



# CITY *of* CLOVIS

## PLANNING & DEVELOPMENT

1033 FIFTH STREET • CLOVIS, CA 93612

### HOME OCCUPATION APPLICATION

Please read and complete all sections of this Home Occupation Application and submit it, along with a completed Business Registration and Tax Certificate Application, to Finance Department Business Registration Division. This Application does not include an application for a business registration and tax certificate. If your application cannot be approved, you will receive a phone call or letter to discuss what would need to occur for the home occupation to meet City requirements.

In order for the Home Occupation Permit to be approved, you must comply with all of the standards set forth in Chapter 9.58 of the Clovis Municipal Code. The operational standards set forth in the Municipal Code are intended to maintain your neighborhood as an attractive residential development. Failure to operate within your approved Permit could constitute grounds for revocation of your Home Occupation Permit and City Business Registration and Tax Certificate.

According to the Clovis Municipal Code, a home occupation is intended to allow for home occupations that are conducted within a dwelling located in a residential zoning district, and are clearly subordinate and secondary to the use of the dwelling and compatible with surrounding residential uses. The ordinance establishes two tiers of home occupation permits:

- A. Small Home Occupation (\$95.00 due at time of submittal)** – A residence utilizing one room of a dwelling for business purposes.
- B. Large Home Occupation (\$237.00 due at time of submittal)** – The use of two or more rooms in a dwelling for business purposes. Permitted uses are Group Housing Situations in compliance with Article 6 of Chapter 9.4.110 of the Clovis Municipal Code.

Please complete the following information for evaluation of your Home Occupation Permit.

Name of Applicant \_\_\_\_\_

Business Name \_\_\_\_\_

Home Address \_\_\_\_\_

Contact Phone No. \_\_\_\_\_ Business Phone No. \_\_\_\_\_

Description of Business Activity \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Small Home Occupation

I \_\_\_\_\_ hereby certify that I have read the Home Occupation Ordinance and hereby agree to comply with the Ordinance. I understand that failure to operate in compliance with the Ordinance could constitute grounds for revocation of my Home Occupation Permit. I also understand that any incompleteness or falsification of any fact may result in denial of this application or revocation of any permit issued.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Large Home Occupation

I \_\_\_\_\_ hereby certify that I have read the Home Occupation Ordinance and hereby agree to comply with the Ordinance. I understand that failure to operate in compliance with the Ordinance could constitute grounds for revocation of my Home Occupation Permit. I also understand that any incompleteness or falsification of any fact may result in denial of this application or revocation of any permit issued.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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**For Office Use Only:**

Planning Division

Phone Number: 324-2340

APN: \_\_\_\_\_ Zoning: \_\_\_\_\_

[ ] The use is permitted in the existing zone district.

[ ] The use is expressly not permitted in the existing zone district.

Comment: \_\_\_\_\_

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Building Division

Phone Number: 324-2390

[ ] Permit required

[ ] No permit required

Comment \_\_\_\_\_

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Phone Number: 324-2390

Fire Department

Phone Number: 324-2200

Comment \_\_\_\_\_

Name: \_\_\_\_\_ Date: \_\_\_\_\_

## Chapter 9.58 HOME OCCUPATION PERMITS

### 9.58.010 Purpose of chapter.

The purpose of this chapter is to allow for the conduct of home occupations which are deemed subordinate to and compatible with surrounding residential uses. A home occupation represents a legal commercial enterprise conducted by an occupant(s) of the dwelling. (§ 2, Ord. 14-13, eff. October 8, 2014)

### 9.58.020 Applicability.

The home occupation permit is intended to allow for enterprises that are conducted within a dwelling located in a residential zoning district, and are clearly subordinate and secondary to the use of the dwelling and compatible with surrounding residential uses. Home occupation permits shall be consistent with the standards in Section [9.40.110](#) (Home occupation standards). (§ 2, Ord. 14-13, eff. October 8, 2014)

### 9.58.030 Application filing, processing, and review.

A. Filing. An application for a home occupation permit shall be filed with the Department in compliance with Chapter 50 of this title (Application Filing, Processing, and Fees) except for the following exempt home occupations which shall be permitted by right in residential zone districts with the issuance of a valid Clovis business license:

1. Exempt home occupations. Business involving the use of phone, computer, printer copier, fax, and/or Internet where no persons come to the site, where there is no manufacturing or shipping other than letters and where there is no on-site signage. These uses are for all practical purposes invisible to the adjacent properties.

