



## CITY OF BIGGS Planning Staff Report

TO: City of Biggs City Council  
FROM: Mark Sorensen, City Administrator  
Scott Friend, AICP – City Planner  
MEETING DATE: January 14, 2014; 6:30 p.m.  
Biggs City Hall, 465 C Street, Biggs, CA 95917

SUBJECT: **Zoning Text Amendment ZCA#2014-01:**  
Text Amendment to Title 14, *Zoning*, of the Biggs Municipal Code to amend Chapter 14.60, *Development Standards – General*, to change the regulations for accessory structures and add a new definition to Chapter 14.10, *Definitions*.

**Environmental Review:** Staff is recommending that the City Council determine that the project is *Categorically Exempt* from further environmental review pursuant to the California Environmental Quality Act (CEQA) Section 15305, *Minor Alterations in Land Use Limitation*, a Class 5 exemption.

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### **Summary:**

At the City Council meeting on December 10, 2013, staff was directed to initiate a Zoning Ordinance Text Amendment to the existing development standards for accessory structures. Staff has reviewed Section 14.60.040, *Accessory Buildings – Detached*, of the Biggs Municipal Code and is proposing changes to the existing setback requirements, height restrictions, and adding a rear yard coverage limitation. Currently, the Biggs Municipal Code allows for the construction and use of accessory structures in all residential zoning districts as long as the lot coverage, structure height, and building setback requirements are met. At the direction of Council, staff is presenting a revised Code that includes a reduced height allowance for lots under one half acre; removing the provision that allows no rear yard setback for accessory structures along an alley regardless of height; adding new restrictions on accessory structures in a front yard; adding a definition for *rear yard area*; and adding a limitation on the total rear yard area that accessory structures can cover. Staff is recommending that the City Council hold a public hearing to consider the proposed amendment and conduct the first reading of the Ordinance and determine that the project meets the requirements for an Exemption from CEQA pursuant to Section 15305 of the Public Resources Code as a Class 5 exemption.

**Discussion:**

Staff has prepared a draft ordinance for City Council consideration that would revise Title 14, *Zoning*, to modify how the City of Biggs regulates accessory structures. The Zoning Text Amendment is presented as **Attachment B** to this report and would make the following changes to the City’s existing regulations:

|  | <b>Current Code</b>   | <b>Proposed Code</b>  |
|--|---|---|
| <b>Height Restriction</b>                  | Up to 20’. The allowed height depends on the rear and side yard setback (e.g. allowed 20’ in height with 14’ side and rear yard setbacks; allowed 10’ in height with 4’ side and rear yard setbacks). | <u>Lots less than ½ acre</u> – up to 12’ with appropriate setbacks.<br><u>Lots ½ acre or greater</u> – up to 20’ with appropriate setbacks. |
| <b>Rear Yard Setback – Lot Abuts Alley</b> | 0’  | Setbacks depend on the height of the structure.   |
| <b>Front Yard Setback</b>                  | Same as the setback for a dwelling.   | Same as setback for a dwelling, but only if under 6’ in height.   |
| <b>Rear Yard Coverage</b>                  | NA  | Accessory structures can not cover more than 50% of the rear yard area.   |

The proposed text amendment action would restrict the height of accessory structures to a maximum height of 12 feet on lots less than an half acre in size, but would continue to allow up to 20 feet in height for accessory structures on lots half acre or greater. In general, larger parcels have more area to construct accessory structures and would be less likely to create a nuisance to a neighbor. This change would provide a more flexible code in regards to accessory structure height for larger parcels, but would restrict the height of accessory structures on smaller parcels.

The current Code allows accessory structures up to 20 feet in height to be built at the rear property line abutting an alley. At the Council’s direction, staff has removed this allowance entirely. Staff is proposing that accessory structures in a rear yard abutting an alley abide by the minimum rear yard setbacks set for all accessory structures. With this amendment, a structure less than 6 feet in height could be built at the rear property line, but a structure 12 or 20 feet in height (maximum height depending upon lot size) would need to be setback at least 6 or 14 feet from the property line.

