

ARTICLE 20. PARKING, LOADING AREAS AND REGULATIONS PERTAINING TO VEHICLE STORAGE IN VARIOUS ZONING DISTRICTS*

***Editor's note:** Ord. No. 1021, §§ 1, 2, adopted Jan. 7, 1974, amended §§ 8-22000--8-22017 of Art. 20 to read as herein set out. Said sections formerly pertained to similar subject matter and were derived from: Ord. No. 87, §§ 8-22000--8-22017; Ord. No. 259, § 3; Ord. No. 477, § 9; Ord. No. 627, § 5; Ord. No. 812, §§ 1, 2 adopted Jan. 19, 1971; Ord. No. 852, § 2, adopted Aug. 10, 1971; Ord. No. 871, § 18, adopted Oct. 26, 1971; Ord. No. 943, adopted April 17, 1973; Ord. No. 978, § 5, adopted Feb. 12, 1974; and Ord. No. 982, §§ 8--10, adopted March 26, 1974.

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Sec. 8-22000. Purpose.

The purpose of the regulations in this article is to provide for the general welfare and convenience of the public utilizing the various uses located within the city by providing for suitable off-street vehicular parking facilities; to ensure the safe movement of traffic on the public streets; to protect adjacent residential and institutional uses from the adverse impacts of vehicular traffic and parking congestion generated by various uses; to establish minimum standards for the development of parking areas; and to regulate the location and storage of recreational vehicles. Special parking provisions for parcels containing unreinforced masonry buildings are established in Article 21.3 of this chapter.

(Ord. No. 1021, § 1, 1-7-75; Ord. No. 1759, § 88, 1-6-87; Ord. No. 2105, § 2, 2-14-95.)

Sec. 8-22001. Reserved.

Editor's note: Section 6 of Ord. No. 1328, adopted June 5, 1979, repealed former § 8-22001, setting out definitions applicable to § 8-22003 and derived from Ord. No. 1021, § 1, adopted Jan. 7, 1975. For definitions applicable to entire Zoning Code, see § 8-2100 et seq.

Sec. 8-22002. When off-street parking is required.

In connection with every use, there shall be provided at the time any building or structure is erected, or is enlarged, or whenever a change in use creates an increase in the number of parking spaces required, off-street parking spaces for vehicles in accordance with the requirements herein.

- (a) Where a change of use is involved for any lot, structure or building for which parking was not required by ordinance upon the commencement of use of such lot, structure or building, parking shall be provided for the new use based on the difference between the parking requirements for the new use as set forth in section 8-22003 and that which would have been required for the previous use if that use would have been subject to the requirements of section 8-22003 at the time of its commencement.
- (b) Where a building addition is proposed for an existing building for which parking was not required at the time of construction, the required parking for the addition shall be based on the floor area or other basis of measurement prescribed by section 8-22003 for the proposed addition.
- (c) Where off-street parking was provided in the absence of any ordinance requirement, such parking shall remain and additional off-street parking shall be provided as required by subsections (a) and (b). In such instances the overall off-street parking requirements shall not exceed the number of spaces prescribed by section 8-22003.
- (d) Additions to existing single-family dwellings shall not be required to comply with subsection (b) above.

(Ord. No. 1021, § 1, 1-7-75; Ord. No. 1759, § 89, 1-6-87.)

Sec. 8-22003. Required parking spaces by type of use.

The number of off-street parking spaces required for each use shall be as stipulated in the following section. In computing the number of off-street parking spaces required, a fractional space of one-half space or more shall be counted as one space.

(a) *Residential uses.*

(1) Dwellings, single-family, duplexes:

- a. Dwellings, single-family, with four or fewer bedrooms--Two covered
- b. Dwellings, single-family, with five or more bedrooms--Three covered.

(2) Dwellings, multiple (including apartments, condominiums, townhouses, live/work³ units, rooming and boarding houses¹, and single room occupancy (SRO) and efficiency¹ units):

- a. Senior citizen housing developments¹, efficiency apartments¹, single room occupancy units¹ and rooming and boarding houses¹ --0.5 covered spaces per unit for residents plus 0.5 uncovered spaces per unit designated for guest parking only.
- b. Studio and one-bedroom units--One covered space per unit for residents plus 0.5 uncovered spaces per unit (1.5 spaces per live/work³ unit) designated for guest parking only.
- c. Two bedroom units and larger--One covered space per unit for residents plus 0.5 uncovered spaces per unit for residents plus 0.5 uncovered spaces per unit (1.5 spaces per live/work³ unit) designated for guest parking only.
- d. The planning commission may not reduce parking requirements within this section (a)(2) for a project where, based upon substantial evidence, there is insufficient off-street parking to meet the needs of the neighborhood. Where there is sufficient off-street parking to meet the needs of the neighborhood, a parking reduction may only be granted by the planning commission through site plan and architectural approval if, based on evidence provided by the project applicant, it makes one of the following findings:
 - i. Due to the use's proximity to alternative transportation infrastructure and service, including but not limited to BART, Amtrak, and other passenger rail services, bus service, or similar, the use is likely to require a lower level of parking than is required by similar projects not proximate to alternative transportation because residents will have viable transportation alternatives available.
 - ii. Due to the use's proximity to amenities, and/or due to the desire to create a more pedestrian oriented environment in and around the project site, a reduction in required parking will further the goal of enhancing and strengthening the neighborhood, and, furthermore, that residents will have access to amenities such as shopping, entertainment, and employment without necessitating the use of automobiles

iii. Due to the anticipated tenancy, including but not limited to affordable units, senior citizen units, single room occupancy (SRO) and efficiency units, and special needs housing, and based on quantifiable evidence, the use is not likely to require the same levels of parking as standard residential development. This finding shall only be used for projects that have entered into a binding agreement with the city or other public agency guaranteeing the project will serve the identified tenancy type.

iv. Due to the availability of on-street parking, the guest parking requirement for the project will be lower than a development where adequate on-street parking is not provided. This finding shall only be used to lower the guest parking requirement, and not the resident parking requirement.

(3) Dwellings, secondary--One space per bedroom (may be uncovered). Space(s) must be provided in the rear and side yard setback areas. Where parking in the rear and side yard setback areas is not feasible due to site-specific conditions, then one space may be located in the front yard on an extended driveway developed in conformance with this article. Tandem parking is permitted only if an extended driveway cannot be accommodated.

(4) Mobile home--Two per mobile home space.

(5) Mobile home park community building--One per ten mobile home spaces.

(6) Mobile home park visitor parking--One per five mobile home spaces located no further than four hundred feet from the mobile home spaces to be served.

(b) *Business uses.*

(1) *Entertainment and recreation:*

a. Theaters, auditoriums and sports arenas or stadia, including school auditoriums and stadia--For all fixed seating capacity, one for each four seats; theaters in shopping centers, one per three and one-half seats.

b. Dance halls and exhibition halls, without fixed seats for floor area devoted to public assembly or activity--One for each one hundred square feet floor area devoted to the principal activity.

c. Billiard and pool rooms--Two per table.

d. Bowling alleys--Three for each alley except when in a shopping center which includes a supermarket, when it shall be two per alley.

e. Golf courses--Four per hole, plus required spaces for restaurants and cocktail lounges.

f. Health spas and gymnasia--Ten plus one for each two hundred square feet floor area in excess of one thousand.

g. Public swimming pools and private swim clubs--Twenty per pool (not including wading pools or whirlpool baths), plus one for each two hundred square feet of cabana floor area in excess of one thousand square feet except where membership is restricted to the immediate neighborhood, a minimum of five parking spaces shall be provided.

h. Public tennis courts and private tennis clubs--Two per court, plus one for each two hundred square feet of clubhouse floor area in excess of one thousand square feet.

i. Skating rinks--One for each two hundred square feet of floor area devoted to the principal activity.

(2) *Service uses:*

a. Finance, savings and loan institutions, insurance, real estate, business, professional and other offices (except those otherwise designated herein)--One for each three hundred square feet floor area.

b. Banks (commercial)--One for each two hundred square feet.

c. Personal services:

1. Self-service laundry and dry cleaning--One for each three machines.

2. Dry cleaning, pickup--Three, plus one for each five hundred square feet over one thousand.

d. Repair services, wearing apparel, motor vehicle, appliance and furniture--Five, plus one for each eight hundred square feet floor area in excess of three thousand square feet.

e. Professional services:

1. Medical and dental offices and clinics--One for each two hundred square feet floor area.

2. Hospitals, general--One per one and one-half beds.

3. Hospitals, extended care--One per two beds.

4. Hospitals, convalescent (or nursing home)--One per five beds.

5. Veterinarians, animal and veterinary hospitals--One for each two hundred fifty square feet of floor area exclusive of boarding areas.

