

17.56.010 Home occupations.

A. Procedures. Home occupations 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 in the location specified in the permit. The permit cannot be transferred to another applicant or location. Terms of the permit cannot be modified except by applying for a new permit.

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. 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.
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 and professional services in which goods, wares and merchandise are not commercially created, sold or exchanged, but shall not include beauty salons, barber shops, medical offices, tattoo parlors, fortune tellers, palm readers 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. 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 shall sign the form, verifying that the home occupation, if approved, will comply with the standards listed in Subsection B 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 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. (Ord. 2003-01 § 1, 2003: Ord. 92-11 § 1 (part), 1992: Ord. 408 (part), 1982)