

CITY OF

303 EAST B STREET, CIVIC CENTER ONTARIO



ONTARIO

CALIFORNIA 91764-4105

(909) 395-2000
FAX (909) 395-2070

PAUL S. LEON
MAYOR

RUBEN VALENCIA
MAYOR PRO TEM

ALAN D. WAPNER
JIM W. BOWMAN
DEBRA DORST-PORADA
COUNCIL MEMBERS

SCOTT OCHOA
CITY MANAGER

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
TREASURER

RE: HOME OCCUPATION PERMIT

Dear Applicant:

In an effort to improve customer service and insure development projects are processed as quickly as possible, the Planning Department finds it necessary to remind its clients that complete application submittals are crucial to the plan review process. In the past, accepting incomplete applications has led to errors and time delays at the end of the review process. I do not want this to happen to you.

Consequently, the Planning Department staff will only accept complete applications at time of submittal. All items listed on the enclosed *Home Occupation Permit Application Form* and the *Minimum Filing Requirements* must be provided before the Planning Department counter staff can accept your application for filing. Please review these minimum requirements prior to submitting your application, as counter staff do not have the authority to waive these requirements.

Please remember that failure to provide all of the required plans and information will result in significant time delays in the processing of your application. If you have any questions regarding the necessity of any particular item on the *Home Occupation Permit Application Form* or the *Minimum Filing Requirements*, please feel free to contact the Planning Department counter supervisor to discuss your questions.

The Planning Department looks forward to a continued efficient and professional relationship with you in the future. If you have any questions, comments, or concerns regarding this matter, please feel free to contact the Planning Department at (909) 395-2036.

Respectfully,



Cathy Wahlstrom
Planning Director

ATTENTION!

The City of Ontario strives to provide you with efficient and effective service in a businesslike manner. We are committed to the principle that every interaction you have with the City must be based on honesty and integrity.

City employees are prohibited by law from soliciting or accepting money, services, or gifts of any kind in connection with the discharge of their duties.

If you are approached or are aware of any violation of this policy, please immediately contact any of the following:

Scott Ochoa, City Manager (909) 395-2396 or sochoa@ontarioca.gov
Derek Williams, Police Chief..... (909) 395-2710 or dwilliams@ontarioca.gov
Ethics Line.....(800) 500-0333



City of Ontario
Planning Department
303 East B Street
Ontario, California 91764
Phone: 909.395.2036
Fax: 909.395.2420

Home Occupation Permit Application Minimum Filing Requirements

WHAT IS A HOME OCCUPATION PERMIT AND WHEN IS IT REQUIRED?

A Home Occupation Permit is required when the establishment of a home-based business is being requested by the resident. The Permit is designed to ensure that the home-based business will not have an adverse impact on the surrounding residential district. Home Occupation regulations have been established to avoid excessive pedestrian and automobile traffic, noise, and indoor and outdoor storage. In addition, signs and advertising that draw attention to the property are prohibited.

WHY ARE HOME OCCUPATION REGULATED?

The purpose in regulating commercial activities in residential dwellings is to ensure compatible uses which do not add significant traffic, noise, or other environmental conditions, such as odors, smoke, glare, dust, fumes, or vibration.

WHAT TYPES OF OCCUPATIONS QUALIFY AS A HOME OCCUPATION?

The following are examples of service occupations that may be established as a home-based business:

- Office and studio uses, such as accountant, urban planner, architect, surveyor, artist, attorney, author, ceramist, clergyman, engineer, interior designer, landscape architect, musician, photographer, teacher or tutor (no more than 3 pupils), or other practitioners in similar services; and
- Service uses, such as dressmaking, handicrafts, tailoring, millinery, nameplate making, home cooking, baking or preserving, telephone/mail services, and other similar service-based businesses.

WHEN DOES A HOME OCCUPATION PERMIT EXPIRE?

A Home Occupation Permit remains in effect for as long as the conditions of approval set forth in the approved permit are complied with, and as long as the home-based business remains at the same location. Should you move and relocate within the City of Ontario, you will be required to apply for a new Home Occupation Permit and Business License for the new location.

Furthermore, a Home Occupation Permit may be revoked by the Zoning Administrator, if it is determined that any conditions of approval are not being complied with.

MINIMUM FILING REQUIREMENTS CHECKLIST

- Completed *Home Occupation Permit Application Form*.
- Completed *Business License Application*.



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Planning Department
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Home Occupation Permit Application Form

GENERAL INFORMATION

Property Owner: _____

Address: _____

Phone: _____

Email: _____

Applicant: _____

Address: _____

Phone: _____

Email: _____

For Staff Use Only

File No.: _____

Submitted: _____

Rec'd By: _____

Action:

Approved Denied

By: _____

Date: _____

Homeowner

Renter, Boarder or Lessee (*the property owner's signature will be required on this application*)

Note: Provide written proof of residency, such as driver's license or other legal identification, or utility bill, which contains the property address.

BUSINESS DESCRIPTION

Fully describe the proposed business activity (be specific): _____

List all materials and equipment to be used and/or stored on the property in conjunction with the business: _____

List all vehicles (including trailers) to be used and/or parked on the property in conjunction with the business: _____

Home Occupation Permit Application Form

Specify the size of the portion of the dwelling devoted to the home occupation: _____ square feet.

Number of rooms in the dwelling devoted to the home occupation: _____.

Percent of the dwelling floor area devoted to the home occupation: _____ %.

Number of employees: _____.

Does the business employ anyone other than members of the family that live in the home? Yes No

HOME OCCUPATION REGULATIONS (DEVELOPMENT CODE SECTION 5.03.240)

A. Purpose. The purpose of these provisions is to allow for the operation of home-based businesses that are incidental to and compatible with residential land uses. A Home Occupation represents a legal income producing activity by the occupant of a residential dwelling unit.

