

ORDINANCE NO. _____

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

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

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 Waterfront District Specific Plan as provided in this Ordinance.

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

SECTION 1. RECITALS.

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

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“PROHIBITED ACTIVITIES IN FRONT AND STREET SIDE YARDS,” OF CHAPTER 18.36 OF TITLE 18 OF THE SUISUN CITY CODE IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

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

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 follows:

1. “Landscaped area” means a water-permeable area maintained to present an attractive, well-kept appearance. A “landscaped area” may 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 is not permitted).

3. “Weeds” mean plants that are out of place or not deliberately planted by the property owner.

4. “Recreational vehicles” mean recreational vehicles (RVs), including but not limited to motor homes, truck campers, travel trailers, third-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.

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 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 areas and green spaces. Excessive paving of yard areas can negatively impact the character and appearance 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.

ii. The 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.

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

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

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

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

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

C. Regulations and Standards

1. Front Yard.

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

ii. Driveways. The amount of allowable paving for driveways shall not exceed thirty-five percent of the total front yard area.

iii. Landscaping minimums. For all residential properties, a minimum of fifty percent of the front yard area shall consist of a landscaped area.

iv. Property owners must maintain all landscape on their property in such a way to allow for passage pedestrian and vehicular traffic.

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

vi. Chain link fencing shall not be constructed and located such that such fencing is visible from public roads or alleyways. All chain link fencing constructed before the effective date of this Section are considered legal non-conforming. Chain link fencing that is damaged shall be replaced with conforming fencing pursuant to Title 18 of the Suisun City Code.

vii. No front yard driveway will be permitted without the approval and issuance of an encroachment permit from the Public Works Director of Suisun City (if applicable) and design review and approval from the Planning Division.

viii. One tree shall be required for each residential property, any tree removed must be replaced; this includes all new developments.

ix. An accessory building shall only be located on the rear fifty percent of a residential lot, must be consistent with Table 18.31.01 Development Standards in Residential Zones, as applicable, of the Suisun City Code.

2. Rear / Side Yard.

i. Landscaping minimums. For all residential properties and lots, a minimum of fifty percent of the required rear and side yard combined area shall consist of landscaped area.

ii. Property owners must maintain all landscape on their property in such a way to allow for passage pedestrian and vehicular traffic.

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

iv. No side yard or rear yard driveway will be permitted without the approval and issuance of an encroachment permit from the Public Works Director of Suisun City (if applicable) and design review approval from the Planning Division.

3. Vehicle Storage.

i. Driveway location and width shall be in accordance with the latest edition of the City of Suisun City Engineering Standards specifications.

ii. All vehicles, including recreational vehicles, shall be parked, stored or kept on a driveway being consistent with Chapters 8.12 and 8.13, as applicable, of the Suisun City Code.

iii. If a recreational vehicle is parked or stored on a residential property, then an owner of the recreational vehicle must also live at the same address. Additionally, recreational vehicles must be parked on an approved driveway, meet the setbacks addressed in Table 18.31.01 Development Standards in Residential Zones, as applicable, of the Suisun City Code, and parked in a manner so that they are not viewable from the City's right-of-way.

iv. The following activities are prohibited on any driveway governed by this Section:

(1) The parking, repairing, assembly/disassembly, or other activities associated with any airplane or aircraft, boat, jet-ski, motor vehicle or any part or parts thereof;

(2) The parking, storing, or keeping for a period of time greater than seventy-two consecutive hours of any household appliance, equipment, machinery, or furniture, or of any construction equipment, machinery, boat, jet-ski, motor vehicle or materials other than that temporarily used or stored during the improvement of the lot and any associated structures or facilities;

(3) The parking, storing or keeping in any such area, for a period of time in excess of seventy-two consecutive hours, of any motor vehicle or recreational vehicle that is disabled or inoperative because of the need of repairs or for any other reason;

(4) The parking, storing or keeping of a motor vehicle in any such area of the front driveway, side driveway, or is visible to the public must be registered;

(5) The wrecking, dismantling, disassembling, manufacturing, fabricating, building, remodeling, assembling, repairing, painting, washing, cleaning or servicing in any such area of any motor vehicle, boat, trailer, machinery, equipment, appliance or appliances, furniture or other personal property, excepting the repairing, washing, cleaning or servicing by an owner, lessee, or occupant of the lot, for a period not to exceed 72 hours."

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

Section 6.2.3.C. Landscaping

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

Section 6.2.3.D Maintenance of Structures and Premises

All property owners in a residential district shall have an obligation to maintain structures and premises in good repair. Structures and premises in good repair shall present no material deviation in apparent condition from surrounding structures in compliance with the provisions of this Plan. Good repair includes and is defined as the level of maintenance that ensures the continued

availability of the structure and premises for a lawfully permitted use and prevents deterioration, dilapidation, and decay of the exterior portions of the structure and premises, such as lack of paint, peeling, chipping, crumbling, breakage, accumulation of dirt and/or similar evidence. This is not intended to preclude normal construction activities in conjunction with a valid building permit, provided that the completion of such activities is diligently pursued in accordance with the standards of the Building Code.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the 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 _ day of _ 2019.

Lori Wilson, Mayor

ATTEST:

Linda Hobson, City Clerk

**APPROVED AS TO FORM
AND LEGAL CONTENT:**

Aleshire & Wynder, LLP