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### 17.11.110 Home occupations.

The purpose of this Section is to provide for the conduct of home occupations/home-based businesses in residential zones or buildings in such a manner as to be compatible with, and not disruptive to, residential neighborhoods. The use shall be clearly incidental and secondary to the principal use of a residential dwelling as a dwelling.

- A. *Uses Permitted.* The following uses or similar uses shall be considered as home-based businesses provided that such uses comply with the criteria stated in this Section:
1. Professional office occupation whose principal product is information, management or design, including but not limited to accounting, architecture, artist/talent management and promotion, brokerage, business/financial management, computer programming and software development, credit/financial counseling, drafting and illustration, engineering, fashion design, interior decoration and design, legal services, marketing and advertising, property management, and writing and editing. The primary means of contact must be by phone, mail, or other electronic form of communication. Professional office activity does not include research requiring the use of hazardous materials and equipment. Professional office activity does not include a medical office.
  2. A secondary office for a business in which the principal office, staff and equipment are located elsewhere.
  3. The home office of a salesman, wherein all sales are conducted by telephone or by correspondence and wherein there are no displays or related commodities on premises.
  4. Any legal use customarily conducted entirely within a residential dwelling.
  5. The home office of a service business where not more than one 2,000-pound (one ton) or smaller vehicle used in conjunction with the home-based business is kept on the subject property.
  6. Sales of produce (fruit or vegetables) grown on the subject property.
  7. Cottage food operations, as defined in California Health and Safety Code Section 113758, shall be a permitted home-based business provided it complies with all applicable provisions of this Section, any applicable requirements of the Riverside County Department of Environmental Health, and ~~and under~~ the California Health and Safety Code, as it may be amended.
- B. *Conditions.* Home-based businesses may be permitted pursuant to the provisions of this Section, subject to the following conditions.
1. Employment shall be limited to residents of the dwelling only.
  - ~~2. Material or equipment used in connection with such home-based businesses shall be limited to that normally found in a dwelling and recognized as being part of the normal uses and practices in the zone in which the use is a part.~~
  23. There shall be no direct sales of products or merchandise from the dwelling, except for produce (fruit or vegetables) grown on the subject property or otherwise as authorized by this Section.
  34. Produce and sales may be permitted subject to sales being limited to three days per week. No structure or stand of a permanent nature shall be erected on the subject property.
  45. Customers or clientele shall not be permitted to visit/enter the dwelling in connection with the home-based business. However, incidental uses such as music lessons, tutoring, and the sale of produce may be permitted if the intensity of such use is approved by the Community Development Director.

