

REGULATION OF SPECIFIC LAND USES

Section 20.20

.040 Home Occupations

20.20.040 Home Occupations.

A. Purpose. The regulations contained in this section are intended to prescribe conditions under which limited 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. Special Exemption. The Community Development Director or designee may exempt the following activities from obtaining a home occupation permit so long as these activities are low-impact uses within a residential neighborhood and are not detrimental to the residential character of the neighborhood:

Providers of educational services, such as music teachers and tutors, consistent with the intent of peace and quiet in a residential neighborhood, with no more than two (2) students at any one time, to be operated by the resident only, with hours limited to between 8:00 a.m. and 9:00 p.m. If these criteria are not met, a home occupation permit shall be required subject to the findings and standards contained in this section.

C. 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.

D. Findings. Applications for home occupations may be granted only if the Community Development Director or the Planning and Zoning Commission, whichever is applicable, makes the following findings:

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Findings:

1. *The operation, conduct or maintenance of the home occupation shall not adversely affect the residential character of the neighborhood or the health, morals, comfort or safety of any person residing, working in or passing through the neighborhood or area in which the occupation is conducted.*
2. *The operation, conduct or maintenance of the occupation or business shall not be materially detrimental to the public welfare or injurious to property, improvements, or the values thereof in the area where the business is operated.*

E. Application for Home Occupation Permit. Applications for a home occupation shall be filed with the Planning and Zoning Commission Secretary on forms provided. Non-owner applicants shall present with the application a written approval of proposed home occupation by the owner of the residence.

F. Administrative Home Occupation Permits. Each application for a home occupation shall be reviewed by the Community Development Director or a designated staff member. An initial inspection of the site of the home occupation shall be made. An Administrative Home Occupation permit may be granted by the Community Development Director in accordance with the findings required in Subsection 20.20.040 D., and that the requested home occupation could be carried out in strict compliance with the following findings:

Findings:

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.*

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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.*
5. *The total area of the main residence structure and any accessory structure(s) used for the operation and conduct of the business will not exceed two hundred fifty (250) square feet or twenty-five (25%) percent of the total floor area of the residence, whichever is smaller.*
6. *No part of the conduct, maintenance, or operation of the business or the storage of materials or equipment therefore will be in open areas visible to the neighbors or public.*
7. *The conduct, operation or maintenance of the business or occupation will not require the use of curb parking for commercial vehicles larger than three-quarter (3/4) ton pick-up trucks.*
8. *The conduct, operation or maintenance of the business or occupation will not require more than two (2) delivery trips per day.*
9. *That no sign or advertising material of any description will be used on the exterior of the premises or so as to be visible from the exterior of the premises where said occupation is conducted; provided, however, that occupations which are specifically required to have signs or notices as provided by the statutes or acts of the State of California, now or hereafter to be enacted, may do so, provided that the sign or notice does not exceed one (1) square foot in size and that the sign or notice is attached directly to the surface of the residence building or placed in a window thereof.*
10. *The home occupation or business will not require or involve more than one (1) employee on the site; there will be no more than two (2) visits per day by customers, non-site employees, or other business affiliates.*
11. *The home occupation business will not involve the storage of any vehicle used in connection with the home occupation to be parked in other than off-street parking spaces.*
12. *More than one (1) home occupation may be permitted in a dwelling unit, provided that the aggregate uses do not exceed the maximum limitations stated in this Subsection.*

For home occupations, which are reviewed by the Community Development Director, the action shall be reported to the Planning and Zoning Commission based on a schedule to be determined by the Commission.

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If the Community Development Director finds that an application may involve a significant policy or design issue or that there is significant public controversy, the application shall be referred to the Planning and Zoning Commission for hearing and action.

- G. Non-Administrative Home Occupation Permits.** Any application for a home occupation found by the Community Development Director not to be in compliance with the requirements of Subsection 20.20.040.F. shall be submitted to the Planning and Zoning Commission for determination under the Conditional Use Permit Procedures set forth in Subsection 20.100.030. In acting on such applications, the Planning and Zoning Commission may waive or alter the requirements set forth in Subsection 20.20.040.F. but must make the findings set forth in Subsections 20.100.030.C. and 20.20.040.D. prior to granting approval of the home occupation. In granting any home occupation use permit, the Planning and Zoning Commission shall impose such conditions as deemed necessary to carry out the intent and purpose of this Subsection.
- H. Business License Required.** The home occupation or business shall, within ten (10) days after approval of the home occupation permit as herein provided for, 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. Possession of a State Board of Equalization resale permit indicating an address in a residential district shall be deemed constructive notice of the existence of a business, thus subjecting it to home occupation permit regulations.
- I. Enforcement.** The Community Development Director or designee is hereby authorized and directed to enforce the provisions of all administrative and non-administrative home occupation permits authorized by this section. Annual inspections may be made of each home occupation permit to insure compliance with the regulations established by this Chapter. In the event of complaints allegedly resulting from the conduct of a home occupation, the building official shall cause to be made an inspection to determine the validity of the complaint.