

## DIVISION 11. HOME OCCUPATIONS

### 10-1-671: PURPOSE AND INTENT:

The intent of this Article is for a home occupation to be allowed if the business use is clearly an office use, artistic use or music lessons and is incidental and secondary to the use of the dwelling. In addition, the business use must be compatible with the surrounding residential uses. No home occupation shall be conducted that constitutes or causes an objectionable use of residential property due to potential noise, glare, dust, vibration, increased pedestrian or vehicular traffic, or any other condition that interferes with the general welfare of the surrounding residential area.

[Formerly numbered Section 31-75; renumbered by Ord. No. 3058, eff. 2/21/87; 2725. Amended by Ord. No. 3697, eff. 7/15/06; 3495.]

### 10-1-672: SPECIFIC RESTRICTIONS:

The following regulations shall apply to the conduct of home occupations:

#### A. LIMITATION ON NUMBER.

A maximum of two (2) home occupations may be conducted on the premises of a residence. Multiple fictitious business names may be considered as part of one home occupation if the businesses are determined by the Community Development Director to be sufficiently similar in nature so as to constitute one business.

#### B. USE CONFINED TO RESIDENTS.

Only persons whose primary residence in the dwelling unit may engage in the home occupation.

#### C. EMPLOYMENT LIMITED TO RESIDENTS.

Employment for actual work conducted on the premises of the home occupation shall be limited to: the resident or residents who is, or are, principal owner or owners of the business, and any other resident of the dwelling unit. No non-resident person may conduct work on the premises in conjunction with the home occupation. Baby sitters, care-givers and/or domestic staff are not considered employees of a home occupation, unless they perform work related to the home occupation.

#### D. MAXIMUM AREA.

The home occupation(s), either singular or combined, may cumulatively occupy no more than the greater of: (1) four hundred (400) square feet, or (2) twenty (20) percent of the combined square footage of the dwelling unit and any accessory structure that is not a garage or area required for the parking of vehicles.

#### E. SALES AND DISPLAY.

No commodity shall be sold or displayed on the premises.

#### F. USE OF REQUIRED PARKING PROHIBITED.

If an accessory structure, or a portion of an accessory structure, is used for the home occupation, the accessory structure used for the home occupation shall not be any garage, carport, or any other area required or designated for the parking of vehicles.

#### G. PERMITTED LOCATIONS; STORAGE.

The home occupation may only be conducted and the storage of materials, equipment, inventory, supplies and files for the home occupation(s) is only permitted inside the dwelling unit or an entirely enclosed roofed accessory structure that is not a garage. Storage of materials, equipment, inventory, supplies, and files for the home occupation(s) shall not cumulatively occupy more than twenty-five (25) percent of the permitted area for the home occupation as determined pursuant to subsection (d) above. In addition, hand tools, power tools, and other tradesman tools and equipment used in conjunction with the home occupation may be kept in one vehicle that is used in conjunction with the home occupation.

#### H. MATERIALS AND EQUIPMENT.

Only materials, equipment, and/or tools recognized as part of a normal household or necessary or convenient for domestic purposes shall be used in the home occupation. No motor power other than electrically operated motors, acceptable for connection to a 110 and 220 volt circuit, with a maximum of one (1) horsepower per motor and a total of two (2) horsepower, shall be used.

#### I. PEDESTRIAN AND VEHICULAR TRAFFIC.

The home occupation shall not create pedestrian or vehicular traffic in excess of that which is normal to a residential use of the premises.

#### J. COMMERCIAL VEHICLES.

(1) No commercial vehicle used for any part of the home occupation activity may be parked, maintained, or stored on the premises with the exception of one commercial vehicle per dwelling unit complying with both of the following requirements: (a) the vehicle has a suspension weight of one ton or less, and (b) the vehicle is utilized for residential purposes at least 51% of the time on a weekly basis.

(2) Other than the commercial vehicle permitted pursuant to subsection (j) (1) above, no commercial vehicle may be used for delivery of materials or pickup of materials in conjunction with the home occupation, except that reasonable courier services to or from the premises is permitted.

(3) For the purposes of this section, commercial vehicle shall mean any vehicle required by the State of California to have commercial vehicle license plates.

#### K. SIGNS AND ADVERTISING.

No sign, nameplate, or other form of advertising shall be displayed on the premises in connection with the home occupation except for a total of one non-free-standing sign per dwelling unit not exceeding one-half (1/2) square foot located on the mailbox or, if there is no mailbox, near the mail delivery area identifying the home occupation(s). There shall not be any alteration of the appearance of the premises for the purpose of attracting attention to a home occupation.

