

CHAPTER 17.48 HOME OCCUPATION USE PERMITS

17.48.010 Home occupation use permits.

Use permits, revocable, conditional and/or valid for a specified term, may be issued for home occupations (as defined in Section 17.04.160), in an R-1 district or other district permitting same, pursuant to the following procedures and provisions.

(Prior code § 11-212.6 (part))

17.48.020 Permits issued by clerk.

A home occupation permit shall be issued by the city clerk, without conditions other than as specifically set forth herein, upon payment of the required fee and the filing of a declaration by the applicant that all special and general conditions relevant for the use requested will be satisfied, for the following occupations:

- A. Accountant; appraiser, architect; attorney; bookkeeper; insurance or real estate broker or agent; drafting service; engineer; stenographer; and telephone answering service.
- B. Commission merchant; and mail order business; subject to the following special conditions:
 - 1. The home will be the mailing address and office only; the applicant will only take orders at the home and the orders will be filled by direct shipment from factory to the customer; and
 - 2. There is no storage of stock on the premises.
- C. Contractor's office; janitorial service office; and landscape garden office; subject to the following special conditions:
 - 1. Employees will not report in person to the home for work assignments or to do work therein in conjunction with the occupation; and
 - 2. No supplies or equipment will be stored on the premises.
- D. Dressmaker and tailor; subject to the following special conditions:
 - 1. No manufacturing for stock in trade; and
 - 2. No cleaning, dyeing, or pressing by mechanically operated equipment.
- E. Fine arts studio and tutoring; subject to the following special conditions:
 - 1. Where works of art will be created as part of the home occupation, only individual works of art may be created; and
 - 2. That music, voice, and dancing studios or tutoring will not take place on the premises as part of this occupation.
- F. Interior decorator offices; and photo laboratory; subject to the special condition that the residence will not be used as a studio.
- G. Tutoring of individuals.

(Prior code § 11-212.6(A))

17.48.030 Additional staff-issued permits.

The planning commission, by resolution, may authorize the city clerk to issue home occupation permits for additional occupations not set out in this section (in Section 17.48.020), and may establish thereby special conditions for the issuance of permits for such occupations; provided, however, that said conditions may not give the city clerk discretionary authority regarding the issuance of the permits.

(Prior code § 11-212.6(B))

17.48.040 Permits issued by commission.

For any home occupations not delegated to the city clerk for the issuance of permits, the planning commission may, after holding a public hearing in the manner and with the notice prescribed for variances in Section 17.44.020, issue a home occupation use permit for any home occupation upon a finding that the public health, safety and general welfare would not be adversely affected by the issuance of such permit. All other provisions of said Chapter 17.44, relating to the appeal procedures and the designation by the commission of conditions upon which the permit may be issued and guarantees that such conditions will be complied with, shall apply to the granting of a home occupation permit under this section.

(Prior code § 11-212.6(C))

17.48.050 Restrictions on all permits.

All home occupation use permits, whether issued by the planning commission or the city clerk, shall be subject to all of the following restrictions and criteria, except that the planning commission may modify or waive restrictions/criteria (1) through (10) upon a specific affirmative determination, made following a public hearing, that the application in question involves an unusual situation or hardship and that the public health, safety and general welfare will not be adversely affected by the modification or waiver:

1. No more than one home occupation permit shall be granted per dwelling unit;
2. No person, other than a member of the permittee's family who resides on the premises, shall be employed in the business at the subject property;
3. The use shall not generate additional pedestrian or vehicular traffic, or involve the repeated use of commercial vehicles for delivery of materials to or from the premises, beyond that normal to residential use;
4. There shall be no activity which involves frequent meetings or gatherings of any kind such as may generate traffic and parking congestion, noise or disturbances beyond that which is normal to residential use;
5. There shall be no sign, nameplate or any other form of advertising displayed on the premises in which a home occupation is permitted;
6. No telephone directory listing, vehicle sign, newspaper, radio or television service used to advertise the home occupation shall mention or contain the street address of the premises for which a permit has been issued;
7. There shall be no dispatching of persons or equipment from the subject property;
8. No portion of any dwelling shall be used for a home occupation which has direct access thereto other than through the main (i.e., front) entrance to the dwelling unit;

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9. There shall be no outdoor storage of any materials, equipment or supplies other than that necessary or usual for normal domestic purposes;
 10. No garage space shall be used for the conduct of any home occupation which interferes with the use of such space for the parking of vehicles, if such use for parking of vehicles is necessary to satisfy the off-street parking requirements of this section;
 11. No permit shall be issued for a home occupation which involves: (a) the manufacture of goods, materials or objects; (b) food handling, processing or packing; (c) animal boarding (a kennel) or treatment; or (d) automobile repairing;
 12. There shall be no use of any mechanical equipment, appliance or motor: (a) outside of an enclosed building; or (b) which generates noise detectable from outside the building in which it is located; or (c) which creates any electrical disturbance adversely affecting the operation or use of any appliance or equipment located in any other dwelling unit or on property not owned by the person conducting the home occupation in question;
 13. In no way shall the appearance of the dwelling or lot be so altered, or the home occupation be so conducted, that the dwelling or lot may be reasonably recognized as serving a nonresidential use (either by color, materials, construction, lighting, sounds or noises, signs, vibrations, etc.);
 14. No home occupation shall be permitted which creates noise, odor, dust, fumes, smoke or vibration readily discernible at the exterior boundaries of the parcel on which it is located;
 15. A valid business license shall be obtained from the city by the permittee for each fiscal year or part thereof that the home occupation is conducted;
 16. There shall be no dispatching of persons or equipment from the subject property.

(Prior code § 11-212.6(D))

17.48.060 Term—Expiration.

A home occupation permit shall be valid only as to the specific occupation individual(s) and residence for which it is issued. Permits issued pursuant to this chapter must be renewed, if the occupation is to continue, every two years by the issuing authority (i.e., planning commission or city clerk). A fee equal to one-half of the original permit fee shall accompany the renewal application. Each permit shall be valid for said two-year period, unless sooner revoked or suspended by the planning commission, in action at a public hearing, except that a permit will expire automatically prior thereto either: (a) at the end of a shorter term thereof if specified as a condition upon issuance; or (b) if the occupation for which the permit was issued is discontinued for a period of one year. Discontinuance of an occupation shall be presumed if a business license is not obtained each year.

(Prior code § 11-212.6(E))

17.48.070 Termination of uses in nonconformance.

Any and all presently existing uses in nonconformance with the foregoing amendment to the zoning ordinance and Municipal Code shall be required to be terminated within six months of the effective date of this title, or to apply for a new home occupation permit within said period; provided, however, that the planning commission, upon written application being made to it prior to the expiration of the six-month date, may, for good cause shown, extend the termination or renewal date of a nonconforming use for a period of not to exceed an additional six months. In addition, all presently existing uses for which home occupation permits were previously given, whether in nonconformance with the provisions hereof or not, shall be terminated within one year from the effective date of this title, and a new permit be obtained under the provisions of this chapter.

(Prior code § 11-212.6(F))

(Supp. No. 1)

Created: 2021-10-15 11:22:13 [EST]