Staff is also introducing an amendment to the existing regulations regarding accessory structures in the front yard. Currently, accessory structures are allowed in the front yard as long as the front and side yard setbacks are met. If the lot coverage wasn't exceeded and the setbacks were met, accessory structures 20 feet in height could be built in the front yard. This amendment would limit accessory structures in the front yard to under 6 feet in height with the exception of detached garages which would be allowed up to 20 feet in height if setbacks were met. This limitation would still allow typical front yard accessory structures that are generally less than 6 feet in height, such as storage sheds, as well as allowing detached garages up to 20 feet in height, but would limit other taller accessory structures in the front yard.

To conclude the amendments, staff is introducing a limitation on rear yard coverage area that accessory structures will be allowed to occupy. With this amendment, staff is proposing to establish a maximum rear-yard coverage area standard of 50%. Currently, the City Code limits the combined amount of lot area that primary and accessory structures can cover. Depending on the zoning district, the amount of lot coverage allowed is between 40 and 60 percent. Under certain circumstances not uncommon in the City of Biggs, such as residential lots containing smaller houses and/or larger lots in general, there often remains a substantial lot coverage allowance after considering the coverage area of a primary dwelling (e.g. 7,200 sq.ft. lot with a 2,200 sq.ft. primary dwelling on an R-1 zoned lot would allow an additional 680 sq.ft. of accessory structure coverage). Staff believes that with the proposed limitation there would remain plenty of lot area that could be covered with accessory structures. As part of the amendment, a new definition for *rear yard area* is proposed to clarify what area will be used to calculate the rear yard coverage percentage. Adding a cap on the amount of rear yard area that can be covered by accessory buildings will support the overall aesthetics in residential neighborhoods and would minimize the potential for the impacts to adjacent properties.

**Environmental determination:**

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). The Zoning Text Amendments would occur within the City of Biggs. The city-wide amendments would not affect areas with an average slope of greater than 20 percent, would not increase the density of any affected zoning districts, nor would the amendments result in any land use changes beyond the type of use already established for the affected zoning district.

**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.

**Public Comment:**

At the publish date of this staff report, no public comment had been received.

**Recommendation:**

Based upon the analysis contained in this report, staff recommends that the City Council approve ZCA #2014-01. Staff recommends the following process for the consideration of this matter:

1. Accept report by staff;
2. Open the public hearing and take public testimony;
3. Close the public hearing and initiate consideration of the project by the Council;
4. Motion and vote by the Council to introduce the Ordinance *No. 401* by reading of title only.

**Sample Motions:**

If the City Council determines that it intends to approve the proposed Zoning Text Amendment as presented, staff presents the following motions for consideration:

**1. California Environmental Quality Act (CEQA):**

*I move that the City Council determine that the project is Categorical Exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) and meets the requirements of Section 15305, Minor Alterations in Land Use Limitations of the State CEQA Guidelines as a Class 5 exemption.*

**2. Zoning Text Amendment #2014-01:**

*I move that the City Council approve the first reading of Ordinance *No. 401* approving ZCA #2014-01, an amendment to Title 14, Zoning of the Biggs Municipal Code amending Section 14.60.040, Accessory Buildings – Detached, and adding a definition to Chapter 14.10, Definitions*

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**Attachments:**

- Attachment A – Biggs Municipal Code Section 14.60.030 and 14.60.040
- Attachment B – Proposed Draft Text
- Attachment C – CEQA Notice of Exemption
- Attachment D – City Council Ordinance *No. 401*

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**ATTACHMENT A -**  
**Biggs Municipal Code**  
**Section 14.60.030 and 14.60.040**

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**14.60.030**

**14.60.030 Accessory buildings – Attached.**

An accessory building or structure may be attached to a main building if it is made structurally a part of, and has a common wall with the main building, and it complies with all other requirements and development standards applicable to the main building and use of the lot, including setback requirements. [Ord. 320 § 1, 1999]

**14.60.040 Accessory buildings – Detached.**

The following setback criteria shall apply to all detached nonresidential accessory buildings or structures:

(1) Accessory buildings or structures shall comply with front yard requirements for primary dwellings.

