



- CITY OF BIGGS -
PLANNING DEPARTMENT STAFF REPORT

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DATE: September 10, 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

Report Summary:

REPORT UPDATE #3 (September): *new text*

As further described and discussed in this report, the City Council was asked at their July City Council meeting to provide direction and input to staff on seven (7) questions primary to staff's work on the draft code amendment to Section 14.70, *Temporary Occupancy of Manufactured Homes and Recreational Vehicles*. Based upon the direction provided by the Council, staff has again amended the draft Code. The modifications made to the Code based upon the input provided by the Council in July are as follows:

Topic / Question	Response
1. Permitting and Approval Structure	No changes made to draft text. The existing 3 "tier" approval structure has been maintained. (No formal approval necessary / Administrative approval only / Council Use Permit Approval)
2. Temporary Occupancy Timelines	Temporary occupancy timeframes have been increased to match timelines existing in the City's existing Code (>14 / 14-30 / <30-days) for RV's. A maximum occupancy time limit of 120-days for mobile trailers in a residential zone and 180-days in a non-residential zone has been established.
3. Connection to City Utilities	Changes to the draft text have been made. No utility connections are required in residential zone districts for the temporary occupancy of RV's; Utility connection has been required for the temporary occupancy of RV's for over 30-days and for Mobile Trailer / Mobile Homes in non-residential zone districts.
4. Maximum Occupancy Times	Changes to the draft text have been made. A maximum occupancy duration of 45-days is established for RV's in a residential zone districts

	and 180-days for Mobile Trailers and Mobile Homes in non-residential zone districts.
5. Rent or Monetary Considerations	Changes to the draft text have been made. No rent or monetary consideration may be allowed in a residential zone district; rent or monetary consideration may be allowed in non-residential zone districts.
6. Maximum Number of RV's or Mobile Trailers / Homes	No changes made to the draft text. Maintain standard of one (1) per lot in residential zones and a maximum of four (4) total units in a non-residential zone.
7. Use Permit and Site Standards	No changes made to the draft text. Draft text maintains requirements for setbacks; screening; lighting; etc. as previously presented.

In addition to those inputs provided above, Council expressed the desire to see the provisions and requirements for recreational vehicles be separated from the provisions and requirements for Mobile Trailers / Mobile Homes. Based upon the direction provided, Staff has attempted to separate the two topic areas. Additionally, Council requested that staff add new definitions for recreational vehicle and mobile trailers and that the use of the term mobile home be reconsidered. As a result of the input, new definitions have been added and the term mobile home has been replaced with the term mobile trailer.

Please refer to Pages 7 and 8 of this report to view the staff recommendations and procedural details associated with the proposed action.

(Text originally presented as part of the July Planning Staff Report on this topic)

REPORT UPDATE #2 (July):

Over the course of the past 2-3 months, staff has prepared and presented and the City Council has discussed various drafts of 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). The purpose of the proposed action is to revise the requirements of the BMC relative to the temporary occupancy of manufactured homes and recreational vehicles. During the course of the review and consideration of this topic, various approaches to regulation have been discussed or raised and significant consideration has been offered regarding how to achieve the desired goal. At this time, staff does not feel like they fully understand the direction and desire of the City Council on this topic and thus are seeking to re-start the conversation based upon seven questions that staff believes form the key basis for this action. Utilizing the direction provided by the Council in responding to the questions contained in this report, staff will then prepare a subsequent text amendment draft on this subject and return to the City Council for further consideration.

With this report, staff is recommending that the City Council receive a report from City staff on this item, and provide focused direction supporting the questions posed in this report.

Working from the direction of the City Council provided at the June City Council meeting, planning staff has again considered approaches regarding how best to regulate the temporary occupancy of manufactured homes and recreational vehicles. Based upon the discussion that has occurred over the past two meetings on this topic, staff has determined that significant uncertainty still exists by staff on this subject in regard to six core topic areas. With this in-mind, staff has not attempted to re-write the code again but rather is seeking input on six topic areas that staff considers to be key to completing a

will then guide the preparation of revised draft at a future meeting. The seven core questions that staff hopes to receive specific and focused direction on are as follows:

1. Permit / Approval Structure:

Question: Does the Council agree with continuation of the three-tiered approval approach to permitting temporary occupancy:

- Steps:
- Level 1: “By-right” approval
 - Level 2: Administrative approval
 - Level 3: Use Permit Approval

Staff Understood Direction: Maintain the existing three (3) level permit approval structure.

