- CITY OF BIGGS -

PLANNING DEPARTMENT STAFF REPORT

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DATE: May 14, 2013

TO: Honorable Mayor and Members of the City Council

FROM: Scott Friend, AICP City Planner

SUBJECT: Zoning Code Amendment ZCA#2013-02 – Temporary Occupancy of Manufactured Homes and Recreational Vehicles

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Report Summary:
Staff has prepared a Zoning Ordinance text amendment (ZCA#2013-02) to Section 14.70, *Temporary Occupancy of Manufactured Homes and Recreational Vehicles* of the Biggs Municipal Code (BMC) to revise the requirements of the Biggs Municipal Code (BMC) relative to the temporary occupancy of manufactured homes and recreational vehicles in the City.

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, close the public hearing and introduce as a first reading an Ordinance supporting the proposed Code Amendment action. If the City Council votes to introduce the matter as a first reading of an Ordinance, staff will agendize the matter for a second reading at the June City Council meeting. If additional changes are desired by the Council, the City Council may include the desired changes in its action motion or direct staff to make edits to the draft amendment and return to the Council for further discussion. Staff is recommending that the City Council approve the request as presented as a first reading of an Ordinance unless additional edits are otherwise identified as being desirable.

Background - General:
Chapter 14 – Zoning; Section 14.70, *Temporary Occupancy of Manufactured Homes and Recreational Vehicles*, of the Biggs Municipal Code (BMC) establishes the primary authority for the City's regulation of temporary occupancy of manufactured homes and recreational vehicles. Specifically, Sections 14.70.030 and 14.70.050 provide the details of the City's requirements for temporary occupancy in residential and non-residential zoning districts (see *Attachment A).*

Section 14.70.030 currently establishes the following basic development standards for temporary occupancy in residential zoning districts in the City of Biggs (see *Attachment A* for full details):

- A recreational vehicle may be occupied on any residential lot for a total of up to 14 days within any calendar year by right.
- After 14 days, an administrative permit issued by a city planner is required for occupancy for a period of 30 days, and a use permit is required for occupancy for more than 30 days within any calendar year.
- Connections must be made to city sanitary facilities and other utilities as a condition of approval of residential occupancy for a period of time greater than 30 days.

BMC Citation: 14.70.030 – Temporary occupancy in residential zoning districts (*Attachment A*)

Section 14.70.050 currently establishes the following basic development standards for temporary occupancy of mobile hoses and recreational vehicles in non-residential zoning districts in the City of Biggs (see *Attachment A* for full details):

- For purposes of conducting business on a lot zoned for such use and upon which a permanent structure is constructed; provided, that the permanent structure has been damaged and cannot be reoccupied until repairs or reconstruction are complete.
- As a residence for security purposes on a lot zoned for commercial or manufacturing uses.

BMC Citation: 14.70.050 – Temporary occupancy in nonresidential zoning districts (*Attachment A*)

Discussion – General:
As currently written, Section 14.70.030 of the Biggs Municipal Code allows for recreational vehicles to be occupied on residential lots for up to 14 days by-right (no city approvals necessary); up to 30 days with the approval of an administrative use permit; and, greater than 30 days with the approval of a use permit by the City Council. Section 14.70.50 allows for recreational vehicles to be occupied on non-residential lots for temporary replacement of a damaged business and as a residence for security purposes.

Staff has drafted proposed modifications to the text of Section 14.70.030 of the Biggs Municipal Code regarding occupancy of temporary vehicles in residential zoning districts that include the following:

- Single occupancy events are limited to 10 consecutive days without a permit;
- The amount of time occupancy may occur under an administrative permit would be shortened from 30 days to 21 days per calendar year;
- A City Council approved use permit may be approved allowing for up to 100 days of occupancy per calendar year;
- The manufactured home/recreational vehicle shall be parked on an improved surface;
- Lighting shall be shielded and downward-facing;
- Noise shall not exceed what is allowed for in the zoning district in which the manufactured home or recreational vehicle is proposed to be located;
- For occupancy durations exceeding 10 days in length, the manufactured home or recreational vehicle shall be connected to city potable water facilities as approved by the City;
- At a minimum, electrical power service shall be provided by an appropriately-sized, outdoor-rated, and grounded extension cord. For periods of occupancy greater than 21-days, approval of electrical power service shall be approved by the City Electric Department or Public Works Department;
- A maximum of one manufactured dwelling unit or one recreational vehicle for which a temporary occupancy permit has been issued (as required) may be located on a single lot at any given time; and
- A minimum of five feet of fire access shall be maintained in all side-yard areas unless other acceptable access around an existing structure is provided.
- Temporary occupancy of a manufactured home or recreational vehicle shall conform to all requirements of the State of California and the City of Biggs relative to parking; use of the public right-of-way;

