



AGENDA
CITY OF NORCO
CITY COUNCIL
REGULAR MEETING
CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE
APRIL 3, 2013

- CALL TO ORDER: 7:00 p.m.
- ROLL CALL: Mayor Kathy Azevedo
Mayor Pro Tem Berwin Hanna
Council Member Kevin Bash
Council Member Herb Higgins
Council Member Harvey C. Sullivan
- PLEDGE OF ALLEGIANCE: Council Member Sullivan
- INVOCATION: Grace Fellowship Church
Pastor Vernie Fletcher
- COMMENDATION: Elaine Park
Norco Kiwanis Club
- PRESENTATION: Child Abuse Prevention Awareness Month - April
Prevent Child Abuse Riverside County
- "Toby Gerhart Day" Proclamation

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

1. CITY COUNCIL CONSENT CALENDAR ITEMS: *(All items listed under the Consent Calendar are considered to be routine and may be enacted by one motion. Prior to the motion to consider any action by the Council, any public comments on any of the Consent Items will be heard. There will be no separate action unless members of the Council or the audience request specific items be removed from the Consent Calendar. Items removed from the Consent Calendar will be separately considered under Item No.2 of the Agenda.)*
 - A. City Council Minutes:
Regular Meeting of March 20 2013
Recommended Action: **Approve the City Council Minutes** (City Clerk)
 - B. Procedural Step to Approve Ordinance after Reading of Title Only.
Recommended Action: Approval (City Clerk)
2. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR:

3. CITY COUNCIL ACTION ITEM:

- A. Appointment of Two City Council Members and One Alternate to Review and Interview Commission Members when a Code of Ethics Complaint is Filed in Accordance with Administrative Policy No. 311 – Code of Ethics Policy and Procedures for City Council Members, Commission Members and City Employees. **Recommended Action: Appoint two City Council Members and one alternate for the remaining 2013 calendar year.** (City Clerk)
- B. Discussion Regarding Council Member Harvey Sullivan's Appointment to the Zoning and Development Issues Working Group. (Mayor Azevedo)

4. LEGISLATIVE MATTERS: **(No new evidence will be heard from the public as the public hearing has been closed regarding all items listed.)**

- A. **Ordinance No. 960 Second Reading:** Zone Code Amendment 2013-02; Specific Plan 85-1, Amendment 8; Specific Plan 90-01, Amendment 12; and, Specific Plan 91-02, Amendment 6 regarding the Allowance of Massage Businesses as Ancillary Uses in Commercial Zones. **Recommended Action: Adopt Ordinance No. 960.** (City Clerk)

5. CITY COUNCIL PUBLIC HEARINGS:

- A. Zone Code Amendment 2013-01 Amending Chapter 18.32 "Home Occupations;" and Code Amendment 2013-01: Amending Chapter 10.16 "Commercial Vehicles/Trucks" of the Norco Municipal Code, regarding the use and parking of commercial vehicles in residential zones.

The proposed changes to the Norco Municipal Code are to Chapter 10 (Vehicles and Traffic) and to the "Home Occupations" section of the Zoning Code (Chapter 18). The purpose for the changes is to clarify how and when a Residential Exemption Permit issued for the purpose of parking a commercial vehicle in a residential zone (otherwise prohibited) can be used when a home occupation business exists in the same location. The Planning Commission adopted Resolution 2013-06 on March 13, 2013, following clarification that any restrictions on commercial vehicles would not be applicable to horse trailers.

Recommended Action: Adopt Ordinance No. 961 for first reading.
(Planning Director)

- 6. PUBLIC COMMENTS OR QUESTIONS - THIS IS THE TIME WHEN PERSONS IN THE AUDIENCE WISHING TO ADDRESS THE CITY COUNCIL REGARDING MATTERS NOT ON THE AGENDA MAY SPEAK. PLEASE BE SURE TO COMPLETE THE CARD IN THE BACK OF THE ROOM AND PRESENT IT TO THE CITY CLERK SO THAT YOU MAY BE RECOGNIZED.

7. CITY COUNCIL COMMUNICATIONS AND REPORTS ON REGIONAL BOARDS AND COMMISSIONS:
8. CITY MANAGER / STAFF COMMUNICATIONS:
9. ADJOURNMENT:

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's office, (951) 270-5623. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).

Staff reports are on file in the Office of the City Clerk. Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be available for public inspection at the City Clerk's Counter in City Hall located at 2870 Clark Avenue.



MINUTES

CITY OF NORCO

CITY COUNCIL

REGULAR MEETING

CITY COUNCIL CHAMBERS – 2820 CLARK AVENUE

MARCH 20, 2013

CALL TO ORDER: Mayor Azevedo called the meeting to order at 7:03 p.m.

ROLL CALL: Mayor Kathy Azevedo, **Present**
Mayor Pro Tem Berwin Hanna, **Present**
Council Member Kevin Bash, **Present**
Council Member Herb Higgins, **Present**
Council Member Harvey C. Sullivan, **Present**

PLEDGE OF ALLEGIANCE: Mayor Azevedo

INVOCATION: Corona Church of the Open Doors
Pastor Fred Griffin

PRESENTATION: Roland Smith, representing the Backcountry Horsemen of California Rendezvous, provided information regarding the event to be held at the George Ingalls Equestrian Event Center on March 22 – 24, and presented the City Council with tickets to the dinner and concert at the event.

REGULAR CITY COUNCIL AGENDA AS FOLLOWS:

1. CITY COUNCIL CONSENT CALENDAR ITEMS:

M/S Sullivan/Bash to adopt the items as recommended on the City Council Consent Calendar. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, SULLIVAN

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

- A. City Council Minutes:
Special Meeting of February 27, 2013
Regular Meeting of March 6, 2013
Recommended Action: **Approve the City Council Minutes** (City Clerk)
- B. Procedural Step to Approve Ordinance after Reading of Title Only.
Recommended Action: Approval (City Clerk)
- C. Recap of the Planning Commission Meeting of March 13, 2013.
Recommended Action: Receive and File (Planning Director)

