

Attachment 2 Exhibit "A"

ARTICLE IV. - PARKING AND LOADING STANDARDS

16.20.090 - Residential parking standards.

H. Commercial Vehicle Parking in Residential and Agricultural Areas.

The parking of commercial vehicle(s) in residential or agriculturally zoned areas of the city is designed for the owner/operator of a single commercial vehicle. Allowing for more than a single truck or trailer may lead some properties to be used as small scale truck yards, or truck operations. The appearance and use of a residential property in this manner may lead to noise, blight, and may disturb surrounding residents, limiting the enjoyment of their property. The intent of this chapter is to provide regulations regarding the parking of commercial vehicles so as to enable truck operators to park their vehicle at their home, while protecting the nature of residential neighborhoods.

1. Definitions.
 - a. This subsection shall apply to commercial vehicles having a manufacturer's gross vehicle weight rating (GVWR) of twenty-six thousand (26,000) pounds, or more, parked or left standing in residential or agricultural areas.
 - b. For purposes of this subsection, and unless otherwise stated, a truck shall be considered to be one truck or tractor
 - c. For purposes of this subsection one trailer shall be either a single long trailer whether enclosed or open or a set of double trailers designed to be towed together.
 - d. For purposes of this subsection, unless stated, a commercial vehicle shall be defined as one truck or tractor and one trailer or set of double trailers.
 - e. For purposes of this chapter, an overly heavy load shall be defined by applicable standards from the California Department of Transportation, as may be amended from time to time.
2. Parking Requirements in General.
 - a. No commercial vehicle shall be left to idle for longer than five minutes, nor blow air horns.
 - b. No commercial vehicle shall have cargo transferred from such commercial vehicle to another.
 - c. No refrigeration unit on any commercial vehicle shall be operated within three hundred (300) feet of any inhabited place, except with the consent of the person in charge of each such inhabited place.
 - d. Commercial vehicles used for the transportation of hazardous waste, overly heavy loads, hazardous materials, or garbage, or which harbor vermin or pestilence, or which emit noxious or offensive odors, shall not be parked or stored in residential or agricultural areas.
3. Street Parking.
 - a. It shall be unlawful for any person to park or leave standing on any public street, including within the public right-of-way, any commercial vehicle.

Exceptions:

 - i. During the first twenty-four (24) hours during which the vehicle is mechanically disabled.

- ii. While a commercial vehicle is making a pick-up or delivery of materials or goods to or from any building or site.
- b. No commercial vehicle shall be parked or left standing on any street or right-of-way unless it is a minimum of twelve (12) feet from the centerline of the street, or twelve (12) feet per lane, if more than one lane, and under no circumstances parked in any travel lanes.
- c. No commercial vehicle shall be parked or left standing within one hundred (100) feet of any street intersection.

I. Parking on Private Property – Permit Required

1. Pursuant to the requirements of this section, any operator or owner who desires to park a commercial vehicle on their property shall obtain a permit to do so. The permit shall be renewed annually and the cost of the permit shall be as adopted by resolution of the City Council. Issuance of the permit shall be as required by this chapter.
2. Permit Requirements-Residential Commercial Vehicle Parking
 - i. Any person desiring to park commercial vehicles on residential or agricultural property shall apply annually for a commercial vehicle parking permit. The parking permit shall include an administrative fee, inspection fee and road maintenance fee as adopted by resolution of the City Council.
 - ii. Any person desiring to park a commercial vehicle on a residential or agricultural property shall also obtain a city business license.
 - iii. Applicants for a commercial vehicle parking permit shall complete a parking permit application on a form approved by the City Manager or designee.
 - iv. Prior to issuance and renewal of a commercial vehicle permit, an annual inspection shall be made on the commercial vehicle and the proposed residence where the commercial vehicles will be parked. The inspection shall be performed by an official of the city. Any violations noted by the city shall be abated within the time frame stated on the notice given to the owner or operator of the commercial vehicle. A permit shall not be issued until all violations are corrected. Any violations existing after the date given for correction shall be considered a public nuisance. This inspection shall not supersede or replace any requirement or inspection required by the Department of Transportation and shall be limited to the scope of this code.
 - v. The commercial vehicle permit shall be affixed on the right front interior visor of the commercial vehicle it is issued to and shall not be removed.
 - vi. The application for permit shall also disclose the number of trailers associated with the commercial vehicle their primary use (materials hauled). It shall also include any identifying registration numbers assigned to each trailer.
 - vii. Failure to obtain and maintain a commercial vehicle parking permit shall be considered a public nuisance.