(2) The accessory building or structure shall comply with the following minimum side yard and rear yard setbacks, subject to meeting all Uniform Building Code requirements; provided, that if the lot abuts an alley, no rear yard setback shall be required.

| Accessory Building Height | Minimum Side and Rear Yard Setbacks |
|---------------------------|-------------------------------------|
| <6'                       | 0'                                  |
| 6'-9'                     | 3'                                  |
| 10'                       | 4'                                  |
| 11'                       | 5'                                  |
| 12'                       | 6'                                  |
| 13'                       | 7'                                  |
| 14'                       | 8'                                  |
| 15'                       | 9'                                  |
| 16'                       | 10'                                 |
| 17'                       | 11'                                 |
| 18'                       | 12'                                 |
| 19'                       | 13'                                 |
| 20'                       | 14'                                 |

(3) The street-side setback of an accessory building or structure shall be no less than what is required by the zone district in which the building is located.

(4) The accessory building or structure may be connected to the main building with a breezeway.

(5) Accessory buildings or structures shall be located no closer than six feet to any other building.

(6) Swimming pools may be constructed no closer than five feet to any side or rear property line and no closer than 10 feet to any residential structure.

(7) Shade structures may be constructed no closer than five feet to any side or rear property line. [Ord. 376, 2007; Ord. 329 § 1, 2001; Ord. 320 § 1, 1999]

**14.60.050 Yards and setbacks – Generally.**

(1) Any yard provided about any building or structure for the purpose of complying with the provisions of this chapter and title shall not be considered as providing the yard or open space for any other building or structure.

(2) The setbacks for yards abutting public or private streets shall be measured from the edge of the public right-of-way or private street easement. [Ord. 320 § 1, 1999]

**14.60.060 Yards and setbacks – Minimum setbacks for traffic safety.**

(1) Notwithstanding any other provision, no building shall be erected, constructed, moved or significantly altered, so that the same shall be closer to a property line than is necessary to provide adequate space for on-site and off-site traffic movements and the stacking of vehicles. In no event shall the same be located in the sight distance area.

(2) Fences, shrubs, screen plantings and similar obstructions shall not exceed three feet in height within the sight distance area. [Ord. 320 § 1, 1999]

**14.60.070 Yards and setbacks – Permitted encroachments.**

Cornices, eaves, canopies, fireplaces, chimneys and similar architectural features, but not including flat walls or window surfaces, may extend into any required yard a distance not exceeding two feet. [Ord. 320 § 1, 1999]

**14.60.080 Fences and landscaping – General height limitations.**

(1) On all lots except double frontage and key lots, fences, hedges, and similar obstructions, not including ornamental features and design elements of a conforming decorative fence, shall not exceed four feet in height in front yards, nor six feet in height in any required rear or side yard, unless additional height is authorized by a use permit issued pursuant to Chapter 14.90 BMC (Exceptions). No fence authorized under the provisions of Chapter 14.90 BMC (Exceptions) shall exceed six feet in height in any required front yard or eight feet in height in any side or rear yard setback.

Attachment B – Revised Text

**Chapter 14.10**  
**DEFINITIONS**

Sections:

14.10.1050 Yard, rear.

14.10.1055 Yard area, rear.

14.10.1060 Yard, side.

**14.10.1055 Yard area, rear.**

For the purposes of implementing Section 14.60.040, "rear yard area" means the total area of the rear yard, including side yard areas, located between the rear line of the lot and the rear line of the main building or enclosed or covered porch nearest the rear line of the lot.

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**Chapter 14.60**  
**DEVELOPMENT STANDARDS - GENERAL**

**14.60.040 Accessory buildings – Detached.**

The following setback criteria shall apply to all detached nonresidential accessory buildings or structures located in residential zoning districts:

(1) Accessory structures are allowed in the front yard area if the accessory structure is under six (6) feet in height and meets the setback requirements for primary dwellings. Detached garages are allowed in the front yard area if the detached garage does not exceed twenty (20) feet in height and meets the setback requirements for primary dwellings. Accessory buildings or structures shall comply with front yard requirements for primary dwellings.

(2) The accessory building or structure shall comply with the following minimum side yard and rear yard setbacks, subject to meeting all Uniform California Building Code requirements; provided, that if the lot abuts an alley, no rear yard setback shall be required.

