

ORDINANCE NO. 11880
(NEW SERIES)

AUG 18 1976

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1 OF THE
SAN DIEGO MUNICIPAL CODE BY ADDING SECTIONS 101.0101.73
AND 101.0406 REGARDING HOME OCCUPATIONS.

BE IT ORDAINED, by the Council of The City of San Diego,
as follows:

Section 1. That Chapter X, Article 1, of the San Diego
Municipal Code be and it is hereby amended by adding
Sections 101.0101.73 and 101.0406 to read as follows:

SEC. 101.0101.73 HOME OCCUPATION

Any occupation which is not inconsistent with nor disruptive
to normal residential use and which is customarily conducted
entirely as a secondary or accessory use, including office -
type uses, and only by a resident of the premises within
which the occupation is pursued, and which is permitted
subject to the issuance of a home occupation permit.

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SEC. 101.0406 HOME OCCUPATIONS IN RESIDENTIAL ZONES

A. PURPOSE AND INTENT

It is the purpose of this Section to regulate home occupations in residential zones in a manner that will ensure that they are utilized only as accessory uses incidental to the primary residential use of the premises upon which they are found.

It is the intent of this Section that home occupations shall not be inconsistent with nor disruptive to the normal residential usage of the premises nor shall home occupations cause external effects which are detrimental to neighboring properties or are incompatible with the characteristics of the residential zones.

B. PERMITTED USES

1. Except where specifically prohibited within any residential zone, home occupations may be permitted as accessory uses incidental to residential uses in residential zones subject to a home occupation permit granted by the Zoning Administrator.

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The Zoning Administrator shall, if in his opinion there appears to be a potential adverse impact to the neighborhood resulting from the requested home occupation, conduct a public hearing on the requested home occupation permit under the provisions set forth in SEC. 101.0502.

- 2. The Zoning Administrator, in making a decision on a request for a home occupation permit shall give consideration to the operational regulations set forth in this section, the nature of the proposed home occupation, and the relationship of the premises, upon which the home occupation is proposed to be located, to neighboring properties. The Zoning Administrator shall, if necessary, request and obtain recommendations from other City departments and public agencies. The Zoning Administrator may impose conditions upon a home occupation permit.

The Zoning Administrator, in granting a permit, shall find that the operation of the home occupation shall not be detrimental to adjacent properties.

The Zoning Administrator shall also find that the permittee will adhere to all operational and maintenance standards and conditions imposed upon the home occupation permit.

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3. There shall be no fees charged by the Zoning Administrator involved with the issuance of a home occupation permit.

C. OPERATIONAL REGULATIONS

Home occupation permits granted by the Zoning Administrator shall comply with the following operational regulations:

1. All products produced for sale must be hand manufactured or grown on the premises using only hand tools or domestic mechanical equipment. Such domestic mechanical equipment should not exceed approximately two horsepower per piece of mechanical equipment and should not exceed a total of approximately six horsepower or a single kiln not to exceed approximately eight kilowatts or the equivalent in a gas fired fixture.
2. All sales of products, including those produced or grown on the premises, and the performance of all services shall take place off the premises. However, the Zoning Administrator may permit on-premises sales or the performance of services as a condition of a home occupation permit when it may be found that such sales or services will not produce any detrimental effects upon the surrounding neighborhood.

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3. There shall be no signs indicating the existence of the home occupation.

4. No commercially licensed vehicle in excess of one-ton manufacturer's rating shall be utilized by any resident of the premises in connection with the home occupation.

5. Only a resident of the premises shall be engaged in the home occupation. Lodgers, as defined in SEC. 101.0101.32, as well as occupants of a guest house and other similar individuals, shall not be permitted to engage in a home occupation, except as otherwise permitted by the Zoning Administrator; provided, however, that in no instance shall non-resident employees be permitted.

6. There shall be no outdoor storage of materials or products on the premises except as otherwise permitted by the Zoning Administrator. Indoor storage of material or products shall not exceed a total area of 1,000 cubic feet or any more restrictive limitation imposed by the provisions of the Building and Housing Codes. Combined storage space for the entire premises shall not exceed 1,000 cubic feet.