2. Temporary occupancy timelines:

Question 1.A: What timeframes does the City Council feel are appropriate for the occupancy of mobile homes?

Question 1.B: What timeframes does the City Council feel are appropriate for the temporary occupancy of recreational vehicles?

Question 2.A: Does the Council believe that there should be a difference between residential timeframe and non-residential timeframes?

Land Use Approval Req.:	Current: (days)	Proposed: (days)
By-right	< 14	<10 / <20
Admin. Use Permit	< 30	<21
Council-approved Use Permit	> 30	>21

Staff Understood Direction: Maintain temporary occupancy timeframes as they currently exist in the code today.

3. Connection to City Utilities:

Question 3.A: Does the City Council believe that connection to the City utility systems is necessary or desirable for either mobile homes or recreational vehicles?

Question 3.B: Is there threshold of time after which a connection to the City's utility system should be required?

Staff Understood Direction: Require connection to City utility systems for all temporary occupancy of manufactured homes; and, do not require connection to City utility systems for recreational vehicles.

4. Definition of the word “temporary” and/or maximum occupancy duration:

Question 4.A: Is there a maximum duration or period of time for which a temporary occupancy may be allowed for a mobile home or trailer?

Question 4.B: Is there a maximum duration or period of time for which a temporary occupancy may be allowed for a recreational vehicle?

Staff Understood Direction: Maintain the proposed maximum length of occupancy period of 100-days per year for a use to be subject to this regulation.

5. Rent or Monetary Consideration:

Question 5: Should rent or monetary consideration be allowed for the temporary occupancy of a recreational vehicle or mobile home?

Staff Understood Direction: The charging of rent or other monetary consideration may be allowed for the occupancy of a recreational vehicle only in the non-residential zone districts.

6. Maximum Number of Recreational Vehicles or Mobile Homes:

Question: Does the Council agree with the following limitations on the maximum number of manufactured homes and/or recreational vehicles per parcel?

Residential: One (1) per lot

Non-residential: One (1) manufactured home; Four (4) recreational vehicles

Staff Understood Direction: Maintain the limitations on the maximum number of manufactured homes or recreational vehicles are presented above.

7. Use Permit and Site Standards:

Question 6: Are there any site development standards that have been proposed to-date on this topic that are not desirable or acceptable to the City Council?

Staff Understood Direction: Maintain the site development standards proposed in the June text amendment draft for the non-residential zoning districts only (**Appendix B**).

(Text originally presented as part of the June Planning Staff Report on this topic)

REPORT UPDATE #1 (June): Following the presentation of the first-draft of the revised Ordinance to Chapter 14.70, Temporary Occupancy of Manufactured Homes and Recreational Vehicles of the Biggs Municipal Code at the May 14th City Council meeting, staff was directed to re-submit the matter for Council consideration and further discussion at the next City Council meeting. At the Council's direction, staff is returning this matter to the Council for further discussion and direction. It is noted to the Council that this item has not been agendaized as a formal public hearing for which an action may be taken. Rather, this item is presented as an agendaized item for discussion and direction only.

Based upon the input received at the May meeting, staff is suggesting the following considerations as points of discussion on this matter:

- 1) General. Re-format the entire text of Chapter 14.70 to separate the topics of the occupancy of Manufactured Homes from the topic of the temporary occupancy of recreational vehicles,
- 2) Temporary Occupancy Of Manufactured Homes. Staff is suggesting that the following potential approaches to the issue of the temporary occupancy of manufactured homes be considered and discussed as part of this effort:
 - Temporary occupancy of a manufactured home in a residential zone district – maintain the city's code as currently established;
 - Temporary occupancy of a manufactured home in a non-residential zone district due – maintain the city's code as currently established.
- 3) Temporary Occupancy Of Recreational Vehicles. Staff is suggesting that the following potential approaches to the issue of the temporary occupancy of recreational vehicles be considered and discussed as part of this effort:

Temporary occupancy of a recreational vehicle in a residential zone district:

- Maintain a three-tier approval structure based upon occupancy duration (by-right time allowance; staff approved administrative use permit; Council approval use permit);
- Reduce the overall time allowances for each layer of approval as presented in the May draft of the Code amendment due to concerns associated with impacts to neighborhoods; impacts to adjacent properties; aesthetics; and, public health.
- Prohibit land-owners from charging rent or obtaining similar re-numeration for temporary occupancy;
- Maintain a one recreational vehicle per parcel limit;
- Consider eliminating item #11 of the May code draft requiring connection to a public utility system for temporary occupancy periods for recreational vehicles allowed by-right or via staff use permit approval.

