



CITY OF KINGSBURG
APPLICATION FOR
HOME OCCUPATION PERMIT

HOME OCCUPATION: _____
DATE RECEIVED: _____
FEE: \$100.00

Applicant's Name: _____ Phone _____

Address: _____ e-mail _____

Business Name or DBA: _____

Type of Business Proposed for the residence (Provide as much detail as possible) _____

Type of Vehicle Used (See 17.56.010 – B - 14) _____

Where is Vehicle Stored _____

Number of Employees _____ Types and Number of Deliveries _____

Number of Customer visits to the residence per day (see 17.56.010 – B - 13) _____

Description of sign/advertisement (see 17.56.010 – B – 12) _____

Do you own or rent property to be used for Home Occupation? _____

If renting, please provide documentation of permission from the homeowner.

If this application does not meet Administrative Approval criteria it will proceed to the Planning Commission for a formal public hearing and approval.

Attached to this application you will find the Application for Business License (see 1401-B-17) and the Zoning Ordinance relating to Home Occupations.

Upon approval a Home Occupation permit will be issued with any additional terms and conditions.

The undersigned applicant understands and agrees to the conditions for a Home Occupation application.

Signature

Date

Property Owner's Statement: _____

Property Owner Signature: _____

17.56.010 - Home occupations.

- A. Procedures. Home occupations and short-term rental of houses or condominiums shall be permitted only in accordance with the provisions of this section, and a home occupation permit shall be valid only for the applicant to whom it was issued while the applicant operates the business or short-term rental in the location specified in the permit. The permit cannot be transferred to another owner, applicant or location. The terms of the permit cannot be modified except by applying for a new permit. For purposes of this section and any other applicable provision of this code, the words "home occupation" shall include short-term rental of houses and condominiums in accordance with the provisions of Section 17.56.010.H.
- B. Standards. A home occupation must comply with the following standards:
1. A home occupation shall be clearly incidental to the use of the home as a dwelling.
 2. A home occupation shall not be conducted in any accessory structure other than a garage. Except that, a garage or accessory structure cannot be used as a short-term rental. There shall be no storage of equipment or supplies outside the dwelling or in any accessory structure other than a garage.
 3. No one other than a resident of the dwelling shall be employed in the conduct of the home occupation. Except that, the owner of the house or condominium may hire an agent to act as the "local contact person" to manage a short-term rental.
 4. Sales of goods on the premises shall be limited to the products of the home occupation, and no other merchandise or goods shall be sold, kept or displayed for the purposes of sale on the premises.
 5. Merchandise not produced on the premises may be kept and stored for purposes of sale at locations off the premises, provided that such merchandise is limited to small articles such as jewelry, cosmetics and similar items of merchandise which can be carried by one person in a case or other container. For purposes of this standard, materials typically involved in providing contracting services, such as plumbing, heating, air conditioning, electrical, carpentry and landscaping, are not included within the meaning of the clause "small articles".
 6. A home occupation may involve the performance of business services in which goods, wares and merchandise are not commercially created, sold or exchanged, but shall not include, medical offices, tattoo parlors, fortune tellers, palm readers, beauty salons, barber shops or similar services.
 7. A home occupation shall not involve the performance of any repair services on the premises other than the repair of small appliances and equipment or other small objects which normally are capable of being carried by one person without the aid of mechanical equipment or devices.
 8. A home occupation shall not involve the use of any material or mechanical equipment not recognized as being part of normal household or hobby uses.
 9. No motor power other than electrically-operated motors shall be used in connection with a home occupation.
 10. A home occupation shall not create any radio or television interference or noise audible beyond the walls of the dwelling.
 11. There shall be no external alteration of the appearance of a dwelling in which a home occupation is conducted in order to accommodate or enhance the home occupation.
 12. The existence of a home occupation shall not be apparent beyond the boundaries of the site except for one non-illuminated name plate affixed to the dwelling not exceeding two square feet in area.
 13. Except for short-term rentals, the number of customers of a home occupation who travel to the site of the home occupation shall not exceed four persons per day unless permission is

specifically granted through a condition imposed by the planning commission and/or city council. In no case shall the number of customers of a home occupation who travel to the site of the home occupation exceed eight persons per day.

