

Section 30.2 Provisions for Home Occupations and Cottage Industry (Ord. No. 315-628)

- A. **PURPOSE AND INTENT:** The purpose of this Section is to provide for limited commercial or light manufacturing activity, in conjunction with an existing residential use, when conducted in a manner that will not create nuisances or adversely affect surrounding land uses.

The intent is to provide opportunity for development of low impact commercial uses as home occupations and cottage industries that are necessary to help stimulate a transition and diversification from the traditional timber based economy of Trinity County, with particular emphasis on the most rural portions of the County where economic opportunity is limited. This is achieved by providing residents the ability to utilize their homes as a place of livelihood and for the production or supplementing of personal and family income. Additional benefits include recognition of a significant home industry which exists in the County, and the means to provide commercial services in remote areas where conventional commercial zoning is not available or would not be appropriate.

It is not the intent of this Section to take precedence over the purpose and development standards of the zoning district in which the home occupation use occurs. Commercial activities that could interfere with the management and utilization of resource lands, or adversely affect the residential character of an area are not supported by this section.

- B. **APPLICABILITY:** This Section applies when the zoning alone does not support business activity in conjunction with a residence, either directly or an accessory use. For example, this Section would apply to a proposed home office (lawyer's, realtor's, etc.) in a residential zoning district such as "Rural Residential" (RR). It would not apply to a commercial use, such as a small retail shop or office, in conjunction with a residence located in a commercial zoning district, or an agricultural business and related home office on property zoned "Agriculture" (AG), since in each case the zoning already supports the business activity.
- C. **DEFINITIONS:** Home occupations shall be divided into two categories of uses, minor home occupations and major home occupation-cottage industries. The following definitions for each category are representative of level of activity and potential impact to neighboring uses.
1. **Minor Home Occupation.** Limited commercial or light manufacturing activity conducted in conjunction with and accessory to a legal residential dwelling unit, that is inherently unobtrusive and unlikely to alter the character of the neighborhood nor adversely impact surrounding land uses.
 - a. **Examples of Minor Home Occupations.** Minor home occupations typically include uses which involve infrequent or no visits by clients or customers, need infrequent delivery or shipment of goods, and utilize only a small area of the residence to conduct operations. Such occupations could include, but are not necessarily limited to, the following:

- Artists and sculptors.
 - Dressmaking, sewing, tailoring.
 - Home Crafts for sale off-site.
 - Home office uses including financial services, architectural/drafting/engineering services, data/word processing, billing services, tele-marketing and telephone solicitation.
 - Individual tutoring and instrument instruction.
 - Preserving and home cooking for sale off-site, including catering.
 - State licensed, large and small family day care homes (land use treatment regulated by State law).
 - Small residential care facility.
2. Major Home Occupation-Cottage Industry. Limited commercial or light manufacturing activity conducted in conjunction with and accessory to a legal residential dwelling unit, that is larger and/or more intensive in nature than minor home occupations, yet operates subject to standards that reduce or eliminates undesirable affects to surrounding uses.
- a. Examples of Major Home Occupations. Major home occupations include uses which, due to the nature of the investment or operation, include one or more of the following aspects: require regular visits by clients or customers; need frequent delivery or shipment of goods; conduct regular operations or store materials outside of the residence; have a tendency to create noise, odors, or glare; employ two or more individuals who reside off premises; and, have the potential to rapidly increase in size and intensity. Such occupations could include, but are not necessarily limited to, the following:
- Beauty and barber shops.
 - Commercial firewood operation.
 - Micro-brewery.
 - Organized classes with up to six students at one time.
 - Photography studio.
 - Small medical, dental, or counseling clinic.
 - Small engine or appliance repairs.
 - Upholstering.
 - Vehicle repair and painting.
 - Welding and metal fabrication.
 - Woodworking, including cabinet making.

D. PERMIT REQUIREMENTS:

1. Uses permitted without a use permit. Many home occupation uses are allowed as an accessory use of a residence without need of a use permit. These are typically uses that

could have little or no effect on the surrounding area. The table provided in the following subsection identifies situations where use permit review is needed for home

occupations due to proximity of surrounding homes, the property size, special zoning, and other considerations. Home occupation uses that do not have characteristics identified in the table do not require a use permit (note: general provisions and specific performance standards for home occupations are provided in subsection E & F, and are applicable whether or not a use permit is required).