Changes to Section 14.70.050, regarding occupancy of temporary vehicles in non-residential zoning districts, have also been drafted, and consisting of the following:

- Temporary occupancy of manufactured homes and recreational vehicles on non-residential properties is allowed for up to a maximum of 100 days of occupancy per calendar year under a City Council approved use permit;
- Ten-foot minimum setbacks from all adjacent residential property lines shall be provided when a temporary occupancy use abuts an existing single family residential dwelling. A minimum setback of five feet shall be provided between any adjacent structure, mobile home or recreational vehicle and where possible from any adjacent property line;
- The manufactured home or recreational vehicle shall be parked on an improved surface (recreational vehicle) or, when occupancy periods will exceed 30-days for mobile home, placed on a State approved temporary foundation system;
- Lighting shall be shielded and downward-facing, and noise levels shall not exceed what is allowed within the zoning district in which the use is occurring;
- All manufactured homes or recreational vehicles shall be connected to city potable water, sanitary sewer and other utilities as a condition of use permit approval. At a minimum, power shall be provided by appropriately-sized, outdoor-rated, and grounded extension cord. For periods of occupancy greater than 21-days, approval of electrical power service shall be approved by the City electric department or Public Works Department;
- All utility connections shall be approved by the City of Biggs Public Works Department;
- The City shall establish a connection fee and assess a fee for the connection of mobile homes and/or recreational vehicles to the public utility system to cover costs associated with the provision of municipal utilities services;
- A maximum of one manufactured dwelling unit or up to four recreational vehicles may be allowed on each lot through City Council approval of a conditional use permit;
- A minimum of five feet of fire access shall be maintained in side-yards of all properties in which manufactured homes and recreational vehicles are located unless other approved access around the structure is available and/or provided.

In addition, staff has made minor additional edits to the text of this section to address numbering and regulation consistency (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. Open the Public Hearing to consider comments on the proposed amendments to Sections 14.70.030 and 14.70.50.

2. Following public comment, close the public hearing and consider the proposed amendment. Following that consideration, the Council may then vote regarding environmental review and adoption of the proposed amendment.

   Sample Motion: Move that the City Council find the proposed action to be exempt from CEQA pursuant to State of California Code Section 15305; and move to approve the first reading of Ordinance No. 399 approving project number ZCA2013-02, an amendment to Sections 14.70.030 and 14.70.50 of the Biggs Municipal Code regarding temporary occupancy of manufactured homes and recreational vehicles.

Staff Recommendation:
Staff recommends that the City Council conduct the public hearing and following deliberation by the members of the Council and if determined to be appropriate, move to approve the first reading of the draft Code Amendment (see *Attachment A* to this report) identified as ZCA#2013-02 amending Chapter 14.70 of the Biggs Municipal Code to modify regulations relating to the temporary occupancy of manufactured homes and recreational vehicles.

Attachments:

Attachment A - Proposed Draft Text: Amended Chapter 14.70 of the Biggs Municipal Code - *Temporary Occupancy of Manufactured Homes and Recreational Vehicles.*

Attachment B - Existing Text: Chapter 14.70 of the Biggs Municipal Code - *Temporary Occupancy of Manufactured Homes and Recreational Vehicles.*

Attachment C - Ordinance No. 399 Amending Sections 14.70.030 and 14.70.50 of the Biggs Municipal Code.

Attachment D - Draft Notice of Exemption

Chapter 14.70
TEMPORARY OCCUPANCY OF MANUFACTURED HOMES AND RECREATIONAL VEHICLES

Sections:
14.70.010 Intent.
14.70.020 Provisions.
14.70.030 Temporary occupancy in residential zoning districts.
14.70.040 Residential zone occupancy permit – Annual review, expiration, and revocation.
14.70.050 Temporary occupancy in nonresidential zoning districts.
14.70.060 Nonresidential zone occupancy permit – Application, issuance, and expiration.
14.70.070 Temporary occupancy of a manufactured home which is permitted in any zoning district.

14.70.010 Intent.

The intent of this chapter is to provide for and regulate occupancy of a mobile structure which is not secured to a permanent foundation in residential zones for cases of hardship or in nonresidential zones for temporary business activities. [Ord. 320 § 1, 1999]

14.70.020 Provisions.

(1) Notwithstanding any provisions to the contrary in this title, a manufactured home or recreational vehicle as defined in Chapter 14.10 BMC (Definitions) may be occupied in all zoning districts, even though not secured to a permanent foundation, subject to the provisions of this chapter and Chapter 14.35 BMC (Conditional Use Permits).