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7. Home occupations, except for horticultural uses as limited by the provisions of SEC. 101.0407, shall be conducted only within a structure on the premises.
8. The home occupation shall not cause the elimination of required off-street parking.
9. The home occupation shall not cause any external effect associated with the home occupation, such as increased noise, excessive traffic, excessive lighting, or offensive odor, which is incompatible with the characteristics of the residential zone, or in violation of the provisions of any applicable government code. There shall be no illegal discharge of any materials, fluids or gases into the sewer system or any other manner of discharging such items in violation of any applicable government code.
10. The resident or residents engaged in the home occupation shall, when applicable, possess a valid City business license.

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D. REVOCATION OF HOME OCCUPATION PERMIT

A home occupation permit shall be revoked by the Zoning Administrator upon violation of any requirement of this Code, or of any condition or requirement of any permit granted, unless such violation is corrected within 15 days of notice of such violation, and any such permit may be revoked for repeated violation of the requirements of this section or of the conditions of such permit, or where the Zoning Administrator finds that the continuation of the home occupation permit will have a detrimental effect upon the surrounding neighborhood. The Zoning Administrator may conduct a public hearing on the revocation of a home occupation permit in conformance with the provisions of Paragraph B.2. of SEC. 101.0502.

E. APPEAL

In the event of the approval or the denial of any permit, or the revocation thereof, or of any objection to the limitations or conditions, or the lack of limitations or conditions, placed thereon, appeal may be made in writing to the Board of Zoning Appeals in accordance with the provisions of SEC. 101.0504 of this Code.

Notwithstanding any of the provisions of SEC. 101.0204, appeals to the Board of Zoning Appeals on matters of Home Occupations shall not be subject to a fee.

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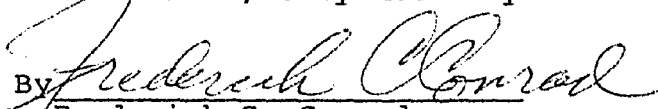
11880

(rev. 8-11) **MAY 10 1972**

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Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:n
Rev. 8-11-76
Or. Dept. Councilman Williams

-8-

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MAY 10 1978

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Passed and adopted by the Council of The City of San Diego on AUG 18 1976,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

(Seal)

By Kathleen Martinez, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

AUG 3 1976, and on AUG 18 1976

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

(Seal)

By Kathleen Martinez, Deputy.

RECEIVED
 CITY CLERK'S OFFICE
 1976 JUL -2 11:00
 SAN DIEGO, CALIF.
 MICROFILMED
 MAY 10 1978

Office of the City Clerk, San Diego, California

Ordinance Number 11880 Adopted AUG 18 1976

01906

fw

ATTORNEY(S)

San Diego, City of
202 C St., 12th Floor
San Diego, CA 92101
Attn: Kathleen Martinez

IN THE SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO --

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

REGARDING HOME OCCUPATIONS

ORDINANCE NO. 11880

(NEW SERIES)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1 OF THE
SAN DIEGO MUNICIPAL CODE BY ADDING SECTIONS
101.0101.73 AND 101.0406 REGARDING HOME OCCUPATIONS.

BE IT ORDAINED, by the Council of The City of San Diego, as
follows:

Section 1. That Chapter X, Article 1, of the San Diego Municipal Code
be and it is hereby amended by adding Sections 101.0101.73 and 101.0406
to read as follows:

SEC. 101.0101.73 HOME OCCUPATION

Any occupation which is not inconsistent with nor disruptive to normal
residential use and which is customarily conducted entirely as a secondary
or accessory use, including office-type uses, and only by a resident of the
premises within which the occupation is pursued, and which is permitted
subject to the issuance of a home occupation permit.

SEC. 101.0406 HOME OCCUPATIONS IN RESIDENTIAL ZONES

A. PURPOSE AND INTENT

It is the purpose of this Section to regulate home occupations in
residential zones in a manner that will ensure that they are utilized only as
accessory uses incidental to the primary residential use of the premises
upon which they are found.

It is the intent of this Section that home occupations shall not be
inconsistent with nor disruptive to the normal residential usage of the
premises nor shall home occupations cause external effects which are
detrimental to neighboring properties or are incompatible with the
characteristics of the residential zones.