- D. Annual Resolution Making Findings and Continuing Existing Rates for Maintaining Flood control Channels within County Service Area CSA-152. **Recommended Action: Adopt Resolution 2013-13, making findings and continuing existing rates for maintaining flood control channels within County Service Area CSA-152.** (Deputy City Manager/Director of Finance)
 - E. Swap Meet Permit 2012-01 (Meisenbach): Renewal of the Swap Meet Permit at 2816 Hamner Avenue within the C-G (Commercial General) Zone. **Recommended Action: Adopt Resolution No. 2013-14, renewing Swap Meet Permit 2012-01 for one year, with the ability to adjust the flat annual vendor business tax fee at that time.** (Planning Director)
 - F. Approval of an Extension to the Agreement for Part-Time/Temporary Employment of Public Works Director. **Recommended Action: Approve an Extension to the Agreement for Part-Time/Temporary Employment of Public Works Director.** (City Manager)
 - G. Approval for an Extension of the Contract for Annual Audit Services with Rogers, Anderson, Malody and Scott, LLP. **Recommended Action: Approve the contract extension for annual audit services with Rogers, Anderson, Malody and Scott, LLP.** (Deputy City Manager/Director of Finance)
2. ITEM(S) PULLED FROM CITY COUNCIL CONSENT CALENDAR:
3. CITY COUNCIL PRESENTATION/ACTION ITEM:
- A. Update on the Silverlakes Project. (City Manager)

City Manager Groves provided information regarding the timeline of the construction and development of the project and agreements/amended agreements approved by the City Council. She stated that the City is the owner of the property and the improvements made on it, and Balboa Management Group, LLC is the tenant who will construct and operate the Silverlakes Equestrian & Sports Park. She noted that construction began on the site in January of 2012, adding that the original approved agreements projected that the first phase of the project would be complete in March of 2013. She commented on the series of conditions that were required to be met from the City and from Balboa, noting the challenges that were faced by both.

R.J. Brandes, representing Balboa Management Group, provided information regarding the Silverlakes project and status of construction. He noted that Silverlakes is a very complex project that has experienced many difficulties, adding that this is a strategic partnership between the City and Balboa. Mr. Brandes commented on the project timeline; noting the challenges faced by the 2008 downturn in the economy, the flooded site, personal issues and difficulties with the deed restriction validation process. He noted that Balboa is in complete compliance with the City regarding this project and construction will begin again upon the final settlement agreement with his ex-wife. Mr. Brandes stated that investors are in place to fund the project upon the settlement, adding that if all goes

well, Silverlakes will open up by the end of this year. He further stated that the project was not held up because of the road construction. Mr. Brandes stated that more than \$6 million dollars of his own money has been invested in this project. He added that Silverlakes will help the economy in Norco and also help preserve the lifestyle. He further added that Silverlakes is a \$50 million project – Phase I.

Larry Palmer. Mr. Palmer commented on the project, noting that everything could have been avoided if the people of Norco would have been provided with a quarterly report explaining all of the problems. He further requested a line of communication to the people regarding this project, noting they should have a hard completion date.

Linda Dixon. Ms. Dixon thanked Mr. Brandes for bringing this project into this community.

Su Bacon. Ms. Bacon commented as a citizen, thanking Mr. Brandes for coming and apologized for the rumors and the miss-use of the media for bringing everyone to the meeting tonight. She added that a quarterly report would help.

Karen Leonard. Ms. Leonard commented on the devastation of the 2008 financial crisis to construction businesses.

Shane Johnston. Mr. Johnston asked who build and paid for the levy. In response, City Manager Groves stated that it was funded by the Riverside County Flood Control District.

Council Member Higgins commented on his concerns regarding Mr. Brandes' lenders. Mr. Brandes responded with a brief summary of his assets and lender's requests. Council Member Higgins noted that he is concerned about the respect of a person's private information, noting the electronic age we live in where nothing is private.

Mayor Pro Tem Hanna commented on the freedom of speech in America, adding that he has all the hopes and faith that this project will be completed.

Council Member Bash commented that the last few weeks have created a climate of distrust. He noted that this is an extraordinary project, adding the work that has been done to attract developers to the City that will compliment this project. He stated that Mr. Brandes deserves respect, noting everything he has invested in the community.

Mayor Azevedo commented on the fine example of the public/private partnership between the City and Balboa. She noted that problems that have come up which have delayed the project and the excitement of the community for Silverlakes to open.

Council Member Sullivan thanked Mr. Brandes for coming and answering a lot of questions. He noted that he had met with Mr. Brandes and following that meeting, he spoke with the newspaper reporter. He noted that he is just doing the job he was elected to do.

4. CITY COUNCIL PUBLIC HEARING:

- A. Zone Code Amendment 2013-02; Specific Plan 85-1, Amendment 8; Specific Plan 90-01, Amendment 12; and, Specific Plan 91-02, Amendment 6 regarding the Allowance of Massage Businesses as Ancillary Uses in Commercial Zones.

This item is a City-initiated proposal to allow massage businesses as an ancillary use in the subject zoning districts. Currently, the only zone in the City that allows massage services is the C-G zone with the approval of a conditional use permit (CUP). Staff has received requests for massage services to operate within a beauty salon as opposed to a "stand alone" operation.

Recommended Action: Adopt Ordinance No. 960 for first reading.
(Planning Director)

Planning Director King presented the public hearing item.

Council Member Higgins asked if those businesses with a CUP would die, or be grand fathered in. In response, Planning Director King stated that the CUP does not die. He added that for those that have existing CUPS (and are ancillary), if they can, and want, to expand up to the 20%, they would be allowed to do so as a permitted use, and not have to amend their CUP. He added that inspections are not completed at this time for existing CUPS.

Council Member Sullivan asked if a full-blown massage parlor would still require a CUP. In response, Planning Director King stated yes, even the ancillary businesses would need to go through a background check with Sheriff's department.

Mayor Azevedo OPENED the public hearing, indicating that proper notification had been made and asked for the appearance of those wishing to speak.

Blanca Pegg. Ms. Pegg stated that she has been a business owner for last 25 years, the last 14 years as a massage therapist. She noted that she had some issues with the current CUP process, adding that she has a legitimate business and there needs to be an easier process.

Vern Showalter. Mr. Showalter stated that massage therapy is a legitimate business.

Mayor Azevedo CLOSED the public hearing.

Mayor Azevedo stated that she concurs with what Ms. Pegg said regarding massage being a legitimate business, noting she is an advocate for small business.

M/S Bash/Higgins to adopt Ordinance No. 960 for first reading. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

5. PUBLIC COMMENTS OR QUESTIONS:

Geoff Kahan. Mr. Kahan commented on the Congressional Medal of Honor received by George Alan Ingalls. He requested that a proclamation be made proclaiming April 16th as George Alan Ingalls Day.