(2) Temporary occupancy of a manufactured home or recreational vehicle within the city of Biggs shall be allowed only subject to the provisions of this chapter and Chapter 14.35 BMC (Conditional Use Permits). [Ord. 320 § 1, 1999]

14.70.030 Temporary occupancy in residential zoning districts.

Temporary occupancy of a manufactured home or a recreational vehicle may only be allowed under the following conditions:

(1) A recreational vehicle may be occupied on any residential lot for a total of up to ~~14~~ 20 days within any calendar year and up to 10 days per single occupancy event by right and shall not be subject to the provisions of this chapter.

(2) A permit for such use in excess of 20 days per calendar year or 10 days per individual occupancy event is obtained in the manner described in this section.

(a) An administrative permit authorizing occupancy of either one manufactured home or one recreational vehicle at a time for a period of ~~30~~ up to 21 days per calendar year may be issued by the city planner.

(b) Approval of a use permit for individual occupancy events exceeding 21 days in length and up to 100 days of occupancy per calendar year may be approved by the City Council in accordance with the procedures set forth in Chapter 14.35.

(3) No rent or other consideration is charged or required of the occupant of the manufactured home or recreational vehicle for the privileges of occupation.

(4) The temporary placement of a manufactured home or recreational vehicle shall not be subject to additional site requirements of Chapter 14.60 BMC (Development Standards – General). Five-foot setbacks from all property lines and adjacent structures should be provided when possible. Conditions of approval for administrative permits and use permits, when required, may be required to mitigate potential adverse impacts upon neighboring residences. The manufactured home or recreational vehicle shall be parked on an improved surface. Mobile homes having an occupancy period exceeding 21-days in length shall utilize a State-approved temporary foundation system. Lighting shall be shielded and downward-facing, and noise shall not exceed what is allowed for existing residential districts.

(5) The manufactured home or recreational vehicle shall be connected to city potable water, sanitary sewer ~~facilities~~ and other utilities as a condition of approval of residential occupancy for a period of time greater than 20 days per calendar year or 10 days per individual occupancy event ~~30 days~~. At a minimum, power shall be provided by appropriately-sized, outdoor-rated, grounded extension cords. The City of Biggs Public Works Department shall approve all connections to the water and sanitary sewer systems.

(6) Requirements for connection to city facilities may be modified by the ~~planning commission~~ City Council in instances when occupancy of a recreational vehicle is intermittent and the total number of days which the recreational vehicle is to be occupied does not exceed ~~30~~ 20 days within any calendar year.

(7) No more that one manufactured home or one recreational vehicle shall be allowed on each legal lot at a time either by-right or through the issuance of an administrative use permit authorizing up to 21-days of occupancy.

(8) A minimum of five feet of unobstructed access shall be maintained between any structure and an occupied mobile home or recreational vehicle located within a side yard area unless other acceptable access is provided.

(9) Approval of a permit for temporary occupancy of a manufactured home or recreational vehicle shall be provided in cases of hardship, such as illness of a family member, reconstruction and repair of a damaged dwelling unit and other cases as determined appropriate by the planning commission.

(10) Temporary occupancy of a manufactured home or recreational vehicle shall conform to all requirements of the State of California relative to parking and use of public right-of-way.

(11) A fee for the connection to, and provision of, utility services for an occupied mobile home or recreational vehicle shall be charged by the City as part of the conditions of approval of an approved use permit.

14.70.040 Residential zone occupancy permit – Annual review, expiration, and revocation.

(1) The approved use permit to allow a temporary manufactured home shall be reviewed upon expiration of the use permit (if applicable) or annually in the month of September by the planning commission. City staff shall render a report of the status of each permit to the planning commission and shall place such items on a consent agenda. Approved use permits for temporary manufactured homes which were granted less than six months prior to the September review will be reviewed the succeeding year.

(2) The use permit shall expire immediately if the person(s) residing in the manufactured home or the primary residence for any reason move(s) to another location or is (are) deceased. In such instances, the temporary manufactured home shall be removed within 90 days. In the event the manufactured home or recreational vehicle is not removed within the 90-day period, the city may remove the manufactured home and store it at the owner's expense.

(3) The applicant shall consent to placement of lien on both the manufactured home and real property in the event that the manufactured home is not removed upon city demand as provided in this chapter.

(4) The use permit may be revoked if any of the terms and conditions of such permit are violated or if any acts or omissions of the permittee in connection with the use authorized by the permittee constitute a public nuisance. [Ord. 320 § 1, 1999]

14.70.050 Temporary occupancy in nonresidential zoning districts.

Subject to the provisions of BMC 14.70.060, a manufactured home or recreational vehicle may be temporarily located and occupied in a nonresidential zoning district for the purposes described in this section:

(1) For purposes of conducting business on a lot zoned for such use and upon which a permanent structure is constructed; provided, that the permanent structure has been damaged and cannot be reoccupied until repairs or reconstruction are complete.

