

**ORDINANCE NO. 93-04
CITY OF AMERICAN CANYON**

**AN ORDINANCE AMENDING THE ZONING CODE TO
ALLOW HOME OCCUPATIONS IN ALL ZONES SUBJECT
TO OBTAINING A HOME OCCUPATION PERMIT**

The City Council of the City of American Canyon does ordain as follows:

Section 1. Declaration Of Intent.

The County of Napa Zoning Code as adopted by the City upon its incorporation, unlike the majority of jurisdictions, presently requires persons wishing to carry on a home occupation to obtain a conditional use permit. Although the City desires to continue to regulate home occupations to ensure that they are compatible with the residential districts, this can be accomplished through the less burdensome home occupation permit application process rather than the conditional use permit process. Accordingly, it is the intent of the City in enacting this ordinance to remove home occupations from the Conditional Use Permit process and to instead require those wishing to carry on a home occupation to obtain a home occupation permit in accord with the provisions of this ordinance.

Section 2. Exceptions To Use Limitations.

(a) Municipal Code Section 12701(b)(1) requiring a conditional use permit for home occupations is hereby repealed.

(b) Section 12701(a)(9) is added to the Municipal Code to read as follows:

Home occupations, subject to the requirements and in accord with the provisions of Section 12404.

Section 3. Home Occupation Permits.

Section 12404 is amended to read in its entirety as follows:

Section 12404. Home Occupation Permits.

The standards for home occupations in this section are intended to achieve compatibility with other permitted uses and with the residential character of the neighborhood in which it is located. A home occupation is an accessory use of the dwelling for employment and/or business purposes which is incidental to and subordinate to the use of the dwelling unit as a residence and so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence. The following criteria shall be determinative of a valid home occupation:

(a) No person other than those persons who are regular residents on the premises shall be engaged in such occupations;

(b) The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the gross floor area of the dwelling unit shall be used in the conduct of the home occupation;

(c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation;

(d) A home occupation may be conducted only within an enclosed building, whether the building constitutes part of the main building or in an accessory building;

(e) There shall be no sales in connection with such home occupation other than sales of merchandise produced on the premises or directly related to the services offered;

(f) No pedestrian or vehicular traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood;

(g) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the lot to the normal senses. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference upon any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. A home occupation shall not cause any adverse impacts such as offensive odors or excessive noise, lighting, or traffic which are incompatible with the residential area, or in violation with the provisions of any applicable laws or regulations;

(h) No vehicle over three quarter ton (1,500 pounds) carrying capacity may be used in the conduct of a home occupation;

(i) No home occupation shall involve the storage or sale of firearms, other weapons, explosives, ammunition, or other hazardous or flammable materials;

(j) The Planning Director may impose additional restrictions on home occupations reasonably related to the protection of the health safety and general welfare of the persons or property in the neighborhood of the home occupation or the City of American Canyon.

Section 4. Home Occupation Permit Required.

Section 12404.1 is added to the Municipal Code to read as follows:

Section 12404.1 Home Occupation Permit Requirement.

No person shall commence or carry on any home occupation, as set forth in Section 12404 of this code within the City without first having obtained a home occupation permit from the Planning Director. The Planning Director shall issue the home occupation permit when the applicant shows that the home occupation meets all the requirements of Section 12404. Every home occupation shall fully comply with all City, County and State Code, ordinances, rules and regulations.

Section 5. Business License Required

Section 12404.2 is added to the Municipal Code to read as follows:

Section 12404.2 Business License Required.

Every home occupation permittee shall obtain a business license. If the business license is not renewed annually, the home occupation permit shall automatically expire.

Section 6. Permit Applications Form and Content.

Section 12404.3 is added to the Municipal Code to read as follows:

Section 12404.3 Permit Applications: Form and Content.

Applications for home occupation permits, shall be filed, in writing with the Planning Director by the person who intends commencing or carry on a home occupation. The application shall be upon forms furnished by and in a manner prescribed by the Planning Director and shall be accompanied by the applicable filing fee established by resolution of the City Council. Where the applicant is not the owner of the property on which the home occupation is proposed to be conducted, the application shall be occupied by the written consent of the owner or his agent.

