

City of Westminster, California  
Planning Division

BUSINESS LICENSE NO.

DATE OF SUBMITTAL

**Zoning Clearance Permit for Home-Based Businesses**

The purpose of the Home-Based Business ordinance is to provide opportunities for limited business activities within a residential neighborhood, provided the activities are compatible with and do not interrupt or interfere with the general nature or residential character of the residential zone. A home-based business by its nature is secondary to the primary use of the site as a residence. The home-based business activities performed on-site are similar in nature to the operation of an in-home office environment in that they are undetectable from normal and usual residential activity.

Home-based businesses are recognized as being a desirable way to reduce “start up” costs for small businesses and provide gainful employment. However, if a home-based business grows to the point or is conducted in such a manner that the conditions of the ordinance are not met, the home-based business shall cease and any continuing business shall be moved to an appropriate commercial or industrial zone.

***PART A – General Business Information***

Name of Business: \_\_\_\_\_

Home/Business Address: \_\_\_\_\_

Your Name and Relationship to Business: \_\_\_\_\_

Phone number: \_\_\_\_\_ Email: \_\_\_\_\_

***PART B – Declarations of Compliance***

*Prior to completing this section, please carefully read Attachments A and B, which list the type of allowed home based businesses, the operational standards for allowed home based businesses, and prohibited home based businesses. If you have any questions regarding these standards, please discuss the matter with the Planning Division prior to completing this form.*

1. I, \_\_\_\_\_ do hereby certify that I have carefully read each of the operational standards specified in Section 17.400.075(B) (Operational Standards for Home Based Businesses), of the Westminster Municipal Code, provided herein as “Attachment A,” and that after careful review of said operational standards, I hereby certify that under penalty of perjury that my home based business located at the address specified in Part A, above, shall be in full compliance with said operational standards at all times and that the establishment and operation of my business complies with each of the aforementioned operational standards. I further declare that the scope, size, and intensity of my home based business shall not exceed any of the limitations established in the Westminster Municipal Code.

Signed: \_\_\_\_\_

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

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2. I, \_\_\_\_\_ do hereby certify that I have carefully read each of the prohibited uses listed in Section 17.400.075(C) (Prohibited Home Based Businesses), of the Westminster Municipal Code, provided herein as "Attachment B," and that after careful review of said prohibited home based businesses, I hereby certify that under penalty of perjury that my home based business located at the address specified in Part A, above, is not in any aspect, component, and/or function, nor shall said business become in any aspect, component, and/or function, a prohibited home based business as identified in the aforementioned Section 17.400.075(C) (Prohibited Home Based Businesses), of the Westminster Municipal Code.

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Signed:

Date:

***PART C – Business Description***

Using the space below, please provide a detailed description of your proposed business.

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***PART D – Property Owner Authorization***

I, \_\_\_\_\_, the property owner of record at:

\_\_\_\_\_, in the City of Westminster, California, do hereby authorize: \_\_\_\_\_ to conduct the home based business described herein and as allowed by the Westminster Municipal Code, at the aforementioned address listed above.

Signed: \_\_\_\_\_

Date \_\_\_\_\_

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**Planning Division Use Only**

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

Determination: \_\_\_\_\_



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**ATTACHMENT A**

Operational Standards for Home Based Businesses

(Section 17.400.075(B) of the WMC)

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**B. Operational Standards for Home-Based Businesses.** The purpose of the following operating standards is to ensure that all activities of the home-based business are secondary uses that are undetectable from normal and usual residential activity.

All home-based businesses shall operate in compliance with the following standards. Failure to comply with these standards may result in revocation or modification of the home-based business zoning clearance permit.

1. **Secondary use.** The home-based business shall be clearly incidental and secondary to the primary use of the property as the principal residence of the person(s) conducting the home-based business. The operation of the home-based business shall not affect the residential character of the premises.

2. **Number.** More than one home-based business may be permitted in a dwelling provided that the cumulative impact of such businesses does not exceed the impact of a single home-based business and the businesses, cumulatively, do not exceed the maximum floor area restriction.

3. **Maximum area.** The home-based business(es) either singularly or combined, may cumulatively occupy no more than 300 square feet or 20% (whichever is less) of the dwelling area, and any accessory structure, but not including any area of the garage area required for the parking of vehicles. The maximum area includes any areas used for storage of materials related to the business.

In addition, hand tools, power tools, and other tradesperson goods and equipment used in conjunction with the home-based business may be stored in one vehicle (noncommercial).

4. **Vehicles.** No commercial vehicle or trailer used for any part of the home-based business may be parked, maintained, or stored on the premises at any time. If the home-based business relies upon a commercial vehicle or commercial trailer, then the applicant must supply documentation in the form of an executed lease/rental agreement (or other documentation deemed satisfactory by the Director) for a licensed location where the vehicle is parked nightly (e.g., a commissary, commercial truck parking facility, etc.). Off-site parking for any commercial vehicle must be maintained throughout the duration of the home-based business.