(2) As a residence for security purposes on a lot zoned for commercial or manufacturing uses.

(3) For purposes of accommodating visitors or guests on a temporary basis and for a limited duration of time for a specified seasonal event or activity.

14.70.060 Nonresidential zone occupancy permit – Application, issuance, and expiration.

~~(1) An administrative permit authorizing occupancy of the manufactured home or recreational vehicle in a nonresidential zoning district shall be obtained prior to a manufactured home or recreational vehicle being moved onto a lot which will be occupied without being attached to a permanent foundation.~~

~~(2) The permit may be issued by the city planner, with appeal to the planning commission. An application for a permit shall be accompanied by a written statement supporting the need for the requested occupancy.~~

~~(3) The permit shall be valid for a period of three months, and may be renewed once by the city planner for another three months. Additional renewals shall require approval of the planning commission, and shall be based upon evidence of a good faith effort to eliminate the need for occupying mobile structures which are not attached to a permanent foundation. [Ord. 320 § 1, 1999]~~

(1) A recreational vehicle may be occupied on any nonresidential lot for a total of up to 20 days within any calendar year and up to 10 days per single occupancy event by right and shall not be subject to the provisions of this chapter pursuant to BMC Section 14.70.050.

(2) A permit for such use in excess of 20 days per calendar year or 10 days per individual occupancy event is obtained in the manner described in this section and issued pursuant to the requirements of BMC Section 14.70.050.

(a) An administrative permit authorizing occupancy of either one manufactured home or one recreational vehicle at a time for a period of up to 21 days per calendar year may be issued by the city planner. The permit shall be valid for a period of three months, and may be renewed once by the city planner for another three month period.

(b) Approval of a use permit for individual occupancy events exceeding 21 days in length and up to 100 days of occupancy per calendar year may be approved by the City Council in accordance with the procedures set forth in Chapter 14.35.

(3) No rent or other consideration is charged or required of the occupant of the manufactured home or recreational vehicle for the privileges of occupation.

(4) The temporary placement of a manufactured home or recreational vehicle shall not be subject to additional site requirements of Chapter 14.60 BMC (Development Standards – General). Five-foot setbacks from all property lines and adjacent structures shall be provided and a ten-foot property line setbacks shall be provided when adjacent to an existing single-family dwelling unit. Conditions of approval for administrative permits and use permits, when required, may be required to mitigate potential adverse impacts upon neighboring residences. The manufactured home or recreational vehicle shall be parked on an improved surface. Mobile homes having an

occupancy period exceeding 21-days in length shall utilize a State-approved temporary foundation system. Lighting shall be shielded and downward-facing, and noise shall not exceed what is allowed for existing residential districts.

(5) The manufactured home or recreational vehicle shall be connected to city potable water, sanitary sewer and other utilities as a condition of approval of residential occupancy for a period of time greater than 20 days per calendar year or 10 days per individual occupancy event. At a minimum, power shall be provided by appropriately-sized, outdoor-rated, grounded extension cords. The City of Biggs Public Works Department shall approve all connections to the water and sanitary sewer systems.

(6) No more that one occupied manufactured home or four occupied recreational vehicles shall be allowed on each legal lot or common grouping of lots at any time either by-right or through the issuance of a use permit.

(7) A minimum of five feet of unobstructed access shall be maintained between any structure and an occupied mobile home or recreational vehicle located within a side yard area unless other acceptable access is provided.

(8) Temporary occupancy of a manufactured home or recreational vehicle in a nonresidential zoning district may occur only on private property with the permission of the property owner.

(9) A fee for the connection to, and provision of, utility services for an occupied mobile home or recreational vehicle shall be charged by the City as part of the conditions of approval of an approved use permit.

14.70.070 Temporary occupancy of a manufactured home which his permitted in any zoning district.

(1) One manufactured home may be temporarily located on a lot where a permanent dwelling is under construction, provided the applicant for the manufactured home obtains an administrative permit approved by the city planner which shall be valid for one year from the date of issue. Occupancy of the manufactured home shall be limited to those persons who intend to reside in the dwelling under construction. The location of the manufactured home must conform to all site requirements and meets all city zoning and health and safety codes applicable to the zone in which the manufactured home is located, except for conditions exempted herein.

(2) A temporary sales or contractor's office in any district may be located on the property to which it is appurtenant. A use permit may be granted which shall be limited to a six-month period. At the expiration of the use permit the applicant may request a further six-month extension of time. Otherwise, within 30 days of the expiration of said permit, said office shall be removed at the expense of the owner.

