

## **Town of Monument Home Occupation Regulations**

(Please read the following criteria. Indicate which class your home occupation qualifies as, then sign and date below)

17.48.180 Accessory uses.

A. Incidental only to a use by right, any use which complies with all of the following conditions may be operated as an accessory use. Accessory uses need not be enclosed unless they would require enclosure in accordance with other regulations in this title. To be an accessory use, it must:

1. Be clearly incidental and customary to and commonly associated with the operation of the use by right;
2. Be operated and maintained under the same ownership and on the same lot as the use by right;
3. Not include structures or structural features inconsistent with the use by right;
4. Not include residential occupancy.

B. If operated partially or entirely in detached structures, the gross floor area of such detached structures shall not exceed ten (10) percent of the area of the lot; provided, however, that this limitation shall not apply to detached garages or detached carports used exclusively by occupants of structures containing the use by right or by persons employed in such structures.

C. If operated partially or entirely within the structure containing the use by right, the gross floor area within such structure utilized by accessory uses (except garages and dining rooms for the exclusive use of occupants or persons employed in the structure) shall not be greater than:

1. Twenty (20) percent of the gross floor area, but not to exceed three hundred (300) square feet, of a single unit dwelling, with the exception of day care, an adult care home, or foster care, which shall not be subject to a size limitation.
2. Ten (10) percent of the gross floor area of a structure containing any use by right other than a single unit dwelling. (Ord. 13-97 (part): prior code § 13.16.180)

### **Class I Home Occupation**

A Class I Home Occupation is a home occupation that can be approved administratively as a permitted accessory use in any residential zone district if the following conditions are met:

- 1 Such use is conducted entirely within a principal or accessory building and is not carried on by any other person other than the inhabitants living there.
- 2 Such use is clearly incidental and secondary to the residential use of the dwelling and does not change the residential character thereof.
- 3 The total area used for such purposes does not exceed the limitations of Section 17.48.180(C).

4. There is no change in the outside appearance of the dwelling unit or lot indicating the conduct of such home occupation, except for outdoor playgrounds and activities for a state licensed child care home and including without limitation, advertising signs or displays, except as permitted in Chapter 17.56.
5. There is no sale of materials or supplies except incidental retail sales; catalogue and internet sales with delivery of products to the consumer off the premises, such as in the course of a mail order business, is permitted.
6. There is no exterior storage of material or equipment used as part of the home occupation.
7. No equipment, process, or activity of such home occupation creates any glare, fumes, odors, noise, light, vibration, heat, or electrical interference or other objectionable or hazardous condition greater than that usually associated with residential uses detectable to the normal sense at the boundary of the lot or outside the dwelling unit if conducted in an attached dwelling unit.
8. No traffic is generated by such home occupation in a volume that would create a need for parking greater than that which can be accommodated on the site or which is inconsistent with the normal parking usage or appearance of the district. Deliveries are limited to normal daily deliveries by public and private mail carriers.
9. The home occupation does not cause the visible storage or parking of vehicles or equipment not normally associated with residential use, which shall include but is not limited to the following; trucks with a gross vehicle weight greater than ten thousand pounds, earth-moving equipment, concrete mixers, or any vehicles that require a commercial driver's license.
10. The hours of operation during which clients, or customers are allowed to come to the home in connection with the business activity are limited to between 8:00 a.m. and 8:00 p.m. Monday through Saturday, except that day care hours shall be between 6:00 a.m. and 8:00 p.m.
11. Such use shall comply with all applicable provisions of the Municipal Code, including the Zoning Code, the Building Code, Fire Code, health regulations, or any other local, state, or federal regulation. The permission granted or implied by this section shall not be construed as an exemption from such regulation.
12. Town Staff shall determine whether any proposed home occupation is eligible for approval as a Class I or Class II Home Occupation and shall have the authority to approve a Class I home occupation that complies with the criteria herein and may require conditions of approval in order for the home occupation to comply with the standards of this section and/or other applicable codes.
13. No more than one client, customer, or student shall receive services or instruction at a time
14. The following specific uses shall not be permitted as accessory Class I home occupations in residential zone districts: beauty or barber shop; hospital or clinic; long term care facility; restaurant; bed & breakfast; group home; animal hospital or grooming establishment; kennel; medical or dental office; adult-oriented use; vehicle repair servicing, detailing or towing if vehicles are dispatched from the premises, or are brought to the premises, or are parked or stored on the premises or on an adjacent street. (Ord. 13-97 (part): prior code § 13.16.200)

## **□ Class II Home Occupation**

A. wider range of activities are eligible for a Class II home occupation provided they conform to the following procedures and criteria. The applicant must notify all owners of adjacent properties including those immediately across a street from the lot the project is located on and must hold a neighborhood meeting or provide a written statement from each adjoining owner commenting on the proposed use. A hearing will then be held before the Planning Commission and the Board of Trustees, who shall determine whether the proposed use conforms to the criteria, in which case the application may be approved, or approved with conditions. Notice of the hearings shall conform to the notice provisions of the Zoning Code as outlined in Chapter 17.88. The following criteria must be met:

