

Application Fee	\$100.00
Technology Fee	\$6.00
Long Range Planning Fee	\$7.50
Total	\$113.50

HOME OCCUPATION PERMIT AND LICENSE APPLICATION

As an applicant for a Home Occupation Permit and License, you must provide the information requested on this application. **Home Occupations are a permitted use in the following Land Use Districts, T2, T2.5, T3, T4, T4.5, T5, SD2.1, E, R-1, R-2, R-3, MHP, & RP.** The Tehachapi Zoning Code Section 6.20.040 defines a Home Occupation. (see reverse side of this form)

Applicant's Name: _____

Business Phone: _____

Business Name: _____

Email Address: _____

Business Address: _____

Zoning District: _____

City, State, Zip: _____

Activities conducted within residence: _____

Type of Business/Occupation: _____

- | | |
|---|--------------------|
| 1. Do you _____ own _____ rent the dwelling to be used as your place of business?
<i>(if you rent the dwelling, a letter of approval from the owner must be attached to the application)</i> | _____ Yes _____ No |
| 2. Is the use conducted entirely within a dwelling and carried on by the inhabitants thereof? | _____ Yes _____ No |
| 3. Is the use clearly incidental and secondary to the use of the dwelling or dwelling purposes and does not change the character thereof or adversely affect the use permitted in the residential district of which it is a part? | _____ Yes _____ No |
| 4. Will there be any additional vehicular or pedestrian traffic? | _____ Yes _____ No |
| 5. Will any additional parking space be required? | _____ Yes _____ No |
| 6. Will any noise be generated beyond the site? | _____ Yes _____ No |
| 7. Will any person be employed other than domestic help? | _____ Yes _____ No |
| 8. Will the use cause any interference to radio or television reception? | _____ Yes _____ No |
| 9. Will any mechanical equipment be used other than that necessary for domestic purposes? | _____ Yes _____ No |
| 10. Will any material, equipment and/or supplies be stored outdoors other than such storage normally associated with the residential use of the property? | _____ Yes _____ No |

1. THE DEFINITION OF HOME OCCUPATION: Any use is conducted entirely within a dwelling and carried on by the inhabitants thereof; which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof or adversely affect the used permitted in the residential district of which it is a part; which creates no additional vehicular or pedestrian traffic, requires no additional parking space, generates no noise audible beyond the site, causes no radio or television interference; where no persons are employed other than domestic help, and no mechanical equipment is used other than that necessary for domestic purposes; and where no materials, equipment and/or supplies are stored outdoors other than such storage normally associated with the residential use of the property. For purposed of this definition, the storage of not more than one truck of not more than one ton capacity shall be deemed as normally associated with residential use of the property.
2. I understand any violation to the above paragraph shall be a just cause for license suspension.

Signature _____ Title _____ Date _____

OFFICE USE ONLY

1. The use of _____ qualifies as a Home Occupation in a/an _____ Land Use District.
2. A Business Tax Certificate be issued, after the required fee is collected, to the following named person or persons: _____.

Approved: _____ Yes _____ No

Disapproved: _____ Yes _____ No

Authorized Signature _____ Date _____

Reason(s) _____

Chapter 9.40 Home Occupation Permits

Sections:

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9.40.010 Purpose

The purpose of this Chapter is to provide a process to gain City approval to conduct a home occupation which represents a legal commercial enterprise conducted by an occupant(s) of a dwelling.

9.40.020 Applicability

A. Incidental and Secondary

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

B. Allowed by Article 3

A home occupation may only be conducted when allowed by Article 3 (Specific to Zones).

9.40.030 Permit Required

A. Home Occupation Permit Required

No home occupation shall be established until an application for a home occupation permit has been submitted to and approved by the Director in compliance with this Chapter.

2. Small family day care home. A small family day care home for eight or fewer children operated in compliance with State law and Section 6.20.020 (Family Day Care Facilities) is exempt from the requirement of a Home Occupation Permit.