Pamela Smith. Ms. Smith invited everyone to attend the State of the City event on April 4 at the Norco High School Performing Arts Center beginning at 6:30 p.m.

Bonnie Slager. Ms. Slager commented on a safety clinic put on by the Norco Horsemen's Association on April 7th.

Kathleen Kramer. Ms. Kramer asked about transportation for the Senior Citizens in Norco. In response, Director Petree noted that the City has a current program at the Senior Center through a Riverside County Transportation Commission Grant.

Pat Overstreet. Ms. Overstreet invited everyone to the next RURAL meeting at which time Council Member Higgins and Lt. Hedge will be speaking.

6. CITY COUNCIL COMMUNICATIONS AND REPORTS ON REGIONAL BOARDS AND COMMISSIONS:

Council Member Bash:

- Recommended that the flag at City Hall be flown at half-mast on April 16 and also that the Vietnam commemorative flag be flown at that same time. He also requested that a ceremony be held by the Mayor.

Mayor Pro Tem Hanna:

- Reported on the Riverside County Transportation Commission meeting he attended, noting the issues with the Perris Valley Commuter Line.
- Commented that a recent Norco Hall of Fame Inductee, Mr. Garret Gomez, has been nominated to the Thoroughbred Hall of Fame.

Mayor Azevedo:

- Stated that the Norco Relay for Life will be held on April 6 and 7 and invited everyone to participate.
- Reported on the Western Riverside Council of Governments Finance and Administration Committee meeting she attended at which time it was voted down to phase in the full 2013 Construction Cost Index in 2.5% increments every six months to coincide with the Nexus Update.

- Commented on her concerns regarding Council Member Sullivan serving on the Zoning and Development Issues Working Group and recommended that a discussion be agendized to discuss this.

M/S Azevedo/Hanna to agendize a discussion regarding Council Member Sullivan's appointment on the zoning and Development Issues Working Group. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

- Stated that April 3 will be declared as "Toby Gerhart Day" at which time he will be providing autographs at the Boot Barn center from 4-6 p.m. followed by a presentation at the City Council meeting.,

7. CITY MANAGER / STAFF COMMUNICATIONS:

- A. Oral Update on Alleged Code Violations at 2309 Reservoir Drive. (City Manager)

City Manager Groves stated that this is a code enforcement action. She noted that Mosquito and Vector Control responded the next day to the site and added that the other code issues have been addressed.

Coleen Daniel. Ms. Daniel presented a file to each Council Member regarding her code complaints on this site. She further commented on her concerns regarding the City's Code Enforcement Officer.

Council Member Higgins stated that this is a next door neighbor, noting his concerns with how the Code Enforcement Officer responded to the complaint. He further commented on his concerns with code complaints and how they are responded to.

Mayor Pro Tem Hanna noted that that the Mosquito and Vector Control also treats problems with rats.

Council Member Bash stated that he supports the Council taking action on code enforcement.

Council Member Sullivan commented on his concerns regarding a previous Council meeting at which time the policy for written code complaints was discussed, adding that the Council needs to move forward and have something done.

M/S Higgins/Bash to receive and file the report. The motion was carried by the following roll call vote:

AYES: AZEVEDO, BASH, HANNA, HIGGINS, SULLIVAN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

8. **ADJOURNMENT:** There being no further business to come before the City Council, Mayor Azevedo adjourned the meeting at 8:35 p.m.

BRENDA K. JACOBS, CMC
CITY CLERK

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager 

PREPARED BY: Brenda K. Jacobs, City Clerk 

DATE: April 3, 2013

SUBJECT: Appointment of Two City Council Members and One Alternate to Review and Interview Commission Members when a Code of Ethics Complaint is Filed

RECOMMENDATION: Appoint two City Council Members and one alternate for the remaining 2013 calendar year.

SUMMARY: The City Council approved the Code of Ethics Administrative Policy and Procedures for City Council members, commission members and City employees. The Policy includes a section on enforcement and sanctions which provides specific steps that need to be taken following the submittal of a formal written statement stating that a violation has occurred. In the case of a commission member, the reviewing committee would include two City Council members.

BACKGROUND/ANALYSIS: On February 20, 2013, the City Council approved Administrative Policy Number 311 – *Code of Ethics Policy and Procedures for City Council Members, Commission Members and City Employees.*

The Administrative Policy includes a section called "Enforcement and Sanctions" detailing the steps taken once, and if, a formal written complaint is submitted stating that a violation has occurred against a City Council member, a commission member, or a City employee. If a complaint is filed against a commission member, a committee will be formed consisting of the City Attorney and two City Council members appointed by the City Council to review the submitted statement and formally interview that commission member that has been accused of the violation.

The City Council is recommended to appoint two Council Members and one alternate to serve in this capacity for the remaining 2013 calendar year.

FINANCIAL IMPACT: No financial impact as a result of this action.

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager

PREPARED BY: Brenda K. Jacobs, City Clerk



DATE: April 3, 2013

SUBJECT: **Ordinance No. 960, Second Reading.** Zone Code Amendment 2013-02; Specific Plan 85-1, Amendment 8; Specific Plan 90-01, Amendment 12; and, Specific Plan 91-02, Amendment 6 regarding the Allowance of Massage Businesses as Ancillary Uses in Commercial Zones.

RECOMMENDATION: Adopt **Ordinance No. 960** for second reading.

SUMMARY: The first reading of Ordinance No. 960 was held on March 20, 2013 and adopted by the City Council with a 5-0 vote. The ordinance is a City-initiated proposal to allow massage businesses as an ancillary use in the subject zoning districts. Currently, the only zone in the City that allows massage services is the C-G zone with the approval of a conditional use permit (CUP).

Attachment: Ordinance No. 960

ORDINANCE NO. 960

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO APPROVING ZONE CODE AMENDMENT 2013-02; SPECIFIC PLAN 85-1, AMENDMENT 8; SPECIFIC PLAN 90-01, AMENDMENT 12; AND SPECIFIC PLAN 91-02, AMENDMENT 6 TO ALLOW MASSAGE SERVICES AS A PERMITTED ANCILLARY USE IN THE C-G (COMMERCIAL GENERAL) ZONE, THE NORCO AUTO MALL, THE GATEWAY SPECIFIC PLAN AND THE NORCO HILLS SPECIFIC PLAN. ZONE CODE AMENDMENT 2013-02; SPECIFIC PLAN 85-1, AMENDMENT 8; SPECIFIC PLAN 90-01, AMENDMENT 12; AND SPECIFIC PLAN 91-02, AMENDMENT 6.

