

**CITY OF TWENTYNINE PALMS
CITY COUNCIL
ORDINANCE NO. __**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 19-09, AMENDING CHAPTER 19-124, MOBILE HOME AND SPECIAL OCCUPANCY PARKS, OF THE CITY OF TWENTYNINE PALMS DEVELOPMENT CODE, SPECIFICALLY UPDATING SECTION 19.124.050, PERFORMANCE AND DEVELOPMENT STANDARDS – GENERAL AND CLARIFYING SECTION 19.124.070, DEVELOPMENT STANDARDS – SPECIAL OCCUPANCY PARKS.

WHEREAS, the City of Twentynine Palms General Plan was adopted by the City Council on April 24, 2012; and

WHEREAS, the City of Twentynine Palms Development Code was adopted by the City Council on July 26, 2016; and

WHEREAS, on February 7, 2019, Development Code Amendment PC 19-09 was duly noticed in the Desert Trail, a newspaper of general circulation within the City of Twentynine Palms; and

WHEREAS, on February 19, 2019, the Planning Commission of the City of Twentynine Palms conducted a duly noticed and advertised Public Hearing on PC 19-09, considered the proposed amendment to the Development Code as reflected in “Exhibit A” to this ordinance; and

WHEREAS, on February 19, 2019, at the above noted Public Hearing for PC 19-09, the Planning Commission considered the potential environmental impacts that may occur with the adoption of the proposed Development Code amendment, and recommended that in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15305, a minor alteration in land use limitations is Categorically Exempt from further environmental review; and

WHEREAS, on February 19, 2019, at the above noted Public Hearing, the Planning Commission considered any and all testimony from the public, and after due consideration adopted Planning Commission Resolution 19-02, recommending the City Council adopt the proposed Development Code amendment; and

WHEREAS, on September 19, 2019, Development Code Amendment PC 19-09 was duly noticed in the Desert Trail, a newspaper of general circulation within the City of Twentynine Palms; and

WHEREAS, in accordance with California Government Code Section 65350 et. seq. and California Government Code Section 65853 et. seq., the City Council held a public hearing pursuant to the notice required by law for this amendment; and

WHEREAS, on September 24, 2019, the City Council of the City of Twentynine Palms conducted a duly noticed and advertised Public Hearing on PC 19-09, considered the proposed amendment to the Municipal Code and the Development Code as reflected in “Exhibit A”; and

WHEREAS, on September 24, 2019, at the above noted Public Hearing for PC 19-09, the City Council of Twentynine Palms considered the potential environmental impacts that may occur with the adoption of the proposed Development Code amendment, and recommended that in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15305, a minor alteration in land use limitations is Categorically Exempt from further environmental review; and

WHEREAS, on September 24, 2019, at the above noted Public Hearing, the City Council considered any and all testimony from the public, and after due consideration adopted City Council Ordinance No. 19-___, amending the Development Code Section 19-124, Mobile Home and Special Occupancy Parks; and

WHEREAS, the City Council found that on the basis of the whole record before it, including any public comments received, that there is no substantial evidence that the Development Code Amendment would have a significant effect on the environment and that the proposed CEQA Determination reflected the City Council's independent judgment and analysis; and

WHEREAS, the proposed Development Code Amendment to the Municipal Code by way of PC 19-09 is consistent with the Goals and Policies of the City of Twentynine Palms General Plan and the Municipal Code of the City of Twentynine Palms; and

WHEREAS, the City Council in its review of the proposed Development Code Amendment PC 19-09 makes the following "Findings":

- A. The Zone Change or Development Code Amendment is consistent with the intent of the goals and policies of the General Plan; and

The Development Code Amendment is consistent with the goals and policies of the General Plan by "encouraging economically successful commercial and industrial centers that are functional, safe, attractive, and convenient to users, which will strengthen the economy" (LU-3.12).

- B. The Zone Change or Development Code Amendment prescribes reasonable property development; and

This proposed code change makes it more feasible to construct Mobile Home and Special Occupancy Parks while maintaining the intent of the code which is to screen the uses from neighboring properties.

- C. The Zone Change or Development Code Amendment provides reasonable property development rights while protecting environmentally sensitive land uses and species; and

The proposed code change provides more options in property development rights while still protecting the environment.

- D. The Zone Change or Development Code Amendment ensures protection of the general health, safety and welfare of the community.

The proposed code change ensures protection of the general health, safety, and welfare of the community through reasonable development standards and clarifications in the Development Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, TAKES THE FOLLOWING ACTIONS:

Section 1. Based upon review of the proposed amendment of the Development Code by way of PC 19-09, that the Council find that the proposed amendment does not have the potential to have an adverse impact upon the environment and in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15305, as a minor alteration in land use limitations is Categorically Exempt from further environmental review.

