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RESOLUTION 2016-30

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

WHEREAS, the Planning Commission recognizes the need to establish rules and regulations for conducting business 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 Planning Commission has reviewed, analyzed and developed comprehensive regulations and standards for home occupations in residential zones of the City, and

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

WHEREAS, the Planning Commission further determines that the proposed Home Occupation Regulations are exempt from environmental review per CEQA Guidelines under the General Rule (Section 15061(b)(3)). The project involves updates and revisions to existing regulations. The proposed code amendments are consistent with California Law, specifically Government Code section 65850.5 and Civil Code section 714. It can be seen with certainty that the proposed Municipal Code text amendments will have no significant negative effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of San Juan Bautista does hereby approve the Home Occupation Regulations and recommends to the City Council the adoption thereof and amendment of the San Juan Bautista Municipal Code, adding Chapter 11-07, "Home Occupation Regulation" as follows.

Chapter 11-07 Home Occupation Regulations

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.

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

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

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

79 9.) A home occupation shall be limited to only two (2) clients, patients or pupils present
80 on the premises at any time. Small residential care homes, small family home care
81 centers, etc. licensed by the state require a Conditional Use Permit in a residential zoning
82 district.

- 83 10.) The home occupation shall be confined completely to one room within the main
84 dwelling, and not within an accessory structure or garage.
- 85 11.) Only one vehicle/trailer with a capacity of a one (1) ton may be used directly or
86 indirectly in connection with a home occupation. Only one vehicle may display
87 advertising for the business. The vehicle should be parked onsite.
- 88 12.) All activities conducted and equipment or material used in for Home Occupations
89 shall not change the fire safety or occupancy classifications of the premises. The Home
90 Occupation use shall not employ the storage of pesticides or flammable, explosive, or
91 hazardous materials.
- 92 13.) No home occupation activity shall create dust, electrical interference, fumes, gas,
93 glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or
94 nuisances.
- 95 14.) The home occupation activity shall not generate additional pedestrian or vehicular
96 trips in excess of that customarily associated with the zoning district in which it is to be
97 located.
- 98 ~~15.) A home occupation shall be limited to only two clients between the hours of 8:00~~
99 ~~a.m. and 8:00 p.m. by appointment only.~~
- 100 15.) Business is to be conducted from 8 a.m. to 8 p.m.
- 101 16.) No equipment or process shall be used which creates noise, vibration, glare, fumes,
102 odor, or electrical interference detectable to the normal senses off the lot if the occupation
103 is conducted in a single-family detached residence, or outside the dwelling unit if
104 conducted in other than a single- family detached residence. No equipment or process
105 shall be used which creates visual or audible electrical interference in any radio or
106 television receiver off the premises or causes fluctuations in line voltage off the premises.
- 107 17.) Service-oriented mobile businesses that provide services at the location of a client
108 may function as a home based business, where the compliant with all other provisions of
109 this sections and subject to the following standards:
- 110 a.) No business activities other than office activities occur on the premises. A
111 client may not come to the home business to use the mobile unit.
- 112 b.) The primary business activity involves provision of services that by their
113 nature are intermittent and convenient to be provided at the home or business of
114 the client. Examples include: mobile rotary, personal services, minor vehicle
115 repair not involving engines as prohibited above (windshield repair or battery
116 replacement), computer maintenance and repair.
- 117 c.) Sale of goods is permitted only as an accessory to the service-oriented use,
118 such as sale of windshield when it is replaced, or a new hard-drive when it is
119 required and installed as a part of a computer repair.

120

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

123 1.) Professional Offices

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

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

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

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

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

131 7.) Cottage food operations.

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

135 1.) Adult businesses

136 2.) Animal hospitals or the harboring, raising, training, or treatment of animals or birds
137 for commercial purposes

138 3.) Gun or ammunition sales, including off-site and by mail order

139 4.) Medical and dental offices, clinics, and laboratories (not including chiropractors and
140 counselors/psychotherapists)

141 5.) Massage

142 6.) Healing Arts

143 7.) Mini storage

144 8.) Print shop, photo shop

145 ~~9.) Spiritual advisory service (fortune telling).~~

146 9.) Sale of products, except for artist's originals or products individually made-to-order
147 on the premises (internet and phone sales okay)

148 10.) Storage and delivery of, materials, and other accessories for the construction and
149 service trades

150 11.) Vehicle repair (body or mechanical, including boats and recreational vehicles),
151 upholstery, automobile detailing and painting and the display and sale of any vehicle

- 152 12.) Welding or Fabrication shops, repair, fix-it or plumbing
153 13.) Transportation, shuttle, limousine, bus, or tour bus services (only office use
154 permitted- buses, shuttles, limousines and such vehicles shall be stationed off-site)
155 14.) And any other use, as determined by the City Planner not to be incidental to or
156 compatible with residential activities.

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

- 161 1.) Use of an accessory structure;
162 2.) Use exceeding two hundred (200) square feet;
163 3.) Use employing more than two persons on-site that reside off-site;
164 4.) Woodworking with machinery;
165 5.) One-chair barber shop or beauty salon, home visits for two clients, patients at a time,
166 direct product distribution, pet grooming or any other use or occupation which the City
167 Planner determines is similar in nature to the previously listed uses;
168 6.) Food handling, processing, food packaging, catering or any other use or occupation
169 where the operation is located in a detached accessory structure with a commercial
170 kitchen that meets Health Code standards which the City Planner determines is similar in
171 nature to the previously listed uses;
172 7.) Having more than two home occupations in a dwelling unit; and
173 8.) Any use or occupation that does not meet the criteria set forth in subsections of this
174 section.
175 9.) Daycare small/large, small home care, residential care facilities, transitional and
176 supportive housing,

177
178 **11-07-XXX Violation and Enforcement.**

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

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186 **PASSED AND ADOPTED** by the Planning Commission of the City of San Juan Bautista on the
187 5th day of July 2016 by the following vote:
188

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

190

191 **NOES:** **None**

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193 **ABSENT:** **None**

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195 **ABSTAIN:** **None**

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197

Chairperson Ernest J. Franco

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199 **ATTEST:**

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Trish Paetz, Deputy City Clerk

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