

DRAFT – SUBJECT TO CHANGE

CHAPTER 20.245 RESIDENTIAL MANUFACTURED HOME PARK ZONE

Section 20.245.010 Purpose of Chapter

The purpose of this chapter is to specify the allowable uses, requirements, and development standards within the Residential Manufactured Home Park (R-MHP) Zone, as established by the Zoning Map, and, specifically, to accomplish the following:

- A. Permit mobile/manufactured home parks, mobilehome parks, and recreational vehicle parks that conform to the State Mobilehome Parks Act (Division 13, Part 23.1 of the California Health and Safety Code, commencing with Section 18200) or the implementing state guidelines (Title 25, Part 1, Chapter 2 of the California Administrative Code; hereinafter referred to as "Title 25") and Section 18300 of the State Health and Safety Code.
- B. Establish regulations for the establishment, maintenance, and operation of mobile/manufactured home parks and recreational vehicle parks in the City.
- C. Ensure that these parks are developed to appropriate standards and maintained compatible to adjacent property and uses.
- D. Implement the Low Density Residential (LDR) and Low Medium Density Residential (LMDR) land use classification of the General Plan.

Section 20.245.020 Applicability

The regulations and development standards of this section shall be applicable to all existing and new uses, structures, and activities within the R-MHP Zone.

This chapter is adopted pursuant to Section 18300 of the State Health and Safety Code. Nothing in this chapter shall be construed to legalize any act made illegal by Title 25, the State Mobilehome Parks Act. Applications shall be processed with a Specific Plan, as required by this chapter and pursuant to the regulations of Chapter 20.535 (Specific Plans) of this Zoning Ordinance.

Section 20.245.030 Allowable Mobile/Manufactured Home Uses and Permit Requirements

The construction, development, or expansion of a mobile/manufactured home park shall be in compliance with Title 25. All provisions of this chapter are intended to be compliant with Title 25; where inconsistencies between this chapter and Title 25 occur, the provisions of Title 25 shall prevail. For the purpose of this section, a mobile/manufactured home is as defined in Section 18211 of the State Health and Safety Code.

- A. **Permit Requirements.** Table 20.245-1 identifies the types of land use permits required to establish land uses in the R-MHP Zone, and mobile/manufactured homes on individual lots in other Residential Zones, consistent with this Zoning Ordinance.

**Table 20.245-1
Permit Requirement Types and Processes**

Symbol	Permit Requirement	Procedure Section
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P	Permitted use subject to compliance with all applicable provisions of this Zoning Ordinance and the process standards of Chapter 20.500.	Chapter 20.500 (Permits and Applications Process)
DP	Director's Permit is required for this use, subject to review and approval by the Director.	Chapter 20.510 (Director's Permits)
CUP	Conditional Use Permit is required for this, subject to review and approval per the process standards of Chapter 20.500.	Chapter 20.520 (Conditional Use Permits)
A	Permitted uses restricted to accessory uses in conjunction with a primary permitted use.	Chapter 20.500 (Permits and Applications Process)
- - -	Use not allowed.	Section 20.205.030.C (General Requirements)

Note: Any land use authorized through a permit approval process identified in Table 20.245-1 may also require Site Development Plan Review, a Building Permit, and/or other permit(s) required by the Municipal Code. For unlisted and similar uses, see Section 20.205.030.C (Unlisted or Similar Compatible Uses). All uses, including, but not limited to, "P", "DP" and "CUP" must pay applicable Public Facilities Fees and annex into all applicable Community Facilities Districts.

- B. **Mobilehome Land Uses.** Table 20.245-2 identifies the permitted land uses and required permit types in the Manufactured Home Park Zone. Residential uses meeting the needs of park residents are intended to be the primary permitted use, supplemented by recreation, amenity and services uses complementary to residential living in mobilehome parks.

Table 20.245-2
Manufactured Home Permitted Uses

Land Use	R-MHP	Additional Use Regulations
Mobilehome Uses		
Mobile/Manufactured Home	P	Rented, leased, or sold in compliance with Title 25
Mobile/Manufactured Home Mini Park	P	In compliance with Title 25, with 10 to 49 spaces
Mobile/Manufactured Home Park	P	Section 20.245.050
Recreational Vehicles (RVs)/Parks	P	In compliance with Title 25
Restroom /Sanitary Facilities	P	
Residential Uses		
Animal Keeping, Small	As permitted by Table 20.415-1	Chapter 20.415 (Animals)
Residential Care Facility, Large	CUP	
Residential Care Facility, Small	P	
Non-Commercial Horticulture	A	
Private Residential Garage	P	Chapter 20.340 (Off-Street Parking and Loading)
Senior/Age-Restricted Units	P	

