

ORDINANCE NO. 19-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING PORTIONS OF ELK GROVE MUNICIPAL CODE TITLE 23 RELATED TO RECREATIONAL VEHICLE, TRAILER, AND VESSEL PARKING

WHEREAS, the proposed changes would modify recreational vehicle, vessel, and trailer parking regulations in the City; and

WHEREAS, the proposed amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to the California Code of Regulations, Title 14, Division 6, Chapter 3 (State CEQA Guidelines); and

WHEREAS, the approval of these amendments does not approve any development project.

NOW, THEREFORE, the City Council of the City of Elk Grove does ordain as follows:

Section 1: Purpose and Authority.

The purpose of this Ordinance is to amend the Elk Grove Municipal Code (EGMC) Title 23 (Zoning) to establish a specific nonconforming policy for recreational vehicles, trailers, and vessels. This policy would “grandfather” recreational vehicles, trailers, and vessels that were legally parked in required setback areas prior to August 11, 2006, but are inconsistent with the current provisions of the Zoning Code.

Section 2: Findings.

General Plan Consistency

Finding: The proposed amendments to Title 23 are consistent with the General Plan goals, policies, and implementation programs.

Evidence: The proposed amendments to Title 23 (Zoning) of the Elk Grove Municipal Code include minor amendments to allow for Recreational Vehicle, Trailer, and Vessels that were legally parked prior to August 11, 2006 to continue to park in required front yard setback areas. Additionally, the definition of “Recreational Vehicle” would be revised and new definitions of “Vessel” and “Trailer” would be added. These changes are consistent with the General Plan because they do not alter the allowed intensity or density of development beyond that contemplated in the General Plan.

Section 3. Amendments to Chapter 23.58 – Parking

EGMC Section 23.58.040(C) “Parking Regulations for Vehicles, Trailers, and Vessels” is amended as follows:

Section 23.58.040(C) Parking Regulations for Vehicles, Trailers, and Vessels

...

C. Parking Regulations for Vehicles, Trailers, and Vessels

1. Inoperable/Unregistered Vehicles, Trailers, and Vessels. Any vehicle, trailer, or vessel which is inoperable and/or unregistered shall be stored consistent with the following standards. These requirements do not apply to farm equipment located on property zoned for agricultural use or to auto vehicle dismantling facilities.

a. Operable vehicles, trailers, and vessels with registration expired three (3) months or less shall be stored either within an enclosed structure or shall be parked in designated parking areas of the lot (e.g., outside of required yard areas on permanent paved or other approved impervious surface consistent with the provisions of subsection (A)(2) of this section).

b. Inoperable vehicles, trailers, and vessels and those vehicles, trailers, and vessels with registration expired for a period greater than three (3) months shall be stored within an enclosed structure. No such vehicle shall be stored in any actual yard.

...

3. Recreational Vehicle, Trailer and Vessel Parking. Recreational vehicles, trailers, and vessels of an owner, tenant, guest, or visitor may be parked on any highway (street) for a maximum period of seventy-two (72) hours as provided in EGMC Section 10.24.070.B. Any request to extend this period for guests and visitors shall be submitted in writing to the Chief of Police for consideration and authorization. Recreational vehicle, trailer, and vessel storage is prohibited in required front and street side yards except as provided below in EGMC Section 23.84.031. Recreational vehicle, trailer, and vessel parking shall comply with applicable Covenants, Conditions & Restrictions applicable to that subdivision.

However, recreational vehicle, trailer, and vessel parking is permitted outside of required front and street side yard setback areas and within interior side and rear yards when screened by a solid six (6' 0") foot tall fence, wall, and/or landscape barrier. Screening shall be consistent with EGMC Chapter 23.52, Fences and Walls. The screening requirement does not apply to parcels with two (2) or more gross acres.