Section 2. The City Council finds that the proposed Amendment is consistent with the City's adopted General Plan Goals and Policies as the proposal will support implementation of the General Plan and State law.

Section 3. The City Council approves and adopts the "Findings" required for approval of the Development Code update set forth above.

Section 4. The City Council of the City of Twentynine Palms amends the Section 19.124 of the Development Code as reflected in Exhibit "A"

Section 5. Notice of Adoption. The City Clerk of the City of Twentynine Palms shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted by Section 36933 of the Government Code of the State of California.

Section 6. Introduction Date. Ordinance No. 19-__ was introduced by Council action of the 24th day of September 24, 2019.

Section 7. Effective Date. Ordinance No. 19-__ becomes effective on the 24th day of October, 2019, thirty (30) days after its adoption by Council action on the 24th day of September, 2019.

Section 8. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications and, to this end, the provisions of this Ordinance are declared to be severable.

APPROVED AND ADOPTED THIS 24th DAY OF September, 2019.

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Steven Bilderain, Mayor

ATTEST:

Cindy Villescas, City Clerk

I hereby certify that the foregoing is a true copy of Ordinance No. 19-__ duly adopted by the City Council of the City of Twentynine Palms in a meeting held on the 24th day of September, 2019, in Twentynine Palms, California.

Dated this 24th day of September, 2019.

Cindy Villescas, City Clerk

Exhibit A**Chapter 19.124 Mobile Home and Special Occupancy Parks****Sections**

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19.124.010 Purpose

- A. The purpose of this Chapter is to establish regulations for the location, design and improvement of mobile home parks and special occupancy parks to ensure they are compatible with and complementary to existing and future development in the immediate vicinity, and comply with the goals and policies of the General Plan.
- B. It is also the purpose of this Chapter to provide for flexibility in the design of residential development and to encourage:
1. A creative approach to land development.
 2. An efficient use of the land.
 3. Community open space and amenities for recreational and visual enjoyment.

19.124.020 Applicability

The requirements contained in this Chapter shall apply to all mobile home parks and special occupancy parks located in any land use district. It is hereby declared that in any instance where the provisions of this Chapter conflict with any applicable state law or regulation, that such state law or regulation shall govern.

19.124.030 Definitions

Except as otherwise provided in Chapter 19.06 (Definitions), all terms used in this Chapter which are defined in the Mobile Home Parks Act or Special Occupancy Parks Act (California Health and Safety Code, Division 13, Parts 2.1 and 2.3, respectively), and the applicable regulations adopted pursuant thereto by the California Department of Housing and Community Development, are used in this Chapter as so defined unless, from the context thereof, it clearly appears that a different meaning is intended.

19.124.040 Permit Required

Mobile home parks and special occupancy parks shall be subject to review pursuant to the permit requirements specified in the land use district tables in Article 2 (Chapters 19.08 through Chapter 19.22).

19.124.050 Performance and Development Standards – General

The following standards shall apply to all mobile home parks and special occupancy parks:

- A. Landscaped Street Frontage. A minimum 15-foot-wide landscaped area shall be provided along all public rights-of-way.
- B. ~~A solid 6-foot-high decorative block wall, finished on the side facing the public right-of-way, shall be provided at the back of landscape setback(s) from the street and along the interior property boundaries to separate the park from the adjacent property. In no case shall the block wall encroach into the required street side or front setback.~~ The park shall be visually screened from all public rights-of-ways and interior property boundaries with a solid wall or fence composed of block, wood, metal, vinyl, or similar opaque material 6-foot in height, and/or a drought tolerant, irrigated, opaque, landscaped screen that will grow to 6 feet in height or greater. In no case shall the screening material encroach into front or street side setback.
- C. Access and Access Drives. All park access shall be from a public street; however, access drives within a park shall be privately owned.
- D. Clear Site Triangle. Landscaping and other visual obstructions shall not interfere with the required clear site triangle at all vehicular access points.
- E. Recycling. A recycling program shall be established for the park.
- F. Common Recreational Facilities and Open Space Requirements. Common recreational open space shall be provided in the park for use by all tenants and their invited guests. The area shall be provided in one common location with a minimum aggregate area of 400 square feet of recreational space for each mobile home space. Requirements for this open space and additional amenities required are detailed in Table 19.124.050-1 (Amenities) and Subsection 19.124.050.G, below.

Table 19.124.050-1

Amenities

Number of Unit Spaces	Number of Amenities Required
0–20	Common recreational open space area to include landscaped area and sheltered barbecue area with seating
21–50	1*
51–100	2*

101–200	3*
200+	One additional amenity for each additional 100 spaces beyond 200 unit spaces

* In addition to required common recreational open space area.

