

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SECTION 21.51.235
AND DELETING TABLE 51-2, ALL RELATING TO HOME
OCCUPATIONS

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 21.51.235 of the Long Beach Municipal Code is amended to read as follows:

21.51.235 Home Occupations.

A. Intent.

A home occupation permit is intended for home enterprises that are incidental to the use of the dwelling unit and does not change the principal character or use of the dwelling. The home occupation shall be compatible with surrounding residential uses and not have characteristics associated with the use that would reduce the surrounding residents' enjoyment of their neighborhood. As an ancillary activity to those uses permitted in the applicable residential zone in which the subject site is located, the following home based businesses may be conducted at the site:

1. Professional Office Uses. A professional office use is a business whose principal product is information, management or design, including but not limited to, accounting, architecture, artist/talent management and promotion, brokerage, business/financial management, computer programming and software development, consulting, direct

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1 sales (incl. internet sales), credit/financial counseling, drafting and
2 illustration, engineering, fashion design, interior decoration and design,
3 legal services, marketing and advertising, property management, and
4 writing and editing. The primary means of contact must be by phone,
5 mail, or other electronic form of communication. A professional office use
6 does not include research requiring the use of hazardous materials and
7 equipment;

8 2. Instructional Services Uses. An instructional services
9 use is a business whose principal purpose is to provide cognitive
10 instruction or training, including but not limited to, academic tutoring,
11 musical instrument lessons, dance lessons, sports training, or other similar
12 physical performance training. The maximum number of students at any
13 one time shall be limited to six (6);

14 3. Home Craft Uses. A home craft use is a business
15 that results in a tangible product including but not limited to, dressmaking,
16 furniture making, toy making and doll making. Additional uses include
17 artistic products such as sculpting, painting, photography and other similar
18 forms of creative works when such works are produced with the intent of
19 gain or benefit for the participant or another person. Conducting a home
20 craft use does not entitle the owner to sell articles manufactured on-site or
21 in a residential zone.

22 B. Requirements. The following standards shall be complied
23 with at all times:

24 A home occupation permit shall only be issued when all of the
25 following requirements are met and maintained:

26 1. No person other than a resident of the dwelling unit
27 shall be engaged or employed in the home occupation, and the number of
28 residents engaged or employed in the home occupation shall not exceed

1 two (2);

2 2. No sign shall be displayed in a manner visible from
3 the outside of the dwelling unit. Vehicles with signs identifying the home
4 occupation shall be parked so that they cannot be seen from the public
5 right-of-way;

6 3. No mechanical equipment shall be used except that
7 which is necessarily, customarily, or ordinarily used for household or
8 leisure purposes. Such equipment shall not generate noise higher than
9 the noise standards established for the residential uses;

10 4. No toxic, explosive, flammable, combustible,
11 corrosive, etiologic, radioactive or other restricted materials shall be used
12 or stored on the site;

13 5. There shall be no outside operations, storage or
14 display of materials or projects;

15 6. Total storage of materials or products used in the
16 business shall not exceed one hundred twenty-eight (128) cubic feet.
17 There shall be no excessive or unsightly storage of materials or supplies
18 for purposes other than those permitted in the residential district in which it
19 is located. A garage may not be used for operations of the business or
20 storage of materials used in the business and must be maintained for
21 parking of automobiles and similar type vehicles;

22 7. The residential appearance of the premises shall not
23 be altered. Creation of a separate entrance to the dwelling or use of an
24 existing entrance exclusively for the business shall not be permitted;

25 8. No process shall be used which is hazardous to
26 public health, safety or welfare;

27 9. Visitors, customers or deliveries to the dwelling shall
28 not exceed that which normally and reasonably occurs for a residence.

1 Visitors and deliveries shall be limited to not more than two business
2 visitors an hour and eight (8) visitors a day, and not more than two (2)
3 deliveries of products or materials a week;

4 10. The home occupation shall not displace or block the
5 use of parking spaces required for the residential use including any
6 business storage in required garage parking areas;

7 11. No advertisement shall be placed in any media
8 containing the address of the property;

9 12. Not more than two (2) vehicles shall be used in the
10 business. Only one (1) vehicle may be commercially licensed;

11 13. When the person conducting the home occupation
12 serves as an agent or intermediary between outside suppliers and outside
13 customers, all articles, except for samples, shall be received, stored and
14 sold directly to customers at an off-premises location;

15 14. The home occupation permit shall be valid only for the
16 person to whom it was issued and shall be void when that person moves
17 from the dwelling unit or discontinues the business.

