

ORDINANCE NO. XX-14

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY
MAKING FINDINGS AND AMENDING OAKLEY MUNICIPAL CODE SECTION 1120
OF CHAPTER 1 OF TITLE 9 TITLED "HOME BUSINESS PERMITS" RELATING TO
INTERNET-ONLY BASED BUSINESSES**

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

Section 1. Findings

The City Council hereby finds and determines as follows:

WHEREAS, on February 11, 2014 the Oakley City Council directed Planning Staff to bring back an ordinance amending the Home Business Permit regulations (Oakley Municipal Code ("OMC") Section 9.1.1120) with amendments increasing the number of internet related businesses allowed at a single residence; and

WHEREAS, the purpose of the amendment is to update the code to relate to current and future trends in internet-only based businesses, and to encourage economic activity; and

WHEREAS, under the existing ordinance, increasing the number of home businesses allowed per parcel would result in increasing the number of commercial vehicles allowed at any one parcel as well; and

WHEREAS, this ordinance amends two separate subsections of OMC section 9.1.1120. The first amendment addresses an increase in the number of Internet-Only Based Businesses (OMC subsection 9.1.1120(c)(i)(2), and the second amendment addresses the keeping of commercial vehicles on any one parcel or at any one residence with a home based business; and

WHEREAS, the amendment to address the number and types of vehicles allowed to be kept at any one parcel will regulations in place that will avoid the potential of increased Internet-Only Businesses resulting in an increase of commercial vehicles at one residence, which would disrupt the residential character of a neighborhood.

Section 2. Code Amendments

The following subsections of OMC Section 1120 of Chapter 1 of Title 9 are hereby amended as follows:

OMC Subsection 9.1.1120(c)(i)(2):

"2. A maximum of one employee that is not a resident of the site may be allowed per parcel, as long as the parking requirements are met and off-street parking is not impacted. A maximum of two Home-Based Businesses shall be

allowed per parcel; however, no such limit shall apply Internet-Only Based Businesses allowed per parcel.”

OMC Subsection 9.1.1120(c)(ii)(12):

“12 Result in more than one (1) commercial vehicle being used or stored in conjunction with a single Home-Based Business, up to a maximum of two vehicles for two separately licensed Home-Based Businesses per parcel. A commercial vehicle shall be any vehicle used in conjunction with the business and/or with external evidence of it being related to the business (i.e. on-vehicle storage of supplies or on-vehicle signage), or as defined in California Motor Vehicle Code Section (“CMVC”) 15210. Vehicles such as, but not limited to, dump trucks, cement trucks, tow trucks, equipment trailers, semis or tractor trailers, or as otherwise covered under CMVC 15210 shall not be allowed.”

Section 3. California Environmental Quality Act (CEQA) Finding

This project is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3) in that adoption of the ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment. .

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 office 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.

ADOPTED, THIS ____ day of _____, 2014 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Approved: _____
Randy Pope, Mayor

Attest: _____
Libby Vreonis, City Clerk Date