B. Contents. The application shall be accompanied by detailed and fully dimensioned floor plans and/or any other data/materials identified in the Department handout for home occupation permit applications.

C. Project review procedures. Following receipt of a completed application, the Director shall make an investigation of the facts bearing on the case to provide the information necessary for action consistent with the purpose of this chapter.

D. Public notice not required. A public notice shall not be required for the Director's decision on a home occupation permit.

E. Director's decision. The Director shall, within ten (10) days, make a determination to approve or deny a home occupation permit that would be operated in compliance with Section [9.58.060](#) (Operating standards).

F. Appeals.

1. Upon denial by the Director, any appeal to the Commission to grant the home occupation permit must be submitted by the applicant within fifteen (15) days of the Director's decision.

2. The appeal shall be in writing setting forth reasons for the appeal and shall be filed with the Planning Division, subject to a fee in compliance with the City's Fee Schedule.

3. The decision on the appeal by the Commission shall be final with no further appeals.

4. The home occupation permit shall become effective after the Director has signed the permit, or in cases involving review by the Commission, once the Commission has rendered a final decision.

G. Fees. A home occupation permit fee, in compliance with the City's Fee Schedule, shall be collected when the application for a home occupation permit is submitted to the Department. (§ 2, Ord. 14-13, eff. October 8, 2014)

#### **9.58.040 Allowed home occupations.**

A. Where allowed. Home occupations are allowed in all residential zoning districts.

B. Allowed home occupations. Certain business activities are deemed appropriate when conducted by the resident(s) of a dwelling in a manner subordinate to and compatible with the residential characteristics of the surrounding neighborhood. The following list presents examples of commercial uses that are generally considered to be subordinate to and compatible with residential activities:

1. Barber and beauty services. A barber or beauty operator as sole proprietor;
2. Computer repair and service. On-site repair and service;
3. Consulting services. Consulting services whose function is one of rendering a service and does not involve the dispensation of goods or products;
4. Drafting and architectural services. Drafting, designing, architectural, and similar services, using only normal drafting and graphic equipment;
5. Internet business. Internet-based sales and services conducting all functions via the Internet;
6. Instructional lessons. The giving of health and fitness, music, self-defense, swimming, and similar lessons, on an individual (i.e., one-on-one) person basis;
7. Salespersons. The home office of a salesperson when all sales are made by written order with no commodities or displays on the premises;
8. Secondary business offices. Secondary business offices where the business has its principal office, staff, and equipment located elsewhere;
9. Television, radio, and appliance repair. Off-site repair and service with parts available off site; and
10. Short-term rentals. (§ 2, Ord. 14-13, eff. October 8, 2014; § 1, Ord. 17-30, eff. February 7, 2018)

#### **9.58.050 Prohibited home occupations.**

The following list presents example commercial uses that are not subordinate to or compatible with residential activities, are suitable only in nonresidential zoning districts, and are therefore prohibited as home occupations:

- A. Adult business;
- B. Businesses which entail the breeding, grooming, harboring, raising, or training of dogs, cats, or other animals on the premises, to include kennels and boarding used for these animals;

- C. Carpentry and cabinetmaking (does not prohibit a normal woodworking hobby operation);
- D. Construction business (does not include secondary business offices where the business has its principal office, staff, and equipment located elsewhere);
- E. Dance club/nightclub;
- F. Food preparation other than cottage food operations authorized under State law;
- G. Fortune-telling (psychic);
- H. Landscaping business (does not include secondary business offices where the business has its principal office, staff, and equipment located elsewhere);
- I. Lawn mower and small engine repair;
- J. Home occupations that become detrimental to the public health, safety and welfare, or constitute a nuisance; or if the use is found to be in violation of any law, ordinance, regulation, or statute;
- K. Massage parlors;
- L. Medical and dental offices, clinics, and laboratories;
- M. Mini-storage;
- N. Plant nursery (excepting agriculturally zoned properties in the A, R-R or R-A District);
- O. Retail sales of merchandise stored and/or displayed within the property;
- P. Storage of equipment, materials, and other accessories to the construction and service trades;
- Q. Tattoo parlors, to include body piercing and permanent makeup;
- R. Vehicle repair (body or mechanical), upholstery, automobile detailing (e.g., washing, waxing, etc.) and painting (this does not prohibit mobile minor repair or detailing at the customer's location utilizing a personal, noncommercial vehicle);
- S. Vehicle sales;
- T. Welding and machining;
- U. Yard sales (as a commercial business); and
- V. Other similar uses determined by the Director not to be subordinate to or compatible with residential activities. (§ 2, Ord. 14-13, eff. October 8, 2014)