5. **Deliveries.** The delivery and pickup of materials in conjunction with the home-based business shall be limited to courier services that are generally recognized as providing service to residential areas such as the United States Postal Service, United Parcel Service (UPS), Federal Express, messenger services, etc. The number of deliveries or in-home pickups may not exceed more than 2 per day, not including any deliveries made by the U.S. Postal Service.

6. **Employees.** No employees other than persons who permanently reside on the premises shall be permitted to work from the dwelling unit. No other person(s) shall operate or perform any function of the business at the residence; this includes a restriction on employees reporting to the home and then being dispatched to the job site.

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7. **Clients/customers.** Customers/clients shall be permitted at the dwelling on an appointment basis only between 8:00 a.m. and 6:00 p.m. daily; where there is not more than one client/customer scheduled per hour. In addition, the pedestrian and vehicle traffic shall not exceed that which normally occurs for a residence. The following businesses shall adhere to the maximum number of client/customers detailed in the table below:

Home-Based Business	Number of Clients/Customers Permitted
Tutoring	No more than 2 students at a time
Music Lessons	Only one student at a time
Day Care Home, Small Family	Serving no more than eight children maximum at any one time (consisting of 6 children, plus 2 additional children after school) <sup>1</sup>
Day Care Home, Large Family	Serving no more than 9 to 14 children at any one time (consisting of 7 to 12 children, plus 2 additional children after school) <sup>1</sup>
Residential Care Facility	Serving a maximum of 6 persons

<sup>1</sup> See WMC [17.400.035](#) and “Child Care Facility,” as defined in Article 7, *Definitions*.

8. **Merchandise for sale.** Where the person conducting the home-based business serves as an agent or intermediary between outside suppliers and outside customers, all articles except for samples shall be received, stored, and sold directly to customers at an off-premises location. The storage of samples is limited to items that are small articles which can be carried by one person in a case or other container. No direct sales are permitted from the home.

The making of merchandise for sale is permitted by businesses that are home-based artisans. Artisan is a person in an applied art, a craftsperson. No direct sales are permitted from the home.

9. **Equipment.** No equipment or process shall be used in a home-based business which creates noise, vibration, glare, fumes or odor detectable to the senses of a reasonable person off the property. In addition, no equipment or process shall be used which creates a visual or audible electrical interference in any radio, television, phone, or other electronic devices off the premises or causes fluctuations in line voltage on the premises.

10. **Exterior appearance.** There shall be no evidence of the business activity from the exterior of the residence. Including no product display, signs or on-site sales.

11. **All business activities indoors.** The home-based business shall be conducted entirely within a fully enclosed structure, except when conducting business off the property.

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12. **Alterations.** No structural, electrical or plumbing alterations or enlargement to the premises shall be made for the purpose of accommodating the business activity, except to accommodate the needs of a disabled resident.

13. **Storage.**

- a. Outside storage of materials, equipment and products related to the business is not permitted.
- b. Storage of materials, equipment and sample products related to the business is permitted inside the garage; provided the storage does not diminish the parking spaces required by this Title. The use of carports or parking stalls for the storage of business related material is prohibited.
- c. Merchandise not produced on the premises must be kept and stored for purposes of sale off the premises; except for samples which are small articles that can be carried by one person in a case or other portable container. For purposes of this standard, materials typically involved in providing contracting services, such as plumbing, heating, air conditioning, electrical, carpentry, and landscaping are not included within the meaning of the clause “small articles.”

14. **Signs and advertising.** No on-site signage or advertising of the home-based business is permitted including vehicle signs. Advertisements displayed in any media including, but not limited to, the Internet and telephone directories, may not give the street address of the home-based business location. No advertising intended to attract customers to the dwelling is permitted.

15. **No hazards or nuisances.**

- a. The home-based business 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 acceptable to a reasonable person’s sense for a residential use and/or in excess of Westminster Municipal Code Section [8.28.040](#), Standards—Exterior noise.
- b. The home-based business may not involve any process which is harmful to the natural environment, including disposal of grey water or other waste into the City storm drains or other illegal pollution.
- c. The home-based business shall not involve the storage or use of explosive, flammable materials, specifically defined as hazardous materials.

16. **Intensity of use.** The home-based business shall not generate traffic, parking, sewage, rubbish or demand for water use in excess of what is normal for residential use.

17. **Safety.** Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.

18. **Utilities.** The home-based business shall not require any utility service modification, other than a modification required for normal residential use, that would be classified as commercial or industrial in load or design and in no event shall electrical current to the home residence or home-based business exceed 200 amperes.

