

ORDINANCE NO. 1140

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANGER  
AMENDING SECTIONS 90-19, 90-30, 90-122, 90-182, 90-222, AND 90-262 OF  
CHAPTER 90, AND ADDING SECTION 90-897 OF CHAPTER 90 OF THE  
SANGER MUNICIPAL CODE RELATING TO HOME OCCUPATIONS AND  
COTTAGE FOOD OPERATIONS

The City Council of the City of Sanger does ordain as follows:

1. Sections 90-19, 90-30, 90-122, 90-182, 90-222, and 90-262 of Chapter 90 of the Sanger Municipal Code is hereby amended to read as follows:

**Sec. 90-19. - Definitions: Communication equipment buildings —Cottage food operation.**

*Communication equipment buildings* shall mean buildings housing electrical and mechanical equipment necessary for the conduct of a public communications business with or without necessary personnel.

*Contiguous* shall mean the same as *Abut*.

*Convalescent home* shall mean the same as *Rest home*.

*Convenience grocery store* shall mean a store for the retail sale of grocery items to residents of surrounding neighborhoods or to highway travelers. Convenience grocery stores are not intended to be similar in size to supermarkets or to offer the range of grocery items that are normally found in supermarkets. The maximum permitted gross floor area for a convenience grocery store shall be 3,000 square feet.

*Corner cut-off* shall mean the provisions for and maintenance of adequate and safe visibility for vehicular and pedestrian traffic at all intersections of streets, alleys, or private driveways.

*Cottage food operation* shall mean an enterprise at a private home where specific food products defined by the California Department of Public Health as “non-potentially hazardous” are prepared and/or packaged for sale to consumers.

*(Ord. No. 807, § 8, 4-19-88)*

**Sec. 90-30. - Definitions: Home occupation.**

*Home occupation* shall mean any enterprise or business use conducted within a residential dwelling and carried on by the inhabitants thereof. Examples of home occupations include, but are not limited to, consulting professional occupations, the

giving of music lessons or tutoring services, a cottage food operation as defined in this chapter, a home office of a business operation, and handicraft manufacture of products.

*(Ord. No. 807, § 8, 4-19-88)*

**Sec. 90-122. - Uses permitted.**

The following uses shall be permitted in the U-R district plus such other uses as the commission, following the procedure set forth in sections 90-991 through 90-993, may determine to be similar in nature and consistent with the intent of the district as specified in section 90-121:

- (1) Agricultural crops, greenhouses, fruit trees, nut trees, vines, nurseries for producing trees, vines and other horticultural stock.
- (2) Bovine animals and horses, where the lot area is 36,000 square feet or more and provided that the number thereof shall not exceed a number per each 36,000 square feet equal to four adult animals in any combination of the foregoing animals and their immature offspring, with not more than two adult animals of a bovine or equine kind or combination thereof and their immature offspring per each 36,000 square feet. The keeping of all domestic animals provided for herein shall conform to other provisions of law governing same, and no pen, stable, barn, or corral shall be maintained within 25 feet of a side or rear property, or within 35 feet of any building used for human habitation unless such building is occupied by the owner or keeper of the animals or within 100 feet of the front line of the lot; however, this shall not apply to the pasturing of animals within the above-mentioned setbacks.
- (3) Poultry and rabbits for domestic purposes only.
- (4) Storage of petroleum products for use by the occupants of the premises, but not for resale or distribution.
- (5) The sale of agricultural products produced upon the subject property.
- (6) Home occupations subject to the standards and conditions in section 90-897.
- (7) The keeping of household pets, subject to the provisions of section 90-31
- (8) Accessory buildings and structures including, but not limited to, stables, barns, pens, sheds, and other structures for the housing of animals and feed, equipment and tools customarily maintained in connection with the uses permitted in this district.

*(Ord. No. 950, § 2, 5-16-96)*

**Sec. 90-182. - Uses permitted.**

The following uses shall be permitted in the R-A district, plus such other uses as the commission may determine to be similar in nature and consistent with the intent of the district as specified in section 90-181:

- (1) One-family dwellings, not more than one dwelling per lot. A site plan review shall be required for a mobile home installation subject to the provisions of subsection 90-1009(b)(2).
- (2) Accessory buildings.
- (3) Garages.
- (4) Servants' quarters and accessory living quarters on parcels of land having a minimum lot area of 36,000 square feet or more.
- (5) Dwellings for hired agricultural employees on farms or ranches containing ten acres or more.
- (6) Accessory farm buildings.
- (7) Agricultural crops, greenhouses, fruit trees, nut trees, vines, nurseries for producing trees, vines and other horticultural stock, with necessary temporary farm labor camps.
- (8) Bovine animals, horses, where the lot area is 36,000 square feet or more and provided that the number thereof shall not exceed a number per each 36,000 square feet equal to four adult animals in any combination of the foregoing animals and their immature offspring with not more than two adult animals of a bovine or equine kind or combination thereof and their immature offspring per each 36,000 square feet. The keeping of all domestic animals provided for herein shall conform to other provisions of law governing same, and no pen, stable, barn, or corral shall be maintained within 25 feet of a side or rear property line or within 35 feet of any building used for human habitation unless such building is occupied by the owner or keeper of the animals, or within 100 feet of the front line of the lot; however, this shall not apply to the pasturing of animals within the above-mentioned setbacks.
- (9) Poultry and rabbits for domestic purposes only.
- (10) Storage of petroleum products for use by the occupants of the premises but not for resale or distribution.
- (11) The sale of agricultural products produced upon the subject property.
- (12) Home occupations subject to the standards and conditions in section 90-897.
- (13) The keeping of household pets in accordance with section 90-31
- (14) Tract offices, model homes and construction materials storage yards of a temporary nature within the tract being developed and subject to the conditions applicable to subdivision signs on site as set forth in subsection 90-891(6)b.
- (15) State licensed family day care homes.

*(Ord. No. 950, § 4, 5-16-96; Ord. No. 970, § 2, 7-17-97; Ord. No. 986, § 2, 5-21-98; Ord. No. 1092, Exh. A, 7-19-07)*

**Sec. 90-222. - Uses permitted.**

The following uses shall be permitted in the R-1-10 district, plus such other uses as the commission may deem to be similar. All uses shall be subject to the property development standards in sections 90-224 through 90-226:

- (1) One-family dwellings, not more than one dwelling per lot, except in a unit planned development permitted by sections 90-1014 through 90-1017. A site plan review shall be required for mobile home installation subject to the provisions of subsection 90-1009(b)(2).
- (2) Accessory buildings, including garages.
- (3) Private greenhouses and horticultural collections, flower and vegetable gardens.
- (4) Home occupations, subject to the standards and conditions in section 90-897.
- (5) Tract offices, model homes and construction materials storage yards of a temporary nature within the tract being developed and subject to the conditions applicable to subdivision signs on site as set forth in subsection 90-891(6)b.
- (6) The keeping of household pets, subject to the provisions of section 90-31
- (7) State licensed family day care homes.
- (8) The holding of not more than two yard or garage sales within a calendar year.

*(Ord. No. 807, § 1, 4-19-88; Ord. No. 950, § 5, 5-16-96; Ord. No. 970, § 4, 7-17-97; Ord. No. 986, § 3, 5-21-98; Ord. No. 1092, Exh. A, 7-19-07)*

**Sec. 90-262. - Uses permitted.**

The following uses shall be permitted in the R-1-7.5 district, plus such other uses as the commission may deem to be similar. All uses shall be subject to the property development standards in section 90-264:

- (1) One-family dwellings, not more than one dwelling per lot, except in a planned unit development permitted by sections 90-1014 through 90-1017. A site plan review shall be required for mobile home installation subject to the provisions of subsection 90-1009(b)(2).
- (2) Accessory buildings, including garages.
- (3) Private greenhouses and horticultural collections, flower and vegetable gardens.
- (4) Home occupations, subject to the standards and conditions in section 90-897.

- (5) Tract offices, model homes and construction materials storage yards of a temporary nature within the tract being developed and subject to the conditions applicable to subdivision signs on site as set forth in subsection 90-891(6)b.
- (6) The keeping of household pets, subject to the provisions of section 90-31
- (7) State licensed family day care homes.

*(Ord. No. 871, § 2, 8-20-92; Ord. No. 950, § 6, 5-16-96; Ord. No. 970, § 6, 7-17-97; Ord. No. 986, § 5, 5-21-98; Ord. No. 1092, Exh. A, 7-19-07)*

**Sec. 90-292. - Uses permitted.**

The following uses shall be permitted in the R-1-6 district, plus such other uses as the commission may deem to be similar. All uses shall be subject to the property development standards in sections 90-294 through 90-297 as well as sign standards in subsection 90-891(4).

