Attachment G

XI-10-13.12 - Live-Work Units

A. Purpose and Intent. The purpose of this Section is to control and regulate land use activities for the live-work unit. The intent of a live-work unit is to allow small-scale business activities in residential uses which meet certain standards. No portion of the live-work unit may be separately occupied or sold. Live-work uses are allowed one non-residential employee, and a broader range of uses than permitted in Home Occupations, and therefore are subject to granting of a conditional use permit to ensure compatibility.

B. Applicability. This Section shall apply to existing and new residential development that includes live-work units.

C. Review Requirements. Live-work units shall require the approval of a Conditional Use Permit, in accordance with Subsection XI-10-57.04, Conditional Use Permits, of this Chapter.

D. Minimum Performance Standards.

1. A business license and certificate of occupancy shall be obtained for every commercial space within the live-work units.
2. Living space shall occupy a minimum of 60% of the total gross floor area of the unit.
3. The commercial component as designated on the floor plan approved through the conditional use permit shall remain commercial and cannot be converted to a residential use.
4. The residential component as designated on the floor plan approved through the conditional use permit shall remain residential and cannot be converted to commercial use.
5. The commercial component of a live-work unit shall be located on the first floor with the main entry facing the street or common pedestrian space. The residential unit shall have direct interior access to the commercial unit.
6. The residential unit shall provide additional exterior access to the main residential unit that is not through the commercial component.
7. Exterior Appearance: The commercial component of the live-work unit shall have a commercial, store front appearance located on the 1st floor of the home.
8. The commercial component shall be restricted to the unit and shall not be conducted in the yard, garage, or any accessory structure. Commercial outdoor storage use not permitted.
9. Shall demonstrate compliance with parking per Section XI-10-53 for required parking spaces.
10. Sign size, location, illumination and materials, shall be consistent with the architectural building design and approved through a master sign program.
11. Business shall not involve the use of hazardous materials or produce medical or hazardous waste, except those that are below permitted amounts in accordance with the California Fire Code and as amended by the Milpitas Municipal Code V-300-2.10.
12. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations and in conformance with the approved use permit.
13. All foods must be produced, prepared, packaged, stored, transported, and marketed in compliance with County Department of Environmental Health standards.
14. The commercial use shall not create external noise, odor, glare, vibration or electrical interference detectable to the normal sensory perception by adjacent neighbors.

15. Uses permitted or conditionally permitted within the underlining zoning district apply unless otherwise prohibited in Section XI-10-10-13.(E).

E. Prohibited Uses.

1. Any use not permitted within the underlying zoning district is prohibited along with the following:
   a. Adult-oriented businesses;
   b. Astrology;
   c. Palmistry;
   d. Massage;
   e. Sauna or spa;
   f. Pharmacy or drug store
   g. Head/smoke/tobacco shop;
   h. Tattoo and piercing;
   i. Veterinary services, including grooming and boarding, and the breeding or care of animals for hire or for sale;
   j. All vehicle related uses such as auto sales, repair, or maintenance of vehicles including boats, motorcycles, or recreational vehicles;
   k. Places of assembly;
   l. Group instruction;
   m. Club or social organization;
   n. Religious assembly;
   o. Educational institutions;
   p. Motion picture theaters; and
   q. Sit down restaurants

(Ord. No. 38.808, § 4, 5/21/13)