



Home Occupation Supplement

HOME OCCUPATION (HOC) - A home occupation is a business conducted within the dwelling portion of a residence by the occupants of the residence, and, in the case of cottage food operations, by a cottage food employee. The purpose of this supplement is to provide the Planning and Development Department with additional information that is necessary to determine that the proposed home occupation complies with:

- The definition of a home occupation.
- The requirements of the County zoning ordinance.
- All other applicable requirements of the County Code and state regulations.

THIS PACKAGE CONTAINS

- ✓ **DEVELOPMENT AND OPERATIONAL STANDARDS FOR HOME OCCUPATIONS**
- ✓ **HOME OCCUPATION SUPPLEMENTAL INFORMATION**
- ✓ **COUNTY LAND USE AND DEVELOPMENT CODE REGULATIONS FOR HOME OCCUPATIONS (SECTION 35.42.190)**

AND, IF ✓'D, ALSO CONTAINS

- HAZARDOUS MATERIAL AND WASTE SUPPLEMENT**

<http://www.countyofsb.org/uploadedFiles/plndev/Content/Permitting/Hazardous%20Waste%20Materials%20Supplement%20Form.pdf>

*****Filing an application does not guarantee issuance of a permit for a Home Occupation.*****

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DEVELOPMENT AND OPERATIONAL STANDARDS FOR HOME OCCUPATIONS

Home occupations, which are generally defined as commercial business activities conducted within a residence by occupants of the residence, may be permitted in any residence in any zone. Home occupations must be strictly secondary and subordinate to the primary residential use and may not change or have a detrimental effect on the residential character of the residence, the lot that contains the home occupation, or the neighborhood. The zoning ordinances include development and operational standards (summarized below) that apply to all home occupations. The purpose and intent of these standards is to ensure that the home occupation is secondary and subordinate to the primary residential use and to prevent any adverse effects or nuisances that could result from the home occupation from interfering with the residential enjoyment of surrounding residential properties. Certain home occupations qualify as cottage food operations that are allowed by State law (California Health and Safety Code Section 113758) and are governed by a different set of regulations than those that apply to home occupations that do not qualify as cottage food operations.

Permit requirement. Either a Coastal Development Permit (for locations within the Coastal Zone) or a Land Use Permit (for locations outside the Coastal Zone) must be issued by the Planning and Development Department before commencing a home occupation unless the home occupation qualifies for an exemption as described in Section C. (Home occupations that do not require a Coastal Development Permit or a Land Use Permit), below.

Notice and appeal. Prior to approval of the application for the home occupation, the Planning and Development Department will mail notice of the application to all owners of lots located within 300 feet of the proposed site of the home occupation, and, if the site of the home occupation is located in the Coastal Zone, to all occupants living within 100 feet of the proposed site of the home occupation. The decision of the Planning and Development Department to approve, conditionally approve or deny either a Coastal Development Permit or a Land Use Permit may be appealed to the Planning Commission within the 10 days following action on the permit.

Notice to Property Owner. A *Notice to Property Owner* document certifying that the home occupation will be conducted in compliance with the applicable development standards and any other conditions that may be attached to the permit must be recorded by the property owner prior to the issuance of a Coastal Development Permit or Land Use Permit.

The regulations that apply to home occupations in Santa Barbara County are summarized below. For the specific regulations please refer to either Section 35.42.190 of the County Land Use and Development Code, Section 35.442.130 of the Montecito Land Use and Development Code, or Section 35-121 of the Article II Coastal Zoning Ordinance. Section 35.42.190 of the County Land Use and Development Code is attached for your convenience.

A. Home occupations other than cottage food operations. The following is a summary of the development and operational standards that apply to home occupations that do not qualify as cottage food operations.

1. Allowed number and location.

- Only home occupation is allowed within any one residence, and only one cottage food operation is allowed on a single lot.
- The home occupation must be conducted entirely within one room of the dwelling portion of the residence or entirely within an artist studio, and may not utilize any

portion of a garage for any aspect of the home occupation including storage.

