

ORDINANCE NO. 2010-031

Adopted by the Sacramento City Council

October 12, 2010

AN ORDINANCE ADDING SECTION 17.224.005 TO, AND AMENDING SECTION 17.224.010 OF, TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) RELATING TO HOME OCCUPATIONS (M09-034)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

Section 1.

Section 17.224.005 is added to of Title 17 of the Sacramento City Code (the Zoning Code) to read as follows:

17.224.005 Home occupation regulation—Intent--Definitions.

- A. The provisions of this chapter shall control the conduct, establishment and maintenance of home occupations.
- B. The intent of these regulations is to reduce and control the impact of a home occupation so that its effects on a neighborhood are undetectable from normal and usual residential activity.
- C. For purposes of this chapter, the term “permitted residence” shall mean the dwelling unit (including accessory structures) for which a home occupation permit is issued under this chapter.

Section 2.

Section 17.224.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended to read as follows:

17.224.010 Home occupation permits.

- A. Permit Required.

No home occupation shall be established unless and until a permit has been issued in accordance with the provisions of this chapter.

- B. Application.

An application for a home occupation permit shall conform to and shall be governed by the requirements of Chapter 17.196, including the payment of an application fee.

C. Ministerial Permits.

A home occupation permit shall be issued by the zoning administrator for any of the following occupations upon acceptance of an application as complete under Section 17.196.020, including the payment of the required fee, and upon the filing of a signed declaration of the applicant confirming that all of the special conditions stated in this subsection C, and the general conditions stated in subsection E of this section that are applicable to the proposed occupation will be satisfied.

1. General office uses, such as accountant, administrative assistant, answering service, appraiser, architect, attorney, bookkeeper, broker or agent (real estate, insurance, etc.), counselor, consultant, drafting service, engineer, interior decorator, secretarial service, word processing service, and other office uses whose characteristics are substantially similar to those listed, as determined by the zoning administrator .
2. Commission merchant, direct sale product distribution, internet or mail order business.
3. Dressmaker, tailor, fashion designer.
4. Mobile vehicle glass installation and mobile vehicle detailing, subject to the following special conditions:
 - a. Vehicle detailing is limited to cleaning the exterior and/or interior passenger area and truck area of a vehicle. It includes washing, waxing, and polishing the vehicle and cleaning the interior carpet and upholstery. Cleaning under the hood of a vehicle (including engine cleaning and engine steam cleaning), painting, tinting or dyeing the vehicle or parts of the vehicle is prohibited.
 - b. No installation of glass or vehicle detailing work is allowed at the permitted residence.
 - c. If the installation or detailing work is to be performed on a vehicle at a location in a residential zone, the vehicle must be registered to a current occupant of the premises where work is performed.
 - d. The elapsed time for the installation or detailing work may not exceed 48 hours.
 - e. Installation or detailing work may not be performed on more than two vehicles at one time on the same premises.
 - f. No installation or detailing work shall be performed within a public street.
5. Pet services, such as pet sitting, pet grooming, pet training, and veterinarian care, subject to the following special condition:

- a. No pet services shall be conducted at the permitted residence.
6. Contractor, handyperson, janitorial service, landscape contractor, and gardening service, subject to the following special conditions:
 - a. The permitted residence may contain only an office related to the occupation. No employees may report to the permitted residence for work assignments. One employee who is a nonresident of the permitted residence may work at the permitted residence as provided in subsection (E)(1)(d) of this section.
7. Artist, subject to the following special condition:
 - a. Artist live/work must comply with the requirements of Chapter 17.24.
8. Tutoring, subject to the following special condition:
 - a. If tutoring is conducted at the permitted residence, all tutoring must be conducted inside the residence.
9. Small equipment, appliance, and computer assembly, repair, or reconstruction, subject to the following special conditions:
 - a. There shall be no pickup or delivery of items to the permitted residence by the public. All storage, assembly, repair, and reconstruction work shall be performed within an enclosed building. The equipment, appliances, and computers assembled, repaired, or reconstructed at the permitted residence shall not exceed six feet in height, six feet in length, six feet in width, 100 pounds in weight, and five horsepower. No more than 12 pieces of equipment, in any condition, shall be on-site at the permitted residence at any one time.
10. Healing arts professional, including physician, surgeon, chiropractor, physical therapist, acupuncturist, and somatic practitioner, subject to the following special condition:
 - a. Office visits and treatment shall not occur at the permitted residence.
11. Hair stylist, barber, and manicurist, subject to the following special condition:
 - a. Services to clients shall not be rendered at the permitted residence.
12. Swimming instructor, subject to the following special condition:
 - a. Swimming instruction shall not be given at or in a swimming pool at the permitted residence.