6. Laboratories, when a primary use--Four, plus one for each three hundred square feet in excess of one thousand square feet.

f. Educational services:

1. Child care nurseries--Three, plus one for each ten children over a capacity of fifteen.
2. Libraries--Ten, plus one for each two hundred square feet over one thousand.

g. Schools:

1. Elementary, junior high--One per employee.
2. High--One per employee plus one per seven student classroom seats.
3. College or university--One per three student classroom seats.
4. Trade, vocational and business, not otherwise listed--One per employee, plus one per three student classroom seats.
5. Dance schools other than ballrooms--Five, plus one for each one hundred fifty square feet of dance floor area over five hundred square feet.
6. Beauty culture schools--Three, plus one for each operator station.

h. Miscellaneous services:

1. Religious facilities^{1,2,3} --For the seating capacity in the principal room or hall, one for each three seats¹ for a facility with more than one hundred fifty seats¹ not located on an arterial, one for each five seats² in other cases.
2. Private clubs, lodges, auction rooms and union halls--For floor area devoted to public assembly one for each fifty square feet of floor area if without fixed seats, and one for each five seats if with fixed seats.
3. Mortuaries, funeral homes and cemeteries--One for each five seats in the two largest chapels.
4. Car washes--Two and one-half for each wash bay.
5. Corporation yard--Three, plus one for each twenty thousand square feet of yard area over forty thousand.
6. Hotels and motels--Five, plus one for each guest room, plus required spaces for restaurants, retail outlets and other accessory uses.
7. Mini-warehouses for household good--Two for manager's residence, plus five spaces to be located at project office. Loading and unloading may occur on driveways adjacent to storage bays.

(3) *Trade:*

- a. Retail stores and personal services not listed elsewhere--One for each three hundred square feet of gross floor area, exclusive of areas used solely for storage.
- b. Retail furniture and appliance stores; retail machinery and equipment sales; motor vehicles sales area devoted to retail, office, service or display of goods, five, plus one for each three hundred square feet floor area in excess of three thousand square feet.

- c. Food stores--One for each two hundred square feet of floor area.
- d. Building materials sales where lumber is sold--Ten, plus one for each one hundred twenty square feet sales area devoted to hardware and paint items in excess of one thousand square feet, and one per seven hundred fifty square feet of warehouse area open to the public.
- e. Eating establishments (except those otherwise designated)--One for each three and one-half seats plus an additional ten percent for employee parking or one space for each 100 square feet of gross floor area (exclusive of storage), whichever is greater.
- f. Drinking establishments, nightclubs, discos, or similar uses with or without entertainment--One space for each 80 square feet of gross floor area.
- g. Service stations--A minimum of five, of which at least one must be large enough to accommodate a towing vehicle.
- h. Drive-in restaurants--A minimum of 25.
- i. Agricultural and commercial nurseries--Ten, plus one for each 150 square feet inside sales area over 1,000 square feet, and one per 2,000 square feet outside area open to public.
- j. Wholesale trade--Three, plus one for each 250 square feet of office area, and one for each 500 square feet of merchandise storage areas.
- k. Auto wrecking and salvage yards--Five, plus one for each acre in excess of five acres.
- l. Transportation (railroad, bus, air, marine terminals)--One for each five seats in waiting terminals.

(4) *Shopping centers:* One for each 250 square feet of gross leasable area exclusive of bowling alleys, movie theaters and skating rinks.

(5) *Central business district:* Reserved.

(c) *Industrial uses.*

(1) Manufacturing plants, factories and mills, steel fabricating, warehousing, speculative buildings declared warehousing, and similar uses with similar employee densities, except as otherwise noted in this subsection--One space for each 200 square feet of gross floor area of office uses and similar activities and one space for each 800 square feet of gross floor area of indoor product storage or manufacturing areas. No less than one space for each 625 square feet of gross floor area shall be provided.

(2) Assembly; research and development; computer programming, software development and/or production, and data processing services; manufacturing and/or assembly of: computer equipment, communications equipment, electronic components and accessories, household audio and video equipment, semiconductor manufacturing

equipment, biological products and diagnostic substances; and similar uses with similar employee densities--One space for each 300 square feet of gross floor area.

(3) Industrial uses not elsewhere listed and speculative buildings except speculative buildings declared warehouses--One space for each 300 square feet of gross floor area.

(4) Based upon a finding by the development and environmental services director or his/her designee determining the exact nature of the land use and the related employee density, the required parking may be increased or decreased.

(d) Mixed-use developments^{1,3,4}. The base requirement for a mixed-use development shall comply with the residential and commercial parking standards set forth in this section unless the project is located within a special parking district in which case the special district's provisions shall apply. On-street parking located along the development's frontage (e.g., especially along retail frontage) may be counted towards the number of spaces required for the commercial component within the development. The number of parking spaces may be reduced if joint parking is approved based on the requirements of this section. However, in no case shall the combined required parking for the mixed-use development provide less than the minimum required for the residential use.

(e) Compact cars. Compact car spaces may substitute for 35 percent of the required parking spaces, provided that in residential developments, the compact car allowance may be applied to open parking spaces only. All compact car spaces shall be signed and readily identified.

(f) Other. The zoning administrator shall determine the required parking for uses not mentioned above, based on the requirements for similar uses.

(Ord. No. 1021, § 1, 1-7-75; Ord. No. 1198, § 1, 9-13-77; Ord. No. 1483, §§ 1, 2, 12-22-81; Ord. No. 1509, § 1, 7-13-82; Ord. No. 1560, § 14, 6-7-83; Ord. No. 1564, § 4, 6-28-83; Ord. No. 1759, §§ 90--92, 1-6-87; Ord. No. 1763, §§ 1--3, 2-3-87; Ord. No. 1769, §§ 1, 2, 4-14-87; Ord. No. 1835, § 2, 9-6-88; Ord. No. 1985, § 3, 2-5-91; Ord. No. 1989, § 8, 11-26-91; Ord. No. 2209, § 3, 11-26-96; Ord. No. 2366, § 4, 1-11-00; Ord. No. 2398, § 1, 9-12-00; Ord. No. 2506, Exh. A, § 14, 7-22-03; Ord. No. 2532, § 7, 3-2-04; Ord. No. 17-2004, § 18, 7-6-04/eff. 1-5-05.)

Editor's note: Both § 92 of Ord. No. 1759, adopted Jan. 6, 1987, and § 3 of Ord. No. 1763, adopted Feb. 3, 1987, added subsection (d) to § 8-22003. The editor has designated the provisions of Ord. No. 1763, § 3, as subsection (e).

Sec. 8-22003.1. Parking regulations for certain community commercial areas.

(a) *Purpose.* The city recognizes the standard parking requirements are not always appropriate for areas historically developed in a "mainstreet" pattern and can act as a constraint to revitalization if applied strictly. This section is intended to provide alternatives to certain parking standards for specific areas within the Community Commercial zoned districts of Centerville, Irvington and Mission San Jose for which design guidelines and regulations have been adopted.

(b) *Applicability.* Where provisions contained in this section are inconsistent with parking provisions of this Article 20, this section shall prevail. This section shall be applicable to commercial uses, except shopping centers, as defined in this chapter, in the following areas:

(1) In Subarea 1 of the Centerville Design Guidelines referred to as the "Historical Retail District".

(2) In the Irvington Overlay District, as defined by the Irvington Design Guidelines.

(3) In the area referred to as the "Core" area in the Mission San Jose Guidelines.

(c) *Waiver of parking requirements--Minor additions or intensification of uses.* Parking spaces requirements required for minor building additions or minor changes in building use shall be waived.

A minor building addition is one that would, but for this waiver, require the provision of additional parking spaces comprising less than ten percent of the number of spaces required for the existing building prior to expansion.

A minor change in use is one that would but for this waiver, require additional parking spaces comprising less than ten percent of the number of spaces required for the use prior to the change.

For purpose of applying this subsection on minor additions or minor use changes, the parking required for the existing building or prior use shall be credited to the existing building or prior use whether or not the parking has in fact been provided. This waiver of parking requirement shall only be granted only once for a property.

(d) *Waiver of parking space requirements--Major additions to existing buildings or new construction--Zoning administrator and planning commission as approving bodies.* The zoning administrator may approve reduction or elimination of parking spaces otherwise required for major expansion or change of use of existing building uses or construction of new buildings provided that he/she finds that parking has been provided on-site and off-site within 400 feet of the subject property to the maximum extent feasible and:

i. There is sufficient on-street parking to accommodate the vehicles used by employees and customers of the business seeking the reduced parking requirement approval; and

ii. The reduced parking requirement will not be detrimental to property within 300 feet of the business seeking the reduction; and, if applicable

iii. The reduction or elimination of parking required for the use change or building expansion or new construction implements, to the extent applicable or desirable, specific side and front yard objectives of the design guidelines adopted for the area.

iv. In no instance can the zoning administrator approve parking reductions where the additional parking otherwise required by this chapter would exceed 25 percent of the space already

provided. Reductions in cases where additional parking otherwise required would exceed 25 percent of the spaces already provided require approval by the planning commission. The planning commission shall make findings established in this section before approving such reduced parking.

In applying this subsection to major additions, major use changes and new buildings, determination of the extent of any reduction of parking shall be based on the best information available as to the parking requirements for the last building use to occupy the lot. Also, the parking required for the existing building or prior use shall be credited to the existing building or prior use whether or not the parking has in fact been provided.

(Ord. No. 2318, § 1, 12-1-98.)

