- CITY OF BIGGS -

PLANNING DEPARTMENT STAFF REPORT

465 C Street /
P.O. Box 1134
Biggs, CA 95917

PHONE: (530) 868-5493
FAX: (530) 868-5239

DATE: March 12, 2013

TO: Honorable Mayor and Members of the City Council

FROM: Scott Friend, AICP City Planner

SUBJECT: Zoning Code Amendment ZCA2013-03 – Mobile Sales of Locally-Grown Produce

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Report Summary:
Staff has prepared a Zoning Ordinance text amendment (ZCA2013-03) to Section 14.120.030, Commercial use table of the Biggs Municipal Code (BMC) to allow for the mobile vending of locally-grown produce in the *General Commercial* Zoning District by-right as a Permitted Principal Use and in the *Downtown Commercial* and *Office Commercial* Zoning Districts with the issuance of a Use Permit and the establishment of farmers markets as a use requiring the issuance of a Use Permit in all three of the City's existing Commercial zone districts.

With this report, staff is recommending that the City Council receive a report from City staff on this item, open the public hearing and take public testimony and engage in a dialogue about the draft as presented. Staff has advertised the matter as a Public Hearing thereby allowing for public input on the draft amendment as well as Council discussion and deliberation. If the draft amendment is satisfactory to the City Council, staff recommends that the Council waive the first reading and introduce the Ordinance by reading of title only and direct staff to agendize the matter for a second reading at the April City Council meeting. If additional changes are desired by the Council, the City Council may include the desired changes in its action motion or may refer the item back to staff with additional direction.

Background - General:
Chapter 14 – Zoning; Section 14.120, Commercial Use Table of the Biggs Municipal Code (BMC) designates permitted uses and conditional uses within the City's Commercial Districts both by-right as a permitted principal use and through the issuance of use permits. Specifically, Section 14.120.030 provides a table that lists each of these allowed uses (see *Attachment A*).

Discussion – General:
Currently, the Commercial use table in Section 14.120.030 of the Biggs Municipal Code does not expressly allow for the sale of locally grown produce products or the establishment of farmers markets. In the spring of 2012, staff was contacted by a resident of the greater-Biggs area about the potential to sell locally grown produce from a mobile vending platform (tractor and trailer) in the City and in regard to the establishment of farmers markets. Staff indicated to the inquiring party that the City's Code did not specifically allow either type of sales use and it was decided that a minor zoning code amendment be prepared to address this issue. Staff indicated to the inquiring party that it would be most cost effective to the City if the matter was tabled until such time as other code amendments were also considered to reduce costs associated with advertising and staff time. The inquiring party was

amendable to that suggestion and the matter was tabled to await an appropriate time for the consideration of the request.

As the City is now considering other amendments to the Zoning Code, staff has drafted proposed modifications to the text of Section 14.120.030 of the Biggs Municipal Code that would allow for the mobile sales of locally-grown produce in the *General Commercial* Zoning District by-right as a permitted principal use and in the *Downtown Commercial* and *Office Commercial* Zoning Districts through the issuance of a use permit and the establishment of farmers markets as a use requiring the issuance of a Use Permit in all three of the City's existing Commercial zone districts. In addition, staff has made minor additional edits to the text of this table to address numbering. (see *Attachment B* to this report)

Fiscal Impact:
Staff time for report preparation, preparation of amended text, and amendment processing. No direct fiscal impacts or supplemental funding impacts are anticipated are anticipated to be necessary as a result of this project.

Environmental Review:
This action has been determined to be *exempt* from CEQA review pursuant to Public Resources Code Section 15305, Minor Alterations in Land Use Limitations (Class 5). No new construction would result from the amendment, no new parcels of land would be created and no new uses would be allowed or would occur. (Note: Authority cited: Section 15305, Public Resources Code).

Public Comment:
None Received.

Order of Council Proceedings:

1. Receive a report for City Staff;
2. Open the Public Hearing to consider comments on the proposed amendments to BMC Section 14.60.080.
3. Following public comment, close the public hearing and consider the proposed amendment. Following the Council input and deliberation period, the Council may vote to either introduce the draft Ordinance by reading of title only or may refer the item back to staff with additional direction for further modification.

> **Sample Motion:** Move that the City Council introduce Ordinance 2013-___ by waiving the first reading and introducing by title only.

Staff Recommendation:
Staff recommends that the City Council conduct the public hearing and following deliberation by the members of the Council, waive the first reading of the Ordinance and approve by reading of title only, the first reading of the draft Code Amendment (see *Attachment A* to this report) identified as ZCA2013-03 amending Section 14.120.030 Commercial use table, to allow for the sale of locally-grown produce in *General Commercial* Zoning District by right and in the *Downtown Commercial* and *Office Commercial* Zoning Districts through a use permit.