G. Additional amenities required per the number of unit spaces in Table 19.124.050-1 may include, but shall not be limited to:

1. Game room and/or indoor recreation room, minimum 400 square feet.
2. Meeting room.
3. Swimming pool and spa.
4. Putting green.
5. Pitch and putt golf course.
6. Children's play area with play equipment.
7. Plaza with water feature.
8. Other amenities as approved by the approving authority, which provide equal or greater recreational benefit to residents.

19.124.060 Development Standards – Mobile Home Parks

This Section shall apply to all mobile home parks, as that term is defined by Health and Safety Code Section 18214(a) of the Mobile Home Parks Act.

- A. Mobile home parks are permitted for mobile homes, manufactured homes, and recreational vehicle use only. Recreational vehicles are only permitted for use on mobile home spaces to the extent that the recreational vehicle is otherwise permitted by state law and accompanying regulations.
- B. Space Standards. Individual mobile home spaces shall comply with standards specified in Table 19.124.060-1 (Mobile Home Park Space Standards):

Table 19.124.060-1
Mobile Home Park Space Standards

Maximum Density	Consistent with the zoning district and the Mobile Home - Tourist Commercial District Overlay where applicable
Maximum Height	35 ft. for recreational buildings
Maximum Lot Coverage Per Unit	75% or 0.75 FAR

- C. Skirting and Pad Requirements. Each mobile home shall be equipped with skirting or provided with a support pad to give the appearance of the mobile home being located on grade.
- D. Parking Requirements. Each unit shall be provided with two 10-foot by 20-foot off-street parking spaces. There shall also be at least one guest parking space per four units. Guest parking shall be provided at parking bays located at designated areas along the interiors of the mobile home park. This provision shall apply both to mobile home units and recreational vehicle units in the mobile home park, as permitted by Subsection 19.124.060.A and as designated by the California Department of Housing and Community Development.
- E. Laundry Facilities. Common laundry facilities of sufficient number and accessibility consistent with the California Uniform Building Code shall be provided.
- F. Recreational Vehicle Storage in a Mobile Home Park. When used as a frequent means of transportation, a self-propelled recreational vehicle or truck-mounted camper may be parked beside a mobile home space. That vehicle shall not be occupied or connected to the lot's utility facilities or interconnected with the occupied mobile home unit.
- G. Performance Surety. Lots or mobile home spaces shall not be sold unless a corporation, homeowners association, assessment district or other approved appropriate entity has been legally formed with the right to operate and maintain all of the mutually available features of the development including, but not limited to, open spaces, amenities, landscaping, or slope maintenance. Covenants, Conditions & Restrictions (CC&Rs) may be developed and recorded for the development subject to review and approval of the City Attorney. The recorded CC&Rs shall permit enforcement by the City, if required. No lot or mobile home space shall be sold unless all approved and required open space, amenities, landscaping or other improvements, or approved phase thereof, have been completed unless the City Engineer determines that the health, safety and welfare of the occupants and the intent of this Code will be adequately safeguarded.
- H. Subdivisions. All mobile home park subdivisions shall be conditioned to require reservation and maintenance of all common areas for common use and enjoyment of the residents of the mobile home subdivision, and may not exceed the maximum density as prescribed by the land use district and the overlay district in which the park is located. All mobile home park subdivisions shall comply with all appropriate design standards established by this Chapter and all applicable state and City subdivision requirements, and the zoning and land use requirements of the land use district and overlay district in which they are located.

19.124.070 Development Standards – Special Occupancy Parks

This Section shall apply to all special occupancy parks, as that term is defined in Health and Safety Code Section 18862.43 of the Special Occupancy Parks Act.

- A. Special occupancy parks are permitted for recreational vehicle and camping use only.

- B. Design Standards. The exterior boundaries of special occupancy parks shall complement the surrounding development or future developments.
- C. Space Standards. Individual spaces for recreational vehicles or for camping shall comply with the following standards, as set forth in Table 19.124.070-1 (Special Occupancy Park Space Standards).

Table 19.124.070-1
Special Occupancy Park Space Standards

Maximum Density	RL District: 8 units/spaces per acre CG, CN , and CT, CS , and IC Districts: 12 units/spaces per acre
Maximum Height	35 ft. for recreational buildings
Maximum Lot Coverage Per Unit	75% or 0.75 FAR

- D. Parking Requirements. Each unit shall be provided with one 10-foot by 20-foot off-street parking space. There shall also be at least one guest parking space per 10 units. Guest parking shall be provided at parking bays located at designated areas along the interiors of the special occupancy park.
- E. Laundry Facilities. Common laundry facilities of sufficient number and accessibility consistent with the Uniform Building Code shall be provided.

19.124.080 Existing Uses

Mobile home parks and special occupancy parks existing at the time of the adoption of this Development Code which do not comply with its provisions may continue to operate subject to the provisions contained in Chapter 19.142 of this Code (Nonconforming Buildings and Uses).