- A home occupation may not be conducted outside of the residence or the artist studio, and materials and supplies related to the home occupation may not be stored outdoors.

2. **Employees.**

- No employees other than occupants of the residence are allowed on the lot that contains the home occupation.
- The home occupation may have off-site employees or partners provided they do not report for work at the lot that contains the home occupation. This includes dispatching employees from the residence where the employees come to the site.

3. **Building alterations.** Alterations to the residence to accommodate the home occupation are allowed provided that such alterations are customarily found in residential structures, and the existence of the home occupation is not apparent from the exterior of the residence.

4. **Advertising and displays.**

- All advertising for the home occupation (e.g., newspaper, telephone directories or other printed material) or on equipment or vehicles associated with the home occupation shall not divulge the location of the home occupation; however, business cards and letterhead may list the address of the home occupation.
- Displays of merchandise and signs naming or advertising the home occupation are not allowed either on or off the lot that contains the home occupation. Vehicles are allowed to display advertising provided it is not visible from off-site when parked at the residence.

5. **Limitations on clients, customers, etc.** No more than five clients, customers, patients, students or other persons served by the home occupation may be present at any one time except for in-home retail sales as allowed by Section C.1, below.

6. **Deliveries.** Business-related deliveries are limited to a maximum of two per week; however, United States Mail and commercial parcel carriers' deliveries are not subject to this limitation.

7. **Nuisances.**

- The home occupation may not create any visible or audible radio or television interference, or noise that is audible off the lot that contains the home occupation.
- Noise levels associated with the home occupation shall not exceed 65 dBA outside the residence that contains the home occupation.
- No smoke or odor shall be emitted by any activities associated with the home occupation.

8. Parking.

- Vehicles and trailers used in the home occupation may not be parked on the lot that contains the home occupation unless they are also accessory to the residential use of the lot, i.e., are used by people residing on the lot.
- The home occupation may not create a greater demand for parking than can be accommodated either onsite or on the street frontage abutting the lot that contains the home occupation.

9. Hazardous materials and liquid waste disposal.

- No hazardous materials other than those commonly found within a residence shall be used or stored on the site.
- Hazardous materials and equipment shall be limited to quantities that do not constitute a fire, health, or safety hazard.
- If the residence or artist studio is served by a septic system, clearance from the County Public Health Department, Environmental Health Services Division (805-681-4900) must also be obtained.

10. Traffic. A home occupation shall not create vehicular or pedestrian traffic that changes the residential character of the neighborhood or the residence where the business is being conducted.

B. Home occupations that qualify as Cottage Food Operations. The following is a summary of the development and operational standards that apply to home occupations that qualify as cottage food operations. In addition to these development and operational standards, a cottage food operation must also comply with California Health and Safety Code Section 113758. Additionally, as required by Section 114365 of the California Health and Safety Code, the cottage food operation must be registered with or permitted by the County Public Health Department. Prior to the issuance of a Coastal Development Permit or Land Use Permit for the cottage food operation, the cottage food operator must provide proof of receipt of registration or a permit from the County Public Health Department, Environmental Health Services Division (805-681-4900).

1. Allowed number and location.

- Only one cottage food operation is allowed within any one residence, and only one cottage food operation is allowed on a single lot.
- No portion of the cottage food operation including sales and storage shall occur within any parking spaces required for the residence.

2. Allowed location within the residence.

- All food preparation, packaging, sales, storage and handling of cottage food products and related ingredients, and equipment, must be located within the residence's private kitchen.
- Additionally, one or more attached rooms within the residence may be used exclusively for storage of materials and supplies.

3. Cottage food operators and employees.

- The cottage food operation must be conducted by the cottage food operator within the operator's primary residence.
- One full-time equivalent employee as defined by California Health and Safety Code Section 113758(b)(1) may participate in a cottage food operation in addition to individuals that occupy the residence as their primary residence.

