

ORDINANCE NO. 418

AN ORDINANCE OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT NO. 2013-01: REPLACING IN ITS ENTIRETY SECTION 17.28.020(B), HOME OCCUPATIONS AND GARAGE SALES, OF TITLE 17, ZONING, OF THE MOORPARK MUNICIPAL CODE

WHEREAS, at its meeting of February 26, 2013, the Planning Commission conducted a duly-noticed public hearing on Zoning Ordinance Amendment No. 2013-01 which would replace, in its entirety, Section 17.28.020(B), Home Occupations and Garage Sales, of Title 17, Zoning, of the Moorpark Municipal Code, received public testimony, and after receiving oral and written public testimony, closed the public hearing and recommended approval of Zoning Ordinance Amendment No. 2013-01 to the City Council; and

WHEREAS, at its meeting of May 15, 2013, the City Council conducted a duly-noticed public hearing on Zoning Ordinance Amendment No. 2013-01 which would replace in its entirety Section 17.28.020(B), Home Occupations and Garage Sales, of Title 17, Zoning, of the Moorpark Municipal Code, received public testimony, and after receiving oral and written public testimony, closed the public hearing and reached a decision; and

WHEREAS, The Community Development Director has determined that the proposed Zoning Ordinance Amendment is statutorily exempt from the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines because it qualifies under 15 Cal. Code of Regulations (State CEQA Guidelines) Section 15061 (b)(3) as an activity that does not have the potential for causing a significant effect on the environment.

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

SECTION 1. ENVIRONMENTAL DOCUMENTATION: The City Council has reviewed the Community Development Director's determination that the proposed Zoning Ordinance Amendment qualifies for a General Rule Exemption in accordance with Section 15061(b)(3) of California Code of Regulations (CEQA Guidelines) in that CEQA only applies to projects which have the potential for causing a significant effect on the environment. Because this ordinance only changes the duration of a Home Occupation Permit and the criteria for revocation of a Home Occupation Permit, the City Council finds that there is no substantial evidence that it will have the potential for causing a significant effect on the environment. The City Council has reviewed the Community Development Department's determination of exemption, and based on its own independent judgment, concurs in staff's determination of exemption.

SECTION 2. GENERAL PLAN AND SPECIFIC PLAN CONSISTENCY: The City Council finds Zoning Ordinance Amendment No. 2013-01 to be consistent with the City of Moorpark General Plan and all adopted Specific Plans in that Goal 4 of the Land Use Element of the General Plan is to “Promote upgrading and maintenance of existing housing”. Home Occupations increase the value of existing housing by allowing additional uses that do not interfere with the residential character of existing neighborhoods.

SECTION 3. CODE AMENDMENT. Subsection (B) (Home Occupations and Garage Sales) of Section 17.28.020 (Standards relating to dwellings) of Chapter 17.28 (Standards for Specific Uses) of Title 17 (Zoning) of the Moorpark Municipal Code is hereby amended as shown in Exhibit A: Zoning Ordinance Amendment No. 2013-01.

SECTION 4. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 5. This Ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 6. The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall publish notice of adoption in the manner required by law.

PASSED AND ADOPTED this 5th day of June, 2013.

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Janice S. Parvin, Mayor

ATTEST:

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Maureen Benson, City Clerk

Exhibit A: Zoning Ordinance Amendment No. 2013-01

EXHIBIT A

**Zoning Ordinance Amendment No. 2013-01:  
Replacing in its Entirety  
Section 17.28.020(B), HOME OCCUPATIONS AND GARAGE SALES;  
of Title 17, Zoning; of the Moorpark Municipal Code**

*Section 17.28.020(B) is replaced in its entirety as follows:*

"B. Home Occupations and Garage Sales.

1. Home Occupation Requirements. A home occupation is the interior and incidental use of a dwelling, in all residential zones and in the residential portion of specific plans, for business purposes with a valid home occupation permit meeting all of the requirements of this section.

a. Application. An application for a home occupation permit shall be filed with the community development director on forms prescribed by the community development director along with the fee established by city council resolution.

b. Approval Criteria. The community development director shall approve an application for a home occupation permit that meets the following criteria:

i. The applicant shall be the home owner, or in the case of a rental housing unit, the applicant shall provide a signed owner's statement that the proposed home occupation is allowed under the rental agreement.

ii. Accessory structures shall not be used for home occupation purposes.

iii. Persons other than residents of the property shall not be engaged on the property in the home occupation.

iv. The home occupation shall not generate pedestrian or vehicular traffic beyond that normal to the zoning district in which it is located.

v. Customer services or sales of goods, wares or merchandise on-site shall not be permitted, except by mail or electronic communication. Instruction, tutoring or teaching of a maximum of three (3) students per session and/or six (6) students per day, whichever is more restrictive shall be allowed. The community development director may make allowances for single events having more than the maximum of six (6) students per day and/or three (3) students per session.

vi. Commercial vehicles, having a specific manufacturer's gross weight rating of ten thousand (10,000) pounds or more in connection with the home occupation, shall not be permitted as limited by Section 10.04.300 of this code.

vii. A maximum of one (1) commercial vehicle, having a specific manufacturer's gross weight rating of less than ten thousand (10,000) pounds, in connection with the home occupation shall be permitted so long as it is legally parked either on the street or on the site.

