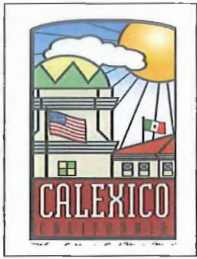


**AGENDA  
ITEM**

**7**



# CITY COUNCIL AGENDA STAFF REPORT

**DATE:** December 15, 2021

**TO:** Mayor and City Council

**APPROVED BY:** Miguel Figueroa, City Manager *MF*

**PREPARED BY:** Lisa Tylenda, Planning and Building Services Director

**SUBJECT:** Second Reading and Adoption of Ordinance No. 1221 – An Ordinance Adopting Amendment to Chapter 17, Article II - Home Occupations - Section 17.11.200 of the Calexico Municipal Code

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## Recommendation

Conduct second reading and adoption of Ordinance No. 1221 – An Ordinance Adopting Amendment to Chapter 17, Article II - Home Occupations - Section 17.11.200 of the Calexico Municipal Code.

## Background:

The City of Calexico's General Plan has not been updated for almost thirty (30) years. That has created internal constraints in regards to home business operations. After COVID-19 pandemic, our business community has been negatively impacted.

Staff has identified constraints and limiting factors within the Home Occupation Ordinance that may impede the small business operation for potential operating levels that will increase their revenue and potentially have a positive effect on the City Sales Taxes as well. Staff has taken a proactive approach to creating a more business friendly operating environment and in essence increasing economic potential for home occupations and well as the City of Calexico factors.

## Discussion and Analysis

The proposed Amendments to the Home Occupation Ordinance is an attempt alleviate operational impacts that the current zoning ordinance for home occupations creates in terms of performance and development standards. The proposed amendments to the ordinance will also apply to Commercial, Mixed-Use, Industrial development projects where there may be residential uses or residential legal non-conforming uses.

There is a need for administrative flexibility, in the essence of creating a process that is tailored for residents and the small business community. The proposed ordinance gives staff flexibility, while still keeping and promoting transparency at an administrative level.



Ordinance was introduced, public hearing and first reading were conducted and approved by City Council at the regular meeting of December 1, 2021.

**Fiscal Impact:**

None.

**Coordinated With:**

Planning and Building Services Department.

**Attachment(s):**

1. Ordinance No. 1221 - An Ordinance Adopting Amendment to Chapter 17, Article II - Home Occupations - Section 17.11.200 of the Calexico Municipal Code.

## ORDINANCE NO. 1221

### AN ORDINANCE OF THE CITY OF CALEXICO AMENDING SECTION 17.11.200 OF THE CALEXICO MUNICIPAL CODE RELATING TO HOME OCCUPATIONS

THE CITY COUNCIL OF THE CITY OF CALEXICO DOES ORDAIN AS FOLLOWS:

#### SECTION 1. Article II. - Home Occupations

##### Section 17.11.200 Home occupations.

- A. Home occupations may be permitted only when in compliance with the conditions listed herein. A permit must be issued by the planning director prior to operation of such use. The fee shall be in accordance with those adopted by city council resolution.
1. There shall be no stock in trade or exterior storage of materials in the conduct of a home occupation, **unless the planning and building services director approves the request of stock in trade or exterior storage of materials.**
  2. A home occupation shall be conducted entirely within a dwelling, if in an attached or a detached garage shall not impede the use of said garage for vehicle storage. **If a resident would like to conduct the home occupation within the attached or detached garage, the resident will have to obtain approval from the planning and building services director and comply with any conditions of approval imposed on the proposed home occupation.**
  3. No exterior alterations of the dwellings shall be made which would change the residential character of the home to accommodate the home occupation. **If the resident wishes to alter the home to accommodate ADA (American Disability Act) and CA Building Code requirements, the applicant will need to obtain approval for the proposed home occupation use and obtain all the proper local, state, and federal permits as well for said home occupation.**
  4. Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit shall be prohibited.
  5. Only the residents of the dwelling unit may be engaged in the home occupation. **If the resident would like to employ individuals that do not reside within the dwelling unit, they will need to obtain approval by the planning and building services director and will be subject to conditions of approval for said business operation.**
  6. There shall be no sale of goods on the premises. **If the resident would like to conduct onsite sales of goods on the premise, the resident must obtain the proper approval and permits from the planning and building services director. The sale of goods on the premise will be subject to hours of operation that will be formulated, imposed and approved by the planning and building services director.**