Sec. 8-22004. Loading space requirements.

Loading areas when provided shall be designed so that parking maneuvers for loading or unloading shall not interfere with traffic on collector or thoroughfare streets or emergency vehicle accessway (EVAW's).

(Ord. No. 1021, § 1, 1-7-75; Ord. No. 1483, § 3, 12-22-81.)

Sec. 8-22005. Location of required parking and loading facilities.

(a) The off-street parking facilities required for the uses mentioned in section 8-22003 and for other similar uses pursuant to section 22011, shall be on the same lot as the structure or use they are intended to serve. When practical difficulties, as determined by zoning administrator, prevent their establishment upon the same or immediately adjacent lot, they may be located within 400 feet of the premises to which the parking requirement pertains, provided such parking area meets all other requirements of this Code. In no event shall the required parking for residential dwellings be located elsewhere than on the premises for which such parking is required. The off-street loading facilities required for the uses mentioned in this article, and for other similar uses, shall in all cases be on the same lot as the structure they are intended to serve. Space for required off-street parking and loading shall not occupy any part of any required yard adjacent to a street, except as otherwise provided in district regulations or this article. Where open, parking areas may be included as part of a required open space for rear or side yard, subject to other provisions of this article and chapter and approved by the development organization.

(b) *Guest and camper, boat, trailer parking:* Guest parking referred to in section 8-22003 shall generally be located near each principal entrance and at other areas deemed appropriate by the development organization. Guest spaces shall be marked with the word "Guest". Guest parking spaces shall not be used by tenants nor shall vehicles other than operational motor vehicles be parked in the spaces. No signs shall be erected restricting guests from parking in properly marked off-street guest spaces. Camper, boat and trailer parking spaces referred to in section 8-22003 shall generally be located and screened so as not to be visible from public street, subject to development organization review and approval.

(Ord. No. 1021, § 1, 1-7-75.)

Sec. 8-22006. Parking provided under separate ownership.

If a use requiring parking space is in one ownership and all or part of the required parking space provided is in another ownership, the property owners involved shall submit a legal agreement approved by the city attorney as to form and content guaranteeing that said required parking spaces shall be maintained so long as the use requiring parking is in existence or unless the required parking is provided elsewhere in accordance with the provisions of this article.

(Ord. No. 1021, § 1, 1-7-75.)

Sec. 8-22006.1. BART in-lieu parking.

For parking requirements for nonresidential development located within 500 feet of a BART station, a developer may substitute parking at the BART station or in-lieu fees or facilities for up to 50 percent of the required on-site parking spaces, subject to the approval of the director of planning. The distance from the BART station shall be measured from the station proper, not from the surrounding parking area. In-lieu fees shall cover the costs of land and improvements for each parking space, including driveway and aisle areas. For the purpose of this section, the parking space area for in-lieu fee calculations shall total 350 square feet.

(Ord. No. 1494, § 1, 3-16-82.)

Sec. 8-22007. Mixed or joint use of parking spaces.

(a) Where there is a mixed-use development^{1,3,4} or mixed uses occurring on a single parcel under one ownership, if said mixed uses do not constitute a shopping center as defined under Article 1, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately as specified in this article. The off-street parking and loading spaces for one use shall not be considered as providing the required off-street parking and loading space for any other use unless the reviewing agency has authorized the joint use of parking facilities pursuant to this section.

(b) The reviewing agency may authorize the joint use of parking facilities for uses or activities not located in shopping centers as defined under Article 1 if it finds the criteria listed below are met. The amount of parking spaces required shall be based on the number of criteria met by the proposed project. In no case shall the parking requirements be reduced where, based on substantial evidence, there is insufficient off-street parking to meet the needs of the neighborhood.

(1) The normal hours of operation of such uses or activities do not substantially coincide or overlap with each other; or,

(2) The development is located near available on-street parking or other public parking areas; or,

(3) Transit alternatives are available near the development; or,

(4) For mixed-use developments^{1,3,4}, residential and commercial parking demand often occurs at different times of the day

(c) Joint use parking shall be subject to the following limitations and conditions:

- (1) No more than 50 percent of the parking spaces required for a building or use may be supplied by parking facilities required for any other building or use.
- (2) The applicant shall submit sufficient data to indicate that there is not substantial conflict in the principal operating hours of the uses proposing to make use of the joint parking facilities.
- (3) The property owners involved in the joint use of off-street parking facilities shall submit a legal agreement approved by the city attorney as to form and content guaranteeing that said required parking spaces shall be maintained so long as the use requiring parking is in existence or unless the required parking is provided elsewhere in accordance with the provisions of this Article. Such instrument, when approved as conforming to the provisions of this section, shall be recorded by the property owner in the office of the county recorder and a copy thereof filed with the planning division.

(d) Reviewing agency for mixed or joint use parking:

- (1) Mixed-use developments.^{1,3,4} The reviewing agency shall be in accordance with the reviewing agency specified in Article 21.3 for mixed-use developments.
- (2) All other uses: The reviewing agency for all other joint use parking arrangements shall be the planning commission.

(Ord. No. 1021, § 1, 1-7-75; Ord. No. 1560, § 14, 6-7-83; Ord. No. 1619, § 4, 8-14-84; Ord. No. 1763, § 4, 2-3-87; Ord. No. 17-2004, § 19, 7-6-04/eff. 1-5-05.)

Sec. 8-22008. Commercial and industrial parking areas in residential districts.

A parking area for a commercial and industrial use located on a separate lot to be used exclusively by passenger vehicles may be permitted in residential districts if authorized by the planning commission through the approval of a conditional use permit. Said parking area shall be subject to the following minimum requirements in addition to those elsewhere specified in this chapter:

- (a) *Accessibility of parking area:* The parking area shall be accessory to one or more uses located on an immediately adjacent lot and access to said lot shall not occur from the residential street.
- (b) *To be used only for parking passenger automobiles:* Said parking area shall be used solely for the parking of passenger automobiles.
- (c) *Signs:* No signs of any kind, other than signs designating entrance, exits and conditions of use, shall be maintained on such parking areas. Said signs shall not exceed four square feet in size and the number and location shall be approved by the development organization prior to installation.
- (d) *Additional requirements or conditions:* In addition to the above requirements, such parking area shall comply with such further requirements or conditions as may be prescribed by the planning commission for the protection of the residential district in which such parking lot is to be located.
- (e) *Overnight parking prohibited, exception:* Overnight parking is prohibited unless said parking lot is completely enclosed by a barrier approved by the development organization and is locked and limited to passenger automobiles.

(Ord. No. 1021, § 1, 1-7-75.)

Sec. 8-22009. Development and maintenance of parking and loading areas.

Every lot hereafter used as a public or private parking area, including a commercial parking lot and also an automobile or trailer sales lot, shall be developed and maintained in accordance with the following requirements:

(a) *Screening*: The purpose of this subsection is to provide adequate visual screening of vehicles from adjacent residential lots and from the public street. The development organization shall implement such screening by requiring walls and landscaping in accordance with the following guidelines:

- (1) Any off-street parking and circulation area for more than five vehicles utilizing a common access which is adjacent to a side or rear lot line of a lot in a residential district or designated for residential use on the general plan shall be screened by a wall not less than six feet nor more than eight feet in height. The development organization may authorize a wall not less than four feet in height, when grade differentials between the properties indicate that a six-foot wall would not provide a greater visual screening than a four-foot wall.
- (2) Any off-street parking and circulation area for more than five vehicles utilizing a common access and located within 50 feet of a public street shall be screened from the public street by landscaping and a wall no higher than three feet in height.
- (3) A landscaped berm equal in height to a required wall may be substituted for a wall if no slope is steeper than four feet horizontal to one foot vertical and drainage from said slope is directed away from paved areas or sidewalks.
- (4) All walls required by this article shall be of masonry construction of a decorative design approved by the development organization. The wall separating a parking area from a public street shall be uniformly perforated by openings not less than eight inches by eight inches in size for approximately 30 percent of the wall facade to permit police surveillance. The term "masonry construction" as used herein shall mean a wall composed of masonry, concrete or rock or masonry and wood materials of a minimum two-inch thickness, with the masonry constituting more than two-thirds of the wall and the wood serving as an accent material.
- (5) The development organization may delete the wall requirements when the parking area is to be used for commercial displays as provided for in the zoning district.
- (6) Where a required wall between a parking area and a public street is pierced by access drives, the wall shall extend along the driveway a minimum of eight feet.
- (7) Where a wall is required to screen a parking and circulation area from a public street, the wall shall be located immediately in front of said parking and circulation area.
- (8) In lieu of a required masonry wall pursuant to paragraph (2) a landscaped treatment may be substituted in accordance with the following requirements:

The landscaping shall be designed and constructed to provide a basic screen of five-gallon size shrubs, tall growing broadleaf evergreen or conifer type, formally or informally arranged depending on the size and configuration of area for landscaping. In addition, a ground cover, and

filler shrubs, minimum five-gallon size, broadleaf or conifer types, shall be used to achieve a full complete interesting planting when space permits. Minimum 15-gallon size trees shall also be used to attain some vertical mass. Trees may be planted in small lineal groupings or straight line formal arrangement and shall be spaced at a maximum average distance of 25 feet.

