

ORDINANCE NUMBER O-17839 (NEW SERIES)

ADOPTED ON OCT 06 1992

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISIONS 4 AND 5, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 101.0406 AND 101.0502 RELATING TO HOME OCCUPATIONS IN RESIDENTIAL ZONES.

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

Section 1. That Chapter X, Article 1, Divisions 4 and 5, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 101.0406 and 101.0502, to read as follows:

SEC. 101.0406 Home Occupations in Residential Zones

A. [No change.]

B. PERMITTED USES

1. and 2. [No change.]

3. The Zoning Administrator may consider an exception to the operational regulations set forth in Section 101.0406(C) in accordance with the provisions of Section 101.0406(D) and Section 101.0502(B)(1).

C. OPERATIONAL REGULATIONS

The applicant for a Zoning Use Certificate for home occupations shall comply with the following operational regulations:

1. Any products produced for sale must be hand manufactured or grown on the premises using only tools or mechanical equipment. Business

actions, including but not limited to noise from the tools or associated with the business, must comply with the noise regulations for residential zones.

2. All sales of products and the performance of all services or work that requires the presence of a client or employees or partners must take place off the premises including any adjacent area within the residentially zoned area with the exception of telephone, computer or mail communication except as provided for in Section 101.0406(D).

3. [No change.]

4. Only one vehicle for business related purposes, clearly associated with the home occupation, is permitted on the premises or on any adjacent area within the residentially zoned area except as provided for in Section 101.0406(D). This one vehicle may not exceed one ton carrying capacity.

5. Only a resident of the premises may engage in a home occupation on the premises. Nonresident employees, customers and partners may not be on the premises except as provided for in Section 101.0406(D).

6. Outdoor storage of materials or products associated with the home occupation on the premises is not permitted.

7. Indoor storage of materials or products associated with the home occupation shall not exceed one thousand (1,000) cubic feet for the entire premises or any more restrictive limitations imposed by the Building and Housing Codes, or the County Health Department.

8. [No change.]

9. The home occupation shall not cause the elimination or the reduction, in any manner, of required off-street parking.

10. The home occupation operation shall be consistent with permitted residential use, and shall not create any conditions that amount to a public nuisance and shall not be detrimental to the residential neighborhood, by causing increased noise, traffic, lighting, odor, or by violating any applicable ordinances or laws.

11. There shall 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 ordinances or laws.

12. The resident engaged in the home occupation shall obtain, when applicable, a City of San Diego Zone Use Certificate and business tax certificate.

13. Garage, yard, alley, swap meet and similar sales in residentially zoned areas shall be limited to three (3) per year not to exceed two

(2) days each per premises. (Zoning Use Certificate is not required.)

Failure to comply with operational regulations in Section 101.0406 shall constitute a violation of the Municipal Code and be subject to prosecution under Municipal Code section 13.0201.

D. ADMINISTRATIVE HEARING

The Zoning Administrator may consider the following exceptions to the operational regulations as set forth in Section 101.0406(C)(2), (C)(4) and (C)(5) in accordance with the provisions of Section 101.0502(B)(1).

1. Home offices to operate between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, with a maximum of one on-premise employee or partner during these same hours and a maximum of one on-premise customer at a time, by appointment only, during these same hours.

2. More than one vehicle for business related purposes, associated with the home business.

E. REVOCATION OF HOME OCCUPATION PERMIT

[No change in text of this subsection.]

F. 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 Sections 101.0503 and 101.0204 of this Code.

SEC. 101.0502 ZONE VARIANCE OR OTHER PERMITS GRANTED BY ZONING ADMINISTRATOR

A. [No change.]

B. HEARING BEFORE THE ZONING ADMINISTRATOR -

PROCEDURE

1. An advertised public hearing shall not be required when the application is for limited relief in the case of:

a. through h. [No change.]

i. Home Occupations

2. In all those cases listed in Section 101.0502(B)(1), the Zoning Administrator shall set a reasonable time for the consideration of the variance or other permits, and give notice thereof to the applicant and may give notice to other interested persons. For Home Occupations, the applicant shall give notice to other interested persons, both at the time of application and if said application is approved, one year following the approval. The Zoning Administrator shall establish rules, fees and procedures for hearings and review for permits.

3. and 4. [No change.]

C. DECISION OF THE ZONING ADMINISTRATOR

1. through 4. [No change.]