#### **9.58.060 Operating standards.**

Home occupations shall comply with the locational, developmental, and operational standards specified in Section [9.40.110](#) (Home occupation standards). (§ 2, Ord. 14-13, eff. October 8, 2014)

#### **9.58.065 Operating standards for short-term rentals.<sup>1</sup>**

In addition to all other requirements of this chapter, and notwithstanding any contrary provisions in this Code, short-term rentals are subject to the following operational standards:

City Manager (559) 324-2060 • Community Services (559) 324-2750 • Engineering (559) 324-2350  
 Finance (559) 324-2101 • Fire (559) 324-2200 • General Services (559) 324-2060 • Personnel/Risk Management 324-2735  
 Planning & Development Services (559) 324-2340 • Police (559) 324-2400 • Public Utilities (559) 324-2600

A. Definitions. The definitions in this subsection shall govern the construction, meaning, and application of the following words and phrases used in this chapter:

1. "Local contact person" shall mean a person designated by an owner or the owner's agent, who, if designated to act as such, shall be available to respond to notification of a complaint regarding the dwelling, and take remedial action necessary, as required under subsection D of this section. A local contact person may be the owner or the owner's agent.

2. "Occupant" shall mean any person who is on or in a short-term rental property other than service providers or the owner, whether or not the person stays overnight.

3. "Operator" shall mean the owner or the designated agent of the owner who is responsible for compliance with this section.

4. "Owner" shall mean the person(s) or entity(ies) that holds legal or equitable title to a dwelling. "Owner" includes a lessee.

5. "Short-term rental" shall mean the rental of a dwelling or a portion thereof by the owner to another person or group of persons for occupancy, dwelling, lodging or sleeping purposes for a period of less than thirty (30) consecutive calendar days. The rental of units within City-approved hotels, motels, bed and breakfasts, and time-share projects shall not be considered to be a short-term rental.

6. "Short-term rental unit" shall mean the habitable interior space of a dwelling, or any portion thereof, that is being rented, or is intended to be rented, as a short-term rental to a person or group of persons.

B. The owner of a short-term rental unit shall not be relieved of any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the subject short-term rental unit, regardless of whether such noncompliance was committed by the owner's agent, a local contact person or the occupants of the owner's short-term rental unit.

C. The owner shall ensure that the short-term rental property and short-term rental unit(s) comply with all applicable codes regarding fire, building and safety, health and safety, and all other relevant laws, regulations and ordinances, obtain all permits required, and pay all applicable fees.

D. While a short-term rental unit is rented, the owner or a local contact person shall be available by telephone twenty-four (24) hours per day, seven (7) days per week to respond to complaints regarding the use, condition, operation or conduct of occupants of a short-term rental unit. The owner or a local contact person must be on the premises of the short-term rental at the request of an enforcement officer or the City's Police Department within forty-five (45) minutes of contact to satisfactorily correct or take remedial action necessary to resolve any complaint, alleged nuisance or violation of this chapter by occupants occurring at the short-term rental property. Failure of the owner or a local contact person to respond to calls or complaints in a timely and appropriate manner shall be grounds for imposition of penalties as set forth in this chapter and/or Chapter 7 of Title [1](#).