4. Parking.

- Parking of vehicles and trailers associated with the cottage food operation must comply with all applicable parking regulations.
- Parking spaces that are required for the residence may not be used by customers and non-resident cottage food employees.
- On lots zoned single-family residential (R-1/E-1) or two-family residential (R-2), overnight parking of commercial vehicles must comply with the limitations on the parking of commercial vehicles. (Section 35.36.100.B.2 of the County Land Use and Development Code, Section 35.436.090.B of the Montecito Land Use and Development Code, or Section 35-71.11 of the Article II Coastal Zoning Ordinance)
- The cottage food operation may not create a greater demand for parking than can be accommodated either onsite or on the street frontage abutting the lot that contains the cottage food operation.

5. Sales and hours of operation.

- Within the Montecito Community Plan area, food items may only be sold, or offered for sale, from the residence to customers present at the residence between the hours of 9:30 a.m. to 3:30 p.m.
- Outside the Montecito Community Plan area, food items may only be sold, or offered for sale, from the residence to customers present at the residence between the hours of 9:00 a.m. to 6:00 p.m.

6. Solid waste. All containers for food waste must comply with Section 17-8 (Containers) of Chapter 17 (Solid Waste Services) of the County Code.

7. Traffic. A cottage food operation may not create vehicular or pedestrian traffic that changes the residential character of the neighborhood or the residence where the business is being conducted.

C. Home occupations that do not require a Coastal Development Permit or a Land Use Permit. A Coastal Development Permit or Land Use Permit is not required for home occupations that comply with all of the development and operational standards listed above for the specific type of home occupation, and all of the following:

1. Clients or customers are not served at the location of the home occupation except for in-home retail sales provided that these sales do not exceed four times within a calendar year and that there are no more than 25 customers at each sales event.

2. Business advertisements, except for business cards and letterhead, do not list the address of the artist studio or residence in which the home occupation occurs.
3. All business transactions occurring on the premises occur by computer modem, FAX, internet, telephone, written correspondence or other telecommunication medium.

D. Applicable definitions.

1. **Cottage Food Employee.** An individual, paid or volunteer, who is involved in the preparation, packaging, handling, and storage of a cottage food product, or otherwise works for the cottage food operation. An employee does not include an immediate family member or household member of the cottage food operator.
2. **Cottage Food Operation.** A commercial enterprise conducted within the registered or permitted area of a residence where the cottage food operator, as defined by California Health and Safety Code Section 113758, resides and where cottage food products are prepared or packaged for direct, indirect, or direct and indirect sale to consumers in compliance with California Health and Safety Code Section 113758.
3. **Cottage Food Operator.** An individual who operates a cottage food operation in his or her private home and is the owner of the cottage food operation.
4. **Cottage Food Products.** Non-potentially hazardous foods, including foods that are described in California Health and Safety Code Section 114365.5 and that are prepared for sale in the kitchen of a cottage food operation.
5. **Direct Sale.** A transaction between a cottage food operation operator and a consumer, where the consumer purchases the cottage food product directly from the cottage food operation. Direct sales include transactions at holiday bazaars or other temporary events, such as bake sales or food swaps, transactions at farm stands, certified farmers' markets, or through community-supported agriculture subscriptions, and transactions occurring in person in the cottage food operation.
6. **Indirect sale.** An interaction between a cottage food operation, a third-party retailer, and a consumer, where the consumer purchases cottage food products made by the cottage food operation from a third-party retailer that holds a valid permit issued pursuant to California Health and Safety Code Section 114381. Indirect sales include, but are not limited to, sales made to retail shops or to retail food facilities where food may be immediately consumed on the premises.
7. **In-home Retail Sales.** A type of direct sales occurring within a residence in which sellers operate either from their primary residence or the homes of customers.
8. **Private Home.** A dwelling, including an apartment or other leased space, where individuals reside.
9. **Registered or Permitted Area.** The portion of a private home that contains the private home's kitchen used for the preparation, packaging, storage, or handling of cottage food products and related ingredients or equipment, or both, and attached rooms within the home that are used exclusively for storage.

