

LEGISLATIVE DIGEST
ORDINANCE NO. 15-0009

1. MBMC Chapter 10.100 (Appeals) has been revised in its entirety to read:

“Chapter 10.100 APPEALS AND COUNCIL REVIEW

Sections:

10.100.010 - Appeals.

- A. Decisions of the Community Development Director may be appealed to the Planning Commission, and decisions of the Planning Commission may be appealed to the City Council.
- B. Anyone wishing to appeal pursuant to this Chapter must timely file with the City Clerk a written notice of appeal, on a form provided by the Community Development Department, and with the applicable required appeal fee set by City Council resolution. The notice of appeal shall specify the basis for the appeal. In addition, the appeal must indicate in what way the appellant contends the decision was incorrect, specifically identifying how the decision is not in accord with the provisions of the Municipal Code or the Local Coastal Program, or must provide extenuating circumstances that the appellant contends would justify reversal or modification of the decision.
- C. The appeal period ends at the close of the business day for City Hall on the fifteenth day following the decision. If the fifteenth day falls on a weekend or City holiday, the appeal period ends at the close of business on the next working day.
- D. The appeal shall be heard within 60 days of the City Clerk’s receipt of the appeal, unless the applicant and appellant consent to a later date. An appeal shall be heard at a public hearing *de novo* if the decision being appealed required a public hearing. Notice of such a public hearing shall be given in the same manner required for the decision being appealed.
- E. The effectiveness of a decision subject to appeal shall be stayed pending completion or withdrawal of the appeal.

10.100.020 Council Review.

- A. The City Council shall review a Planning Commission decision if two council members, either individually or jointly, file a Council review form with the City Clerk on or before the fifteenth day following the decision. For all requests for review, it shall be presumed that the reason for the request is that the decision

may have significant and material effects on the quality of life within the City, or that the subject matter of the decision may have City-wide importance warranting review and determination by City's elected officials. Bias shall not be presumed or inferred due to a request for review.

The City Clerk shall prescribe a review form, which shall be available free of charge. The City Clerk shall schedule the review hearing for commencement within 60 days of the request for review. The review shall otherwise follow the same procedures as appeals in this Chapter.

- B. Public notice of the hearing shall be provided in the same manner, if any, as was provided in connection with the consideration by the Planning Commission.
- C. The Council review hearing shall be conducted as a hearing *de novo*. The City Council shall apply the same decision criteria as the Planning Commission.
- D. The effectiveness of a decision subject to Council review shall be stayed pending completion of the Council review proceedings.

10.100.030 - Decision.

The appellate or reviewing body may uphold, overturn, or modify the decision of the inferior body. Any such action shall be made by resolution and supported by findings. Alternatively, the appellate or reviewing body may remand the matter for further consideration by the inferior body. In the event of a tie vote by the Planning Commission, the decision of the Community Development Director is effective. In the event of a tie vote by the City Council, the decision of the Planning Commission is final.

10.100.040 - Effective date.

A decision by the City Council regarding an appeal or Council review shall become final on the date of the decision. A decision by the Planning Commission regarding an appeal shall become final on the date of the decision, unless appealed to the City Council, or called up for review pursuant to Section 10.100.020.

10.100.050 - Resubmittal.

In the event the Commission or City Council takes final action to deny an application or request, such application or request cannot be resubmitted within two years, unless the denial is made without prejudice.

2. MBMC Section 10.04.030 (Definitions) has been amended to amend the definition of “Family” and to insert three new defined terms:

“Family: A single individual or two or more persons living together as a single housekeeping unit in a dwelling unit, ~~provided that this shall not exclude the renting of rooms in a dwelling unit as permitted by district regulations.~~”

“Single Housekeeping Unit: A traditional family or the functional equivalent of a traditional family, whose members are a non-transient interactive group of one or more persons, where if consisting of more than one person, such persons jointly occupy a single dwelling unit, jointly use common areas, share household activities and responsibilities (e.g., meals, chores, and expenses), and where, if the unit is rented, leased, or subleased all adult members living on the premises jointly agree to occupy and be responsible for the entire premises of the dwelling unit under a single written rental agreement or lease and the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager.”