#### L. NUISANCE

The home occupation shall not create any radio or television interference or create discernable noise, glare, dust, odor, vibrations, or unreasonable disturbance in excess of that which is normal to a residential use of the premises. Nor may the home occupation cause or generate any other condition that interferes with the peace, health, safety or general welfare of people or property in the surrounding area.

#### M. MUSIC LESSONS.

Music lessons may be conducted on the premises of a residence subject to the following conditions:

- (1) Applicants must obtain an administrative use permit pursuant to Division 4.1 of Article 19 of this Chapter, except that notice of the decision shall be mailed to all property owners and occupants within a one hundred and fifty (150) feet radius of the property. As part of the administrative use permit process, the property owner of the premises upon which the music lesson will be given shall be provided notice of such intent.
- (2) Applicants for an administrative use permit to teach music lessons to minors, students under eighteen (18) years of age, are required to submit fingerprints in order to obtain applicant's criminal history.
- (3) Music lessons shall be conducted between the hours of 9:00 a.m. and 7:00 p.m. (hours of operation).
- (4) Music lessons shall be limited to a maximum of any five (5) days per week (days of operation) with the exception of Sundays. No music lessons shall be conducted on Sundays.
- (5) Music lessons shall be limited to a maximum of ten (10) students per day.
- (6) Music lessons may be conducted with up to, but no more than, two students per lesson. There shall be no group lessons, recitals or concerts conducted on the premises of the home occupation.
- (7) No person shall conduct music lessons in such manner that the noise or sound or vibration from such music lessons exceeds the standards set forth in Article 2, Title 9 Chapter 3 of the Burbank Municipal Code.
- (8) There must be designated on the premises a location for the queuing of students before and after lessons to prevent the uncontrolled loitering of students in the residential area. Such location shall be shown on the submitted site plan.
- (9) There must be on premises parking for persons coming to or leaving music lessons. On premises parking must be provided for at least one vehicle in addition to the required parking for the residence itself and must be shown on the submitted site plan. Such parking area may be located in a driveway in a single family residential zone. Guest parking may be used to satisfy this requirement in a multiple family residential zone. When music lessons are being conducted, the designated parking area must be left open and available for student parking.
- (10) Music lessons are not subject to the pedestrian and vehicle traffic restrictions of Subsection (i).
- (11) Music lessons are prohibited in any multi-family structure that shares a common wall or ceiling or floor with any other unit.

(12) The applicant is responsible for all costs associated with the permitting process, including any applicable background investigation fees, as established by the Burbank Fee Resolution.

[Formerly numbered Section 31-75.1; renumbered by Ord. No. 3058, eff. 2/21/87. Amended by Ord. No. 3697, eff. 7/15/06; 3514, 3495, 2725, 2194.]

#### 10-1-673: PROHIBITED OCCUPATIONS:

The following activities are prohibited as home occupations:

##### A. MOTOR VEHICLE REPAIR AND DETAILING.

[Those occupations conducted on the premises that entail motor vehicle repair work, including any and all aspects of body or fender work. Also prohibited is auto detailing on the premises.

##### B. MECHANICAL AND ELECTRONIC REPAIR.

Mechanical and electronic repair utilizing, maintaining or storing more mechanical or electronic equipment on the premises than is common to a residence.

##### C. KENNELS.

Those occupations and uses which entail harboring, training, or raising of dogs, cats, birds, or other animals.

##### D. FOOD HANDLING.

Those occupations which entail food handling, food processing, food warehousing, or food packaging.

##### E. FIREARMS.

Those occupations that entail the manufacturing, sale, lease, or rental of firearms and/or ammunition. However, this prohibition shall not apply to a person legally and continuously operating a home occupation involving the manufacturing, sale, lease, or rental of firearms and/or ammunition pursuant to a business permit issued prior to September 1, 1998. On or before October 16, 1998, all home occupations involving the manufacturing, sale, lease, or rental of firearms and/or ammunition must be permanently discontinued unless the home occupation has been legally and continuously operated by the same person at the same location pursuant to a business permit effective prior to September 1, 1998.