Section 7. Permits Not Transferable.

Section 12404.4 is added to the Municipal Code to read as follows:

Section 12404.4 Permits Not Transferable.

No home occupation permit issued pursuant to Section 12404.1 shall be transferred or assigned, nor shall the permit authorize any person, other than the person named therein, to commence or carry on the home occupation for which the permit was issued.

Section 8. Notices and Appeals of Permit Denial.

Section 12404.5 is added to the Municipal Code to read as follows:

Section 12404.5 Notice and Appeals of Permit Denial.

Within ten working days after the filing of an application for a home occupation permit, the Planning Director shall either issue or deny the permit and shall serve a notice of such action upon the applicant by mailing a copy of such notice to the applicant at the address appearing on the application.

Any person aggrieved by the action of the Planning Director upon an application of a home occupation permit may appeal such an action by filing a written notice of appeal with the Planning Director within ten days after the date of the mailing of such action. The Planning Director shall refer all appeals to the Planning Commission. The Planning Commission shall set the matter for hearing before the Planning Commission at the earliest available date. The applicant shall be given notice of the time and date set for such consideration.

An appeal of the decision of the Planning Commission may be made by filing a notice of appeal with the City Clerk. The notice of appeal shall comply with the requirements of Section 2.04.110 of the Municipal Code except that the notice of appeal shall be filed within ten days after the decision of the Commission and the appeal shall be subject to the procedures set forth in Chapter 2.04 of the Municipal Code.

Section 9. Suspension Revocation and Appeals.

Section 12404.6 is added to the Municipal Code to read as follows:

Section 12404.6 Suspension, Revocation and Appeals.

Any home occupation permit issued pursuant to the provisions of Sections 12404.1 may be suspended or revoked when it is determined that the home occupation authorized by the permit has been or is being conducted:

(a) in violation of any City, County and/or State Code, ordinance, rule or regulation;

(b) in violation of the provisions of Section 12404 of this code;

(c) in a disorderly manner;

(d) to the detriment of the general public; or

(e) when the home occupation being carried on is different from that for which the permit was issued.

Any home occupation permit which has been issued shall not be revoked or suspended unless a hearing shall first have been held by the Planning Director. Written notice of the time and place of such hearing shall be served upon the permittee at least ten days prior to the date set for such hearing. The notice shall contain a brief statement of the grounds for revoking or suspending

the permit. The notice shall be served by mailing, by registered mail, a copy of such notice to the person to be notified at the address appearing on the permit.

Any person aggrieved by the action of the Planning Director may appeal to the Planning Commission by filing a written notice of appeal with the Planning Director within ten days after the date of mailing of the Planning Director's action on the suspension or revocation of the permit. Appeals shall be processed as set forth in Section 12404.6 of this code.

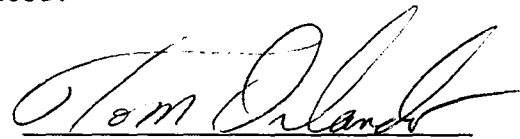
Section 10. Existing County Home Occupation Permits.

Section 12404.7 is added to the Municipal Code to read as follows:

Section 12404.7 Existing County Home Occupation Permits.

Those home occupations already operating under a home occupation permit previously issued by the County of Napa shall not be required to obtain a new home occupation permit from the City. Such a previously issued home occupation permit shall remain in full force and effect until such time as it is suspended or revoked under the provisions of Section 12404.7 or expires under the provisions of Section 12404.3.

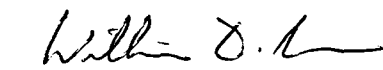
APPROVED AND ADOPTED this 6th day of May, 1993.


Tom Orlando, Mayor

ATTEST:


Ronald L. Kiedrowski
City Clerk

APPROVED AS TO FORM:


William D. Ross
City Attorney

APPROVED AS TO CONTENT:


Ronald L. Kiedrowski
City Manager