

Chapter 5

BUSINESS LICENSES AND REGULATIONS

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Home Occupations

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- **5.06.010 - Purpose.**

This chapter is established to provide a means whereby the conduct of business may be permitted as a use accessory to an established residence within a residential district. The purpose is to create an administrative framework to authorize such uses that do not pose a disruption to or conflict with the existing and planned residential environment.

- **5.06.020 - Prohibited home occupations.**

Due to the increased possibility for generating hazardous or nuisance conditions, the following uses and those similar in nature shall not be permitted as home occupations: vehicle repair and/or maintenance; rebuilding motors; painting vehicles; welding; sheet metal shops; firewood cutting and any group H occupancy as defined in the International Building Code and International Fire Code adopted by the City.

- **5.06.030 - Application requirements—Fee.**

A. Applications for home occupation shall be made upon forms provided by the City. The applicant shall provide the following application materials:

1. Home Occupation Application;
2. Kinds and amounts of supplies, materials and equipment to be used and the locations where they will be stored or used upon the premises;
3. Description of all activities involved in the business and how the business will operate;
4. Appropriate application fee;
5. A list (names and addresses) of the abutting/adjointing property owners (to be provided by the applicant);

- **5.06.040 - Environmental standards.**

All home occupations shall conform to the following standards:

- A. Be clearly subordinate to the principal use of the property for residential purposes;
- B. Not involve modification of the property or exterior of its structures that indicates other than residential uses of the premises;
- C. Is performed entirely within a permanent structure upon the premises;
- D. See sign code for approved signage;

- E. No outside storage of materials, supplies, products or by-products, or equipment, except a single occupational vehicle not exceeding fourteen thousand (14,000) pounds of gross vehicle weight (GVW);
- F. Be conducted solely by persons residing within the dwelling unit upon the premises subject to the definition of family;
- G. No more than 2 customer vehicles at a time and no more than 8 customers may visit the dwelling in a given day;
- H. Noise generated by the home occupation, detectable at any property line as stated in City nuisance code 8.04.
- I. No material or substance which is explosive, highly flammable, corrosive, radioactive or toxic shall be stored, created, utilized or discarded in any way without prior knowledge of and written approval by the City and county; provided, the means or methods necessary for safety purposes do not conflict with other standards established herein.
- J. The home occupation shall not violate those conditions listed in the Colfax nuisance code, 8.04.
- K. The home occupation shall not occupy more than forty (40) percent of the gross floor area of the residence. All of an attached or detached garage may be used for a home occupation provided the area of the garage to be utilized does not exceed six hundred (600) square feet.

- **5.06.050 - Administrative decision.**

- A. Within ten (10) working days of the date an application is received, the BCDA or his or her duly authorized agent shall render a decision to approve or deny the application for home occupation license, unless the applicant agrees to an extension. In no case shall the date of decision exceed thirty (30) calendar days from the date the application is received.
- B. If the decision of the BCDA is to deny the application, notification to the applicant shall include findings in support of the BCDA decision and the applicant's rights of administrative appeal. The written decision shall be mailed promptly to the applicant by certified mail. The date of receipt by the applicant shall be the date the applicant is notified of the planner's decision. If no appeal is received, the decision of the planner is final.

- **5.06.060 - Appeal.**

Any decision of the BCDA may be appealed to the board of adjustment if written notice of appeal, which shall include all and exclusive reasons for such appeal, is filed with the administrative official within ten (10) working days from the date of the decision and accompanied by a one hundred dollars (\$100.00) filing fee for such appeal. The board, within thirty (30) calendar days from the date of filing of the appeal, shall consider the appeal at a regular meeting thereof, but such consideration shall be limited to the reasons included in the written notice of appeal and shall include the written decision of

the BCDA and the reasons therefor. The board may affirm, modify or reverse the decision of the administrative official.

- **5.06.070 - Revocation of license—Appeal.**

A home occupation may be revoked by the BCDA if they find the home occupation no longer conforms to the environmental standards or is a public nuisance as defined by City ordinance. The license holder may file written appeal of the BCDA decision.

- **5.06.080 - Complaints.**

Any person may file a written complaint regarding a home occupation. Any written complaint received shall cause the BCDA and/or code enforcement officer to investigate the conditions upon which the complaint is based to determine if the home occupation is in compliance with the provisions of this chapter. If the investigation results in a decision to revoke a home occupation license, the applicant will have the right to appeal such decision within ten (10) working days from date of notification. All appeals of administrative decisions shall be reviewed by board of adjustment in accordance with Section 5.06.060 of this chapter.

- **5.06.090 - Transfer of location.**

No home occupation may be transferred to a different location without first obtaining a new home occupation license authorizing its conduct at the proposed location.