Temporary occupancy of a recreational vehicle in a non-residential zone district:

- Maintain a three-tier approval structure based upon occupancy duration (by-right time allowance; staff approved administrative use permit; Council approval use permit);
- Prohibit land-owners from charging rent or obtaining similar re-numeration for temporary occupancy;
- Maintain a four recreational vehicle per parcel limit;
- Maintain the spacing and setback provisions as presented in the May draft;
- Maintain the provisions associated with the connection to public utilities systems in the May draft.

(Text originally presented as part of the May Planning Staff Report on this topic)

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 homes 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 to be necessary as a result of this project.

Environmental Review:

Staff believes that the proposed action meets the requirements of the Public Resources Code to qualify as being *exempt* from CEQA review pursuant to Public Resources Code Section 15305, *Minor Alterations in Land Use Limitations* (Class 5). This determination has been made as 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 following the July City Council meeting.

Order of Council Proceedings:

1. Open the Public Hearing and invite public comment on the proposed amendment to Chapter 14.70, *Temporary Occupancy of Manufactured Homes and Recreational Vehicles*, of the Biggs Municipal Code.

2. Following public comment, close the public hearing and consider the proposed amendment. Following consideration by Council, 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 Council, approve the first reading of the draft Code Amendment (*Attachment A*) identified as ZCA#2013-02 amending Chapter 14.70 of the Biggs Municipal Code, to modify regulations concerning temporary occupancy of manufactured homes and recreational vehicles.

Attachments:

Attachment A - Draft Text – September 2013: Amended Chapter 14.70 of the Biggs Municipal Code - *Temporary Occupancy of Manufactured Homes and Recreational Vehicles*.

Attachment B - Draft Ordinance

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

Attachment D – CEQA Notice of Exemption

Chapter 14.70

TEMPORARY OCCUPANCY OF MANUFACTURED HOMES MOBILE TRAILERS AND RECREATIONAL VEHICLES

Sections:

14.70.010 Intent.

14.70.020 Provisions.

14.70.025 Definitions

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~~ mobile trailer 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]

14.070.025 Definitions

Mobile Trailer: A mobile trailer is a considered to be any temporary mobile structure to include mobile homes or office structures used as temporary sales offices for a business which has been damaged to the point of non-use of the normal business sales office, a temporary construction trailer, temporary construction storage trailers, or other such mobile structures which 1) are capable of being moved and relocated; and, 2) are considered to be used only for temporary uses. Mobile trailers as defined above do not include vehicles defined as Recreational Vehicles by the California Vehicle Code.

Recreational Vehicle: Recreational vehicles include the Class A-, B-, and C-type recreational vehicles, travel trailers, fifth wheel trailers, toy haulers, popup trailers, and slide-in campers.

14.70.030 Temporary occupancy in residential zoning districts.

Temporary occupancy of a mobile trailer may be allowed in the residential zoning districts subject to the requirements in Section 14.70.070.

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 per calendar year is obtained in the manner described in this section.

(a) An administrative use permit authorizing occupancy of one (1) recreational vehicle per legal residential lot for a period of up to 30 days per calendar year may be issued by the city planner.

(b) A Use Permit may be approved by the City Council in accordance with the procedures set forth in Chapter 14.35 of the Biggs Municipal Code authorizing the occupancy of a ~~manufactured home~~ or recreational vehicle for a period of more than 30 days within any single calendar year.

(c) The maximum duration or time period for continuous occupation of a recreational vehicle in all residential zoning districts is 45 days.

(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 and may include requirements for additional setbacks.

~~(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 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 14 days within any calendar year.~~

(5) No more than one (1) recreational vehicle shall be allowed on each legal lot at any time.

(6) A minimum of five (5) feet of fire access shall be maintained in the side yards of all properties containing recreational vehicles unless other equal or greater access around the structure is provided.

(7) Approval of a permit for temporary occupancy of a ~~manufactured home~~ or recreational vehicle may 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~~ city council.

