

**SANTA CRUZ COUNTY PLANNING DEPARTMENT POLICY/ORDINANCE
INTERPRETATION**

Interpretation No.: HO-01 (Home Occupations)
Effective Date: mm/dd/yy
Originally Issued: 10/29/99 (Alvin James, Home Occupations)
Revised: mm/dd/yy

Question

Does the restriction on percentage of a dwelling used for a home occupation before a Level 5 permit is required include all structures on the property?

**Applicable Ordinance Section(s)
and/or General Plan/LUP Policy(ies)**

§13.10.613

INTERPRETATION:

Home occupations may not involve the use of more than one room or floor area larger than 20 percent of the total floor area of a dwelling without Level V review and approval. The location of the home occupation may be in the dwelling or in an accessory structure but may not exceed 20 percent of the total floor area of the dwelling. For example, if the dwelling is 2000 square feet, then a home occupation would be limited to 400 square feet (2000 x .20 = 400) regardless of whether it is conducted in the dwelling or in an accessory structure. The home occupation could not be conducted in both a dwelling and an accessory structure, without a Level V approval, because this would necessarily involve more than one room.

Reason

Section 13.10.613 of the County Code sets forth the regulations for Home Occupations. Section 13.10.613 states that the purposes of home occupation regulations are “[t]o allow persons limited income-producing activities on . . . residential property” and “[t]o protect nearby residential properties from potential adverse effects” That section goes on to say that home occupations “shall be carried on entirely within the dwelling, or in an accessory structure normally allowed” Further home occupation regulations include strict limits on signs, number of employees, number and size of vehicles, and area used. This last item is regulated by 13.10.613(b)4, that states

[t]he home occupation shall not involve the use of more than one room, or floor area equal to 20 percent of the total floor area of the dwelling, whichever is less, unless a Level V Use Approval is obtained.

Home occupation is defined at 13.10.700-H as “[a]n accessory use of a dwelling unit for gainful employment involving the manufacture, provision or sale of goods or services performed by a full-time inhabitant of the unit.”

The emphasis of both 13.10.613 and 13.10.700-H is on small scale, low intensity use to be conducted in the dwelling, or an accessory structure, and conducted by the resident of the dwelling. Provision is made for uses of greater intensity and area if they are approved at Level V, a public hearing before the Zoning Administrator.

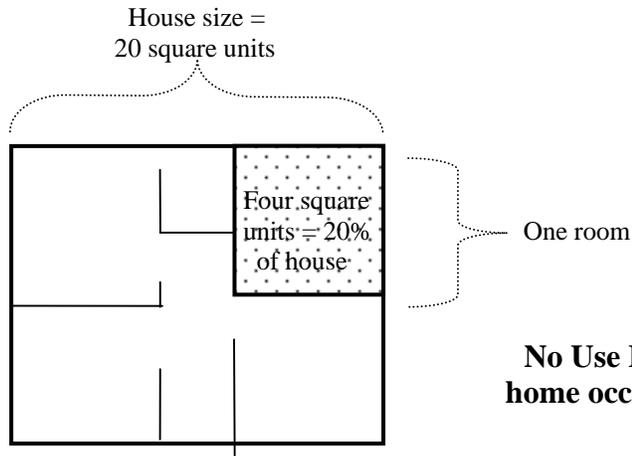
A parcel may contain a dwelling and one or more accessory structures any one of which individually, or all collectively, could be quite large. For example, there could be a parcel with a 3000 square foot house, a detached 400 square foot garage, and a detached 1500 square foot barn. If the 20 percent area limitation were based on the square footage of all of the structures, 4900 square feet, then the home occupation could take up 980 square feet. Limited to just the dwelling, the area of the home occupation would be only 600 square feet, less than two-thirds of the area when all structures are included. Again, it is possible to have a home occupation that takes up more than 20 percent of the total floor area of the dwelling if a Level V approval is obtained. That level of review ensures that nearby residents would have a chance to comment on the proposal and that all potential conflicts or needed infrastructure improvements could be reviewed before such an intense use occurs.

Please refer to the illustration on the following two pages.