All planting herein described shall be watered by an automatic irrigation system for which complete plans shall be drawn and submitted for approval.

The planting plan, showing type, size and botanical name, shall be subject to approval by the park superintendent.

(9) Other provisions of this section notwithstanding, where the adjacent residential district parcel is designated on the general plan for a use other than residential, the development organization may waive the requirement that the screening wall be of masonry construction, and where such parcel is not developed for residential use, the development organization may waive the screening wall requirement entirely.

(b) *Minimum distances and setbacks:*

(1) No part of any parking area shall be situated within any yard area adjacent to street unless specifically permitted by the regulations governing a particular district. In the C-O, C-N, C-T, C-G, G-I and I-R districts, parking may occupy the yard adjacent to streets to within ten feet of the property line.

(2) A minimum ten foot wide area between any off-street parking area or circulation area and any interior lot line abutting lots in residential districts or designated for future residential use on the general plan shall be landscaped with fast growing trees, shrubs and ground covers and shall be free of inorganic material.

(3) Where no other yard area is required adjacent to the public street, a minimum setback of six feet from the street lot line shall be required and shall be landscaped.

(4) In all instances where the development organization determines that parking and unparking movements may occur from and into the street right-of-way, the parking spaces causing such movements shall have a minimum setback of fifteen feet, which shall be landscaped.

(c) *Surfacing:* Every off-street parking, loading and driveway area shall be paved with asphaltic or portland cement concrete, and except for single-family and two-family developments on individual lots, shall be bounded by concrete curbs six inches in height. The area shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles. The foregoing requirements with respect to surfacing shall not apply to a parking area in any A district, or O-S district, or an A-F district, if said parking area is more than five hundred feet distant from any R district or to corporation and recreational vehicle storage yards, except that a dustless surface shall be provided in every case. Provided further, that a parking area, pursuant to section 8-22018, located in a side yard or rear yard of a lot developed with a single-family or two-family dwelling shall not be subject to the requirements of the preceding paragraph.

(d) *Lighting:* Any lighting used to illuminate any offstreet parking area shall be so arranged as to reflect the light away from the adjoining lots in any R district and public rights-of-way.

(e) *Landscaping:*

- (1) Landscaping and paved areas required by this article shall be maintained in good condition. All landscaped areas shall be provided with an approved irrigation system approved by the development organization.
- (2) Large areas of parking pavement shall be given visual relief by interspersing landscaped pockets in unneeded areas, e.g., the ends of parking aisles. Open or carport parking areas in multiple-dwelling developments shall be divided into areas including no more than ten abutting parking spaces with intervening areas landscaped with trees and ground cover. Spacing between carport roof overhangs shall be at least twelve feet.
- (3) A landscaped planter consisting of a minimum width of six feet shall be installed contiguous to all parking or circulation areas except for that portion required for ingress and egress and except where the front of a parking space abuts existing or future adjoining parking areas or where landscaped required yards are provided. Where parking spaces along a perimeter are at an angle of sixty degrees or less, the areas directly in front of each space may be included in the required six foot wide planter.
- (4) Parking areas shall be provided with trees installed in planters with landscaped areas free of inorganic material, measuring not less than six feet wide in every dimension and with a minimum of forty-eight square feet of landscape area. The trees installed shall be a minimum fifteen gallon size, and required trees shall all be of a species that will, at maturity, become large canopy trees. The required number of trees to be installed shall be established as follows:

- a. Parking along the perimeter of a site, one tree per three spaces. Such trees shall be distributed along the perimeter. Where parking spaces under separate ownership are contiguous to each other along a property line, the number of such required trees on the subject property may be decreased by the landscape architect if (s)he determines that the visual effect of such trees on both properties will be substantially similar to that which would be achieved by providing one tree per three spaces on only one side of the property line.
- b. Parking not located along the perimeter of the site, one tree per ten spaces. Such trees shall be evenly distributed within the parking area in locations other than on the perimeter.

(f) *Wheel stops:* Wheel stops shall be installed at least thirty inches from an adjacent sidewalk, fence or wall. Such stops shall be either a concrete piece at least thirty-six inches long and affixed to a foundation by epoxy cement, or a continuous concrete curb. The development organization may eliminate this requirement if other appurtenances or design features prohibit a vehicle from obstructing a sidewalk or making contact with a wall or fence.

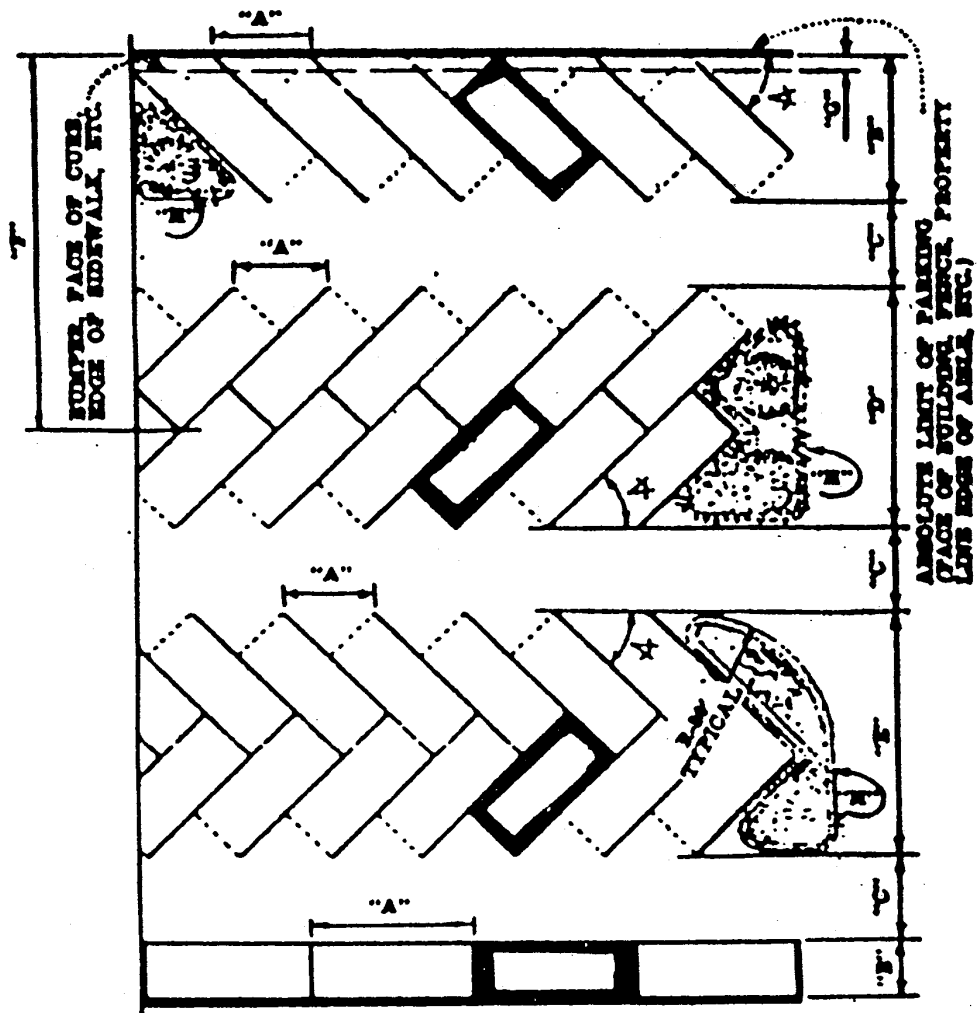
(g) *Parking area details:*

- (1) Open parking space dimensions for standard cars shall not be less than nine feet by nineteen feet, with the exception that the space may be reduced to nine feet by seventeen feet when the adjacent landscape planter is increased by two feet to allow for the overhang of the vehicle. Open parking space dimensions for compact cars shall not be less than eight feet by sixteen feet, with the exception that the space may be reduced to eight feet by fourteen feet when the adjacent landscape planter is increased by two feet to allow for the overhang of the vehicle.

(2) An inside wheel radius of at least ten feet shall be provided in all changes in driveway aisle direction, except the inside wheel radius shall be at least twenty feet at the intersection of two major driveway aisles or when the development organization determines that such radius is necessary for emergency vehicle movements.

(3) Enclosed or covered parking space dimensions shall be not less than nine feet by nineteen feet single openings shall be not less than eight feet wide; double (unobstructed) openings shall not be less than sixteen feet wide.

(4) The following details shall be considered minimum requirements: The development organization may, when deemed necessary to accommodate an attendant use, due to lot configuration or other physical limitations, adjust the aisle width, the depth of space or the width of spaces, provided that the resultant parking arrangements will provide the service and ease of access equal to the minimum requirements.



