

ORDINANCE NO. 0003-2022

AN ORDINANCE OF THE CITY OF MCFARLAND AMENDING TITLE 17, CHAPTERS 17.04.340, 17.04.350, REPEALING SUBSECTION "C" OF CHAPTER 17.12.020, AND ADDING CHAPTER 17.153 OF THE MCFARLAND MUNICIPAL CODE.

Section 1. Recitals

WHEREAS, The City of McFarland ("City") desires to amend, clarify and codify its Municipal Code Chapter related to Home Occupation;

WHEREAS, The Ordinance Amendment updates the Municipal Code to codify the definition of Home Occupation, and the Standards for, and Process, Procedures, and Permits necessary for Home Occupation;

WHEREAS, Adoption of this Ordinance will provide uniform and comprehensive regulations and standards related to Title 17, Chapters 17.04.340, 17.04.350, and 17.153.010 through 17.153-060 of the McFarland Municipal Code.

WHEREAS, Adoption of this Ordinance is in furtherance of the City's goals and objectives while reducing the potentially negative impacts arising from potentially deficient and/or incomplete/incompatible Municipal Code Chapters.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MCFARLAND DOES ORDAIN AS FOLLOWS:

Section 2. Chapter 17.04.340 of the McFarland Municipal Code is hereby amended to read as follows:

17.04.340 Home Occupation.

"Home Occupation" means an occupation carried on by the residents of a dwelling as a secondary use.

Section 3. Chapter 17.04.350 of the McFarland Municipal Code is hereby amended to read as follows:

17.04.350 Home Occupation Permit.

"Home Occupation Permit" is a permit authorizing the operation of a specified home-based occupation. It is administered through the Community Development Department as promulgated in Municipal Code 17.153.060. The Permit may be revoked if activity is not consistent with all the terms and conditions of all the zoning approvals and approved plans granted by the City.

Section 4. Chapter 17.12.020 of the McFarland Municipal Code is hereby amended to Repeal the Current Language of Subsection C and Amend Subsections D-O to be Renumbered as Subsections C-N, respectively.

Section 5. Chapter 17.153 of the McFarland Municipal Code is hereby Added to the McFarland Municipal Code as Follows:

Chapter 17.153 HOME OCCUPATION PERMIT

17.153.010 Purpose and intent.

This section provides standards for the conduct of home occupations, as Defined by Chapter 17.04.340 of the McFarland Municipal Code. In general, a home occupation is a residential accessory use that, under normal circumstances, the average neighbor is unaware of its existence. Thus, no sound or visibility of the occupation is seen or heard beyond the premises.

17.153.020 Home Occupation is permitted in the following zone districts.

A Home Occupation Permit may only be granted in the R-1 and R-2 zones.

However, the home occupation permit shall not be granted unless the community development director finds that the proposed home occupation complies with the definition and requirements of this Title 17.

17.153.030 Permitted uses.

Home Occupations may include, but are not limited to, the following:

Table 1:

ACTIVITY	INCLUDED OCCUPATION
On-site professional service and/or consultation – by appointment only	Architect, broker, consultant, engineer, insurance agent, land surveyor, bookkeeper, accountant, typist, or similar use as determined by the community development director.
Off-site personal services requiring home office	Gardening and landscaping service, locksmith, and other uses where storage in vehicle is required, or similar use as determined by the community development director.
Sales – no door-to-door sales, delivery to customers only	Sales representative (including jewelry, cosmetics, products of domestic consumption), catalog and telephone sales only or similar use as determined by the community development director.
Artisan studio	Artist, sculptor, photography studio, author, composer, weaver, crafts, rug and blanket weaving, lapidary or similar use as determined by the community development director.
Group instructional (income producing activities)	Small day care or similar use as determined by the community development director.

17.153.040 Prohibited Uses.

The following non-exclusive list displays example secondary uses that are not incidental to, nor compatible with residential activities, and are therefore prohibited from receiving a home occupation permit:

- A. Antique shops
- B. Auto Repair
- C. Barber and Beauty shops
- D. Business which engages in the harboring, training, breeding, raising, or grooming of dogs, cats, or other animals on the premises.
- E. Cabinet making
- F. Funeral chapel or funeral home
- G. Kennel
- H. Medical and dental offices, clinics, and laboratories
- I. Mini storages
- J. Repair, fix-it, appliance, or plumbing shops
- K. Home Occupations in Mobile home (M-P) zones
- L. Vehicle repair (body or mechanical). Upholstery and painting
- M. Welding and Machining shops
- N. **Any additional uses determined by the community development director that is not listed but is not incidental nor compatible with residential activities.**

17.153.050 Operating standards.

Home occupations shall comply with all the following operating standards and any additional conditions that may have been placed by the community development director.