2. Uses that require a use permit. Home occupation uses having characteristics identified in the following table are subject to first securing either a Planning Director's or Planning Commission issued use permit, prior to commencement of business activity, as follows:

HOME OCCUPATION / COTTAGE INDUSTRY USES	PLANNING DIRECTOR U.P.	PLANNING COM. U.P.
A. MINOR HOME OCCUPATIONS that require a use permit:		
1] Minor home occupation use, except small family day care homes and small residential care facilities, located on a parcel under 5 acres in size and/or located on a shared-privately maintained road or driveway, and involving one or both of the following characteristics: a] Use generates vehicle traffic as provided in Sec. 30.2.F.1.e. b] Use includes employment on-site of an individual as provided in Sec. 30.2.F.1.d.	X	
2] Minor home occupation use conducted in a detached accessory structure that has floor area that exceeds the gross square footage of the related residence on the property.	X	
B. MAJOR HOME OCCUPATIONS that require a use permit:		
1] Major home occupation use located within 500 feet from a single family dwelling located off-site.	X	
2] Major home occupations located in a Plan Review (PR), Scenic Conservation (SC), Flood Hazard (FH), or Recreational District (RD-1) overlay zone.	X	

<p>3] Major home occupation use, located on a parcel under 20 acres in size, that utilizes area outside a building for storage or to conduct all or part of regular business operations.</p>	<p>X</p>	
<p>4] Major home occupation use located on property that has vehicle access provided from/by a shared-privately maintained road or driveway. <i>Required Finding: Adjacent property owners who share use of the road that provides access to the subject property, and/or affected road maintenance association, have been notified of the proposed major home occupation use. The project as conditioned mitigates potential impacts generated from the business to road maintenance and access.</i></p>	<p>X</p>	
<p>5] Major home occupation use located on a parcel under 5 acres in size. <i>Required Finding: The proposed major home occupation use is located on property that is clearly suitable in size to support the subject business activity without adversely affecting the residential character of the surrounding area, or interfering with the management and utilization of resource lands.</i></p>		<p>X</p>
<p>6] Major home occupation use involving retail sales of stocked merchandise, supplies, or products as the <u>primary</u> purpose of the business, and is open to the public. <i>Required Finding: The proposed major home occupation is located in a sparsely populated region of Trinity County which lacks conventional commercial zoning, and the related products and services are needed and will be beneficial to the local community.</i></p>		<p>X</p>
<p>7] Major home occupation use involving primary hours of operation other than those provided in Sec. 30.2.E.7.</p>		<p>X</p>
<p>8] Major home occupation use that satisfies the 2.5% ratio of lot area standard but would exceed 10,000 square feet as provided in Sec. 30.2.F.2.d.</p>		<p>X</p>

- E. GENERAL PROVISIONS: The following general provisions shall apply to all home occupation and cottage industry uses:
1. The home occupation activity shall be clearly incidental and secondary to the use of the property as a primary residence.
 2. The home occupation use shall be owned and conducted by at least one individual residing on the property.
 3. The home occupation use shall not adversely affect the residential character of an area, or interfere with the management and utilization of resource lands.
 4. The home occupation use shall comply with any applicable standards and permit requirements of the County Building Department, Health Department, and local fire protection authority.
 2. The home occupation use shall not discharge or dispose of any materials, fluids, or gases in a manner which is in violation of any applicable government code.
 3. If conflicts occur between this Section and other written provisions of the Zoning Ordinance, the most restrictive shall apply.
 4. The primary hours of operation for home occupations shall be limited to 7:00 am to 8:00 pm Monday through Saturday, and 8: am to 5:00 pm Sundays. No employee or customer traffic, deliveries, noise, or other aspects of the home occupation that are noticeable from neighboring residences are permitted after primary hours, unless other hours are conditioned by use permit.
 5. Sufficient room shall be available on-site to provide automobile parking for customers, clients, and/or employees related to a home occupation use, in addition to that parking required for the residential use on the property. The following parking standards shall apply to all home occupation uses:
 - a. One additional parking space shall be provided for each employee who resides off-site from the business.
 - b. One additional parking space shall be provided for each 500 square feet of ground or floor area utilized by customers or clients.
 6. A proposed home occupation use which has characteristics that exceed the specific performance standards provided for Minor Home Occupations (Subsection 30.2 F.1) shall qualify as a major home occupation and be subject to the specific standards and permit requirements for a major home occupation use.

