a Commercial Vehicle on public or private property in any residential district as defined by subsection (b) herein unless such vehicle is permitted through a Home Based Business Permit or exempted per subsection (c) below. For the purpose of this subsection a Commercial Vehicle means any vehicle defined by California Motor Vehicle Code Section 15210. ~~below. The foregoing prohibition shall also apply to parking on any part of a street or highway that abuts a residential district and that divides a residential district from a nonresidential district.~~

b. Residential District. For the purposes of this section, "residential district" shall be defined as any residential zoning district listed in the City of Oakley Zoning Ordinance, including any area zoned P-1 that has residential uses, or any area designated for residential uses in the City of Oakley General Plan. This definition includes any highway or street that abuts a residential district.

c. Exemptions. This section ~~is not effective with~~ does not apply to any commercial vehicle actively making pickups or any delivery or pick-up deliveries of goods, wares, building materials and merchandise ~~from or to any building or structure located on the restricted streets or highways or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure on the restricted streets or highways for which a building permit has previously been obtained~~ to any dwelling or structure located in a residential district. The term "commercial vehicle" does not include recreational vehicles, such as camping trailers, motor homes, and recreational boats on trailers. The term "commercial vehicle" also does not include any pickup truck, whether having commercial license plates or not. The term "commercial vehicle" also does not include a moving truck being used for the purposes of moving.

d. Punishment. Any person violating this section shall be punished as provided in Vehicle Code Section 42001.