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This attachment contains the draft recommended changes to home business standards reviewed by the City Council at their September 17, 2024 public hearing. These standards were initially recommended by Planning commission on a 6-0-1 vote (1 Commissioner absent) at the August 13, 2024 hearing. Due to overall concerns from the public that the changes were not sufficiently thought out and could lead to grievances with existing home business permit holders, Council was unsupportive of making any changes to the text and reverted to the original standards that had been in place prior to the update process.

CHAPTER 21.21. HOME OCCUPATION PERMITS

21.21.010. PURPOSE AND APPLICABILITY

- A. Purpose. It is the purpose of this Chapter to:
1. Define home occupations as an accessory use of a dwelling unit for operating a business as allowed by this Chapter;
 2. Allow for the conduct of home occupations that are deemed incidental to, and compatible with, surrounding residential uses;
 3. Recognize that a residential property owner or resident has a limited right to conduct a small business from a legal residence, and that a neighbor, under normal circumstances, would not be aware of its existence;
 4. Maintain the residential character of residential neighborhoods; and
 5. Prevent the use of home occupations from transforming a residential neighborhood into a commercial area.
- B. Applicability. No person shall commence or carry on any home occupation within the City without first having procured a Home Occupation Permit approval from the Zoning Administrator. The Zoning Administrator shall issue an approval when the applicant shows that the home occupation meets all requirements of this Chapter. Every home occupation shall fully comply with all City, County, and State codes, ordinances, rules, and regulations.
- C. Permit Not Transferable. No Home Occupation Permit shall be transferred or assigned, nor shall the permit authorize any person, other than the person named therein, to commence or carry on the home occupation for which the permit was issued.

21.21.020. COMPLIANCE WITH STANDARDS AND CONDITIONS

- A. Compliance Required. Home occupations shall comply with the applicable locational, developmental, and operational standards identified in this Section as well as any conditions imposed on the Home Occupation Permit.
- B. Required Standards. Each home occupation shall comply with all of the following standards:
1. The profession or other occupation shall be carried on by 1 or more members of the household residing on the premises and no more than 1 non-resident full-time equivalent employee, with only one such employee working at the premises at any one time.
 2. Only 1 additional personal vehicle for the non-resident is permitted on the property or public right-of-way while employee is working at the premises.
 3. Parking of commercial vehicles associated with the home occupation shall meet the following requirements:

Current code does not
have commercial vehicle
parking standards.

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- a. A vehicle with external lettering or other script pertaining to the home occupation is considered to be a commercial vehicle. Such lettering or script shall not divulge the **dwelling's location**.
 - b. No more than 1 commercial vehicle (self-propelled and/or a towable trailer with equipment) parked on the property or the public right-of-way is allowed unless a modification is approved through the Site Plan Modification process (Section 21.17.020) if provided with adequate screening and found to not be a nuisance for the neighborhood.
 - c. Commercial vehicle shall not have a rated gross vehicle weight (GVW) capacity in excess of 10,000 lbs. If a modification is approved by the Development Review Committee to allow additional vehicles, the combined GVW of all vehicles shall not exceed 10,000 lbs.
 - d. Commercial vehicles shall be parked/located outside the front setback.
 - e. Commercial vehicles shall be located behind a fence at least 6 feet in height.
4. The profession or other occupation shall be carried on wholly within the main building or an accessory building.
 5. Not more than 50 percent of the floor area of the ground floor of the principal building is used for the occupation.
 6. There shall be no exterior storage of materials or equipment (including food trucks, trailers, construction equipment, and oversized vehicles not otherwise permitted by Subsection 21.20.020.B), and no other exterior indication of such home occupation or variation from the residential character of the principal building except those required to ensure adequate screening.
 7. There shall be no retail sales on the premises except for "cottage food operations" as defined by Section 113758 of the California Health and Safety Code for which no more than 1 client is allowed within the premises at a time.
 8. The following types of businesses are considered allowable as home occupations:
 - a. Home office for services provided or conducted outside of the home or on the internet;
 - b. Tutoring/teaching, including musical or dance instruction, provided that no more than 1 student is served at a time;
 - c. "Cottage food operations" as defined by Section 113758 of the California Health and Safety Code and subject to prior issuance of a permit for a cottage food operation from the County Health Department as required by Health and Safety Code Section 114365;
 - d. Handcraft or artwork production, including, but not limited to, pottery and ceramics, artistic glass or metalwork, electronic components, woodcarving and woodworking (except for mass-production operations such as cabinet shops), antique furniture restoration, painting and photography, except when such use involves on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor, light, or vibration detrimental to occupants of adjoining dwellings;
 - e. Specialized repairs for household items for small mechanical components, including, but not limited to, cell phones, laptops, power tools, kitchen appliances, and small automotive parts that do not produce hazardous waste, provided any item can be mailed/shipped in a

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box not to exceed 12 inches x 12 inches x 12 inches. Additionally, all specialized repairs shall not produce noise, dust, odor, light, or vibration detrimental to occupants of adjoining dwellings;

~~f.~~ f. Pet sitting that does not constitute a kennel;

~~f.g.~~ f.g. Daycare for up to 14 children;

~~g.h.~~ g.h. Personal trainer, provided that no more than 1 student is served/present onsite at any one time;

~~h.i.~~ h.i. Art studio;

~~i.j.~~ i.j. Tailor/dress-maker; or

~~j.k.~~ j.k. Similar uses as determined by the Zoning Administrator.

