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2 **RESOLUTION 2016-16**
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4 **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN JUAN**
5 **BAUTISTA APPROVING REGULATIONS FOR A HOME OCCUPATION PERMIT**
6 **AND RECOMMENDING TO THE CITY COUNCIL AMENDMENT OF THE SAN**
7 **JUAN BAUTISTA MUNICIPAL CODE TO ADD SECTION 11-07**
8 **HOME OCCUPATION REGULATIONS**
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11 **WHEREAS**, the Planning Commission recognizes the need to establish rules and regulations for
12 conducting business in residential zoning districts, and
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14 **WHEREAS**, the Municipal Code does not provide standards, rules and regulations for home
15 occupations in residential zoning districts, and
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17 **WHEREAS**, the Planning Commission has reviewed, analyzed and developed comprehensive
18 regulations and standards for home occupations in residential zones of the City, and
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20 **WHEREAS**, the Planning Commission finds that the development of regulations for home
21 occupations is necessary for the protection, safety and welfare of the residents of the City, and
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23 **WHEREAS**, the Planning Commission further determines that the proposed Home Occupation
24 Regulations are exempt from environmental review per CEQA Guidelines under the General
25 Rule (Section 15061(b)(3)). The project involves updates and revisions to existing regulations.
26 The proposed code amendments are consistent with California Law, specifically Government
27 Code section 65850.5 and Civil Code section 714. It can be seen with certainty that the proposed
28 Municipal Code text amendments will have no significant negative effect on the environment.
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31 **NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of San
32 Juan Bautista does hereby approve the Home Occupation Regulations and recommends to the
33 City Council the adoption thereof and amendment of the San Juan Bautista Municipal Code,
34 adding Chapter 11-07, "Home Occupation Regulation" as follows.
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36 **Chapter 11-07 Home Occupation Regulations**
37

38 **Home Occupation.**

39 The purpose of the following section and provisions are for the allowance of home occupations
40 that are secondary and incidental to the residential use of the residence, and compatible with
41 surrounding residential uses. A "home occupation" is any use customarily conducted entirely
42 within an enclosed dwelling and conducted only by up to two of its residents. A home
43 occupation may also be used as the basis for the occupant of the residence to stage a small
44 business such as outlined in section C below. Allowable home occupations shall be limited to
45 activities which comply with the standards listed in section C as follows.

46 Any other use which may, as determined by the City Planner, be of the same general character as
47 those listed above, and not objectionable or detrimental to the applicable zoning district.

48 A.) Permit Requirement. A business license shall be obtained/posted in compliance with the San
49 Juan Bautista Municipal Code for home occupations, which are allowed as accessory uses in all
50 residential zoning districts. A statement of compliance with the following operating standards
51 shall be executed prior to issuance of a Home Occupation Permit. A Home Occupation Permit
52 may be issued administratively if it conforms to Section C.

53 B.) Operating Standards. Home occupations shall comply with all of the following operating
54 standards:

55 1.) The home occupation is clearly secondary to the full-time use of the structure as a
56 residence.

57 2.) No persons not residing on the premises may be employed at the site of the home
58 occupation.

59 3.) Sale of goods on the premises shall be limited to the products of the home
60 occupations, and no other merchandise or goods shall be sold, kept or displayed for the
61 purposes of sale on premises. No outside displays or marketing of the goods shall be
62 allowed.

63 4.) The home occupation shall not attract or generate excessive auto or foot traffic,
64 require additional off-street parking spaces, involve the use of commercial vehicles for
65 delivery of materials or supplies to or from the premises, or exceed six (6) patrons or
66 customers for any calendar day.

67 5.) No dwelling or accessory buildings shall be built, altered, finished, or decorated
68 externally for the purposes of conducting the home occupation in such a manner as to
69 change the residential character and appearance of the dwelling, or in such a manner as to
70 cause the structure to be reasonably recognized as a place where a home occupation is
71 conducted. ***If necessary must go before Planning Commission for hearing and a
72 Conditional Use Permit is needed.**

73 6.) A sign no greater than two (2) square feet can be used to identify non-residential use
74 and a name plate not to exceed one (1) square feet.

75 7.) Storage related to the home occupation shall be confined to the dwelling or approved
76 accessory building.

77 8.) No garage or accessory building shall be altered or used in such a manner that would
78 reduce the number of covered parking spaces required in the district in which it is located
79 to facilitate a home occupation.

80 9.) A home occupation shall be limited to only two (2) clients, patients or pupils present
81 on the premises at any time. Small residential care homes, small family home care

82 centers, etc. licensed by the state require a Conditional Use Permit in a residential zoning
83 district.

84 10.) The home occupation shall be confined completely to one room within the main
85 dwelling, and not within an accessory structure or garage.

86 11.) Only one vehicle/trailer with a capacity of a one (1) ton may be used directly or
87 indirectly in connection with a home occupation. Only one vehicle may display
88 advertising for the business. The vehicle shall be parked onsite.

89 12.) All activities conducted and equipment or material used in for Home Occupations
90 shall not change the fire safety or occupancy classifications of the premises. The Home
91 Occupation use shall not employ the storage of pesticides or flammable, explosive, or
92 hazardous materials.

93 13.) The home occupation activity shall not generate additional pedestrian or vehicular
94 trips in excess of that customarily associated with the zoning district in which it is to be
95 located.

96 14.) A home occupation shall be limited to only two clients between the hours of 8:00
97 a.m. and 8:00 p.m. by appointment only.

