

# Guide to Home Occupations

## INTRODUCTION

The Douglas County Department of Community Development (DCD) is committed to providing open, transparent application processes to the public. This Guide is provided to assist anyone interested in working out of their home. The information in this packet is a summary of Section 23 of the Douglas County Zoning Resolution (DCZR).

## WHAT IS CONSIDERED A HOME OCCUPATION?

A **Class 1 home occupation** is defined as a business, profession, occupation, or trade conducted entirely within a residential building which is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of the home. Only one nonresident employee is allowed and a permit is not required. Those living in areas zoned as planned developments may have different criteria for home occupations and what is permissible. Check the planned development to determine what uses are allowed.

A **Class 2 home occupation** is defined the same as a Class 1 occupation; however the occupation can take place in the residential building or a detached structure on the property. Two nonresidential employees are allowed and a permit is required.

## WHAT CRITERIA MUST BE MET?

### Class 1 Home Occupation

A Class 1 home occupation is allowed as a permitted use in residential or agricultural districts provided that:

- Such use is conducted within the principal dwelling and no detached accessory structures are allowed.
- Such use is conducted by the occupants plus not more than one nonresident employee.
- Such use is clearly incidental and secondary to the use of the residence as a dwelling and cannot change the character of the home.
- The total area used for work purposes must not exceed 50% of the first floor area of the principal dwelling.
- No exterior advertising of the home occupation is allowed.
- Only limited and incidental sale of products may be conducted on the site.
- There cannot be outside storage on the premises of materials or equipment used in connection with the home occupation.
- There must not be excessive or offensive noise, vibration, smoke, dust, odors, heat, glare or light noticeable or extending beyond the lot.
- No increase in traffic can be generated that significantly affects the residential character of the area.
- Such use must comply with an applicable development guide, building code, fire code, health regulation, or any other local, state or federal regulation. The permission granted or implied by Section 23 of the DCZR cannot be construed as an exemption from the regulations.



### Class 2 Home Occupation

A Class 2 home occupation is permitted in the A-1, LRR, and RR zone districts, on conforming lots only. Conforming lots are those that meet the criteria in which they are zoned. Class 2 home occupation criteria are the same as listed for Class 1 above, but also include the following:

- Such use may be conducted either within the dwelling or an accessory structure, or both, provided that the total area for such purpose doesn't exceed 50% of the floor area of the dwelling or exceed 1,500 sq. ft. when conducted in an accessory building.
- Such use must be conducted only by the occupants of the dwelling, plus not more than two nonresident employees.
- Accessory structures should be similar in facade to a single-family dwelling, private garage, shed, barn, or other structure normally expected in a rural or residential area and should be compatible in design and scale with other development in the area. Accessory structures should be located so that visual or environmental impacts are minimized. Landscaping may be required in order to buffer the accessory structure from adjacent land uses or when located in the highway-corridor viewsheds, as designated in the County Comprehensive Master Plan.
- Only incidental and minimal use or storage of toxic or flammable materials is permissible.

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## CLASS 2 PERMIT PROCESS

### Step 1

Meet with Planning Staff

### Step 2

Submit Application

### Step 3

Application Review

### Step 4

# Steps 1-4 of the Class 2 Home Occupation Permit Process

## STEP 1 Meeting with Planning staff

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### COUNTY STAFF'S GOAL FOR COMPLETION: 1 DAY

Call 303-660-7460 to schedule a meeting with staff to discuss the proposed home occupation and the procedure to obtain a permit for this purpose.

## Submit Application

## STEP 2

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### APPLICANT'S AVERAGE: 2 DAYS

The Class 2 Home Occupation application is available online at [www.douglas.co.us/planning/packets](http://www.douglas.co.us/planning/packets) or in the Planning Services Office at 100 Third St., 2nd Floor, in Castle Rock. The application must be signed by the landowner, if other than the applicant, and include plans or exhibits, as required.

## Application Review

## STEP 3

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### COUNTY STAFF'S GOAL FOR COMPLETION: 1 DAY

The application will be reviewed using the criteria listed in Section 23 of the DCZR and compliance with other local, state or federal regulations.

## Planning Director's Decision

## STEP 4

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### COUNTY STAFF'S GOAL FOR COMPLETION: 10 DAYS OR LESS

The Director of Community Development will either approve or deny the application within 10 working days of the date a completed application was received, unless the applicant agrees to an extension not to exceed 30 days. Approval will be based on whether or not the applicant meets the criteria listed in Section 23 of the DCZR.

If an applicant is denied a permit, the applicant may submit an application to appeal the decision to the Board of Adjustment within 30 days of written notification of the denial, otherwise the Director's decision is final.

## Additional Information

### CLASS 2 HOME OCCUPATION PERMIT FEE

Application fee	\$80
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*Make checks payable to Douglas County*

### PERMIT RENEWAL

Permits should be renewed annually upon compliance with the conditions and criteria set forth in the original permit.

### PERMIT TRANSFERABILITY

A Class 2 home occupation is only valid for the lot and owner identified on the permit. It cannot be transferred upon the sale of the lot, or otherwise assigned to another person or business. The new landowner or lessee will need to apply for a new permit.

### PERMIT REVOCATION

If the permit holder does not comply with Section 23 of the DCZR, the Director may take action to remedy the issue, including, but not limited to, revoking the permit. If this occurs, the permit holder may appeal to the Board of Adjustment within 30 days of receipt of the written notice of revocation, otherwise the revocation is final.

### USE BY SPECIAL REVIEW IN A-1 DISTRICTS

For a Class 2 home occupation in the A-1 zoning district, where the area required for business use exceeds the criteria in Section 23, subsection 2305.01, or the number of nonresident employees exceeds the number allowed in Section 23, subsection 2305.02, the landowner may apply for use by special review approval in accordance with Section 21 of the DCZR.