



CITY OF BIGGS Planning Staff Report

TO: CITY OF BIGGS CITY COUNCIL

FROM: David Young – City Planner

MEETING DATE: April 10, 2018; 6:30 p.m.
Biggs City Hall, 3016 Sixth Street, Biggs, CA 95917

SUBJECT: Zoning Ordinance Update – Chapter 14.260 and Chapter 14.270

SUMMARY

Title 14 - Zoning Ordinance Update

At the October 10, 2017 City Council meeting a discussion was held to propose changes to Title 14, *Zoning, Chapter 14.260 and Chapter 14.270* of the City of Biggs Municipal Code. The discussion included establishing new minimum lot sizes and widths in the R-1 Single Family Residential Zoning District and the R-2 Medium Density Residential Zoning District. No formal actions were taken during this meeting.

On November 7, 2017, a follow up discussion with the City Council and City staff was held to review minimum lot sizes from other jurisdictions and discuss specific changes to Title 14, *Zoning, Chapter 14.260 and Chapter 14.270* of the City of Biggs Municipal Code. The Council recommended changes to reduce the minimum lot sizes in the R-1 Single Family Residential Zoning District and the R-2 Medium Density Residential Zoning District from 7,200 square feet to 5,445 square feet with a required minimum width of 50 feet in both zoning districts. No formal actions were taken during this meeting.

On January 9, 2018 the City Council voted to approve establishing new minimum lot sizes and widths in the R-1 Single Family Residential Zoning District and the R-2 Medium Density Residential Zoning District.

DISCUSSION:

The following discussion includes the proposed changes to the existing Municipal Code:

Proposed Amendments to Title 14 Zoning, Chapter 14.260 and Chapter 14.270.

1. **14.260.040 Setbacks, lot dimensions, lot coverage, and building height.** Setback for lot boundaries fronting public roads, minimum lot sizes, maximum lot coverage and maximum height restrictions is required for all lots within the R-1 district as follows:

	Minimum Setback				Minimum Lot		Lot Coverage	Maximum Height
	Front Yard	Side Yard	Street Side Yard	Rear Yard	Area	Width		
Requirement	20 feet	5 feet	15 feet	20 feet	5,445 square feet	50 feet	40%	30 feet
Exceptions/Additional Requirements	(1)	(2)	(3)	-	(4)	(5)	(6)	(7)
Accessory Buildings	See BMC <u>14.110.040</u>							20 feet

2. (5) The minimum lot width for 5,445-square-foot lots within the R-1 district is 50 feet. Varied lot widths may be considered by the city in cases where property ownership or physical constraints requires variation. However, all options for maintaining appropriate widths of lots must be considered and found infeasible prior to approval of a varied lot width.
3. **14.270.040 Setbacks, lot dimensions, lot coverage, and building height.** Setback for lot boundaries fronting public roads, minimum lot sizes, maximum lot coverage and maximum height restrictions is required for all lots within the R-2 district as follows:

	Minimum Setback				Minimum Lot		Lot Coverage	Maximum Height
	Front Yard	Side Yard	Street Side Yard	Rear Yard	Area	Width		
Requirement	20 feet	5 feet	15 feet	20 feet	5,445 square feet	50 feet	50%	30 feet
Exceptions/Additional Requirements	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Accessory Buildings	See BMC <u>14.110.040</u>							20 feet

4. (5) The minimum lot width for 5,445-square-foot lots within the R-2 district is 50 feet. Varied lot widths may be considered by the city in cases where property ownership or physical constraints requires variation. However, all options for maintaining appropriate widths of lots must be considered and found infeasible prior to approval of a varied lot width.

ENVIRONMENTAL DETERMINATION:

This action has been determined to be *exempt* from CEQA review pursuant to the General Rule (15061(b)(3)), the proposed project does not require further environmental documentation. It can be seen with certainty that no environmental effects will result from updating and amending the existing Municipal Code.

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 October 10, 2017 City Council meeting, Mr. Lovel Lovett provided comment in favor of reducing the minimum lot sizes in the R-1 Single Family Residential Zoning District. No other public comments were received.

RECOMMENDATION

Staff requests that the City Council authorize that Ordinance No. 414 be included on the City Council Meeting of April 10, 2018 for the 1st reading of the adoption process.

Based upon the analysis contained in this report, staff recommends that the City Council find the project exempt from CEQA and approve Ordinance No. 414. 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. 414 by reading of title only.

ATTACHMENTS

Attachment A: Draft Ordinance No. 414 amending Title 14 Zoning, of the Municipal Code – Chapter 14.260 and Chapter 14.270.

Attachment B: CEQA Notice of Exemption

ORDINANCE NO. 414

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIGGS AMENDING TITLE 14
ZONING OF THE MUNICIPAL CODE - CHAPTER 14.260
R-1 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT AND CHAPTER 14.270
R-2 MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT**

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

Section 1: Purpose and Authority

The purpose of this Ordinance is to amend Title 14 Zoning of the Biggs Municipal Code. Title 14, Chapter 14.260 R-1 Single Family Residential Zoning District, Section 14.260.040 and Chapter 14.270 Medium Residential Zoning District, Section 14.270.040 of the City of Biggs Municipal Code is hereby amended and adopted pursuant to Section 65850 of the Government Code.