B. Applicability.

1. License Required. No person shall engage in a Home Occupation unless such person holds a valid business license issued by the City.

2. Prohibited Uses. The following list represents example uses that are not considered to be incidental to and/or compatible with residential activities, and for which a Home Occupation permit shall not be issued:

- a. Gun/munitions repair or sales;
- b. Ammunition loading or sales;
- c. Barber and beauty shops;
- d. Businesses involving the harboring, training, breeding, raising or grooming of cats, dogs or other animals on the premises;
- e. Carpentry and cabinet making;
- f. Medical and dental offices or clinics;
- g. Repair or fix-it shops;
- h. Storage of equipment, materials and other accessories to the construction or service trades;
- i. Motor vehicle repair (body or mechanical), upholstery or painting;
- j. Welding or machining;
- k. On-site sales of motor vehicles (new or used);
- l. Massage services, excepting out-call services;
- m. Mobile motor vehicle service and repair; such as detailing and vehicle repair; and
- n. Any other use determined by the Zoning Administrator that is not incidental to and/or compatible with residential activities.

C. Operating Requirements. Home Occupations shall comply with the following operating standards:

- 1. A Home Occupation shall be clearly incidental and subordinate to the primary residential use.
- 2. Only the occupants of the dwelling may engage in the Home Occupation.
- 3. Not more than one client/customer shall visit the premises at any one time, excepting in-home educational activities, including, but not limited to, music lessons, academic tutoring or religious instruction, provided no more than 3 students are present at any one time and each of the operating requirements enumerated herein are complied with.
- 4. There shall be no change in the outward appearance of the premises.
- 5. There shall be no advertising that identifies the home occupation by street address.

6. No on premise signs advertising the location of the business shall be permitted.

7. The Home Occupation shall be conducted within an enclosed structure, completely confined to one room of the dwelling and occupying no more than 10 percent of the gross floor area of the dwelling, except as follows:

a. Floriculture may be conducted outdoors in conjunction with a single-family dwelling located in the appropriate zoning district. All activities shall take place within the rear one-half of the lot and occupy no more than 10 percent of the net lot area.

b. Within the AR zoning district, kennels and catteries shall be conducted in conjunction with a single-family residential land use, within the rear one-half of the lot, and all applicable requirements of Section 5.03.040 (Animal Production and Related Uses) of this Division shall be complied with.

8. Only one vehicle specifically associated with the Home Occupation, no larger than a one-ton pick-up truck or van, may be maintained on the property.

9. There shall be no use or storage of materials, chemicals, compounds or equipment not typically recognized as being part of a normal household or hobby use.

10. Activities conducted, and equipment or material used, shall not change the fire safety or occupancy classifications of the premises.

11. The Home Occupation shall not generate vehicular or pedestrian traffic in greater volumes than normal in a residential neighborhood.

12. The home occupation shall not involve the use of commercial vehicles for delivery of materials either to or from the premises, excepting the use of standard parcel delivery services.

13. No equipment or processes shall be used that creates noise, odor, smoke, glare, dust, fumes, vibration, or result in interference with radio or television reception detectable to the normal senses outside the dwelling unit in which the Home Occupation is conducted.

14. If the Home Occupation is to be conducted on rental property, the property owner's written authorization shall be provided on the home occupation application.

15. No home occupation shall be conducted without a current City business license.

D. Internet, Direct Mail, and Telephone Retail Sales.

1. Direct business to consumer retail sales via internet, direct mail or telephone, including wine sales (Type 85 ABC license) conducted pursuant to BPC Sections 23393.5, 23661.7, 24045.18, 25503.56, and 25503.9, shall be permitted as a Home Occupation from a residential premises.

2. No items intended for retail sale shall be stored on the premises, or packaged and shipped from the premises, in quantities greater than typical for single-family dwellings.

3. The business premises shall not be open to the public for the purchase or pickup of retail items.

E. Change in Information or Circumstance. If during the life of a home occupation, the applicant has any change in information or circumstance concerning the original application, notification shall be made to the Planning Department, in writing, within 30 days of the change occurring.

F. Inspections. Authorized representatives of the City's Planning Department, Police Department, Building Department, Fire Department, and/or Code Enforcement Officers shall have the right to enter the property upon which a home occupation permit has been granted, during normal business hours, for the purpose of making reasonable unscheduled inspections to observe and enforce compliance with applicable regulations, laws and provisions of this Development Code and the Ontario Municipal Code.

APPLICANT CERTIFICATION

I, the undersigned, certify and say that I am the applicant in the foregoing application, that I have read the foregoing application and know the content thereof, and state that the same is true and correct to the best of my knowledge and belief.

Furthermore, I hereby agree to defend, indemnify, and hold harmless the City of Ontario or its agents, officers, and employees, from any claim, action or proceeding against the City of Ontario or its agents, officers or employees, to attack, set aside, void, or annul any approval by the City of Ontario, whether by its City Council, Planning Commission, or other authorized board or officer, as it pertains to this application. The City of Ontario shall promptly notify the applicant of any such claim, action or proceeding, and the City of Ontario shall cooperate fully in the defense.

Date: _____ Signature: _____

Name (print or type): _____

PROPERTY OWNER CERTIFICATION

I, the undersigned, certify and say that I am the owner of the property in the foregoing application, that I have read the foregoing application and know the content thereof, and agree to the filing of this application with the City of Ontario.

Date: _____ Signature: _____

Name (print or type): _____

Address: _____

Phone: _____

Email: _____