

# CITY OF MURRIETA

1 TOWN SQUARE, MURRIETA, CA 92562, PHONE: (951)304-2489



## HOME OCCUPATION AND COTTAGE INDUSTRIES PERMIT, CONDITIONS AND AGREEMENT FORM

I have received, read, reviewed and agree to comply with the provisions of Article IV, Section 16.60 of the Murrieta Development Code, including permissible activities and conditions to operate a Home Occupation or Cottage Industry. I understand that any violation of the conditions could result in the revocation of my permit and the discontinuance of my Home Occupation or Cottage Industry.

Wholesale Automobile Dealerships run out of the home must comply with all of the provisions outlined in Section 16.60 of the Murrieta Development Code. There shall be no vehicle storage or retail sales of vehicles from the home and no commercial signage of any kind.

\_\_\_\_\_ **Initial**

**PLEASE COMPLETE THE FOLLOWING**

**Business Name:** \_\_\_\_\_  
(Please Print)

**Address:** \_\_\_\_\_  
Street Address City, State, Zip

**Applicant Name:** \_\_\_\_\_  
(Please Print)

**Phone #:** \_\_\_\_\_

### Section A

**1. Indicate your Home Occupation Use by marking all that apply:**

- |  |   |
|--|---|
| <input type="checkbox"/> Office Only                       | <input type="checkbox"/> Transportation Services          |
| <input type="checkbox"/> One (1) client/family at a time   | <input type="checkbox"/> Small Daycare/Homecare-8 or Less |
| <input type="checkbox"/> Onsite business related storage   | <input type="checkbox"/> Large Daycare/Homecare-8 or More |
| <input type="checkbox"/> Offsite Appliance Repair Services | <input type="checkbox"/> Cottage Food Operation-Class A   |
| <input type="checkbox"/> Offsite Auto Repair Services      | <input type="checkbox"/> Cottage Food Operation-Class B   |
| <input type="checkbox"/> Offsite Auto Detailing Services   | <input type="checkbox"/> Tutoring/Training/Education      |
| <input type="checkbox"/> Offsite Other Services            | <input type="checkbox"/> Pet Sitting                      |
| <input type="checkbox"/> Retail/Wholesale Sales            | <input type="checkbox"/> Pet Grooming                     |

**2. Pet Sitting:** How many pets at a time? \_\_\_\_\_ Maximum per day? \_\_\_\_\_

**3. Tutoring, Training, or Education:** How many students at a time? \_\_\_\_\_  
Maximum per day? \_\_\_\_\_

**4. Pet Grooming:** How many pets at a time? \_\_\_\_\_ Maximum per day? \_\_\_\_\_  
Conducted entirely indoors? Yes  No

**Section B**

**Statement of Operations:** Describe your business operations (what, where, and when) in detail below. You may provide the information below or attach a separate sheet, signed and dated.

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**Section C**

**1. Mark all that apply:**

- |  |  |
|--|--|
| <input type="checkbox"/> Onsite Standard Vehicle Storage             | <input type="checkbox"/> Onsite Vehicle with Advertising Storage |
| <input type="checkbox"/> Onsite In-Garage Trailer Storage            | <input type="checkbox"/> Offsite Trailer/RV/Vehicle Storage      |
| <input type="checkbox"/> Onsite Enclosed Equipment/Materials Storage | <input type="checkbox"/> Offsite Equipment/Materials Storage     |

**2. Vehicles with advertising (wraps, magnets, signage, etc.)?** Yes  No

If yes, number of vehicles? \_\_\_\_\_

**3. Other business related storage:** Indicate 1.)what and 2.)where other business related storage will be stored:

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I declare, under penalty of perjury, that the information I have provided is true and correct.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
(Applicant's Signature)

## 16.60 Home Occupation Permits

### Sections:

- 16.60.010 Purpose.**
- 16.60.020 Authority.**
- 16.60.030 Applicability.**
- 16.60.040 Submittal and Review Requirements.**
- 16.60.050 Home Occupations and Cottage Food Operations.**
- 16.60.070 Findings and Decision.**
- 16.60.090 Inspections.**
- 16.60.100 Post Approval Procedures.**