J. Residential Commercial Vehicle Parking-Restrictions

- A. Commercial vehicles which are legally registered, and for which the property owner or operator has obtained a valid City of Hesperia business license and truck parking permit within one hundred eighty (180) days of the date of the adoption of this Chapter shall be allowed the following:
1. One commercial vehicle may be parked on the operator's lot if such lot is at least eighteen thousand (18,000) square feet in area.
 2. One additional commercial vehicle, up to a maximum of three such vehicles, may be parked on the operator's lot for each additional one-half acre of land.

3. No commercial vehicle shall be parked or left standing unless all parts of such vehicle are at least fifteen (15) feet from houses on adjacent properties.
 4. A commercial vehicle may be parked in the driveway of the operator's lot, provided that such vehicle is fully on private property. Storage of trailers in front setback areas is prohibited.
 5. Parking of commercial vehicles on property immediately adjacent to and with the same street frontage as an operator's residential or agricultural property is permitted when the adjacent property is under the same ownership, or with the express written consent of the adjacent property owner. Improvements to the property may be required if dust or noise complaints are received by the City.
- B. Commercial vehicles which are legally registered, but for which there is no active business license and/or no truck parking permit as of one hundred eighty (180) days after the adoption of this chapter shall be subject to the following:
1. One commercial vehicle may be parked on the operator's lot if such lot is at least forty-three thousand five hundred and sixty (43,560) square feet (one acre) in area.
 2. The commercial vehicle must be parked out of the front and side-yard setbacks and fully parked within the backyard of the residence and situated so as to be out of public view. One additional truck and one additional trailer may be permitted upon application and payment of fee.
- C. All commercial vehicles shall comply with the following regardless of Section a or b above.
1. No commercial vehicle shall be parked or left standing unless all parts of such vehicle are at least fifteen (15) feet from houses on adjacent properties.
 2. Storage of trailers in front setback areas is prohibited.
 3. The permit is non-transferable to another person, vehicle, or property. The parking permit shall list the owner or operator of the commercial vehicle and proof of operation or valid registration shall be required.
 4. Parking of commercial vehicles not owned or operated by the owner or operator listed on the permit, on any property by a person who is not the owner or operator shall be prohibited.
 5. Any change in the number of commercial vehicles stored at the property shall be immediately reported to the City and any additional fees incurred shall be paid immediately.
 6. In the event that a parking permit is surrendered pursuant to this chapter and the commercial vehicles are parked or stored in the city, the owner or operator shall apply for and secure a new commercial vehicle parking permit and pay all fees required.
 7. Any change of address of the owner/operator shall be disclosed to the city within fourteen days and an amended permit shall be issued with the correct information. Any new location shall comply with this code.
 8. Commercial vehicles leaving the City roadway to park on residential or agricultural property must ensure they do not damage the roadway edge, water meters or any other public or private property. Commercial vehicles are prohibited from driving over curbs and sidewalks that have not been improved for a driveway. If the vehicle damages the roadway edge the permit applicant or holder will be required to improve their driveway with an asphalt approach connecting to the roadway edge to prevent damage.
- K. A maximum of two trailers, may be stored outside of a building on any residentially or agriculturally zoned property. No commercial vehicle or trailer shall be stored on a residentially or agriculturally zoned property unless a lawfully established and occupied residence exists on the property owned or occupied by the operator. Property owners or renters are prohibited from allowing or charging money to nonresidents to park

commercial vehicles on residential or agricultural property. In no event shall a commercial vehicle or trailer be used as a dwelling unit or residence.

- L. A maximum of two of each type of accessory vehicle, up to a maximum of three accessory vehicles, may be stored outside of a building on any residentially or agriculturally zoned property. No accessory vehicle shall be stored on a residentially or agriculturally zoned property unless a lawfully established and occupied residence exists on the property. Accessory vehicles shall not be stored between the front property line and the primary residential structure, except within the driveway. In addition, each accessory vehicle shall be at least fifteen (15) feet from the primary residential structure on adjacent properties and at least ten feet behind the street side yard property line. In no event shall an accessory vehicle be used as a dwelling unit