

Sec. 334 Home occupations.

(Amended 08/02/2011 - TXT-2011-01, § 9; Amended 08/03/2010 - TXT-2010-03, § 10

A home occupation is permitted as an accessory use of any dwelling provided it meets the restrictions of this Section.

334 (a) Home occupations; defined.

A home occupation is any activity carried out for profit by the resident and conducted as an accessory use in the resident's dwelling unit. A home occupation is further defined as one of the following:

- (1) *Home Office:* A home occupation that is limited to an office use and does not involve visits or access by the public, suppliers or customers, and does not involve the receipt, maintenance, repair, storage or transfer of merchandise at the home.
- (2) *Home Business:* A home occupation that is limited to the use of a practicing professional or artist, to a family day care home, or to the office use of the operator of a business, and may involve very limited visits or access by clients or customers, but does not involve the maintenance, repair, storage or transfer of merchandise received at the home.

334 (b) Home office.

- (1) Permitted activities.
 - a. A home office shall be limited to the personal conduct of a business within one's place of residence, subject to the provisions of this Subsection.
 - b. A home office is allowed by right as an accessory use to a residential dwelling.
- (2) Limitations on size and location.
 - a. The floor area devoted to the home office must not exceed 25 percent of the gross floor area of the dwelling unit or 500 square feet (whichever is less). This limitation applies to the aggregate floor area of all areas devoted to the home office, whether located within the dwelling or in an accessory structure.
 - b. There shall be no activity or display associated with the home office outside of any building or structure.
 - c. The home office shall be located and conducted in such a manner that the average neighbor under normal circumstances would not be aware of its existence.
 - d. The building in which that the home office is to be located must be an existing structure and not a proposed structure. No new structures may be constructed specifically for the home business. No exterior alteration of the residence or accessory buildings shall be made.
- (3) Activity controls.
 - a. Sales.

There shall be no exchange of merchandise between seller and buyer on the premises.
 - b. Transfer of goods.

There shall be no goods, products or commodities received on the premises intended for resale or delivery to customers. *(Amended 11/06/2007 - TXT2007-08)*

- c. **Personal services.**
There shall be no activities on the premises that are associated with personal service occupations such as a barber shop, beauty shop, hairdresser or similar activities.
- d. **Manufacturing.**
There shall be no manufacturing, assembly or fabrication of products on the premises conducted as an occupation or commercial venture.
- e. **Employees.**
 - 1. There shall be no associates or employees on the premises other than other members of the family who reside on the premises.
 - 2. Any off-site employees of the business shall not congregate on the premises for any purpose concerning the occupation.
- f. **Outsiders and nonresidents on the premises.**
There shall be no nonresident persons on the premises in conjunction with the home office.
- g. **Parking and storage.**
 - 1. No materials, equipment or business vehicles shall be stored or parked on the premises unless they are confined entirely within the residence or an enclosed garage, except that one business vehicle (the carrying capacity of which shall not exceed one and one-half tons) used exclusively by the resident may be parked in a carport, garage or rear or side yard. This shall not include earth-moving equipment or a wrecker, dump truck, flat bed truck, tow truck, or any truck with more than 6 wheels or more than 2 axles, or any van capable of carrying more than 15 passengers, including the driver.
 - 2. There shall be no parking spaces provided or designated specifically for the home office.
- h. **Lights and nuisances.**
There shall be no exterior lighting of the building or property that is not in character with a residential neighborhood.

334 (c) Home business.

- (1) **Permitted activities.**
 - a. A home business shall be limited to the personal conduct of a business within one's place of residence, subject to the provisions of this Subsection.
 - b. A home business is allowed as an accessory use to a residential dwelling upon approval as a Special Use.
 - c. The applicant must be the owner of the property on which the home business is to be located, or must have written approval of the owner of the property if the applicant is a tenant.
- (2) **Limitations on size and location.**
 - a. The floor area devoted to the home business must not exceed 25 percent of the gross floor area of the dwelling unit or 500 square feet (whichever is less). This limitation applies to the aggregate floor area of all areas devoted to the home office, whether located within the dwelling or in an accessory structure.
 - b. There shall be no activity or display associated with the home office outside of any building or structure.

