

BMC 23C.16: Home Occupations

PLANNING COMMISSION
JULY 1, 2020



Outline

- ▶ What is a Home Occupation?
- ▶ Timeline Overview
- ▶ Proposed Amendments from 2018
- ▶ Proposed 2020 Updates
- ▶ Next Steps



What is a Home Occupation?

Home Occupations (HOs) are small-scale businesses conducted on a residential property as an incidental or secondary land use by the resident of the home and may be operated in a single-family or multi-dwelling building.

There are three classifications of HOs that include differing limitations and permit requirements:

- Low-Impact
- Moderate-Impact
- Moderate-Impact - Teaching-Related

What is a Home Occupation?

Regardless of category, all HOs must:

- Be conducted entirely within the dwelling unit or group living accommodation room.
- Occupy less than 20% or 400 square feet of the unit.
- Not generate offensive noise, odors or other nuisances.
- Not handle or generate hazardous materials.
- Non resident employees are not allowed.

What is a Home Occupation?

HO Category	Level of Discretion	Customer Visits
Low-Impact	ZC	Not Allowed
Moderate-Impact	UP(PH)	Allowed
Teaching-Related	AUP	Four or fewer students allowed at a time

DECEMBER
2011

City Council Referral

Consider a set of amendments to reduce the levels of discretion for Moderate-Impact HOs and streamline the permitting process for all HOs.

NOVEMBER
2018

Planning Commission

Held a public hearing and approved amendments to recommend to City Council.

2020

Planning Commission Reviews Recommendations

New State laws governing Accessory Dwelling Units and gig workers prompt review of 2018 amendments for consistency of generally allowable uses and needs of the community.



Proposed Amendments from 2018

- ▶ Customer/Client Visits
- ▶ Accessory Buildings
- ▶ On-site Goods
- ▶ Visiting Hours
- ▶ Non-resident Employees
- ▶ Advertising Signs
- ▶ Restructure and Reformat Chapter
- ▶ Uses Permitted Tables

2018 Proposed Amendments

HO Category	Customer Visits	Level of Discretion	Non-Resident Employee
Low-Impact	Not Allowed <u>Up to five visits per day, with no more than one customer at a time</u>	ZC	Not Allowed
Moderate-Impact	Allowed <u>Six or more visits per day, with no more than four clients or customers at a time</u>	UP(PH) <u>AUP</u>	Not Allowed <u>One Allowed</u>
Teaching-Related	Four or fewer students allowed at a time	AUP	Not Allowed

Modify Use Permitted table for all R-Districts, the C-W, and the MU-R.

2018 Proposed Amendments



Accessory Buildings:

- Allow HOs in Accessory Buildings.
- Apply square footage limitation for HOs (total area and percentage of the dwelling) to Accessory Buildings.



On-Site Goods:

- Allow business-related activities, including handling, processing, storage, and transport of goods on-site. Do not allow these activities outdoors.

2018 Proposed Amendments



Visiting Hours:

- Establish hours of operation from 10am - 8pm for customer/client visits for all HOs.



Advertising Signs:

- Add language to prohibit on-site signs advertising the HO.

2018 Proposed Amendments

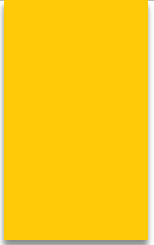


Restructure and Reformat Chapter:

- Consolidate repetitive language.
- Remove sections “Complaints and Imposition of Conditions,” “Home Occupations in Rental Unit,” “Medical Cannabis Residential Cultivation.”
- Consolidate all “Findings” for HO’s to the Home Occupations chapter.



2020 Proposed Updates

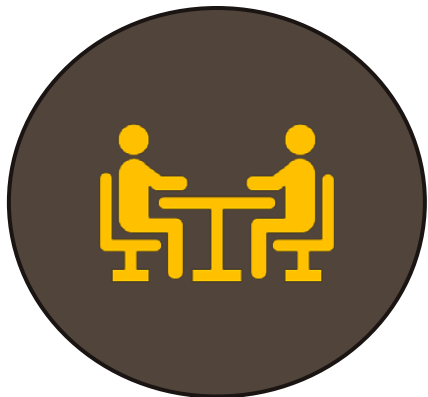
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- ▶ Clarify and Refine Proposed Text of “General Requirements”
 - ▶ Accessory Dwelling Units
 - ▶ Non-resident Employees
 - ▶ Hazardous Materials
 - ▶ Restructure and Reformat the Chapter
 - ▶ Update the Definition of Home Occupation

2020 Proposed Updates



Accessory Dwelling Units:

- Refine text language to clarify use is permitted in ADUs.
- Clarify HO size restrictions to offer the maximum amount of operating space within the size limitations.



Non-resident Employee:

- Remove language that restricts non-residents from conducting HO related-activities.

2020 Proposed Updates



Hazardous Materials:

- Clarify how hazardous materials are defined by the City of Berkeley.



Restructure and Reformat Chapter:

- Move the description of HO classifications from HO chapter to the Definitions chapter.
- Rename Section 23C.16.020 to "Permits Required."



2020 Proposed Updates

Home Occupation: A business use conducted on property developed with Residential use, which is incidental and secondary to the Residential use, does not change the residential character thereof, is limited so as not to substantially reduce the Residential use of the dwelling, Accessory Dwelling Unit, Accessory Building, or Group Living Accommodation room and is operated only by the resident's of the subject residence. There are two classification of Home Occupations:

1. Low Impact Home Occupation involves no more than five visits per day, with no more than one client or customer at a time.
2. Moderate Impact Home Occupation involves six or more visits per day, with no more than four clients or customers at a time and up to one non-resident employee or individual engaging in business-related activities on-site.



Next Steps

Hold a Public
Hearing on the
Proposed
Ordinance



Discuss the
Proposed
Language
Changes



Make a
Recommendation
to City Council