- PARKING ANGLE
- "A" CURB LENGTH PER CAR
- "B" DEPTH OF SPACE
- "C" AISLE WIDTH
- "D" TOTAL DEPTH OF TWO SPACES INTERLOCKED AT ANY ANGLE
- "E" TOTAL DEPTH OF TWO SPACES IN A 45° HERRINGBONE PATTERN = "D" AT 45°
- "F" TOTAL DEPTH OF TWO SPACES SEPARATED BY AISLE
- "G" TWO FEET MAXIMUM (INCLUDED IN AREA CALCULATION)
- "H" TYPICAL CURBED POCKETS FOR LANDSCAPING AS REQUIRED BY THE DEVELOPMENT ORGANIZATION

MINIMUM DIMENSIONS BASED ON A NINE-FOOT BY
NINETEEN-FOOT PARKING SPACE

(Except for 0 Degree Parking Angle)

TABLE INSET:

Angle (degrees)	One-Way Traffic			Two-Way Traffic		One-Way Traffic	Two-Way Traffic
	"A" (feet)	"B" (feet)	"C" (feet)	"C" (feet)	"D"* (feet)	"F" (feet)	"F" (feet)
0	22.5	8.0	12	20	--	28.0	36.0
20	26.3	15.3	12	20	22.1	42.6	50.6
25	21.3	16.6	12	20	25.0	45.2	53.2
30	18.0	17.8	12	20	27.8	47.6	55.6
35	15.7	18.8	12	20	30.2	49.6	57.6
40	14.0	19.8	12	20	32.7	51.6	59.6
45	12.7	20.5	12	20	34.6	53.0	61.0
50	11.7	21.1	12	20	36.4	54.2	62.2
55	11.0	21.5	12	20	37.8	55.0	63.0
60	10.4	21.8	15	20	39.1	58.6	63.6
65	9.9	21.9	17	21	40.0	60.8	64.8
70	9.6	21.9	20	22	40.7	63.8	65.8
75	9.3	21.6	23	23	40.9	66.2	66.2
80	9.1	21.3	24	24	41.0	66.6	66.6
85	9.0	20.7	24	24	40.6	65.4	65.4
90	9.0	19.0	24	24	38.0	64.0	64.0

*"E" as "D" at 45°

(h) *Loading space and screening:* No such space shall be located closer than fifty feet to any lot in a residential district or designated for future residential use on the general plan or institutional uses, unless such space is wholly within a completely enclosed building or screened by a fence or wall not less than eight feet in height.

(i) *Plan of required off-street parking and/or loading areas:* Plans for parking and loading spaces shall be submitted to the development organization for approval. All plans shall be clearly dimensioned to indicate adequate space for parking maneuvers, ingress and egress to and from public right-of-way and

to and from the parking and loading areas. The plans shall also contain all required screening, landscaping wheel stops, lighting and other details as required by this article.

(j) *Access to parking spaces:* There shall be adequate provisions for ingress and egress to all parking spaces, bicycle and motorcycle storage spaces. There shall be provided an access drive not less than twelve feet in width in the case of one-way traffic, and not less than twenty feet in width in all other cases, leading to the parking or storage areas or loading or unloading spaces required hereunder, in such manner as to secure the most appropriate development of the property in question. Access drives serving commercial/industrial uses shall not be permitted in any R district. Ingress and egress across public right-of-way shall be made possible without the necessity of backing over the same except for property devoted exclusively for one- and two-family dwellings located on individual lots. One- and two-family dwellings not served by private vehicle access ways shall have driveways with a minimum length of twenty feet measured from the public right-of-way.

(k) *Maintenance:* Standards and conditions of this section shall be maintained and all surfacing and lighting shall be in good repair; landscaping shall be free of weeds and properly watered; and walls and screening kept in good repair, free of broken or missing parts or graffiti.

(Ord. No. 1021, § 1, 1-7-75; Ord. No. 1075, § 1, 11-25-75; Ord. No. 1110, § 1, 8-3-76; Ord. No. 1120, § 17, 11-2-76; Ord. No. 1136, §§ 1, 2, 1-25-77; Ord. No. 1198, § 2, 9-13-77; Ord. No. 1386, § 75, 6-17-80; Ord. No. 1456, § 4, 8-4-81; Ord. No. 1483, § 4, 12-22-81; Ord. No. 1509, §§ 2, 3, 7-13-82; Ord. No. 1541, § 1, 2-1-83; Ord. No. 1560, § 14, 6-7-83; Ord. No. 1759, §§ 93--95, 1-6-87; Ord. No. 2481, §§ 6--8, 7-23-02; Ord. No. 2504, § 10, 7-15-03.)

Sec. 8-22009.5. Parking spaces accessible to disabled people.

Parking spaces accessible to disabled people shall be included among the parking spaces provided for any use, and shall be designated as such, in the location and manner required by the adopted building code.

(Ord. No. 1509, § 4, 7-13-82; Ord. No. 2504, § 11, 7-15-03.)

Sec. 8-22010. Credit for bicycle and motorcycle parking in commercial and industrial zones.

Where bicycle spaces or motorcycle spaces are provided for uses in commercial and industrial districts, parking spaces otherwise required pursuant to section 8-22003 may be omitted in accordance with the following provisions and subject to the following limitations:

- (a) One parking space may be omitted for each eight bicycle spaces provided.
- (b) One parking space may be omitted for each two motorcycle spaces provided.
- (c) Bicycle spaces shall measure at least two feet by seven feet and shall be located in groups of four and be equipped with locking devices for each bicycle. Bicycle spaces shall be located where access to such spaces is not hampered by physical barriers or parked vehicles.
- (d) Motorcycle spaces shall measure four feet by eight feet and shall be provided with adequate unobstructed maneuvering areas to permit easy access to the space.

(e) In no instance shall credit for motorcycle or bicycle parking or combination thereof exceed five percent of the total required parking spaces.

(Ord. No. 1021, § 1, 1-7-75.)

Sec. 8-22011. Uses not specifically mentioned.

The provisions for parking and loading spaces for uses not specifically mentioned in section 8-22003 shall be as determined by a finding by the commission based on uses which create similar demands for off-street parking and loading spaces.

(Ord. No. 1021, § 1, 1-7-75.)

Sec. 8-22012. Parking of certain vehicles prohibited.

No commercial vehicle in excess of three tons gross unladen vehicle weight (except pickup trucks) shall be parked or stored on any lot in a residential district or an S district designated for residential use in the general plan; provided, however, that this section shall not prohibit temporary parking of any such vehicle while making pickups, deliveries, or providing services for the residents of the lot on which the vehicle is parked.

(Ord. No. 1021, § 1, 1-7-75.)

Sec. 8-22013. Continuing character of obligation.

The schedule of requirements for off-street parking space and off-street loading space of this article shall be a continuing obligation of the owner of the lot on which the use or uses requiring vehicle parking or vehicle loading facilities continues. It shall be unlawful for an owner of any lot affected by this article to discontinue or dispense with, or to cause the discontinuance of the required vehicle parking or loading space, without establishing alternative parking or loading space which meets with the requirements of this article or for any person to use such lot without acquiring such land for vehicle parking or loading space which meets the requirements of and is in compliance with this article. Any revision to a parking area, its landscaping, lighting, marking or access drives shall be subject to the development organization approval.

(Ord, No. 1021, § 1, 1-7-75.)

Sec. 8-22014. Assessment districts for parking.

(a) *Exemptions.* Whenever, pursuant to statute, public off-street parking facilities are established by means of a special assessment district, or by any other means which the city council may determine, all existing buildings and uses, and all buildings erected or uses established thereafter within the special assessment district, or other district which the city council may have determined, shall be exempt from the requirements of this article for privately supplied off-street parking facilities except as hereinafter provided.

(b) *Additional off-street parking facilities.* The planning commission may require additional off-street parking facilities in connection with the occupancy or use of a building in an area which was included in a special assessment district, or in any other district which the planning commission may have determined to be served by public off-street parking facilities in the following cases:

(1) Wherever the use of a building erected after the establishment of the special assessment district in such an area, or wherever the establishment of public off-street parking facilities, creates the need for an unusual or exceptional amount of off-street parking;

(2) Wherever alterations, expansion or change in use of a building, occurring after levying of a special parking assessment in such an area, or occurring after the establishment of public off-street parking facilities, creates a need for off-street parking spaces in excess of the spaces required for such a building or use before the alteration, expansion or change in use.

(3) No additional parking will be required for the use of buildings, alterations to buildings, or an expansion or change in use if such conditions were anticipated in the formulations of the district and the establishment of off-street parking facilities.

(Ord. No. 1021, § 1, 1-7-75; Ord. No. 2423, § 18, 4-10-01.)

Secs. 8-22015--8-22017. Reserved.

Editor's note: Section 2 of Ord. No. 1021, adopted Jan. 7, 1975, repealed former §§ 8-22015--8-22017. These sections were derived from Ord. No. 87, §§ 8-22015--8-22017, and contained provisions regulating the size of parking spaces, the use of one building's off-street parking area for another building, and uses not specifically mentioned elsewhere in Art. 20.

Sec. 8-22018. Parking and storage of vehicles and equipment on one- and two-family lots and residential streets.