18 C. Prohibited Home Occupation Uses. The following uses shall
19 be prohibited as home occupations:

- 20 1. Ambulance service;
- 21 2. Appliance repair;
- 22 3. Automobile repair, parts, sales, upholstery, detailing,
23 washing, service;
- 24 4. Beauty salons and barber shops;
- 25 5. Boardinghouse, bed and breakfast, hotel, time-share
26 unit;
- 27 6. Carpentry, cabinet makers;
- 28 7. Ceramics (kiln of six (6) cubic feet or more);

- 1 8. Churches, religious instruction;
- 2 9. Contractor storage yards;
- 3 10. Food preparation;
- 4 11. Gun sales (including internet) and repair;
- 5 12. Health clubs, gyms, dance studios, aerobic studios,
- 6 massage;
- 7 13. Limousine or pedicab service;
- 8 14. Medical or dental office;
- 9 15. Mortician, hearse service;
- 10 16. Palm reading, fortunetelling;
- 11 17. Private clubs;
- 12 18. Religious services;
- 13 19. Restaurants, taverns;
- 14 20. Retail sales from site (except direct distribution and
- 15 internet);
- 16 21. Skin care services;
- 17 22. Tow truck service;
- 18 23. Welding or machine operation;
- 19 24. Upholstery;
- 20 25. Veterinary uses (including care, grooming or
- 21 boarding);
- 22 26. Any use that requires the use of toxic, explosive,
- 23 flammable, combustible, corrosive, etiologic, radioactive or other restricted
- 24 materials;
- 25 27. Any use that is hazardous to public health, safety or
- 26 welfare;
- 27 28. Any use that changes the residential characteristic of
- 28 the residence;

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29. Other uses the Planning Administrator determines to be similar to those listed above, or which by their operation or nature are not incidental to or compatible with residential activities.

D. Any home occupation which becomes a non-conforming use as a result of revisions to applicable provisions of this title shall either:

1. Be brought into legal conforming status; or
2. Be discontinued and removed within three (3) months of becoming a non-conforming use.

Section 2. Section 21.51.235 of the Long Beach Municipal Code is amended by deleting Table 51.2.

Section 3. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 20__, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

OFFICE OF THE CITY ATTORNEY
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21.51.235 Home Occupations

~~Table 51-2 indicates the types of home occupation uses permitted (Y) and prohibited (N) as accessory uses. The permitted home occupations may be conducted as small, unobtrusive uses in any residential dwelling unit, subject to the following:~~

~~A. The primary use of the unit shall be a dwelling.~~

A. Intent

A home occupation permit is intended for home enterprises that are incidental to the use of the dwelling unit and does not change the principal character or use of the dwelling. The home occupation shall be compatible with surrounding residential uses and not have characteristics associated with the use that would reduce the surrounding residents' enjoyment of their neighborhood. As an ancillary activity to those uses permitted in the applicable residential zone in which the subject site is located, the following home based businesses may be conducted at the site:

1. **Professional Office Uses** – A professional office use is a business whose principal product is information, management or design, including but not limited to, accounting, architecture, artist/talent management and promotion, brokerage, business/financial management, computer programming and software development, consulting, direct sales (incl. internet sales), credit/financial counseling, drafting and illustration, engineering, fashion design, interior decoration and design, legal services, marketing and advertising, property management, and writing and editing. The primary means of contact must be by phone, mail, or other electronic form of communication. A professional office use does not include research requiring the use of hazardous materials and equipment.
2. **Instructional Services Uses** – An instructional services use is a business whose principal purpose is to provide cognitive instruction or training, including but not limited to, academic tutoring, musical instrument lessons, dance lessons, sports training, or other similar physical performance training. The maximum number of students at any one time shall be limited to six.
3. **Home Craft Uses** – A home craft use is a business that results in a tangible product including but not limited to, dressmaking, furniture making, toy making and doll making. Additional uses include artistic products such as sculpting, painting, photography and other similar forms of creative works when such works are produced with the intent of gain or benefit for the participant or another person. Conducting a home craft use does not entitle the owner to sell articles manufactured on-site or in a residential zone.

B. Requirements. The following standards shall be complied with at all times:

A home occupation permit shall only be issued when all of the following requirements are met and maintained:

1. No person other than a resident of the dwelling unit shall be engaged or employed in the home occupation, and the number of residents engaged or employed in the home occupation shall not exceed two.
2. No sign shall be displayed in a manner visible from the outside of the dwelling unit. Vehicles with signs identifying the home occupation shall be parked so that they cannot be seen from the public right-of-way.
3. No mechanical equipment shall be used except that which is necessarily, customarily, or ordinarily used for household or leisure purposes. Such equipment shall not generate noise higher than the noise standards established for the residential uses.
4. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive or other restricted materials shall ~~not~~ be used or stored on the site.
5. There shall be no outside operations, storage or display of materials or projects.
6. ~~Total storage of materials or products used in the business shall not exceed one hundred twenty eight (128) cubic feet. There shall be no excessive or unsightly storage of materials or supplies for purposes other than those permitted in the residential district in which it is located. A garage may not be used for operations of the business or storage of materials used in the business and must be maintained for parking of automobiles and similar type vehicles.~~
7. The residential appearance of the premises shall not be altered. Creation of a separate entrance to the dwelling or use of an existing entrance exclusively for the business shall not be permitted.
8. No process shall be used which is hazardous to public health, safety or welfare.
9. Visitors, customers or deliveries to the dwelling shall not exceed that which normally and reasonably occurs for a residence. Visitors and deliveries shall be limited to not more than two business visitors an hour and eight visitors a day, and not more than two deliveries of products or materials a week.
10. The home occupation shall not displace or block the use of parking spaces required for the residential use including any business storage in required garage parking areas.
11. No advertisement shall be placed in any media containing the address of the property.
12. Not more than two vehicles shall be used in the business. Only one vehicle may be commercially licensed.
13. When the person conducting the home occupation 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.
14. The home occupation permit shall be valid only for the person to whom it was issued and shall be void when that person moves from the dwelling unit or discontinues the business.