Attachments:

Attachment A - Draft Text: Amended Section 14.120.030 Commercial use table of the Biggs Municipal Code.

Attachment B - Draft Ordinance 2013-___, Amending Section 14.120.030 Commercial use table of the Biggs Municipal Code.

Attachment C- Draft Notice of Exemption

14.120.030 Commercial use table.

		C-D	C-G	C-O
24.	Community retail, including: antique store; art studio or gallery; bakery, retail; barbershop or beauty salon; bookstore or newspaper/magazine stand; clothing, apparel or shoe store; florist or gift shop; grocery store or supermarket; paint and wallpaper store; pawn shop; photographic – equipment sales, studio, film processing; saddlery shop; sporting goods and athletic equipment store	X	X	X
24.1	Mobile vending of locally-grown produce / Farmers Market	X	X	U
24.2	Temporary Vending of Produce and handi-craft items (aka: Farmers Market)	U	U	U

[Ord. 374, 2007; Ord. 320 § 1, 1999]

CITY OF BIGGS
ORDINANCE NO. 396

AN ORDINANCE OF THE CITY COUNCIL OF THE BIGGS CITY COUNCIL AMENDING THE BIGGS MUNICIPAL CODE TO MODIFY REGULATIONS IN SECTION 14.120.030 RELATING TO THE REGULATION OF THE MOBILE VENDING OF LOCALLY GROWN PRODUCE AND TEMPORARY SALES OF PRODUCE AND HANDI-CRAFTS GOODS IN THE COMMERCIAL ZONING DISTRICTS OF THE CITY OF BIGGS

The City Council of the City of Biggs does hereby ordain as follows:

Section 14.060.080 of the City of Biggs Zoning Code shall be amended to read as follows (deletions are ~~overstruck~~, additions are <u>underlined</u>):

14.120.030 Commercial use table.

		C-D	C-G	C-O
24.	Community retail, including: antique store; art studio or gallery; bakery, retail; barbershop or beauty salon; bookstore or newspaper/magazine stand; clothing, apparel or shoe store; florist or gift shop; grocery store or supermarket; paint and wallpaper store; pawn shop; photographic – equipment sales, studio, film processing; saddlery shop; sporting goods and athletic equipment store	X	X	X
<u>24.1</u>	<u>Mobile vending of locally-grown produce / Farmers Market</u>	<u>X</u>	<u>X</u>	<u>U</u>

24.2	Temporary Vending of Produce and handi-craft items (aka: Farmers Market)	U	U	U

[Ord. 374, 2007; Ord. 320 § 1, 1999]

I HEREBY CERTIFY that the above and foregoing Ordinance was introduced on the 12th day of March, 2013, and was passed and adopted by the City Council of the City of Biggs at a regular meeting thereof duly held on the 9th day of April, 2013, by the following vote, to wit:

AYES: COUNCILMEMBER: _____

NOES: COUNCILMEMBER: _____

ABSENT: COUNCILMEMBER: _____

ABSTAIN: COUNCILMEMBER: _____

ATTEST:

_____
Roben Dewsnup
CITY CLERK

APPROVED:

_____
Roger L. Frith
MAYOR

ATTACHMENT C
Z CA2013-03
March 12, 2013

NOTICE OF EXEMPTION

To: ☐ Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

From: City of Biggs
Planning Department
P.O. Box 1134 / 3016 Sixth Street
Biggs, CA 95917

☒ County Recorder
Butte County
25 County Center Drive
Oroville, CA 95965

Project Title:	AMENDMENT TO BMC Section 14.120.030, Commercial Use Table.
Project Location:	City of Biggs.
Assessor's Parcel Number(s):	n/a (City-wide)
Project Description:	An amendment to the Biggs Municipal Code Section 14.120.030 [Commercial use table] to allow for the sale of locally-grown produce in General Commercial Zoning District by right and in the Downtown Commercial and Office Commercial Zoning Districts through a use permit.
Lead Agency:	City of Biggs
Project Planner:	Scott Friend, AICP
Exemption Status:	☐ Ministerial [Section 21080(b); 15268];
	☐ General Rule [Section 15061(b)(3)];
	☒ Categorical Exemption [Section 15305];
	☐ Statutory Exemption;

REASONS WHY THIS PROJECT IS EXEMPT OR DOES NOT REQUIRE FURTHER ENVIRONMENTAL DOCUMENTATION:

This action has been determined to be exempt from CEQA review pursuant to Public Resources Code Section 15305, Minor Alterations in Land Use Limitations (a class 5 exemption). The proposed amendment would modify the existing text of Section 14.120.030 to allow for the sale of locally-grown produce in General Commercial Zoning District by right and in The Downtown Commercial and Office Commercial Zoning Districts through a use permit.

City Planner
City of Biggs

By: _____
Scott Friend, AICP
Date: March 12, 2013