(a) *Parking and storage regulated; general provisions.**

***Note:** (1) The word "parking" and the word "storage" are generally used in this section in the phrase or term "parking and storage" or "or storage". These words and phrases are not defined or generally used in this section with any special distinction being made between "parking" and "storage". As commonly understood, "parking" would be usually appropriately restricted in reference to vehicles, and "storage" would be usually appropriately restricted in reference to nonvehicular equipment but could also appropriately refer to "storage" of vehicles for some period of time beyond some "temporary" time period. Where time limits are specified in this section, the term "parking" alone is sometimes used.

(2) Parking or storage of vehicles and equipment does not include in its common meaning the repair, fabrication or other work on vehicles and equipment (see Article 21.3 regulating such work).

(3) Also, parking or storage does not permit human habitation (as living or sleeping quarters) of vehicles and equipment since not only is such use not included in the common meaning of the term "parking and storage" but such use is contrary to the regulations of this chapter applicable to dwellings and residential lots (except in a "mobilehome park" or other special "park" which allows human habitation of vehicles in conformance with the district and other regulations of this chapter and the state applicable to such use or except as permitted for visitor parking).

(4) See also section 8-22012 which generally prohibits the parking or storage of any "commercial vehicle" (except a "pickup truck") exceeding three tons gross unladen weight, on any part of any lot in a residential district. This prohibition relates to truck traffic routes established pursuant to the city's street traffic regulations

set forth in Fremont Municipal Code, sections 3-2706 to 3-2709, and 3-2924. Thus, even though such commercial vehicles are not expressly prohibited by section 8-22018, they are nevertheless so prohibited by the regulations cited, on certain lots, and streets (except for while making deliveries, pickups or providing services for residents of the lot).

(1) *General:* The parking and storage of vehicles and equipment upon certain residential lots and streets shall be governed by the regulations prescribed in this section (in addition to other applicable provisions of this article and chapter). (Ord. No. 1560, § 14, 6-7-83.)

(2) *Definitions.** Several phrases or terms used in this section are defined in article 1 of this chapter, including the term "vehicle", which is one of two major categories of personal property regulated pursuant to this section. For the purposes of this section, the definition of those terms may be expanded to include the following explanation. Included in this section are definitions of terms which are considered pertinent only to this section and therefore would not be mentioned in article 1. In the event there is a conflict between the definition listed in article 1 and this section, the definitions shown in this section shall prevail.

***Note:** (1) The term "vehicle" is inclusive of all types of vehicles, including: (i) a major defined vehicle category of "motor vehicle", which in turn includes types defined as "passenger vehicle", "camper vehicle", "pickup truck", "motor truck", motor home", and; (ii) a major vehicle category of nonmotorized vehicles which is undefined but includes types defined as "travel trailer", mobile home", "trailer"; and (iii) there is also a vehicle classification of "commercial vehicle" which may be either a "motor vehicle" or nonmotorized vehicle. Therefore, every type of vehicle, motorized or nonmotorized, commercial or noncommercial, is included within the term "vehicle".

(2) The term "equipment" [as defined in subsection (a)(2)], and the term "vehicle", together constitute the general subject regulated in section 8-22018.

(3) The term "recreational vehicle" is not defined or used in this section or elsewhere in this chapter, but such term or abbreviation thereof, such as "RV" has been commonly used to describe the principal object of this section. However, such term is partially incomplete and inaccurate to describe the entire scope of this section, since the definitions of the vehicle and equipment include both recreational and nonrecreational equipment, and also vehicles and equipment which may be used for either or both recreational and nonrecreational purposes. Therefore, if such a term "RV" is used in reference to the interpretation of this section, the partial incompleteness and inaccuracy of such term should be recognized in relation to the total scope of this section.

(i) The other major category of personal property regulated in "equipment", which is not defined in article 1 but for the purposes of this section is defined as follows:

"Equipment" shall mean any large item of nonvehicular personal property owned or possessed by an occupant of a single family or two family dwelling, which the occupant may desire, for convenience, to store on the lot the dwelling is located, but which item is normally and principally transported for use off the lot upon a trailer or other vehicle, and is not used, by the very nature and utility of the item, in connection with customary accessory residential uses on the lot.

Included in the meaning of "equipment" are such large items of equipment as campers, boats, hang gliders, ice boats, air gliders and other aircraft, physically capable of being located on the lot in conformance with the provisions of this section, and which

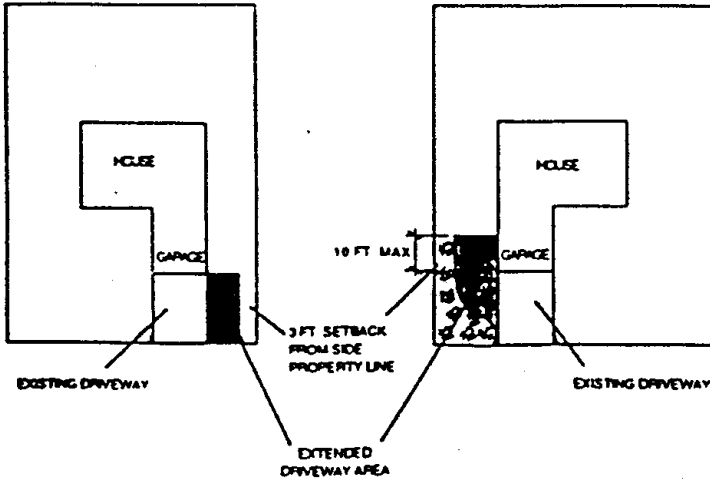
may be legally transported on streets upon a trailer, or motor vehicle. (Such equipment is commonly, but not necessarily or exclusively, used for recreational purposes.) Also included are large items of equipment such as commercial type trash bins and containers, which are legally transportable on vehicles and are used on the lot for temporary purposes thereon related to the residential use of the lot.

The phrase "large item" means, to the extent that the examples given herein do not define the phrase, an item which is not smaller in length or general size or bulk than any vehicle which may be legally licensed to be driven or drawn on the streets.

Excluded from the meaning of "equipment" are household goods and other personal property maintained on the lot and which are ordinarily accessory to the principal residential use of a dwelling on a lot. However, use of the front yard as a storage area for household goods and other personal property may constitute a violation of the Fremont Municipal Code.

(ii) "Front yard" shall mean an open space area which complies with the minimum front yard requirement of the district in which the lot is situated. (Ord. No. 2071, § 1, 5-3-94)

(iii) "Extended driveway" shall mean the area located between the existing driveway and the closest side property line and adjacent to the public right-of-way, provided the area is permanently surfaced for use as a parking area. The extended driveway area shall be subject to all limitations set forth in this article applying to driveways and shall be otherwise referred to as "driveway". This definition shall not include the area of any lot abutting a side street lot line and adjacent to the public right-of-way in front of the property. The extended driveway area may intrude into the side yard for a maximum distance of ten feet provided landscaping is used as a buffer between the extended driveway area and the adjacent lot and street. Use of the side yard in this circumstance is not exempt from the setback requirements for a side yard parking area.



(3) *Administrative regulations.** The city manager may establish supplemental administrative regulations to aid in the administration and enforcement and to carry out the purposes and intent of the provisions of this section.

***Note:** Paragraph (2) of subsection (a) authorizes the city manager to adopt administrative regulations. Paragraph (3) of subsection (a) requires compliance with both the express requirements of section 8-22018 and

such relations. Such regulations would not, as supplemental regulations, prescribe more restrictive standards for parking and storage than are expressly prescribed in this section. However, unless a permit is required by some other provision of the Municipal Code in connection with work undertaken incidental to parking and storage of vehicles or equipment on a lot, such as a building, grading, or street encroachment permit, there is no general requirement in section 8-22018 or other provision of this chapter which requires any application for a permit or any review of the plans, intentions, or actions of occupants of a lot subject to section 8-22018, to apply for and obtain a permit or to otherwise obtain advance approval of any such parking and storage pursuant to said section. Parking and storage of vehicles may, therefore, be done without advance approval of the city so long as the express provisions of this section are complied with. Nevertheless, any person may, as a matter of general policy and practice of the city, request an administrative determination from the chief building official or other administrative officers of the city charged with the responsibility for administration of this section, as to any interpretation or application of the provisions of this section to such person's plans or intentions as to any such parking or storage. Such a request in advance of any action is particularly advisable in connection with the development of a parking and storage areas in a side or rear yard pursuant to subsection (d) of this section 8-22018.

(4) *Violation.* No person shall violate any provision of this section or of any administrative regulation established thereunder.

(b) *Lots and streets subject to regulation.* The following lots and streets are subject to the parking and storage regulations of this section:

(1) *Residential district lots.* Any lot developed with a single family or two family dwelling in any residential district is subject to all the provisions of this section applicable to lots.

(2) *Residential streets.* Any street abutting a block upon which is situated one or more lots abutting such street, developed with a single family or two family dwelling in a residential district, is subject to the provisions of this section applicable to streets, in particular subsection (g). For the purposes of this section "street" includes "alley".

Pursuant to the foregoing, the street parking regulations apply not only to the portion or portions of the street immediately abutting one and two family developed lots, but also to any portion on either side of the street on the block (the nearest intersecting streets defining the termini of a block) which abuts undeveloped lots or lots developed with other uses, including multiple dwelling; provided, that the street parking regulations shall not apply to any portion of the street on the block, if any, which abuts a lot (developed or undeveloped) which is not in a residential district, unless such lot is designated for residential use in the general plan or is used for a nonconforming residential use.