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- ~~56.~~ No more than one room of the dwelling shall be used for the home-based business. Use of the garage for the home-based business may be permitted if such use does not obstruct required parking. No more than twenty percent of the residence shall be used for the home-based business, including any area for storage.
- ~~67.~~ No alteration of any kind will be allowed to the principal building which changes its residential character. This includes, but is not limited to, the enlargement of public utility services or the installation of special equipment attached to walls, floor or ceilings.
- ~~8.~~ The home-based business use shall not generate pedestrian or vehicular traffic beyond that normal/customary to the zone in which it is located.
- ~~9.~~ The home-based business shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
- ~~710.~~ Materials or supplies for the home-based business shall ~~not~~ be stored indoors, within an accessory building or space, or may be stored outdoors, provided such materials or supplies are not visible to the public or from the public street. or outdoors for purposes other than those permitted in the zone. Materials or supplies may not be stored in any way that creates a public nuisance, as defined in Civil Code § 3480.
- ~~811.~~ The home-based business shall not involve the display of signs or advertising devices on the premises except one unlighted sign, not more than two square feet in area, may be posted on temporary produce displays. This provision does not apply to the use of advertising on commercial vehicles, provided the business is in full compliance with Section 10.12 of the City Code, or any other applicable provision related to parking commercial vehicles, as may be amended from time to time W
- ~~912.~~ A valid business license from the City shall be obtained each year and shall be posted on any temporary produce displays.
- ~~103.~~ The activities of the home-based business shall not be conducted in a manner that negatively impacts the residential area. Such determination of the City may include, but not be limited to, consideration of color of the building, construction, lighting, signs, sounds, noises and vibrations.
- ~~114.~~ All operations of such home-based business shall be conducted so as to prevent the emanation of any dust, gas, smoke, noise, fumes, odors, vibrations, or electrical disturbances which are or may be detrimental to the welfare of the occupants of surrounding properties.
- ~~125.~~ No accessory building or space outside of the principal building shall be used for the home-based business, ~~other than~~except for the growing of produce; or for the storage of materials or supplies as provided herein. ~~No outdoor storage, including the S~~storage or parking of vehicles associated with the home-based business must fully comply with the provisions of Section 10.12 of the City Code, or any other applicable provision related to parking commercial vehicles, as may be amended from time to time. ~~shall be permitted.~~
- ~~136.~~ The following requirements shall also apply to cottage food occupations:
- i. The permit applicant shall be the individual who conducts the cottage food operation from his or her private residential dwelling and is the owner of the cottage food operation. The permit shall not be transferable to another operator nor transferable to another site.
  - ii. The cottage food operation shall be registered or permitted as a "Class A" or "Class B" operation by the Riverside County Department of Environmental Health in accordance with Section 114365 of the California Health and Safety Code. Cottage food operations shall comply with all California Health and Safety Code requirements.

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- iii. Any applicant for a permit under this Section shall provide to the City, as part of the home-based business application: (1) a copy of the operation's registration or permit to operate as a "Class A" or "Class B" operation, as required under Health and Safety Code Section 114365, and (2) a copy of the self-certification checklist submitted to and approved by the County.
  - iv. The permit shall be granted if the application is complete and the cottage food operation complies with the requirements set forth in this Section, and all other code sections regarding spacing and concentration, traffic control, parking, and noise control.
  - v. A permit issued under this Section may be revoked for any violation of this Section or of Section 114365 et seq. of the California Health and Safety Code.
  - vi. The City may, for inspection purposes, access the permitted area of a private home where a cottage food operation is located if the City has, on the basis of a consumer complaint, reason to suspect that adulterated or otherwise unsafe food has been produced by the cottage food operation, or that the cottage food operation has violated this Section and/or California Health and Safety Code Section 114365 et seq.
  - vii. Gross annual sales shall not exceed the amount specified in California Health and Safety Code Section 113758.

147. A home occupation shall be subject to any additional condition or requirement, which may be imposed by the ~~Commission or Council~~Community Development Director.

- C. *Applications.* Applications to have a home-based business shall be made to the Community Development Director, accompanied by the filing fee set forth in the fee schedule, and shall include such information and documentation as may be required to complete a Home Occupation Permit. The applicant shall be the operator of the home-based business and shall be a resident of the dwelling in which the home-based business is located. Information shall be provided to ensure that the proposed home-based business complies with the requirements of this Section. Additional information necessary to make the findings required for approval may be required by the City. The permit may include specific conditions and restrictions necessary to make the use compatible with a residential setting.
- D. *Exemptions.* Activities exempt from the home-based business requirements include temporary sales stands with nominal sales such as children's lemonade stands and hostess parties, not more than three in any 12-month period. No structure or stand of a permanent nature shall be erected onsite for these exempt sales.
- E. No provision of this Section shall be interpreted to impose a mandatory duty on the City, or on any officer, official, agent, employee, board, council, or commission of the City, nor shall the issuance of any permit to operate a home-based business hereunder constitute a determination by the City that such business is otherwise authorized by or in compliance with any contractual property restrictions, including those of a Home Owners Association or other common interest development.

(Ord. No. \_\_\_\_\_, Ord. No. 1128, § 2(Exh. B), 12-1-2020)