5. The Zoning Administrator may grant an exception to the Home Occupation when it shall appear from the facts contained in the application, from information obtained by the Zoning Administrator, and from evidence presented that the following conclusion can be reached:

a. The granting of the exception to the Home Occupation will not be injurious to the neighborhood or detrimental to the public welfare.

b. The granting of the exception to the Home Occupation will not result in an undue concentration of home offices in the neighborhood.

6. If the Zoning Administrator, after considering the facts presented in the case, is unable to reach the conclusions set forth in Sections 101.0502(C)(2), (C)(3), (C)(4) or (C)(5), the variance or other permit shall be denied.

7. [No change in text of this subsection.]

8. [No change in text of this subsection.]

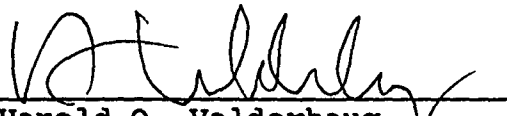
9. [No change in text of this subsection.]

D. and E. [No change.]

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, however, the provisions of this ordinance shall not be applicable within the Coastal Zone until the thirtieth day following the date the California Coastal Commission unconditionally certifies this

ordinance as a local coastal program amendment. If this ordinance is not certified, or is certified with suggested modifications by the California Coastal Commission, the provisions of this ordinance shall be null and void within the Coastal Zone.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug
Chief Deputy City Attorney

HOV:FCC:lc
04/28/92
10/27/92 REV. 1
Or.Dept:Plan.
O-92-138
Form=o+t

STRIKEOUT ORDINANCE

OLD LANGUAGE: Struck Out
NEW LANGUAGE: Shaded

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISIONS 4 AND 5, OF THE SAN DIEGO MUNICIPAL
CODE BY AMENDING SECTIONS 101.0406 AND
101.0502 RELATING TO HOME OCCUPATIONS IN
RESIDENTIAL ZONES.

SEC. 101.0406 Home Occupations in Residential Zones

A. [No change.]

B. PERMITTED USES

1. and 2. [No change.]

3. ~~The Zoning Administrator may consider an exception to the operational regulations set forth in Section 101.0406(C) in accordance with the provisions of Section 101.0406(D) and Section 101.0502(B)(1).~~

C. OPERATIONAL REGULATIONS

The applicant for a Zoning Use Certificate for home occupations shall comply with the following operational regulations:

1. Any products produced for sale must be hand manufactured or grown on the premises using only tools or mechanical equipment. ~~Mechanical equipment may not exceed two (2) horsepower per piece of mechanical equipment or a total of six (6) horsepower for all such equipment or, an eight (8) kilowatt Kiln or, the equivalent in a gas fired fixture.~~ ~~Business actions, including but not limited to~~

noise from the tools or associated with the business, must comply with the noise regulations for residential zones.

2. All sales ~~or~~ of products, and the performance of all services ~~which~~ or work that requires the presence of a client or employees or partners must take place off the premises including any adjacent area within the residentially zoned area with the exception of telephone, computer or mail communication except as provided for in Section 101.0406(D).

3. [No change.]

4. Only one vehicle ~~of one ton manufacture rating or use is permitted for~~ business related purposes, clearly associated with the home occupation, is permitted on the premises or on any adjacent area within the residentially zoned area except as provided for in Section 101.0406(D). This one vehicle may not exceed one ton carrying capacity.

5. Only a resident of the premises may participate engage in a home occupation on the premises. ~~In no instance may a partner live elsewhere or may nonresident employees be on the premises.~~ Nonresident employees, customers and partners may not be on the premises except as provided for in Section 101.0406(D).

6. Outdoor storage of materials or products associated with the home occupation on the premises is not permitted.

7. Indoor storage of materials or products associated with the home occupation shall not exceed one thousand (1,000) cubic feet for the entire premises or any more

restrictive limitations imposed by the Building and Housing Codes, or the County Health Department.

8. [No change.]

9. The home occupation ~~must~~ shall not cause the elimination, or the reduction, in any manner, of required off-street parking.

10. The home occupation ~~must~~ operation shall be consistent with ~~, and not disruptive to normal permitted residential use, nor cause any and shall not create any conditions that amount to a public nuisance and shall not be detrimental external effects to the residential zone such as neighborhood, by causing increased noise, traffic, lighting, odor, or in violation of by violating any applicable government codes in association with the home occupation ordinances or laws.~~

11. There shall 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~~ ordinances or laws.

12. The resident engaged in the home occupation shall ~~have obtain~~, when applicable, a City of San Diego ~~certificate of payment~~ Zone Use Certificate and business tax certificate.