(8) Temporary occupancy of a recreational vehicle shall conform to all requirements of the State of California Vehicle and Street and Highways Codes relative to parking and use of the public right-of-way.

[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~~ mobile trailer 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 temporarily conducting business on a lot zoned for such use and upon which a permanent structure is constructed; provided, that the permanent structure has been significantly and unintentionally damaged and cannot be reoccupied until repairs and/or reconstruction are complete.

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

(3) Collection of rent or other monetary consideration for the temporary occupation of a mobile trailer or recreational is allowed.

(4) For temporary occupancy under provisions (a) through (g) described below:

(a) For Mobile Trailers:

(1) approval of a use permit for a maximum of 120-days of occupancy per calendar year in accordance with the procedures set forth in Chapter 14.35 BMC shall be required.

(b) For Recreational Vehicles:

(1) A recreational vehicle may be occupied on any nonresidential 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 per calendar year is obtained in the manner described in this section.

(a) An administrative permit authorizing occupancy of up to four (4) recreational vehicles per legal lot for a period of up to 30-days per calendar year may be issued by the city planner.

(b) Approval of a use permit for up to 120-days of occupancy per calendar year in accordance with the procedures set forth in Chapter 14.35 BMC shall be required for occupancy of up to four (4) recreational vehicle for more than 30 days within any calendar year.

(c) The maximum duration or time period for continuous occupation of a recreational vehicle in all nonresidential zoning districts is 120-days.

(c) The following conditions are required for mobile trailers or recreational vehicles in areas where nonresidential uses or zone districts are adjacent to residential uses or zone districts:

(1) Five (5) foot setbacks from all property lines shall be provided when abutting residential uses, and where possible when abutting nonresidential uses.

(2) The mobile trailer or recreational vehicle shall be parked on an improved surface.

(3) Any and all exterior lighting shall be shielded and downward-directed.

(4) Noise shall not exceed what is allowed within the existing zoning district and the City's Noise Ordinance.

(5) Screening, such as obscure fencing, bushes or other aesthetically pleasing barrier, approximately 6 feet in height, between residential uses and nonresidential uses shall be provided in order to limit the visibility of the mobile trailer or recreational vehicle from the adjacent residential lot. Existing screening, such as obscure fencing and bushes, is acceptable if the screening is between the residential use and the mobile trailer or recreational vehicle.

(d) The temporary placement of a mobile trailer or recreational vehicle shall not be subject to additional site requirements of Chapter 14.60 BMC (Development Standards – General).

(e) Each mobile trailer or recreational vehicle, which is occupied greater than 30 days of continuous use per year, shall be connected to city potable water, sanitary sewer and other utilities as a condition of approval. Power shall at a minimum be provided by appropriately-sized, outdoor-rated, grounded extension cords. All connections shall be approved by the City of Biggs Public Works Department.

(f) A maximum of one (1) mobile trailer or four (1) recreational vehicles may be allowed on each legal lot through a use permit approved by the City Council.

(g) A minimum of five (5) feet of fire access shall be maintained in side yards of all properties in which mobile trailers and recreational vehicles are located unless other equal or greater access around the structure is available and/or provided. [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~~ mobile trailer or recreational vehicle in a nonresidential zoning district shall be obtained prior to a ~~manufactured home~~ mobile trailer or recreational vehicle being moved onto a lot which will be occupied without being attached to a permanent foundation. Recreational vehicle occupation is subject to the permitting requirements identified in Section 14.70.050.4b.

(2) The administrative 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 administrative permit required for mobile trailers shall be valid for a period of ~~three months~~ 120 days, 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]

4.70.070 Temporary occupancy of a ~~manufactured home~~ mobile trailer which is permitted in any zoning district.

(1) One ~~manufactured home~~ mobile trailer may be temporarily located on a lot where a permanent dwelling is under construction, provided the applicant for the ~~manufactured home mobile trailer~~ obtains an administrative permit approved by the city planner which shall be valid for up to one year from the date of issue or until the end of the construction period, whichever is less. Occupancy of the ~~manufactured home mobile trailer~~ shall be limited to those persons who intend to reside in the dwelling under construction. The location of the ~~manufactured home mobile trailer~~ 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 trailer or temporary contractor's office may be located in any zone district on the property to which it is directly appurtenant. A use permit for such a use may be granted which shall be limited to a maximum duration of ~~five-month~~ 120-days. Additional renewals shall require approval of the City Council, and shall be based upon evidence of a good faith effort to eliminate the need for occupying the mobile structure. At the expiration of the use permit the applicant may request a further six-month extension of time. All temporary sales trailers or temporary offices shall be removed at the owners expense within 30 days of the expiration of said permit, and the site shall be cleaned and re-vegetated.

