

CITY OF MURRIETA



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HOME OCCUPATION AND COTTAGE INDUSTRIES PERMIT, CONDITIONS AND AGREEMENT FORM

I received, reviewed and will comply with the provisions of Article IV, Section 16.60 of the Murrieta Development Code, including permissible activities and conditions to operate a Home Occupation or Cottage Industry. I understand that any violation of the conditions could result in the revocation of my permit and the discontinuance of my Home Occupation or Cottage Industry.

Business Name: _____
(please print)

Address: _____
(please print)

Applicant Name: _____
(please print)

Signed: _____
(Applicant's Signature)

Approved By: _____ Date: _____

16.60 Home Occupation Permits

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16.60.010 Purpose.

The purpose of this chapter is to provide a process for reviewing home occupation permit applications which are intended to allow for specified activities with are deemed to cause minimal impact(s) on neighboring parcels, if conducted in compliance with the applicable standards of this development code and appropriate operational conditions imposed by the director. (Ord. 182 § 2 (part), 1997)

16.60.020 Authority.

The director is authorized to approve home occupation permits, subject to the appeal provisions of Chapter 16.78. A public hearing shall not be required for issuance of a home occupation permit, unless subject to an appeal. (Ord. 182 § 2 (part), 1997)

16.60.030 Applicability.

- A. Home Based Enterprises.** The home occupation permit is intended to allow for enterprises that are conducted within homes in residential zoning districts, and that are clearly incidental and secondary to the use of the dwelling unit and compatible with surrounding residential uses.
- B. Commercial and Industrial Businesses.** Business uses which are routinely operated in commercial or industrial zoning districts shall not be allowed as home occupations.
- C. Cottage Industries.** For residential parcels in the RR and RE zoning districts, that have a minimum of one-half acre in gross area, cottage industries shall be allowed subject to the standards in this chapter. (Ord. 182 § 2 (part), 1997)

16.60.040 Submittal and Review Requirements.

- A. Application Contents.** Applications for home occupation permits shall include the following information:
 1. Completed planning application form and required fee and attachments (see also Section 16.48.030);
 2. Accurate and detailed description of the proposed use, including, the location for the storage of materials and equipment, and total square footage to be utilized for the home occupation; and
 3. If an applicant is not the owner of the property where a home occupation is to be conducted, then a signed statement from the property owner approving the use of the dwelling unit for home occupation purposes shall be submitted with the application.

- B. Compliance with Conditions.** Upon acceptance of a home occupation permit application, the director shall review the request for compliance with the conditions identified in Section 16.60.050 (Conditions for Home Occupations), below. The director shall render a written decision within fifteen (15) calendar days of the application being accepted as complete. The decision shall clearly state any conditions of approval or reasons for disapproval and applicable appeal provisions in compliance with Chapter 16.78.
- C. City Business License.**
1. **Business License Required.** Immediately following the effective date of an approved home occupation permit, when no appeal has been filed, the applicant shall obtain a city business license.
 2. **Nontransferable.** City business licenses are issued to a specific address and are not automatically transferable to a new location.
 3. **Expire Annually.** City business licenses expire on an annual basis.
 4. **Annual Renewal.** If the business license is not renewed within thirty (30) days after expiration, the home occupation permit shall become void. (Ord. 182 § 2 (part), 1997)

16.60.050 Conditions for Home Occupations.

Home occupations may be allowed on property used for residential purposes, subject to the following conditions:

- A. **Customers or Deliveries.** Visitors, customers, or deliveries shall not exceed that normally and reasonably occurring for a residence. On-site presence of clients shall be limited to one client or family at a time (except as provided for in state law (California Child Day Care Facilities Act, Title 1596.70));
- B. **Conducted by Family Members.** The home occupation shall be conducted by a member(s) of the family residing on the property;
- C. **Additional Employee.** Only one additional person may be employed as part of the home occupation;
- D. **Hazardous Situations.** There shall be no process, procedure, substance, or chemical used which is hazardous to public convenience, health, safety, or general welfare or that changes the fire safety or occupancy classifications of the residence;
- E. **Home Occupation Permit and Business License Required.** No person shall commence or carry on a home occupation/cottage industry without first having received approval of a home occupation permit and a city business license;
- F. **Incidental and Subordinate.** The use of the dwelling for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its inhabitants;
- G. **Enclosed Structure.**
 1. The home occupation shall be confined to an enclosed structure on the subject property.
 2. The use shall be conducted solely within the confines of:
 - a. The main dwelling and shall not exceed twenty-five (25) percent of the total floor area or one room, whichever is greater; or
 - b. The garage, whether attached or detached. The use of the garage shall not interfere with the ability to park the required number of vehicles within the garage.
- H. **Mechanical Equipment and Material.** There shall be no mechanical equipment, material, or other substances or objects used in the home occupation which are not customarily used in a residence;
- I. **Motor Vehicle(s).** There shall be no motor vehicle(s) used or kept on the premises, except a vehicle of the passenger automobile variety, or a commercial vehicle not exceeding eight thousand five hundred (8,500) pounds (gross vehicle weight) in size, provided the commercial vehicle is only parked in an enclosed garage;
- J. **No Sales or Displays.** There shall be no sales or displays of goods on the premises;
- K. **Noise.** Noise emanations shall not exceed fifty-five (55) dBa, measured at the property lines of adjoining occupied parcels;
- L. **Nuisance Factors.** Home occupation activities shall not produce electrical interference, dust, glare, noxious matter, or vibrations beyond the subject property lines;
- M. **Outward Appearance.** There shall be no change in the outward appearance of the structure or premises or other visible evidence of the home occupation activity;

- N. **Outdoor Display Prohibited.** There shall be no outdoor display of equipment, materials, or supplies related directly or indirectly to the home occupation activity;
- O. **Separate Entrance/Exit Prohibited.** There shall be no separate entrance or exit way specifically provided in the dwelling or on the premises for the conduct of the home occupation, unless required by local or state law;
- P. **Signs Prohibited.** There shall be no banners, flags, or signs displayed which would be visible from outside the dwelling unit, and there shall be no advertising using the home address;
- Q. **Utility Services Modifications.** The home occupation use shall not have utility services modifications, other than those required for normal residential use, that would be classed as commercial or industrial in load or design;
- R. **Valid Permit and License.** The home occupation permit shall be valid only for the person to whom it is issued, at the address for which it is issued, and during the period of time for which a valid city business license has been issued;
- S. **Fire Department Review.** The fire department shall inspect the property before the issuance of the home occupation permit, and on an as-needed basis for the life of the permit. The applicant shall make the corrections and/or improvements required by the fire department; and
- T. **Other.** Other requirements deemed necessary by the director to ensure compatibility with surrounding properties, including additional screening, setbacks, and operational restrictions. (Ord. 182 § 2 (part), 1997)

16.60.060 Conditions for Cottage Industries.

For residential parcels in the RR and RE zoning districts, that have a minimum of one-half acre in gross area, cottage industries may be allowed subject to the following conditions, in addition to E, G.1, G.2, K, L, M, N, P, R, and S identified in Section 16.60.050 (Conditions for Home Occupations), above:

- A. **Additional Employees.** Two additional employees, partners, or operators of the cottage industry may be employed in addition to the member(s) of the family residing on the residential property;
- B. **Garages.** A garage, whether attached or detached, shall not be used for operation of the cottage industry other than for limited storage of materials or products directly related to the cottage industry. The storage shall not exceed one hundred (100) square feet and shall not interfere with the ability to park the required number of vehicles within the garage;
- C. **Operating Hours.** Operating hours of the cottage industry shall be limited to between seven a.m. and eight p.m., daily;
- D. **Within Main Dwelling.**
 1. The use shall be conducted either solely within the confines of the main dwelling or within a detached accessory structure (not including a garage).
 2. The cottage industry, if located within the main dwelling shall not exceed thirty-five (35) percent of the total floor area or one room, whichever is greater.
 3. A new cottage industry, if located within an accessory structure shall not exceed five hundred (500) square feet of the total floor area of the accessory structure.
 4. An existing legally established, operating cottage industry may continue to operate in a legally existing accessory structure that is larger than five hundred (500) square feet of total floor area.
- E. **Other.** Other requirements deemed necessary by the director to ensure compatibility with surrounding properties, including additional screening, setbacks, and operational restrictions. (Ord. 182 § 2 (part), 1997)

16.60.070 Findings and Decision.

A home occupation permit application may be approved only if all of the following findings of fact can be made in a positive manner:

- A. The requested home occupation is not prohibited in compliance with Section 16.60.080 (Prohibited Home Occupation Uses/Cottage Industries), below;

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- B. The requested home occupation permit would comply with all of the conditions specified in Sections 16.60.050 (Conditions for Home Occupations) and 16.60.060 (Conditions for Cottage Industries) as applicable, above; and
- C. The issuance of the home occupation permit would not be detrimental to the public convenience, health, safety, or general welfare. (Ord. 182 § 2 (part), 1997)

16.60.080 Prohibited Home Occupation Uses/Cottage Industries.

Certain uses, either by operation or nature, are considered not to be incidental to or compatible with residential activities and therefore shall not be allowed as home occupation or cottage industry activities. These uses include the following:

- A. Adult entertainment activities/businesses;
- B. Animal hospitals and grooming facilities;
- C. Automotive and other vehicle repair (body or mechanical), painting, storage, or upholstery;
- D. Commercial cabinet or furniture making businesses (This does not include woodworking as a hobby activity);
- E. Contractor's storage yards;
- F. Dismantling, junk, or scrap yards;
- G. Exercise studios (This does not include one-on-one personal trainers: see "Definition" in Article VII);
- H. Medical clinics, laboratories, and offices;
- I. Repair, reconditioning, servicing, or manufacture of any internal combustion or diesel engines, or of any motor vehicle, including automobiles, boats, motorcycles, or trucks;
- J. Sales of home furnishing materials including carpeting, floor covering, tile, and other similar materials;
- K. Uses which require explosives or highly combustible or toxic materials;
- L. Welding and machine shop operations; or
- M. Other uses the director determines to be similar to those listed above. (Ord. 182 § 2 (part), 1997)

16.60.090 Inspections.

The director shall have the right at any time, upon request, to enter and inspect the premises subject to a home occupation permit. (Ord. 182 § 2 (part), 1997)

16.60.100 Post Approval Procedures.

The following procedures, in addition to those identified in Chapter 16.80 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of a home occupation permit:

- A. **Appeals.** The decision of the director shall be considered final unless an appeal is filed in compliance with Chapter 16.78 (Appeals).
- B. **Expiration/Extension.** To ensure continued compliance with the provisions of this development code, each approved home occupation permit shall expire two years from the date of approval, unless otherwise specified in the permit, if the use granted by the permit has not been exercised before its expiration, in compliance with Section 16.80.040 (Permit Implementation). Time extensions may be granted in compliance with Section 16.80.060 (Time Extensions), if a written request is submitted by the applicant, and received by the department, prior to the expiration of the home occupation permit.
If the use granted by the home occupation permit has not been exercised before its expiration, and a time extension is not granted, the provisions of Chapter 16.80 (Permit Implementation, Time Limits, and Extensions) shall deem the permit void.
- C. **Issuance of a Zoning Clearance.** A zoning clearance may be issued once all applicable terms and conditions of the approved home occupation permit have been satisfied.
- D. **Changes.** Minor changes to required conditions of an approved home occupation permit may be approved in compliance with Section 16.80.070 (Changes to an Approved Project).

E. Performance Guarantee. The applicant/owner may be required to provide adequate performance security for the faithful performance of any/all conditions of approval imposed as part of the approved home occupation permit.

F. Suspension/Revocation.

1. **Issuance of Order.** Upon a showing of probable cause by code enforcement staff of a violation of this chapter or the conditions of operations by a home occupation permit-holder, the director may issue an order suspending the home occupation permit pending a hearing before the commission. The director shall cause notice of the suspension order to be served on the permit-holder by first-class U.S. mail and by posting the subject property.
2. **Public Hearing.** Whenever the director has issued a suspension order, or whenever the director suspects a violation but the requisite showing has not been made, the director shall schedule a public hearing to consider the revocation of a home occupation permit to be held by the commission within forty-five (45) days of the notice, in compliance with Chapter 16.82 (Revocations and Modifications). Notice of the hearing shall be mailed to the permit-holder, any party complaining of the violation, and to all adjoining residents and property owners.
3. **Commission's Action.** At the conclusions of the hearing, the commission may revoke or modify the home occupation permit, in compliance with Chapter 16.82, or order the termination of the suspension or revocation and order the reinstatement of the permit. The decision of the commission may be appealed to the council, in compliance with Chapter 16.78 (Appeals). (Ord. 182 § 2 (part), 1997)