

7.5.1503: HOME OCCUPATION PERMIT STANDARDS AND CRITERIA:

The Manager may approve or modify and approve an application for a home occupation permit if the following standards and criteria are met:

- A. Nuisance Or Hazard: For purposes of this section, "disturb" means to unreasonably annoy, perturb or interfere with the quiet enjoyment of another's premises. The home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, congestion to traffic flow, parking problem, or any other nuisance or hazard which disturbs the peace and quiet of a residential zone.
- B. Residents: All persons employed by the home occupation business must reside on the premises.
- C. Signs: No sign may be used other than a sign identifying the home occupation, of which sign shall not be over two (2) square feet in area and must be attached to the dwelling. There shall be no illumination of the sign. **Provided, however, that an unilluminated placard, sign, or card, not over two (2) square feet in area, in compliance with C.R.S. 25-4-1614(3)(c), may be displayed at the point of sale for any cottage foods as permitted in subsection M of this section.**
- D. Conduct Location Limitations: The home occupation shall be conducted only within an enclosed accessory structure, attached or detached garage, or dwelling, excluding porches, except that plants may be grown anywhere on the premises, **and also excepting that the production and sale of raw, uncut, fresh produce, plants, fruits, vegetables and cottage foods may occur as permitted in subsection M of this section.** The location of the conduct of the home occupation shall be limited to such location designated on the home occupation application.
- E. Area Limitations: The total area used for a home occupation shall not exceed an area equivalent to one-half ($1/2$) the total first floor area of the user's dwelling, excluding porches. **For cottage food production and sales under subsection M of this section, both the production and sales areas together cannot exceed this section.**
- F. Secondary Use: The home occupation shall be secondary to the residential use of the dwelling.
- G. Outside Storage: No storage or display of materials, goods, supplies or equipment related to the operation of a home occupation or tangible personal property manufactured, or plants grown as a result of the home occupation and removed from the soil shall be allowed on porches or outside of the enclosed location designated on the home occupation application, **except as permitted in subsection M of this section.**
- H. Off Street Parking: The required off street parking areas provided for the principal use as defined in article 4, part 2 of this chapter shall not be reduced or made unusable by the home occupation.
- I. Delivery: The receipt or delivery of merchandise, goods, or supplies for use in a home occupation shall be limited to the United States mail, similar parcel delivery service, or private vehicles with a gross vehicle weight rating (GVWR) of ten thousand (10,000) pounds or less.
- J. Alteration Limitations: Interior alterations or additions to the dwelling for the purpose of accommodating the home occupation are prohibited if such alterations or additions eliminate either the kitchen, dining area, bathrooms, living room, or all of the bedrooms of the dwelling.

K. No Exterior Alterations Or New Construction: Exterior alterations or additions to any building or structure or new construction for the purpose of accommodating the home occupation are prohibited if said alterations or additions are commercial in appearance.

L. Sales: Sales on the premises shall be only by the residents of the dwelling and shall occur only in the location designated on the home occupation application. Sales on the premises shall be limited to tangible personal property manufactured in the location designated on the home occupation application or plants grown anywhere on the premises. This standard shall not preclude the sales ~~made~~ of tangible personal property or plants off the premises.

M. ~~Raw, Uncut Produce Plants, Fruits, Vegetables~~ and Cottage Food Sales: A home occupation permit may be issued for the production and sale of ~~raw, uncut produce plants, fruits, vegetables,~~ and cottage foods under the following criteria:

1. ~~Raw, uncut, fresh produce, Plants, fruits and vegetables~~ for purposes of this subsection, shall only include ~~produce plants, fruits, and vegetables~~ grown anywhere on the premises, ~~and provided, however, that~~ sales shall occur only in the location designated on the home application occupation permit ~~or~~ from a temporary stand under this subsection.
2. Cottage foods, ~~for purposes of this subsection,~~ are foods provided for sale directly to ~~“informed, end user”~~ consumers ~~as set forth in under~~ C.R.S. § 25-4-1614(2)(b)(2)(b). Production and sales of cottage foods on the premises shall occur only in the location designated on the home application occupation permit or from a temporary stand under this subsection.
3. Display and sales of ~~raw, uncut fresh produce plants, fruits, vegetables,~~ and cottage foods from a temporary stand is permitted from ~~May April~~ through ~~October November~~ with an approved home occupation permit.
4. Such display and sales from a temporary stand may occur only from 8 a.m. to dusk.
5. A temporary stand may not be larger than 120 square ~~feet~~, and any stand structure and inventory must be removed and stored indoors during non-sale months and hours.
6. Permit details must include the location and placement of any temporary stand to insure that it does not pose a traffic sight visibility risk; moreover, temporary stands may not be located within any public right of way.
7. Only residents of the dwelling may engage in sales activity.

~~M.~~ N. Massage Establishments: A home occupation permit may be issued for a home based massage therapist under the following criteria:

1. All client visits be on an appointment basis with a minimum of fifteen (15) minutes of space between appointments. This should limit the number of client vehicles present on the site to one.
2. The massage therapist and the massage establishment must be properly licensed with the City Clerk's Office.

~~N.~~ O. Prohibited Uses: The following uses by the nature of the investment or occupation have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby substantially impair the use and value of a residentially zoned area for residential purposes. The uses specified below are prohibited as home occupations provided that such prohibition shall not include a telephone answering service for such uses:

1. Motor vehicle repair and/or service.
2. Barbershop which is designed to serve more than one customer at a time or serves more than one customer at a time.
3. Beauty salon which is designed to serve more than one customer at a time or serves more than one customer at a time.
4. Instruction to more than three (3) persons at a time.
5. Paint shops using spray painting equipment.
6. Medical marijuana facility, to the extent the facility is not subject to the medical marijuana exception pursuant to subsection [7.3.105P](#) of this chapter.

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