- c. **The home business shall be located and conducted in such a manner that the average neighbor under normal circumstances would not be aware of its existence.**
 - d. **The building in which that the home business is to be located must be an existing structure and not a proposed structure. No new structures may be constructed specifically for the home business. No exterior alteration of the residence or accessory buildings shall be made.**
- (3) **Activity controls.**
- a. **Sales.**
There shall be no exchange of merchandise between seller and buyer on the premises except for items produced in the home.
 - b. **Transfer of goods.**
There shall be no goods, products or commodities received on the premises intended for resale or delivery to customers except by U.S. Mail or parcel service.
 - c. **Personal services.**
Personal service occupations shall be limited to the practice of a profession, artistic production or instruction, educational or personal tutoring, family day care, and personal grooming such as a barber shop, beauty shop or hairdresser. Specific services to be provided may be limited or otherwise allowed as a condition of Special Use approval.
 - d. **Manufacturing.**
 - 1. **There shall be no manufacturing, assembly or fabrication of products on the premises other than items of artistic value or items normally produced in a home, such as baked goods or woodworking products.**
 - 2. **No mechanical equipment shall be used for the home business except such equipment as is customary for household, artistic and hobby purposes.**
 - e. **Employees.**
 - 1. **Only persons living in the dwelling unit plus one nonresident employee shall be located on the premises.**
 - 2. **Any off-site employees of the business shall not congregate on the premises for any purpose concerning the occupation.**
 - f. **Outsiders and nonresidents on the premises.**
Outsiders and nonresidents on the premises in conjunction with the home business shall be limited to those receiving personal services in the home (as specified above), purchasers of items produced in the home, and one employee.
 - g. **Parking and storage.**
 - 1. **No materials, equipment or business vehicles shall be stored or parked on the premises unless they are confined entirely within the residence or an enclosed garage, except that one business vehicle (the carrying capacity of which shall not exceed one and one-half tons) used exclusively by the resident may be parked in a carport, garage or rear or side yard. This shall not include earth-moving equipment or a wrecker, dump truck, flat bed truck, tow truck, or any truck with more than 6**

- wheels or more than 2 axles, or any van capable of carrying more than 15 passengers, including the driver.
2. No more than one vehicle of any business customer or client may park at the location of the home occupation at any time.
- h. Lights and nuisances.
1. There shall be no exterior lighting of the building or property that is not in character with a residential neighborhood.
 2. No home business shall create noise, dust, vibration, smell, smoke, electrical interference, fire hazard, or any other hazard or nuisance to a greater or more frequent extent than that usually experienced in an average residential occupancy.

334 (d) Expiration of Special Use approval.

Special Use approval for a home business shall expire under the following conditions:

- (1) Whenever the applicant ceases to occupy the premises for which the home occupation was issued, no subsequent occupant of such premises shall engage in any home business until he shall have been issued a new Special Use approval.
- (2) Whenever the holder of such permit fails to exercise the same for a period of 6 consecutive months.

Note—See editor's note, § 306



In-Home Office/Business

I, the undersigned, wish to operate and in-home occupation for the purpose of:

I agree to comply with the requirements of the Douglas County Unified Development Code, regarding the requirements of a home occupation, attached to this form.

Name -

Address -

Business Name -

I have read, understand and agree to comply with the attached requirements of the Douglas County Unified Development Code. I understand the receipt of my payment of Occupational Taxes by the county does not constitute endorsement on behalf of the county that such business is in compliance with Douglas County ordinances. Douglas County expressly reserves the right to enforce any and all ordinances, regardless of payment of Occupational Taxes.

Signature: _____

Social Security #: or EIN

Business Registration #: _____ (Issued by Occupational Tax Dept)

Date: _____

Issued by: _____