

**ORDINANCE 2016-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA APPROVING REGULATIONS FOR A HOME OCCUPATION PERMIT AND AMENDMENT OF THE SAN JUAN BAUTISTA MUNICIPAL CODE TO ADD SECTION 11-07 HOME OCCUPATION REGULATIONS**

**WHEREAS**, the City Council received a recommendation from the Planning Commission to establish rules and regulations for Home Occupations in residential zoning districts, and

**WHEREAS**, the Municipal Code does not provide standards, rules and regulations for home occupations in residential zoning districts, and

**WHEREAS**, the City Council has reviewed, analyzed and developed comprehensive regulations and standards for Home Occupations in residential zones of the City, and

**WHEREAS**, the City Council finds that the development of regulations for home occupations is necessary for the protection, safety and welfare of the residents of the City, and

**THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA DOES HEREBY ORDAINS AS FOLLOWS;**

1. Environmental Determination. The project is exempt from environmental review per CEQA Guidelines under Section 15307, 15308 and 15321 (a) (2).
2. Chapter 11-07 Added. Chapter 11-07 of the Municipal Code, entitled “Home Occupation(s)” is hereby added to the San Juan Bautista Municipal Code as set forth on the attached six (6) pages, marked Exhibit “A” and incorporated herein by this reference thereto.
3. Effective Date. This Ordinance shall be in full force and effect 30 days after its final passage and adoption.
4. Severability. If any portion of this Ordinance is found to be unconstitutional or invalid the City Council hereby declares that it would have enacted the remainder of this Ordinance regardless of the absence of any such invalid part.
5. Posting of Ordinance. Within fifteen (15) days after the passage of this ordinance, the City Clerk shall cause it to be posted on the internet and in the public places designated by resolution of the City Council.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of San Juan Bautista duly held on August 16<sup>th</sup>, 2016, and was passed and adopted at a regular meeting duly held on September 20<sup>th</sup>, 2016 by the following vote.

AYES: West, Lund, Boch, Edge  
NOES: None  
ABSENT: Martorana  
ABSTAIN: None

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Rick Edge Mayor

ATTEST:

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City Clerk Connie Schobert

### Exhibit "A"

#### Chapter 11-07 HOME OCCUPATION REGULATIONS Article 1 General Conditions and Standards

11-07-010 Purpose

11-07-020 Permit Requirements

11-07-030 Operating Standards

11-07-040 Permitted Uses

11-07-050 Prohibited Home Occupation Uses

11-07-060 Home Occupations Requiring a Conditional Use Permit

11-07-070 Violation and Enforcement

**11-07-010 Purpose.** The purpose of the following section and provisions are for the allowance of home occupations that are secondary and incidental to the residential use of the residence, and compatible with surrounding residential uses. A "home occupation" is any use customarily conducted entirely within an enclosed dwelling and conducted only by up to two of its residents. A home occupation may also be used as the basis for the occupant of the residence to stage a small business such as outlined in Section 11-07-040. Allowable home occupations shall be limited to activities which comply with the standards listed in Section 11-07-030.

**11-07-020 Permit Requirements.** A business license shall be obtained and posted in compliance with the San Juan Bautista Municipal Code for home occupations, which are allowed as accessory uses in all residential zoning districts. A statement of compliance with the following operating standards shall be executed prior to issuance of a Home Occupation Permit. A Home Occupation Permit may be issued administratively if it conforms to Section 11-070-040.

**11-07-030 Operating Standards.** Home occupations shall comply with all of the following operating standards:

- 1.) The home occupation is clearly secondary to the full-time use of the structure as a residence.
- 2.) No persons not residing on the premises may be employed at the site of the home occupation.
- 3.) Sale of goods on the premises shall be limited to the products of the home occupations, and no other merchandise or goods shall be sold, kept or displayed for the purposes of sale on premises. No outside displays or marketing of the goods shall be allowed.
- 4.) The home occupation shall not attract or generate excessive auto or foot traffic, require additional off-street parking spaces, involve the use of commercial vehicles for delivery of materials or supplies to or from the premises, or exceed six (6) patrons or customers for any calendar day.
- 5.) No dwelling or accessory buildings shall be built, altered, finished, or decorated externally for the purposes of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be reasonably recognized as a place where a home occupation is conducted.
- 6.) A sign no greater than two (2) square feet can be used to identify non-residential use and a name plate not to exceed one (1) square feet.
- 7.) Storage related to the home occupation shall be confined to the dwelling or approved accessory building.
- 8.) No garage or accessory building shall be altered or used in such a manner that would reduce the number of covered parking spaces required in the district in which it is located to facilitate a home occupation.
- 9.) A home occupation shall be limited to only two (2) clients, patients or pupils present on the premises at any time. Small residential care homes, small family home care centers, etc. licensed by the state require a Conditional Use Permit in a residential zoning district.
- 10.) The home occupation shall be confined completely to one room within the main dwelling, and not within an accessory structure or garage.
- 11.) Only one vehicle/trailer with a capacity of a one (1) ton may be used directly or indirectly in connection with a home occupation. Only one vehicle may display advertising for the business. The vehicle should be parked onsite.
- 12.) All activities conducted and equipment or material used in for Home Occupations shall not change the fire safety or occupancy classifications of the premises. The Home Occupation use shall not employ the storage of pesticides or flammable, explosive, or hazardous materials.