WHEREAS, the CITY OF NORCO initiated Zone Code Amendment 2013-02; Specific Plan 85-1, Amendment 8; Specific Plan 90-01, Amendment 12; and, Specific Plan 91-02, Amendment 6, to allow massage services as a permitted ancillary use in the corresponding commercial zones, and

WHEREAS, the Zone Code Amendment was duly submitted to said City's Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, the Zone Code Amendment was scheduled for public hearing before the Planning Commission on February 20, 2013 on or about 7 p.m. in the Council Chambers at 2820 Clark Avenue, Norco, California 92860; and

WHEREAS, at the time set, the Planning Commission held a public hearing and received both oral and written testimony pertaining to the Zone Code Amendment; and

WHEREAS, the Planning Commission adopted Resolution 2013-10 recommending to the City Council that Zone Code Amendment 2013-02; Specific Plan 85-1, Amendment 8; Specific Plan 90-01, Amendment 12; and, Specific Plan 91-02, Amendment 6, be approved; and

WHEREAS, said application has been duly submitted to said City Council for decision at a public hearing for which proper notice was given; and

WHEREAS, said application was scheduled for public hearing on March 20, 2013 at 7:00 P.M. within the Council Chambers at 2820 Clark Avenue, Norco, California, 92860; and

WHEREAS, at the said time and place, the City Council did hold said public hearing and did receive both oral and written testimony pertaining to said amendment; and

WHEREAS, the City of Norco acting as the Lead Agency has determined that the project is categorically exempt from the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines pursuant to Class 5 (Minor Alterations in Land Use Limitations).

NOW, THEREFORE, the City Council of the City of Norco does hereby ordain as follows:

SECTION 1:

Zone Code Amendment 2013-02: Chapter 18.29 – “C-G” (Commercial General), Section 18.29.20 – “Permitted Uses”, Table 1 – Permitted Uses, under the Category entitled “Personal Services”, and the foot note section located at the bottom row of Table 1 of Section 18.29.20 is hereby amended to read as follows:

Personal Services	
Dry Cleaning, Tailoring, and Laundromats	p
Hair/Nail Salon with ancillary massage services	p ⁷
Spa with ancillary massage services	p ⁷
Massage	c
<p>1. To encourage more convenient access and visibility for entertainment, retail, and service commercial uses, noted uses are not encouraged on urban arterial street frontages unless located on the second floor of a mixed use retail/commercial development.</p> <p>2. Conditionally permitted as an ancillary use only.</p> <p>3. Plant Nursery's shall be permitted to have Outdoor Displays and Sales as an ancillary use.</p> <p>4. Cannot be located on urban arterial street frontages unless the use is ancillary to a restaurant.</p> <p>5. Includes dispatch and office support services for the operation of taxicab/ vehicles for hire businesses but does not include the storage, staging, standing, or parking of company vehicles on site.</p> <p>6. Required to be within a viable business such as a jewelry store or other related retail business operation and must not exceed 20% of the floor area of such viable business. In addition, required to comply with all the legal requirements of gold buyers of the California Business and Professional Code and must submit periodic financial reports to the City Finance Department. All existing and new cash for gold businesses shall require approval of a conditional use permit, and can only be approved as an ancillary use subject to compliance with all the requirements of this item 6, upon the effective date of Ordinance 958.</p> <p>7. Massage services shall not exceed 20% of the floor area of such business.</p>	

Specific Plan 85-1 (Norco Auto Mall Specific Plan), Amendment 8: Section 70-“Permitted Uses”, Subsection (3) – Area “C”, item (b) , and Subsection (4) – Area “D” under the category entitled “Personal Services”, and the foot note section located at the bottom row of the table are hereby amended to read as follows:

Section 70 - “Permitted Uses”

(3) Area C

(b) Service Related: financial institutions. Barbershops and beauty shops (to include massage services as an ancillary use not to exceed 20% of the Barber or Beauty Shop business), clothes cleaners and other services related to employee or customers within the auto mall.

(4) Area D

Personal Services	
Dry Cleaning, Tailoring, and Laundromats	p
Hair/Nail Salon with ancillary massage services	p ⁶
Spa with ancillary massage services	p ⁶

<i>“p”</i>	<i>Permitted Use</i>
<i>“c”</i>	<i>Requires Approval of a Conditional Use Permit</i>
<i>“a”</i>	<i>Permitted as an Accessory Use</i>
<i>--¹</i>	<i>To encourage more convenient access and visibility for entertainment, retail, restaurant, and service commercial uses, noted uses are not encouraged on urban arterial street frontages unless located on the second floor of mixed-use retail/commercial development.</i>
<i>--²</i>	<i>Conditionally permitted as an ancillary use only.</i>
<i>--³</i>	<i>Plant nurseries shall be permitted to have outdoor displays and sales as ancillary uses.</i>
<i>--⁴</i>	<i>Cannot be located on urban arterial street frontages unless the use is ancillary to a restaurant.</i>
<i>--⁵</i>	<i>Includes dispatch and office support services for the operation of taxicab/vehicles for hire businesses but does not include the storage, staging, standing, or parking of company vehicles on-site.</i>
<i>--⁶</i>	<i>Massage services shall not exceed 20% of the floor area of such business.</i>
	<i>In the event that a use is not listed, and is not easily included in a listed category, at the discretion of the Planning Director, the use is determined to not be permitted. Through procedures established in Section 18.42 the Planning</i>

Commission may approve a Similar Use Application for said use.

Specific Plan 90-01 (Gateway Specific Plan), Amendment 12: Appendix "C" of the Gateway Specific Plan, under the Category entitled "Barber and Beauty Shops" is hereby amended as follows:

APPENDIX C

SUMMARY OF PERMITTED (X) AND CONDITIONALLY PERMITTED (O) USES

	COMMERCIAL	OFFICE	INDUSTRIAL
Barber and Beauty Shops	X		
a) Massage Services (as an ancillary use being no more than 20% of a barber or beauty shop)	X		

Specific Plan 91-02 (Norco Hills Specific Plan), Amendment 6: Chapter III – "Development Regulations", Section C – "Regulations", Subsection 2 – "Neighborhood Commercial District", Item b. (Permitted Uses) 2. (Service Businesses) (b), is hereby amended as follows:

2) Service Business

(b) Barber or Beauty shop (to include massage services as an ancillary use not to exceed 20% of the Barber or Beauty shop business).

