ORDINANCE NO. 2020-05

AN ORDINANCE OF THE ALBANY CITY COUNCIL AMENDING SECTION 20.20.040 “HOME OCCUPATIONS” OF THE ALBANY MUNICIPAL CODE

WHEREAS, Chapter 20 “Planning & Zoning” was comprehensively updated and adopted in 2004; and

WHEREAS, home occupation regulations are contained in Section 20.20.040 of the Albany Municipal Code; and

WHEREAS, Assembly Bill 5 has created an increased demand for business licenses and home occupation permits for independent contractors in the City of Albany; and

WHEREAS, the City Attorney has provided recommendations on proposed ordinance amendments; and

WHEREAS, on March 11, 2020 the Planning & Zoning Commission adopted Resolution 2020-02, a Resolution of Intention to amend Section 20.20.040 “Home Occupations” of the Albany Municipal Code; and

WHEREAS, a public hearing notice was published in the West County Times and posted in three public places pursuant to California Government Code Section 65090 on April 17, 2020 for the virtual public hearing held on April 29, 2020; and

WHEREAS, the Planning & Zoning Commission held a public hearing on April 29, 2020 to discuss proposed amendments to Home Occupations and adopted Resolution 2020-02 forwarding a recommendation to City Council to amend Section 20.20.040 “Home Occupations” of the Albany Municipal Code; and
WHEREAS, a public hearing notice was published in the West County Times and posted in three public places pursuant to California Government Code Section 65090 on May 8, 2020 for the virtual public hearing held on May 18, 2020; and

WHEREAS, the City Council held a public hearing on May 18, 2020 to discuss proposed amendments to Section 20.20.040 “Home Occupations” of the Albany Municipal Code.

NOW, THEREFORE, THE ALBANY CITY COUNCIL ORDAINS AS FOLLOWS:

SECTION 1: CHAPTER 20 “PLANNING & ZONING” OF THE ALBANY MUNICIPAL CODE, SECTION 20.20.040 TITLED “HOME OCCUPATIONS” IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

A. Purpose. The regulations contained in this section are intended to prescribe conditions under which nonresidential activities may be conducted in conjunction with, but incidental to, residential uses, thus assuring that such activities are not detrimental to the residential character of the neighborhood in which they are located.

B. Prohibited Activities. The following items are prohibited from use as a home occupation as they would clearly violate the principle of home occupation as herein defined and would not be businesses which could be carried on clearly incidental to the residential use and without destroying the residential character of the property or neighborhood:

1. Automobile repair;
2. Barber shops and beauty parlors;
3. Clinics and hospitals; also veterinarian clinics and hospitals;
4. Kennels and other boarding for pets;
5. Offices for physicians, dentists and other medical practitioners, except that a practitioner, in conducting the business through house calls, may use the home for
clerical and similar work;

6. Other uses which, in the opinion of the Community Development Director, conflict with the purpose of this section.

C. **Requirements.** Home occupations shall be carried out in strict compliance with the following requirements:

1. The operation, conduct or maintenance of the home occupation shall not create or maintain either during daylight or night hours any disturbance or nuisance including, but not limited to noise, odor and light.

2. No structural alterations, either visible or otherwise, which tend to diminish the residential character of the residence will be required to be made or will be made to the residence building in order to conduct, operate or maintain the business.

3. That existing garages that are required for off-street parking spaces shall not be modified or used so as to preclude the normal parking and storage of family vehicles.

4. Businesses or home occupations located in accessory structures shall not adversely affect the enjoyment and use of adjacent residential properties, including but not limited to impacts from noise, odor, and light.

D. **Business License Required.** The home occupation or business shall, make application and pay the required fee for a business license pursuant to the City Code or such applicable ordinance or ordinances of this City as may be hereinafter enacted.

E. **Enforcement.** The Community Development Director or designee is hereby authorized and directed to enforce the provisions of this section, including issuance of penalties as detailed in the City’s Master Fee Schedule.
SECTION 2: PUBLICATION AND EFFECTIVE DATE.

This ordinance shall be posted at three public places within the City of Albany and shall become effective thirty days after the date of its posting.

PASSED AND ADOPTED by the City Council of the City of Albany at its meeting on the 1st day of June 2020, by the following vote:
AYES: Council Members Barnes, Maass, McQuaid, Nason and Mayor Pilch
NOES:
ABSENT:
ABSTAIN:

[Signature]
NICK PILCH, MAYOR
ORDINANCE NO. 2020-05

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY, The 1st day of June, 2020, by the following votes:

AYES: Council Members Barnes, Maass, McQuaid, Nason and Mayor Pilch

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none


Anne Hsu
CITY CLERK

The City of Albany is dedicated to maintaining its small town ambiance, responding to the needs of a diverse community, and providing a safe, healthy and sustainable community.