(3) In all cases involving occupancy for more than 30 days of a manufactured home which is not installed on a permanent foundation or a recreational vehicle, the temporary dwelling shall be connected to city electrical, domestic water and wastewater collection services. Connection to

services shall be approved by the city engineer and appropriate fees shall be collected by the city. [Ord. 320 §1, 1999]

Attachment B

Chapter 14.70

TEMPORARY OCCUPANCY OF MANUFACTURED HOMES AND RECREATIONAL VEHICLES

Sections:

14.70.010 Intent.
14.70.020 Provisions.
14.70.030 Temporary occupancy in residential zoning districts.
14.70.040 Residential zone occupancy permit – Annual review, expiration, and revocation.
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14.70.070 Temporary occupancy of a manufactured home which is permitted in any zoning district.

14.70.010 Intent.

The intent of this chapter is to provide for and regulate occupancy of a mobile structure which is not secured to a permanent foundation in residential zones for cases of hardship or in nonresidential zones for temporary business activities. [Ord. 320 § 1, 1999]

14.70.020 Provisions.

(1) Notwithstanding any provisions to the contrary in this title, a manufactured home or recreational vehicle as defined in Chapter 14.10 BMC (Definitions) may be occupied in all zoning districts, even though not secured to a permanent foundation, subject to the provisions of this chapter and Chapter 14.35 BMC (Conditional Use Permits).

(2) Temporary occupancy of a manufactured home or recreational vehicle within the city of Biggs shall be allowed only subject to the provisions of this chapter and Chapter 14.35 BMC (Conditional Use Permits). [Ord. 320 § 1, 1999]

14.70.030 Temporary occupancy in residential zoning districts.

Temporary occupancy of a manufactured home or a recreational vehicle may only be allowed under the following conditions:

(1) A recreational vehicle may be occupied on any residential lot for a total of up to 14 days within any calendar year by right and shall not be subject to the provisions of this chapter.

(2) A permit for such use in excess of 14 days is obtained in the manner described in this section.

(a) An administrative permit authorizing occupancy for a period of 30 days may be issued by the city planner.

(b) Approval of a use permit in accordance with the procedures set forth in Chapter 14.35 BMC shall be required for occupancy of a manufactured home or recreational vehicle for more than 30 days within any calendar year.

(3) No rent is charged to the occupant of the manufactured home or recreational vehicle.

(4) The temporary placement of a manufactured home or recreational vehicle shall not be subject to additional site requirements of Chapter 14.60 BMC (Development Standards – General). Five-foot setbacks from all property lines should be provided when possible. Conditions of approval for administrative permits and use permits may be required to mitigate potential adverse impacts upon neighboring residences.

(5) The manufactured home or recreational vehicle shall be connected to city sanitary facilities and other utilities as a condition of approval of residential occupancy for a period of time greater than 30 days.

(6) Requirements for connection to city facilities may be modified by the planning commission in instances when occupancy of a recreational vehicle is intermittent and the total number of days which the recreational vehicle is to be occupied does not exceed 30 days within any calendar year.

(7) Approval of a permit for temporary occupancy of a manufactured home or recreational vehicle shall be provided in cases of hardship, such as illness of a family member, reconstruction and repair of a damaged dwelling unit and other cases as determined appropriate by the planning commission. [Ord. 320 § 1, 1999]

14.70.040 Residential zone occupancy permit – Annual review, expiration, and revocation.

(1) The approved use permit to allow a temporary manufactured home shall be reviewed upon expiration of the use permit (if applicable) or annually in the month of September by the planning

commission. City staff shall render a report of the status of each permit to the planning commission and shall place such items on a consent agenda. Approved use permits for temporary manufactured homes which were granted less than six months prior to the September review will be reviewed the succeeding year.

(2) The use permit shall expire immediately if the person(s) residing in the manufactured home or the primary residence for any reason move(s) to another location or is (are) deceased. In such instances, the temporary manufactured home shall be removed within 90 days. In the event the manufactured home or recreational vehicle is not removed within the 90-day period, the city may remove the manufactured home and store it at the owner's expense.

(3) The applicant shall consent to placement of lien on both the manufactured home and real property in the event that the manufactured home is not removed upon city demand as provided in this chapter.

(4) The use permit may be revoked if any of the terms and conditions of such permit are violated or if any acts or omissions of the permittee in connection with the use authorized by the permittee constitute a public nuisance. [Ord. 320 § 1, 1999]

14.70.050 Temporary occupancy in nonresidential zoning districts.

Subject to the provisions of BMC 14.70.060, a manufactured home or recreational vehicle may be temporarily located and occupied in a nonresidential zoning district for the purposes described in this section:

(1) For purposes of conducting business on a lot zoned for such use and upon which a permanent structure is constructed; provided, that the permanent structure has been damaged and cannot be reoccupied until repairs or reconstruction are complete.