14. Not more than one truck of not more than one ton capacity and no trailers incidental to a home occupation shall be kept on the site unless permission is specifically granted through a condition imposed by the planning commission and/or city council.
 15. The planning commission and/or city council may impose other conditions deemed necessary to make the home occupation compatible with the neighborhood.
 16. To assure compliance with these standards and any other conditions of approval, a home occupation shall be subject to review by staff six months after issuance of a permit, with annual review thereafter.
 17. The holder of a home occupation permit must obtain and maintain a valid city of Kingsburg business license. If the business license is revoked or is not renewed in a timely manner, the home occupation permit shall be suspended and revoked in accordance with the procedure outlined in Section 17.56.010 G. Once revoked, the home occupation cannot be established again without application for a new permit.
- C. Application. An application for a home occupation shall be submitted to the planning and development department on a form prescribed by the department, accompanied by the processing fee specified by city resolution. The application shall provide information about the applicant's home and about the proposed business. The applicant must sign the form, verifying that the home occupation, if approved, will comply with the standards listed in Subsection B and/or Subsection H of this section.

The planning and development director or his/her designee shall review the application and determine whether the proposed business use meets the standards of Subsection B and/or Subsection H of this section, the objectives of the zoning ordinance, and the purpose of the zone district in which it is located. If so, the application will be accepted for processing.

If the application is accepted, public notices will be prepared for mailing to the owners of all properties within three hundred (300) feet of the location of the proposed home occupation based on assessor's parcel records. The notice will include information about the application and an invitation for interested persons to comment by contacting the planning and development department. The comment period will remain open for a period of fourteen (14) days following mailing of the notices.

- D. Administrative Approval. If any negative comment is received about the proposed home occupation during the comment period, or if the planning and development director or designee makes the independent determination that the proposal could possibly cause significant impacts to the surrounding neighborhood, the application will be referred to the planning commission. If no negative comment is received and if it is determined that the proposal will not have significant neighborhood impact, when the comment period ends the application will be approved and a home occupation permit issued.
- E. Planning Commission Hearing. If it is determined that a hearing must be held before the planning commission, public notice of the hearing will be published in a newspaper of general circulation at least ten (10) days in advance of the hearing and mailed to owners of properties within three hundred (300) feet of the location of the proposed home occupation based on assessor's parcel records. After receiving oral testimony at the hearing, and reviewing written comments presented prior to and during the hearing, the planning commission shall approve, approve with conditions, or deny the application. The decision of the planning commission will be final unless formally appealed by the applicant or other interested party to the city council within ten (10) days of the planning commission decision. If the application is approved and if no appeal is filed within the ten (10) day period, a permit shall be issued. If the application is conditionally approved and no appeal is filed within the ten (10) day period, a permit shall be issued after it has been demonstrated to the planning and development department that the conditions have been, or are being, satisfied.

- F. Appeal. An appeal of the planning commission decision must be filed by the applicant or other interested party in writing with the city clerk. The city council will conduct the appeal hearing at a regularly-scheduled meeting following completion of a public notice process. Within ten (10) days of receipt of an acceptable appeal, a public notice regarding the city council appeal hearing will be published in a newspaper of general circulation and mailed to owners of properties within three hundred (300) feet of the location of the proposed home occupation, based on assessor's parcel records. Such notice must be published at least ten (10) days in advance of the date of the hearing.

The city council may affirm or overturn the decision of the planning commission or may add, remove or amend conditions of approval. If the city council decision results in approval of the application, a permit shall be issued. If the city council decision results in conditional approval, a permit shall be issued after it has been demonstrated to the planning and development department that the conditions have been, or are being, satisfied.

- G. Revocation. Upon violation of any of the applicable provisions of this section, or upon failure to comply with any of the conditions that were attached to approval of the permit, a home occupation permit shall be suspended automatically. Notice of such suspension shall be sent as soon as possible to the applicant by the planning and development director or designee. If the violation that caused the suspension is not rectified within fourteen (14) days of the issuance of the notice, a public hearing shall be scheduled before the planning commission for consideration of revocation of the permit. Notice of the hearing shall be given in the same manner as described in Subsection E for a planning commission hearing on application for a new permit.

The decision of the planning commission whether to revoke the permit, or to take such action as may be necessary to eliminate the violation, shall be final unless formally appealed to the city council. The process for appealing the decision, for conducting the appeal hearing before the city council, and for providing notice of the appeal hearing shall be the same as described in Subsection F for processing an appeal regarding an application for a new permit.

- H. Operating Standards for Short-Term Rentals.

In addition to all other applicable requirements of this chapter, and notwithstanding any contrary provisions in the Kingsburg Municipal Code ("code"), short-term rentals are subject to the following operational standards:

1. Definitions. The definitions in this subsection shall govern the construction, meaning, and application of the following words and phrases used in this section:

"Local contact person" means a person designated by an owner or the owner's agent, who, if designated to act as such, shall be available to respond to notification of a complaint regarding the house or condominium (collectively "dwelling"), and take remedial action necessary, as required under subsection 4 of this subsection H. A local contact person may be the owner of the dwelling or the owner's designated agent.

"Occupant" means any person who is on or in a short-term rental property other than service providers or the owner, whether or not the person stays overnight.