Sport Court	A	
Recreation, Education & Public Assembly Uses		
Assembly and Recreation	A	Designed for and limited to use by residents of the mobile/manufactured home park and their guests
Child Care Facility, Large Family Home	DP	
Child Care Facility, Small Family Home	P	Section 20.400.050 (Child Care Facilities)
Swimming Pool/Sauna/Hot Tub	A	Designed for and limited to use by residents of the mobile/manufactured home park and their guests
Recreation Facilities/Park	A	Designed for and limited to use by residents of the mobile/manufactured home park and their guests
Recycling Facilities		
Small Collection Facility	A	
Transportation, Communication & Utility Uses		
Antenna or Communication Facility	CUP	Chapter 20.460 (Telecommunication Facilities)
Public Utilities	CUP	Public utility and public service facilities

For permit types, see Table 20.245-1.

- C. **Additional Use Regulations.** In addition to the regulations, development standards, and provisions of this chapter, all land uses are subject to the specific use standards identified in the "Additional Use Regulations" column of Table 20.245-2; refer to the referenced sections for additional operational standards and regulations applicable to the use.
- D. **Prohibited Uses.** When a use is not specifically listed, that use is prohibited. However, consistent with Section 20.205.020.C, the Director shall have the authority to determine whether the proposed use shall be permitted or conditionally permitted based on the finding that the proposed use is similar to and no more detrimental than a particular use permitted in the Zone.
- E. **Permit Processing.** Use permit requirements established by Table 20.245-2 may be waived when land uses are established and processed as part of a Specific Plan. When new uses are established or existing uses modified within an existing park, the permit requirements shall be processed individually.
- F. **Restrictions.** The land uses regulated in Table 20.245-1 shall be further regulated by Title 25, the "Additional Use Regulations" indicated, and the following provisions:
 - 1. Limit of one (1) mobile/manufactured home or recreational vehicle per space.
 - 2. Maximum mobile/manufactured home height shall not exceed two (2) habitable stories.
 - 3. No mobile/manufactured home shall be used for any commercial purposes.
 - 4. All accessory structures and land uses (non-mobile/manufactured home structures), including recreation buildings, and other facilities shall be designed for and limited to use by residents of the mobile/manufactured home park and their guests.

Section 20.245.040 Development Standards

- A. **Area and Density Standards.** Parks filed under this section shall be consistent with the standards of Table 20.245-3. The minimum space size shall be 3,300 square feet, excluding interior access drives.

Table 20.245-3
Permit Requirement Types and Processes

Park Type	Minimum Net Area	Maximum Density
Mobilehome Park	10 acres	Maximum density is 6 dwelling units per net acre when adjacent to an R-1 Zone. Maximum density not to exceed the average density of residential development when adjacent to an R-2, or R-3 Zone. In no instance shall density exceed 12 du/ac.
Minipark	6 acres	Maximum density is 6 dwelling units per net acre when adjacent to an R-1 Zone. Maximum density not to exceed the average density of residential development when adjacent to an R-2, or R-3 Zone. In no instance shall density exceed 12 du/ac.
Recreational Vehicle Park	5 acres	N/A

- B. **Specific Plan.** A Specific Plan is required for all new park development or expansions, and modifications of existing parks. An R-MHP Specific Plan shall be prepared pursuant to Chapter 20.535 (Specific Plans). The developer shall describe and/or illustrate, to the satisfaction of the City Council, all of the following information:
1. **General Criteria.** A Park Development Plan shall be provided in accordance with the requirements for a tentative subdivision map; the plan shall include a preliminary grading plan and preliminary soils report.
 2. **Site Planning and Design Criteria:**
 - a. **Site Planning.** A mobilehome park shall be designed and developed in a manner compatible with and complementary to existing and potential residential development in the immediate vicinity of the project site. Site planning on the perimeter shall give consideration to protection of the property and its residents from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences within the development. A mobilehome park shall relate harmoniously to the topography of its site, make suitable provision for preservation of water courses, wooded areas, hillsides, and similar natural features and areas, and shall otherwise be so designed as to use such natural features and amenities to best advantage.
 - b. **Space Width.** Each space shall have a minimum width of forty-five (45) feet.
 - c. **Perimeter Setbacks:**
 - i. A side yard and rear yard setback of a least fifteen (15) feet from the exterior boundary of the mobilehome park.
 - ii. A setback of fifty (50) feet from the center line of any street along the exterior boundary of the mobilehome park, except that when such street has a ROW greater than sixty-six (66) feet, a setback of twenty (20) feet shall be maintained from the nearest edge of the street ROW.
 - d. **Interior Setbacks:**
 - i. Front yard: Minimum three (3) feet extending across the entire width of the space.