(2) As a residence for security purposes on a lot zoned for commercial or manufacturing uses. [Ord. 320 § 1, 1999]

14.70.060 Nonresidential zone occupancy permit – Application, issuance, and expiration.

(1) An administrative permit authorizing occupancy of the manufactured home or recreational vehicle in a nonresidential zoning district shall be obtained prior to a manufactured home or recreational vehicle being moved onto a lot which will be occupied without being attached to a permanent foundation.

(2) The permit may be issued by the city planner, with appeal to the planning commission. An application for a permit shall be accompanied by a written statement supporting the need for the requested occupancy.

(3) The permit shall be valid for a period of three months, and may be renewed once by the city planner for another three months. Additional renewals shall require approval of the planning commission, and shall be based upon evidence of a good faith effort to eliminate the need for occupying mobile structures which are not attached to a permanent foundation. [Ord. 320 § 1, 1999]

14.70.070 Temporary occupancy of a manufactured home which is permitted in any zoning district.

(1) One manufactured home may be temporarily located on a lot where a permanent dwelling is under construction, provided the applicant for the manufactured home obtains an administrative permit approved by the city planner which shall be valid for one year from the date of issue. Occupancy of the manufactured home shall be limited to those persons who intend to reside in the dwelling under construction. The location of the manufactured home must conform to all site requirements and meets all city zoning and health and safety codes applicable to the zone in which the manufactured home is located, except for conditions exempted herein.

(2) A temporary sales or contractor's office in any district may be located on the property to which it is appurtenant. A use permit may be granted which shall be limited to a six-month period. At the expiration of the use permit the applicant may request a further six-month extension of time. Otherwise, within 30 days of the expiration of said permit, said office shall be removed at the expense of the owner.

(3) In all cases involving occupancy for more than 30 days of a manufactured home which is not installed on a permanent foundation or a recreational vehicle, the temporary dwelling shall be connected to city electrical, domestic water and wastewater collection services. Connection to ser-

vices shall be approved by the city engineer and appropriate fees shall be collected by the city. [Ord. 320 § 1, 1999]

ATTACHMENT C
CC Ordinance No. 399

CITY OF BIGGS
ORDINANCE NO. 399

AN ORDINANCE OF THE BIGGS CITY COUNCIL AMENDING THE BIGGS MUNICIPAL CODE TO MODIFY REGULATIONS IN SECTION 14.70 RELATING TO TEMPORARY OCCUPANCY OF MANUFACTURED HOMES AND RECREATIONAL VEHICLES IN THE CITY OF BIGGS

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

Chapter 14.70 of the City of Biggs Zoning Code shall be amended to read as follows (deletions are ~~overstruck~~, additions are <u>underlined</u>):

Chapter 14.70
TEMPORARY OCCUPANCY OF MANUFACTURED HOMES AND RECREATIONAL VEHICLES

Sections:
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14.70.070 Temporary occupancy of a manufactured home which is permitted in any zoning district.

14.70.010 Intent.

The intent of this chapter is to provide for and regulate occupancy of a mobile structure which is not secured to a permanent foundation in residential zones for cases of hardship or in nonresidential zones for temporary business activities. [Ord. 320 § 1, 1999]

14.70.020 Provisions.

(1) Notwithstanding any provisions to the contrary in this title, a manufactured home or recreational vehicle as defined in Chapter 14.10 BMC (Definitions) may be occupied in all zoning districts, even though not secured to a permanent foundation, subject to the provisions of this chapter and Chapter 14.35 BMC (Conditional Use Permits).

(2) Temporary occupancy of a manufactured home or recreational vehicle within the city of Biggs shall be allowed only subject to the provisions of this chapter and Chapter 14.35 BMC (Conditional Use Permits). [Ord. 320 § 1, 1999]

14.70.030 Temporary occupancy in residential zoning districts.

Temporary occupancy of a manufactured home or a recreational vehicle may only be allowed under the following conditions:

(1) A recreational vehicle may be occupied on any residential lot for a total of up to ~~14~~ 20 days within any calendar year and up to 10 days per single occupancy event by right and shall not be subject to the provisions of this chapter.

(2) A permit for such use in excess of 20 days per calendar year or 10 days per individual occupancy event is obtained in the manner described in this section.

(a) An administrative permit authorizing occupancy of either one manufactured home or one recreational vehicle at a time for a period of ~~30~~ up to 21 days per calendar year may be issued by the city planner.

(b) Approval of a use permit for individual occupancy events exceeding 21 days in length and up to 100 days of occupancy per calendar year may be approved by the City Council in accordance with the procedures set forth in Chapter 14.35.

(3) No rent or other consideration is charged or required of the occupant of the manufactured home or recreational vehicle for the privileges of occupation.

