

ORDINANCE NO. XX-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY MAKING FINDINGS AND AMENDING SECTIONS 9.1.404 (SINGLE-FAMILY RESIDENTIAL DISTRICTS) AND 9.1.406 (MULTIPLE FAMILY RESIDENTIAL DISTRICTS) OF CHAPTER 1 OF TITLE 9 OF THE OAKLEY MUNICIPAL CODE DEALING WITH TRANSITIONAL AND SUPPORTIVE HOUSING

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

SECTION 1. Findings.

The City Council hereby finds and determines as follows:

- A. State Law requires the City to provide a means to permit Transitional and Supportive Housing as required by Senate Bill (SB) 2 ; and
- B. The Oakley 2020 General Plan Housing Element identified this as Policy Action Program 4.6; and
- C. The proposed amendment to Sections 9.1.404 and 9.1.406 of Article 4 of Chapter 1 of Title 9 of the Oakley Municipal Code will complete Policy Action 4.6 of the Housing Element of the Oakley 2020 General Plan. Specifically, the amendments to the Zoning Ordinance will provide a permitting process for both Transitional and Supportive Housing uses consistent with State Law; and
- D. The proposed amendment to Sections 9.1.404 and 9.1.406 of Article 4 of Chapter 1 of Title 9 of the Oakley Municipal Code are consistent with the goals and policies in the General Plan in that the outlined regulations will further bring the Zoning Ordinance into compliance with the outlined Policy Actions necessary through the 2015-2023 Housing element planning period.

SECTION 2. Code Amendments

- A. Section 9.1.404 of Chapter 1 of Title 9 of the Oakley Municipal Code is hereby amended in its entirety to read as follows:

“b. Permitted Uses. The following uses are permitted in a single family residential district:

- 1. A detached single family dwelling on each lot and the accessory structures and uses normally auxiliary to it;
- 2. Second Dwelling Units, per Section [9.1.1102](#);
- 3. Home Based Businesses, per Section [9.1.1120](#);
- 4. Large Family Child Care Homes, per Section [9.1.1121](#)
- 5. Small Family Day Care;
- 6. Transitional Housing
- 7. Supportive Housing

8. Horticulture; and
9. Publicly owned parks and playgrounds.
10. Small farming, including the raising of fowl (i.e. chickens, ducks, geese, turkeys, or pheasants raised primarily for home consumption), and small animals (i.e. chinchillas, hamsters, rabbits), shall be allowed only under the following conditions, and may require additional conditions as deemed appropriate by the Planning Commission:
 - a. Small farming activities shall be permitted only in the R-20 and R-40 residential districts;
 - b. A maximum of ten (10) of any one or combination of such fowl or small animals shall be permitted on a site of 20,000 sq. ft. or more;
 - c. A maximum of twenty (20) of any one or combination of such fowl or small animals shall be permitted on a site of no less than one acre (43,560 sq. ft.);
 - d. No structure housing fowl or small animals shall be closer than 25 feet to a habitable dwelling unit, or school, nor shall such small animal housing be closer than 50 feet from the property line adjacent to any residential district;
 - e. Fowl and small animal enclosures shall be of sound construction, maintained in a clean and hygienic manner and shall not be permitted to create offensive odors or allow the propagation of flies and other insects;
 - f. Fowl and small animal feed shall be stored in containers that protect against rodents and insects;
 - g. All small farming activities shall be conducted in a manner that shall not create a public nuisance to adjacent uses.
11. Horses shall be allowed only under the following conditions, and may require additional conditions as deemed appropriate by the Planning Commission:
 - i. Horses shall be permitted only in the R-40 residential districts;
 - ii. Horses permitted in this zoning district are limited to a maximum of two (2) animals on a minimum parcel of one acre and one (1) animal for each additional 10,000 square feet on a parcel greater than one acre;
 - iii. All stables and equestrian facilities shall be kept in a hygienic manner and shall not be permitted to create offensive odors or allow the propagation of flies and other insects;
 - iv. No horses shall be permitted to become a public nuisance to adjacent residential uses.
- c. Uses Requiring a Conditional Use Permit. The following uses are permitted upon the issuance of a conditional use permit:
 1. Assembly Uses;
 2. Commercial radio and television receiving and transmitting facilities other than broadcasting studios and business offices;
 3. Community buildings, clubs and activities of a quasi-public, social, fraternal or recreational character, such as golf, tennis and swimming clubs, and veterans and fraternal organizations;
 4. Day Care Centers;
 5. Hospitals, eleemosynary and philanthropic institutions, and convalescent homes;
 6. Public, parochial, and private schools including nursery schools;
 7. Publicly owned buildings and structures (except that accessory and appurtenant structures forming a part of public utilities, publicly owned utilities and pipelines are not regulated by this chapter);
 8. Wineries, tasting rooms, and processing of agricultural products only in the R-20 and R-40 residential districts.”

B. Section 9.1.406 of Chapter 1 of Title 9 of the Oakley Municipal Code is hereby amended in its entirety to read as follows:

“b. Permitted Uses. Uses permitted in the M-9, M-12, and M-17 districts shall be as follows:

1. A detached single-family dwelling on each lot and the accessory structures normally auxiliary to it;
2. Duplex;
3. Multiple family buildings, but not including motels or hotels;
4. Motor court and greenway cluster housing (small lot detached housing with garages accessed off a motor court or alley);
5. Home-based businesses, per Section [9.1.1120](#);
6. Supportive Housing;
7. Transitional Housing”

SECTION 3. California Environmental Quality Act (CEQA) Finding.

This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), Review for Exemption, because it can be seen with certainty that the project will not have a significant effect on the environment; therefore the project is not subject to CEQA.

SECTION 4. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be held unconstitutional, invalid or unenforceable.

SECTION 5. Effective Date and Posting.

This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the City Clerk’s Office at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council Members voting for and against the ordinance.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on _____, 2016 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Kevin Romick, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date