viii. The use of signs, merchandise, products or other material or equipment displayed for advertising purposes shall not be permitted.

ix. Outdoor storage of materials and/or supplies or other outdoor activity related to the home occupation shall not be permitted.

x. Uses, by reason of color, design, materials, construction, smoke, dust, fumes, odors, glare, lighting, noise or vibrations, that alter the residential character of the dwelling, or unreasonably disturb the peace and quiet of the surrounding area shall not be permitted.

xi. The home occupation shall be limited to a maximum of ten percent (10%) of the gross floor area of the residence, or one hundred fifty (150) square feet, whichever is greater. Related materials and supplies shall be stored only in the designated area approved by the community development director. No structural alterations shall be permitted within the dwelling unit to separate any area used for a home occupation from the dwelling space. No area used for a home occupation shall be subleased or rented to another party.

xii. A valid city business registration permit or license shall be required.

xiii. There shall be no storage of flammable, toxic, hazardous, combustible materials indoors or outdoors, including, but not limited to, gasoline, solvent or gun powder for purposes beyond those normally used for normal household purposes.

xiv. The garage, carport or accessory structures shall not be used for home occupation purposes. There shall be no storage in the garage, carport or dwelling of any materials or supplies not recognized as being part of normal household or hobby use.

xv. The home occupation shall not create excessive demand for municipal or utility services or community facilities beyond those customarily provided for residential uses.

xvi. There shall be no on premise use of material or mechanical equipment not recognized as being part of normal household or hobby use.

xvii. On-site sales of goods, wares or merchandise or on-site commercial activities in residential zones, except as allowed by subsection (B)(1)(b)(v) of this section is prohibited.

c. Conditions. In granting a home occupation permit, the director may impose conditions to safeguard and protect the public health and safety and promote the general welfare. The applicant shall agree in writing to comply with all conditions prior to the issuance of a home occupation permit.

d. Duration of Permit. Unless otherwise stated in the home occupation permit, the home occupation permit at the approved address shall be valid until six months after the use for which the permit was issued has ceased or until the permit is revoked.

e. Revocation of Permit. A home occupation permit may be revoked pursuant to the revocation provisions of chapter 17.44 of this title if the community development director makes any of the following findings in addition to any of the findings for revocation in chapter 17.44 of this title and notifies the applicant in writing:

- i. A condition of the home occupation permit has been violated;
- ii. The use has become detrimental to the public health, welfare and safety; is resulting in a significant traffic impact or constitutes a nuisance;
- iii. The home occupation permit was obtained by misrepresentation or fraud;
- iv. The use for which the home occupation permit was granted has ceased for six (6) months or more.
- v. The use for which the home occupation permit was granted has become nonconforming due to a change in the municipal code and a reasonable period of time, as determined by the community development director, has elapsed to allow for the termination or relocation of the use.

In the event of a conflict between the findings and provisions of this section with respect to the revocation of a home occupation permit and those of chapter 17.44, the findings and provisions of this section shall control.

2. Garage Sales Requirements. Garage sales shall be permitted in all residential zones, provided the sale conforms to the criteria and conditions identified in this chapter. No application shall be required. The city shall, however, monitor garage sales to ensure compliance with the following criteria and limitations.

a. No more than three (3) garage sales shall be conducted on the premises in any calendar year; provided, however, a fourth sale shall be

permitted if satisfactory proof of a bona fide change in ownership of real property is first presented to the community development director. A minimum of five (5) days must pass between individual sale events. No single sale event shall be conducted for longer than three (3) consecutive days. Garage sales shall not be held for more than two (2) consecutive weekends. Garage sales shall be conducted between the hours of seven (7:00) a.m. and seven (7:00) p.m.

b. Property offered for sale at a garage sale may be displayed on a driveway, in a house and/or in a rear yard, but only in such areas. No property offered for sale at a garage sale may be displayed in any front yard or in any public right-of-way.

c. A maximum of six (6) off-site directional signs, not to exceed two (2) feet by two (2) feet, shall be permitted. Written permission to erect signs on private property shall be obtained from the property owners of the site where such signs are to be placed. This written authorization shall be provided to the city upon request. Signs may be displayed only during the hours the garage sale is actively being conducted and shall be removed at the close of the sale activities each day. No signs shall be placed on utility poles or in the public right-of-way.

d. A nonprofit organization or association of persons may conduct a garage sale at the residence of one or more of its members pursuant to all of the requirements of this section. One (1) such sale may be held per year without such sale being deemed one chargeable to the premises in question for the purpose of applying the three (3) sales per year limitation set forth in subsection (B)(2)(a) of this section.

e. No garage sale shall be held so as to include more than three (3) residences or parcels at the site of the sale without first obtaining written approval from the community development director. In granting an approval for a garage sale encompassing more than one residence or parcel, the director may impose reasonable conditions consistent with the policies of this section. Group garage sales, when coordinated by residents or sponsored by a local homeowners association, may be permitted up to two times per calendar year and shall comply with all other requirements for garage sales.

f. The conduct of general retail sales or commercial activities in residential zones, except as is otherwise expressly authorized under the Chapter 17.04 of this code, shall be prohibited."

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