SECTION 2: EFFECTIVE DATE: This Ordinance shall become effective 30 days after final passage thereof.

SECTION 3: SEVERABILITY: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, subsections, sentences, clauses, or phrases hereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases hereof be declared invalid or unconstitutional.

SECTION 4: POSTING: The Mayor shall sign this Ordinance and the City Clerk shall attest hereto and shall cause the same within 15 days of its passage to be posted at no less than five public places within the City of Norco.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on April 3, 2013.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, CMC, City Clerk
City of Norco, California

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on March 20, 2013, and thereafter at a regular meeting of said City Council duly held on April 3, 2013, it was duly passed and adopted by the following vote of the City Council.

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on April 3, 2013.

Brenda K. Jacobs, CMC, City Clerk
City of Norco, California

/adr

CITY OF NORCO STAFF REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Beth Groves, City Manager

PREPARED BY:  Steve King, Planning Director

DATE: April 3, 2013

SUBJECT: Ordinance No. 961: Zone Code Amendment 2013-01 Amending Chapter 18.32 "Home Occupations;" and Code Amendment 2013-01: Amending Chapter 10.16 "Commercial Vehicles/Trucks" of the Norco Municipal Code, regarding the use and parking of commercial vehicles in residential zones.

RECOMMENDATION: Adopt Ordinance No. 961 for first reading.

SUMMARY: The proposed changes to the Norco Municipal Code are to Chapters 10 (Vehicles and Traffic) and to the "Home Occupations" section of the Zoning Code (Chapter 18). The purpose for the changes is to clarify how and when a Resident Exemption Permit issued for the purpose of parking a commercial vehicle in a residential zone (otherwise prohibited) can be used when a home occupation business exists in the same location. The Planning Commission adopted Resolution 2013-06 on March 13, 2013, following clarification that any restrictions on commercial vehicles would not be applicable to horse trailers.

BACKGROUND: Chapter 10.16 "Commercial Vehicles/Trucks" contains the following exceptions to any restrictions on commercial vehicles regarding horse trailers:

10.16.040 Prohibition on commercial vehicles traveling off truck routes.

When truck routes are established pursuant to this chapter and designated by appropriate signs, the operator of any vehicle exceeding a maximum gross weight limit of eleven thousand pounds (five and one-half tons) shall drive said vehicle only on such routes and none other except for the following:

(3) Vehicles as may be reasonably necessary:

(A) For the purpose of transporting farm or ranch supplies, produce, or animals to and from ranches or farms situated along a street otherwise forbidden to be used by such vehicles, and

(B) For the purpose of transporting a trailer used for recreation or noncommercial purposes and/or boat to and from locations along a street otherwise forbidden to be used by such vehicles;

Zone Code Amendment 2013-01 and Code Amendment 2013-01 are proposed to clarify how and when a Residential Exemption Permit for the purpose of parking a commercial vehicle in a residential zone can occur when there is a home occupation permit at the same address. Chapter 18.32 (ref. Exhibit "A"), under conditions for a home occupation use, states that no motor vehicle in excess of 11,000 pounds gross weight (commercial vehicle) shall be used in the conduct of the home occupation:

18.32 HOME OCCUPATIONS

18.32.06 Conditions.

No person shall conduct a home occupation use, in any zone where such use is permitted, unless said home occupation use is conducted in conformity with all of the following criteria:

(7) No motor vehicles in excess of 11,000 pounds gross weight shall be used in the conduct of a home occupation.

Chapter 10.16 states that commercial vehicles are prohibited from traveling in residential zones with some exceptions (ref. Exhibit "B"):

10.16 COMMERCIAL VEHICLES/TRUCKS

10.16.040 Prohibition on commercial vehicles traveling off truck routes.

When truck routes are established pursuant to this chapter and designated by appropriate signs, the operator of any vehicle exceeding a maximum gross weight limit of eleven thousand pounds (five and one-half tons) shall drive said vehicle only on such routes and none other except for the following (summarized):

- (1) For pick-up or delivery of goods or equipment to a restricted street;*
- (2) Vehicles owned by a public utility for the purpose of making repairs to facilities;*
- (3) For the purpose of transporting farm provisions, or trailers or boats for recreational use;*
- (4) An owner/operator that resides in the City and has a **Resident Exemption Permit** including payment of the fee.*

The allowance for a Resident Exemption Permit is explained in Chapter 10.16, along with a waiver from having to pay the application fee, if the owner already has a home occupation permit or City business license:

10.16 COMMERCIAL VEHICLES/TRUCKS

10.16.050 Resident exemption permit.

In addition to the vehicles excepted in Section 10.16.040, the Planning Director may issue a maximum of 90 exemption permits per year, on a first-serve basis, to commercial vehicle owner/operators residing within the city for the purpose of traveling on restricted streets to and from their residence, if the following conditions are met:

(9) A permit fee as established by City Council resolution is paid. If the owner/operator has a current business license and home occupation permit (excluding PUC certificate) the fee shall be waived. The renewal of an exemption permit required by the provisions of this chapter shall occur on a year-to-year basis, due on the first day of July each year.

ANALYSIS: The intent of the Code is that a commercial vehicle cannot be used in the operation of a home occupation. It is also the intent that a limited number commercial vehicles can be parked in residential zones, at the home of a resident that owns the vehicle. But the fee schedule for a Resident Exemption Permit application waives the fee if a home occupation permit or business license already exists seemingly to "marry" the two together when actually they have nothing to do with each other. The proposed Zone Code Amendment and Code Amendment will eliminate any confusion and will eliminate the waiver of the Resident Exemption Permit fee based on the existence of a home occupation permit.

The proposed changes to Chapters 18.32 and 10.16 would add the following clarifying conditions for residences with a Residential Exemption Permit, respectively (deletions shown as ~~cross-outs~~ and additions shown as underlines):

18.32 HOME OCCUPATIONS

18.32.06 Conditions.

No person shall conduct a home occupation use, in any zone where such use is permitted, unless said home occupation use is conducted in conformity with all of the following criteria:

(7) No motor vehicles in excess of 11,000 pounds gross weight shall be used in the conduct of a home occupation. For residences where a Residence Exemption Permit has been issued, said vehicle shall not be used in the conduct of a home occupation. Said vehicle shall also not be loaded, or off-loaded for purposes of storing or transferring materials at the residence for which the Permit was issued.

