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CITY OF SACRAMENTO

DEPARTMENT OF PLANNING AND DEVELOPMENT

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Sacramento, Ca. 95814

Administration
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Building Inspections
Room 200 449-5716
Planning
Room 200 449-5604

November 18, 1986

Transportation & Community Development Committee
Sacramento, California

Members in Session:

SUBJECT: Zoning Ordinance Amendment relating to Home Occupations (M86-082)

SUMMARY: The proposed Zoning Ordinance amendment would establish a definition for Home Occupation and add language to Section 11 of the Zoning Ordinance to clarify existing home occupation regulations. Staff and the Planning Commission recommend that the Committee concur with their recommendation and recommend adoption of the attached Zoning Ordinance amendment to the City Council.

BACKGROUND INFORMATION: Currently home occupations are regulated under Section 11 of the Zoning Ordinance. This section describes the home occupation permit process, lists the types of home occupations for which a permit may be issued by the Planning Director, describes when a permit may be granted by the Planning Commission, outlines restrictions on home occupations, and discusses the abatement and appeal processes.

The intent of the home occupation regulations is to allow an individual to operate an incidental business from his or her place of residence while not creating a nuisance for the surrounding neighborhood. The primary use of the dwelling unit is still to be for residential purposes and a home occupation is to be limited to a small office or business of a personal service nature with no clients, customers or employees coming to the home.

The purpose of the proposed Zoning Ordinance amendment is to clarify the intent of the existing home occupation regulations. The proposed amendment would add a definition to the Zoning Ordinance which states that a home occupation is:

"A non-residential use conducted in a dwelling unit which is clearly incidental and subordinate to the use of the dwelling for residential purposes and which complies with all requirements of Section 11 of this Ordinance."

The proposed amendment also adds wording to the home occupation restrictions indicating that: "The occupation shall not have customers, clients or employees coming to the home."

On December 6, 1986, all existing adult-related establishments which do not conform to the land use regulations of the Zoning Ordinance will be required to be brought into full conformity with all Zoning Ordinance requirements or discontinue operation (Section 12-C-3). To insure that it is clearly understood that adult-related businesses are not permitted as home occupations, the proposed ordinance amendment would also add a section to the list of home occupation restrictions indicating that no home occupation shall be permitted to conduct any business or adult-related establishment which is subject to the permit requirements of the City Code relating to permits for adult-related establishments (Chapter 28, Article IV).

Staff proposes that the proposed ordinance be declared an emergency ordinance which would take effect immediately after adoption by the City Council. The grounds for the emergency are that there is a need to clarify the existing home occupation regulations and to prevent the establishment, during the time it would take a non-emergency ordinance to become effective, of uses inconsistent with sound land use practices and neighborhood welfare.

On November 13, 1986, the City Planning Commission conducted a public hearing on the proposed Zoning Ordinance amendment. The Commission recommended adoption of the proposal.

VOTE OF THE PLANNING COMMISSION: On November 13, 1986, by a vote of eight ayes and one absent, the Commission voted to recommend adoption of the proposed Zoning Ordinance amendment and forward to City Council for adoption.

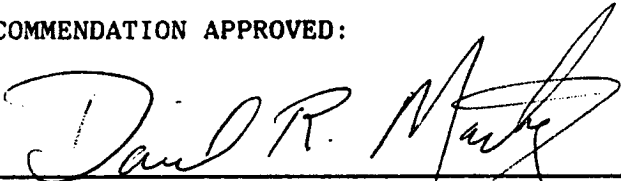
RECOMMENDATION: Staff and the Planning Commission recommend that the Transportation and Community Development Committee concur with their recommendation and recommend adoption of the attached Zoning Ordinance amendment and forward to City Council for adoption.

Respectfully submitted,



Art Gee
Principal Planner

RECOMMENDATION APPROVED:



DAVID R. MARTINEZ, DEPUTY CITY MANAGER

AG:JP:ldc

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE ADDING SECTIONS 22-A-94, 11-A-6r AND AMENDING SECTION 11-A-6a OF THE COMPREHENSIVE ZONING PLAN OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550, FOURTH SERIES, RELATING TO HOME OCCUPATIONS, AND DECLARING SAID ORDINANCE TO BE AN EMERGENCY ORDINANCE TO TAKE EFFECT IMMEDIATELY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

Section 22-A-94 is hereby added to the Comprehensive Zoning Plan of the City of Sacramento, Ordinance No. 2550, Fourth Series, to read as follows:

94. Home Occupation: A nonresidential use conducted in a dwelling unit which is clearly incidental and subordinate to the use of the dwelling for residential purposes and which complies with all requirements of Section 11 of this ordinance.

SECTION 2

Section 11-A-6a. of the Comprehensive Zoning Plan of the City of Sacramento, Ordinance No. 2550, Fourth Series, is hereby amended to read as follows:

- a. A home occupation shall be limited to an office or business of a personal service nature only. The occupation shall not have customers, clients or employees coming to the home.

SECTION 3

Section 11-A-6r. is hereby added to the Comprehensive Zoning Plan of the City of Sacramento, Ordinance No. 2550, Fourth Series, to read as follows:

- r. No home occupation shall be permitted to conduct any business or adult-related establishment which is subject to the permit requirements of Article IV of Chapter 28 of the City Code.

SECTION 4

This ordinance is hereby declared to be an emergency ordinance to take effect immediately. The grounds for the emergency are the need to clarify the home occupation regulations of the City's Zoning Ordinance and to prevent the establishment, during the time it takes a non-emergency ordinance to become effective, of uses inconsistent with sound land use practices and neighborhood welfare.

MAYOR

ATTEST:

CITY CLERK