

## CHAPTER 84.12: HOME OCCUPATIONS

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### **§ 84.12.010 Purpose.**

This purpose of this Chapter is to provide locational and operational standards to ensure that home occupations cause minimal impact(s) on neighboring parcels.

(Ord. 4011, passed - -2007)

### **§ 84.12.020 Applicability.**

This Chapter shall apply to all residential dwelling units in the County, including legal nonconforming residential dwelling units. However, this Chapter shall not apply to a childcare institution, child day care facility, group home, adult day care facility or any other social care facility that is licensed by the appropriate Federal, State, or local agency. Refer to Chapter 84.23 (Licensed Residential Care Facilities) for provisions governing those types of uses.

(Ord. 4011, passed - -2007)

### **§ 84.12.030 Classes of Home Occupations Described.**

Home occupations are commercial uses that are accessory and incidental to a residential land use and that clearly do not alter the character or the appearance of the residential environment. Home occupations shall be separated into the following three classes of operations.

(a) *Class I Home Occupation.* Class I Home Occupations shall have no impact on the neighborhood in which they are located. Work is performed exclusively by phone and mail, or over the Internet; or the work is the activity of creative artists, music teachers, academic tutors, or similar educational instructors, and the activity is limited so that there are no impacts on the neighborhood.

Typical activities shall include artist, writer, composer, teleworker, network marketer, music teacher, etc.

(b) *Class II Home Occupation.* Class II Home Occupations shall have a limited impact on the neighborhood in which they are located. Generally, only one nonresident employee shall be allowed and only a limited number of customers or clientele may visit the site. In the Mountain and Desert Regions, up to two nonresident employees may be permitted subject to the approval of the Director. Typical activities shall include pet groomer, hair stylist (one work station), tax consultant, yard maintenance, etc.

(c) *Class III Home Occupation.* Class III Home Occupations shall have a limited impact on the neighborhood in which they are located but also are slightly more intense than Class II in that they may involve the direct sales of products or merchandise to the public. Subject to specific standards in § 84.12.100 (Class III Home Occupation Standards), up to five nonresident employees shall be allowed. Typical activities shall include an activity that has direct sales of products or merchandise or requires more than two nonresident employees. Certain allowed activities may also include those listed in 84.12.060 (Allowed Home Occupations in Desert Region).

(Ord. 4011, passed - -2007)

### § 84.12.040 Allowed Land Use Zoning Districts and Permit Requirements.

Table 84-7 (Allowed Land Uses Zoning Districts and Permit Requirements for Home Occupations) indicates the regions in which home occupations shall be allowed and the permit requirements for each class of home occupation.

<b>Table 84-7</b>		
<b>Allowed Land Use Zoning Districts and Permit Requirements for Home Occupations</b>		
<b>Class of Home Occupation</b>	<b>Where Allowed</b>	<b>Permit Requirements</b>
<b>Table 84-7</b>		
<b>Allowed Land Use Zoning Districts and Permit Requirements for Home Occupations</b>		
<b>Class of Home Occupation</b>	<b>Where Allowed</b>	<b>Permit Requirements</b>
Class I Home Occupation	Residential land use zoning districts in Desert, Mountain, and Valley Regions	None required <sup>(1)</sup>
Class II Home Occupation	Residential land use zoning districts in Desert, Mountain, and Valley Regions	Special Use Permit renewable every 24 months
Class III Home Occupation	Residential land use zoning districts in Desert Region only	Special Use Permit renewable every 24 months
<b>Notes:</b>		
(1) If the operator needs documentation that his or her business is legal, a Home Occupation Permit may be issued for the home occupation operations using the procedures for a Class II Home Occupation Permit.		

(Ord. 4011, passed - -2007)

### § 84.12.050 Prohibited Home Occupations.

Except as provided in § 84.12.060 (Allowed Home Occupations in Desert Region), the following uses are not incidental to or compatible with residential activities and shall not be allowed as home

## occupations:

- (a) Animal hospitals.
- (b) Motor vehicle and other vehicle repair (body or mechanical) to include the repair of engine, muffler or drive train components of the vehicle; upholstery; painting or storage.
- (c) Carpentry and cabinet making, not to include woodworking that results in the creation of small wood products or single pieces of furniture.
- (d) Kennels or catteries.
- (e) Massage parlors.
- (f) Medical and dental offices, clinics, and medical laboratories.
- (g) Repair shops or service establishments, except repair of small electrical appliances, cameras, or other similar items.
- (h) Riding stables.
- (i) Large scale upholstery service, not to include the reupholstering of separate, individual pieces of furniture or other objects.
- (j) Welding and machining.
- (k) Vermicomposting.
- (l) Any other use determined by the Director that is not incidental to and/or compatible with residential activities.