B. Exemption

1. Live/work. A legal live/work facility is exempt from the requirement of a Home Occupation Permit.

9.40.040 Application Filing, Processing, and Review

A. Application

1. Filing

- a) An application for a Home Occupation Permit shall be filed and processed in compliance with Chapter 9.10 (Application Processing Procedures).
- b) The application shall be signed by the owner of record or by an authorized agent.
- c) Authorized agents shall provide written authorization signed by the property owner.

2. Required data. The application shall include the information and materials specified in the Department handout for Home Occupation Permit applications, together with the required fee.

3. Responsibility. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 9.40.080 (Findings and Decision).

B. Public Notice Not Required

A public notice and hearing shall not be required for the Director's decision on a Home Occupation Permit application.

9.40.050 Home Occupations Expressly Prohibited

Refer to Section 6.20.030 (Home Occupations) for the list of prohibited home occupations.

9.40.060 Directors Decision

A. Director's actions. The Director may approve a Home Occupation Permit application that would be operated in compliance with Section 9.40.070 (Compliance with Standards), deny the application, or defer action and refer the application to the Commission for review and final decision.

B. Business Tax required. In conjunction with the Home Occupation Permit, the applicant shall obtain a Business License in compliance with Municipal Code Chapter 5.08 (Business Tax).

9.40.070 Compliance with Standards

Home occupations shall comply with the applicable locational, developmental, and operational standards specified in Section 6.20.030 (Home Occupations) as well as any conditions or terms imposed on the Home Occupation Permit.

9.40.080 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 after first making all of the following findings:

A. The proposed home occupation will:

1. Be consistent with the General Plan, any applicable specific plan, and the development and design standards of the subject residential zone;
2. Be listed as an allowable use in Article 3 (Specific to Zones);
3. Comply with the applicable locational, developmental, and operational standards specified in Section 6.20.030 (Home Occupations) as well as any conditions or terms imposed on the Home Occupation Permit; and

4. Be clearly incidental and secondary to the use of the dwelling for residential purposes and be compatible with surrounding residential uses.

B. The proposed home occupation will not:

1. Be detrimental to the public convenience, health, interest, safety, or welfare, or materially injurious to the properties or improvements in the immediate vicinity;
2. Interfere with the use or enjoyment of neighboring existing or future residential developments, and will not create traffic or pedestrian hazards; and/or
3. Create vehicular traffic improvement with the neighborhood environment.

9.40.090 Conditions of Approval

In approving a Home Occupation Permit application, the Director (or the Commission on a referral) may impose conditions or terms (e.g., buffers, hours of operation, landscaping and maintenance, lighting, parking, perfor-

mance 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.

9.40.100 Permit Expiration

When a home occupation has been discontinued for at least 90 days the Home Occupation Permit shall immediately expire.

9.40.110 Acknowledgement

An approved 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.

9.40.120 Permit Not Transferable

A. Not transferable

The Home Occupation Permit is not transferable to another resident.

B. New permits required

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

9.40.130 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 before conducting an allowed home occupation.

9.40.140 Post Decision Procedures

The procedures and requirements in Chapter 9.100 (Permit Implementation, Time Limits, and Extensions), and those related to appeals (Chapter 10.20) and modifications and/or revocations (Chapter 9.110) shall apply following the decision on a Home Occupation Permit application.

6.20.080 Home Occupation Permits

A. Intent

Home occupations, which are clearly secondary to the principal use of a dwelling, conform to City ordinances, and do not adversely affect the public safety, health and general welfare of the neighborhood shall be permitted. In addition to special conditions that may be imposed to accomplish these objectives, home occupations shall conform to the locational, developmental, and operational standards of Section 6.20.020.

B. Signs

No signs are permitted in conjunction with the use, either affixed to the premises or to any vehicle parked on the premises. Easily removable (magnetic) signs are permitted so long as they are removed while parked in view of the neighborhood.