### **16.60.010 Purpose.**

The purpose of this chapter is to provide a process for reviewing home occupation permit applications which are intended to allow for specified activities which are deemed to cause minimal impact(s) on neighboring parcels, if conducted in compliance with the applicable standards of this development code and appropriate operational conditions imposed by the director. (Ord. 182 § 2 (part), 1997)

### **16.60.020 Authority.**

The director is authorized to approve home occupation permits, subject to the appeal provisions of Chapter 16.78. A public hearing shall not be required for issuance of a home occupation permit, unless subject to an appeal. (Ord. 182 § 2 (part), 1997)

### **16.60.030 Applicability.**

- A. Home Based Enterprises.** The home occupation permit is intended to allow for enterprises that are conducted within homes in residential zoning districts, and that are clearly incidental and secondary to the use of the dwelling unit and compatible with surrounding residential uses.
- B. Commercial and Industrial Businesses.** Business uses which are routinely operated in commercial or industrial zoning districts shall not be allowed as home occupations.
- C. Cottage Industries.** For residential zoning districts, and incidental and secondary to the use of the dwelling unit, cottage industries shall be allowed subject to the standards in this chapter. (Ord. 182 § 2 (part), 1997)

### **16.60.040 Submittal and Review Requirements.**

- A. Application Contents.** Applications for home occupation permits shall include the following information:
  1. Completed planning application form and required fee and attachments (see also Section 16.48.030);
  2. Accurate and detailed description of the proposed use including the location for the storage of materials and equipment, and total square footage to be utilized for the home occupation; and
  3. If an applicant is not the owner of the property where a home occupation is to be conducted, then a signed statement from the property owner approving the use of the dwelling unit for home occupation purposes shall be submitted with the application.
- B. Compliance with Conditions.** Upon acceptance of a home occupation permit application, the director shall review the request for compliance with the conditions identified in Section 16.60.050 (Conditions for Home Occupations) below. The director shall render a written decision within fifteen (15) calendar days of the application being accepted as complete. The decision shall clearly state any conditions of approval or reasons for disapproval and applicable appeal provisions in compliance with Chapter 16.78.
- C. City Business License.**
  1. **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 city business license.
  2. **Nontransferable.** City business licenses are issued to a specific address and are not automatically transferable to a new location.
  3. **Expire Annually.** City business licenses expire on an annual basis.
  4. **Annual Renewal.** If the business license is not renewed within thirty (30) days after expiration, the home occupation permit shall become void. (Ord. 182 § 2 (part), 1997)

### **16.60.050 Home Occupations and Cottage Food Operations.**

Home occupations, including in-home offices, shall be allowed on property used for residential purposes, subject to the following conditions:

- A. The use of the dwelling for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its inhabitants. The establishment and conduct of a home occupation shall not change the principal character or use of the dwelling unit or property involved.
- B. There shall be no exterior evidence of the conduct of a home occupation, including outdoor display of equipment, materials, or supplies related directly or indirectly to the home occupation activity. A home occupation shall be conducted entirely within a dwelling, or an attached garage with the exception of tutoring in sports as defined in 16.60.050.L.2.
- C. The residents of the dwelling unit, and no more than one non-resident employee, may be engaged in the home occupation.
- D. There shall be no signs, banners or flags identifying or advertising the home occupation. The home occupation shall not create vehicular or pedestrian traffic in excess of that which is normal for the zone in which it is located.
- E. The required residential off-street parking shall be maintained.
- F. Limited indoor storage of goods or supplies (125 cubic feet maximum) may take place within no more than one room of the dwelling and/or in the attached garage (provided required parking on-site is maintained and properly located).
- G. There shall be no separate entrance or exit way specifically provided in the dwelling or on the premises for the conduct of the home occupation, unless required by local or state law;
- H. There shall be no process, procedure, substance, or chemical used which is hazardous to public convenience, health, safety, or general welfare or that changes the fire safety or occupancy classifications of the residence.
- I. Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit shall be prohibited. Home occupation activities shall not produce dust, glare, noxious matter, or vibrations beyond the subject property lines.
- J. Maximum number of customers and vendors.
  - a. Home occupations may have a maximum of one customer or vendor on the premises at any one time, between 7:00 a.m. and 7:00 p.m., Monday through Saturday. Home occupations shall not host customers or vendors on the premises more frequently than one customer or vendor within a 2-hour time period.
  - b. Home occupations involving tutoring students in music, academics, dance, swimming or tennis at a residence may have a maximum of six non-resident students at any one time, and no more than 18 non-resident students during any one day. Sports related tutoring may be conducted between 7:00 a.m. and 7:00 p.m., Monday through Saturday.
- K. Notwithstanding the provisions above, the following uses are prohibited:
  - a. Automotive repair or other vehicle repair, body or mechanical;
  - b. Welding or Machining;
  - c. Medical Clinics or Labs;
  - d. Animal Hospitals, Kennels and grooming facilities; and<sup>1</sup>
  - e. Uses that require explosives or highly combustible or toxic materials.
- L. The home occupation use shall not have utility services modifications, other than those required for normal residential use that would be classed as commercial or industrial in load or design
- M. Cottage Foods Operation
  - a. Cottage Foods Operations shall be permitted as defined by Health and Safety Code Section 113758, conducted only within a dwelling that contains the dwelling's kitchen and shall not be allowed in a garage or other accessory building.
  - b. There shall be no on-premise sale of goods except as allowed for a Cottage Food Operation by Health and Safety Code Section 114365 and with a valid County of Riverside Cottage Food permit from Department of Environmental Health. Occasional transport of goods from the premises for off-site sale may occur. Internet sales are not considered on-premise sale of goods.
- N. No person shall commence or carry on a home occupation/cottage food operation without first having received approval of a city business license.
- O. Home occupations shall comply with all noise, lighting, nuisance, health/safety, and other applicable City and state regulations.

<sup>1</sup> Animal sitting or grooming facilities may be permitted when conducted entirely indoors; the total number of animals present at any given time shall not exceed that allowed in Section 16.44.040. Grooming services shall be limited to one customer on the premises at any one time, between 7:00 a.m. and 7:00 p.m., Monday through Saturday with no more than one customer within a 2-hour time period.

#### **16.60.070 Findings and Decision.**

A home occupation permit application may be approved only if all of the following findings of fact can be made in a positive manner:

- A. The requested home occupation is not prohibited in compliance with Section 16.60.050 (Prohibited Home Occupation Uses/Cottage Industries);
- B. The requested home occupation permit would comply with all *of* the conditions specified in Sections 16.60.050 ; and
- C. The issuance of the home occupation permit would not be detrimental to the public convenience, health, safety, or general welfare. (Ord. 182 § 2 (part), 1997)

#### **16.60.090 Inspections.**

The director shall have the right at any time upon request, to enter and inspect the premises subject to a home occupation permit. (Ord. 182 § 2 (part), 1997)

#### **16.60.100 Post Approval Procedures.**

The following procedures, in addition to those identified in Chapter 16.80 (Permit Implementation, Time Limits, and Extensions), shall apply following the approval of a home occupation permit:

