

ORDINANCE 2018-11

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANTECA, STATE OF CALIFORNIA, AMENDING TITLE 17 OF THE MANTECA MUNICIPAL CODE, CHAPTER 17.10 ENTITLEMENTS, TO ESTABLISH A STORAGE CONTAINER PERMIT, AMENDING TITLE 17 OF THE MANTECA MUNICIPAL CODE, CHAPTER 17.40 ACCESSORY STRUCTURES, TO DEVELOP STANDARDS FOR STORAGE CONTAINERS TO BE LOCATED WITHIN THE AGRICULTURAL, RESIDENTIAL, COMMERCIAL, INDUSTRIAL, PARK AND PUBLIC/QUASI-PUBLIC ZONING DISTRICTS, AMENDING TITLE 17 OF THE MANTECA MUNICIPAL CODE, SECTION 17.100.060 UNIVERSAL DEFINITIONS, TO ADD THE DEFINITION OF STORAGE CONTAINERS, AND AMENDING MANTECA MUNICIPAL CODE SECTION XIII PLANNING FEE SCHEDULE, TO ESTABLISH FEES FOR STORAGE CONTAINER PERMITS

WHEREAS, the Manteca City Council at their public hearing of May 1, 2018, considered Municipal Code Amendment No. MCA-18-01, filed by the City of Manteca, 1001 W. Center Street, Manteca, CA 95337; and

WHEREAS, the project is limited to those parcels within the City of Manteca with a zoning district of A (Agricultural), R-E (Residential Estate), R-1 (One-Family Dwelling), R-2 (Limited Multiple-Family Dwelling), R-3 (Multiple-Family Dwelling), CMU (Mixed Use Commercial), CN (Neighborhood Commercial), CG (General Commercial), M1 (Light Industrial), M2 (Heavy Industrial), P (Park) and PQP (Public/Quasi-Public); and

WHEREAS, the City determined that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines § 15183 – Projects Consistent with a Community Plan, General Plan or Zoning; and

WHEREAS, the Manteca Planning Commission approved Resolution 1482 to forward a favorable recommendation to the Manteca City Council regarding the appropriateness of the Municipal Code Amendment No. MCA-18-01 at their public hearing of January 23, 2018; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

THE CITY COUNCIL OF THE CITY OF MANTECA DOES ORDAIN AS FOLLOWS:

SECTION 1: Amendment. Manteca Municipal Code Chapter 17.10, Entitlements, is hereby amended to establish Section 17.10.210, Storage Container Permit, to read as follows:

17.10.210 Storage Container Permit

- A. **Purpose.** A Storage Container Permit provides a process for Community Development Director review and decisions related to requests for storage, cargo, or shipping containers. The intent is to allow the integration of a storage container with the design of the structures to achieve a unified architectural statement and to encourage design flexibility without circumventing the intent of this Code.
- B. **Applicability.** A Storage Container Permit shall be required for storage, cargo, or shipping containers in accordance with Section 17.40.040 (Development Standards for Accessory Structures).
- C. **Approving Authority.** The designated Approving Authority for a Storage Container Permit is the Community Development Director.
- D. **Procedure.** This process will be conducted by the Community Development Director in accordance with Chapter 17.08 (General Application Processing Procedures). No public hearing is required for a Storage Container Permit.
- E. **Approval Findings.** The Approving Authority may approve a Storage Container Permit with the finding that the proposed storage container complies with the standards and requirements of this Title.
- F. **Conditions of Approval.** Whenever any Storage Container Permit is granted, the designated Approving Authority may impose such conditions as may be necessary to safeguard the public safety and the intent of this Title.
- G. **Appeals.** Appeal of the Approving Authority's action on the request for a Storage Container Permit shall be in accordance with the procedures specified in Section 17.08.070 (Appeals).
- H. **Expiration.** All approved Storage Container Permits are subject to the provisions set forth in Section 17.08.120 (Time Limits and Extensions).