Section 4. Amendments to Chapter 23.84 – Nonconforming Uses, Buildings, and Structures

EGMC Chapter 23.84 is amended as follows:

A. EGMC Section 23.84.031 is added as follows:

23.84.031 Nonconforming Recreational Vehicles, Trailers, and Vessels.

Recreational Vehicles, trailers, and vessels, that were legally parked in required setback areas prior to August 11, 2006, but are inconsistent with the provisions of this title are considered legal nonconforming and are "grandfathered" by this chapter. As such, they may continue to be parked in the required front yard setback area. If the storage loses nonconformance status (as provided in section 23.84.040 below), the recreational vehicle, trailer, and vessel shall be parked in compliance with this title. In order to determine nonconformance status, the City shall require information, such as DMV registration, photographs, satellite imagery, neighbor

affidavits, or other justification as determined by the City, to be provided in order to adequately review eligibility.

B. EGMC Section 23.84.040(A) is amended as follows:

23.84.040 Loss of nonconforming status.

A. Termination by Discontinuance.

1. If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of one (1) year or more, rights to legal nonconforming status shall terminate.

2. The Director shall base a determination of discontinuance on evidence including the removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or no business records to document continued operation.

3. Without further action by the City, any further use of the site or structure shall comply with all of the regulations of the applicable zoning district and all other applicable provisions of this title.

4. A nonconforming recreational vehicle, trailer, or vessel may be replaced with a new recreational vehicle, trailer, or vessel similar in size and parked in the same location as the former vehicle, subject to applicable provisions of this title, provided that the nonconforming use has not been terminated as contained in EGMC Section 23.84.040(A)(1).

...

Section 5. Amendments to Chapter 23.100 -- General Definitions

EGMC Chapter 23.100 is amended as follows:

A. EGMC Section 23.100.020(G)(6) is added as follows:

Section 23.100.020

G. "G" Definitions

...

6. "Gross Weight" means the total weight of a product and its packaging. When referring to vehicles, trailers, vessels, and recreational vehicles (RV), gross weight means the weight specified by the manufacturer as the maximum loaded weight of the vehicle, trailer, vessel or RV.

B. EGMC Section 23.100.020(R) is amended as follows:

Section 23.100.020

R. "R" Definitions

...

3. "Recreational vehicle (RV)" means any motor home, travel trailer, truck camper, camper trailer, all terrain vehicle (ATV), or similar vehicle.

...

C. EGMC Section 23.100.020(T)(8) is added as follows:

Section 23.100.020

T. "T" Definitions

...

8. "Trailer" means a vehicle designed to be towed by a motor vehicle that is used solely for the transportation of personal property, not for commercial purposes, which does not exceed a gross weight of ten thousand (10,000 lbs) pounds. This definition includes vessel trailers, utility trailers, flat bed trailers, box trailers, horse trailers, or similar vehicle.

D. EGMC Section 23.100.020(V)(3) is added as follows:

Section 23.100.020

V. "V" Definitions

...

3. "Vessel" means any sail-powered or motor-driven vehicle that is used on the water. This includes motorboats, amphibious vehicle/vessels, and inflatable vessels with motors, shuttlecraft, jet skis or wet bikes, or similar vehicle.

Section 6: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 7: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 8: Savings Clause.


The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take affect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally

incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 9: Effective Date and Publication.

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

ORDINANCE: 19-2012
INTRODUCED: September 26, 2012
ADOPTED: October 10, 2012
EFFECTIVE: November 9, 2012




JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



JASON LINDGREN, CITY CLERK



JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: October 19, 2012

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 19-2012**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on September 26, 2012 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on October 10, 2012 by the following vote:

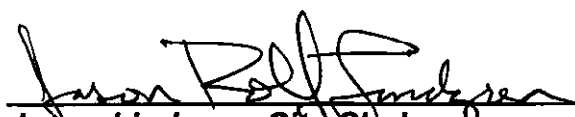
AYES : **COUNCILMEMBERS:** *Cooper, Hume, Davis, Detrick, Scherman*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*

A summary of the ordinance was published pursuant to GC 36933(c) (1).



**Jason Lindgren, City Clerk
City of Elk Grove, California**