- A. There shall be no displays or advertising signs on the premises.
- B. There shall be no signs other than the address and name of the resident.
- C. There shall be no advertising which identifies the home occupation by street name.
- D. The home occupation shall be confined completely to one room located within the dwelling. It shall not occupy more than twenty-five percent of the gross area of one floor of the residence. No portion of any garage, carport or other accessory structure shall be used for home occupation purposes, other than for storage which does not impair required parking in the garage.

- E. Only one vehicle no larger than a three-fourth-ton truck may be used by the occupant directly or indirectly in connection with a home occupation.
- F. Subject to Municipal Code **17.153.070**, no external alterations or construction features can be made to accommodate a home occupation, nor can any change be made which would change the fire rating of the structure or the fire district in which the structure is located.
- G. There shall be no use or storage of material or mechanical equipment, either indoor or outdoor, not recognized as being part of a normal household or hobby use.
- H. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. Utility consumption shall not exceed normal residential usage.
- I. No home occupation use shall create or cause noise, dust, light, vibration, odor, gas, fumes, toxic/hazardous materials, smoke, glare, or electrical interference or other hazards or nuisances.
- J. Employees engaged in the home occupation shall only be members of the resident family and shall be occupants of the dwelling. No outside employees.
- K. The home occupation shall not require the services of commercial carrier freight deliveries at the site in a frequency greater than what is normally found in a residential area.
- L. The home occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the land use district in which it is located.
- M. No business license shall be issued until a home occupation permit is obtained, pursuant to the municipal code.
- N. A home occupation permit is not transferable.
- O. There shall be no more than one home occupation in any dwelling unit.
- P. If the home occupation is to be conducted on rental property, the property owner's written authorization for the proposed use shall be obtained prior to the submittal of a home occupation permit.

17.153.060 Permits.

- A. Application. An application for a home occupation permit shall be on forms furnished by the Community Development Director, shall be filed with the Community Development Department before commencing the business activity, and shall be signed by the applicant. The application shall include the following information:
 - i. The name, mailing address, and telephone number of the owner(s) of the business;
 - ii. The street address of the property where the business will be conducted; and
 - iii. A description of the type of business proposed.
- B. Permit Issuance. The Community Development Director shall issue a permit if he or she finds:
 - i. That the application is complete;
 - ii. That such business will be operated consistent with the regulations of this chapter and not interfere with the peace and quiet or be contrary to the residential character of the neighborhood; and
 - iii. The building and the proposed business will be maintained and conducted according to all laws of the city and state, including, but not limited to, health, structural soundness, fire safety, and zoning.

17.153.070 Process in acquiring Home Occupation permit.

Resident seeking a home occupation addition to their home shall apply for a Conditional Use Permit (CUP) & Home Occupation permit. Once the application, along with site plans and design have been submitted to the City, the application will go into the process of review. Application will then go to the Planning Commission and a public hearing will be conducted. The Planning Commission may then grant the permit along with any terms and conditions pertaining to occupation. No home occupation shall be established until an application for a home occupation permit has been submitted and approved as being consistent with the requirements of this section. No building license shall be applied for until after approval of the home occupation. A probational 1 year period is held to ensure

that all terms and conditions are being met. After probational period, the occupational permit shall be subject to annual review and will consist of a yearly renewal.

Section 6. Notice. The City clerk shall certify to the passage and adoption of this ordinance and shall cause this Ordinance to be posted within 15 days after its passage, in accordance with Section 36933 of the Government Code.

Section 7. Severability. If any section, subsection, sentence, clause, phrase, or word of this Ordinance is, for any reason, deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or preempted by legislative enactment, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of McFarland hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or word thereof, regardless of the fact that any one or more sections, subsections, clauses, phrases, or word might subsequently be declared invalid or unconstitutional or preempted by subsequent legislation.


Section 8. Effective Date. This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code section 36937.

Section 9. Certification; Publication. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

INTRODUCED, at a regular meeting of the City Council of the City of McFarland, California on the 27th day of January 2022.

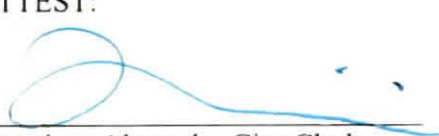
PASSED AND ADOPTED at a regular meeting of the City Council of the City of McFarland, California on the 10th day of February 2022, by the following vote:

	Aye	Nae	Abstain	Absent
Sally Tafoya	X			
Maria T. Perez	X			
Saul Ayon	X			
Ricardo Cano	X			



Sally Tafoya, Mayor

I hereby certify that the foregoing Ordinance was duly and regularly adopted by the City Council of the City of McFarland by a regular meeting thereof held on February 10, 2022.

ATTEST:


Francisca Alvarado, City Clerk

APPROVED AS TO FORM:


Nathan M. Hodges, City Attorney

Posted: February 11, 2022