98 15.) No equipment or process shall be used with in accordance with a home occupation
99 which creates noise, vibration, glare, fumes, odor, smoke, dust or electrical interference
100 detectable to the normal senses off the lot if the occupation is conducted in a single-
101 family detached residence, or outside the dwelling unit if conducted in other than a
102 single- family detached residence. No equipment or process shall be used which creates
103 visual or audible electrical interference in any radio or television receiver off the
104 premises or causes fluctuations in line voltage off the premises.

105 16.) Service-oriented mobile businesses that provide services at the location of a client
106 may function as a home based business, where compliant with all other provisions of this
107 sections and subject to the following standards:

108 a.) No business activities other than office activities occur on the premises. A
109 client may not come to the home business to use the mobile unit.

110 b.) The primary business activity involves provision of services that by their
111 nature are intermittent and convenient to be provided at the home or business of
112 the client. Examples include: mobile rotary, personal services, minor vehicle
113 repair not involving engines as prohibited above (windshield repair or battery
114 replacement), computer maintenance and repair.

115 c.) Sale of goods is permitted only as an accessory to the service-oriented use,
116 such as sale of windshield when it is replaced, or a new hard-drive when it is
117 required and installed as a part of a computer repair.

118 C.) Permitted Uses. Home occupations generally include, but are not limited to. The following
119 uses:

- 120 1.) Professional Offices
- 121 2.) Offices for personal services such as janitorial service, gardening service, office
122 services, etc.
- 123 3.) Dressmaking, millinery, and other home sewing work.
- 124 4.) Handcrafts such as weaving, leatherwork, and other arts and crafts.
- 125 5.) Instructional classes, not exceeding two (2) students at one time.
- 126 6.) Internet sales, mail order or direct sales provided no merchandise is sold on the
127 premises.
- 128 7.) Cottage food operations.

129 D.) Prohibited Home Occupation Uses. The following are examples of uses that are **not**
130 incidental to or compatible with residential activities, and are therefore **prohibited** as home
131 occupations:

- 132 1.) Adult businesses
- 133 2.) Animal hospitals or the harboring, raising, training, or treatment of animals or birds
134 for commercial purposes
- 135 3.) Gun or ammunition sales, including off-site and by mail order
- 136 4.) Medical and dental offices, clinics, and laboratories (not including chiropractors and
137 counselors/psychotherapists)
- 138 5.) Massage
- 139 6.) Healing Arts
- 140 7.) Mini storage
- 141 8.) Print shop, photo shop
- 142 9.) Spiritual advisory service (fortune-telling).
- 143 10.) Sale of products, except for artist's originals or products individually made-to-order
144 on the premises (internet and phone sales okay)
- 145 11.) Storage and delivery of, materials, and other accessories for the construction and
146 service trades
- 147 12.) Vehicle repair (body or mechanical, including boats and recreational vehicles),
148 upholstery, automobile detailing and painting and the display and sale of any vehicle
- 149 13.) Welding or Fabrication shops, repair, fix-it or plumbing

150 14.) Transportation, shuttle, limousine, bus, or tour bus services (only office use
151 permitted- buses, shuttles, limousines and such vehicles shall be stationed off-site)

152 15.) The Home shall be used for office purposes only, unless otherwise specified in
153 regards to the home occupation.

154 16.) And any other use, as determined by the City Planner not to be incidental to or
155 compatible with residential activities.

156 E.) Home Occupations Requiring a Conditional Use Permit. The following list presents land use
157 activities that may not be in compliance with the operating standards outlined in subsections of
158 this section but may be allowable subject to the approval of a Conditional Use Permit by the
159 Planning Commission:

160 1.) Use of an accessory structure;

161 2.) Use exceeding two hundred (200) square feet;

162 3.) Use employing more than two persons on-site that reside off-site;

163 4.) Woodworking with machinery;

164 5.) One-chair barber shop or beauty salon, home visits for two clients, patients at a time,
165 direct product distribution, pet grooming or any other use or occupation which the City
166 Planner determines is similar in nature to the previously listed uses;

167 6.) Food handling, processing, food packaging, catering or any other use or occupation
168 where the operation is located in a detached accessory structure with a commercial
169 kitchen that meets Health Code standards which the City Planner determines is similar in
170 nature to the previously listed uses;

171 7.) Having more than two home occupations in a dwelling unit; and

172 8.) Any use or occupation that does not meet the criteria set forth in subsections of this
173 section.

174 9.) Daycare small/large, small home care, residential care facilities, transitional and
175 supportive housing.

176 10.) **Any Home Occupation that is not allowed or covered in this Ordinance needs to**
177 **be presented to the Planning Commission for approval.**

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179 **11-07-XXX Violation and Enforcement.**

180 It shall be unlawful to conduct businesses within any residential district of the City of San Juan
181 Bautista without first obtaining a Home Occupation Permit pursuant to these regulations. Any
182 business activities conducted in any residential zone and contrary to the provisions of these
183 regulation is unlawful and deemed a public nuisance and shall be abated, eliminated and
184 enjoined as provided in Title 13, Violation of Chapter 13-1 Enforcement.
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186
187 **PASSED AND ADOPTED** by the Planning Commission of the City of San Juan Bautista on the
188 5th day of April 2016 by the following vote:

189
190 **AYES: Guibert, Medeiros, Gredassoff, Coke, Franco**

191
192 **NOES: None**

193
194 **ABSENT: None**

195
196 **ABSTAIN: None**

197
198 _____
199 Chairperson Ernest J. Franco

200 **ATTEST:**

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202
203 _____
204 Trish Paetz, Deputy City Clerk