1. Such use is conducted entirely within a principal or accessory building unless expressly authorized herein and is not carried on by any other person other than the inhabitants living on the premises, except that one outside employee is allowed.
2. Such use is clearly incidental and secondary to the residential use of the dwelling and does not change the residential character thereof.
3. The total area used for such purposes does not exceed the limitations of Section 17.48.180(C).
4. There is no change in the outside appearance of the dwelling unit or lot indicating the conduct of such home occupation, except for outdoor playgrounds and activities for a state licensed child care home and including without limitation, advertising signs or displays, except as permitted in Chapter 17.56.
5. There is no sale of materials or supplies except incidental retail sales; catalogue and internet sales with delivery of products to the consumer off the premises, such as in the course of a mail order business, is permitted. The sale of items hand-crafted on the premises is also permitted provided all other standards herein and applicable Code requirements have been satisfied.
6. There is no exterior storage of material or equipment used as part of the home occupation.
7. No equipment, process, or activity of such home occupation creates any glare, fumes, odors, noise, light, vibration, heat, or electrical interference or other objectionable or hazardous condition greater than that usually associated with residential uses detectable to the normal sense at the boundary of the lot or outside the dwelling unit if conducted in an attached dwelling unit.
8. No traffic is generated by such home occupation in a volume that would create a need for parking greater than that which can be accommodated on the site or which is inconsistent with the normal parking usage or appearance of the district. Deliveries are limited to normal daily deliveries by public and private mail carriers.
9. The Home Occupation does not cause the visible storage or parking of vehicles or equipment not normally associated with residential use, which shall include but is not limited to the following; trucks with a gross vehicle weight greater than ten

- thousand pounds, earth-moving equipment, concrete mixers, or any vehicles that require a commercial driver's license.
10. The hours of operation during which clients or customers are allowed to come to the home in connection with the business activity are limited to between 8:00 a.m. and 8:00 p.m. Monday through Saturday.
  11. Such use shall comply with all applicable provisions of the Municipal Code, including the Zoning Code, the Building Code, Fire Code, health regulations, or any other local, state, or federal regulation. The permission granted or implied by this Section shall not be construed as an exemption from such regulation.
  12. Town Staff shall recommend whether a proposed home occupation is eligible for approval as a Class II home occupation and the Planning Commission shall hold a hearing and recommend approval, approval with conditions, a continuance, or denial based upon whether the proposed home occupation will comply with the criteria. The Town Board of Trustees shall hold a hearing and recommend approval, approval with conditions, a continuance, or denial based upon whether the proposed home occupation will comply with the criteria and shall have the ability to require conditions of approval in order for the home occupation to comply with the standards of this section and/or other applicable codes.
  13. No more than four clients, customers, or students shall receive services or instruction at a time.
  14. The following specific uses shall not be permitted as accessory Class II home occupations in residential zone districts: hospital or clinic, long term care facility, restaurant, bed & breakfast, group home, animal hospital, kennel, medical or dental office, adult-oriented use, or vehicle repair, servicing, detailing or towing if vehicles are dispatched from the premises, or are brought to the premises, or are parked or stored on the premises or on an adjacent street. Professional offices providing services not generating any medical or dental waste, including, but not limited to psychologist, chiropractor, or massage therapist may be permitted if the business complies with all standards herein and all applicable codes. (Prior Ord. 13-97 (part): prior code § 13.16.200)

## **E. Annual Inspection and Compliance**

1. All home occupations may be subject to an annual inspection to determine compliance with the applicable home occupation criteria, any conditions of approval, and all applicable municipal, state and federal regulations. If the home occupation passes the inspection, the home occupation license shall be renewed for a one year period. An inspection of the home occupation shall also be performed for any legitimate complaint received against the home occupation. If violations are found after any inspection, the operator shall have 30 days to correct the violation. Town Staff may approve an alternate schedule for correction of the violation, depending on the nature of the violation. At the discretion of Town Staff, a hearing may be scheduled before the Town Board of Adjustment in accordance with Section 17.88, public notice provisions, Section 17.80, Board of Adjustment Powers and Duties, and this Section 17.48 to determine the nature of the violation(s) and whether the violation(s) can be corrected. If it is determined by the Board that the Home Occupation cannot comply with the

approval criterion herein, the Board may revoke the home occupation license and the operator cannot apply for same for a one year period from the revocation.

Signing below indicated that you have read and agree to comply with the above conditions.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name (print) \_\_\_\_\_

Name and type of business \_\_\_\_\_

Address \_\_\_\_\_

Provide a description of your home occupation:

---

---

---

---

---

---

---

---

---

---