

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING SECTION 21.23.070 OF THE MUNICIPAL CODE
UPDATING HOME OCCUPATION REGULATIONS

WHEREAS, the City of El Paso de Robles currently permits and regulates home occupation uses under Section 21.23.070 of the Paso Robles Municipal Code;

WHEREAS, in 2012, the State Legislature adopted AB 1616 regarding "home cottage occupations";

WHEREAS, AB 1616 requires the City to allow "cottage food operations" as a permitted use from a dwelling unit but provides that the City may require a home occupation permit for such use;

WHEREAS, AB 1616 requires cottage food operations to obtain a permit from the "Local Enforcement Agency, which in San Luis Obispo County is the County Health Department; and

WHEREAS, the City wishes to regulate home cottage occupations through its home occupation permit scheme subject to the requirements of AB 1616;

WHEREAS, AB 1616 provides that, in issuing a home occupation permit for cottage occupations to obtain a permit to operate, the City may only condition the issuance of that permit on "reasonable standards, restrictions, and requirements concerning the following factors: spacing and concentration, traffic control, parking, and noise control relating to those homes";

WHEREAS, the City Council expressly finds and determines that AB 1616 does not limit or otherwise affect the City's ability to impose reasonable sign regulations on all uses within the City subject to established constitutional requirements;

WHEREAS, the City Council also expressly finds and determines that AB 1616 does not limit or otherwise affect the City's ability to abate public nuisances and otherwise enforce the requirements of all City ordinances and other enactments; and

WHEREAS, as this Ordinance will modify the permitted uses of property, the Planning Commission conducted a public hearing on October 14, 2014 to consider the ordinance and the City provided notice of all public hearings on the Ordinance as required by law;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 21.23.070 of the Paso Robles Municipal Code is hereby revised in its entirety to read as set forth below:

21.23.070 - Home occupations.

Applications for home occupations shall be reviewed by the zoning administrator.

- (a) A home occupation is a profession or other occupation not otherwise permitted in the district, which is conducted by an accessory use in a residential unit by one or more members of the family residing on the premises and no more than one non-related full-time equivalent employee, with only one such employee working at the premises at any one time, and which in residential districts conforms to the following additional restrictions:
- (1) The profession or other occupation shall be carried on wholly within the main building or accessory building.
 - (2) Not more than one-half of the floor area of the ground floor of the principal building is used for the occupation.
 - (3) There shall be no exterior storage of materials and equipment, and no other exterior indication of such home occupation or variation from the residential character of the principal building.
 - (4) There shall be no retail sales on the premises except for "Cottage Food Operations" as defined by Section 113758 of the California Health and Safety Code for which no more than one client is allowed within the premises at a time.
 - (5)
 - (a) The following types of businesses are considered allowable as home occupations: home office for services provided or conducted outside of the home or on the internet; tutoring/teaching, including musical or dance instruction, provided that no more than one student is served at a time; "cottage food operations" as defined by Section 113758 of the California Health and Safety Code and subject to prior issuance of a permit for a cottage food operation from the County Health Department as required by Health and Safety Code Section 114365; art studio; tailor/dress-maker; or similar uses.
 - (b) The following types of businesses are not permitted as home occupations: animal hospital; automotive repair; small engine repair; barber or beauty shop; restaurant; tavern; wine-tasting; or similar uses.
 - (6) There shall be no signs identifying the business.
- (b) Exception for Hardship. The planning commission may grant an exception to the strict application of the above requirements when the applicant is able to show that there is a hardship upon the applicant which warrants such an exception. In such cases the applicant must prove that the activity for which the permit is requested is one that is light, clean, free from noise, and will have no adverse effect upon the residential character of the neighborhood. All such applications shall be granted by a use permit and shall be subject to annual review.

SECTION 2. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 3. Effective Date. This Ordinance shall take effect thirty (30) days after adoption as provided by Government Code section 36937.

SECTION 4. Publication. The City Clerk will certify to the passage of this Ordinance by the City Council of the City of El Paso de Robles, California and cause the same to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Government Code section 36933.

Introduced at a regular meeting of the City Council held on November 18, 2014, and passed and adopted by the City Council of the City of El Paso de Robles on the 2nd day of December 2014 by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Steven W. Martin, Mayor

Caryn Jackson, Deputy City Clerk