"Operator" means the owner or the designated agent of the owner who is responsible for compliance with the provisions of this subsection.

"Owner" means the person(s) or entity(ies) that holds legal or equitable title to a dwelling. "Owner" does not include a lessee of the dwelling.

"Short-term rental" means the rental of a single-family house or single-family condominium or a portion thereof by the owner to another person or group of persons for occupancy, dwelling, lodging or sleeping purposes for a period of less than thirty (30) consecutive calendar days. The rental of units within city-approved hotels, motels, bed and breakfasts, and time-share projects shall not be considered to be a short-term rental.

"Short-term rental unit" means the habitable interior space of a dwelling, or any portion thereof, that is being rented, or is intended to be rented, as a short-term rental to a person or group of persons.

2. The owner of a short-term rental unit shall not be relieved of any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the short-term rental unit, regardless of whether such noncompliance was committed by the owner's agent, a local contact person or the occupants of the owner's short-term rental unit.
3. The owner shall ensure that the short-term rental dwelling and short-term rental unit(s) comply with all applicable codes regarding fire, building and safety, health and safety, and all other relevant laws, regulations and ordinances, obtain all permits required, including, without limitation, a home occupation permit issued in accordance with the provisions of this section, and pay all applicable fees.
4. While a short-term rental unit is rented, the owner or a local contact person shall be available by telephone twenty-four (24) hours per day, seven (7) days per week to respond to complaints regarding the use, condition, operation or conduct of occupants of a short-term rental unit. The owner or a local contact person must be on the premises of the short-term rental dwelling at the request of a code enforcement officer or the city's police department within forty-five (45) minutes after contact to satisfactorily correct or take remedial action necessary to resolve any complaint, alleged nuisance or violation of this chapter or the code by occupants occurring at the short-term rental dwelling. Failure of the owner or a local contact person to respond to calls or complaints in a timely and appropriate manner shall be grounds for revocation of the home occupation permit for the short-term rental.
5. Within ten (10) calendar days following the issuance of a home occupation permit for a short-term rental, the owner shall mail or personally deliver in writing ("short-term rental notice") the following information to the owners and occupants of properties contiguous to and directly across the street (or alley or other right-of-way) from the short-term rental dwelling as determined by the city: the name and telephone number of the person, whether the owner or the local contact person, who shall be available twenty-four (24) hours per day, seven (7) days per week to respond to complaints regarding the use, condition, operation or conduct of occupants of a short-term rental unit. Thereafter, within thirty (30) days following the issuance of the home occupation permit, the owner shall sign under penalty of perjury, and submit to the city clerk, a dated written certification that the required mailing or delivery was completed. At any time during the pendency of a home occupation permit for a short-term rental any information in the short-term rental notice changes, the owner shall, within ten (10) calendar days following the change in information, mail or personally deliver in writing the updated short-term rental notice setting forth the new information to maintain accuracy and shall also promptly submit to the city clerk a signed (under penalty of perjury) and dated written certification that the required mailing or delivery of the updated short-term rental notice was completed.
6. Short-term rental dwellings and short-term rental unit(s) shall be used only for overnight lodging accommodations. At no time shall a short-term rental unit or short-term rental dwelling be used for activities in excess of the occupancy limits established in subsection 8 of this subsection H, or for weddings, receptions, parties, commercial functions, conferences, or other similar assemblies that are separate from the purpose of lodging.
7. All advertising appearing in any written publication or on any website that promotes the availability or existence of a short-term rental shall include the city-issued home occupation permit number as part of the rental offering. No person shall advertise the use of a dwelling as a short-term rental unless the city has approved a home occupation permit for short-term rental of the dwelling in accordance with this section.
8. The owner shall limit occupancy of a short-term rental dwelling to a specific number of occupants. The following table sets forth the maximum number of occupants for all short-term rentals:

Number of Bedrooms	Total Occupants
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0-Studio	2
1	4
2	7
3	9
4	10

If the home occupation permit for a short-term rental limits occupancy of the dwelling to a number less than that shown on the table, the limit set forth in the home occupation permit shall control.