HOME OCCUPATION SUPPLEMENTAL INFORMATION

Please complete this form; attach additional sheets if necessary and reference the question number.

1. Describe the proposed business that will be conducted from your residence:

2. In what room(s) of the dwelling portion of the residence (not including garages) will the business be conducted?

3. Are there other businesses being conducted from this location at this time? If the residence is an apartment or condominium then, location refers to all the residences within the apartment or condominium complex. Yes No If yes, describe where the other businesses are located below:

4. Are structural alterations to the residence required to accommodate the proposed business?
 Yes No If yes, describe the proposed structural alterations below:

5. Is any special equipment, materials, tools, etc. required to operate the business?
 Yes No If yes, describe the special equipment, materials, tools, etc. below:

6. Where will the items listed above be stored? If off premise, describe the location below:

7. Will any materials and supplies be kept on-site? Yes No If yes, complete the following:

a. Type of materials and supplies:

b. Quantity of the materials and supplies:

c. On-site storage location:

d. Time of day or night pick-up and delivery is expected:

e. Frequency of pick-up and delivery:

f. Method of delivery and pick-up:

8. Does business produce a product? Yes No If no, skip to Question 8. If yes, complete the following:

a. Does the product require assembly, wrapping, compounding, and/or labeling before delivery to customers? Yes No If yes, describe below:

b. Are any hazardous materials used in the production of the product? Yes No

If yes, complete and attach a *Hazardous Material and Waste Supplement* to your application.

c. Does the production of the product create any audible or visible radio or television interference, odors, noise, or smoke? Yes No If yes, describe below:

9. Does the business have employees? Yes No If no, skip to Question 10.

If yes, complete the following:

a. How many employees work on-site? _____

b. How many of the employees are permanent residents of the residence? _____

c. Does the business employ a Cottage Food Employee who does not live in the residence?
 Yes No

d. Does the business have employees that work off-site? Yes No If yes, describe where the employees work below:

10. Do you maintain another office or business location? Yes No If yes, provide the location below:

11. Will customers be coming to the residence? Yes No If yes, provide the address below:

a. How many at a given time? _____

b. Hours of operation: _____

c. By appointment? Yes No

d. Where would they park? _____

If on-site parking is provided, attach a drawing showing the location and number of spaces.

12. Describe any product demonstrations on the property.

13. Do sales occur at the residence? Yes No

If yes, is your business an in-home retail sales home occupation? Yes No

If yes, how many times per year will in-home retail sales occur at a single residence?

14. Do you advertise your business? Yes No If yes, describe all methods of advertising below:

15. Does your business require the use of a commercial vehicle? Yes No If yes, list how many and where they will be parked below:

16. Is the residence served by an individual sewage disposal system (septic system)?
 Yes No If yes, written clearance from the Public Health Department is required prior to approval of the Coastal Development or Land Use Permit.

17. Does the business qualify as a Cottage Food Operation? Yes No If yes, proof of receipt of registration with or permit from the Public Health Department is required prior to issuance of the Coastal Development or Land Use Permit.

18. Does your business require a license from any governmental agency, professional organization or trade group? Yes No
If yes, identify each agency, etc., and indicate if the issuance of a Coastal Development Permit or Land Use Permit by the Planning and Development Department is required prior to issuance of the license.

ATTACHMENT**County Land Use and Development Code Regulations for Home Occupations****Section 35.42.190 - Home Occupations.**

