



Town of Apple Valley Home Occupation Permit/ Cottage Food Operations



Please type or print legibly in ink

Application Processing Fee: \$114

FOR TOWN USE ONLY

Date Submitted: _____ Case No. _____ Received by: _____
Planning Fee: _____ Zoning _____ HOP CFO

APPLICANT INFORMATION

Name _____

Telephone/Fax _____ Email _____

Mailing Address _____ Zip _____

Business Name _____

Home Occupation Address _____ Zip _____

Do you own or rent your home? **Own** **Rent** (Requires written approval of owner or agent.)

Square Footage of the Residence _____, Garage _____, Accessory Buildings (if any) _____

Description of business activities to be conducted at the residence _____

Description of the area (i.e., den, bedroom) within the residence and total square feet of area devoted to the home occupation, including garage or accessory buildings: _____

Employees: Self One Two to Three Relationship to the applicant _____

Type of Business Vehicles _____

Commercial Vehicle exceeding 10,000 GVW Yes No CVP

In order to be approved, a Home Occupation must not be detrimental to the public health, safety, and welfare and not adversely affect the persons residing in the vicinity of the proposed home occupation. In addition, the proposed use must be consistent with all applicable policies, programs, and provisions of the General Plan

I certify that the information contained in this application is true and correct and that I have read and will abide and comply with the home occupation operating standards and findings contained in Section 9.19 of the Town Development Code and described on these pages. I understand that my permit may be revoked for non-compliance with the operating standards or required findings set forth in this application.

Applicant Signature _____ Date _____

Approved by _____ Date _____
Planning Division

HOME OCCUPATION OPERATING STANDARDS

In accordance with Section 9.19.050 of the Town of Apple Valley Development Code, Home Occupations shall comply with all of the following operating standards at all times:

Operating Standards For All Residential Districts

1. There shall be no visible or external evidence of the home occupation. No dwelling shall be built, altered, furnished or decorated for the purpose of conducting the home occupation in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted;
2. There shall be no displays, sale, or advertising signs on the premises, except for those associated with the sale of produce (fruit or vegetables) grown on the subject property;
3. There shall be no signs other than one (1) unlighted identification sign containing the name and address of the owner attached to the building not exceeding two (2) square feet in area per street frontage;
4. All maintenance or service vehicles and equipment, or any vehicle bearing any advertisement, except business identification, related to the home occupation or any other similar vehicle shall be garaged or stored entirely within a building or structure;
5. The home occupation shall not encroach into any required parking, setback, or open space area;
6. There shall be no visible outside storage of stock, merchandise, scrap supplies, or other materials or equipment on the premises. Any storage of hazardous, toxic, or combustible materials in amounts exceeding those typically found in residential uses shall be prohibited;
7. There shall be complete conformity with Fire, Building, Plumbing, Electrical, and Health Codes and to all applicable State and Town laws and ordinances. Activities conducted and equipment or material used shall not change the fire safety or occupancy classification of the premises;
8. No home occupation shall generate pedestrian or vehicular traffic in excess of that customarily associated with a residential use and the neighborhood in which it is located;
9. No home occupation shall be initiated until a current business license is obtained;
10. A Home Occupation Permit shall not be transferable;
11. If the home occupation is to be conducted on rental property, the property owner's written authorization for the proposed use shall be obtained prior to the submittal for a Home Occupation Permit;
12. The garage shall not be altered externally;
13. No use shall create or cause noise, dust, light, vibration, odor, gas fumes, toxic or hazardous materials, smoke, glare, electrical interference, fluctuations in the line voltage outside the structure, or other hazards or nuisances, subject to conformance with Section 9.70 Performance Standards and Section 9.73 Noise Control.
14. The Director may establish any other special condition of approval for any Home Occupation Permit as necessary to carry out the intent of this Chapter.
15. The home occupation shall be restricted to operations between Monday through Saturday, between the hours of 8 am to 5 pm.