13.) No home occupation activity shall create dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances.

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

15.) Business is to be conducted from 8 a.m. to 8 p.m.

16.) No equipment or process shall be used which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses off the lot if the occupation is conducted in a single-family detached residence, or outside the dwelling unit if conducted in other than a single-family detached residence. No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.

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

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

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

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

**11-07-040 Permitted Uses.** Home occupations generally include, but are not limited to. The following uses:

1.) Professional Offices

2.) Offices for personal services such as janitorial service, gardening service, office services, etc.

3.) Dressmaking, millinery, and other home sewing work.

4.) Handcrafts such as weaving, leatherwork, and other arts and crafts.

5.) Instructional classes, not exceeding two (2) students at one time.

6.) Internet sales, mail order or direct sales provided no merchandise is sold on the premises.

7.) Cottage food operations.

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

**11-07-050 Prohibited Home Occupation Uses.** The following are examples of uses that are **not** incidental to or compatible with residential activities, and are therefore **prohibited** as home occupations:

- 1.) Adult businesses
- 2.) Animal hospitals or the harboring, raising, training, or treatment of animals or birds for commercial purposes
- 3.) Gun or ammunition sales, including off-site and by mail order
- 4.) Medical and dental offices, clinics, and laboratories (not including chiropractors and counselors/psychotherapists)
- 5.) Massage
- 6.) Healing Arts
- 7.) Mini storage
- 8.) Print shop, photo shop
- 9.) Sale of products, except for artist's originals or products individually made-to-order on the premises (internet and phone sales okay)
- 10.) Storage and delivery of, materials, and other accessories for the construction and service trades
- 11.) Vehicle repair (body or mechanical, including boats and recreational vehicles), upholstery, automobile detailing and painting and the display and sale of any vehicle
- 12.) Welding or Fabrication shops, repair, fix-it or plumbing
- 13.) Transportation, shuttle, limousine, bus, or tour bus services (only office use permitted- buses, shuttles, limousines and such vehicles shall be stationed off-site)
- 14.) And any other use, as determined by the City Planner not to be incidental to or compatible with residential activities.

**11-07-060 Home Occupations Requiring a Conditional Use Permit.** The following list presents land use activities that may not be in compliance with the operating standards outlined in subsections of this section but may be allowable subject to the approval of a Conditional Use Permit by the Planning Commission:

- 1.) Use of an accessory structure;
- 2.) Use exceeding two hundred (200) square feet;

- 3.) Use employing more than two persons on-site that reside off-site;
- 4.) Woodworking with machinery;
- 5.) One-chair barber shop or beauty salon, home visits for two clients, patients at a time, direct product distribution, pet grooming or any other use or occupation which the City Planner determines is similar in nature to the previously listed uses;
- 6.) Food handling, processing, food packaging, catering or any other use or occupation where the operation is located in a detached accessory structure with a commercial kitchen that meets Health Code standards which the City Planner determines is similar in nature to the previously listed uses;
- 7.) Having more than two home occupations in a dwelling unit;
- 8.) Any use or occupation that does not meet the criteria set forth in subsections of this section; and
- 9.) Daycare small/large, small home care, residential care facilities, transitional and supportive housing.

**11-07-070 Violation and Enforcement.**

It shall be unlawful to conduct businesses within any residential district of the City of San Juan Bautista without first obtaining a Home Occupation Permit pursuant to these regulations. Any business activities conducted in any residential zone and contrary to the provisions of these regulation is unlawful and deemed a public nuisance and shall be abated, eliminated and enjoined as provided in Title 13, Violation of Chapter 13-1 Enforcement.