E. Within ten (10) calendar days following the issuance of a home occupation permit for a short-term rental, the owner shall mail or personally deliver in writing the following information to the owners and occupants of properties contiguous to and directly across the street (or alley or other right-of-way) from the short-term rental property: the name and telephone number of the person, whether the owner or the local contact person, who shall be available twenty-four (24) hours per day, seven (7) days per week to respond to complaints regarding the use, condition, operation or conduct of occupants of a short-term rental unit. Thereafter, within thirty (30) days

of the issuance of the permit, the owner shall sign under penalty of perjury, and submit to the Director, a dated written certification that the required mailing or delivery was completed. At any time during the pendency of a home occupation permit for a short-term rental such information changes, the owner shall promptly mail or personally deliver in writing the updated information to maintain accuracy and shall also promptly submit to the Director a signed (under penalty of perjury) and dated written certification that the required mailing or delivery of the updated information was completed.

F. Short-term rental property(ies) and short-term rental unit(s) shall be used only for overnight lodging accommodations. At no time shall a short-term rental unit or short-term rental property be used for activities in excess of the occupancy limits established in subsection H of this section, or for weddings, receptions, parties, commercial functions, advertised conferences, or other similar assemblies that are separate from the purpose of lodging.

G. All advertising appearing in any written publication or on any website that promotes the availability or existence of a short-term rental shall include the City-issued permit number as part of the rental offering. No person shall advertise the use of a dwelling as a short-term rental unless the City has approved a home occupation permit for short-term rental pursuant to this chapter.

H. The owner shall limit occupancy of a short-term rental property to a specific number of occupants. The following table sets forth the maximum number of occupants:

<b>Number of Bedrooms</b>	<b>Total Occupants</b>
0-Studio	2
1	4
2	7
3	9
4	11
5	13
6	15
7	17
8	19

For any dwelling having more than eight (8) bedrooms, the maximum number of occupants shall not exceed nineteen (19) persons. If the home occupation permit for short-term rental

limits occupancy to a number less than that shown on the table, the limit in the permit shall govern.

I. Only the habitable interior portions of a dwelling shall be utilized as a short-term rental. No garages, tents, camper trailers, recreational vehicles, or other exterior structures or spaces are permissible as short-term rentals.

J. In any advertising concerning the availability of a dwelling as a short-term rental, the owner or a local contact person shall advertise the maximum number of occupants allowed to occupy the short-term rental.

K. All vehicles of occupants of a short-term rental unit shall be parked only in an approved driveway or garage on the short-term rental property. The maximum number of vehicles allowed on a short-term rental property shall be limited to the number of available off-street parking spaces; however, such property must have a minimum of two (2) off-street parking spaces. The owner shall provide access to the garage of the dwelling if that area has been included in the determination of the number of available off-street parking spaces pursuant to this chapter. In no event shall off-street parking include the use of landscaped areas, any private or public sidewalk, parkway, walkway or alley (or any portion thereof) located on, at or adjacent to the short-term rental property, or the blocking of the driveway or street in front of said property. The term "sidewalk" shall include that portion of a driveway that is delineated for pedestrian travel or is in the public right-of-way.

L. No on-site exterior signs shall be posted advertising the availability of a short-term rental at the short-term rental property.

M. If an enforcement officer has received a complaint concerning a suspected violation of this chapter or of this code or any applicable law, rule, or regulation pertaining to the use or occupancy of a short-term rental unit, or if the enforcement officer has reason to believe that such a violation has occurred, the enforcement officer may notify the owner or the local contact person of the complaint or suspected violation and the notified person shall cooperate in facilitating the investigation and the correction of the suspected violation. Failure of the owner or the local contact person to affirmatively respond to the officer's request within forty-five (45) minutes by reasonably cooperating in facilitating the investigation and the correction of the suspected violation shall be deemed to be a violation of this chapter. Notwithstanding the foregoing, it is not intended that an owner or the local contact person act as a peace officer or place himself or herself in an at-risk situation.

N. No musical instrument, phonograph, loudspeaker, amplified or reproduced sound, or any machine or device for the production or reproduction of any sound shall be used outside or be audible from the outside of a short-term rental unit between the hours of 10:00 p.m. and 9:00 a.m.

O. Occupants shall not engage in outdoor activities on a short-term rental property between the hours of 10:00 p.m. and 9:00 a.m. that involve the use of swimming pools, hot tubs, spas, tennis and paddleboard courts, play equipment and other similar and related improvements. The hours between 10:00 p.m. and 9:00 a.m. are considered to be "quiet time," where all activities at a short-term rental property shall be conducted inside of a short-term rental unit so that no outdoor activity will disturb the peace and quiet of the neighborhood adjacent to a short-term rental property or cause discomfort or annoyance to any reasonable person of normal sensitivity residing in the area.

P. Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the responsible trash hauler, as set forth in Section [6.3.06](#), which provides for containers to be placed at the curb on the day of pickup and removed by noon the



following day. The owner of a short-term rental property shall provide sufficient trash collection containers and service to meet the demand of the occupants. The short-term rental property shall be free of debris both on site and in the adjacent portion of the street.

Q. It is unlawful for any owner, occupant, renter, lessee, person present upon, or person having charge or possession of a short-term rental to make or continue or cause to be made or continued any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area, or violates any provision of Chapter [5.27](#), Article 6.

R. The owner and the local contact person shall ensure that the occupants of a short-term rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this Code or any State law pertaining to noise, disorderly conduct, overcrowding, the consumption of alcohol, or the use of illegal drugs. Owners and local contact persons are expected to take any measures necessary to abate disturbances, including, but not limited to, directing the occupants of a short-term rental unit to cease the disturbing conduct, calling for law enforcement services or enforcement officers, removing the occupant(s), or taking any other action necessary to immediately abate the disturbance.

S. The owner shall post a sign at a conspicuous location within the short-term rental unit advising occupants of all rules and operational standards imposed upon occupants under this section.

T. All short-term rentals shall be subject to the City's transient occupancy tax, as required by Chapter [3.3](#), Article 4. The owner shall also maintain at all times a valid Clovis business registration.

U. Short-term rentals shall not exceed one unit per address in any multiple-family complex comprised of two (2) or more residential units. (§ 2, Ord. 17-30, eff. February 7, 2018)

#### **9.58.070 Findings and decision.**

A. Application review. The Director or designated member of staff shall review all applications and shall record the decision in writing with the findings on which the decision is based.

B. Findings. The Director or the Commission after an appeal shall approve a home occupation if the Director or Commission find that the proposed home occupation would:

1. Be consistent with the General Plan, any applicable specific plan, and the development and design standards of the subject residential zoning district;
2. Be consistent with the home occupation criteria, guidelines, and standards of this chapter;
3. Be consistent with all other municipal codes and applicable laws. (§ 2, Ord. 14-13, eff. October 8, 2014)

#### **9.58.080 Conditions of approval.**

In approving a home occupation permit application, the Director (or the Commission on an appeal) may impose additional conditions (e.g., buffers, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, surfacing, time limits, traffic circulation, etc.) deemed reasonable and necessary to ensure that the approval would be in compliance with the provision of this chapter. (§ 2, Ord. 14-13, eff. October 8, 2014)

### **9.58.090 Permit expiration and revocation.**

- A. Discontinuance or cessation. Home occupation permits shall immediately expire upon discontinuance or cessation of use for a period of thirty (30) days of the home occupation.
- B. Revocation of permit.
  - 1. The Director may revoke a home occupation permit for noncompliance with the provisions of this chapter or the conditions set forth in granting the permit.
  - 2. The revocation shall be effective upon delivery of written notice to the permittee.
  - 3. The permittee may appeal to the Commission the revocation within fifteen (15) days of the Director's decision.
  - 4. The Commission's decision may be appealed to the City Council within fifteen (15) days of the Commission's decision.
  - 5. The appeal shall be in writing setting forth the reasons for the appeal and be filed, along with associated fees, with the Planning Division. (§ 2, Ord. 14-13, eff. October 8, 2014)

### **9.58.100 Inspections.**

The Director shall have the right to inspect the premises subject to a home occupation permit to verify compliance with this chapter and the conditions set forth in granting the permit. The term "Director," as defined in Division 8 of this title (Definitions), also includes a designee of the Director. (§ 2, Ord. 14-13, eff. October 8, 2014)

### **9.58.110 Post decision procedures.**

The procedures relating to appeals, changes, expiration, and performance guarantees that are identified in Division 6 of this title (Development Code Administration) and those identified in Chapter 82 of this title (Permit Implementation, Time Limits, and Extensions) shall apply following the decision on a home occupation permit. (§ 2, Ord. 14-13, eff. October 8, 2014)