B. PERMITTED USES

1. Except where specifically prohibited within any residential zone,
home occupations may be permitted as accessory uses incidental to
residential uses in residential zones subject to a home occupation
permit granted by the Zoning Administrator. The Zoning
Administrator shall, if in his opinion there appears to be a potential
adverse impact to the neighborhood resulting from the requested
home occupation, conduct a public hearing on the requested home
occupation permit under the provisions set forth in SEC. 101.0502.

2. The Zoning Administrator, in making a decision on a request for a
home occupation permit shall give consideration to the operational
regulations set forth in this section, the nature of the proposed home
occupation, and the relationship of the premises, upon which the home
occupation is proposed to be located, to neighboring properties. The
Zoning Administrator shall, if necessary, request and obtain
recommendations from other City departments and public agencies.
The Zoning Administrator may impose conditions upon a home
occupation permit.

The zoning Administrator, in granting a permit, shall find that
the operation of the home occupation shall not be detrimental to
adjacent properties.

The Zoning Administrator shall also find that the permitted will
adhere to all operational and maintenance standards and conditions
imposed upon the home occupation permit.

3. There shall be no fees charged by the Zoning Administrator
involved with the issuance of a home occupation permit.

C. OPERATIONAL REGULATIONS

Home occupation permits granted by the Zoning Administrator shall
comply with the following operational regulations:

1. All products produced for sale must be hand manufactured or grown
on the premises using only hand tools or domestic mechanical
equipment. Such domestic mechanical equipment should not exceed
approximately two horsepower per piece of mechanical equipment and
should not exceed a total of approximately six horsepower or a single
kill not to exceed approximately eight kilowatts or the equivalent in a
gas-fired fixture.

2. All sales of products, including those produced or grown on the
premises, and the performance of all services shall take place off the
premises. However, the Zoning Administrator may permit on-
premise sales or the performance of services as a condition of a home
occupation permit when it may be found that such sales or services
will not produce any detrimental effects upon the surrounding
neighborhood.

PATRICIA M. DUTRA

I, PATRICIA M. DUTRA hereby certify
that the San Diego Daily Transcript is a daily newspaper of
general circulation within the provisions of the Government Code
of the State of California, printed and published in the City of San
Diego, County of San Diego, State of California; that I am the
principal clerk of said newspaper; and the

ORDINANCE NO. 11880

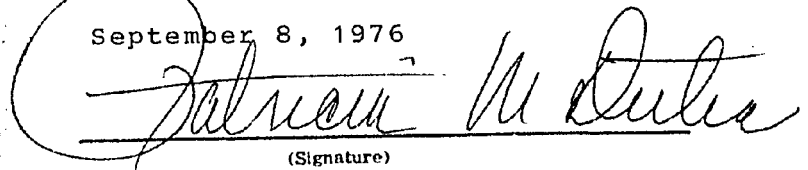
(New Series)

is a true and correct copy of which this certificate is annexed and
was published in said newspaper on

September 1, 1976

I certify under penalty of perjury that the foregoing is true and
correct, at San Diego, California, on

September 8, 1976



(Signature)

01907

22" @ 5.08 = 111.76 ✓

3. There shall be no signs indicating the existence of the home occupation.

4. No commercially licensed vehicle in excess of one-ton manufacturer's rating shall be utilized by any resident of the premises in connection with the home occupation.

5. Only a resident of the premises shall be engaged in the home occupation; lodgers, as defined in SEC. 101.0101.32, as well as occupants of a guest house and other similar individuals, shall not be permitted to engage in a home occupation, except as otherwise permitted by the Zoning Administrator; provided, however, that in no instance shall nonresident employees be permitted.

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Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on August 3, 1976.

Passed and adopted by Council of The City of San Diego on August 18,

1976.

AUTHENTICATED BY:

PETE WILSON,
Mayor of The City of San Diego, California.

EDWARD NIELSEN,
City Clerk of The City of San Diego, California.

By KATHLEEN MARTINEZ, Deputy.

(SEAL)

Pub. Sept. 1, 1976

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Ordinance 11880