(Ord. 4011, passed - -2007; Am. Ord. 4245, passed - -2014)

#### **§ 84.12.060 Allowed Home Occupations in Desert Region.**

In the Desert Region only, the uses listed in § 84.12.050 (Prohibited Home Occupations) may be allowed as a home occupation on parcels greater than two and one-half acres if approved by the Director. Applications for approval of Home Occupation Permits for the listed uses that are normally prohibited shall be considered by the Director on a case-by-case basis in the Desert Region.

(Ord. 4011, passed - -2007)

#### **§ 84.12.070 Development Standards Applicable to all Classes.**

The operators of home occupations shall make every attempt to be a “good neighbor” and respect the rights of their neighbors. All classes of home occupations shall adhere to the following standards:

- (a) *Accessory to Residential Land Use.* Home occupations shall only be allowed as an accessory use to a legal residential land use.
- (c) *Activities Limited to Enclosed Structure.* The home occupation shall be confined to an enclosed structure, either the residence itself or an authorized accessory structure as described in § 84.01.050 (Residential Accessory Structures and Uses).
- (d) *Advertising Materials.* Public advertising (e.g., handbills) shall only list: phone number, home occupation operator’s name, post office box, and description of business. Location information shall be limited to community name only. The business address or location shall not be included in any public advertising, with the exception of a telephone directory (i.e., white pages) and business cards.

(e) *Commercial Delivery Vehicles.* The home occupation shall not involve the use of commercial vehicles for the delivery of materials to or from the premises beyond those commercial vehicles normally associated with residential uses.

(f) *External Appearance.* The appearance of the structure shall not be altered nor shall the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or signs.

(g) *Hazardous Materials.* Chemicals, solvents, mixtures or materials that are corrosive, toxic, flammable, an irritant, a strong sensitizer, or other similar materials used in a home occupation shall be used and stored in compliance with regulations of the Fire Department.

(h) *Light and Glare.* Direct or indirect light from a home occupation activity shall not cause glare onto an adjacent parcel in compliance with Chapter 83.07 (Glare and Outdoor Lighting).

(i) *Noise.* Noise emanations shall not exceed 55 dB(A) as measured at the property lines at all times.

(j) *Parking.* Parking shall comply with the parking requirements outlined in Chapter 83.11 (Parking and Loading Standards). Additional on-site parking beyond that required in Chapter 83.11 (Parking and Loading Standards) shall be provided for additional vehicles used in connection with the home occupation. One additional parking space shall be provided for each non-resident employee. Additional parking spaces shall be easily accessible (including accommodation for winter conditions in the mountains).

(k) *Pedestrian and Vehicular Traffic.* Pedestrian and vehicular traffic shall be limited to that normally associated with residential land use zoning districts.

(l) *Property Owner's Permission for Tenant Operation.* If a tenant of the property is to operate the home occupation, notarized written permission from the property owner for the use of the property for the home occupation shall be submitted.

(m) *Odors and Vibrations.* No equipment or processes used on the subject property shall create smoke, fumes, odors, or vibrations that are disruptive to surrounding properties.

(n) *Other Required Permits.* Permits required from other agencies and departments shall be submitted with the Home Occupation Permit application.

(o) *Outdoor Activity Time Limits.* No process, operation, or activity shall result in the appearance of parts, equipment, materials, tools, or supplies outside a structure for the purpose of the process, operation, or activity so that they can be observed for time periods of 30 or more consecutive minutes from a position of driving or walking on the public streets.

(p) *Outdoor Storage.* No outdoor storage of equipment, materials or supplies or display of goods or products shall be allowed. In the Desert Region, if the subject property is at least five acres in area, outdoor storage shall be allowed if properly screened from view.

(q) *Street Address.* The street address shall be prominently posted on the property so that it is easily visible from the street.

(r) *Utilities and Community Facilities.* The uses of utilities and community facilities shall be limited to that normally associated with the use of property for residential purposes.

(Ord. 4011, passed - -2007; Am. Ord. 4341, passed - -2018)

#### **§ 84.12.080 Class I Home Occupation Standards.**

(a) *Work Activities.* All work shall be performed exclusively by phone and mail, or over the Internet, or shall be the activity of creative artists.

(b) *Sales*. No sales of products on the premises, except produce (fruit and vegetables) grown on the subject property, shall be allowed.