10.16 COMMERCIAL VEHICLES/TRUCKS

10.16.050 Resident exemption permit.

In addition to the vehicles excepted in Section 10.16.040, ~~the city code enforcement officer~~ Planning Director or assignee may issue a maximum of 90 exemption permits per year, on a first-come basis, to commercial vehicle owner/operators residing within the city for the purpose of traveling on restricted streets to and from their residence, if the following conditions are met:

(9) A permit fee as established by city council resolution is paid. ~~If the owner/operator has a current business license and home occupation permit (excluding PUC certificate) the fee shall be waived. The renewal of an exemption permit required by the provisions of this chapter shall occur on a year-to-year basis, due on the first day of July each year.~~

(10) Vehicles in excess of 11,000 pounds gross weight, for which a Permit has been issued, shall not be loaded, or off-loaded for purposes of storing or transferring materials at the residence to which the Permit is issued.

The attached Exhibits include the draft changes described above, highlighted, and in context of each existing Code Section respectively, whereas the Ordinance is a cleaned version. As explained in the Background Summary, the changes being proposed will

not affect horse trailers and recreational trailers as they are already exempted from any restrictions regarding the operating or parking of commercial vehicles.

Attached: Ordinance No. 961
Exhibit "A" – NMC Chapter 18.32 (General Provisions-Home Occupations)
Exhibit "B" – NMC Chapter 10.16 (Commercial Vehicles/Trucks)

Chapter 10.16 COMMERCIAL VEHICLES/TRUCKS*

Sections:

- 10.16.010 Enactment.
- 10.16.020 Definitions.
- 10.16.030 Truck routes--Designated.
- 10.16.040 Prohibition on commercial vehicles traveling off truck routes.
- 10.16.050 Resident exemption permit.
- 10.16.060 Commercial vehicle parking prohibition.
- 10.16.070 Unattached trailer and semi-trailer parking prohibition.
- 10.16.080 Violation--Penalty.

* Prior ordinance history: Ords. 97, 179 and 425.

10.16.010 Enactment.

This chapter is enacted pursuant to the California Vehicle Code, Division 11, Chapters 9 and 10, commencing with Section 22500 and Division 15, Chapter 5, Article 4 commencing with Section 35700. (Ord. 547 Sec. 1 (part), 1985)

10.16.020 Definitions.

The following definitions are based on the state of California Vehicle Code and are to be used in administering this chapter. All other definitions as contained in the state of California Vehicle Code are included by reference:

- (1) "Commercial vehicle" means a vehicle of a type required to be registered under the California Vehicle Code and used or maintained for the transportation of persons for hire, compensation or profit, or designed, used, or maintained primarily for the transportation of property.
- (2) "Semi-trailer" means a vehicle designed for carrying persons or property used in conjunction with a motor vehicle and so constructed that some part of its weight and that of its load rests upon, or is carried by another vehicle.
- (3) "Trailer" means a vehicle designed for carrying persons or property on its own structure and being drawn by a motor vehicle and so constructed that no part of its weight rests upon any other vehicle.
- (4) "Truck tractor" means a motor vehicle designed and used primarily for drawing another vehicle and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
- (5) "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway. Trailers, semi-trailers and truck tractors are considered vehicles. (Ord. 547 Sec. 1 (part), 1985)

10.16.030 Truck routes--Designated.

- (a) The following streets and portions of streets are designated and established as commercial vehicle truck routes:
 - (1) Hamner Avenue (designated as State Highway 31 and temporary Interstate 15) in its entirety through the city;
 - (2) Sixth Street from Hamner Avenue to California Avenue;
 - (3) California Avenue from Sixth Street to North Drive;
 - (4) North Drive in its entirety.
 - (5) River Road in its entirety.
- (b) Appropriate signs shall be erected indicating the streets that have been designated by ordinance as an official truck route. Such signs shall meet the requirements of the California Vehicle Code and shall read "TRUCK ROUTE" in letters not less than four inches in height. Signs shall be posted at all intersections of designated truck routes with the boundary of the City, at off-ramps from the Interstate 15 freeway, and at any intersection where a turning movement is necessary on a designated truck route. (Ord. 800, 2002; Ord. 556 Sec. 1, 1986; Ord. 547 Sec. 1 (part), 1985)

EXHIBIT "A"

10.16.040 Prohibition on commercial vehicles traveling off truck routes.

When truck routes are established pursuant to this chapter and designated by appropriate signs, the operator of any vehicle exceeding a maximum gross weight limit of eleven thousand pounds (five and one-half tons) shall drive said vehicle only on such routes and none other except for the following:

- (1) Commercial vehicles coming from a truck route having ingress and egress by direct route to and from a restricted street when necessary for the purpose of providing a direct service requiring the utilization of such vehicles or making pickups and deliveries of goods, wares and merchandise from or to any building or structure located on the restricted street or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon the restricted street for which a building permit has previously been obtained;
- (2) Any vehicle owned by a public utility or a licensed contractor while necessarily in use in the construction, installation or repair of any public utility;
- (3) Vehicles as may be reasonably necessary:
 - (A) For the purpose of transporting farm or ranch supplies, produce, or animals to and from ranches or farms situated along a street otherwise forbidden to be used by such vehicles, and
 - (B) For the purpose of transporting a trailer used for recreation or noncommercial purposes and/or boat to and from locations along a street otherwise forbidden to be used by such vehicles;
- (4) Owner/operator residing in the city and having a resident exemption permit as detailed in Section 10.16.050. (Ord. 547 Sec. 1 (part), 1985)

10.16.050 Resident exemption permit.

In addition to the vehicles excepted in Section 10.16.040, the city code enforcement officer may issue a maximum of 90 exemption permits per year, on a first-serve basis, to commercial vehicle owner/operators residing within the city for the purpose of traveling on restricted streets to and from their residence, if the following conditions are met:

- (1) The granting of such permit will not result in damage to city streets or cause a pedestrian or traffic hazard or adversely affect adjacent properties.
- (2) The permit shall be limited to one commercial vehicle truck and trailer or tractor and trailer combination per legal lot.
- (3) Such vehicle shall be parked on private property adjacent to the residence of the applicant. Said vehicle shall be parked to the side or rear of the residence in such a manner so as to minimize visibility from the street.
- (4) The parking area for such vehicle shall not be less than twenty-five feet from any residential structure on adjoining property; however, if not practical, this condition may be waived upon written consent from the occupant of the adjoining residence.
- (5) The applicant shall warrant that there will be no continuous operation of commercial vehicle engines or accessory generators or compressors prior to six a.m. or after nine p.m. "Continuous operation" shall be defined as operating in excess of five minutes. Violation of this section shall be grounds for revocation of this permit at the discretion of the City Code Enforcement Officer. (Ord. 836, Sec. 14, 2005)
- (6) Repair activity shall not commence before 6:30 a.m., except on Sunday and any national holiday when it shall not commence before 8:00 a.m., and after 10:00 p.m., unless repair work is done in an enclosed structure.
- (7) Vehicles used for the transportation of hazardous materials shall not be left unattended or parked overnight in a residential district (per Section 31303(d) of State of California Vehicle Code).
- (8) Applicant shall be the property owner or renter with written consent of property owner. The permit shall be issued to applicant, with the permit tied to subject property and vehicle. The permit is not transferable, with the exception of the vehicle itself.
- (9) A permit fee as established by city council resolution is paid. ~~If the owner/operator has a current business license and home occupation permit (excluding PUC certificate) the fee shall be waived.~~ The renewal of an exemption permit required by the provisions of this chapter shall occur on a year-to-year basis, due on the first day of July each year. (Ord. 659, Sec. 2, 1992; Ord. 550 Secs. 1--3, 1985; Ord. 547 Sec. 1 (part), 1985) (836, Amended, 08/03/2005)

(10) Vehicles in excess of 11,000 pounds gross weight, for which a Permit has been issued, shall not be loaded, or off-loaded for purposes of storing or transferring materials at the residence to which the Permit is issued.

10.16.060 Commercial vehicle parking prohibition.

In order to maintain the rural residential neighborhood atmosphere within the community and in the interest of public safety and welfare, commercial vehicles having a manufacturer's gross vehicle weight, per California Vehicle Code, Section 390, rating of eleven thousand pounds (five and one-half tons) or more, are prohibited from parking on any street or portion thereof not designated as a truck route, except with respect to making pickups or deliveries from or to any building or structure, or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure located off the designated truck route. In addition, commercial vehicles having a gross vehicle weight in excess of eleven thousand pounds are prohibited from parking on private property in residential or agricultural zones or in commercial and industrial zones where the site is within two hundred feet of a residential or agricultural zone unless a valid resident owner/operator permit is displayed in said vehicle in accordance with Section 10.16.050 of this code, unless otherwise permitted by use permit or site plan approval. This section shall not be effective with respect to any city street until appropriate signs have been erected by the city in accordance with the California Vehicle Code, at the entryways to the city along the truck routes indicating the vehicles weight limitations discussed herein. (Ord. 552 Sec. 1, 1985; Ord. 550 Sec. 4, 1985; Ord. 547 Sec. 1 (part), 1985)

10.16.070 Unattached trailer and semi-trailer parking prohibition.

A person shall not park any trailer or semitrailer upon any highway, street, alley, public way or public place unless the trailer or semi-trailer is, at all times while so parked, attached to a vehicle capable of moving the trailer or semi-trailer in a normal manner upon the highway, street, alley, public way or public place. This section shall not apply to trailers or semi-trailers in the process of being loaded or unloaded, nor shall it apply to any trailer or semi-trailer which is disabled in such a manner and to such an extent that it is impossible to avoid stopping and temporarily leaving the disabled trailer or semi-trailer on that portion of the highway, street, alley, public way or public place ordinarily used for vehicular parking. A disabled trailer or semi-trailer shall not be temporarily parked along a public right-of-way for more than twenty-four hours. (Ord. 547 Sec. 1 (part), 1985)

10.16.080 Violation--Penalty.

(Repealed Ord. 634, 1991) (Ord. 547 Sec. 1 (part), 1985)

Chapter 18.32 (GENERAL PROVISIONS--HOME OCCUPATIONS)

Sections: 18.32.02 Intent and Purpose; 18.32.04 Applicability; 18.32.06 Conditions.

18.32.02 Intent and Purpose.

The purpose of these regulations is to provide for the conduct of home occupations in the residential zones, in such a manner as to be compatible with and not disrupt residential neighborhoods.

18.32.04 Applicability.

- (1) The provisions of this section shall not be applicable to persons selling agricultural products from a dwelling or private garage attached thereto, if such sale is being conducted in an A-1 zone or any zone wherein agricultural uses are permitted.
- (2) None of the provisions of this section or any sections of the zoning regulations related to home occupations shall permit a home occupation to be conducted in association with a non-conforming residential use. A home occupation associated with a non-conforming residential use is expressly prohibited.

18.32.06 Conditions.

No person shall conduct a home occupation use, in any zone where such use is permitted, unless said home occupation use is conducted in conformity with all of the following criteria:

- (1) Said use must be conducted solely within the confines of one dwelling or a private garage on the same lot. When said use is conducted within a private garage on the same lot, the required parking spaces within the garage shall be preserved at all times for the parking of vehicles. When said use is conducted within a garage, the door thereof shall be continually and fully closed at all times. (Amended by Ord. 560 Sec. 1, 1986)
- (2) A home occupation shall not be conducted with the assistance of any persons, who are employed or retained for such by contract or otherwise; provided, however, members of the family residing in the dwelling may so assist.
- (3) Persons such as maids, janitors, and gardeners who provide domestic services in the form of maintenance and repair of the dwelling and private garage shall not be considered as engaged in a Home Occupation.
- (4) No signs associated with such a use shall be allowed, except one sign not greater than 16 square feet in area and subject to all the applicable provisions of Chapter 18.37 (Signs). (Amended by Ord. 491, Exhibit A Sec. 3, 1983)
- (5) There shall be no storage of materials, supplies, or equipment related directly or indirectly to a home occupation use outside the dwelling or garage, if the use is conducted in any Residential Zone of the City. If the use is conducted in any agricultural zone, there shall be no such storage outside the dwelling or garage, unless said materials, supplies and equipment are entirely screened from view by any occupant of property adjacent to any side of the property on which the home occupation use is being conducted, and from public view at any point.
- (6) In conducting said home occupation, no mechanical equipment shall be used if such equipment makes a noise so loud, unusual or penetrating as to cause discomfort or annoyance to a reasonable person of normal sensitivity and hearing.
- (7) No motor vehicles in excess of 11,000 pounds gross weight shall be used in the conduct of a home occupation. (Amended by Ord. 560 Sec. 1, 1986) For residences where a Residence Exemption Permit has been issued, said vehicle shall not be used in the conduct of a home occupation. Said vehicle shall also not be loaded, or off-loaded for purposes of storing or transferring materials at the residence for which the Permit was issued.
- (8) The home occupation use shall not be such as to require the dwelling or garage in which it is being conducted to be serviced by a greater amount of City of Norco Utility Services than is required to service said dwelling or its use as a residence by the family conducting said home occupation herein.
- (9) At the commencement of the home occupation use and during its continuance, there shall be no entrance or exit way specifically provided in the dwelling, garage, or on the premises, for the conduct of the home occupation thereon.
- (10) A home occupation use shall not cause greater pedestrian or vehicular traffic to the dwelling and garage in which it is conducted than is normal for the zone in which it is being conducted.