For lot sizes less than ½ acre:

| Accessory Building Height | Minimum Side and Rear Yard Setbacks |
|---------------------------|-------------------------------------|
| <6'                       | 0'                                  |
| 6' – 9'                   | 3'                                  |
| 10'                       | 4'                                  |
| 11'                       | 5'                                  |
| 12'                       | 6'                                  |
| 13'                       | 7'                                  |
| 14'                       | 8'                                  |
| 15'                       | 9'                                  |
| 16'                       | 10'                                 |

|     |     |
|-----|-----|
| 17' | 11' |
| 18' | 12' |
| 19' | 13' |
| 20' | 14' |

For lot sizes ½ acre or greater:

| <u>Accessory Building Height</u>   | <u>Minimum Side and Rear Yard Setbacks</u> |
|--|--|
| <u>Accessory structure heights less than 13' shall be consistent with the setback requirements for lots less than ½ acre in size</u> |  |
| <u>13'</u>   | <u>7'</u>                                  |
| <u>14'</u>   | <u>8'</u>                                  |
| <u>15'</u>   | <u>9'</u>                                  |
| <u>16'</u>   | <u>10'</u>                                 |
| <u>17'</u>   | <u>11'</u>                                 |
| <u>18'</u>   | <u>12'</u>                                 |
| <u>19'</u>   | <u>13'</u>                                 |
| <u>20'</u>   | <u>14'</u>                                 |

(3) The street-side setback of an accessory building or structure shall be no less than what is required by the zone district in which the building is located.

(4) The accessory building or structure may be connected to the main building with a breezeway.

(5) Accessory buildings or structures shall be located no closer than six feet to any other building.

(6) Swimming pools may be constructed no closer than five feet to any side or rear property line and no closer than 10 feet to any residential structure.

(7) Shade structures may be constructed no closer than five feet to any side or rear property line.

(8) The total coverage area of all accessory buildings or structures can not exceed fifty (50) percent of the rear yard area as defined in Section 14.10.1055.

### 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#2014-01: an amendment to Biggs Municipal Code Section 14.60, *Development Standards – General*.

Project Location: City of Biggs.

Assessor's Parcel Number(s): n/a (City-wide)

Project Description: An amendment to the Biggs Municipal Code Section 14.60, *Development Standards – General*, to modify regulations for accessory structures in the City of Biggs. Changes include modifications to the maximum height of accessory structures; elimination of the rear setback exemption of lots located on alleyways; and the establishment of a maximum total rear yard coverage area of 50%.

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 14.60 to further restrict accessory structures and add a definition to Chapter 14.10. The city-wide amendment would not affect areas with an average slope of greater than 20 percent, would not increase the density of any affected zoning districts, nor would the amendments result in any land use changes beyond the type of use already established for the affected zoning district.

ATTACHMENT C  
Z CA#2014-01  
January 14, 2014

City Planner  
City of Biggs

By: \_\_\_\_\_



Scott Friend, AICP  
Date: January 14, 2014

**CITY OF BIGGS**

**ORDINANCE NO. 401**

**AN ORDINANCE OF THE BIGGS CITY COUNCIL AMENDING THE BIGGS MUNICIPAL CODE TITLE 14, ZONING; ADDING A DEFINITION TO CHAPTER 14.10, DEFINITIONS; AND MODIFYING REGULATIONS RELATING TO ACCESSORY STRUCTURES IN SECTION 14.60.040, ACCESSORY BUILDINGS – DETACHED**

**WHEREAS**, the City staff has proposed an amendment to Title 14, *Zoning*, of the Biggs Municipal Code to add a definition to Chapter 14.10, *Definitions*, and to modify Section 14.60.040, *Accessory Buildings – Detached*; and

**WHEREAS**, the City Council reviewed the proposed amendments to Title 14, *Zoning*, at the Council's regularly scheduled meeting on January 14, 2014; and

**WHEREAS**, the City Council held a public hearing on the proposed amendments to Title 14, *Zoning*, in order to provide the community and interested parties an opportunity to comment on the proposed amendments; and

**WHEREAS**, the City Council determined the proposed amendments to Title 14, *Zoning*, are exempt from further review pursuant to the California Environmental Quality Act (CEQA) under Section 15305, *Minor Alterations in Land Use Limitations* of the CEQA Guidelines.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BIGGS DOES HEREBY ORDAIN AS FOLLOWS** (deletions are ~~overstruck~~, additions are underlined):

