

Section 28

HOME OCCUPATIONS/BUSINESSES

28.1 Purpose

To provide for the operation of non-intensive non-residential activities on lots, parcels or tracts of land where the primary use is for residential purposes. Contained in this section is a listing of conditions, exclusions, limitations and regulations regarding such home occupations/businesses.

28.2 Home Occupations

A. Home occupations shall be defined and operated subject to the following standards:

1. Any non-residential activity conducted within a lot, parcel or tract of land, dwelling unit and/or an accessory structure that is owned and operated exclusively by one or more persons residing on the property.
2. The total area of the dwelling unit or accessory structure used for any and all home occupations shall not exceed 1,000 square feet.
3. Any home occupation shall be clearly incidental and subordinate to the use of the property for residential purposes by its occupants and shall not change the residential character thereof. The property upon which the home occupation is located must appear to be a residence, with or without accessory structures, to the average person traveling past the property.
4. There shall be no sign advertising the home occupation.
5. Outside storage of stocks, supplies, equipment, machinery or finished and/or unfinished products may occur as long as the area does not exceed 1,000 square feet and is screened by a fence, hedge or wall.
6. All vehicles that are used as part of the home business shall be licensed and operable and meet equipment requirements of Part 2, Article 4, Title 42 C.R.S., as amended.
7. There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable beyond any boundary line of the lot, parcel or tract of land due to the conduct of the home occupation.
8. Any home occupation shall not generate more than seven (7) vehicle trips per day and may not be a retail business where products are sold or services delivered to a customer, on-site, during one visit.

B. Once one or more of the above standards are not met the use will not be deemed a home occupation.

28.3 Home Businesses

A. Home businesses shall be required to receive approval of a special use permit and shall be defined and operated subject to the following standards:

1. Any non-residential activity conducted within a lot, parcel or tract of land, dwelling unit and/or an accessory structure that is owned and operated by one or more persons residing on the property.
2. The home business may employ up to a maximum of five (5) people who may or may not reside on the property. There is no limitation of the number of employees if all employees reside on the property (subject to the restrictions set forth under the definition of "dwelling unit" in Section 22 of this Code).
3. Any home business shall be incidental and subordinate to the use of the property for residential purposes by its occupants and shall not change the residential character thereof. The property upon which the home occupation is located must appear to be a residence, with or without accessory structures, to the average person traveling past the property.
4. The total area used for any home business(es), including any building(s), shall not exceed three percent (3%) of the lot, parcel or tract of land or no more than 6,000 square feet whichever is less.
5. The maximum area of any building(s) or the area within a building(s) used for a home business(es) shall be no greater than 4,000 square feet (subject to the limitations as setout above in Section 28.3 A. 4.).
6. One (1) on-site sign advertising the home business may be allowed. In no instance shall off-premise signage be allowed. The sign shall be no greater than six (6) square feet in area, shall not be illuminated and shall be no higher than eight (8) feet high from existing grade to the top of the sign.
7. Outside storage of stocks, supplies, equipment, machinery or finished and/or unfinished products may occur as long as the outside storage is within the allowed area used for the home business (see Section 28.3 A. 4.) screening may be required.
8. All vehicles that are used as part of the home business shall be licensed and operable and meet equipment requirements of Part 2, Article 4, Title 42 C.R.S., as amended.
9. There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable beyond any boundary line of the lot, parcel or tract of land due to the conduct of the home business.
10. If the home business generates more than seven (7) vehicle trips per day, a mitigation plan shall be submitted to the satisfaction of the County. The mitigation plan will be a condition of Special Use Permit

approval and will be based on multiples of seven (7) vehicle trips per day for normal weight vehicles.

B. The aforementioned standards are meant to define the upper limits of activity and impacts by home businesses. Uses that exceed these criteria are more appropriately located within a municipality where sufficient infrastructure is available to accommodate the use.

28.4 Special Use Permit

A. A special use permit is required for any home business and shall be subject to the following provisions in addition to provisions set forth under Section 5 of this Code:

1. Evidence that the anticipated traffic and parking requirements generated by the home business has been mitigated or does not unduly impact the surrounding properties or roads.
2. Evidence that the home business will not disrupt the character and use of the surrounding properties.
3. Evidence that the home business will not create additional impacts that effect public health, safety, or welfare.
4. Evidence that the home business is an appropriate use to be located on unincorporated property and does not require the degree of infrastructure available within the municipalities.

B. Approval of a special use permit for a home business may result in a reclassification for assessment of real property by the County Assessor.

C. All special use permits shall be issued for an initial duration of five (5) years, with the opportunity for renewal as set forth below in Section 28.5. Permits may be reviewed at any time, by the Land Use Administrator, for compliance, based on substantiated complaint.

28.5 Annual Permit Fee

Upon approval of a Special Use Permit, the owner of the home business shall be required to pay an annual fee. The fee will be based on twenty-five (25) dollar per 1,000 square feet of building and/or parcel area that is being utilized by the home business.

28.6 Permit Renewal

Upon an Applicant's demonstration, to the satisfaction and approval of the Land Use Administrator, that all conditions and criteria set forth in the initial permit have been complied with for the duration of said permit, special use permits for home business activities may be renewed for a period of up to five (5) years. Renewal of such permits may be denied pursuant to the standards and procedures set forth in Sections 28.3 and 28.4.

28.7 Permit Transferability

No special use permit for a home business may be transferred or otherwise assigned or sold to another person and/or business without prior approval of the Ouray County Board of County Commissioners.

28.8 Non-Conforming Uses

Any home business that exists at the time of the adoption of this Section of the Code and does not meet the provisions, may be continued for a maximum period of 5 (five) years from the date that this Section is adopted, subject to the limitations set forth under Section 4 of this Code. If at the end of the 5 (five) year period the home business has not been brought into conformance with the provisions of this Section, the use will be in violation and subject to Section 16 of this Code.

28.9 Revocation of Home Business Permits

A. If, upon review at any time, the Land Use Administrator determines that the permit holder has failed to comply with any of the conditions or restrictions imposed by this Section, by the home business permit itself, or by the representations and assertions made by the applicant in the initial permit application, the Land Use Administrator may take such action as is deemed necessary to remedy the noncompliance, including but not limited to revocation of the permit. Violations shall be processed as outlined in Section 16 of this Code.

B. The administrative decision to revoke such permit shall be made only after the issuance of notice to the permit holder regarding the asserted noncompliance, and the provision of an opportunity for the permit holder to make a formal response, within thirty (30) days of receipt of notice, to the Land Use Administrator regarding any asserted noncompliance. Violators not rectifying the violation within thirty (30) days of the notification will be fined an amount equal to the annual permit fee. Such fine, if not paid will be attached to the property tax. Any applicant desiring to appeal the decision of Land Use Administrator may do so before the Board of Adjustment.