



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Arturo Vela, Interim City Manager

PREPARED BY: Mary Yaryan, Associate Planner

MEETING DATE: January 13, 2026

SUBJECT: Introduction and First Reading of Ordinance No. 1615, A Zone Text Amendment to Banning Municipal Code Title 17, Chapter 17.88, Section 17.88.020 (Non-Conforming Structures and Uses)

RECOMMENDATION:

Introduce and Waive full reading, direct the City Clerk to read the ordinance by title only, and introduce Ordinance No. 1615, entitled:

An Ordinance of the City Council of the City of Banning, California, amending Section 17.88.020 of Chapter 17.88 (Non-Conforming Structures and Non-Conforming Uses) of Title 17 (Zoning) of the Banning Municipal Code to provide greater flexibility for the repair and reconstruction of legally established non-conforming residential structures.

BACKGROUND:

On August 6, 2025, the Planning Commission directed staff to initiate a Zone Text Amendment to Banning Municipal Code (BMC) Section 17.88.020 to address limitations on the reconstruction of legally established non-conforming residential structures that are damaged or destroyed by catastrophe. The direction was prompted by a recent case involving a property owner whose home, located in the Airport Industrial (AI) zoning district, was destroyed by fire and could not be rebuilt under the current code due to its non-conforming status.

However, similar situations may arise throughout the City where legally established homes exist in zoning districts that no longer permit residential use. To address this broader issue and preserve the City's existing housing stock, staff drafted an amendment to Section 17.88.020 (Non-Conforming Structures and Non-Conforming Uses) of the Banning Zoning Ordinance. The proposed changes would allow legally established non-conforming residential structures to be reconstructed to their original size, placement, and density, regardless of current zoning, and would remove the two-year time limit for reconstruction.

Pursuant to the requirements of BMC Chapter 17.116 (Zoning Ordinance Amendments), the amendment was processed as Application No. PZTA25-0001 and brought before the Planning Commission for consideration. At a special meeting on November 17, 2025, the Planning Commission voted 4-0 to adopt Resolution No. 2025-017, recommending City Council approval of the proposed ordinance.

The amendment supports Housing Element Goal 1.0 of the City's General Plan by promoting the maintenance and preservation of the existing housing supply, particularly in cases where legally established homes are lost due to unforeseen disasters.

JUSTIFICATION:

The proposed amendment to BMC Section 17.88.020 is intended to provide greater flexibility for the repair and reconstruction of legally established non-conforming residential structures that are damaged or destroyed by catastrophe. Under current code, such structures cannot be rebuilt if damage exceeds 50% of replacement cost, even if they were originally permitted. Enforcement of this restriction can result in the permanent loss of housing stock, especially in locations where residential uses are no longer permitted by current zoning.

While the amendment was prompted by a recent case in the Airport Industrial (AI) zoning district, legally established non-conforming residences exist in multiple zoning districts citywide. The amendment supports Goal 1.0 of the City's Housing Element, which promotes the maintenance and preservation of existing housing, and aligns with Program 5, which identifies the need to preserve non-conforming homes in non-residential zones.

Allowing these structures to be rebuilt to their original size, placement, and density, and by removing the two-year reconstruction deadline, the ordinance ensures fairness for affected property owners and helps preserve Banning's housing stock.

FISCAL IMPACT:

There is no direct fiscal impact to the City associated with the adoption of this ordinance.

ALTERNATIVES:

1. Approve Ordinance No. 1615 as recommended.
2. Modify the proposed ordinance and approve as amended.
3. Deny the proposed ordinance.

BUDGETED?:

No

CONTRACT/AGREEMENT:

No

ATTACHMENTS:

1. [ORDINANCE 1615 ZTA25-0001.pdf](#)
2. [Exhibit A - Ch 17.88 Legislative Revisions.pdf](#)
3. [Exhibit B - Ch 17.88 Updated.pdf](#)
4. [PC Resolution No. 2025-17 Signed.pdf](#)