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- ii. Side yard: Minimum three (3) feet along the entire length of the space.
 - iii. Rear yard: Minimum three (3) feet across the entire width of the space.

These yards shall not be encroached upon except by a fence.

- e. **Sewer and Water.** Each mobile/manufactured home lot in a mobilehome park shall be provided with water and sewer connections in accordance with Title 25 and the California Plumbing Code. Water shall be provided by a water supplier having a valid permit from the California Department of Health Services. Public sewers shall be provided by a public agency that obtained discharge requirements approved by the appropriate California Water Quality Control Board. Individual sewage disposal systems shall be approved by the Department of Health Services.
 - f. **Fire Protection.** On- and off-site fire hydrants and other fire protection facilities shall be installed as specified in the Permit and shall be of a type approved by the San Marcos Fire Protection District.
 - g. **Night Lighting.** Artificial light shall be provided and maintained for walks, driveways, parking areas, and other facilities as specified in Title 25 to ensure safe and convenient nighttime use.
 - h. **Signs.** At the main entrance, one (1) sign shall display the park name, located a minimum of twenty-five (25) feet from the property line, with a maximum sign area of thirty-two (32) square feet and a maximum height of fifteen (15) feet. The sign shall be internally or externally illuminated.
 - i. **Access.** New mobile/manufactured home parks shall have direct vehicular access from a public ROW; this requirement does not apply to park expansions. All mobile/manufactured home lots and recreation facilities shall have access only from an interior access drive. Paved surfaces shall be maintained in compliance with Municipal Code Section 17.26.030(202).
 - j. **Parking.** Sufficient off-street parking and loading shall be provided for each use as prescribed in Chapter 20.340 (Off-Street Parking and Loading), plus one (1) guest parking space for each four (4) mobile/manufactured home spaces.
 - k. **Fencing and Landscaping.** Each mobilehome park shall be entirely enclosed at its boundaries along a public ROW by a solid masonry wall that shall conform to the setback requirements for the Zone applicable to the adjacent property.
 - l. **Recreation Facilities.** Permanent recreational facilities with a gross floor area equal to a factor of forty (40) square feet times the number of mobilehome spaces in the park shall be provided. Additional usable active recreation areas totaling two hundred (200) square feet per mobilehome space shall also be provided in the park.
- C. **Sanitary Facilities for Recreational Vehicle Parks.** Sanitary facilities for a recreational vehicle park shall be in accordance with the regulations of Title 25 and the California Plumbing Code, and subject to the following:
- 1. The availability of a potable water supply from a public utility or a distributor holding a valid permit from the state. Water supplies from other sources shall be approved by the San Diego County Department of Health.
 - 2. Sewer connections to recreational vehicle spaces in accordance with the requirements of Chapter 5, Title 25, and as approved by the San Diego County Department of Health.
 - 3. A trailer sanitation station shall be provided.
 - 4. Toilets, showers, and associated facilities for the exclusive use of the occupants of the recreational park shall be provided.
 - 5. Laundry facilities shall be provided.
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6. All plumbing provided shall be designed to accommodate all recreational vehicles and shall not be restricted to California-approved vehicles only.
- D. **Exterior Maintenance.** The developer shall enter into an agreement with the City regarding the maintenance of the exterior of the property, including landscape areas (both improved and natural) and fencing. The agreement shall be approved by the City Attorney with respect to form and content, and shall, at a minimum, contain the following provisions:
1. The owner/developer shall agree, for current use and for successors, to maintain the landscaping in an attractive, living, and weed free condition, and that all accessory structures shall be in a painted or otherwise attractive condition.
 2. The City shall have the right, but not the obligation, to maintain the landscaping and external fencing in an attractive condition upon failure of the owner/developer or successors to do the same. The City shall be allowed to commence such repair and maintenance only after sixty (60)-day written notice is provided to the owner/developer or successors.
 3. The owner/developer agrees, for current use and for successors, to reimburse and compensate the City for the expense in repairing and maintaining the landscape and external fencing.
- E. **Existing Parks.** Parks in existence at the time of annexation to the City may also be rezoned to the R-MHP Zone. Parks that are rezoned pursuant to the subsection shall not be required to comply with the provision of this chapter unless the park is expanded. Existing parks seeking to expand shall be exempt from the provision of Section 20.245.040.A (Area and Density Standards).