Staff clarification is to show pet sitting (that is not as intensive as a kennel) as an allowed use, see below. Additional standards/definitions may be needed if additional uses are expanded upon.

9. There shall be no onsite signs identifying the business.

10. Hours of operation shall be limited to normal business hours that are compatible with a neighborhood environment.

C. Modifications.

1. Allowed Modifications. Modifications to home occupation standards may be allowed through a Site Plan Modification (Section 21.17.020) as follows:

a. Types of businesses not listed as an allowed home occupation (except those listed as prohibited in Section 21.21.030 [Excluded Operations]) may be allowed.

2. Findings. In approving such a request, the review authority shall consider impacts on privacy, noise, and other concerns of abutting property owners, and make the required findings (Subsection 21.17.020.C).

21.21.030. EXCLUDED OPERATIONS

A. Prohibited Businesses. The following types of businesses are not permitted as home occupations:

1. Animal hospital;

~~1.~~ 2. Kennel;

~~2.~~ 3. Medical practices including medical, dental, chiropractic, and similar services;

~~3.~~ 4. Massage;

~~4.~~ Pet sitting with overnight stays;

5. Automotive repair;

6. Small engine repair;

7. Mobile (tire and oil change) car repair,

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8. Barber or beauty shop;
 9. Restaurant;
 10. Tavern;
 11. Wine-tasting;
 12. Automotive dealership of any size/type; or
 13. Similar uses as determined by the Zoning Administrator to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes, shall not be allowed.
- B. Exception for Hardship. The Planning Commission may grant an exception to the strict application of the above requirements when the applicant is able to show that there is a hardship upon the applicant which warrants such an exception. In such cases, the applicant must prove that the activity for which the permit is requested is one that is light, clean, free from noise, and will have no adverse effect upon the residential character of the neighborhood. All such applications shall be granted by a Conditional Use Permit and shall be subject to annual review.

21.21.040. BUSINESS LICENSE REQUIRED

Every Home Occupation Permit permittee shall obtain and maintain a valid business license.

21.21.050. APPLICATION FILING, PROCESSING, AND REVIEW

Applications for Home Occupation Permits shall be filed, in writing, with the Zoning Administrator by the person who intends commencing or carrying on a home occupation. The application shall be upon forms furnished by and in the same manner prescribed by the Zoning Administrator. Where the applicant is not the owner of the lot on which the home occupation is proposed to be conducted, the application shall be accompanied by the written consent of the owner or his/her agent.

21.21.060. REQUIRED FINDINGS AND DECISION

- A. Review Authority and Required Findings. The Zoning Administrator (or the Planning Commission on a referral or appeal) may approve a Home Occupation Permit application, with or without conditions, only if it first makes all of the following findings. Failure of the review authority to make all of the following findings shall result in denial of the Home Occupation Permit application:
1. The proposed home occupation will be consistent with the General Plan, any applicable specific plan, and the development and design standards of the subject residential zoning district;
 2. The proposed home occupation shall be located and conducted in full compliance with all of the standards specified in this Chapter and all conditions imposed on the Home Occupation Permit;
 3. The proposed home occupation will not be detrimental to the public convenience, health, interest, safety, or welfare, or materially injurious to the properties or improvements in the immediate vicinity; and

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4. The proposed home occupation will not interfere with the use or enjoyment of neighboring existing or future residential development and will not create traffic or pedestrian hazards.
- B. Decision. Within 30 working days after the filing of a complete application for a Home Occupation Permit, the Zoning Administrator shall either issue, issue with conditions, or deny the permit and shall serve notice of such action upon the applicant by sending a copy of such notice to the applicant at the address appearing on the application. The **Zoning Administrator's** decision shall be final unless an appeal is filed pursuant to Chapter 21.25 (Appeals and Calls for Review).

21.21.070. PERMIT EXPIRATION

Home Occupation Permits shall immediately expire upon discontinuance of the home occupation or expiration of the business license.

21.21.080. INSPECTIONS

The Zoning Administrator shall have the right at any time during normal City Hall business hours, upon request, to enter and inspect the premises subject to a Home Occupation Permit in order to verify compliance with permit conditions of approval.

21.21.090. ACKNOWLEDGEMENT BY APPLICANT

A Home Occupation Permit shall not be valid until signed by the applicant and homeowner, with the signature(s) acknowledging the full understanding and agreement with all of the conditions, and agreement to waive any right to later challenge any conditions imposed as unfair, unnecessary, or unreasonable.

21.21.100. PERMIT NOT TRANSFERABLE

A new Home Occupation Permit and Business License, for the same or different home occupation conducted by a new resident, shall be obtained before conducting an allowed home occupation.

21.21.110. CHANGES IN HOME OCCUPATION

A change in the type of home occupation activity (such as a change from one allowed activity to another allowed activity) conducted by the original resident/permittee shall also require a new Home Occupation Permit and Business License before conducting an allowed home occupation.

21.21.120. POST-DECISION PROCEDURES

The procedures and requirements in Chapter 21.24 (Entitlement Implementation, Extensions, Amendments, and Revocations), and those related to appeals in Chapter 21.25 (Appeals and Calls for Review) shall apply following the decision on a Home Occupation Permit application.