19. **Additional conditions.** The Director may impose additional operating standards on the home-based business which are necessary to ensure that the home-based business is conducted in a manner that is not in conflict with the residential area.

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The following home-based businesses are subject to the additional conditions listed in the following table:

<b>Home-Based Business</b>	<b>Additional Conditions</b>
Building Contractor, Handyman (for minor home repairs), Janitorial Service, Gardening Service	The home may contain an office use only. Nonresident employees may not report to the home for work assignments. No construction materials, additional or oversized vehicles will be stored on-site or in public right-of-way contrary to Westminster Municipal Code Section <a href="#">10.44.250</a> .
Catering Service	No food preparation or storage is permitted at home. No additional or oversized vehicles or vending carts may be stored on-site. Vehicles and vending carts must be stored at a commissary in accordance with the County Health Department requirements.
Day Care Home, Small Family (serving a maximum 8 children)	Westminster Municipal Code Section <a href="#">17.400.035</a>
Day Care Home, Large Family (serving between 9—14 children maximum)	Westminster Municipal Code Section <a href="#">17.400.035</a>
Tailor/Dressmaker	Limited to designing and creation of single pieces items only. No manufacturing for stock in trade for retail sales.
Travel Agent/Services	Limited to an office use which provides information and sales travel related products on behalf of suppliers such as airlines, car rentals, cruise lines, bus lines, sightseeing tours etc. No sales may be conducted in person at the residence. The travel agent/service is prohibited from providing the transportation.



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**ATTACHMENT B**

Prohibited Home Based Businesses

(Section 17.400.075(C) of the WMC)

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**C. Prohibited Home-Based Businesses.** Certain uses by the nature of their operation are not compatible with residential uses, are not incidental or compatible with residential activities and shall therefore not be permitted as a home-based business.

Prohibited home-based businesses include, but are not limited to, the following uses:

1. Adult-oriented businesses, including adult businesses regulated under Westminster Municipal Code Section [17.400.015](#);
2. Alcohol sales, distribution, and/or manufacturing;
3. Automobile-related businesses, including the repair, servicing and/or refurbishment of vehicles; the sale and/or brokering of vehicles; and the sale, distribution, and/or manufacturing of vehicle parts;
4. Barbershop;
5. Beauty salon, including the cutting and/or treatment of hair and/or nails and the application of make-up and/or cosmetics;
6. Cabinet making;
7. Carpentry, including the assembling, cutting, nailing, sawing, and/or sanding of wood and/or other materials;
8. Ceramics (which includes a kiln of 6 cubic feet or more);
9. Construction, including the storage of construction-related equipment;
10. Contracting services for paving, construction, heating, plumbing, electrical work, or work related to the maintenance of real property (including lawn care), except where use of the premises for the home-based business is strictly limited to office functions (i.e., telephoning, drawing up contracts, billing, bookkeeping, etc.);
11. Dance school;
12. Exercise studio;
13. Firearms and ammunition sale, lease, trade or service;
14. Fortunetelling, palm reading, psychic, or similar services;
15. Food preparation or sales, including the mixing and/or processing of food products, canning and/or bottling of food products; the storage and/or display of food products; and the sale and/or distribution of food products;
16. Gambling, including those activities regulated in Westminster Municipal Code Chapter [9.12](#);
17. Junk yard;
18. Kennels, used for the housing, storage and/or breeding of animals;

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19. Livestock, as prohibited in Westminster Municipal Code Section [17.400.020](#) and including the breeding, care, slaughtering and processing of animals and/or animal products;
20. Machine shop;
21. Manufacturing, including: the assembly and/or creation of parts, components, goods and/or systems; the processing and refilling of chemicals, materials, parts, products, and/or substances; the packaging and/or storage of chemicals, goods, materials, parts, products and/or substances; and/or the transportation of such chemicals, goods, materials, parts, products and/or substances;
22. Massage, including those activities which are defined and regulated in Westminster Municipal Code Section [17.400.095](#);
23. Medical uses, including facilities for dental, medical, and/or mental assistance, consultation and/or treatment; the storage of dental and/or medical supplies; and the sale or distribution of dental and/or medical supplies;
24. Retail sales, including activities where one or more client, customer, and/or vendor visits the residential dwelling; and/or products are shipped from and/or stored at the dwelling, except when items are produced at home (i.e., artist studio) or are drop shipped directly to customer;
25. Taxi and livery services;
26. Vehicle towing service;
27. Welding;
28. Wholesale, including activities where one or more client, customer, and/or vendor visits the residential dwelling; and/or where products are shipped from and/or stored at the dwelling;
29. Other uses determined by the Director not to be incidental to, or compatible with residential activities.

(Ord. 2500 § 3, 2012)