- A. **Appeals.** The decision of the director shall be considered final unless an appeal is filed in compliance with Chapter 16.78 (Appeals)
- B. **Expiration/Extension.** To ensure continued compliance with the provisions of this development code each approved home occupation permit shall expire three years from the date of approval, unless otherwise specified in the permit if the use granted by the permit has not been exercised before its expiration, in compliance with Section 16.80.040 (Permit Implementation). Time extensions may be granted in compliance with Section 16.80.060 (Time Extensions), if a written request is submitted by the applicant, and received by the department, prior to the expiration of the home occupation permit. If the use granted by the home occupation permit has not been exercised before its expiration, and a time extension is not granted, the provisions of Chapter 16.80 (Permit implementation, Time Limits, and Extensions) shall deem the permit void.
- C. **Issuance of a Zoning Clearance.** A zoning clearance may be issued once all applicable terms and conditions of the approved home occupation permit have been satisfied.
- D. **Changes.** Minor changes to required conditions *of* an approved home occupation permit may be approved in compliance with Section 16.80.070 (Changes to an Approved Project).
- E. **Performance Guarantee.** The applicant/owner may be required to provide adequate performance security for the faithful performance of any/all conditions of approval imposed as part of the approved home occupation permit.
- F. **Suspension/Revocation.**
  - 1. **Notice of Violation/Public Hearing.** Whenever the director suspects a violation of the conditions operations by a home occupation permit holder, the director shall notify the permit holder and specify how the violation(s) can be remedied. If the permit holder has not remedied the violation(s) in a reasonable time, the director may schedule a public hearing to consider the revocation of a home occupation permit to be held by the commission, in compliance with Chapter 16.82 (Revocations and Modifications). Notice of the hearing shall be mailed to the permit holder, any party complaining of the violation, and to all adjoining residents and property owners.
  - 2. **Commission's Action.** At the conclusions of the hearing, the commission may revoke or modify the home occupation permit, in compliance with Chapter 16.82, or order the termination of the suspension or revocation and order the reinstatement of the permit. The decision of the commission may be appealed to the council, in compliance with Chapter 16.78 (Appeals). (Ord. 293 § I (part), 2004; Ord. 182 § 2 (part), 1997)

## 16.62 Large Family Day Care Permits

### Sections:

16.62.010 Purpose.

16.62.020 Authority.

16.62.030 Submittal and Review Requirements.

16.62.040 Findings and Decision.

### 16.62.010 Purpose.

The purpose of this chapter is to provide a process for reviewing large family day care permit applications which are intended to facilitate the establishment of licensed family child care homes in single-family zoning districts in compliance with state law (Health and Safety Code Sections 1597.40 and 1597.46). It is further intended to protect the surrounding neighborhood from impacts relating to noise, parking, traffic, and the spacing and concentration of these activities. (Ord. 182 § 2 (part), 1997)

### 16.62.020 Authority.

The director is authorized to approve large family day care permits, subject to the appeal provisions of Chapter 16.78. A public hearing shall not be required. A large family day care permit is not a project subject to CEQA review in compliance with state law (Health and Safety Code Section 1597.46). (Ord. 182 § 2 (part), 1997)

### 16.62.030 Submittal and Review Requirements.

- A. Application Contents.** Applications for a large family day care permit shall be filed with the director and shall be accompanied by the following:
1. Completed planning application form and required fee and attachments (see also Section 16.48.030);
  2. Evidence that the provider resides at the subject residential premises;
  3. An exhibit drawn to scale and in sufficient detail to clearly describe the following:
    - a. Boundary and physical dimensions of the subject property;
    - b. Location and dimensions of all existing and proposed access, drives, parking areas, play areas, signs, structures, walls and/or fences, and yards; and
    - c. Floor plans of all on-site structures.
  4. Two sets of gummed labels of the names and addresses of all owners of real property located within one hundred (100) feet of the exterior boundaries of the subject property as shown on the last equalized assessment roll and any update issued by the county assessor.
- B. Development Code Compliance.** Upon acceptance of a large family day care permit application, the director shall review the request for compliance with this development code.
- C. Scheduling of Director's Action.** Not less than thirty (30) days after acceptance of an application as complete, the director shall schedule the time and date on which the director's decision on the application is to be made;
- D. Notice.** Not less than ten days before the date on which the decision will be made, the director shall give notice of the proposed use by mail to the applicant and all property owners within a one-hundred (100) foot radius of the exterior boundaries of the subject property; and
- E. Director's Decision.** The director shall make a written decision and shall clearly state any conflicts with the standards identified in Section 16.44.050, conditions of approval, or reasons for disapproval and applicable appeal provisions in compliance with Chapter 16.78. (Ord. 182 § 2 (part), 1997)

### 16.62.040 Findings and Decision.

The director shall make the following findings of fact in a positive manner before approving an application for a large family day care permit:

- A. The proposed large family day care home complies with the standards, restrictions and requirements contained in Section 16.44.050 (Child Day Care Facilities); and
- B. The proposed large family day care home complies with all applicable provisions of state law. (Ord. 182 § 2 (part), 1997)