(c) *Number of Customers*. The only customers or clientele who may visit the residence shall be those identified in Subdivision (b) (Sales), above, and the students of music teachers, academic tutors, and similar instructors. The instruction of the students shall be provided on an individual basis and by appointment only. More than one student from the same family shall be considered as being on an individual basis.

(d) *Residency Requirements*. Employees, partners, or operators of the home occupation shall be members of the resident family and shall reside on the premises.

(e) *Storage Area*. Up to 25 percent or 250 square feet, whichever is greater, of the total floor area of the dwelling unit and related accessory structures, may be used for storage of materials and supplies related to the home occupation.

(Ord. 4011, passed - -2007)

#### **§ 84.12.090 Class II Home Occupation Standards.**

(a) *Sales*. No sales of products on the premises, except produce (fruit and vegetables) grown on the subject property, shall be allowed.

(b) *Number of Customers and Monthly Average Trip Count*. Except as provided in Subdivision (a) (Sales), above, only a limited number of customers or clientele shall visit the residence. Each visit shall be only by appointment. This is restricted to a single appointment at a time. The monthly average of the total trip count for personal and business activities shall not exceed 12 trips per day.

(c) *Residency Requirements*. All employees, partners, or operators of the home occupation, except one, shall be members of the resident family and shall reside on the premises provided all the required standards are met. In the Mountain Region and Desert Region, the Director may authorize a second nonresident employee, provided all required standards can be met. For purposes of this Section, business employees shall not include childcare or domestic help.

(d) *Parking Requirements*. The applicant shall demonstrate that the parcel can accommodate the parking of all personal and employee vehicles on-site.

(e) *Storage Area*. Up to 25 percent or 250 square feet, whichever is greater, of the total floor area of the dwelling unit and related accessory structures, may be used for storage of materials and supplies related to the home occupation.

(f) *Operating Hours*. Operating hours of a home occupation shall be between the hours of 7:00 a.m. and 8:00 p.m.

(Ord. 4011, passed - -2007)

#### **§ 84.12.100 Class III Home Occupation Standards.**

(a) *Minimum Parcel Size*. The parcel shall be at least one acre in area.

(b) *Sales*. Direct sales of products or merchandise to the public shall be allowed.

(c) *Number of Customers and Monthly Average Trip Count*. Only a limited number of customers or clientele shall visit the residence and then only by appointment. This is restricted to a single appointment at a time. The monthly average of the total trip count for personal and business activities shall not exceed 20 trips per day.

(d) *Residency Requirements*. All employees, partners, or operators of the home occupation, except two, shall be members of the resident family and shall reside on the premises provided that all

the required standards can be met. If the subject property is at least five acres in area, a total of five non-resident employees shall be allowed. For the purposes of this Section, business employees shall not include childcare or domestic help.

(e) *Parking*. The applicant shall demonstrate that the parcel can accommodate the parking of all personal and employee vehicles on-site.

(f) *Signs*. A non-illuminated identification sign, not to exceed 12 square feet in area and stating the business name and telephone number, shall be allowed. If not attached to the residence, a sign shall not exceed six feet in height and shall blend with the architectural style of the structure and the neighborhood. The sign shall only be allowed in a land use zoning district other than RS (Single-Family Residential) or RM (Multi-Family Residential).

(g) *Storage Area*. Up to 35 percent of the total floor area of the dwelling unit and related accessory structures or 500 square feet, whichever is greater, may be used for storage of materials, supplies, and equipment related to the use.

(h) *Operating Hours*. Operating hours of a home occupation shall be between the hours of 7:00 a.m. and 8:00 p.m.

(Ord. 4011, passed - -2007)

#### **§ 84.12.110 Other Restrictions on Home Occupations.**

Nothing in this Chapter shall prevent a homeowner's association or a landlord from adopting a rule, regulation, or by-law prohibiting home occupations on the premises under their respective jurisdictions. The rule, regulation, or by-law applicable to a property shall supersede the provisions of this Chapter. In addition, nothing in this Chapter shall preclude, invalidate, or override an existing covenant, by-law, rule, or regulation of a common interest community, housing cooperative, or landlord that prohibits home occupations or that more strictly restricts or regulates home occupations than as provided in this Chapter.

(Ord. 4011, passed - -2007)

#### **§ 84.12.120 Nonconforming Home Occupations.**

If a property owner has received an approved Home Occupation Permit and continues to operate the business in compliance with that permit, but no longer meets the standards established for the permit, the operator may apply for renewals of the permit every 24 months as long as the business remains in continuous operation. The operations shall be considered as a legal, nonconforming use. If the use is discontinued for 180 days or longer, it shall be deemed terminated and the permit shall not be renewed.

(Ord. 4011, passed - -2007)