~~C. — Persons wishing to establish a home occupation use not listed in Table 51-2 shall apply for a letter of confirmation of zoning for a home occupation. The letter shall address the specific use proposed. The zoning administrator shall make a decision in writing. The decision shall be based on the intent of the home occupation requirements as well as experience with similar uses.~~

C. Prohibited Home Occupation Uses.

The following uses shall be prohibited as home occupations:

1. Ambulance service
2. Appliance repair
3. Automobile repair, parts, sales, upholstery, detailing, washing, service
4. Beauty salons and barber shops
5. Boardinghouse, bed and breakfast, hotel, time-share unit
6. Carpentry, cabinet makers
7. Ceramics (kiln of six cubic feet or more)
8. Churches, religious instruction
9. Contractor storage yards
10. Food preparation
11. Gun sales (including internet) and repair
12. Health clubs, gyms, dance studios, aerobic studios, massage
13. Limousine or pedicab service
14. Medical or dental office
15. Mortician, hearse service
16. Palm reading, fortunetelling
17. Private clubs
18. Religious services
19. Restaurants, taverns
20. Retail sales from site (except direct distribution and internet)
21. Skin care services
22. Tow truck service
23. Welding or machine operation
24. Upholstery
25. Veterinary uses (including care, grooming or boarding).
26. Any use that requires the use of toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive or other restricted materials.
27. Any use that is hazardous to public health, safety or welfare.
28. Any use that changes the residential characteristic of the residence.
29. Other uses the Planning Administrator determines to be similar to those listed above, or which by their operation or nature are not incidental to or compatible with residential activities.

D. Any home occupation which becomes a non-conforming use as a result of revisions to applicable provisions of this title shall either:

1. Be brought into legal conforming status; or

2. Be discontinued and removed within three months of becoming a non-conforming use.

Table 51-2
Home Occupation Uses

Use	
1. Ambulance service	N
2. Appliance repair	N
3. Architectural service	Y
4. Art restoration	Y
5. Artist studio	Y
6. Automobile repairs, parts sales, upholstery, detailing washing service	N
7. Beauty salons and barber shops	N
8. Boardinghouse, bed and breakfast hotel, time-share unit	N
9. Carpentry, cabinet makers	N
10. Ceramics (kiln of six cubic feet or more)	N
11. Ceramics (kiln of less than six cubic feet)	Y
12. Churches, religious instruction	N
13. Consulting services	Y
14. Contracting (office use only)	Y
15. Contracting: masonry or plumbing	N
16. Data processing	Y
17. Dental laboratory	Y
18. Direct sale production distribution (e.g., Amway, Tupperware, Jafra)	Y
19. Drafting and graphic services	Y
20. Dressmaking, sewing, tailoring, contract sewing (one machine)	Y
21. Electronic assembly	Y
22. Engineering service	Y
23. Financial planning, investment services	Y
24. Flower arranging	Y
25. Gardening, landscape maintenance	Y

26. Gun sales and repair (including gun shows only)	N	Exhibit B
27. Health salons, gyms, dance studios, aerobic exercise studios, massage	N	
28. Helium balloons	N	
29. Home crafts	Y	
30. Housecleaning service	Y	
31. Insurance sales or broker	Y	
32. Interior design	Y	
33. Knife sharpening	N	
34. Jewelry making, jeweler	Y	
35. Laundry, ironing service	Y	
36. Limousine or pedicab service	N	
37. Locksmith	Y	
38. Mail order (not from home retail sales)	Y	
39. Medical or dental office	N	
40. Millinery	Y	
41. Mortician, hearse service	N	
42. Painter (office use only)	Y	
43. Palm reading, fortunetelling	N	
44. Private clubs	N	
45. Real estate sales or broker	Y	
46. Religious services	N	
47. Restaurants, taverns, food preparation	N	
48. Retail sale from site (except direct distribution)	N	
49. Sales representative (office only)	Y	
50. Security service	Y	
51. Skin care	N	
52. Swimming pool cleaning	Y	
53. Tax preparation	N	
54. Telephone answering, switchboard, call forwarding	Y	
55. Tow truck service	N	
56. Tutoring	Y	
57. Typing, word processing	Y	
58. Upholstery	N	
59. Veterinary uses (including care, grooming or boarding)	N	
60. Wall papering	Y	
61. Watch repair	Y	
62. Writing, computer programming	Y	