C. Employees

No persons are to be employed to do work appurtenant to the use on the premises other than members of the immediate family residing in the home.

D. Vehicle Storage

In the event outside persons are employed to perform functions of this business away from the premises, parking or storage of employees' vehicles in the neighborhood is prohibited.

E. Traffic of Goods

No noticeable movement of products, materials, machinery, or equipment in and out of the premises is permitted in conjunction with the use.

F. Storage

Storage of stock shall be limited to 100 cubic feet (approximately the size of a typical residential bedroom closet).

G. Hazard or nuisance

No home occupation shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.

H. Vehicles

Vehicles connected with this business are limited to one vehicle not exceeding an unladen vehicle weight of 4,500 pounds.

I. Prohibited services

Vehicle related services such as, but not limited to, repair, cleaning, tune-ups, couriers, delivery or transport of goods or people and services requiring employees, customers or clients to visit the residence shall be prohibited.

J. Exempt services

Instructional services, such as tutoring or musical instruction, shall be exempt from home occupation requirements with approval from the Director.

K. On-site clients

The home occupation shall involve no on-site clients except for:

1. Home occupations in live/work units in the Transect zones;
2. Tutoring or instruction of children by appointment; and
3. Applicants with a demonstrated mobility handicap.

L. Exterior storage

There shall be no on-site exterior storage of equipment, vehicles (in excess of the single vehicle), materials or supplies connected with this business. Equipment. Tools or equipment connected with the business shall be operated so as to be imperceptible at or beyond the property line.

M. Permit

A Home Occupation Permit shall be obtained in compliance with Chapter 9.40 (Home Occupation Permits).

N. Prohibited uses

The following uses shall be considered prohibited:

6.20.080 Home Occupation Permits

PROHIBITED USES UNDER HOME OCCUPATION PERMIT
Adult business
Animal hospitals (and related services)
Barber/beauty/nail shops
Dance/night clubs
Food preparation for commercial purposes
Fortune telling (psychics)
Repairs upholstery (small engine, television/radio, appliance, vehicle, upholstery)
Massage (on-site)
Medical/dental offices/laboratories
Photography studios (not including photo processing)
Plant nursery
Retail or wholesale sales of products stored at the residence, except that mail order businesses may be allowed where there is no stock-in-trade on the site
Party-type sales, except when done at client's location
Automotive detailing and/or painting
Welding and machining
Other uses determined by the Director not to be incidental to or compatible with residential activities

6.20.090 Household Pets

A. Applicability

Household pets are permitted in any zone when accessory to a residential use subject to the requirements in this Section.

B. Maximum number of dogs and cats

A maximum of two dogs and three cats shall be permitted.

B. Prohibited pets

Except as otherwise provided in Subsection E, the following are prohibited:

1. Horses,
2. Cows,
3. Goats,
4. Sheep,
5. Other equine bovine, ovine, or ruminant animals,
6. Predatory or wild animals,
7. Chickens,
8. Ducks,
9. Geese,
10. Turkeys, and
11. Other game birds and fowl that normally constitute an agricultural use.

D. Standards for Vietnamese potbellied pigs

1. Vietnamese potbellied pigs shall be permitted as household pets provided that they:
 - a) Are not over twenty inches at the shoulder,
 - b) Do not weigh more than one hundred pounds, and
 - c) Are kept in an enclosed room, pen, or other enclosure, or
 - d) An outside enclosure made of wood or metal fencing with at least three hundred square feet for each Vietnamese pot-bellied pig.
2. No more than two Vietnamese pot-bellied pigs shall be permitted per residence.

E. Standards in the Estate (E) zone

In the Estate (E) zone, livestock is permitted. Up to two horses or two cows or four sheep or four goats are permitted per acre. Pigs are not allowed, except Vietnamese potbellied pigs as described in Subsection D.