- (1) One-family dwellings, with not more than one dwelling per lot. A site plan review shall be required for a mobile home installation subject to the provisions of subsection 90-1009(b)(2).
- (2) Accessory buildings, including garages.
- (3) Private greenhouses and horticultural collections, flower and vegetable gardens.
- (4) Home occupations, subject to the standards and conditions in section 90-897.
- (5) Tract offices, model homes and construction materials storage yards of a temporary nature within the tract being developed and subject to the conditions applicable to subdivision signs on site as set forth in subsection 90-891(6)b.
- (6) The keeping of household pets, subject to the provisions of section 90-31
- (7) State licensed family day care homes.
- (8) The holding of not more than two yard or garage sales within a calendar year.

2. Section 90-897 of Chapter 90 of the Sanger Municipal Code is hereby added to read as follows:

**Sec. 90-897. – Home Occupations.**

A home occupation may be permitted by issuance of a home occupation permit in accordance with this section.

Applications for home occupation permits shall be made by a resident living at the site that will operate the home occupation, and shall have the written consent of the property owner.

Home occupation permits shall be processed and approved as an administrative matter by the planning director.

A home occupation permit may not be transferred to another site, nor may it be transferred to another resident.

The following standards and conditions shall apply to all home occupations:

- a. The home occupation shall be clearly incidental to the use of the site as a residence.
- b. There shall be no employment or contracting of help other than a resident of the dwelling or a family member of a resident of the dwelling, with the exception that a cottage food operation is allowed to employ one full-time equivalent employee.
- c. There shall be no sales of products on the premises, except that products from a cottage food operation may be sold directly to consumers.
- d. The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.
- e. The use shall not involve the use of commercial vehicles for delivery of materials or products to or from the premises, other than a vehicle not to exceed one ton payload capacity, owned by the operator of the home occupation. The vehicle shall not be stored in a location visible from a public street.
- f. There shall be no excessive or unsightly storage of materials or supplies, indoors or outdoors, other than those permitted in the district.
- g. There shall be no signs advertising the business or identifying the site as a home occupation.
- h. No building or space outside of the main building shall be used for home occupation purposes.
- i. No required parking spaces for the residence shall be used for home occupation purposes.
- j. In no way shall the appearance of the structure or site be altered such that the structure or site may be reasonably recognized as

serving a nonresidential use, either by color, materials, construction, lighting, signage, noises, or vibrations.

- k. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.
- l. The use shall not generate sewage or solid waste of a type that differs or of an amount that is greater than a typical residence within the district in which it is located.
- m. All food preparation in conjunction with a cottage food operation must take place in the residence's existing kitchen.
- n. A permit for a home occupation that requires an additional permit or approval from another agency to operate, such as a cottage food operation, shall not be effective until that permit or approval is obtained, and shall automatically expire if the other required permit or approval expires, is disapproved, or is revoked.
- o. A copy of any additional permit or approval from another agency to operate, such as a cottage food operation permit, shall be provided to the City Planning Department within 10 working days of the issuance of that permit or approval.

In addition to the standards and conditions specified above, the planning director may add additional conditions to the home occupation permit approval that are deemed necessary to promote general health, safety, and welfare.

Upon violation of a standard condition, the planner director may revoke a home occupation permit if, 1) the violation has not been remedied within 10 days after a notice of violation has been issued, or 2) there are repeated violations.

In the event of denial or revocation of a home occupation permit, or in the event of an objection to the limitations placed upon the home occupation, an appeal may be made by the permit applicant to the Planning Commission.

A home occupation permit shall expire and become void if one of the following occurs:

- a. the use is not commenced within six (6) months of the issuance of the permit,
- b. the use has not been conducted for a period of six (6) months,
- c. the City business tax license for the use has expired,
- d. the property changes ownership.

3. This Ordinance shall go into effect and be in full force from and after thirty (30) days after its final passage and adoption.

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Joshua Mitchell, Mayor

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ATTEST:

I REBECA HERNANDEZ, City Clerk of the City of Sanger, California, do hereby certify that the foregoing ordinance was introduced on a motion of Councilmember Ontiveros seconded by Councilmember Pacheco, at a regular meeting of the Sanger City Council held on the 20th day of June, 2013, and was duly adopted by the Sanger City Council at a Regular Meeting of said City Council on the 18<sup>th</sup> day of July, 2013, by the following roll call vote:

AYES:	COUNCILMEMBERS:	MITCHELL, NIELSON, ONTIVEROS, CANTU, PACHECO
NOES:	COUNCILMEMBERS:	NONE
ABSTAIN:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE

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Rebeca Hernandez, City Clerk

APPROVED AS TO LEGAL FORM:

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Jenell Van Bindsbergen, City Attorney