- A. Purpose and applicability.** This Section provides development and operational standards for home occupations where allowed by Article 35.2 (Zones and Allowable Land Uses). The intent is to prevent any adverse effects on the residential enjoyment of surrounding residential properties.
- B. Applicability.** The provisions of this Section shall apply to all home occupations which include Cottage Food Operations and In-home Retail Sales. Home occupations may be permitted in any dwelling in any zone including nonconforming dwellings.
- C. Permit requirements.**
1. Before the commencement of a home occupation within a dwelling or artist studio, a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) shall be issued for the home occupation unless the occupation qualifies for an exemption as stated in Subsection E. (Exceptions to permit requirements for home occupations) below.
 - a. Special processing requirements for applications for cottage food operations.** The following special processing requirements apply to applications for Land Use Permits for home occupations that qualify as cottage food operations.
 - (1) Notice.** Notice of the submittal of the application and pending decision of the Zoning Administrator shall be given in compliance with Section 35.106.110 (Land Use Permits).
 - (2) Hearing not required.** The Zoning Administrator shall review the application for compliance with the Comprehensive Plan and any applicable community or area plan, this Development Code, and other applicable conditions and regulations, and approve, conditionally approve, or deny the application in compliance with Section 35.82.110 (Land Use Permits). A public hearing shall not be required.
 - (3) Appeal.** The action of the Zoning Administrator is final subject to appeal in compliance with Chapter 35.102 (Appeals).
 2. Prior to the issuance of a Land Use Permit in compliance with Section 35.82.110 (Land Use Permits) for a home occupation within a dwelling or artist studio, a Notice to Property Owner certifying that the home occupation will be conducted in compliance with the development standards of Subsection D. (Development standards) below, and any other conditions as may be made part of the Land Use Permit shall be recorded by the property owner.
- D. Development standards.**
1. **Home occupations other than cottage food operations.** A home occupation shall comply with all of the following development standards, except that if the home occupation qualifies as a cottage food operation then the development standards of Subsection D.2 (Cottage food operations) shall apply instead.
 - a. Only one home occupation shall be allowed on any one lot. The home occupation shall be conducted either entirely within not more than one room of the dwelling, not including garages, or entirely within an artist studio. A home occupation may not be conducted outside of the dwelling or the artist studio.
 - b. The home occupation shall not alter the residential character of the dwelling or the lot that contains the home occupation. There shall be no internal or external alterations to the dwelling that are not customarily found in residential structures, and the

- existence of the home occupation shall not be discernible from the exterior of the dwelling.
- c. The home occupation shall be conducted solely by the occupant(s) of a dwelling located on the lot that contains the home occupation. No employees other than the dwelling occupant(s) shall be permitted for business purposes on the lot that contains the home occupation. The home occupation may have off-site employees or partners provided they do not report for work at the lot that contains the home occupation.
 - d. No displays or signs naming or advertising the home occupation shall be permitted on or off the lot that contains the home occupation. All advertising for the home occupation (e.g., telephone directories, newspaper or other printed material) or on equipment or vehicles associated with the home occupation shall not divulge the location of the home occupation. Business cards and letterhead may list the address of the home occupation.
 - e. There shall be no more than five customers, patients, clients, students, or other persons served by the home occupation upon the lot that contains the home occupation at any one time except for in-home retail sales as allowed in compliance with Subsection E.1.a, below.
 - f. A home occupation shall not use electrical or mechanical equipment that would create any visible or audible radio or television interference or create noise audible beyond the boundaries of the lot that contains the home occupation. Noise levels associated with the home occupation shall not exceed 65 dBA outside the dwelling that contains the home occupation.
 - g. No smoke or odor shall be emitted that occurs as a result of the home occupation.
 - h. There shall be no outdoor storage of materials related to the home occupation.
 - i. No vehicles or trailers, except those incidental to the residential use and those allowed under Subsection 35.36.100.B.2 (Overnight parking of commercial vehicles), shall be kept on the lot that contains the home occupation.
 - j. A home occupation shall be strictly secondary and subordinate to the primary residential use and shall not change or detrimentally affect the residential character of the dwelling, the lot that contains the home occupation, or the neighborhood.
 - k. Where a home occupation will be conducted within a dwelling or artist studio that relies on a septic system, written clearance from the Public Health Department shall be required prior to approval of the Land Use Permit in compliance with Section 35.82.110 (Land Use Permits).
 - l. No hazardous materials other than those commonly found within a residence shall be used or stored on the site. Hazardous materials and equipment shall be limited to quantities that do not constitute a fire, health, or safety hazard.
 - m. Business-related deliveries shall be limited to a maximum of two per week. United States Mail and commercial parcel carriers' deliveries shall be exempt from this limitation.
 - n. A home occupation shall not create vehicular or pedestrian traffic that changes the residential character of the neighborhood and dwelling unit where the business is being conducted, or create a greater demand for parking than can be accommodated onsite or on the street frontage abutting the lot that contains the home occupation.
- 2. Cottage food operations.** A cottage food operation shall comply with all of the following development standards.
- a. Allowed locations.**
 - (1) No more than one cottage food operation shall be allowed within any one

dwelling unit.