##### F. PRODUCTS PROCESSING.

Those occupations which entail the repair, processing, or alteration of goods, materials, or objects; provided, however, that custom sewing/tailoring is permitted if the goods are not manufactured or processed as stock for sale or distribution. This code section is not intended to prohibit: watch repair, jewelry repair, and original jewelry creation. This ordinance does not prohibit artists and artist studios, with the exception of prohibiting welding as a form of artistry for commercial business purposes, or commercial ceramic artistry, wherein a commercial kiln is utilized. This Article does not regulate forms of artistry that are for the sole purpose of non-business hobby-making and/or non-business personal artistic expression.

## G. OTHER PROHIBITED HOME OCCUPATIONS.

Any activity where the conduct or operations of such activity would violate the provisions of this Article or any statute, ordinance, law or regulation or any activity determined by the Community Development Direct to be similar to those activities listed above.

[Formerly numbered Section 31-75.2; renumbered by Ord. No. 3058, eff. 2/21/87. Amended by Ord. No. 3514, eff. 5/1/99; 3495, 2725.]

## 10-1.673.1: ADDITIONAL REGULATIONS AND EXEMPTIONS FOR PERMITTED HOME OCCUPATIONS INVOLVING FIREARMS:

### A. ADDITIONAL REGULATIONS.

In addition to the other provisions of this Division, all permitted home occupations that entail the manufacturing, sale, lease or rental of firearms and/or ammunition must also comply with the following regulations:

#### (1) Active Alarm System.

All direct entries into the dwelling unit or accessory structure, whichever houses firearms and/or ammunition, shall be secured by an active alarm system that is connected to a 24- hour monitored, state-licensed security alarm service. For the purposes of this Division entries means doors, windows, skylights, trapdoors, and any other similar entryway into the dwelling unit or accessory structure.

#### (2) Firearms Kept in Safe.

All firearms and/or ammunition involved in the home occupation shall be locked in an anchored metal safe which is constructed of no less than 10 gauge metal, in one room of the dwelling unit, or accessory structure. For the purposes of this Article, anchored shall be defined as permanently mounted to the floor or having an empty weight of 1,000 pounds or more so that heavy equipment or tools would be required to remove the safe.

#### (3) Daytime Hours.

Showing or transferring a firearm and/or ammunition to a customer or prospective customer shall only take place between the hours of 7 a.m. and 10 p.m.

#### (4) City May Inspect.

City of Burbank Police Department Personnel shall have the right to enter any premises where a home occupation involving firearms and/or ammunition is conducted for the purposes of inspection for compliance with this Division.

#### (5) No Large or Small Family Day Care on Premises.

No home occupation involving firearms and/or ammunition may be conducted at any dwelling unit, including any accessory structures, if a large family day care home or a small family day care home operates on the premises.

### B. EXEMPTION FROM CERTAIN REGULATIONS.

Permitted home occupations involving the manufacturing, sale, lease, or rental of firearms and/or

ammunition are exempt from the provisions of Sections 10-1-672(e) and 10-1-672(i).

[Added by Ord. No. 3514, eff. 5/1/99.]

10-1-673.5: ADMINISTRATIVE PROVISIONS; APPEALS:

(a) The conduct of a home occupation requires the approval of a business permit as required by Section 3-4-1901 of this Code. A home occupation applicant shall file an application for such use on forms prescribed by the Community Development Director and shall provide all required information. Each applicant for a home occupation shall at the time the application is filed pay a fee as set forth in this Code or in the Burbank Fee Resolution.

(b) The License and Code Services Supervisor shall consider the application based on the regulations set forth in this Article and any other laws applicable to the conduct of a home occupation and shall inspect the premises for the purpose of compliance with the regulations set forth in this Article and any laws applicable to the conduct of a home occupation. The License and Code Services Supervisor shall approve the application if the home occupation is in compliance with all of the requirements of this Article and all other laws applicable to the conduct of a home occupation.

(c) No business permit issued under this Article shall be transferred or assigned to a different person, different address or different home occupation. A business permit for a home occupation shall only authorize the person(s) named therein to commence or carry on the home occupation for which the permit was issued at the dwelling unit approved for the home occupation.

(d) A business permit for a home occupation that is not operated in compliance with this Article and/or any other laws applicable to the conduct of a home occupation may be revoked or suspended by the Community Development Director after fifteen (15) days notice.

(e) Any person may appeal a decision denying, revoking or suspending a business permit for a home occupation pursuant to the appeal procedures in Article 15, Title 2 Chapter 1 of this Code; provided however, that all interested persons and not just the applicant shall have the right to appeal such a decision.

[Added by Ord. No. 3495, eff. 10/17/98. Amended by Ord. No. 3514, eff. 5/1/99.]