ORDINANCE NO. 961

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORCO, CALIFORNIA APPROVING ZONE CODE AMENDMENT 2013-01 AMENDING CHAPTER 18.32 "GENERAL PROVISIONS: HOME OCCUPATIONS" AND CODE AMENDMENT 2013-01 AMENDING CHAPTER 10.16 "COMMERCIAL VEHICLES/TRUCKS" WITH ANY RELATED CROSS-REFERENCES IN OTHER CHAPTERS AS NEEDED REGARDING THE USE AND PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONES. ZONE CODE AMENDMENT 2013-01; CODE AMENDMENT 2013-01.

WHEREAS, the City of Norco initiated Zone Code Amendment 2013-01 to amend Chapter 18.32 "General Provisions: Home Occupations" and Code Amendment 2013-01 to amend Chapter 10.16 "Commercial Vehicles/Trucks" with any related cross references in other Chapters as needed, to amend and update regulations regarding the use and parking of commercial vehicles in residential zones: and,

WHEREAS, Zone Code Amendment 2013-01 and Code Amendment 2013-01 were duly submitted to the City of Norco Planning Commission for decision at a public hearing for which proper notice was given; and

WHEREAS, said Zone Code Amendment and Code Amendment were scheduled for public hearing on the February 27, 2013 on or about 7 p.m. in the City Council Chambers, 2820 Clark Avenue, Norco, California; and

WHEREAS, at the hearing the Planning Commission held a public hearing and did receive both oral and written testimony pertaining to said Zone Code Amendment and Code Amendment; and

WHEREAS, after closing the public hearing said items were continued to March 13, 2013; and

WHEREAS, based on the information and testimony received, the Planning Commission adopted Resolution 2013-06 recommending approval of Zone Code Amendment 2013-01 and Code Amendment 2013-01 to the City Council; and

WHEREAS, the City of Norco, acting as the Lead Agency, determined that the project (Zone Code Amendment and Code Amendment) is exempt from the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines as a Ministerial Project; and

WHEREAS, Zone Code Amendment 2013-01 and Code Amendment 2013-01 were duly submitted to the City of Norco City Council for decision at a public hearing, based on the recommendation of the Planning Commission, and for which proper notice was given; and

WHEREAS, Zone Code Amendment 2013-01 and Code Amendment 2013-01 were scheduled for public hearing on April 3, 2013 on or about 7 p.m. in the City Council Chambers, 2820 Clark Avenue, Norco, California; and

WHEREAS, at the regular meeting, said City Council held a public hearing and considered both oral and written testimony pertaining to said Zone Code Amendment and Code Amendment; and

WHEREAS, the City of Norco, acting as the Lead Agency, has determined that the requested Zone Code Amendment and Code Amendment are exempt from the California Environmental Quality Act (CEQA) and the City of Norco Environmental Guidelines as a Ministerial Project.

NOW, THEREFORE, the City Council of the City of Norco, does hereby find as follows:

- A. The proposed Zone Code Amendment (Code Amendment) will not be inconsistent with, or contrary to, the General Plan or the Zoning Code since the project clarifies and updates existing regulations regarding the use and parking of commercial vehicles in residential zones.
- B. The project (proposed amendment) has been determined to be exempt from the California Environmental Quality Act and the City of Norco Environmental Guidelines as a Ministerial Project.

NOW, THEREFORE, the City Council of the City of Norco, does hereby approve as follows:

SECTION 1: Chapter 18.32 "Home Occupations", Section 18.32.06 "Conditions" of the Norco Municipal Code is hereby amended as follows:

Section 18.32.06 Conditions:

No person shall conduct a home occupation use, in any zone where such use is permitted, unless said home occupation use is conducted in conformity with all of the following criteria:

- (7) No motor vehicles in excess of 11,000 pounds gross weight shall be used in the conduct of a home occupation. For residences where a Residence Exemption Permit has been issued, said vehicle shall not be used in the conduct of a home occupation. Said vehicle shall also not be loaded, or off-loaded for purposes of storing or transferring materials at the residence for which the Permit was issued.

Chapter 10.16 "Commercial Vehicles/Trucks", Section 10.16.050 "Resident Exemption Permit" of the Norco Municipal Code is hereby amended as follows:

10.16.050 Resident exemption permit.

In addition to the vehicles excepted in Section 10.16.040 , the Planning Director or assignee may issue a maximum of 90 exemption permits per year, on a first-serve basis, to commercial vehicle owner/operators residing within the city for the purpose of traveling on restricted streets to and from their residence, if the following conditions are met:

(9) A permit fee as established by City Council resolution is paid. The renewal of an exemption permit required by the provisions of this chapter shall occur on a year-to-year basis, due on the first day of July each year.

(10) Vehicles in excess of 11,000 pounds gross weight, for which a Permit has been issued, shall not be loaded, or off-loaded for purposes of storing or transferring materials at the residence to which the Permit is issued.

SECTION 2: EFFECTIVE DATE: This Ordinance shall become effective 30 days after final passage thereof.

SECTION 3: SEVERABILITY: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, and phrase, hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases hereof be declared invalid or unconstitutional.

SECTION 4: POSTING: The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall cause the same within 15 days of its passage to be posted at no less than five public places within the City of Norco.

PASSED AND ADOPTED by the City Council of the City of Norco at a regular meeting held on April 17, 2013.

Mayor of the City of Norco, California

ATTEST:

Brenda K. Jacobs, CMC, City Clerk
City of Norco, California

I, BRENDA K. JACOBS, City Clerk of the City of Norco, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Norco, California, duly held on April 3, 2013 and thereafter at a regular meeting of said City Council duly held on April 17, 2013, it was duly passed and adopted by the following vote of the City Council:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Norco, California, on April 13, 2013.

Brenda K. Jacobs, City Clerk
City of Norco, California