13. ~~Garage, yard, alley, swap meet and similar sales in residentially zoned areas shall be limited to three (3) per year not to exceed two (2) days each per premises. (Zoning Use Certificate is not required.)~~

Failure to comply with operational regulations herein in Section 101.0406 shall constitute a violation of the Municipal Code and be subject to prosecution under Municipal Code section 13.0201.

D. ADMINISTRATIVE HEARING

The Zoning Administrator may consider the following exceptions to the operational regulations as set forth in Section 101.0406(C)(2), (C)(4) and (C)(5) in accordance with the provisions of Section 101.0502(B)(1).

1. Home offices to operate between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, with a maximum of one on-premise employee or partner during these same hours and a maximum of one on-premise customer at a time, by appointment only, during these same hours.

2. More than one vehicle for business related purposes, associated with the home business.

D.-E. REVOCATION OF HOME OCCUPATION PERMIT

[No change in text of this subsection.]

E.-F. 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 Sections 101.0503 and 101.0204 of this Code. ~~Notwithstanding any of the provisions of Section 101.0204, appeals to the Board of Zoning Appeals on matters of home occupations shall not be subject to a fee.~~

SEC. 101.0502 ZONE VARIANCE OR OTHER PERMITS GRANTED BY ZONING ADMINISTRATOR

A. [No change.]

B. HEARING BEFORE THE ZONING ADMINISTRATOR - PROCEDURE

1. An advertised public hearing shall not be required when the application is for limited relief in the case of:

a. through h. [No change.]

1. Home Occupations

2. In all those cases listed in ~~paragraph "B.1." of this section~~ Section 101.0502(B)(1), the Zoning Administrator shall set a reasonable time for the consideration of the variance or other permits, and give notice thereof to the applicant and may give notice to other interested persons. For Home Occupations, the applicant shall give notice to other interested persons, both at the time of application and if said application is approved, one year following the approval. The Zoning Administrator shall establish rules, fees and procedures for hearings and review for permits.

3. and 4. [No change.]

C. DECISION OF THE ZONING ADMINISTRATOR

1. through 4. [No change.]

5. The Zoning Administrator may grant an exception to the Home Occupation when it shall appear from the facts contained in the application, from information obtained by the Zoning Administrator, and from evidence presented that the following conclusion can be reached:

a. The granting of the exception to the Home Occupation will not be injurious to the neighborhood or detrimental to the public welfare.

b. The granting of the exception to the Home Occupation will not result in an undue concentration of home offices in the neighborhood.

~~5-6.~~ If the Zoning Administrator, after considering the facts presented in the case, is unable to reach the conclusions set forth in ~~paragraph "C.2." or "C.3." or "C.4." of this section~~ Sections 101.0502(C)(2), (C)(3), (C)(4) or (C)(5), the variance or other permit shall be denied.

~~6-7.~~ [No change in text of this subsection.]

~~7-8.~~ [No change in text of this subsection.]

~~8-9.~~ [No change in text of this subsection.]

D. and E. [No change.]

FCC:lc
04/28/92
10/27/92 REV. 1
Or.Dept:Plan.
SO-92-138
Form=o+t

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Passed and adopted by the Council of The City of San Diego on OCT 06 1992,
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By Blonda R. Barnes, 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 4 1992, and on OCT 06 1992.

~~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.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By Blonda R. Barnes, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>0-17839</u>	Adopted <u>OCT 06 1992</u>

CERTIFICATE OF PUBLICATION

NOV 10 11 9:46
CITY CLERK, SAN DIEGO

OFFICE OF THE CITY CLERK
CITY ADMINISTRATION BUILDING
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

HOME OCCUPATIONS IN RESIDENTIAL ZONES

I, Corey Donahue, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER O-17839 (NEW SERIES)
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISIONS 4 AND 5, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 101.0406 AND 101.0502 RELATING TO HOME OCCUPATIONS IN RESIDENTIAL ZONES.
This ordinance amends Municipal Code sections 101.0406 and 101.0502 to provide clarification to existing regulations and an administrative process to request exceptions to the operational regulations for home occupations in residential zones.
A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.
INTRODUCED ON Aug 4, 1992 Passed and Adopted by the Council of the City of San Diego on Oct 6, 1992.
AUTHENTICATED BY:
MAUREEN O'CONNOR
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
By RHONDA R. BARNES, Deputy
(SEAL)
Pub: Nov. 9 258831

ORDINANCE NUMBER O-17839 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

NOVEMBER 9

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 9th day of NOV., 1992.

Corey Donahue
(Signature)

4 1/4" = 61.44