9. Only the habitable interior portions of a dwelling shall be utilized as a short-term rental. No garages, tents, camper trailers, recreational vehicles, or other exterior structures or spaces shall be used as short-term rentals.
10. In any advertising concerning the availability of a dwelling as a short-term rental, the owner or a local contact person shall advertise the maximum number of occupants allowed to occupy the short-term rental.
11. All vehicles of occupants of a short-term rental unit shall be parked only in an approved driveway or garage on the short-term rental dwelling. The maximum number of vehicles allowed on a short-term rental dwelling shall be limited to the number of available off-street parking spaces; however, any short-term rental dwelling must have a minimum of two (2) off-street parking spaces. The owner shall provide access to the garage of the dwelling if that area has been included in the determination of the number of available off-street parking spaces pursuant to this subsection. In no event shall off-street parking include the use of landscaped areas, any private or public sidewalk, parkway, walkway or alley (or any portion thereof) located on, at or adjacent to the short-term rental dwelling, or the blocking of the driveway or street in front of the short-term rental. The term "sidewalk" shall include that portion of a driveway that is delineated for pedestrian travel or is in the public right-of-way.
12. No on-site exterior signs shall be posted advertising the availability of a short-term rental at the short-term rental dwelling.
13. If the code enforcement officer or police department has received a complaint concerning a suspected violation of this subsection or of the code or any applicable law, rule, or regulation pertaining to the use or occupancy of a short-term rental dwelling, or if the code enforcement officer or police department has reason to believe that such a violation has occurred, the code enforcement officer or the police department may notify the owner or the local contact person of the complaint or suspected violation and the notified person shall cooperate in facilitating the investigation and the correction of the suspected violation. Failure of the owner or the local contact person to affirmatively respond to the officer's request within forty-five (45) minutes and reasonably cooperating in facilitating the investigation and the correction of the suspected violation shall be deemed to be a violation of this subsection and the home occupancy permit. Notwithstanding the foregoing, it is not intended that an owner or the local contact person act as a peace officer or place himself or herself in an at-risk situation.
14. No musical instrument, phonograph, loudspeaker, amplified or reproduced sound, or any machine or device for the production or reproduction of any sound shall be used outside or be

audible from the outside of a short-term rental dwelling between the hours of ten o'clock p.m. and nine o'clock a.m.

15. Occupants shall not engage in outdoor activities on a short-term rental dwelling between the hours of ten o'clock p.m. and nine o'clock a.m. that involve the use of swimming pools, hot tubs, spas, tennis and paddleboard courts, play equipment and other similar and related improvements. The hours between ten o'clock p.m. and nine o'clock a.m. are considered to be "quiet time," where all activities at a short-term rental dwelling shall be conducted inside of a short-term rental dwelling so that no outdoor activity will disturb the peace and quiet of the neighborhood adjacent to a short-term rental dwelling or cause discomfort or annoyance to any reasonable person of normal sensitivity residing in the area.
16. Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the responsible trash hauler, in accordance with the city requirements. The owner of a short-term rental dwelling shall provide sufficient trash collection containers and service to meet the demand of the occupants. The short-term rental dwelling shall be free of debris both on site and in the adjacent portion of the street.
17. It is unlawful for any owner, occupant, renter, person present upon, or person having charge or possession of a short-term rental to make or continue or cause to be made or continued any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area, or violates any other applicable provision of the code.
18. The owner and the local contact person shall ensure that the occupants of a short-term rental dwelling do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of the code or any state law pertaining to noise, disorderly conduct, overcrowding, the consumption of alcohol, or the use of illegal drugs. Owners and local contact persons are expected to take any measures necessary to abate disturbances, including, but not limited to, directing the occupants of a short-term rental dwelling to cease the disturbing conduct, calling for law enforcement services or enforcement officers, removing the occupant(s), or taking any other action necessary to immediately abate the disturbance.
19. The owner shall post a sign at a conspicuous location within the short-term rental dwelling advising occupants of all rules and operational standards imposed upon occupants under this subsection. The sign shall also include the telephone numbers for the city of Kingsburg, the Kingsburg Police Department and the Kingsburg Fire Department.
20. All short-term rentals shall be subject to the city's transient occupancy tax, as required by Title 3, Chapter 3.16 of the code. For the purposes of this subsection, the definitions in Section 3.16.020 of Title 3 of Chapter 3.16 of the code shall include the following: (i) the definition of "Hotel" shall include short-term rental unit and short term rental dwelling; (ii) the definition of "Occupancy" shall include the renting of a short-term rental unit or short-term rental dwelling; (iii) the definition of "Operator" shall include the owner of a short-term rental unit or short-term rental dwelling; (iv) the definition of "Rent" shall include the rent paid by the occupant of a short-term rental unit or short-term rental dwelling; and (v) the definition of a "Transient" shall include an occupant of a short-term rental unit or short-term rental dwelling. The owner shall also maintain at all times a valid Kingsburg business license. All transient occupancy tax statements shall be addressed to the owner and the local contact person.
21. Short-term rentals shall not exceed one short-term rental unit per short-term rental dwelling.
22. The violation or breach of any provision of this Section 17.56.010 H. shall result in the revocation of the home occupancy permit for the short-term rental.

(Ord. 2003-01 § 1, 2003: Ord. 92-11 § 1 (part), 1992: Ord. 408 (part), 1982)

(Ord. No. 2018-006, § 1, 12-19-2018)