

**ORDINANCE 20-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST AMENDING  
PORTIONS OF CHAPTER 106-31 OF THE RIDGECREST MUNICIPAL CODE REGARDING  
HOME OCCUPATION PERMITS**

**WHEREAS**, under the International Zoning Code home occupation is “the partial use of a home for commercial or nonresidential uses by a resident thereof, which is subordinate and incidental to the use of the dwelling for residential purposes (Zoning Code § 202); and,

**WHEREAS**, to operate a barber or cosmetology practice requires a license issued by the California Board of Barbering and Cosmetology; and,

**WHEREAS**, to operate a cottage food operation requires a permit issued by the Kern County Public Health services Department Environmental Health Division; and,

**WHEREAS**, the Planning Commission recommends to amend the RMC to provide for approval, with revocation to the City Council, of Home Occupation permits for barber or cosmetology practices and cottage food operation permits that comply with all other governmental permitting requirements; and,

**WHEREAS**, the Ordinance Amendment is not a project as defined by the California Environmental Quality Act (CEQA) and Guidelines; and,

**WHEREAS**, the Planning Commission considered the proposed changes to the Ridgecrest Municipal Code contained herein at a public hearing held on July 28, 2020, including review of the staff report and having received public testimony on the item, has determined that the proposed amendment is justified and recommends approval thereof.

**NOW, THEREFORE**, BE IT RESOLVED the City Council approve the subject Ordinance Amendment, shown as Attachment A, attached hereto, based on the following findings:

SECTION 1. This section intentionally deleted.

SECTION 2. This ordinance is exempt from the California Environmental Quality Act (CEQA) under Public Resources Code Section 21080(b) and CEQA Guidelines Section 15269 for projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster, and under the following additional CEQA Guidelines: Section 15061(b)(3) because there is no possibility that it may have a significant effect upon the environment; and Section 15378, this ordinance is not a project under CEQA because it will not cause a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment because it does not authorize a specific activity.

SECTION 3: Chapter 106 (Zoning) of the Ridgecrest Municipal Code section 106-31 is amended as follows (underlined denotes additions; strikethrough denotes deletions):

Sec. 106-31. - Home occupations.

(a) All applications shall be accompanied by the appropriate fee as set by the city council. Applications shall be processed and approved or denied by the planning department. The applicant for a home occupation permit shall attest to and acknowledge that they will not violate the following criteria:

(1) The home occupation shall not involve the use of signs or accessory structures, other than those permitted in the R districts.

(2) The residence address will not be used for advertising purposes of any kind, nor shall any other residence address be used for advertising purposes in connection with the home occupation.

(3) The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises, other than one vehicle not to exceed one ton gross capacity, owned by the operator of such home occupation. Home occupation materials including stock, wares, goods, samples or equipment, carried in or on the vehicle shall be concealed in such vehicle or within the main structure so as not to be visible from the street, sidewalk or alley when such vehicle is parked at such residence.

(4) Retail sales at the residence and services performed at the residence for persons who have come to the residence for such services shall be limited to no more traffic than that normally occasioned by a residential use. Customers, clients, or prospective customers or clients may be invited to the residence for the purpose of purchasing or obtaining or considering the purchasing or obtaining of merchandise, wares, goods, equipment or service, subject to the above limitation.

(5) No noise, pedestrian or vehicular traffic or activity which constitutes a nuisance or disturbance of the peace of any person shall be produced or made at the residence in connection with the home occupation.

(6) In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a nonresidential use (either by color, materials or construction, lighting, signs, sounds or noises, vibrations, etc.).

(7) Any stock, wares, goods, materials, samples, merchandise or equipment stored on the premises shall be entirely within the building and not visible from the street, sidewalk or alley and shall not interfere with the residential use or endanger any person.

(8) No employees, salesmen or other help, including independent contractors, partners or joint ventures hired, engaged, or retained by the permittee, other than members of the immediate or resident family, shall perform any work at the premises or go to or upon the premises in conjunction with the home occupation.

(9) Home occupation permits shall not be issued for the following businesses or for the following vocations:

- a. ~~Hairdresser, barber or other tonsorial pursuits;~~
- b. ~~Any vocation or business involving the preparation or sale of food or food products;~~
- c. Any vocation or business involving machinery which cannot be stored or operated in the room allowed for use of the home occupation or concealed in the vehicle of not over one-ton capacity;
- d. Automotive, vehicular, or motorcycle repair or engine repair, body and fender repair and auto painting.

(10) Barber or cosmetologist, one (1) chair or booth only, limited to the following practices:

- a. Manicurist

b. Esthetician

c. Electrologist

d. Hair stylist or colorist

(11) Home occupations are intended to be small businesses or vocations with limited hours of operation. Whenever practical for the operation of any proposed use, a condition of approval shall prohibit operation of all or certain aspects of the use between 9:00 p.m. and 8:00 a.m.

(12) Home occupation permits shall not be transferable to other individuals. The permittee shall notify the city in writing at least ten days before the home occupation permit is transferred to a new location. The permit shall be transferred when the home occupancy is relocated if the permittee provides the required notice and the planning director finds the occupation compatible with the new location.

(b) The granting of such home occupations permit is conditioned on the faithful compliance with all the regulations set forth herein and does not relieve the permittee from complying with applicable state, county, and city laws for health and safety. The city council is empowered to revoke the home occupation permit upon reasonable notice to the permittee and upon a hearing, when the planning director reports any persistent violations of any such law or regulation.

SECTION 4. Any provision of the Ridgecrest Municipal Code inconsistent with the provisions of this ordinance, to the extent of such inconsistency and no further, is hereby repealed or modified to the extent necessary to effect the provisions of this ordinance.

SECTION 5. Severability. The invalidity of any portion of this ordinance shall not affect the validity of the remaining portions, which shall remain in full force and effect.

SECTION 6. The City Clerk shall attest to the adoption of this ordinance and shall cause the same to be published in a newspaper of general circulation within 15 days after its passage in accordance with Government Code section 36933. This ordinance shall take effect 30 days after its second reading and adoption pursuant to Government Code section 36937.

Introduced and first read at a meeting of the City Council of the City of Ridgecrest held August 19, 2020.

**PASSED, APPROVED, AND ADOPTED** by the Ridgecrest City Council at its regular meeting on this 2<sup>nd</sup> day of September, 2020.

Ayes: Breeden, Mower, Hayman, Blades

Noes: None

Abstain: None

Absent: Stephens

  
Peggy Breeden, Mayor

ATTEST:

  
Ricca Charlon, City Clerk