Section 2: Findings

WHEREAS, the City of Biggs Zoning Ordinance was adopted by the Biggs City Council in 1999; and

WHEREAS, the City conducts periodic updates of the provisions of the Municipal Code to ensure compliance with current laws, changes in local policy, consistency with adopted plans and programs, clarify ambiguities, address changing market conditions, reflect best practices, and to address issues or concerns with current regulations; and

WHEREAS, certain amendments to the Title 14 Zoning are necessary to establish land use regulations consistent with state law; and

WHEREAS, the Biggs General Plan was adopted by the Biggs City Council in January 1998 and amended by Resolution 2014-07 on April 8, 2014; and

WHEREAS, the Amendments to Title 14 Zoning, Chapter 14.260 and Chapter 14.270 are consistent with the General Plan, as required by Government Code Section 65454, because it advances General Plan Policies and Goals and provides consistency between the General Plan and Zoning in the City; and

WHEREAS, the Biggs General Plan Final Environmental Impact Report (EIR) was certified in April 2014 by the Biggs City Council City Council Resolution 2014-07. The General

Plan EIR is a Program EIR (CEQA Guidelines section 15168). The amendments to the City-wide Zoning Code are activities within the scope of the General Plan Program EIR and no further environmental review is required. Further environmental review is not required because the proposed amendments do not meet the criteria for preparing a subsequent EIR under State CEQA Guidelines Section 15162; and

WHEREAS, the amendments to Title 14 Zoning, Chapter 14.260 and Chapter 14.270 are exempt from CEQA pursuant to CEQA Guidelines Section Pursuant to the General Rule (15061(b)(3)), as the proposed amendments do not require further environmental documentation. It can be seen with certainty that no environmental effects will result from updating and amending the Chapter 14.260 and 14.270 of existing Municipal Code; and

WHEREAS, on April 10th, 2018, the City Council held a properly noticed public hearing for this Ordinance and considered all oral and written testimony.

Section 3: Action

The City Council hereby amends Title 14 Chapter 14.260 and Chapter 14.270 of the City of Biggs Municipal Code.

Section 4: No Mandatory Duty of Care

This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: Severability

If any provision of this Ordinance or the application thereof to any person or circumstance, is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid or unenforceable.

Section 6: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the Ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk.

I HEREBY CERTIFY that the above and foregoing Ordinance was duly and regularly introduced and read at a regular meeting held on the Tenth day of April, 2018 and **DULY AND REGULARLY ADOPTED** the Fifteenth day of May, 2018 by the following vote, to wit:

AYES: COUNCIL MEMBERS _____

NOES: COUNCIL MEMBERS _____

ABSTAIN: COUNCIL MEMBERS _____

ABSENT: COUNCIL MEMBERS _____

ATTEST:

APPROVED:

Roben Benish
CITY CLERK

Angela M. Thompson
MAYOR

Notice of Exemption

To: ■ Office of Planning and Research
PO Box 3044, 1400 Tenth Street, Room 2
Sacramento, CA 95812-3044

From: City of Biggs
P.O. Box 307 / 465 C Street
Biggs, CA 95917

■ County Clerk/Recorder
County of Butte
25 County Center Drive
Oroville, CA 95965

Project Title: Zoning Ordinance Update – Title 14 Zoning, Chapter 14.260 and Chapter 14.270

Project Location - Specific: Inside of the Corporate City Limits of the City of Biggs, California

Project Location – City: Biggs **Project Location – County:** Butte

Description of Project:

The City of Biggs is seeking to update to Title 14, *Zoning, Chapter 14.260 and Chapter 14.270* of the Biggs Municipal Code. The update would establish new minimum lot sizes and widths in the R-1 Single Family Residential Zoning District and the R-2 Medium Density Residential Zoning District.

Name of Public Agency Approving Project: City of Biggs

Name of Person or Agency Carrying Out Project: City of Biggs

Exemption Status: *(check one)* Ministerial [Section 21080(b); 15268];
 Declared Emergency [Section 21080(b)(3); 15269(a)];
 Emergency Project [Section 21080(b)(4); 15269(b)(c)];
 General Rule [Section 15061(b)(3)];
 Categorical Exemption [Sections 15301; 15303; and, 15304];
 Statutory Exemption;
 Other: Section 21169

Reasons why this project is exempt or does not require further environmental documentation:

Pursuant to the General Rule (15061(b)(3)), the proposed project does not require further environmental documentation. It can be seen with certainty that no environmental effects will result from updating and amending the existing Municipal Code.

Lead Agency

Contact Person: Mark Sorensen/David Young

Area Code/Telephone/Extension: 530-865-0100

Signature: _____

Date April 10, 2018

Title: City Planner

Signed by Lead Agency

Signed by Applicant

Date received for filing at OPR: _____