7. All home occupation uses shall be subject to the same property line setback standards as provided in Section 30.4 (Accessory Buildings and Uses) of this Ordinance.
8. The storage and/or maintenance of four or more commercial vehicles (3 axles or 6,000 + GVW), and/or heavy equipment (10,000 + GBW) for use in a business conducted primarily off site (logging, construction, well drilling, etc.), shall be subject to the specific standards and permit requirements for a major home occupation use.
9. Large and small family day care homes, and small residential care facilities, that are licensed by the State Department of Social Services shall qualify as a minor home occupation use (local land use treatment regulated by State law).

F. SPECIFIC PERFORMANCE STANDARDS:

1. Minor Home Occupations. The following standards shall apply to minor home occupation uses:
 - a. Minor home occupations may be allowed in all zoning districts in conjunction with a dwelling unit that exists legally.
 - b. Minor home occupations shall be conducted completely within a residence or permitted accessory structure, excepting outside play areas related to family day care homes.
 - c. Minor home occupation uses shall not produce excessive noise or obnoxious odors, vibrations, glare, fumes, or electrical interference detectable to normal human sensory perception outside the structure, including transmittal through vertical or horizontal party walls.
 - d. A minor home occupation or combination of minor home occupations on a single site may include employment of no more than one (1) individual who resides off-site, who reports to the property and is engaged in the related business activity occurring on the site, and receives financial or other compensation for services rendered.
 - e. A minor home occupation use or combination of minor home occupations on a single site shall not involve more than two (2) vehicles visiting the site at any one time or exceed an average of six (6) vehicles a week. This provision shall apply to vehicles used by customers, clients, and shipping/delivery services.
 - f. Signage shall be limited to one "Residential Nameplate Sign" as provided in Section 30.1 (Sign Standards).

2. MAJOR HOME OCCUPATIONS: The following standards shall apply to major home occupations/cottage industry uses:
 - a. Major home occupation uses shall be allowed only in the “Unclassified” (UNC), “Rural Residential” (RR), “Agricultural” (A), and “Agricultural Forest” (AF) zoning districts on parcels larger than one acre in size, in conjunction with a dwelling unit that exists legally.
 - b. Major home occupation uses shall not generate noise which exceeds 55 dBA as measured at the property line during allowable hours of operation. Noise originating from the major home occupation shall not be noticeable or exceed 32 dBA as measured at the property line after allowable hours of operation.
 - c. Major home occupation uses that utilize areas outside a building for storage or to conduct all or part of regular business operations, shall be situated and/or screened by fencing or landscaping, in a manner not to create a visual nuisance to surrounding uses.
 - d. A major home occupation use, or combination of such uses on a single property, shall not occupy more than 2.5% of the gross lot area, up to a maximum of 10,000 total square feet. Larger area that satisfies the 2.5% ration of lot area, but exceeds 10,000 square feet, may be allowed upon issuance of a use permit by the Planning Commission.
 - e. Signage shall be limited to one “Appurtenant Sign” as provided n Section 30.1 (Sign Standards).
 - f. Major home occupation uses may include employment of a maximum of three (3) individuals who reside off-site, who report to the property and are engaged in the related business activity occurring on the site, and receive financial or other compensation for services rendered.

- G. PRE-EXISTING USES: Home occupation uses that existed prior to adoption of this Section are subject to the provisions of Section 33.0 (Nonconforming Uses). The Planning Director shall use the following criteria to establish if a home occupation qualifies as a legal nonconforming use:
 1. Home occupation uses established on property zoned “Unclassified” (UNC) prior t March 6, 1985 shall qualify as legal, pre-existing, nonconforming use.

2. Home occupation uses that do not qualify for Subsection G.1 above, may apply within 12 months of adoption of this Section (date provided here) for a Planning Director's Issued Use Permit, to qualify for a special pre-existing use status. The use permit shall be issued only if the Planning Director determines, after notification of surrounding property owners, that the home occupation use does not present a nuisance to surrounding residences and is consistent with the intent of this Section. The use permit may be conditioned, at the discretion of the Planning Director, to address the specific needs of the business and/or to reduce or eliminate potential impacts from the business on the surrounding area. At expiration of the 12 month special pre-existing use status period, home occupation uses that do not qualify for Subsection G.1 above shall fully comply with the provisions of this Section, unless additional time is established by action of the Board of Supervisors.