



# HOME OCCUPATION PERMIT

City of San Jacinto | 595 S. San Jacinto Ave Bldg. "A" | San Jacinto CA 92583 | 951.487.7330 | fax 951.654.9896

<b>FILING FEE: \$40</b>		<b>This is not an application for a business license</b>		<b>For Office Use:</b>	
1. Name of Applicant				<b>Case #</b>	
2. Home Address				<b>Date Submitted</b>	
3. Telephone Number				<b>Fee</b>	
4. Business Name				<b>Date Application Approved</b>	
5. Business Mailing Address				<b>Approved By</b>	
6. Business Phone					
7. Property Owner ( if other than applicant)					
8. Property Owner's Mailing Address					
9. Property Owner's Phone					
10. Describe the type of business					
11. Number of Employees		12. Will there be any mechanical equipment operated?		Yes No If Yes, please describe:	
13. Will there be any merchandise or equipment displayed or stored?		Yes No		If Yes, indicate where<	
14. In what portion of the dwelling unit will the business be conducted?			15. Is the space used for the business more than 42' "qh'yj g'lmqt'ctgc?"		
16. Will additional vehicular or foot traffic be created?		Yes		No	
17. Please attach a plot plan. The plot plan should include property dimension, all structures with dimensions, distance between structures, setback distances, floor plan with measurements of the building in which the business will be conducted, storage and merchandise display area. Your plot plan may be hand drawn provided it is legible.					

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

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## Chapter 17.615 – Home Occupation Permits

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### Sections:

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- 17.615.060 – Director’s Decision
- 17.615.070 – Compliance with Standards and Conditions
- 17.615.080 – Findings and Decision
- 17.615.090 – Conditions of Approval
- 17.615.100 – Permit Expiration
- 17.615.110 – Inspections
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- 17.615.140 – Changes in Home Occupation
- 17.615.150 – Post-Decision Procedures

### **17.615.010 – Purpose**

The purpose of this Chapter is to allow for the conduct of home occupations that are deemed incidental to, and compatible with, surrounding residential uses. A home occupation represents a legal commercial enterprise conducted by an occupant(s) of the dwelling.

### **17.615.020 – Applicability**

The Home Occupation Permit is intended to allow for home occupations that are conducted within a dwelling located in a residential zone, and are clearly incidental and secondary to the use of the dwelling for residential purposes and compatible with surrounding residential uses.

### **17.615.030 – Application Filing, Processing, and Review**

- A. Filing.** An application for a Home Occupation Permit shall be filed and processed in compliance with Chapter 17.600 (Permit Application Filing and Processing). The application shall include the information and materials specified in the Department handout for Home Occupation Permit applications, together with the required fee in compliance with the City’s Planning Fee Schedule. It is the responsibility of the

applicant to provide evidence in support of the findings required by Section 17.615.080 (Findings and Decision), below.

- B. Project review procedures.** Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this Chapter.
- C. Public notice not required.** A public notice and hearing shall not be required for the Director's decision on a Home Occupation Permit application.

#### **17.615.040 – Allowed Home Occupations**

- A. Where allowed.** Home occupations are allowed in residential zones in compliance with Article 2 (Zones, Allowable Land Uses, and Zone-Specific Standards).
- B. Allowed home occupations.** Any activity producing income, or intended to produce income, conducted entirely within a residential dwelling by the inhabitants of the dwelling, which use is clearly incidental and secondary to the use of the structure for residential purposes, which does not change the character of the dwelling, and only when conducted in compliance with the applicable locational and operational standards identified in Section 17.615.070 (Compliance with Standards and Conditions), below.

#### **17.615.050 – Prohibited Home Occupations**

The following uses are not incidental to or compatible with residential activities and are prohibited as home occupations:

- A. Adult businesses;
- B. Alcohol sales;
- C. Ammunition, explosives, or fireworks, sales, use, or manufacturing;
- D. Barber and beauty shops;
- E. Businesses that entail the commercial breeding, boarding, grooming, harboring, kenneling, raising, and/or training of dogs, cats, or other animals on the premises;
- F. Carpentry (on-site) and cabinet making (does not prohibit a normal wood-working hobby operation);
- G. Dance club/night clubs;
- H. Food preparation for commercial purposes;
- I. Fortune telling (Psychic);

- J. Lawn mower and/or small engine repair;
- K. Massage establishments (on-site);
- L. Medical and dental offices, clinics, and laboratories;
- M. Mini storage;
- N. Plant nursery;
- O. Retail or wholesale sales of products stored at the residence;
- P. Storage and/or sales of equipment, materials, and other accessories to the construction and service trades;
- Q. Tattoo parlors;
- R. Television, radio, or appliance repair;
- S. Tobacco/hookah lounges/parlors;
- T. Vehicle repair (body or mechanical), upholstery, automobile detailing (e.g., washing, waxing, etc.) and painting. (This does not prohibit "mobile" minor repair or detailing at the customer's location);
- U. Vehicle sales;
- V. Welding and machining; and
- W. Other similar uses determined by the Director not to be incidental to or compatible with residential activities.

