



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Arturo Vela, Interim City Manager

PREPARED BY: Mary Yaryan, Associate Planner

MEETING DATE: January 27, 2026

SUBJECT: Consideration of Second Reading and Adoption 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:

Approve second reading and Adoption of Ordinance 1615.

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. This 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 residential structures exist in zoning districts that no longer permit residential use.

To address this broader issue and to help 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 amendment would allow legally established non-conforming residential structures to be reconstructed to their original size, placement, and density, regardless of current zoning standards, and would remove the existing two-year time limitation for reconstruction following destruction.

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.

On January 13, 2026, the City Council conducted the first reading of Ordinance No. 1615 and approved it on a 5-0 vote. The ordinance is now being presented for second reading and adoption.

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 associated with these actions.

ALTERNATIVES:

Do not adopt Ordinance 1615.

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](#)