(2) Only one cottage food operation may be allowed on a lot.

- b. Allowed location within the dwelling and the lot containing the cottage food operation.** All food preparation, packaging, sales, storage and handling of cottage food products and related ingredients, and equipment, shall be located within the registered or permitted area consisting of the dwelling's private kitchen and one or more attached rooms within the dwelling in which the cottage food operation is operated that are used exclusively for storage.
- (1) No portion of the cottage food operation including sales and storage shall occur within any parking area required in compliance with Chapter 35.36 (Parking and Loading Standards).
- c. Cottage food operators and cottage food employees.**
- (1) The cottage food operation shall be conducted by the cottage food operator within the dwelling where the cottage food operator resides as their primary residence. Said dwelling shall be a legally established dwelling.
- (2) One full-time equivalent employee as defined by California Health and Safety Code Section 113758(b)(1) may participate in a cottage food operation in addition to those individuals residing within the dwelling as their primary residence.
- d. Parking.** All parking of vehicles and trailers associated with the cottage food operation on the lot on which the cottage food operation occurs shall be maintained in compliance with Chapter 35.36 (Parking and Loading Standards).
- (1) Customers and non-resident cottage food employees shall not park their vehicles within or upon a parking space that is required to satisfy the parking requirement for the primary use of the lot.
- (2) On R-1/E-1 and R-2 zoned lots, the overnight parking of commercial vehicles on the lot shall be in compliance with Subsection 35.36.100.B.2 (Overnight parking of commercial vehicles).
- e. Sales.** Food items may only be sold, or offered for sale, from the dwelling to customers present at the dwelling between the hours of 9:00 a.m. to 6:00 p.m.
- f.** All waste containers shall be in compliance with Section 17-8 (Containers) of Chapter 17 (Solid Waste Services) of the County Code.
- g.** A cottage food operation shall not create vehicular or pedestrian traffic or other public nuisance that changes the residential character of the neighborhood and dwelling unit where the business is being conducted, or create a greater demand for parking than can be accommodated onsite or on the street frontage abutting the lot on which the home occupation occurs.
- h.** The cottage food operation shall at all times be conducted in compliance with:
- (1) The conditions and limitations of this Subsections D.2. and any other conditions and/or limitations that may be part of the Land Use Permit issued to allow the cottage food operation.
- (2) California Health and Safety Code Section 113758.
- (3) All other applicable State and County laws, regulations and requirements.
- i.** The cottage food operation shall be registered or permitted by the County Public Health Department in compliance with Section 114365 of the California Health and Safety Code. Prior to the issuance of a Land Use Permit for a cottage food operation the cottage food operator shall present proof of receipt of registration or permit for the

cottage food operation from the County Public Health Department.

E. Exceptions to permit requirements for home occupations. A Land Use Permit shall not be required for home occupations that are in compliance with all of the following criteria:

1. The development standards of Subsection D.1 or D.2, above, as applicable to the specific home occupation except that:
 - a. Clients or customers shall not be served at the lot that contains the home occupation except for in-home retail sales provided that these sales do not exceed four times within a calendar year and that there are no more than 25 customers at each sales event.
 - b. Business advertisements, except for business cards and letterhead, shall not list the address of the artist studio or dwelling in which the home occupation occurs.
 - c. Business transactions occurring on the lot that contains the home occupation shall occur by internet, telephone, facsimile, computer modem or other telecommunication medium, or written correspondence.

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