7. The establishment and conduct of a home occupation shall not change the principal character or use of the dwelling unit involved.
8. ~~There shall be no signs other than those permitted by this chapter.~~ **Business Signs to identify the home occupation must be reviewed and approved by the planning and building services director. No more than two signs will be permitted per home occupation. The design, color schemes, and location of home occupation signs are subject to review and approval by the planning and building services director. Resident will need to obtain all local, state, and federal permits related to any structure or use tied to the home business operation.**
9. The required residential off-street parking shall be maintained.
10. A home occupation shall not create vehicular or pedestrian traffic in excess of that which is normal for the zone in which it is located.
11. No vehicles or trailers (including pick-up trucks and vans) or construction or other equipment, except those normally incidental to residential use, shall be kept on the site.
12. Home Occupation uses are subject to review and approval by the planning and building services director.
13. If a proposed home occupation use is not specifically listed, an applicant may request an interpretation from the planning and building director or designee as to whether or not such use is a permitted use;

In determining whether a proposed use closely resembles a use expressly authorized in the applicable zoning district(s), the planning and building director or designee shall examine the characteristics of the home occupation and use and shall make a determination as to what zone(s) the home occupation and use may be allowed as a primary permitted use or a conditional use permit based on the following criteria:

The requested use is substantially similar to the listed uses permitted in the district in which the request is being sought, as opposed to its similarity to the listed uses permitted in other districts based on the following criteria:

- a. The activities involved in or equipment or materials employed in the use;
- b. The effects of the use on the surrounding area, such as traffic impacts, noise, dust, odors, vibrations, lighting and glare, impacts on public services and facilities, and aesthetic appearance;
- c. The use has a high degree of potential to be consistent, compatible, and homogenous with listed uses;
- d. The use is consistent with the stated purpose of the applicable district or districts;

- e. The use is compatible with the applicable goals and policies of the comprehensive plan.
- f. Unlisted developments and uses for which the planning and building director or designee has made an administrative interpretation as to appropriate zone and type similarity shall be considered to constitute an official interpretation and shall subsequently be applied and used for future administration in reviewing other proposals. The planning and building director or designee shall report such decisions to the planning commission when it appears desirable and necessary to amend this code.

**SECTION 2. Effective Date.** This Ordinance shall take effect thirty (30) days after its adoption.

**SECTION 3. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional. If for any reason any portion of this Ordinance is found to be invalid by a court of competent jurisdiction, the balance of this Ordinance shall not be affected.

**SECTION 4. Certification and Publication.** The City Clerk of the City of Calexico shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted under California Government Code Section 36933.

**SECTION 5. CEQA.** The City Council finds that pursuant to CEQA and the State CEQA Guidelines, no further environmental review is required prior to the adoption of the proposed amendments to Chapter 17, Section II – Home Occupations – Section 17.11.200 of the Calexico Municipal Code. Specifically, the City Council finds that the subject Municipal Code Amendment is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3). The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; the activity is not a project as defined in Section 15378, and the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA.

**THIS ORDINANCE IS PASSED, APPROVED, AND ADOPTED** at a regular meeting of the City Council of the City of Calexico this 15<sup>th</sup> day of December, 2021.

\_\_\_\_\_  
Javier Moreno, Mayor

**ATTEST:**

\_\_\_\_\_  
Gabriela T. Garcia, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Carlos Campos, City Attorney

State of California )  
County of Imperial ) ss.  
City of Calexico )

I, Gabriela T. Garcia, City Clerk, hereby certify that the foregoing is a true copy of Ordinance No. 1221, introduced at a regular meeting held on the 1<sup>st</sup> day of December, 2021, and duly adopted by the City Council of the City of Calexico, California at a regular meeting thereof held the 15<sup>th</sup> day of December, 2021.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Gabriela T. Garcia, City Clerk