(3) In all cases involving occupancy of a mobile trailer or recreational vehicle not installed on a permanent foundation for more than 30 days, the temporary dwelling shall be connected to city electrical, domestic water and wastewater collection services unless otherwise authorized by the City Council through the Use Permit process. Connection to services shall be approved by the public works department and appropriate fees shall be collected by the city.

**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 underlined):

Chapter 14.70
TEMPORARY OCCUPANCY OF MANUFACTURED HOMES MOBILE TRAILERS
AND RECREATIONAL VEHICLES

Sections:

14.70.010 Intent.

14.70.020 Provisions.

14.70.025 Definitions

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 mobile trailer 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]

14.070.025 Definitions

Mobile Trailer: A mobile trailer is a considered to be any temporary mobile structure to include mobile homes or office structures used as temporary sales offices for a business which has been damaged to the point of non-use of the normal business sales office, a temporary construction trailer, temporary construction storage trailers, or other such mobile structures which 1) are capable of being moved and relocated; and, 2) are considered to be used only for temporary uses. Mobile trailers as defined above do not include vehicles defined as Recreational Vehicles by the California Vehicle Code.

Recreational Vehicle: Recreational vehicles include the Class A-, B-, and C-type recreational vehicles, travel trailers, fifth wheel trailers, toy haulers, popup trailers, and slide-in campers.

14.70.030 Temporary occupancy in residential zoning districts.

Temporary occupancy of a mobile trailer may is allowed in the residential zoning districts subject to the requirements in Section 14.70.070.

Temporary occupancy of a 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 per calendar year is obtained in the manner described in this section.

(a) An administrative use permit authorizing occupancy of one (1) recreational vehicle per legal residential lot for a period of up to 30 days per calendar year may be issued by the city planner.

(b) A Use Permit may be approved by the City Council in accordance with the procedures set forth in Chapter 14.35 of the Biggs Municipal Code authorizing the occupancy of a recreational vehicle for a period of more than 30 days within any single calendar year.

(c) The maximum duration or time period for continuous occupation of a recreational vehicle in all residential zoning districts is 45 days.

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

(4) The temporary placement of a 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 and may include requirements for additional setbacks.

(5) No more than one (1) recreational vehicle shall be allowed on each legal lot at any time.

(6) A minimum of five (5) feet of fire access shall be maintained in the side yards of all properties containing recreational vehicles unless other equal or greater access around the structure is provided.

(7) Approval of a permit for temporary occupancy of a recreational vehicle may 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 city council.

(8) Temporary occupancy of a recreational vehicle shall conform to all requirements of the State of California Vehicle and Street and Highways Codes relative to parking and use of the public right-of-way.

[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 mobile trailer 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 temporarily conducting business on a lot zoned for such use and upon which a permanent structure is constructed; provided, that the permanent structure has been significantly and unintentionally damaged and cannot be reoccupied until repairs and/or reconstruction are complete.

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

(3) Collection of rent or other monetary consideration for the temporary occupation of a mobile trailer or recreational is allowed.

(4) For temporary occupancy under provisions (a) through (g) described below:

(a) For Mobile Trailers:

(1) approval of a use permit for a maximum of 120-days of occupancy per calendar year in accordance with the procedures set forth in Chapter 14.35 BMC shall be required.

(b) For Recreational Vehicles:

(1) A recreational vehicle may be occupied on any nonresidential 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 per calendar year is obtained in the manner described in this section.

(a) An administrative permit authorizing occupancy of up to four (4) recreational vehicles per legal lot for a period of up to 30-days per calendar year may be issued by the city planner.

(b) Approval of a use permit for up to 120-days of occupancy per calendar year in accordance with the procedures set forth in Chapter 14.35 BMC shall be required for occupancy of up to four (4) recreational vehicle for more than 30 days within any calendar year.

(c) The maximum duration or time period for continuous occupation of a recreational vehicle in all nonresidential zoning districts is 120-days.