(4) The temporary placement of a manufactured home or recreational vehicle shall not be subject to additional site requirements of Chapter 14.60 BMC (Development Standards – General). Five-foot setbacks from all property lines and adjacent structures should be provided when possible. Conditions of approval for administrative permits and use permits, when required, may be required to mitigate potential adverse impacts upon neighboring residences. The manufactured home or recreational vehicle shall be parked on an improved surface. Mobile homes having an occupancy period exceeding 21-days in length shall utilize a State-approved temporary foundation system. Lighting shall be shielded and downward-facing, and noise shall not exceed what is allowed for existing residential districts.

(5) The manufactured home or recreational vehicle shall be connected to city potable water, sanitary sewer ~~facilities~~ and other utilities as a condition of approval of residential occupancy for a period of time greater than 20 days per calendar year or 10 days per individual occupancy event ~~30 days~~. At a minimum, power shall be provided by appropriately-sized, outdoor-rated, grounded extension cords. The City of Biggs Public Works Department shall approve all connections to the water and sanitary sewer systems.

(6) Requirements for connection to city facilities may be modified by the ~~planning commission~~ City Council in instances when occupancy of a recreational vehicle is intermittent and the total number of days which the recreational vehicle is to be occupied does not exceed ~~30~~ 20 days within any calendar year.

(7) No more that one manufactured home or one recreational vehicle shall be allowed on each legal lot at a time either by-right or through the issuance of an administrative use permit authorizing up to 21-days of occupancy.

(8) A minimum of five feet of unobstructed access shall be maintained between any structure and an occupied mobile home or recreational vehicle located within a side yard area unless other acceptable access is provided.

(9) Approval of a permit for temporary occupancy of a manufactured home or recreational vehicle shall be provided in cases of hardship, such as illness of a family member, reconstruction and repair of a damaged dwelling unit and other cases as determined appropriate by the planning commission.

(10) Temporary occupancy of a manufactured home or recreational vehicle shall conform to all requirements of the State of California relative to parking and use of public right-of-way.

(11) A fee for the connection to, and provision of, utility services for an occupied mobile home or recreational vehicle shall be charged by the City as part of the conditions of approval of an approved use permit.

14.70.040 Residential zone occupancy permit – Annual review, expiration, and revocation.

(1) The approved use permit to allow a temporary manufactured home shall be reviewed upon expiration of the use permit (if applicable) or annually in the month of September by the planning commission. City staff shall render a report of the status of each permit to the planning commission and shall place such items on a consent agenda. Approved use permits for temporary manufactured homes which were granted less than six months prior to the September review will be reviewed the succeeding year.

(2) The use permit shall expire immediately if the person(s) residing in the manufactured home or the primary residence for any reason move(s) to another location or is (are) deceased. In such instances, the temporary manufactured home shall be removed within 90 days. In the event the manufactured home or recreational vehicle is not removed within the 90-day period, the city may remove the manufactured home and store it at the owner's expense.

(3) The applicant shall consent to placement of lien on both the manufactured home and real property in the event that the manufactured home is not removed upon city demand as provided in this chapter.

(4) The use permit may be revoked if any of the terms and conditions of such permit are violated or if any acts or omissions of the permittee in connection with the use authorized by the permittee constitute a public nuisance. [Ord. 320 § 1, 1999]

14.70.050 Temporary occupancy in nonresidential zoning districts.

Subject to the provisions of BMC 14.70.060, a manufactured home or recreational vehicle may be temporarily located and occupied in a nonresidential zoning district for the purposes described in this section:

(1) For purposes of conducting business on a lot zoned for such use and upon which a permanent structure is constructed; provided, that the permanent structure has been damaged and cannot be reoccupied until repairs or reconstruction are complete.

(2) As a residence for security purposes on a lot zoned for commercial or manufacturing uses.

(3) For purposes of accommodating visitors or guests on a temporary basis and for a limited duration of time for a specified seasonal event or activity.

14.70.060 Nonresidential zone occupancy permit – Application, issuance, and expiration.

~~(1) An administrative permit authorizing occupancy of the manufactured home or recreational vehicle in a nonresidential zoning district shall be obtained prior to a manufactured home or recreational vehicle being moved onto a lot which will be occupied without being attached to a permanent foundation.~~

~~(2) The permit may be issued by the city planner, with appeal to the planning commission. An application for a permit shall be accompanied by a written statement supporting the need for the requested occupancy.~~

~~(3) The permit shall be valid for a period of three months, and may be renewed once by the city planner for another three months. Additional renewals shall require approval of the planning commission, and shall be based upon evidence of a good faith effort to eliminate the need for occupying mobile structures which are not attached to a permanent foundation. [Ord. 320 § 1, 1999]~~

(1) A recreational vehicle may be occupied on any nonresidential lot for a total of up to 20 days within any calendar year and up to 10 days per single occupancy event by right and shall not be subject to the provisions of this chapter pursuant to BMC Section 14.70.050.