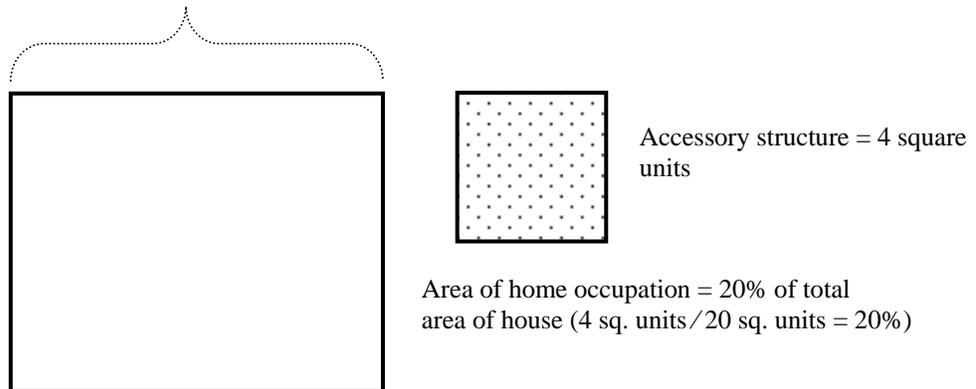
Alvin James, Planning Director

Area of Home Occupation and Level of Review

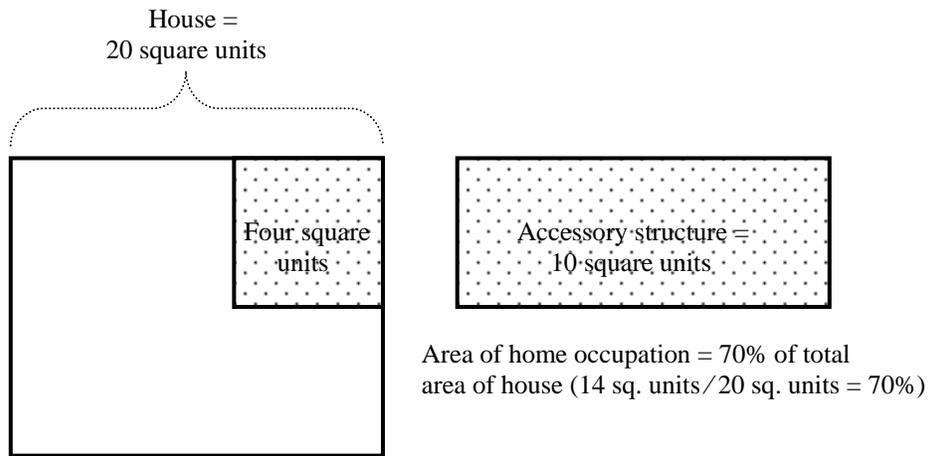
Area of home occupation = 



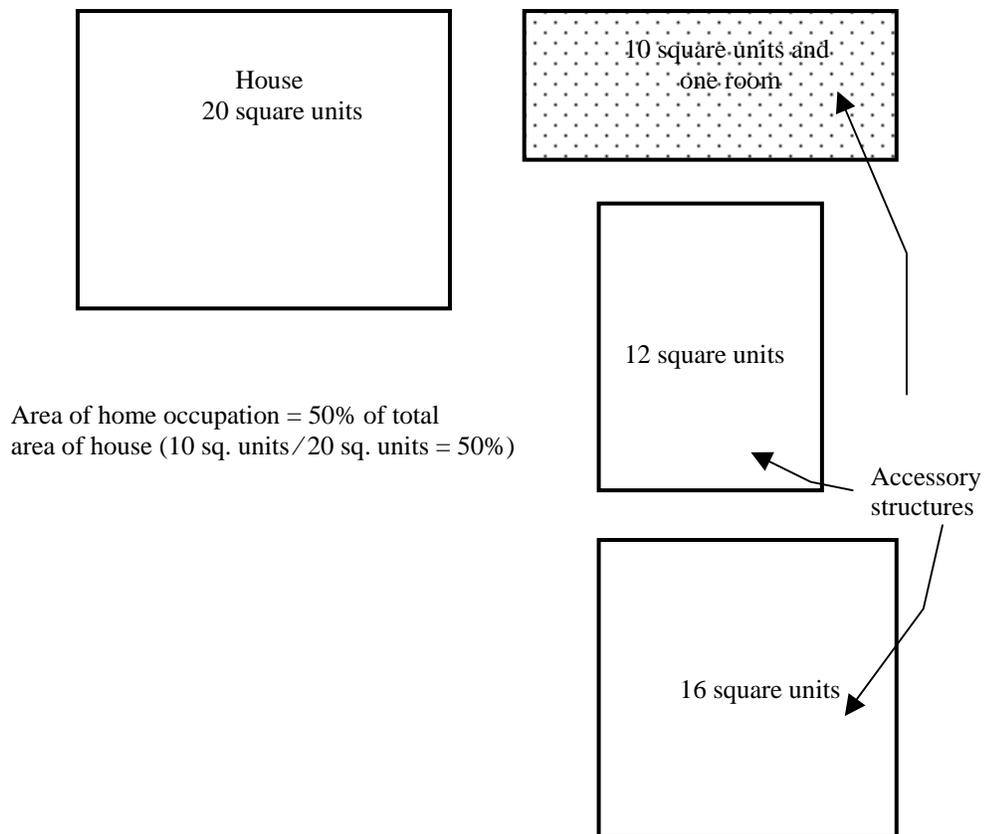
House =
20 square units



No Use Permit required because area of home occupation equals no more than 20% of total area of dwelling AND does not involve more than one room



Level 5 Use Permit required because area of home occupation is > 20% of total area of dwelling AND involves more than one room



Level V Use Permit needed because area of home occupation, although only 14 percent of total floor area of all structures and occupying only one room, is 50 percent of total area of the dwelling