(3) *Nonconforming residential lot use.* Any lot developed with a building used for single family or two family dwelling purposes (whether or not such building was originally designed as a dwelling or is used exclusively as a dwelling), and which lot is not located in a residential district, is not adjacent to any other lot in a residential district, and does not abut a residential street, is subject only to certain provisions of this section, as follows:

(i) If the lot is not designated for residential use on the general plan, any parking or storage of vehicles and equipment in a side or rear yard of the lot shall conform with the provisions of subsection (d) prohibiting parking or storage within five feet of any door, window or other opening.

(ii) If the lot is designated for residential use in the general plan, parking and storage in a side or rear yard shall conform with all the provisions of subsection (d), and any other improvements constructed at any location on the lot for parking and storage shall conform to all regulations which would be applicable to the lot if located in a residential district.

(iii) If the lot abuts a street abutting a block upon which is situated one or more other lots, abutting such street, developed with a single family or two family dwelling in a residential district, then such (nonconforming residential use) lot is subject to the provisions of this section applicable to streets [referred to in paragraph (2) of this subsection], and to the provisions of this section applicable to driveway parking (regardless of whether such lot is or is not designated for residential use in the general plan).

The limited application of the provisions of this section to nonconforming residential uses shall terminate and parking and storage on the lot shall conform with all the provisions of this section, within ninety days of the occurrence of one of the following events:

- (i) A lot or lots adjacent to the nonconforming lot becomes zoned to a residential district;
- (ii) The nonconforming lot is itself rezoned to a residential district.

Nothing herein shall limit or change the application of district regulations applicable to the lot, or limit or change the nonconforming status of the residential use on the lot.

(c) *Garages and carports.** Any vehicle and any equipment may be parked or stored within a private garage or carport. If both a carport and a garage are located on the site, vehicles and equipment which are required to be screened pursuant to this section shall be stored or parked only in the garage.

***Note:** (1) See also subsection (f) concerning the opening and closing of doors or other enclosures of garages and carports.

(2) The terms "private garage" and "carport" are defined in article 1 of this chapter, and define the two types of "parking spaces" that will satisfy the requirement of section 8-22003(a)(1)a that each dwelling on a single-family or two-family lot have two off-street parking spaces. As an accessory use, garages and carports (detached or attached) are subject to regulations of this chapter, including section 8-22203, restricting location of accessory buildings and structures within yard areas of a lot.

(d) *Side and rear yards.*

(1) Any vehicle and any equipment may be parked or stored within a side or rear yard parking and storage area, subject to the conditions and limitations set forth in this subsection.

(2) Regardless of location, no vehicle or equipment shall exceed the height applicable to an accessory structure.

(3) No vehicle or equipment shall be parked or stored within any distance and space between the vehicle or equipment and any door, window or other opening of the dwelling which provides light, air, entrance to or exit from the dwelling necessary to or serving significantly the health, safety and general welfare of occupants of the dwelling or lot. Unless administrative regulations or findings made thereunder permit otherwise, the distance and space to be maintained shall be five feet, determined by measurement from the nearest edge of each such opening to the nearest point of the vehicle or equipment.

(4) The ground area of any such parking and storage area (or if there is more than one such area the total ground area of all such parking areas) shall not occupy more than twenty percent of the required rear yard area prescribed by the district and other regulations of this chapter applicable to the lot; provided, that no part of the required rear yard of a through lot shall be occupied if the rear lot line abuts a street, unless such street is an alley.

(5) No vehicle or equipment shall be parked or stored in any part of the required street side yard (of a corner lot) prescribed in the district and other regulations of this chapter applicable to the (corner) lot.

(6) No vehicle or equipment shall be parked or stored within five feet of the rear lot line or within three feet of the side lot line. Provided, that such distance or space clearance requirements shall not apply where a wall, of one hour fire resistive material, is constructed on the lot line adjacent to the parking area or between the parking area and the lot line, subject, however, to the screening requirements of subsection (f), and any height limits for walls applicable at the location of such wall.

(7) Any vehicle or equipment parked or stored in a side or rear yard shall be screened from adjacent lots and streets pursuant to subsection (f).

(e) *Driveways.**

***Note:** (1) Under subsection (e), all "passenger vehicles", "motor homes", "pickup trucks", "camper vehicles" and other "motor vehicles", as defined in article 1 of this chapter are generally allowed on driveways, if not exceeding twenty-five feet in length, unless the motor vehicle is a "commercial vehicle" or "motor truck" which cannot be defined as a "passenger vehicle". Pursuant to said article 1, certain "sedan delivery trucks" and "panel trucks", may be deemed "passenger vehicles" and not "motor trucks", and certain "commercial vehicles" may be deemed "passenger vehicles" if such vehicles are "commercial" only because they are licensed as a "commercial vehicle" but otherwise would qualify as a "passenger vehicle" without reservation [see however, the note to section 8-22018(a) restricting commercial vehicles exceeding three tons gross unladen weight].

(2) Excluded from driveway parking, except for loading and unloading under paragraph (3), are all nonvehicular "equipment" (such as boats and "campers") and all nonmotorized vehicles, including any "travel trailers", "mobile homes", or "trailer" of any type, whether detached or attached from a motor vehicle.

(3) The provisions of paragraph (4) restricting parking or storage in certain side and rear yard areas of a lot, apply only to "driveways" and not to "parking areas" allowed in side and rear yards pursuant to subsection (d).

(1) The following vehicles or equipment may be parked or stored on a driveway:

(i) Motor vehicles not exceeding twenty-five feet in length, subject to the limitations of this subsection.

(ii) A motor vehicle used solely by a resident who is physically disabled, notwithstanding the vehicle length limitations specified in this section, based on the following criteria, subject to the review and approval of the Chief of Police or designee:

(a) The vehicle in question is a primary source of transportation for a physically disabled resident. A vehicle designated as the primary source of transportation shall be a vehicle which is in use by the physically disabled resident for the majority of the time in a seven-day period;

(b) When parked on the driveway, the vehicle is contained wholly within the confines of the driveway and does not overhang into the public right-of-way and other areas used by the general public;

(c) The resident must be assigned and have in possession a placard obtained from the Department of Motor Vehicles stating that the vehicle is being driven by a physically disabled person. Such placard must be prominently displayed at all times on the vehicle when the vehicle is parked on the driveway.

(d) The vehicle shall comply with the location restrictions of this section.

(iii) Construction dumpsters or commercial type trash bins which are used on the lot for short period of time due to construction or general clean up taking place on the lot. The storage of the dumpster or trash bin on the driveway shall not exceed seven days in a thirty-day time period, unless the dumpster is required for on-going construction done under a valid building permit. In the latter case, such dumpster shall be removed five days after final inspection. In no case, shall the location of the dumpster or trash bin on the driveway interfere with access to the lot or dwelling. When stored on the driveway, the dumpster or trash bin is to be contained wholly within the confines of the driveway and not overhang into the public right-of-way and other areas used by the general public. (Ord. No. 2071, § 2, 5-3-94.)

(2) The following shall not be parked or stored upon a driveway: any motor vehicle exceeding twenty-five feet in length, any commercial vehicle or motor truck unless such vehicle is a passenger vehicle, any nonmotorized vehicle (attached or unattached to a motor vehicle), any equipment; provided that any vehicle and any equipment may be temporarily parked or stored upon a driveway for the purposes of loading or unloading of persons or personal property, or for the preparation of the vehicle or equipment in connection with the commencement of or return from a planned trip, outing or vacation. No such parking or storage shall extend beyond two consecutive days, nor more than three days during any seven day period.

(3) Location restrictions: No vehicle or equipment or portion thereof shall be parked or stored within any part of a front yard, or street side yard (on a corner lot), which is not a driveway. No vehicle or equipment shall be parked or stored in a manner such that a portion thereof overhangs any part of a front yard, or street side yard (on a corner lot), which is not a driveway.

Vehicles and equipment shall be parked, placed or stored on a driveway so that the side of such vehicle or equipment is substantially parallel to the edge of the driveway.

No vehicle or equipment shall be parked or stored upon any part of a driveway, commencing at a front or side street lot line, extending into any side yard area beyond or behind the side of the principal building on the lot facing the street from which the driveway commences. However, the parking area as defined as an extended driveway in this section shall be excluded from this limitation.

No vehicle or equipment shall be parked or stored on any part of an extended driveway within three feet of the side lot line.

No vehicle or equipment shall be parked or stored upon a driveway commencing at a rear lot line (on a through lot), unless such driveway provides the sole vehicular access to the lot, in which event parking or storage in any part of such driveway extending into any side yard area shall be subject to the limitations on driveways commencing at a front or side street lot line.

Subject to the foregoing limitations of this paragraph applicable to side yard parking, if the driveway extends beyond and outside the required front yard, or street side yard (on a corner lot), or rear yard (on a through lot), vehicles and equipment parked or stored on such driveway shall be parked or stored outside such required yard area to the extent physically possible.