#### **17.615.060 – Director’s Decision**

- A. Director’s actions.** The Director may approve a Home Occupation Permit that would be operated in compliance with Section 17.615.070 (Compliance with Standards and Conditions) below, or the Director may defer action and refer the application to the Commission for review and final decision.
- B. 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 Business License in compliance with Municipal Code Chapter 5.04 (Business Licenses Generally).

**17.615.070 — Compliance with Standards and Conditions**

- A. Compliance required.** Home occupations shall comply with the applicable locational, developmental, and operational standards identified in this Section as well as any conditions imposed on the Home Occupation Permit.
- B. Required standards.** Each home occupation shall comply with all of the following standards.
1. Only the permanent resident(s) of the subject dwelling shall be employed on the premises in the conduct of a home occupation.
  2. The home occupation shall be conducted within a dwelling and shall be clearly incidental to the use of the structure as a dwelling.
  3. The home occupation shall not be conducted in an accessory structure, and there shall be no storage of equipment or supplies within an accessory structure or outside the dwelling.
  4. There shall be no direct on-site sale of products, either wholesale or retail.
  5. There shall be no exterior use or storage of material or mechanical equipment, as determined by the Director to be for the home occupation use and not for normal household or hobby use.
  6. The use shall not generate pedestrian or vehicular traffic beyond that determined by the Director to be normal for the zone or neighborhood in which it is located.
  7. Commercial vehicles or trailers, except those normally incidental to residential use, shall not be kept on the site, and any need for parking generated by the home occupation shall be met off the street and other than in a required yard.
  8. The use shall not involve excessive storage of materials or supplies on the premises, as determined by the Director. Combustible and/or hazardous substances shall receive approval of the Fire Department.
  9. There shall be no signs allowed other than the address for the main dwelling. There shall be no other advertising using the home address, with the exception of advertising in the telephone directory or via the Internet.
  10. Not more than one room or the equivalent of 20 percent of the floor area of the entire dwelling unit, whichever is greater, shall be employed for the home occupation. Use of the garage is allowed; provided that all required vehicle storage is maintained in compliance with this Development Code, and the garage doors shall be closed at all times.

11. The appearance of the dwelling or any accessory structure shall not be altered so that the dwelling may be reasonably recognized as serving a nonresidential use (either by color, construction, dust, materials, odors, lighting, noise, signs, sounds, vibrations, etc. or that disturbs the peace). The existence of a home occupation shall not be apparent beyond the boundaries of the subject site.
12. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes as defined in the zone.

### **17.615.080 – Findings and Decision**

The Director shall review all applications and shall record the decision in writing with the findings on which the decision is based. The Director (or the Commission on a referral) may approve a Home Occupation Permit application, with or without conditions, only if it first makes all of the following findings:

- A. The proposed home occupation will be consistent with the General Plan, any applicable specific plan, and the development and design standards of the subject residential zone;
- B. The proposed home occupation will not be detrimental to the public convenience, health, interest, safety, or welfare, or materially injurious to the properties or improvements in the immediate vicinity; and
- C. The proposed home occupation will not interfere with the use or enjoyment of neighboring existing or future residential developments, and will not create traffic or pedestrian hazards.

### **17.615.090 – Conditions of Approval**

In approving a Home Occupation Permit application, the Director (or the Commission on a referral) may impose conditions (e.g., buffers, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, surfacing, time limits, traffic circulation, etc.) deemed reasonable and necessary to ensure that the approval would be in compliance with the purpose of this Chapter.

### **17.615.100 – Permit Expiration**

Home Occupation Permits shall immediately expire upon discontinuance of the home occupation.

### **17.615.110 – Inspections**

The Director shall have the right at any time, upon request, to enter and inspect the premises subject to a Home Occupation Permit in order to verify compliance with the locational,

developmental, and operational standards identified in Section 17.615.070 (Compliance with Standards and Conditions), above.

#### **17.615.120 – Acknowledgment**

A Home Occupation Permit shall not be valid until signed by the applicant, with the signature acknowledging the applicant's full understanding and agreement with all of the conditions, and agreement to waive any right to later challenge any conditions imposed as unfair, unnecessary, or unreasonable.

#### **17.615.130 – Permit Not Transferable**

A new Home Occupation Permit and Business License, for the same or different home occupation conducted by a new resident, shall be obtained before conducting an allowed home occupation.

#### **17.615.140 – Changes in Home Occupation**

A change in the type of home occupation activity (e.g., a change from one allowed activity to another allowed activity) conducted by the original resident/permittee shall also require a new Home Occupation Permit and Business License before conducting an allowed home occupation.

#### **17.615.150 – Post-Decision Procedures**

The procedures and requirements in Chapter 17.660 (Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 7 (Administration) shall apply following the decision on a Home Occupation Permit application.