**Section I:** Chapter 14.10 of the Biggs Municipal Code shall be amended to include the following definitions:

**Chapter 14.10  
DEFINITIONS**

Sections:

14.10.1050 Yard, rear.

14.10.1055 Yard area, rear.

14.10.1060 Yard, side.

**14.10.1055 Yard area, rear.**

For the purposes of implementing Section 14.60.040, "rear yard area" means the total area of the rear yard, including side yard areas, located between the rear line of the lot and the rear line of the main building or enclosed or covered porch nearest the rear line of the lot.

**Section II:** Section 14.60.040 shall be revised as follows:

**Chapter 14.60  
DEVELOPMENT STANDARDS - GENERAL**

**14.60.040 Accessory buildings – Detached.**

The following setback criteria shall apply to all detached nonresidential accessory buildings or structures located in residential zoning districts:

(1) Accessory structures are allowed in the front yard area if the accessory structure is under six (6) feet in height and meets the setback requirements for primary dwellings. Detached garages are allowed in the front yard area if the detached garage does not exceed twenty (20) feet in height and meets the setback requirements for primary dwellings. Accessory buildings or structures shall comply with front yard requirements for primary dwellings.

(2) The accessory building or structure shall comply with the following minimum side yard and rear yard setbacks, subject to meeting all Uniform California Building Code requirements; provided, that if the lot abuts an alley, no rear yard setback shall be required.

For lot sizes less than 1/2 acre:

| Accessory Building Height | Minimum Side and Rear Yard Setbacks |
|---------------------------|-------------------------------------|
| <6'                       | 0'                                  |
| 6' – 9'                   | 3'                                  |
| 10'                       | 4'                                  |
| 11'                       | 5'                                  |
| 12'                       | 6'                                  |
| 13'                       | 7'                                  |
| 14'                       | 8'                                  |
| 15'                       | 9'                                  |
| 16'                       | 10'                                 |
| 17'                       | 11'                                 |
| 18'                       | 12'                                 |
| 19'                       | 13'                                 |
| 20'                       | 14'                                 |

For lot sizes 1/2 acre or greater:

| <u>Accessory Building Height</u>   | <u>Minimum Side and Rear Yard Setbacks</u> |
|--|--|
| <u>Accessory structure heights less than 13' shall be consistent with the setback requirements for lots less than 1/2 acre in size</u> |  |
| <u>13'</u>   | <u>7'</u>                                  |
| <u>14'</u>   | <u>8'</u>                                  |
| <u>15'</u>   | <u>9'</u>                                  |
| <u>16'</u>   | <u>10'</u>                                 |
| <u>17'</u>   | <u>11'</u>                                 |
| <u>18'</u>   | <u>12'</u>                                 |
| <u>19'</u>   | <u>13'</u>                                 |
| <u>20'</u>   | <u>14'</u>                                 |

(3) The street-side setback of an accessory building or structure shall be no less than what is required by the zone district in which the building is located.

(4) The accessory building or structure may be connected to the main building with a breezeway.

(5) Accessory buildings or structures shall be located no closer than six feet to any other building.

(6) Swimming pools may be constructed no closer than five feet to any side or rear property line and no closer than 10 feet to any residential structure.

(7) Shade structures may be constructed no closer than five feet to any side or rear property line.

(8) The total coverage area of all accessory buildings or structures can not exceed fifty (50) percent of the rear yard area as defined in Section 14.10.1055.

**I HEREBY CERTIFY** that the above and foregoing Ordinance was introduced on the 14<sup>th</sup> day of January, 2014 and **DULY AND REGULARLY ADOPTED** this 11<sup>th</sup> day of February, 2014 by the following vote:

AYES: COUNCILMEMBER \_\_\_\_\_

NOES: COUNCILMEMBER \_\_\_\_\_

ABSENT: COUNCILMEMBER \_\_\_\_\_

ABSTAIN: COUNCILMEMBER \_\_\_\_\_

ATTEST:

APPROVED:

\_\_\_\_\_  
Roben Dewsnup  
CITY CLERK

\_\_\_\_\_  
Roger L. Frith  
MAYOR