Manteca Municipal Code Section 17.40.040, Development Standards for Accessory Structures, is hereby amended to establish development standards for Storage, Cargo, or Shipping Containers to read as follows:

- D. **Development Standards for Storage, Cargo, or Shipping Containers.** Storage, cargo, or shipping containers are prohibited in all zoning districts unless they conform to the following requirements:
 - 1. In all zoning districts:

- a. Any storage, cargo, or shipping container, regardless of size, shall conform to Chapter 17.26 (Development Standards By Zoning District), unless specified elsewhere in this Section.
 - b. Storage, cargo, or shipping containers may not occupy any required landscaping, open space, parking spaces, loading/unloading areas, circulation aisle/lane, fire access lane, public utility easement or public right-of-way, including streets and sidewalks and parkstrips or impact access to the site or an adjacent site or otherwise create a nuisance or interfere with the peaceful use of neighboring properties.
 - c. No storage, cargo, or shipping container may be placed on the public right-of-way at any time unless the required encroachment permit has been previously obtained and a copy of the permit attached to the unit. Any such container found on the public right-of-way without having the required encroachment permit may be subject to immediate removal at the owner's expense.
 - d. All storage, cargo, and shipping containers shall be operated in a safe manner, and be structurally sound, stable and in good repair. The container shall not contain any holes, peeling paint, rust, damage or structural modifications.
 - e. Those containers placed under a Permanent Storage Container Permit or Temporary Storage Container Permit must remain in compliance with all conditions of approval at all times
2. It shall be unlawful and a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises or property in the City to maintain upon any such premises or property the exterior storage or maintenance in a residential zone of a storage, cargo, or shipping container, including moving container (i.e. PODS, etc.), not in compliance with the following:
- a. Storage, cargo, or shipping containers shall be permitted in all residential zoning districts within an opaque fenced side or rear yard where a residential unit is located.
 - b. One storage, cargo, or shipping container may be allowed on an approved driveway or in a side or rear yard on a temporary basis for a period not to exceed ninety (90) days in any twelve-month period subject to the issuance of a Temporary Storage Container Permit or up to 180-days in conjunction with work being done under a valid building permit and after obtaining a Temporary Storage Container Permit.
 - c. For recorded subdivisions, storage, cargo, or shipping containers may be included with a Temporary Sales Office subject to the provisions set forth in Chapter 17.84 (Temporary Uses). Said containers are not required to be located on the same parcel as the Temporary Sales Office and may be located throughout multiple subdivisions. Containers shall be removed within ten days of final building inspection of the final unit.

3. It shall be unlawful and a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises or property in the City to maintain upon any such premises or property the exterior storage or maintenance in an agricultural, commercial, industrial, park or public/quasi-public zone of a storage, cargo, or shipping container, including moving container (i.e. PODS, etc.), not in compliance with the following:
 - a. Where there is a legally established primary use on-site, storage, cargo, or shipping containers, including moving containers (i.e. PODS, etc.) may be utilized on a permanent basis subject to the issuance of a Permanent Storage Container Permit and shall be completely screened with fencing and/or landscaping so as not to be visible from any roadway or neighboring property or said container façade shall be designed to be compatible in materials and colors as the primary building.
 - b. Where there is a legally established primary use on-site, storage, cargo, or shipping containers, including moving containers (i.e. PODS, etc.) may be utilized on a temporary basis for a period not to exceed ninety (90) days in any twelve-month period subject to the issuance of a Temporary Storage Container Permit or up to 180-days in conjunction with work being done under a valid building permit and after obtaining a Temporary Storage Container Permit.
4. Notwithstanding Chapter 17.12 (Nonconforming Uses and Structures), within a residential zone, existing uses of any container not conforming to the provisions of this Section shall be removed or brought into conformance with this Section within 90-days after the effective date of this Section. Within all other zoning districts, existing uses of any container not conforming to the provisions of this Section shall be removed or brought into conformance with this Section upon change of ownership of the parcel or within two years after the effective date of this Section, whichever comes first.

Manteca Municipal Code Section 17.100.060, Universal Definitions, is hereby amended to establish a definition for Storage, Cargo, or Shipping Containers to read as follows:

Storage, Cargo, or Shipping Containers. A container fabricated for the purpose of transporting freight or goods on a truck, railroad or ship, including cargo containers, shipping containers, storage units, or other portable structures that are placed on private property and used for storage of items, including, but not limited to, clothing, equipment, goods, household or office fixtures or furnishings, materials and merchandise.

Manteca Municipal Code Section XIII, Planning Fee Schedule, is hereby amended to establish a fee for Storage Container Permits to read as follows:

Fee Description	Fee
ANNEXATION:	
Annexation	\$10,300
LAFCO Fees — ref. LAFCO fee schedule	
Prezone/Rezone 0-5 acres	\$9,295
Prezone/Rezone greater than 5 acres	\$15,605
APPEALS:	
Appeal (applicant or non-applicant)	\$3,083
BUILDING PLAN CHECK & INSPECTION:	
Commercial, Multi-Family, Mixed	\$1,038
Commercial (TI - Occupancy)	\$249
Residential (Addition - Minor)	\$111
Single Family Dwelling (Tract - Plot Plan)	\$48
Residential Master Plan	\$408
DEVELOPMENT AGREEMENT:	
Development Agreement	\$3,383
DA Amendment (Administrative Review)	\$1,973
DA Amendment (Legislative Review)	\$2,821
DA Annual Review	\$1,973
ENVIRONMENTAL:	
Mitigation Monitoring and Reporting Program -EIR Only	\$4,775
Environmental Impact Report (Staff admin fee only. Does not include Consultant cost)	\$22,532
Initial Study-Negative Declaration (Staff admin fee only. Does not include Consultant cost)	\$14,489
Initial Study-Negative Declaration (Staff prepared. Does not include Consultant cost of supporting studies)	\$21,737

Fee Description	Fee
Environmental Determination	\$557
GENERAL PLAN:	
General Plan Amendment	\$13,172
MISC:	
Business License Planning Review Fee	\$73
Certificate of Compliance	\$532
Condo Conversion	\$9,836
Home Occupation Permit	\$109
Lot Line Adjustment/Reversion to Acreage	\$2,200
Williamson Act Cancellation	\$13,724
Large Family Daycare	\$146
PLANNED DEVELOPMENT:	
Planned Development 0-10 Acres	\$12,525
Planned Development greater than 10 acres	\$14,184
PD Amendment (Administrative Decision)	\$3,927
PD Amendment (Legislative Decision)	\$7,834
LONG RANGE PLANNING:	
Long Range Planning Surcharge (Per SF, New Construction)	\$0.20
Long Range Planning Surcharge Commercial New Construction)	\$0.20
SEWER ALLOCATION:	
Point Rating Application Residential	\$1,022
SIGN PERMITS:	
Subdivision Temporary Sign Permit	\$312
Master Sign Program	\$1,630
Major Sign Permit	\$166

Fee Description	Fee
Temporary Sign Permit	\$85
Portable Sign Permit	\$85
SITE PLAN REVIEW:	
Preliminary Staff Review (amount credited to project application)	\$1,011
Site Plan Review - Residential 2-4 units	\$5,423
Site Plan Review - Residential 5 or more units	\$9,863
Site Plan Review - Non-Residential 5 acres or less	\$7,320
Site Plan Review - Non-Residential greater than 5 acres	\$11,991
Minor Plan Modification / Minor Site Plan	\$3,792
SPECIFIC PLANS:	
Specific Plan / Master Plan Amendment Major	\$8,481
Specific Plan / Master Plan Amendment Minor	\$5,683
Specific Plan / Master Plan (Staff admin. fee only. Does not include consultant cost)	\$34,056
STORAGE CONTAINERS PERMITS:	
Permanent Storage Container Permit	\$166
Temporary Storage Container Permit	\$85
SUBDIVISIONS:	
Tentative Parcel Map	\$5,420
Tentative Subdivision Map 5-50 lots	\$12,181
Tentative Subdivision Map greater than 50 lots	\$14,592
Tentative Map Extension	\$3,521
USE PERMITS:	
Conditional Use Permit	\$9,247
Minor Use Permit	\$3,507
Temporary Use Permit	\$404

Fee Description	Fee
ZONING:	
Minor Zone Modification	\$2,708
Variance	\$10,726
Zoning Text Amendment	\$11,573
Zoning Research Letter	\$219
ENGINEERING PLAN CHECK AND INSPECTION:	
Final map/improvement plan review	\$930
For services required but not listed above (at the applicable hourly rate)	
Consultant fees at cost plus 15% admin fee	
PLANNING PRODUCTIVE HOURLY RATES BY POSITION:	
CD Director	
Planning Manager	\$271
Senior Planner	\$240
Associate Planner	\$224
Assistant Planner	\$166
Admin Assistant III	\$146

SECTION 2: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 3: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

City of Manteca, a municipal corporation

MAYOR: Steve DeBrum
STEPHEN F. DEBRUM

ATTEST: Lisa Blackmon
LISA BLACKMON, CITY CLERK

STATE OF CALIFORNIA }
COUNTY OF SAN JOAQUIN } SS:
CITY OF MANTECA }

I, Lisa Blackmon, City Clerk of the City of Manteca, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the 1st day of May, 2018, and had its second reading and was adopted and passed during the public meeting of the City Council on the 15th day of May, 2018, by the following vote:

AYES: Moorhead, Morowit, Silverman, DeBrum

NOES: None

RECUSED: Singh

ABSENT: None

ABSTAIN: None

ATTEST: Lisa Blackmon
LISA BLACKMON
City Clerk