(2) A permit for such use in excess of 20 days per calendar year or 10 days per individual occupancy event is obtained in the manner described in this section and issued pursuant to the requirements of BMC Section 14.70.050.

(a) An administrative permit authorizing occupancy of either one manufactured home or one recreational vehicle at a time for a period of up to 21 days per calendar year may be issued by

the city planner. The permit shall be valid for a period of three months, and may be renewed once by the city planner for another three month period.

(b) Approval of a use permit for individual occupancy events exceeding 21 days in length and up to 100 days of occupancy per calendar year may be approved by the City Council in accordance with the procedures set forth in Chapter 14.35.

(3) No rent or other consideration is charged or required of the occupant of the manufactured home or recreational vehicle for the privileges of occupation.

(4) The temporary placement of a manufactured home or recreational vehicle shall not be subject to additional site requirements of Chapter 14.60 BMC (Development Standards – General). Five-foot setbacks from all property lines and adjacent structures shall be provided and a ten-foot property line setbacks shall be provided when adjacent to an existing single-family dwelling unit. Conditions of approval for administrative permits and use permits, when required, may be required to mitigate potential adverse impacts upon neighboring residences. The manufactured home or recreational vehicle shall be parked on an improved surface. Mobile homes having an occupancy period exceeding 21-days in length shall utilize a State-approved temporary foundation system. Lighting shall be shielded and downward-facing, and noise shall not exceed what is allowed for existing residential districts.

(5) The manufactured home or recreational vehicle shall be connected to city potable water, sanitary sewer and other utilities as a condition of approval of residential occupancy for a period of time greater than 20 days per calendar year or 10 days per individual occupancy event. At a minimum, power shall be provided by appropriately-sized, outdoor-rated, grounded extension cords. The City of Biggs Public Works Department shall approve all connections to the water and sanitary sewer systems.

(6) No more that one occupied manufactured home or four occupied recreational vehicles shall be allowed on each legal lot or common grouping of lots at any time either by-right or through the issuance of a use permit.

(7) A minimum of five feet of unobstructed access shall be maintained between any structure and an occupied mobile home or recreational vehicle located within a side yard area unless other acceptable access is provided.

(8) Temporary occupancy of a manufactured home or recreational vehicle in a nonresidential zoning district may occur only on private property with the permission of the property owner.

(9) A fee for the connection to, and provision of, utility services for an occupied mobile home or recreational vehicle shall be charged by the City as part of the conditions of approval of an approved use permit.

14.70.070 Temporary occupancy of a manufactured home which his permitted in any zoning district.

(1) One manufactured home may be temporarily located on a lot where a permanent dwelling is under construction, provided the applicant for the manufactured home obtains an administrative permit approved by the city planner which shall be valid for one year from the date of issue. Occupancy of the manufactured home shall be limited to those persons who intend to reside in the dwelling under construction. The location of the manufactured home must conform to all site requirements and meets all city zoning and health and safety codes applicable to the zone in which the manufactured home is located, except for conditions exempted herein.

(2) A temporary sales or contractor's office in any district may be located on the property to which it is appurtenant. A use permit may be granted which shall be limited to a six-month period. At the expiration of the use permit the applicant may request a further six-month extension of time. Otherwise, within 30 days of the expiration of said permit, said office shall be removed at the expense of the owner.

(3) In all cases involving occupancy for more than 30 days of a manufactured home which is not installed on a permanent foundation or a recreational vehicle, the temporary dwelling shall be connected to city electrical, domestic water and wastewater collection services. Connection to services shall be approved by the city engineer and appropriate fees shall be collected by the city. [Ord. 320 §1, 1999]

I HEREBY CERTIFY that the above and foregoing Ordinance was introduced on the 14th day of May, 2013, and was passed and adopted by the City Council of the City of Biggs at a regular meeting thereof duly held on the 11th day of June, 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 D
Z CA2013-02
May 14, 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 Chapter 14.70, Temporary Occupancy of Manufactured Homes and Recreational Vehicles.
Project Location:		City of Biggs.
Assessor's Parcel Number(s):		n/a (City-wide)
Project Description:		An amendment to the Biggs Municipal Code Chapter 14.70 [Temporary Occupancy of Manufactured Homes and Recreational Vehicles] to further restrict temporary occupancy of manufactured homes and recreational vehicles.
Lead Agency:		City of Biggs
Project Planner:		Scott Friend
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 14.70 to further restrict temporary occupancy of manufactured homes and recreational vehicles.

City Planner
City of Biggs

By: _____
Scott Friend, AICP
Date: May 14, 2013