

**TOWN OF PARADISE
ORDINANCE NO. 531**

**AN ORDINANCE AMENDING PARADISE MUNICIPAL CODE CHAPTER SECTIONS 17.33.200,
17.33.300, and 17.33.500 RELATING TO HOME OCCUPATIONS AND
COTTAGE FOOD OPERATIONS**

The Town Council of the Town of Paradise, State of California does hereby **ORDAIN AS FOLLOWS:**

SECTION 1. Section 17.33.200 of the Paradise Municipal Code shall be amended as follows:

"Home occupation" means an accessory commercial activity or business service, conducted on the site of a dwelling unit by the inhabitants thereof, in a manner clearly incidental to the residential character of the site, and in accord with the provisions of this chapter, including cottage food operations. It shall not include activities that are limited solely to the use of a desk, telephone and personal computer.

"Home occupation permit" means a nondiscretionary permit issued by the planning director, based upon the specific standards and criteria contained in this chapter, and authorizing the establishment of a home occupation, including a cottage food operation.

"Cottage food operation" when used in this chapter shall have the same meaning as provided for in Health and Safety Code section 113758, as may be amended. Food preparation relating to a fundraising activity by a tax-exempt charitable organization shall not be considered a cottage food operation.

SECTION 2. Section 17.33.300 of the Paradise Municipal Code shall be amended as follows:

17.33.300 - Permit requirements.

It shall be unlawful to establish a home occupation without a Town-issued permit under this Chapter. Home occupations (including cottage food operations, or CFO) shall be permitted as an accessory land use activity related to a dwelling unit subject to obtaining town approval and issuance of a home occupation permit. To apply for a home occupation permit, the following information must be submitted to the town community development department:

- A. A completed home occupation permit application form and detailed plot plan drawn to scale, along with payment of the processing fee in effect at the time of application. If the applicant is not the owner of the property, proof of agency on behalf of or from the property owner must be submitted in writing in order to legally process the application.
- B. A detailed written project description that describes the proposal, the setting of the neighborhood, proximity to neighboring residences, the level of noise generated by the proposal, parking demand of the home occupation, and the anticipated increase in traffic generated by the project.

- C. A written explanation describing how the proposed home occupation complies with the standards and criteria set forth in Section 17.33.500 of this chapter.
- D. Any additional information deemed necessary by the planning director to fully understand the proposed project.
- E. If the property upon which the home occupation would be conducted is afforded access by a private road, the applicant shall submit written evidence indicating that all property owners having legal interest in the private road have no objection to the proposed home occupation.
- F. If the type of proposed home occupation or cottage food operation has the potential to increase wastewater flows (e.g., food processing, catering, hair and nail salons or pet grooming), the application shall be accompanied by material evidence showing that the existing sewage disposal system serving the residence has a valid and current Operating Permit issued by the Town of Paradise.

SECTION 3. Section 17.33.500 of the Paradise Municipal Code shall be amended as follows:

17.33.500 - Required standards and criteria.

The planning director shall grant a permit for a home occupation as an accessory residential use on property zoned for residential use, provided that the use complies with all of the following standards and criteria:

- A. The location of the home occupation is the principal residence of the applicant and is clearly incidental and secondary to the use of the property for residential purposes.
- B. No major structural changes are proposed which will significantly alter the character of the residence or change its occupancy classification pursuant to the California Uniform Building Code.
- C. Any traffic or parking needs generated by the proposed home occupation would not be out of character with the existing traffic levels and parking demands of the surrounding residential neighborhood.
- D. The proposed home occupation shall not create levels of new light and glare inconsistent with existing amounts of light and glare within the surrounding residential.
- E. The proposed home occupation shall not adversely increase noise levels or noise durations beyond permissible residential noise levels or noise durations within the surrounding neighborhood as regulated by the Paradise Municipal Code.

- F. The proposed home occupation shall not generate vibration, dust, odor, heat, solid waste, electrical interference or other characteristics in excess of that customarily associated with similar residential uses in the surrounding neighborhood.
- G. Employment shall be limited to members of the family residing on the premises, and to one additional full-time equivalent nonresident employee. In no event may more than one part time employee be working at any one time.
- H. The total floor area used for the home occupation, including area within accessory buildings, may be as large as fifty (50) percent of the net floor area of the dwelling unit, but shall in no case exceed seven hundred fifty (750) square feet; provided however that a cottage food operation shall be restricted to the registered or permitted area of the residence as approved by the Butte County Environmental Health Department.
- I. Signs shall be limited to one unlighted sign and not larger than six (6) square feet in area. Such sign may be attached flat on the building wall or may be located elsewhere on the site except in a required yard setback area.
- J. No equipment, materials or products associated with the home occupation use shall be stored or displayed where visible from off the premises.
- K. The proposed home occupation shall not involve the storage or use of other than a minimal quantity of five (5) or fewer gallons of toxic, explosive or flammable materials; provided all such materials shall be subject to approval by the town fire chief.
- L. A proposed home occupation that generates public traffic use in addition to the existing level of traffic use of a private road easement affording its access shall not be permitted unless written consent to such use is provided by all property owners having legal interest in the private road easement.
- M. Any proposed home occupation affording access by use of a private road easement shall be conducted in a manner that shall not overburden the vehicular use of the private road easement.
- N. Any cottage food operation (CFO) shall meet the following additional requirements:
 - 1. The requirements set out in Health and Safety Code Sections 114365, 114365.2 and 114365.5.
 - 2. A CFO shall be restricted to the primary kitchen of the residence.
 - 3. A CFO shall comply with the restrictions on gross annual sales as set forth in Health and Safety Code section 113758, as may be amended.

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4. A CFO shall obtain and maintain a registration and/or operating permit from the Butte County Environmental Health Department. A copy of such registration/permit must be furnished to the Town of Paradise within fifteen days of its issuance.
5. No CFO shall conduct sales in an attached garage, detached accessory structure or outside of the dwelling.
6. If direct sales are proposed at the site of the CFO, no third parties or customers shall be permitted to dine at the CFO.

SECTION 4. Town Council finds that this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Sections 15061 (b) (3) and 15301.

SECTION 5. This ordinance shall take effect thirty (30) days after the date of its passage. Before the expiration of fifteen (15) days after its passage, this ordinance or a summary thereof shall be published in a newspaper of general circulation published and circulated within the Town of Paradise along with the names of the members of the Town Council of Paradise voting for and against same.

PASSED AND ADOPTED by the Town Council of the Town of Paradise, County of Butte, State of California, on this 25th day of June, 2013 by the following vote:

AYES: Greg Bolin, Steve "Woody" Culleton, Scott Lotter, John J. Rawlings and Timothy Titus, Mayor
NOES: None
ABSENT: None
ABSTAIN: None



Timothy Titus, Mayor

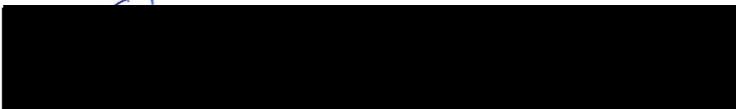
ATTEST:

July 1, 2013



JOANNA GUTIERREZ, Town Clerk

APPROVED AS TO FORM:



DWIGHT L. MOORE, Town Attorney