“Single-Family Transient Use: Rental or lease of a single-family dwelling unit for a period of less than 30 days.”

Multi-Family Transient Use: Rental or lease of a multi-family dwelling unit for a period of less than 30 days.”

3. MBMC Section 10.08.030 (Residential use classifications) has been amended to insert a use classification “Multi- Family Transient Use” between the existing use classifications “Multi-family Residential” and “Residential Care, Limited” as follows:

“F. MULTI-FAMILY TRANSIENT USE: Rental or lease of a multi-family dwelling unit for a period of less than 30 days.”

4. MBMC Section 10.08.030 (Residential use classifications) has been amended to insert a new Use classification “Single-Family Transient Use” between the existing Use classifications “Single-Family Residential” and “Supportive Housing” as follows:

“I. SINGLE-FAMILY TRANSIENT USE: Rental or lease of a single-family dwelling unit for a period of less than 30 days.”

5. The “Residential Uses” section of the table of uses set forth in MBMC Section 10.12.020 (Land Use Regulations) has been amended to 1) insert a new row immediately before the “Residential Care, Limited” row, entitled “Multi-Family Transient Use”; and 2) insert a new row immediately after the “Single Family Residential” row, entitled “Single-Family Transient Use”:

10.12.020 - Land use regulations: RS, RM, RH, RPD, and RSC districts.

RS, RM, RH, RPD, and RSC DISTRICTS LAND USE REGULATIONS				P — Permitted PDP — Precise Development Plan SDP — Site Development Permit U — Use Permit L — Limited, (See additional use regulations) - — Not Permitted		
	RS	RM	RH	RPD	RSC	Additional Regulations
Residential Uses						(A)
Day Care, Small Family Home	P	P	P	P	P	<u>(P)</u>
Day Care, Large Family Home	L-22	L-22	L-22	L-22	L-22	<u>(P)</u>
Group Residential	-	-	U	-	U	
Multi-family Residential						
5 or fewer units	-	P	P	P	U	(B)(C)(L) <u>(P)</u>
6 or more units	-	PDP/SDP	PDP/SDP	PDP/SDP	U	(B)(C)(L)(O) <u>(P)</u>
<u>Multi-Family Transient Use</u>	-	<u>L-25</u>	<u>L-25</u>	<u>L-25</u>	<u>L-25</u>	
Residential Care, Limited	P	P	P	P	P	
Single-Family Residential	P	P	P	P	P	(C) <u>(P)</u>

RS, RM, RH, RPD, and RSC DISTRICTS LAND USE REGULATIONS				P — Permitted PDP — Precise Development Plan SDP — Site Development Permit U — Use Permit L — Limited, (See additional use regulations) - — Not Permitted		
<u>Single-Family Transient Use</u>	<u>L-26</u>	<u>L-26</u>	<u>L-26</u>	<u>L-26</u>	<u>L-26</u>	

6. MBMC Section 10.12.020 (Land Use Regulations) has been amended to add Additional Regulations L-25, L-26, and (P) to read as follows:

“RS, RM, RH, RPD, and RSC Districts: Additional Use Regulations:

L-25 A Multi-Family Transient Use, as defined in Section 10.08.030, of a multi-family dwelling unit is permitted to commence once within a three month period for each multi-family dwelling unit. Use of a multi-family dwelling unit for a multi-family transient use more than four times within a 12 month period is prohibited. Multi-Family Transient Uses shall comply with Chapters 6.01, 6.24, 8.20 and other applicable Sections of the MBMC.

L-26 A Single-Family Transient Use, as defined in Section 10.08.030, of a single family dwelling unit is permitted to commence once within a three month period for each single-family dwelling unit. Use of a single-family dwelling unit for a single-family transient use more than four times within a 12 month period is prohibited. Single-Family Transient Uses shall comply with Chapters 6.01, 6.24, 8.20 and other applicable Sections of the MBMC.

(P) Each Single-Family Residential and Multi-Family Residential Dwelling Unit may only be occupied by a single housekeeping unit as defined in 10.04.030, except as provided in Section 10.08.030.”