(c) The following conditions are required for mobile trailers or recreational vehicles in areas where nonresidential uses or zone districts are adjacent to residential uses or zone districts:

(1) Five (5) foot setbacks from all property lines shall be provided when abutting residential uses, and where possible when abutting nonresidential uses.

(2) The mobile trailer or recreational vehicle shall be parked on an improved surface.

(3) Any and all exterior lighting shall be shielded and downward-directed.

(4) Noise shall not exceed what is allowed within the existing zoning district and the City's Noise Ordinance.

(5) Screening, such as obscure fencing, bushes or other aesthetically pleasing barrier, approximately 6 feet in height, between residential uses and nonresidential uses shall be provided in order to limit the visibility of the mobile trailer or recreational vehicle from the adjacent residential lot. Existing screening, such as obscure fencing and bushes, is acceptable if the screening is between the residential use and the mobile trailer or recreational vehicle.

(d) The temporary placement of a mobile trailer or recreational vehicle shall not be subject to additional site requirements of Chapter 14.60 BMC (Development Standards – General).

(e) Each mobile trailer or recreational vehicle, which is occupied greater than 30 days of continuous use per year, shall be connected to city potable water, sanitary sewer and other utilities as a condition of approval. Power shall at a minimum be provided by appropriately-sized, outdoor-rated, grounded extension cords. All connections shall be approved by the City of Biggs Public Works Department.

(f) A maximum of one (1) mobile trailer or four (1) recreational vehicles may be allowed on each legal lot through a use permit approved by the City Council.

(g) A minimum of five (5) feet of fire access shall be maintained in side yards of all properties in which mobile trailers and recreational vehicles are located unless other equal or greater access around the structure is available and/or provided. [Ord. 320 § 1, 1999]

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

(1) An administrative permit authorizing occupancy of the mobile trailer in a nonresidential zoning district shall be obtained prior to a mobile trailer being moved onto a lot which will be occupied without being attached to a permanent foundation. Recreational vehicle occupation is subject to the permitting requirements identified in Section 14.70.050.4b.

(2) The administrative 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 administrative permit required for mobile trailers shall be valid for a period of 120-days. 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]

4.70.070 Temporary occupancy of a manufactured home mobile trailer which is permitted in any zoning district.

(1) One mobile trailer may be temporarily located on a lot where a permanent dwelling is under construction, provided the applicant for the mobile trailer obtains an administrative permit approved by the city planner which shall be valid for up to one year from the date of issue or until the end of the construction period, whichever is less. Occupancy of the mobile trailer shall be limited to those persons who intend to reside in the dwelling under construction. The location of the mobile trailer 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 trailer or temporary contractor’s office may be located in any zone district on the property to which it is directly appurtenant. A use permit for such a use may be granted which shall be limited to a maximum duration of 120-days. Additional renewals shall require approval of the City Council, and shall be based upon evidence of a good faith effort to eliminate the need for occupying the mobile structure. All temporary sales trailers or temporary offices shall be removed at the owners expense within 30 days of the expiration of said permit, and the site shall be cleaned and re-vegetated.

(3) In all cases involving occupancy of a mobile trailer not installed on a permanent foundation for more than 30 days, the temporary dwelling shall be connected to city electrical, domestic water and wastewater collection services unless otherwise authorized by the City Council through the Use Permit process. Connection to services shall be approved by the public works department and appropriate fees shall be collected by the city.

I HEREBY CERTIFY that the above and foregoing Ordinance was introduced on the 10th day of September, 2013 and DULY AND REGULARLY ADOPTED this 8th day of October, 2013 by the following vote:

AYES: COUNCILMEMBER _____

NOES: COUNCILMEMBER _____

ABSENT: COUNCILMEMBER _____

ABSTAIN: COUNCILMEMBER _____

ATTEST:

APPROVED:

Roben Dewsnup
CITY CLERK

Roger L. Frith
MAYOR

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 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

14.70.050

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-

Biggs Municipal Code

Biggs Municipal Code

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

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: Zoning Ordinance Text Amendment ZCA#2013-02: an amendment to Biggs Municipal Code Section 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 Section 14.70 [Temporary Occupancy of Manufactured Homes and Recreational Vehicles] to modify permitting and use guidelines for the temporary occupancy of manufactured homes and recreational vehicles in the City of Biggs.

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: September 11, 2013