D. Discretionary Home Occupation Permits.

1. Except for the prohibited home occupations listed in subsection F of this section, the zoning administrator shall have the authority to issue a discretionary home occupation permit for the following:
 - a. A home occupation not listed in subsections (C)(1) through (C)(12) of this section.
 - b. A home occupation listed in subsections (C)(1) through (C)(12) of this section that does not comply with one or more of the applicable special conditions there listed.
 - c. A home occupation that does not comply with the restrictions stated in subsection E of this section.
2. At least one public hearing shall be held on an application to the zoning administrator for a discretionary home occupation permit under this subsection D. The provisions of Section 17.212.040 governing notice, hearing, decision, and notification of a zoning administrator special permit shall apply to the hearing and decision on a discretionary home occupation permit.
3. The zoning administrator may approve or conditionally approve a discretionary home occupation permit if the zoning administrator finds that the operation of the home occupation, as approved, will not adversely affect the public health, safety, and welfare, and will not produce effects inconsistent with the normal and usual activity in the surrounding neighborhood.

E. Requirements Applicable to All Home Occupations.

1. Requirements.

In addition to the special conditions and other provisions in subsections C and D of this section, all home occupations shall satisfy all of the following requirements:

- a. All of the requirements stated in this subsection E shall apply to each permitted residence without regard to the number of home occupation permits issued for the residence.
- b. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes. The home occupation may be conducted in the principal dwelling or accessory structures on the subject property provided that the area does not exceed ten 10% of the habitable floor area of the residence, including storage of items used or produced by the home occupation.
- c. If the home occupation is conducted in a garage, parking for the permitted residence must still be maintained as required by this title.

- d. A total of no more than three persons may be engaged in home occupations at a permitted residence, of which no more than one person may be a non-resident of the permitted residence. The home occupation may have more than one off-site employee or partner if that person does not work at the permitted residence.
 - e. Unless prohibited by a special condition under subsection C of this section, or by a condition of approval of a discretionary home occupation permit under subsection D of this section, clients or customers are permitted to visit the permitted residence; provided, that on any single day there shall be no more than one client or customer per hour and no more than eight customers or clients visiting the residence in a day. A family unit, such as a parent and child(ren) shall be considered one client or customer for purposes of this restriction.
 - f. No more than two home occupation permits shall be granted per dwelling unit.
 - g. The permitted residence shall comply with all building code standards made applicable to the residence because of the operation of the home occupation.
 - h. Only one vehicle of a size no larger than one ton shall be permitted in conjunction with a home occupation.
 - i. There shall be no sign, nameplate or any other form of advertising displayed on the permitted residence.
2. Waiver of Requirements. The zoning administrator shall have the authority to issue a discretionary home occupation permit under subsection (D) of this section to waive the requirements set forth in subsections (1)(a) through (1)(i) of this subsection E.
- F. Prohibited Home Occupations.
- 1. No home occupation permit shall be issued for a use that involves food handling, processing or packing. This prohibition shall not apply to home occupations that involve the use of commercially prepackaged foods where the foods are not removed from the packaging.
 - 2. No home occupation permit shall be issued for an auto or vehicle repair shop. Vehicle glass installation and detailing only are permitted subject to the special conditions listed in subsection (C)(4) of this section.
 - 3. No home occupation permit shall be issued for any adult business or adult-related establishment that is subject to the permit requirements of Chapter 5.04 of this code.

4. No nuisance producing activity shall be permitted as a home occupation.
5. No home occupation shall be permitted which creates noise, odor, dust, vibration, fumes or smoke readily discernible at the exterior boundaries of the parcel on which the home occupation is situated.
6. No home occupation shall be permitted that will create any electrical disturbance adversely affecting the operation of any equipment located in any other dwelling unit or on property not owned by the person conducting the home occupation.

Adopted by the City of Sacramento City Council on October 12, 2010 by the following vote:

Ayes: Councilmembers Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

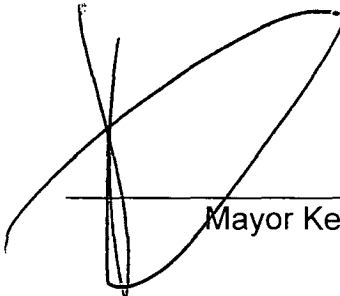
Noes: None.

Abstain: None.

Absent: Councilmember Cohn.

Attest:


Shirley Concolino, City Clerk


Mayor Kevin Johnson

Passed for Publication: October 5, 2010

Published: October 8, 2010

Effective: November 10, 2010