No vehicle or equipment shall be parked or stored in any sidewalk or other area of the street at the entrance of the driveway to the lot, except to the extent that it is necessary to temporarily leave a vehicle standing in such area in order to open or close a door or other enclosure to a garage, carport or parking area on the lot, or to accomplish other similar necessary actions incidental to the ingress or egress of the vehicle to or from the lot, provided that any such temporary standing of a vehicle in any such area of the street is not a hazard to pedestrians, motorists or vehicles on the street and is not in violation of any traffic or street parking regulation imposed pursuant to this Code or the California Vehicle Code.

(4) *Visitor parking.* Notwithstanding section 8-22149 and paragraphs (2) and (3) above, a visitor to a resident of a single family or two family dwelling located in a residential district may park on the driveway and may temporarily reside in a vehicle including those exceeding twenty-five feet in length, based on the criteria listed below:

- (i) The vehicle is registered or leased to and operated by a person permanently residing more than fifty miles from the visitation site.
- (ii) The vehicle is used for recreational housing purposes only, such as a camping trailer or motor home.
- (iii) The vehicle is self sufficient in that no utility service shall be connected to the vehicle for the duration of the visit. On this basis, the vehicle owner or lessee and operator shall not connect utility service to the vehicle while parked within the city.
- (iv) The vehicle may be parked for a period of time not to exceed a total of five days in a thirty-day period.
- (v) The vehicle may not overhang into or interfere with the public right-of-way and other areas used by the general public.

(vi) The use of the vehicle as a temporary shelter, as permitted under this subsection, shall not result in a substantial adverse effect on the health and/or general welfare of users of adjacent or proximate property.

(vii) The placement of the vehicle shall comply with the restrictions for driveway parking as stated in subsection (e)(3) of this section. (Ord. No. 2071, § 3, 5-3-94)

(f) *Screening.**

***Note:** (1) Parking and storage within a "carport" is allowed pursuant to subsection (c) and parking within a parking area in a side or rear yard is allowed pursuant to subsection (d). Except for vehicles allowed to be parked in a driveway pursuant to subsection (e), parking and storage in a carport or such a parking area is required to be screened pursuant to subsection (f).

(2) Prior approval or other review by the city is not required for parking and storage of vehicles and equipment in conformance with this section, However, plans for any such parking and storage, including screening, may be submitted in connection with any building permit application or other review procedure which may be required pursuant to this chapter or Code for improvements or uses on the lot, or a request may be made for an administrative determination as to whether such plans, including provision for screening, will conform with the requirements of this section.

(1) Any vehicle or equipment parked or stored within a carport or parking area located in a side or rear yard shall be effectively screened from adjacent lots and streets by a structure, fence, wall, gate, door, hedge, trees, other plant material, landscaping or combination of such items at least five feet high and so constructed and maintained that it minimizes visibility of the vehicle or equipment from any street or adjoining property; provided, that the location and height of any fence, wall or hedge at lotlines, and of any structure upon the lot, shall conform to all other regulations of this chapter applicable to the lot, including Article 22 of this chapter.

(2) The screening requirements of paragraph (1) shall be applicable to any vehicle or equipment parked or stored in a carport located in a front yard, which vehicle or equipment is not permitted to be regularly parked on a driveway in such front yard pursuant to subsection (e).

(3) Any door, gate or other enclosure to a private garage, carport or parking area, which enclosure provides screening from adjacent lots and streets for any vehicle or equipment parked or stored therein which is not permitted to be regularly parked within a driveway pursuant to subsection (e), shall be kept closed except when opening such enclosure is necessary to obtain access to such parking area.

(g) *Residential streets.**

***Note:** (1) Pursuant to subsection (b)(2) residential streets subject to subsection (g) include not only sections of a street abutting single or two family dwelling lots but also include every section on either side of the same street and block in a residential district. Thus, for example, subsection (g) applies to parking in front of an undeveloped lot or an apartment house located across or down the same street on the same block on which a single family house also fronts.

(2) The two consecutive days street parking allowed pursuant to paragraph (6) of subsection (g) will allow for a short "one day" family trip or outing for vehicles exceeding twenty feet. For example, a motorhome, or a pickup truck attached to a travel trailer, or a passenger vehicle attached to a trailer with a boat loaded on the trailer, exceeding twenty feet, can be driven home on a Friday from work, or from a commercial parking facility, or from a parking and storage area on the lot; then parked on the street in front of the house (and loaded and prepared); then left parked on the street "overnight", and be available for convenient departure on Saturday; and then when the family returns home Saturday evening left overnight.

The three day in seven day limit on parking would permit for example, three trip departures or three trip returns or two trip departures and one trip return, or one trip departure and two returns.

(1) Notwithstanding any provisions of this subsection to the contrary, the parking of any vehicle on a street remains subject to regulation of parking established pursuant to this Code or the California Vehicle Code.

(2) Any motor vehicle not exceeding twenty feet in length and eight feet in height, except a commercial vehicle or motor vehicle which is not a passenger vehicle, is exempt from the provisions of this subsection.

(3) No equipment or other nonvehicular property, and no nonmotorized vehicle unattached to a motor vehicle, shall be parked or stored in any residential street subject to subsection (b)(2) of this section except that travel trailers, as defined by section 8-2199.13.1 of the Fremont Municipal Code, shall be allowed the loading/unloading exemption as provided in paragraph (6) of this subsection, provided that the tires of the travel trailer are blocked to prevent movement of the vehicle in accordance with the California Vehicle Code.

(4) Any commercial vehicle or motor truck under five tons may park on any street subject to subsection (b)(2) of this section, between the hours of 6:00 a.m. of one day to 2:00 a.m. the next day (a twenty-hour period), without restriction pursuant to this subsection. However, no person shall park or leave standing on any street, between the hours of 2:00 a.m. and 6:00 a.m. (a four-hour period), any commercial vehicle or motor truck which is not a passenger vehicle.

(5) Except as provided pursuant to paragraphs (6) and (7) of this subsection, no person shall park or leave standing on any street subject to subsection (b)(2) of this section any of the following:

(i) Any motor vehicle exceeding twenty feet in length;

(ii) Any nonmotorized vehicle attached or connected to a motor vehicle, which together exceed twenty feet in length measured from the front of the motor vehicle to the end of the nonmotorized vehicle.

(6) Notwithstanding paragraph (5), a resident of a single family or two family lot located in a residential district subject to the provisions of this section pursuant to subsection (b)(1) thereof may park a vehicle, otherwise prohibited pursuant to said paragraph (5), on a street immediately abutting a street lot line of the lot upon which such resident resides, subject to the following limitations: Such parking shall be for the convenient departure from or return to the lot by such resident in connection with a planned trip, outing or vacation of the resident (and other residents of the lot) commencing or ending the same day of such departure or return, including any loading or unloading of persons and personal property or for the preparation of the vehicle

incidental to such departure or return. Such parking shall in no event extend beyond two consecutive days, nor more than three days during any seven-day period.

(7) *Visitor parking.* Notwithstanding section 8-22149 and paragraph (5) above, a visitor to a resident of a single family or two family dwelling located in a residential district may temporarily reside in and park a motor vehicle on a street including those vehicles exceeding twenty feet in length, based on the criteria listed below and subject to the approval of the Chief of Police or designee:

- (i) The vehicle is registered or leased to and operated by a person permanently residing more than fifty miles from the visitation site.
- (ii) The vehicle is a motorized self-propelled vehicle used for recreational housing purposes only.
- (iii) The vehicle is self sufficient in that no utility service shall be connected to the vehicle for the duration of the visit. On this basis, the vehicle owner or lessee and operator shall not connect utility service to the vehicle while parked within the city.
- (iv) The vehicle may be parked for a period of time not to exceed a total of five days in a thirty-day period.
- (v) The vehicle shall be parked on a street immediately abutting a street lot line of the dwelling subject to visitation.
- (vi) The use of the vehicle as a temporary shelter as permitted under this subsection shall not result in a substantial adverse effect on the health and/or general welfare of users of adjacent or proximate property.

(8) Notwithstanding any provisions of this section, except paragraph (1) of this subsection, no person who is not a resident of the city who parks a vehicle on a street contrary to any provision of paragraph (5) of this subsection, shall be in violation thereof, unless and until such person has been informed of said provisions of said paragraph (5), or is given notice thereof by an authorized representative of the city and a reasonable opportunity to cease and desist any such parking contrary to said provisions. (Ord. No. 2071, § 4, 5-3-94.)

(Ord. No. 871, § 5, 10-26-71; Ord. No. 978, § 7, 2-12-74; Ord. No. 2055, §§ 1--3, 12-14-93; Ord. No. 2124, § 2, 6-20-95; Ord. No. 2423, § 19, 4-10-01.)

Sec. 8-22018.1. Reserved.

Editor's note: Section 8-22018.1, pertaining to driveway parking and storage for vehicles and equipment, was derived from Ord. No. 978, § 8, adopted February 12, 1974. Ord. No. 2071, § 5, adopted May 3, 1994, deleted this section in its entirety.