Section 20.245.050 Manufactured Homes on Residential Lots

Mobile/Manufactured homes and mobilehome subdivisions shall be permitted to be placed on individual lots outside of the R-MHP Zone where the mobile/manufactured home conforms with all the development standards of the applicable Zone and all the following standards. This section addresses the need to increase the supply and variety of housing types available to the public.

- A. **Effect on Conversion.** A mobile/manufactured home that has been placed on a foundation system pursuant to this Zoning Ordinance shall be deemed to be a mobile/manufactured home and subject to local property taxation pursuant to Section 18551 of the Health and Safety Code and Section 109.7 of the Revenue and Taxation Code.
- B. **Eligibility.** A mobile/manufactured home shall not be located on a permanent foundation on a private lot unless it meets both of the following:
 1. Was constructed after September 15, 1971, and was issued an insignia of approval by the California Department of Housing and Community Development, or was constructed after July 1, 1976, and was issued an insignia of approval by the U.S. Department of Housing and Urban Development; and
 2. Has not been altered in violation of applicable codes.
- C. **Criteria.** Mobilehomes located on a foundation system on a private lot shall meet the following requirements:
 1. Be occupied only as a residential use type.
 2. Be subject to all provisions of this Zoning Ordinance applicable to residential structures.
 3. Meet all requirements for the applicable Zone.
 4. Be attached to a foundation system in compliance with all applicable building regulations and Section 18551 of the Health and Safety Code.

- D. **Surrender of Registration.** Subsequent to applying for the required building permits, and prior to occupancy, the owner shall request a certification from the Building Division that a certificate of occupancy be issued pursuant to Section 18551(b)(2) of the California Health and Safety Code. Thereafter, any vehicle license plate, certificate of ownership, and certificate of registration issued by a state agency is to be surrendered to the appropriate state agencies. Any mobile/manufactured home that is permanently attached with underpinning or foundation to the ground must bear a California insignia or federal label, pursuant to Section 18550(b) of the Health and Safety Code.
- E. **Building Permit.** Prior to installation of a mobile/manufactured home on a permanent foundation system, the mobile/manufactured home owner or a licensed contractor shall obtain a building permit from the Building Division. To obtain such a permit, the owner or contractor shall comply with all requirements of Section 18551(a) of the State Health and Safety Code.
- F. **Required Landscaping.** Landscaping shall be required for all R-MHP Zones and all mobile/manufactured homes on individual lots in other Residential Zones consistent with the standards of Chapter 20.330 (Water Efficient Landscape Standards).

Section 20.245.060 Senior Mobilehome Park Overlay Zone

The Senior Mobilehome Park Overlay District (S-RMHP) is intended to preserve a variety and balance of housing types within the City of San Marcos, and to provide assurances that existing Senior Mobilehome Parks within the Senior Mobilehome Park Overlay District and future Senior Mobilehome Parks established subject to the Overlay District will remain available to seniors. "Senior Mobilehome Park" means a mobilehome park in which at least eighty (80) percent of the spaces are occupied by, or intended for occupancy by, at least one person who is fifty-five (55) years of age or older.

Figure 20.245-1 establishes the existing Senior Mobilehome Parks subject to the Senior Mobilehome Park Overlay. The provisions of this section shall prevail in all cases where regulatory conflicts exist between this section and any other chapter of this Zoning Ordinance.

- A. **Designation.** The Senior Mobilehome Park Overlay District shall be designated by the symbol (S-RMHP) on the City of San Marcos Zoning Map. The (S-RMHP) designation applies to the seven Senior Mobilehome Parks that exist in the city as of the effective date of this section, and to Senior Mobilehome Parks established in the city after the effective date of this section subject to the Overlay District. The seven Senior Mobilehome Parks in the city as of the effective date of this section are:

<u>Park Name</u>	<u>Address</u>	<u>Assessor Parcel Number</u>
<u>El Dorado Mobilehome Park</u>	<u>1515 Capalina Rd, San Marcos, CA 92069</u>	<u>772-191-11-01 TO 93</u>
<u>Lakeview Mobile Estates</u>	<u>809 Discovery St, San Marcos, CA 92078</u>	<u>772-210-62-01 TO 97; 772-210-63-01 TO 16</u>
<u>Palomar Estates East</u>	<u>650 S Rancho Santa Fe Rd, San Marcos, CA 92078</u>	<u>772-210-30-01 TO 98; 772-210-31-01 TO 98; 772-210-32-01 TO 98; 772-210-33-01 TO 78</u>
<u>Palomar Estates West</u>	<u>1930 W San Marcos Blvd, San Marcos, CA 92078</u>	<u>772-210-34-01 TO 95; 772-210-35-01 TO 96; 772-210-36-01 TO 96; 772-210-37-01 TO 96; 772-210-38-01 TO 92</u>
<u>Rancho Vallecitos Mobile Estates</u>	<u>3535 Linda Vista Dr, San Marcos, CA 92078</u>	<u>772-190-24-01 TO 79; 772-190-25-01 TO 70; 772-190-26-01 TO 98; 772-190-27-01 TO 55</u>

<u>San Marcos Mobile Estates</u>	<u>1145 E Barham Dr, San Marcos, CA 92078</u>	<u>772-283-14-01 TO 97; 772-283-15-01 TO 97; 772-283-16-01 TO 71</u>
<u>Valle Verde Estates</u>	<u>1286 Discovery St, San Marcos, CA 92078</u>	<u>221-210-47-01 TO 95; 772-210-48-01 TO 55</u>

- B. Senior Occupancy Requirement.** At least eighty (80) percent of the spaces in Senior Mobilehome Parks must be occupied by at least one person fifty-five (55) years of age or older. This senior occupancy requirement does not apply to or affect ownership of a mobilehome unit. As long as at least one resident of a mobilehome in a Senior Mobilehome Park is fifty-five years of age or older, the senior occupancy requirement is satisfied as to that mobilehome, whether or not the owner of the mobile home is fifty-five years of age or older.
- C. Limitations on Rentals.** Spaces and mobilehomes in a Senior Mobilehome Park Overlay District shall be rented only to occupants who meet the senior occupancy requirements set forth in 20.245.150; provided, however, that the occupants of a space or mobilehome who do not meet the senior occupancy requirement in 20.245.060(B) have rented a space and/or mobilehome in a Senior Mobilehome Park before the effective date of this section and continue to occupy that space and/or mobilehome following the effective date of this section, they shall be allowed to remain in that Senior Mobilehome Park, and provided further that when such occupant(s) cease to occupy that space and/or mobilehome, the mobilehome and space shall be rented to occupants who meet the senior occupancy requirement in 20.245.060(B).
- D. Minimum Design and Performance Standards.** The signage, advertising, leases, rental agreements, and park rules and regulations for spaces in a Mobilehome Park in the Senior Mobilehome Park overlay zone (RMHP) shall state that the park is a Senior Mobilehome Park.
- E. Annual Certification.** Each Senior Mobilehome Park shall have procedures for verifying that it qualifies as a senior facility under applicable federal and/or state law and this section, including documentation establishing that at least 80 percent of the mobilehomes or spaces in the Mobilehome Park are occupied by at least one resident who is 55 years of age or older in accordance with 20.245.150. These procedures shall provide for regular updates, through surveys, affidavits, or other means of updating the initial information supplied by the occupants of the mobile home park. Such updates must take place at least once every two years. A summary of this occupancy verification documentation shall be available for inspection upon reasonable notice and request by city officials.

The operator of each Mobilehome Park in the Senior Mobilehome Park overlay zone shall, on an annual basis, provide to the city's housing director a certification that the subject Mobilehome Park is in compliance with the senior occupancy requirement of this section, in substantially the following form:

"I [name] hereby certify, under penalty of perjury in accordance with California law that there is at least one occupant 55 years of age or older in [number of units] units of the total [number of units in the park] units in the [name of the Senior Mobilehome Park] Senior Mobilehome Park. This certification is based on my personal knowledge of the residents, evidence provided to me in the form of official government documents containing specific information about the current age of the residents, resident affidavits, or age certifications made by residents in their current lease agreements."

The city's housing director shall establish the deadline for filing the annual certification, which, to the extent possible, shall be coordinated with the timing of filings as may be required pursuant to the city's mobilehome rent stabilization program.

F. **Violations.** Failure to comply with the requirements of this section shall constitute a violation of and be subject to enforcement and the remedies provided for in Chapters 1.08 through 1.14 of the San Marcos Municipal Code.

Figure 20.245-1 Senior Mobilehome Park Overlay

