

Chapter 9.05 Home Occupation Permits

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9.05.010 Purpose

The purpose of this Chapter is to provide a process to gain City approval to conduct a home occupation which represents a legal commercial enterprise conducted by an occupant(s) of a dwelling. (Ord. 1981 § 1 (Exh. B), 2013)

9.05.020 Applicability

- A. **Incidental and secondary.** The Home Occupation Permit is intended to allow for home occupations that are conducted within a dwelling located in a residential zone, including Transect Zones, and are clearly incidental and secondary to the use of the dwelling for residential purposes and compatible with surrounding residential uses.
- B. **Allowed by Part 3.** A home occupation may only be conducted when allowed by Part 3 (Specific to Zones). (Ord. 1981 § 1 (Exh. B), 2013)

9.05.030 Permit Required

- A. **Home Occupation Permit required.** No person shall conduct a home occupation without first obtaining a Home Occupation Permit in compliance with this Chapter.
- B. **Exemption.**
 - 1. **Live/work.** A legal live/work facility is exempt from the requirement of a Home Occupation Permit.
 - 2. **Small family day care home.** A small family day care home for eight or fewer children operated in compliance with State law and Section 6.02.020 (Child Day Care Facilities) is exempt from the requirement of a Home Occupation Permit. (Ord. 1981 § 1 (Exh. B), 2013)

9.05.040 Application Filing, Processing, and Review**A. Application.**

- I. Filing.
 - a. An application for a Home Occupation Permit shall be filed and processed in compliance with Chapter 9.01 (Application Processing Procedures).
 - b. The application shall be signed by the owner of record or by an authorized agent.
 - c. Authorized agents shall provide written authorization signed by the property owner.
 2. Required data. The application shall include the required fee in compliance with the Planning Fee Schedule and information and materials required by the Director to demonstrate compliance with any provision of this Chapter and of Section 6.02.060 et al. (Home Occupations).
 3. Responsibility. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 9.05.080 (Findings and Decision).
- B. Public notice not required.** A public notice and hearing shall not be required for the Director's decision on a Home Occupation Permit application. (Ord. 1981 § I (Exh. B), 2013)

9.05.050 Prohibited Home Occupations

Please refer to Section 6.02.060 (Home Occupations) for the list of prohibited home occupations. (Ord. 1981 § I (Exh. B), 2013)

9.05.060 Director's Decision

- A. **Director's actions.** The Director may approve a Home Occupation Permit application that would be operated in compliance with Section 9.05.070 (Compliance with Standards), deny the application, or defer action and refer the application to the Commission for review and final decision.
- B. **Business License Tax required.** In conjunction with the Home Occupation Permit, the applicant shall obtain a Business License in compliance with Municipal Code Chapter 3.08 (Business License Tax). (Ord. 1981 § I (Exh. B), 2013)

9.05.070 Compliance with Standards

Home occupations shall comply with the applicable locational, developmental, and operational standards specified in Section 6.02.060 (Home Occupations) as well as any additional conditions and/or terms imposed on the Home Occupation Permit. (Ord. 1981 § I (Exh. B), 2013)

9.05.080 Findings and Decision

The Director shall review all applications and shall record the decision in writing with the findings on which the decision is based. The Director (or the Commission on a referral) may approve a Home Occupation Permit application, with or without conditions, only after first making all of the following findings:

A. The proposed home occupation will:

1. Be consistent with the General Plan, any applicable Specific Plan, and the development and design standards of the subject residential zone;
2. Be listed as an allowable use in Part 3 (Specific to Zones);
3. Comply with the applicable locational, developmental, and operational standards specified in Section 6.02.060 (Home Occupations) as well as any conditions or terms imposed on the Home Occupation Permit; and
4. Be clearly incidental and secondary to the use of the dwelling for residential purposes and be compatible with surrounding residential uses.

B. The proposed home occupation will not:

1. Be detrimental to the public convenience, health, interest, safety, or welfare, or materially injurious to the properties or improvements in the immediate vicinity; or
2. Interfere with the use or enjoyment of neighboring existing or future residential developments, and will not create traffic or pedestrian hazards. (Ord. 1981 § I (Exh. B), 2013)

9.05.090 Conditions of Approval

In approving a Home Occupation Permit application, the Director (or the Commission on a referral) may impose conditions or terms (e.g., buffers, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, surfacing, time limits, traffic circulation, etc.) deemed reasonable and necessary to ensure that the approval would be in compliance with the purpose of this Chapter. (Ord. 1981 § I (Exh. B), 2013)

9.05.100 Permit Expiration

When a home occupation has been discontinued for at least 90 days the Home Occupation Permit shall immediately expire. (Ord. 1981 § I (Exh. B), 2013)

9.05.110 Acknowledgment

An approved Home Occupation Permit shall not be valid until signed by the applicant, with the signature acknowledging the applicant's 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. (Ord. 1981 § I (Exh. B), 2013)

9.05.120 Permit Not Transferable

- A. **Not transferable.** The Home Occupation Permit is not transferable to another resident.
- B. **New permits required.** A new Home Occupation Permit, for the same or different home occupation conducted by a new resident, shall be obtained before conducting an allowed home occupation. (Ord. 1981 § 1 (Exh. B), 2013)

9.05.130 Changes in Home Occupation

A change in the type of home occupation activity (e.g., a change from one allowed activity to another allowed activity) conducted by the original resident/permittee shall also require a new Home Occupation Permit before conducting an allowed home occupation. (Ord. 1981 § 1 (Exh. B), 2013)

9.05.140 Post Decision Procedures

The procedures and requirements in Chapter 9.12 (Permit Implementation, Time Limits, and Extensions), and those related to appeals (Chapter 9.15) and modifications and/or revocations (Chapter 9.18), shall apply following the decision on a Home Occupation Permit application. (Ord. 1981 § 1 (Exh. B), 2013)