_____ Initial here that you have read the above referenced "*Home Occupation Operation Standards*"

COTTAGE FOOD OPERATION STANDARDS

1. Assembly Bill 1616 establishes requirements for limited preparation and distribution of low-risk food products from a business at a private home. Only non-potentially hazardous foods are approved for preparation in a CFO. A few examples include: baked goods without cream, custard, or meat fillings, such as biscuits, churros, pastries, and tortillas. Candy, such as brittle and toffee. Honey and sweet sorghum syrup, jams, jellies, preserves, and fruit butter. Nut mixes and nut butters.
2. Labeling and packaging requirements must meet County regulations.
3. All CFO's are required to obtain either a valid health permit or a registration from the Division of Environmental Health Service (DEHS), depending on the type of operation. Additional permits may be required if cottage foods are sold outside the CFO.
4. Foods may be sold through transactions in person at the CFO. With an additional temporary food facility health permit, foods may be sold at approved temporary events or certified farmers' markets (temporary food facility regulations will apply. Foods prepared in a "Class B' CFO may also be sold at other permitted food facilities.

_____ Initial here that you have read the above referenced "*Cottage Food Operation Standards*"

APPLICABLE INFORMATION CRITERIA

Operating Standards For R-VLD, R-A and R-LD districts: In addition to the operating standards provided in Section 9.19.050.A above, the following operating standards shall apply in the R-VLD, R-A and R-LD zoning districts:

1. The home occupation shall be carried out primarily by a full time resident(s) of the dwelling. One (1) additional employee may also be used for a home occupation provided all the required findings can be made;
2. Off-street parking shall be provided for employees and customers, however such parking shall not be provided in such a manner as to cause the structure to be recognized as a place where a home occupation is conducted and shall be located behind or outside of all required setbacks;
3. No vehicle or trailer displaying signs shall be parked in a manner that would attract or draw attention to the premises;
4. Any trailer or other towed vehicles used in conjunction with the home occupation shall be parked or stored behind the required front setback and shall be screened from any public right-of-way.

Operating Standards For R-E, R-EQ, R-SF, and R-M Districts. In addition to the operating standards provided in Section 9.19.050.A, the following operating standards shall apply in the R-E, R-EQ, R-SF and R-M zoning districts:

1. The home occupation shall be carried out primarily by a full time resident(s) of the dwelling. One (1) additional employee may also be used for a home occupation provided all the required findings can be made;
2. The home occupation shall not involve maintenance of an office that is open to persons other than members of the resident family who permanently reside on the premises;
3. No special off-street parking area shall be allowed in connection with the home occupation, however the driveway may be used for such parking;
4. The home occupation shall be conducted wholly within the structures on the premises and shall not involve the use of more than one (1) room, or floor area equal to twenty (20) percent of the total floor area of the dwelling, whichever is less, except that horticulture activities related to the home occupation may be conducted outdoors but shall be behind the required front yard setback;
5. Storage and parking of vehicles on the premises, used in conjunction with the home occupation shall be limited to automobiles and light trucks not exceeding 10,000 pounds gross vehicle weight.

PROHIBITED HOME OCCUPATIONS

Per Section 9.19.070 of the Town of Apple Valley Development Code, the following businesses are prohibited as Home Occupations:

- Medical and dental offices, clinics, and medical laboratories;
- Automotive and other vehicle repair;
- On-site retail sales, except sales of agricultural products;
- Beauty and Barber Shops;
- Dancing Schools or exercise studios;
- Storage of equipment, materials, and other accessories to the construction trades.
- Animal hospitals
- Junk yards;
- Massage parlors;
- Mini-storage;
- Welding and machining;

HOME OCCUPATION PERMIT REVOCATION

Home Occupation Permits may be revoked or modified by the Town Manager or Designee who shall act as the Hearing Officer in compliance with the provisions of this Code, if any one of the following findings can be made:

- A. That the permitted home occupation use has changed in kind, extent or intensity from the use which received an approved Home Occupation Permit;
- B. That the use has become detrimental to the public health, safety, welfare or traffic, or constitutes a nuisance;
- C. That the use for which the permit was granted has ceased or was suspended for six (6) or more consecutive calendar months;
- D. That the use is not being conducted in a manner consistent with applicable operating standards described in Section 9.19.050 Operating Standards, of this Chapter;
- E. That the permit was obtained by misrepresentation or fraud;
- F. That one (1) or more of the conditions of the Home Occupation Permit have not been met;
- G. That the property owner or tenant fails to permit entry onto the premises to allow periodic inspections by representatives of the Town at any reasonable time;
- H. That the home occupation is in violation of any statute, law, ordinance, or regulation;
- I. That two (2) or more valid complaints from at least two (2) different parties have been filed against the home occupation within any six (6) month period, and it is found that the use is causing harm or unreasonable annoyance or is otherwise detrimental to other property or its use in the area.